

SUDBURY BOARD OF SELECTMEN  
MONDAY JUNE 22, 2020  
6:00 PM, TOWN HALL - LOWER LEVEL

Item #	Time	Action	Item
	6:00 PM		CALL TO ORDER
<b>EXECUTIVE SESSION</b>			
1.		<i>VOTE</i>	Open in regular session and immediately vote to enter Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, pursuant to General Laws chapter 30A, §21(a)(exception 6) with respect to the CSX rail corridor.
2.		<i>VOTE</i>	Also to review and possibly release executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) "[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements" ("Purpose 7"), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).
3.		<i>VOTE</i>	Vote to close Executive Session and resume Open Session.
			Opening remarks by Chairman
			Reports from Town Manager
			Reports from Selectmen
			Citizen's comments on items not on agenda
<b>MISCELLANEOUS</b>			
4.		<i>VOTE / SIGN</i>	As the Local Licensing Authority, vote on whether to approve the applications of Rossini's Pizzeria (418 Boston Post Road), Soul of India (103 Boston Post Rd), Twenty-Nine Rustic Mediterranean (29 Hudson Rd), Conrad's Restaurant (120 Boston Post Rd) and Max and Leo's Artisan Pizza (470 North Rd) for Temporary Outdoor Seating Permits effective through November 1, 2020, or until COVID-19 Order No. 35 is rescinded, whichever is sooner, reverting to their original licensed premises on that date.
5.		<i>VOTE</i>	Vote to approve a request dated June 15, 2020 from Robert L. Pouliot, President, Boardwalk Storage Solutions, LLC, to grant permission for one 32 ft. temporary office trailer at 554 Boston Post Road from June 2020 through June 2021, subject to approval of the Building Inspector.

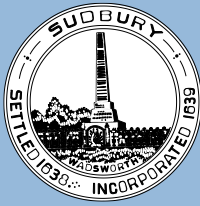
*These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*

Item #	Time	Action	Item
6.		<i>VOTE</i>	Discussion and possible vote on Board policies
7.		<i>VOTE</i>	Discussion and possible vote on Key Performance Indicators (KPI) as requested by Selectman Schineller.
8.			Continued discussion on Safety and Race Community Conversation forum
9.		<i>VOTE</i>	Update and possible vote on Transportation Committee membership and mission statement.
10.		<i>VOTE</i>	Discussion on submission of Ballot questions for the Nov. 3 state election, and potentially provide ballot questions at the June 22 meeting.
11.		<i>VOTE</i>	Review Town Meeting articles, possibly take positions on articles, and assign motions and presentations.
12.			Discussion on the Fairbank Community Center/Town Forum, and possible discussion on presentation.
13.		<i>VOTE</i>	Vote to approve proposed amendment to Housing Trust Declaration of Trust.
14.		<i>VOTE</i>	Review regular session minutes of 5/5/20, 5/12/20, 5/26/20 and possibly vote to approve minutes.
15.		<i>VOTE</i>	Vote to request letter of support from the Board of Selectmen for application to the 604B Grant Program.
16.		<i>VOTE</i>	Vote not to exercise the Town's Right of First Refusal (ROFR) to purchase the deed restricted affordable dwelling unit at 18 Pinewood Avenue, and inform the Department of Housing and Community Development.
17.			Review draft Spring 2020 Board of Selectmen Newsletter and approve for distribution.
18.			Bruce Freeman Rail Trail (BFRT) discussion.
19.			Citizen's Comments
20.			Upcoming Agenda Items
<b>CONSENT CALENDAR</b>			
21.		<i>VOTE / SIGN</i>	Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 Lindsay Philbrick and Erick Storer for stormwater system maintenance purposes upon the property shown as Lot 2 on a Plan entitled "Plan of Land in Sudbury, Massachusetts" Prepared by Thompson-Liston Associates, Inc., dated January 13, 2015, and recorded with the Middlesex South Registry of Deeds in Plan Book 2015, Plan No. 131.

*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.*

<b>Item #</b>	<b>Time</b>	<b>Action</b>	<b>Item</b>
22.		<i>VOTE</i>	Vote to approve the FY21 amendment extending the contract between the MetroWest Regional Transit Authority (RTA) and the Town of Sudbury to provide transportation services for elderly and disabled persons through the Council on Aging effective July 1, 2020, as requested by Debra Galloway, Council on Aging Director, said Agreement to be executed by the Town Manager.
23.		<i>VOTE</i>	Vote to accept an FY20 MIIA Grant for \$8,000 as listed in the attached: Automatic restroom door openers for Senior Center restrooms (\$3,678); and walkway for meals delivery (\$4,322).
24.		<i>VOTE / SIGN</i>	Vote to approve sale of Bond Anticipation Notes (BANS) as requested by Dennis Keohane, Finance Director.
25.		<i>VOTE</i>	Vote to adjourn meeting

*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**

Monday, June 22, 2020

**EXECUTIVE SESSION****1: Exec session to discuss CSX****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Open in regular session and immediately vote to enter Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, pursuant to General Laws chapter 30A, §21(a)(exception 6) with respect to the CSX rail corridor.

Recommendations/Suggested Motion/Vote: Open in regular session and immediately vote to enter Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, pursuant to General Laws chapter 30A, §21(a)(exception 6) with respect to the CSX rail corridor.

Background Information:

Financial impact expected:

Approximate agenda time requested: 60 minutes

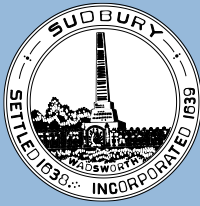
Representative(s) expected to attend meeting: Beth Suedmeyer, Environmental Planner

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM





## SUDBURY BOARD OF SELECTMEN

Monday, June 22, 2020

**EXECUTIVE SESSION****2: Exec Session to possibly release approved minutes**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Also to review and possibly release executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” (“Purpose 7”), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).

Recommendations/Suggested Motion/Vote: Also to review and possibly release executive session meeting minutes pursuant to G.L. c. 30A, § 21(a)(7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” (“Purpose 7”), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).

Background Information:

Attached are approved executive minutes of 1/13/15, 4/4/15, 12/22/15, 3/20/18, 4/11/18, 6/5/18, 7/17/18, 7/30/18, 9/25/18, 10/30/18, 3/12/19, 3/21/19. Discussion and vote to possibly release.

Financial impact expected:

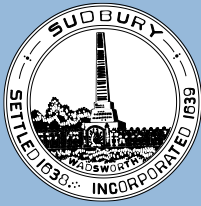
Approximate agenda time requested: 20 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM



SUDBURY BOARD OF SELECTMEN  
Monday, June 22, 2020

3

## EXECUTIVE SESSION

### 3: Close Executive session

#### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to close Executive Session and resume Open Session.

Recommendations/Suggested Motion/Vote: [Vote to close Executive Session and resume Open Session.](#)

Background Information:

Financial impact expected:

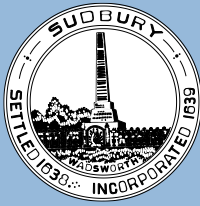
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM

**SUDBURY BOARD OF SELECTMEN**

Monday, June 22, 2020

**MISCELLANEOUS (UNTIMED)****4: Temporary Outdoor Seating Applications****REQUESTOR SECTION**

Date of request:

Requested by: Leila S. Frank

Formal Title: As the Local Licensing Authority, vote on whether to approve the applications of Rossini's Pizzeria (418 Boston Post Road), Soul of India (103 Boston Post Rd), Twenty-Nine Rustic Mediterranean (29 Hudson Rd), Conrad's Restaurant (120 Boston Post Rd) and Max and Leo's Artisan Pizza (470 North Rd) for Temporary Outdoor Seating Permits effective through November 1, 2020, or until COVID-19 Order No. 35 is rescinded, whichever is sooner, reverting to their original licensed premises on that date.

Recommendations/Suggested Motion/Vote: As the Local Licensing Authority, vote on whether to approve the applications of Rossini's Pizzeria (418 Boston Post Road), Soul of India (103 Boston Post Rd), Twenty-Nine Rustic Mediterranean (29 Hudson Rd), Conrad's Restaurant (120 Boston Post Rd) and Max and Leo's Artisan Pizza (470 North Rd) for Temporary Outdoor Seating Permits effective through November 1, 2020, or until COVID-19 Order No. 35 is rescinded, whichever is sooner, reverting to their original licensed premises on that date.

**Background Information:**

Please see applications and departmental feedback attached.

Financial impact expected: N/A

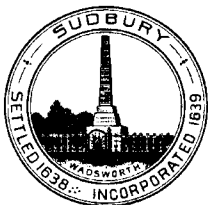
Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

**Review:**

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 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](mailto:selectmen@sudbury.ma.us)

## APPLICATION FOR TEMPORARY OUTDOOR SEATING

### APPLICATION INSTRUCTIONS

1. SUBMIT APPLICATION: Provide Required Materials listed below to the Selectmen's Office via hard copy or email.
2. DEPARTMENTAL REVIEW: Application will be reviewed by Building, Fire, Health, Planning and Police Departments. Please be advised that depending upon the proposed location and/or nature of your outdoor seating proposal, your application may also be required to undergo review and/or apply for relief from the Planning Board or Zoning Board of Appeals.
3. BOARD OF SELECTMEN REVIEW: Once reviewed, the application will be submitted for Board of Selectmen (LLA) review and requested approval at a public meeting. The applicant will be informed of the meeting date and asked to attend (via Zoom) in order to address any questions from the Board.

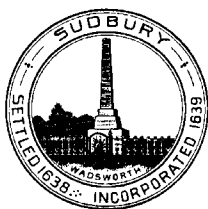
The permit will take effect when the Governor declares that the Commonwealth has entered Phase II of its reopening plan. At that time, alcohol licensees may commence on-premises consumption of alcohol via outdoor table service only. Indoor service will remain prohibited until further order from the Governor. Please be aware that all expanded premises approved pursuant to this Order are only effective through November 1, 2020, or until the Order is rescinded, whichever is sooner, and revert to their original licensed premises on that date.

TO THE LICENSING AUTHORITY  
SUDBURY, MASSACHUSETTS

Restaurant Name (DBA): Sudburcon dba Conrads Restaurant

Restaurant Address: 120 Boston Post Road Sudbury, MA

Contact Name: Robert Conrad



# 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](mailto:selectmen@sudbury.ma.us)

- d. Layout of tables and chairs. NOTE: Tables must be 6' apart to facilitate social distancing.
- Patrons must be seated; eat-in service to standing customers is prohibited.
- e. Dimensions of tables.
- f. Photo or description of barriers to be used to prevent access from public walkway and/or protect diners from vehicular traffic.
- g. Plan for tenting, if applicable. Tents must be approved by the Building Department.
- h. ADA compliance plan.
- i. Plan for noise mitigation.

## Outdoor areas must comply with all requirements of:

- **Guidelines for Extension of Premises** (attached)
- **MA Restaurant Safety Standards** (click hyperlink)

## SUBMISSION DEADLINES

- Complete applications received at the Selectmen's Office by Thursday, June 11 will be submitted for approval at a special Board of Selectmen meeting on June 17.
- Complete applications received June 12 - June 15 will be submitted for approval at the June 22 Board of Selectmen meeting.
- Complete applications received on June 16 or after will be scheduled within 30 days of receipt.

DATE RECEIVED	PROJECTED APPROVAL DATE*
June 11	June 17
★ June 12 – June 15	June 22
June 16 - after	Within 30 days of receipt

*\*Approval date based on successful completion of Application, Departmental Review and Selectmen Review.*

*In accordance with COVID-19 Order No. 35, I hereby request a Temporary Outdoor Seating Permit, to be presented at the premises herein described.*

6/14/20                      *Ph. Lomud*  
 Date                              Applicant Signature

**Please submit completed application and materials to:**

Selectmen's Office, 278 Old Sudbury Rd, Sudbury, MA 01776, [selectmensoffice@sudbury.ma.us](mailto:selectmensoffice@sudbury.ma.us)

116 US-20



Image capture: Aug 2019 © 2020 Google

Sudbury, Massachusetts

Google

Street View

If this option food would come from function to door and customers would enter thru front door for the bathroom

Attachment4.a: Conrads\_BOS (3928 : Temporary Outdoor Seating Applications)

120 US-20



Image capture: Aug 2019 © 2020 Google

Sudbury, Massachusetts

Google

Street View

- One of two locations



- Roughly 25 by 30 section

- 12-14 tables → 48-56 chairs

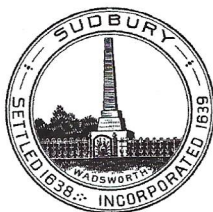
- all tables will be 30 by 48

- No tent

- Barriers and plantings on the left and right

Attachment 4.a: Conrads\_BOS (3928 : Temporary Outdoor Seating Applications)





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## APPLICATION FOR TEMPORARY OUTDOOR SEATING

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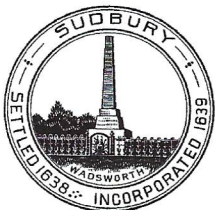
TO THE LICENSING AUTHORITY  
SUDBURY, MASSACHUSETTS

Restaurant Name (DBA): Max and Leo's Artisan Pizza

Restaurant Address: 470 North Road Sudbury, MA

Contact Name: Maximilian Candides





# 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](mailto:selectmen@sudbury.ma.us)

d. Layout of tables and chairs. NOTE: Tables must be 6' apart to facilitate social distancing.

Patrons must be seated; eat-in service to standing customers is prohibited.

e. Dimensions of tables.

f. Photo or description of barriers to be used to prevent access from public walkway and/or protect diners from vehicular traffic.

g. Plan for tenting, if applicable. Tents must be approved by the Building Department.

h. ADA compliance plan.

i. Plan for noise mitigation.

## Outdoor areas must comply with all requirements of:

- **Guidelines for Extension of Premises** (attached)
- **MA Restaurant Safety Standards** (click hyperlink)

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\*Approval date based on successful completion of Application, Departmental Review and Selectmen Review.

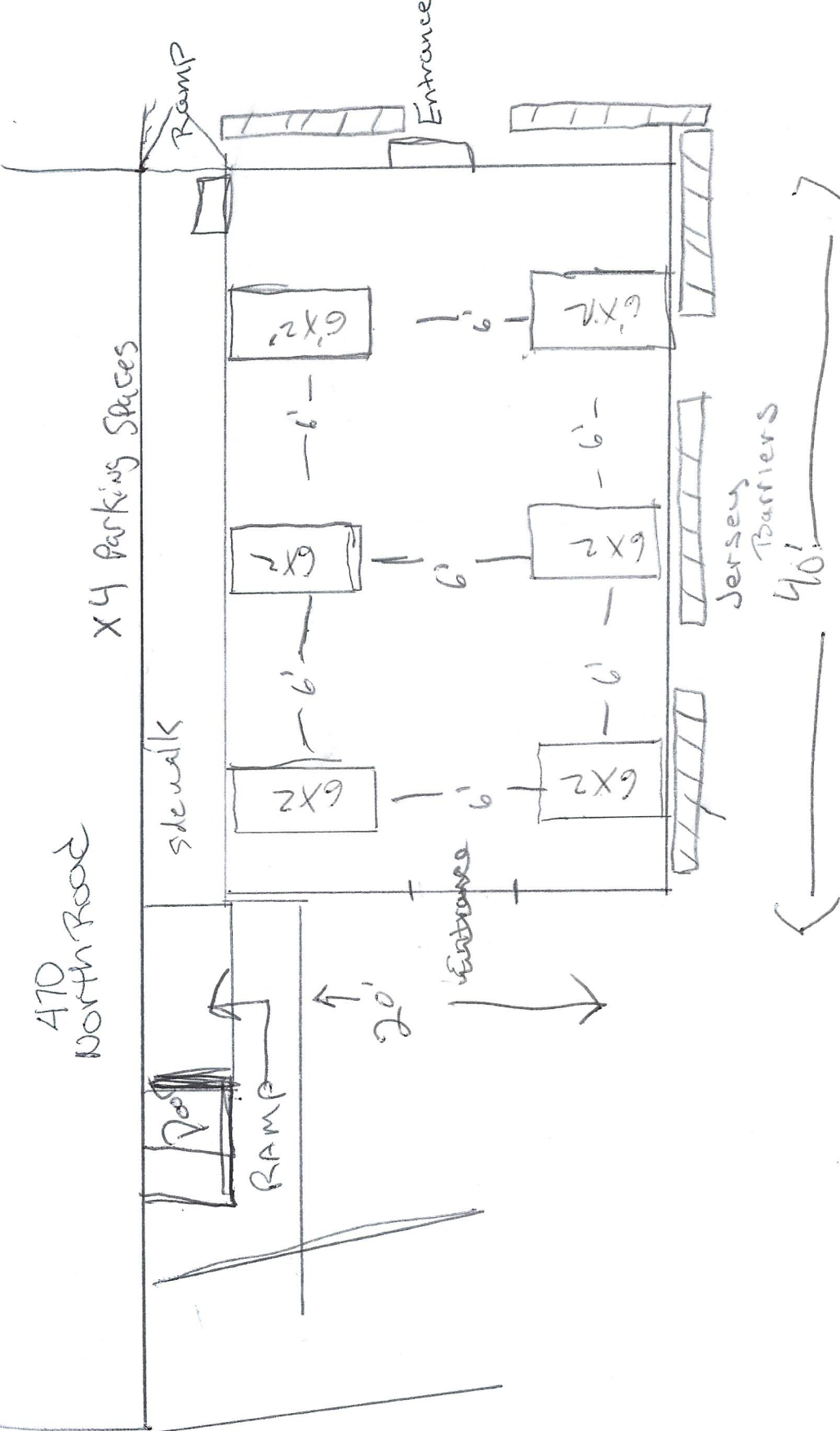
*In accordance with COVID-19 Order No. 35, I hereby request a Temporary Outdoor Seating Permit, to be presented at the premises herein described.*

6.11.20

Date

Applicant Signature

**Please submit completed application and materials to:**  
Selectmen's Office, 278 Old Sudbury Rd, Sudbury, MA 01776, [selectmensoffice@sudbury.ma.us](mailto:selectmensoffice@sudbury.ma.us)



= North Road =



sample  
tent





## Twin Bros Party Rentals

127 Riverneck Rd. Unit 3  
Chelmsford, MA 01824  
978-337-9730

A 20x40 Ft. Frame Tent can accommodate up to 36 Patrons per restaurant social distancing guidelines. Pricing below is based on One, Two, Three or Four Month Rental Period. Tent requires an area of 22x42 Feet for installation, and can be installed over grass, pavement, or patio.

**(1-Month \$1,999) (2- Months \$3,499) (3-Months \$4,499) (4-Months \$5,499)**

(MA add \$124.94 Tax)

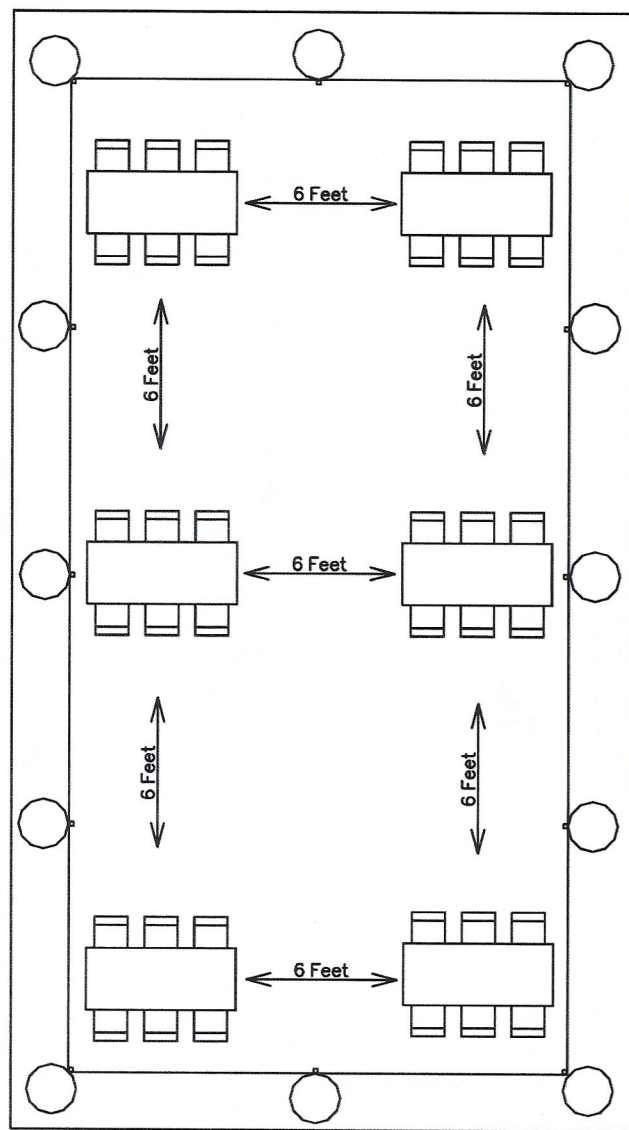
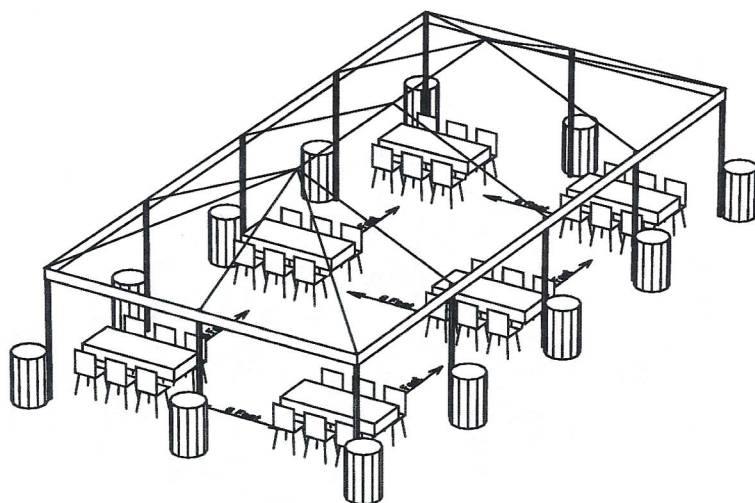
(MA add \$218.69 Tax)

(MA add \$281.19 Tax)

(MA add \$343.69 Tax)

### Price Includes

- 1 - 20x40 Ft. White Frame Tent (Traditional or High Peak)
- 12- 55 Gallon Water Ballasts, if staking is not possible.
- Delivery and Installation
- Tent Permitting with Town or City if Applicable
- Biweekly Tent Inspections by our Crew

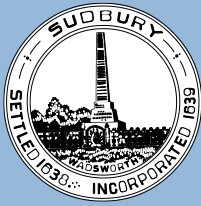


Attachment 4.b: Max and Leos\_BOS (3928 : Temporary Outdoor Seating Applications)

Pricing Does Not Include Tables, Chairs, Lighting, Sidewalls or State Tax. We require payment in full to reserve rental items. (2020 Pricing)

### MAX & LEO'S OUTDOOR SEATING SANITATION

- The take-out/bathroom flow is marked off with tape at 6 feet distancing guidelines
  - A manager will monitor the bathroom line to avoid any congregation of guests
    - We have hand sanitation station located at:  
Front entrance, Patio Entrance, Patio Halfway Point, Patio Exit, Take-out starting point/Exit.
    - We have outdoor workstations located at:  
Patio Entrance, Patio Halfway Point, Patio Exit
- We have purchased single use condiment packages that will be provided only at customers request (non left laying out on tables)
  - We have spray bottles and rolls of throw away paper towels
  - Staff is instructed to sanitize all surfaces between each use and consistently throughout service.
- Bathrooms will be sanitized every 30 minutes, as well as throughout the dining area.
  - We will have a manager monitoring the entire patio area for any mishandling of alcohol beyond the perimeters of our permitted area.
  - We will have a manager stationed at the entrance and a location that all points of entry are visible.
- We will have a manager stationed inside to coordinate the flow of take-out customers and bathroom guests to adhere to social distancing guidelines.
  - We will provide single use throw away menus
    - All tables are located under a large, secured commercial tent.
- ALL staff will wear a mask and hair restraints and will have access to boxes of gloves for consistent replacement.
- We have foot operated trash bins located in bathrooms, and 6 stationed throughout the patio and takeout entrance/exit.
- We have purchased plastic wrapped single use silverware that will be offered only at customers request (non left laying around on tables)
  - All food will be handled and delivered by staff (no self-serve or buffet options available)
    - All tables have been positioned and measured to be 6 feet apart



## SUDBURY BOARD OF SELECTMEN

Monday, June 22, 2020

**MISCELLANEOUS (UNTIMED)****5: Construction Office Trailer Permit 554 Boston Post Rd**REQUESTOR SECTION

Date of request:

Requestor: Robert L. Pouliot, Boardwalk Storage Solutions

Formal Title: Vote to approve a request dated June 15, 2020 from Robert L. Pouliot, President, Boardwalk Storage Solutions, LLC, to grant permission for one 32 ft. temporary office trailer at 554 Boston Post Road from June 2020 through June 2021, subject to approval of the Building Inspector.

Recommendations/Suggested Motion/Vote: Vote to approve a request dated June 15, 2020 from Robert L. Pouliot, President, Boardwalk Storage Solutions, LLC, to grant permission for one 32 ft. temporary office trailer at 554 Boston Post Road from June 2020 through June 2021, subject to approval of the Building Inspector.

## Background Information:

See attached memo and map of the construction site.

Financial impact expected:\$50 application fee

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting: Quentin Nowland and Robert Pouliot, also Andrew Lewis

## Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM

**Golden, Patricia**

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**From:** Bob boardwalkstoragesolutionsllc.com <bob@boardwalkstoragesolutionsllc.com>  
**Sent:** Tuesday, June 16, 2020 2:08 PM  
**To:** Golden, Patricia  
**Cc:** Lewis, Andrew; patrick; qnowland@gmail.com  
**Subject:** Request for installation of a construction trailer, 554/560 Boston Post Road  
**Attachments:** Request for construction trailer, 554 Boston Post Road, Board of Selectmen, 061520.pdf; Temp Trailer site plan, Sudbury Self Storage.pdf

Dear Ms. golden,

Pursuant to your request to Patrick Flanagan attached please find the pdf documents submitted as multiple copies ( 10 @ 11x17 and 6 @ 24x 36) this date for review by the Board of Selectmen.

Quentin Nowland, the owner, and myself will be attending the hearing to make the presentation.

Thank you in advance for your assistance in getting this matter on the next hearing date.

Please call me with any questions or concerns.

Much appreciated,  
 Bob Pouliot

Mass:  
 Boardwalk Storage Solutions, LLC  
 44 Wood Ave., Ste 7  
 Mansfield, MA 02048

Maryland:  
 150 Rollins Ave, Ste 101  
 Rockville, MD 20852

O: 508-337-9035 x112  
 Fax: 508-337-9037  
 cell: 781-264-6780

Attachment5.a: Request for construction trailer\_memo (3929 : Construction Office Trailer Permit 554 Boston Post Rd)

Robert Pouliot  
President

44 Wood Ave.  
Suite 1  
Mansfield, MA 02048

Phone: 508-337-9035  
Fax: 508-337-9037

Bob@boardwalkstoragesolutionsllc.com  
www.boardwalkstoragesolutionsllc.com



# Boardwalk Storage Solutions, LLC

June 15, 2020

Sudbury Board of Selectmen  
278 Old Sudbury Rd.  
Sudbury, MA 01776

Re: Request to install a temporary construction trailer during construction, 554 Boston Post Road

Dear Chairman Carty,

Boardwalk Storage Solutions, LLC, as general contractor for the self storage project located at 554 Boston Post Road, respectfully request permission to install a temporary construction trailer during the duration of project execution.

The trailer dimensions are 8 feet wide by 32 feet long (8' x 32') and consists of two small rooms; one room for the daily use for project supervision and records, and one room for meetings and on site plan reviews. As per the attached plan, the trailer will be located at the northwest side of the site and approximately 200 feet back from the edge of Boston Post Road, 46 feet from the side lot property line and 98 feet from the rear property line.

The trailer will only be equipped with electricity, a wall mount air conditioner, lighting and outlets. No exterior lights are proposed. There are no sleeping accommodations for the trailer. There are no water or toilet connections proposed. On site portable toilets will be used.

Additional features: the trailer will be equipped with security mesh screening over the windows, a locking security bar across the doors to secure the premises at night, two sets of metal stairs with handrails, it will be immobilized on blocks during the anticipated construction period of 12 months.

Thank you for your consideration of this request.

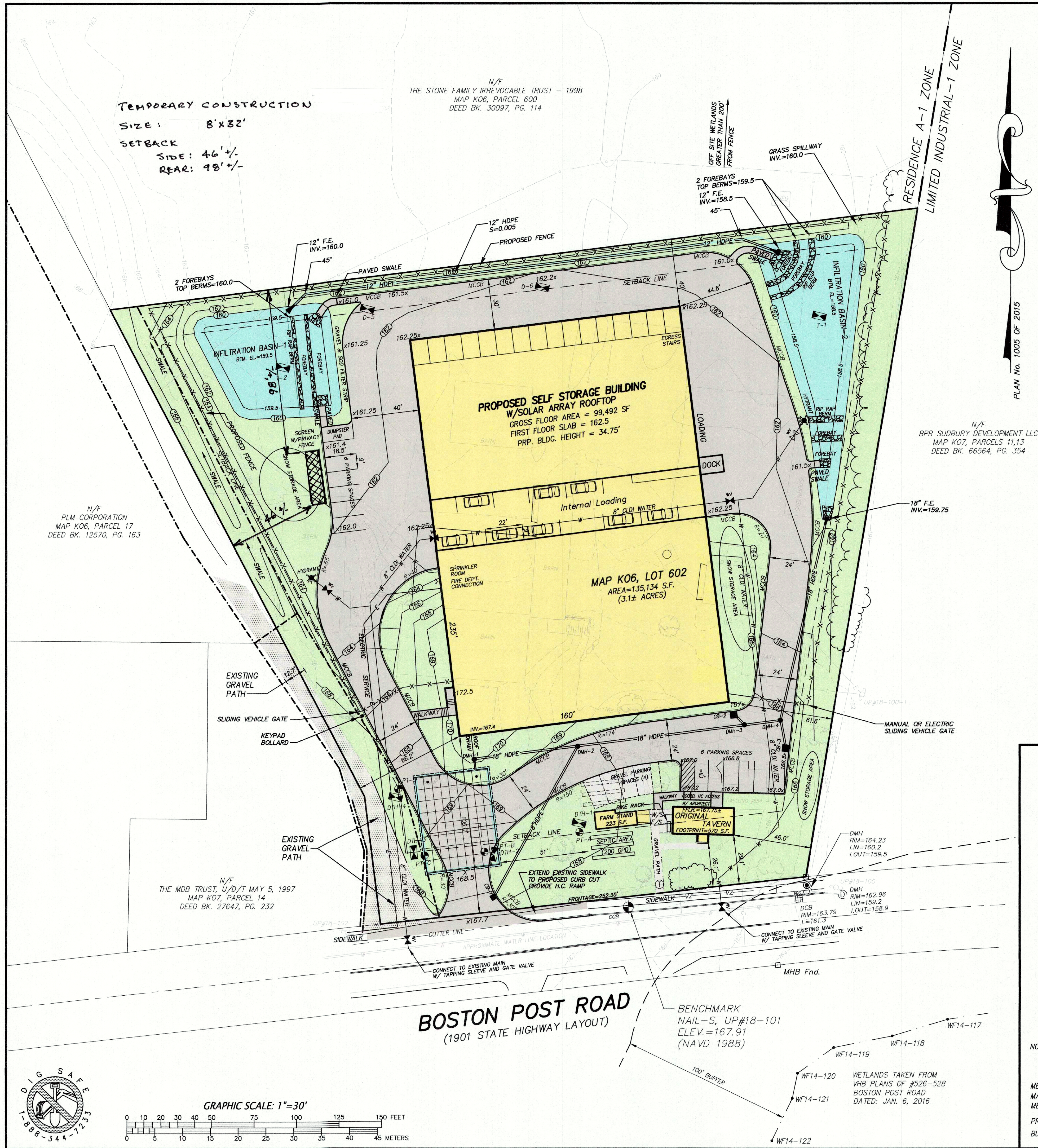
Regards,

*Robert L Pouliot*  
Robert L. Pouliot  
President

Cc: Quentin Nowland, 554 BPR LLC

Attachment 5.b: Request for construction trailer, 554 Boston Post Road, Board of Selectmen, 061520 (3929 : Construction Office Trailer Permit





**LEGEND**

- UTILITY POLE
- EXISTING DMH
- EXISTING DCB
- PROPOSED CATCH BASIN
- PROPOSED MANHOLE
- TREE LINE
- 300' 10' CONTOUR
- 302' 2' CONTOUR
- 257x5 SPOT GRADE
- 268' FINISH GRADE
- WATER
- WATER GATE
- OVERHEAD WIRES
- GAS
- DRAIN
- SEWER
- EXISTING DRAIN
- ZONING SETBACK
- PROPOSED HAYBALES
- SOIL TEST HOLE

**PHASING NOTE:**  
PAVEMENT SHALL BE COMPLETED THROUGH BINDER COURSE AFTER FOUNDATIONS ARE COMPLETED, AND PRIOR THE START OF BUILDING CONSTRUCTION

**DRAINAGE TABULATION**

CB-1	RIM=167.7
8" OUT=164.5	
CB-2	RIM=166.5
8" OUT=163.0	
CB-3	RIM=166.5
8" OUT=163.0	
DMH-1, RIM=170.25	
*ROOF DRAIN INLET=167.0	
*12" OUT=165.50 (TO DRYWELL)	
18" OUT=166.50 (OVERFLOW)	
*VERIFY ROOF DRAIN SIZE W/ARCH. PRIOR TO CONSTRUCTION	
DMH-2, RIM=168.15	
8" IN=163.5	
18" IN=163.1	
18" OUT=163.0	
DMH-3, RIM=166.7	
8" IN=162.7	
18" IN=162.0	
18" OUT=161.9	
DMH-4, RIM=166.25	
8" IN=162.5	
18" IN=161.5	
18" OUT=161.4	
FRONT-SUBSURFACE DRYWELL	
72" CULTEC 330XHD CHAMBERS	
W/ 45"X59"X3.5" STONE BED	
BOTTOM STONE=163.5	
BOTTOM CHAMBERS=164.0	
*12" IN=165.0	
*VERIFY ROOF DRAIN SIZE W/ARCH. PRIOR TO CONSTRUCTION	

**PARKING TABLE**

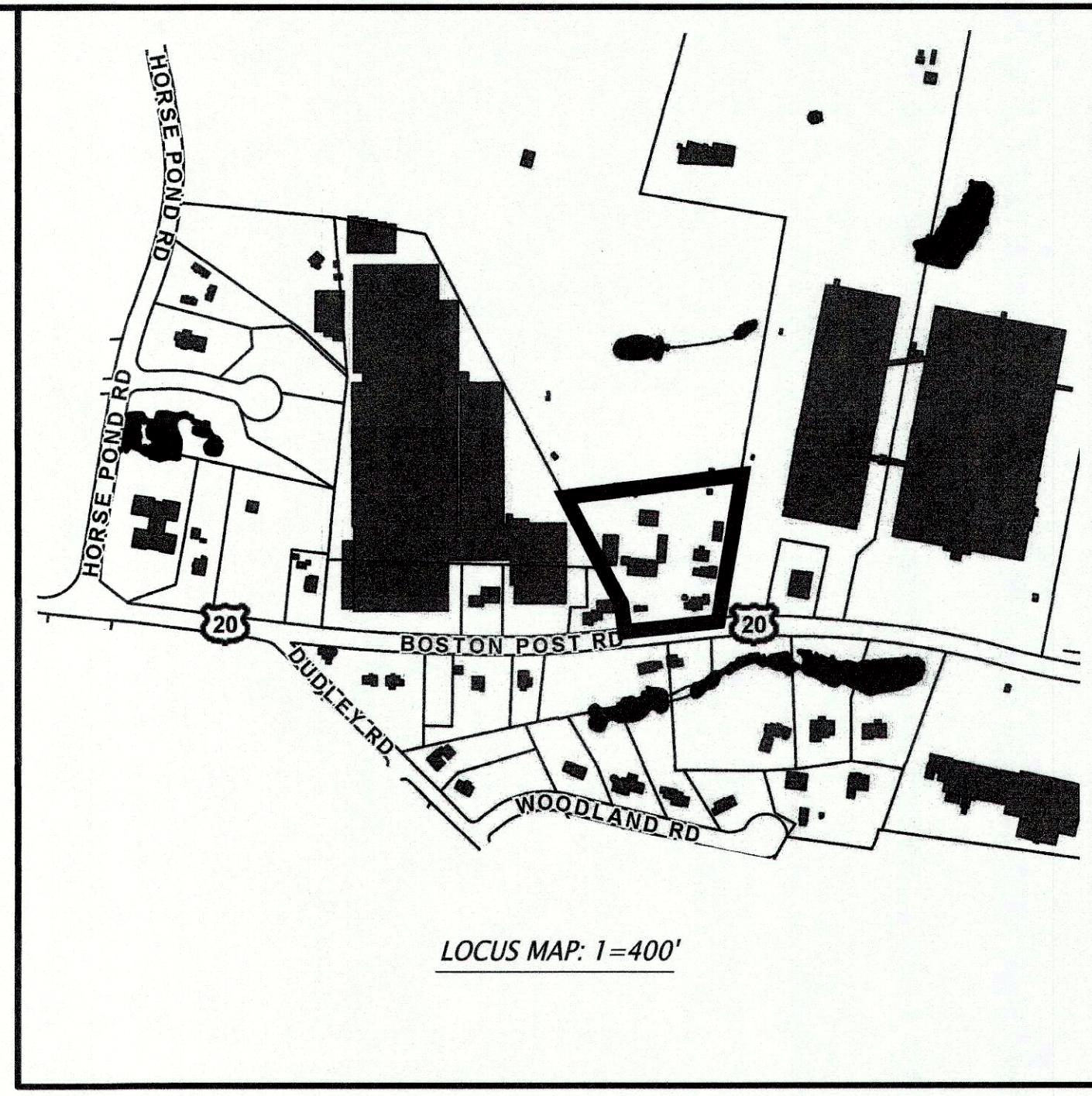
PARKING REQUIREMENT:  
1 SPACE PER 2,000 S.F. FOR THE FIRST 20,000 S.F. PLUS 1 SPACE PER ADDITIONAL 10,000 S.F. PLUS 1 SPACE PER EMPLOYEE

GROSS FLOOR AREA STORAGE BUILDING + TAVERN = 100,062 S.F.  
FIRST 20,000 S.F./2000 = 10 SPACES  
REMAINING 80,062 S.F./10,000 = 8.00 SPACES (8)  
1 EMPLOYEE = 1 SPACE

TOTAL SPACES REQUIRED = 19  
TOTAL SPACES PROVIDED = 20 (8 INTERIOR, 12 EXTERIOR)

**ZONING**

RESIDENCE "A"	REQUIRED	PROVIDED
LOT AREA	40,000 S.F.	135,134 S.F.
FRONTAGE	180 feet	252.35 feet
FRONT YARD SETBACK	40 feet	105 feet (PRP. BLDG.) 26.1 feet (TAVERN.)
SIDE YARD SETBACK	20 feet	61.6 feet (PRP. BLDG.) 46.0 feet (TAVERN.)
REAR YARD SETBACK	30 feet	40 feet (PRP. BLDG.) 332 feet (TAVERN.)
BUILDING COVERAGE	40%	28.4%



APPROVED BY:  
SUDBURY PLANNING BOARD

OWNER: ANNE STONE  
554 BOSTON POST ROAD

APPLICANT: 554 BPR LLC  
80 UNION AVENUE  
SUDBURY, MA 01776

**SULLIVAN, CONNORS AND ASSOCIATES**  
LAND SURVEYING AND CIVIL ENGINEERING  
121 BOSTON POST ROAD  
SUDBURY, MASSACHUSETTS 01776  
PHONE: 978-443-9566 FAX: 978-443-8915

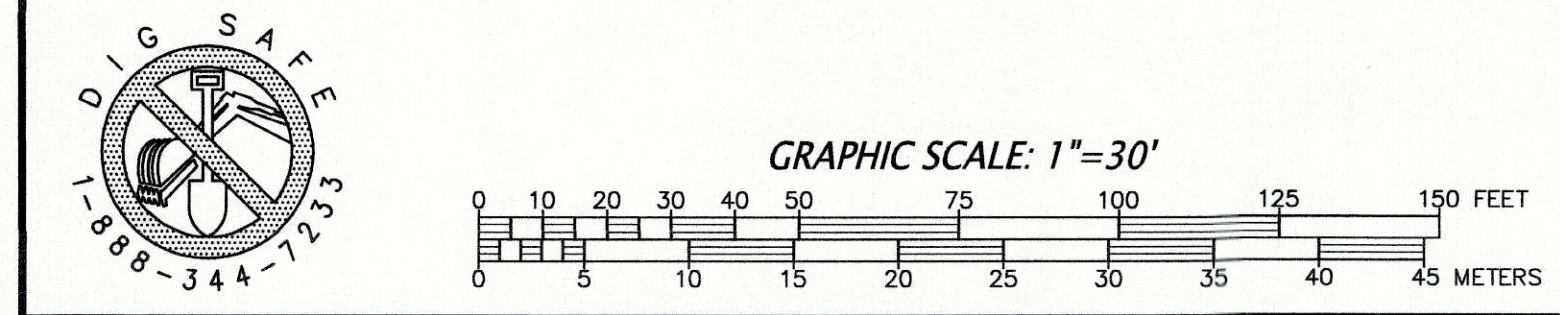
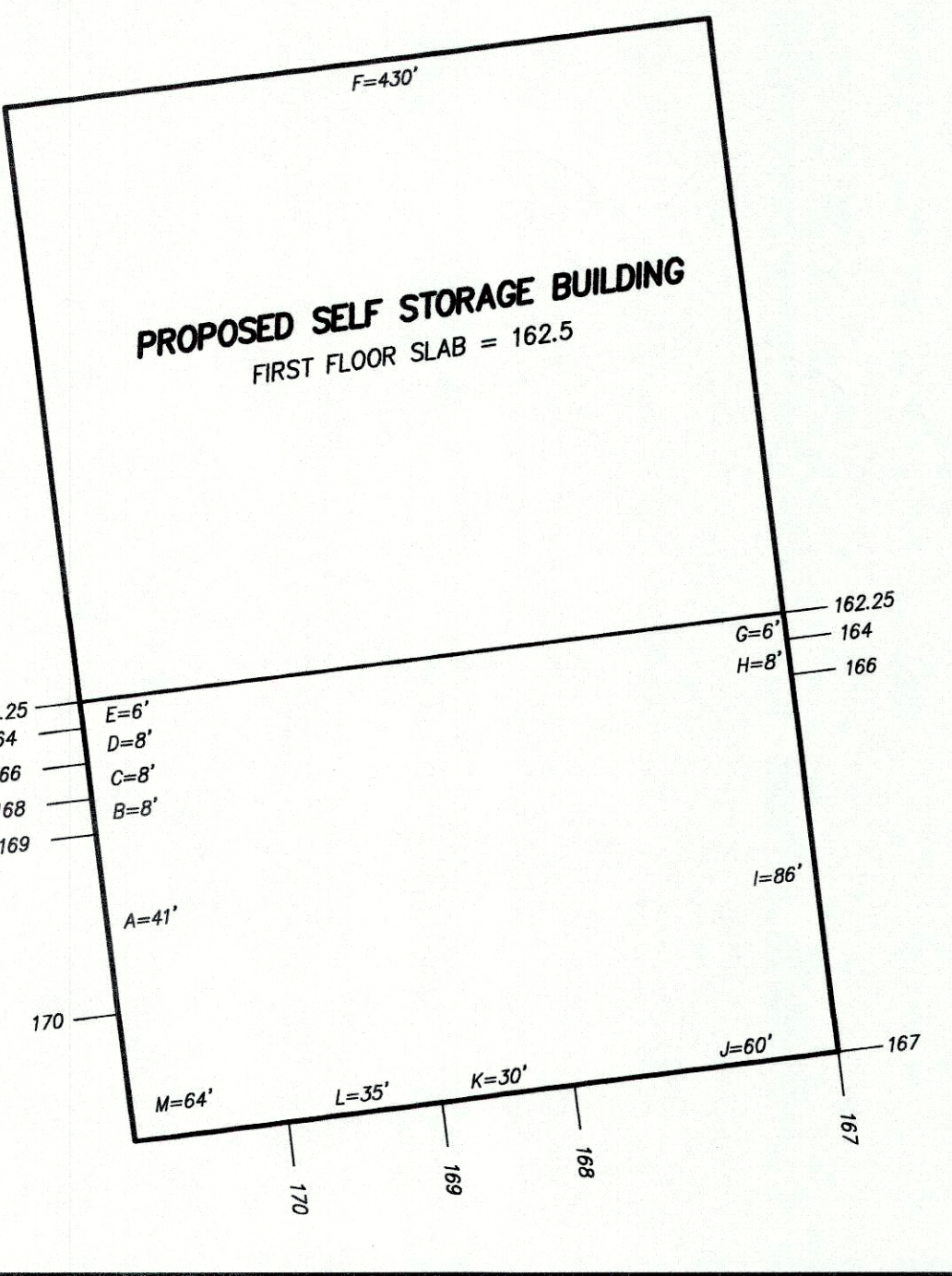
PROPOSED SITE PLAN OF 554 BOSTON POST ROAD IN SUDBURY, MA	
9-3-19	REMOVE WEST BAY DOORS
8-20-19	BUILDING HEIGHT NOTES
8-8-19	MINOR SITE REVISIONS
7-24-19	PEER REVIEW COMMENTS
7-2-19	MISC. EDITS PER MTG.
5-31-19	FINALIZE DRAINAGE
5-21-19	REV. BUILDING SIZE
4-16-19	TAVERN PARKING
4-9-19	FARM STAND, PARKING
12-12-18	ZBA SUBMITTAL
9-17-18	FIRE COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: AUGUST 8, 2018	
SCALE: 1"=30'	SHEET 2 OF 5.

**BUILDING HEIGHT CALCULATION**

SEGMENT	EL. 1	EL. 2	LENGTH	PRODUCT
A	170	169	41.00	6949.500
B	169	168	8.00	1348.000
C	168	166	8.00	1336.000
D	166	164	8.00	1320.000
E	164	162.25	6.00	978.750
F	162.25	162.25	430.00	69767.500
G	162.25	164	6.00	978.750
H	164	166	8.00	1320.000
I	166	167	86.00	14319.000
J	167	168	60.00	10050.000
K	168	169	30.00	5055.000
L	169	170	35.00	5932.500
M	170	170	64.00	10880.000
				790.00 130235.000
Mean Finish Grade = 164.8544				

NOTE: SEGMENT LENGTHS ARE THE DISTANCES ALONG THE PROPOSED FOUNDATION BETWEEN POINTS. GRADES IN TABLE ARE PROPOSED FINISH GRADES.

MEAN FINISH GRADE = 164.8  
MAX. BUILDING HEIGHT = 35' MEASURED FROM MEAN FINISH GRADE  
MEAN FINISH GRADE(164.8) + 35' = 199.8 MAX. PEAK ELEV. ALLOWED  
PROPOSED SLAB (162.5) + PROPOSED BLDG (37') = PEAK (199.5)  
BUILDING HEIGHT FROM MEAN GRADE = 199.5 - 164.8 = 34.7'





**TOWN OF SUDBURY  
REGULATIONS FOR TEMPORARY BUSINESS OR INDUSTRIAL TRAILERS**

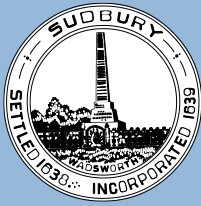
The temporary business or industrial use of trailers for storage or office purposes under Section 2324 of the Sudbury Zoning Bylaw shall conform to the following requirements:

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 by the Board of Selectmen

June 20, 1983



SUDBURY BOARD OF SELECTMEN  
Monday, June 22, 2020

6

**MISCELLANEOUS (UNTIMED)**

**6: Discussion on Board policies**

REQUESTOR SECTION

Date of request:

Requestor: Vice Chair Brown

Formal Title: Discussion and possible vote on Board policies

Recommendations/Suggested Motion/Vote: Discussion and possible vote on Board policies

Background Information:  
attached documents

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM

## 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. No new business will be introduced later than 10:00 PM unless the Board votes to continue the meeting. Unfinished business will be postponed until the next meeting unless the Board votes to extend the 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 should:
  - a. Provide Selectmen with pertinent explanatory or review material prior to the meeting. Public materials will be posted by the day of the meeting when applicable.
  - 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. Provide comments relative to current events and issues in town

(Amended 05/10/76, 04/23/84, 10/29/84, 11/08/84, 07/08/96, 05/26/20)

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### **Section 1. Procedural** ¶

#### 1. Code of Conduct of the Board of Selectmen ¶

#### **A member of the Board of Selectmen, in relation to his her community should:** ¶

Realize that his or her basic function is to make policy, v administration delegated to the Town Manager. ¶

Realize that he or she is one of a team and should abide and carry out, all Board decisions. ¶

Be well informed concerning the duties of a Board mem on both local and state levels. ¶

Remember that he or she represents the entire commu at all times. ¶

Accept the role of a member is a means of unselfish sen not to benefit personally or politically from his or her Bc activities. ¶

Abide by the ethics guidelines established by the State a not use the position of Selectmen to obtain inside information on matters that may benefit someone personally. ¶

¶

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

Endeavor to establish sound, clearly defined policies tha will direct and support the administration of or the bene of the staff and residents of the community. ¶

Recognize and support the administrative chain of command and refuse to act on complaints as an individ outside the administration. ¶

Give the Town Manager full responsibility for dischargin or her disposition and solution. ¶

Not give instructions to or request assistance from Towr department heads, but rather channel all such activities through the full Board and the Town Manager. ¶

¶

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

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## 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.

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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)



## Policy on Remote Participation

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### 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.

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#### **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)***

## APPOINTMENT POLICY

### For positions appointed by the Selectmen and the Town Manager

1. Expiration date for appointments is May 31st, 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. 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.
  5. Updated lists of members will be provided to the office.
  6. Retiring members will receive letters of thanks from the Town for their service.
- (Amended 5/10/76, 8/23/99)

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Attachment6.a: Selectmen Policiesfinal\_May26 (3945 : Discussion on Board policies)

# Policy

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**This is an old revision of this page, as edited by Killarnee (talk | contribs) at 01:16, April 2020 (Reverted edits by 95.0.147.82 (talk) to last version by MrOllie). The present address (URL) is a permanent link to this revision, which may differ significantly from the current revision.**

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A **policy** is a deliberate system of principles to guide decisions and achieve rational outcomes. policy is a statement of intent, and is implemented as a procedure or protocol. Policies are generally adopted by a governance body within an organization. Policies can assist in both *subjective* and *objective* decision making. Policies to assist in subjective decision making usually assist senior management with decisions that must be based on the relative merits of a number of factors, and as a result are often hard to test objectively, e.g. work-life balance policy. In contrast policies to assist in objective decision making are usually operational in nature and can be objectively tested, e.g. password policy.<sup>[1]</sup>

The term may apply to government, private sector organizations and groups, as well as individuals. Presidential executive orders, corporate privacy policies, and parliamentary rules of order are examples of policy. Policy differs from rules or law. While law can compel or prohibit behaviors (e.g. law requiring the payment of taxes on income), policy merely guides actions toward those that are most likely to achieve a desired outcome.

Policy or policy study may also refer to the process of making important organizational decisions, including the identification of different alternatives such as programs or spending priorities, and choosing among them on the basis of the impact they will have. Policies can be understood in political, managerial, financial, and administrative mechanisms arranged to reach explicit goals. In public corporate finance, a critical accounting policy is a policy for a firm/company or an industry that is considered to have a notably high subjective element, and that has a material impact on its financial statements.

**Retrieved June 2, 2020**

# TOWN OF NANTUCKET BOARDS, COMMISSIONS & COMMITTEES MANUAL



ADOPTED  
SEPTEMBER 23, 2009  
(UPDATED JUNE 9, 2010)

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## Section 1 - Introduction

Boards, commissions, and committees play an important role in the Town of Nantucket's municipal government. Citizens who serve on a board, commission, or committee provide a valuable public service to the Town by helping to find ways to address a broad array of issues, challenges, and opportunities facing the community.

### A. Purpose of Manual

As a member of a board, commission, or committee, citizens become representatives of the Town of Nantucket. This manual has been prepared to assist members of all Town of Nantucket boards, commissions, and committees to fulfill this responsibility by: helping members in understanding their role in Town government; providing information on how Town boards, commissions, and committees function; providing information on state and local laws that govern the work of boards, commissions, and committees; and providing a code of conduct for members of boards, commissions, and committees.

The Town of Nantucket has thirty-seven standing elected and appointed boards, commissions, and committees that combined have well over two hundred members. This does not include ad hoc committees, of which the Town may have a number at any given time, created to study a specific issue. Having a clear understanding of the role boards, commissions, and committees play in Nantucket's municipal government will help citizens have a productive and positive experience serving as a volunteer on a Town board, commission, or committee.

### B. Background

The Town of Nantucket is a municipality organized and operated in accordance with Massachusetts General Laws. The Town Charter for the Town of Nantucket dictates the structure of Nantucket's municipal government, and identifies the responsibilities of the various entities that comprise the Town's government.

The Board of Selectmen serves as the executive branch of Nantucket's municipal government and is responsible for establishing public policies and providing overall direction to the Town's operations. The Town Manager is responsible for the administration and efficient operations of the Town. The Town Manager directs and supervises Town operations and employees with the aim of achieving the Board's goals and objectives, while at the same time carrying out the other obligations of Town management established in local, state, and federal law.

Nantucket has a long tradition of citizen involvement in its municipal government. Boards, commissions, and committees provide an opportunity for citizens to directly participate in their municipal government. The role of a board, commission, or committee varies depending on its charge. Generally, a board, commission, or committee fulfills one of the following primary roles: (1) policy setting; (2) policy advisory; (3) regulatory; or (4) oversight. The majority of Town committees are advisory committees created by the Board of Selectmen to gain insight and input from citizens on public policy matters. Whether fulfilling the role of policy setting, policy advisory, regulatory, or oversight, all boards, commissions, and committees should consider the present and future best public interest or interests of the Town as a whole in their deliberations.

## **Section 2 – Code of Conduct**

Members of municipal boards, commissions, and committees are considered municipal employees under the Conflict of Interest law, and are subject to the provisions of Chapter 268A of the Massachusetts General Laws (MGL), which is enforced by the State Ethics Commission. This statute assigns personal responsibility to regular and special municipal employees, which includes elected and appointed volunteers, in four general categories. These categories are: (1) Community Responsibility; (2) Responsibility to Municipal Administration; (3) Relationship to other Board and Committee Members; and (4) Prohibited Conduct.

Any questions concerning ethics violations or the four general categories of responsibility should be referred to the State Ethics Commission. The State Ethics Commission will provide guidance on whether a disclosure should be filed for any potential conflict of interest. If a disclosure is required, appointed members of boards, commissions, and committees will need to file a conflict of interest disclosure with the appropriate appointing authority, which is usually the Board of Selectmen. Members of elected boards, commissions, and committees will need to file a disclosure with the Town Clerk. The State Ethics Commission website [www.mass.gov/ethics](http://www.mass.gov/ethics) provides additional information concerning potential conflicts of interest.

### **A. Community Responsibility**

A member of any board, commission, or committee in the member's relations with the community shall:

1. Realize that the member's basic function is to make policy or provide advice on making policy, and not to administer policy unless prescribed by law;
2. Realize that the member is one of a team and should abide by, and assist in carrying out, all decisions of the board, commission, or committee once a decision is made by the board, commission, or committee;

3. Be well informed concerning the duties and responsibilities the board, commission, or committee may have on the state and local level, as well as a member's individual duties and responsibilities;
4. Remember that the member represents the entire community at all times;
5. Accept the appointment as a means of unselfish service, and not for the purpose of personal or political benefit;
6. Make all decisions relative to individual appointments based only upon merit, experience, and qualifications to avoid political patronage; and
7. Avoid voting on any matter in which the individual member has a conflict of interest, as defined under the Massachusetts Conflict of Interest Law, MGL c. 268A.

## **B. Responsibility to Municipal Administration**

A member of any board, commission, or committee in interactions with the administrative officers of the Town shall:

1. Respect the role of professional management as outlined in the Town Charter;
2. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside of the administration;
3. Recognize that binding decisions of a board, commission, or committee are enforced by administrative officers of the Town; and
4. Direct all questions or concerns first to the appropriate Town personnel, then to the Town Manager, and if necessary to the Board of Selectmen. This is the most expedient way to resolve issues that need to be addressed. However, these Town officials may not have jurisdiction over issues relating to other elected officials.

## **C. Relationship to Other Board, Commission, or Committee Members**

A member of any board, commission, or committee, in the member's relations with fellow board members, shall:

1. Recognize that action at an official legal meeting is binding and that a single member alone cannot bind the board, commission, or committee outside of an official meeting;
2. Not make statements or promises of how the member will vote on matters that come before the board, commission, or committee until the member has had an opportunity to hear all aspects and sides of the issue during a public meeting;

3. Uphold the intent of the Executive Session and respect the privileged communication that exists in Executive Session;
4. Make decisions only after all facts on a question have been presented and discussed; and
5. Respect the rights of members of the public, Town personnel, and other members of the board, commission, or committee, despite differences of opinion.

#### **D. Prohibited Conduct**

A member of any board, commission, or committee, in accordance with Massachusetts General Law, Chapter 268A, may NOT:

1. Accept gifts or other considerations or engage in any business or professional activity which might appear to impair a member's independence of judgment in the exercise of the member's official duties;
2. Improperly disclose confidential information acquired by the member in the course of the member's official duties, and not use information to further the member's personal interest;
3. Use or attempt to use the member's official position to secure unwarranted privileges or exemptions for the member or others;
4. By the member's conduct give reasonable basis for the impression that any person can improperly influence the member or unduly enjoy the member's favor in the performance of the member's official duties, or that a member is unduly affected by the kinship, rank, position, or influence of any party or person;
5. Pursue a course of conduct that will raise suspicion among the public that the member is likely to be engaged in acts that are in violation of the public's trust; and
6. Participate in any matter before the board, commission, or committee in which the member has a direct financial interest, or an immediate family member has a direct financial interest.

Members of boards, commissions, or committees are not subject to any restrictions concerning political activity. However, all members have an obligation to foster a sense of public trust. To foster this trust, individual members have a responsibility to make known to a board, commission, or committee any personal interest or issue that pertains to a matter under consideration by the board, commission, or committee.

## Section 3 – Types of Committees

Whether elected or appointed, boards, commissions, or committees typically fall into one of four categories: policy setting, policy advisory, regulatory, or oversight. The authority for the existence and duties of such boards can arise from state statutes, the Town Charter, or from local bylaws.

Generally speaking, a board or commission is a stand-alone entity that deliberates on specific issues outlined in the law creating the board or commission. A committee typically is a subset of an entity that is created to develop recommendations on a specific issue. For example, the Board of Selectmen creates citizen advisory committees to review specific issues for the purpose of developing recommendations to be considered by the Board of Selectmen.

For stylistic purposes, the term board(s) and committee(s) will be a general term used to refer to boards, commissions, and committees for the remainder of this manual.

### A. Policy Setting

Under the Nantucket Town Charter, the five-member Board of Selectmen serves as the executive branch of government, a role it shares with the Town Manager in a relationship defined by the Town Charter. The Board of Selectmen serves as the primary executive policy setting entity in Town government, articulating the priorities and goals of the Town. This includes providing direction that other municipal entities, such as committees, are encouraged or mandated to follow. The statutory authorities and obligations of the Board of Selectmen are established in state law and defined in Article III of the Town Charter.

As an elected board, members of the Board of Selectmen are directly accountable to the citizens of Nantucket. The Board of Selectmen is responsible for appointing members to most non-elected Town boards and committees. Article III, Section 3.4 (a)(3) of the Town Charter details the Board's appointing authority.

By law, the authority of a board or committee may not exceed the authority of its appointing authority, which is most commonly the Board of Selectmen. Subsequently, unless specified in state or local law, the authority of a board or committee appointed by the Board of Selectmen may not exceed the authority of the Board of Selectmen.

### B. Advisory

In order to set policy, or determine if an issue should be brought to Town Meeting, the Board of Selectmen receives reports and recommendations from a number of advisory boards or committees that are established in state or local law, or are created by the Board of Selectmen. The Shellfish and Harbor Advisory Board is an example of a statutorily created advisory board. Pursuant to the Town Charter, the Board of Selectmen may create committees to study issues and make recommendations on specific public policy

issues. An example of an advisory committee created by the Board is the Beach Management Advisory Committee.

Advisory boards and committees serve the important role of collecting and analyzing information in order to develop recommendations on a public policy or issue. An advisory board or committee has considerable autonomy in developing recommendations; however, an advisory board or committee has no independent authority and its recommendations are not binding. The Board of Selectmen considers the recommendations of advisory boards or committees in its public policy deliberations and consideration of issues affecting the public. Some advisory boards or committees provide recommendations to entities outside of Town government. For example, the Commission on Disability provides advisory recommendations to the public as well as to the state Architectural Access Board.

When creating an advisory committee, the Board of Selectmen will specify the charge, the membership, and the duration of the committee. After a committee elects officers, the committee may propose specific objectives to refine its charge. If the committee is not a standing advisory committee, then the committee may propose a timeline for completing specific objectives. A proposed change to an advisory committee's charge does not take effect unless it is approved by the Board of Selectmen.

### **C. Oversight**

An oversight board or committee provides limited oversight that is defined in statute. The oversight function provided by these types of boards and committees is most often defined in the statute, which is primarily state law, that creates the board and committee.

An oversight board or committee has a responsibility beyond researching and making recommendations on issues. As a result of these responsibilities being defined in statute, the additional responsibilities of oversight boards and committees varies. An oversight board or committee will have at least two of the following characteristics, unless its oversight responsibility is clearly defined in statute: (1) have limited policy making authority; (2) hold or approve the use of funds, apply for grants, or award grants; (3) be responsible for designing, promoting, or coordinating services; (4) have the authority to hold property; or (5) be responsible for the oversight of a specific Town function as defined in statute. Oversight boards or committees that oversee an enterprise fund, such as the Airport Commission and Water Commission, may also maintain a budget and raise revenues.

The Scholarship Committee is an example of an oversight board or committee because it may award grants in the form of scholarships, and has oversight of the Town's scholarship program. The Nantucket Land Bank Commission is an example of an oversight board or committee that may hold property. In addition to holding property, the Nantucket Land Bank Commission administers and manages conservation programs on behalf of the Town. The Audit Committee is an example of a committee that has a

clearly defined responsibility, which is to provide oversight for the Town's audits and accounting procedures.

An oversight board or committee is not responsible for the day-to-day or administrative operations of Town departments. The responsibility of administrative operations is outlined in the Town Charter, and in most cases is a responsibility of the Town Manager. Departments will frequently provide services additional to those services for which a board or committee may have oversight responsibilities.

#### **D. Regulatory**

Whether elected or appointed, regulatory boards or committees exercise legal authority over the issues and activities explicitly delegated to them by state or local law. Examples of regulatory boards and committees include the Historic District Commission, the Planning Board, the Conservation Commission, and the Zoning Board of Appeals. The authority of a regulatory board or committee is limited to the authority outlined in the statute that establishes the board or committee. A regulatory board or committee has no authority over issues that are outside or beyond its statutory charge.

Understanding the role of a board or committee is particularly important for regulatory boards and committees that have permitting authority. For example, a new construction project may need several permits to ensure the project will comply with state and local laws before construction can begin. The project may require: (1) a special permit from the Zoning Board of Appeals to ensure the project complies with zoning laws; (2) a permit from the Conservation Commission to ensure the project complies with state and local environmental protection laws; and (3) approval from the Historic District Commission to ensure any structures are in accordance with the Town's historic guidelines. In such a case, each regulatory committee makes decisions independently to fulfill its charge. The Conservation Commission does not consider the historic aspects of the project, as the Historic District Commission does not consider required environmental protection aspects of the project.

There may be a time when a regulatory board or committee may make a decision independently that contradicts the decision of another regulatory board or committee. In these instances, good communication between the boards or committees can help to ensure the concerns of each board or committee are addressed. Professional staff who work with a regulatory board or committee may be able to help resolve contradictory decisions when they arise. While an applicant is responsible for meeting permitting requirements, professional staff can assist applicants to ensure that the concerns of a regulatory board or committee are addressed.

A regulatory board or committee is not responsible for the day-to-day or administrative operations of Town departments. The responsibility of administrative operations is outlined in the Town Charter, and in most cases is a responsibility of the Town Manager. Town Departments frequently provide administrative and support functions additional to those functions for which a board or committee may have regulatory authority.



## **Section 4 – Membership**

### **A. Appointments**

Members of boards or committees may be elected, appointed by the Board of Selectmen or Town Manager, or their appointment may be established in statute. Generally, most at-large committee appointments are made the Board of Selectmen, and boards may be elected or appointed. The membership of some boards and committees require a representative from another board or committee, or Town agency. Appointment of such board or committee members is made by the entity being represented. For example, the membership of the Contract Review Committee includes one representative from the Finance Committee; accordingly, the Finance Committee will appoint a member to serve on the Contract Review Committee.

All members of all boards and committees must be sworn in by the Town Clerk prior to the member's first meeting and before the commencement of each term for re-appointed members. Members of multiple boards or committees must be sworn in for each board or committee on which they serve. A copy of this manual and of the Open Meeting Law will be provided by the Town Clerk to all board and committee members after their swearing in.

Citizens are encouraged to attend meetings of a board or committee of interest to learn about the board or committee and its role in the community before applying to be appointed to the board or committee. The appointment process for advisory boards and committees traditionally begins every year in April when board and committee openings are advertised. The Board of Selectmen will hold public hearings before making appointments, which usually occur in June. Boards and committees may recommend or nominate a member or members when required, unless otherwise specified in language creating a board, commission or committee.

### **B. Duration**

The term of elected boards and committees are outlined in statute. For example, members of the Planning Board serve five year terms, and members of the Board of Selectmen serve three-year terms.

The terms for appointed boards and committees may vary depending on the reason for the creation of the board or committee. The term of an ad hoc committee will usually be for the time it takes to develop recommendations on a specific issue. Standing advisory boards or committees generally have three-year terms.

### **C. Reappointment**

A board or committee member will be notified when the member's term of appointment is about to expire. Board or committee members who wish to continue serving on a committee may apply to be reappointed to the committee. Reappointment is based on an evaluation by the appointing authority of the member's contribution to the board or committee. A board or committee member is under no obligation to accept reappointment, nor is the appointing authority obligated to offer reappointment.

#### **D. Leadership**

Unless specified in statute, the officers of a board or committee are chosen by the voting members of the board or committee. Board and committee officers usually are a Chairman or Chairperson, hereafter referred to as the "Chair," Vice-Chair, and Secretary. To ensure proper communication between advisory boards and committees and the Board of Selectmen, advisory boards and committees are to inform the Board of Selectmen of the names of officers when they are elected.

The Chair of a board or committee plays a vitally important role in the operations of the board or committee. The Chair of a board or committee presides over public meetings and public hearings. If the Chair leaves a public meeting, then the Vice Chair or another board or committee member designated by the Chair may preside over a meeting. If the Chair or Vice Chair is not present at the beginning of a public meeting, and there is a quorum, then any member of the board or committee may call the meeting to order. If this happens, then the board or committee should immediately elect a Chair pro-tem to preside over the meeting. The pro-tem Chair will serve until the regularly elected Chair or Vice Chair enters the meeting or another Chair pro-tem is elected.

When presiding over a meeting, it is the Chair's responsibility to ensure that proceedings are conducted in a civil and courteous manner. This can be challenging when a board or committee is considering a contentious issue. However, all participants in a proceeding, including the applicant, public, board or committee members, and staff, should be treated respectfully.

The Chair of a board or committee also serves as the point of contact between a board or committee and Town personnel who provide staff support to the committee. Section 5 of this manual discusses the relationship between Town personnel and boards and committees.

#### **E. Resignations & Filling of Vacancies**

A board or committee member who is no longer able to serve on a board or committee should resign promptly to allow for the appointment of an active member. Resignations must be submitted in writing to the board or committee Chair, Town Clerk, and Board of Selectmen. The Board of Selectmen or other appointing authority may appoint a new member to a board or committee outside of the annual appointment process. Vacancies for elected boards or committees are filled according to statute.

The Board of Selectmen may remove members of appointed boards and committees for cause. The removal of members from certain boards and committees requires a public hearing. Section 3.4 (a)(3) of the Town Charter governs criteria for removal.

According to the Town Charter, the Board of Selectmen may remove an appointed member of a board or committee on grounds of: (1) incapacity beyond temporary illness; (2) chronic nonattendance; or (3) violation of the oath of office.

## **F. Restrictions on Members of Boards and Committees**

Massachusetts General Law 268A §17, establishes that municipal employees, which includes unpaid members of municipal boards and committees, may not receive compensation for the discharge of official duties other than from the municipality the employee serves. The law has an exception for “special municipal employees” that limits prohibited activity. Under this exception, a special municipal employee is only prohibited from receiving compensation for providing representation on a matter pending before the specific board or committee on which the special municipal employee serves. A special municipal employee may be paid to provide representation before a board or committee on which the special municipal employee does not serve. There are limited circumstances where a special municipal employee may be allowed to represent an immediate family member before the board or committee on which the special municipal employee serves. As this law is nuanced, it is suggested that any board or committee member contemplating offering third party representation before a Town board or committee contact the State Ethics Commission for guidance on a specific situation.

Members of the following boards and committees have been designated special municipal employees: Board of Selectmen; Nantucket Cultural Council; Planning Board; Conservation Commission; Airport Commission; Historic District Commission; Zoning Board of Appeals; Visitor Services & Information Advisory Committee; Finance Committee; Park and Recreation Committee; Capital Program Committee; Abatement Advisory Committee; and Nantucket Water Commission.

## **Section 5 – Meetings**

### **A. Attendance**

In general, boards and committees meet regularly. Members of a board or committee are expected to attend all regular meetings of the board or committee.

### **B. Open Meeting Law**

The Massachusetts Open Meeting Law (MGL Chapter 39, § 23B) requires that all boards and committees conduct their business in open meetings before the public eye. Except in very specific cases outlined in the law, the public and the press have the right to attend all meetings of government bodies. The format and requirements for such meetings may vary depending upon the type of meeting that is being held. The obligations on the members of boards and committees may also vary.

The exception is “executive session” which permits a board or committee to conduct a closed-door meeting on several very narrow grounds. Entering executive session requires strict adherence to the law and creates legal obligations on the board or committee and its members both prior to and after the executive session. It is recommended that no board or committee enter executive session without guidance from a Department Head or other Town official with expertise on the matter.

While how strictly certain boards or committees may need to adhere to the Open Meeting Law may vary depending on the type of board or committee, there are certain aspects of the Open Meeting Law that must be followed by all boards and committees.

- A quorum of board or committee members may discuss board or committee business only at properly noticed public meetings.
- Under the Open Meeting Law, the use of technology for communication may be considered a public meeting. The Open Meeting Law prohibits the use of email or telephone conferences by a quorum of a board or committee to consider board or committee business. Email may be used to provide information, or to determine the availability of members for a meeting. However, members must refrain from commenting on information provided in an email. Comments on information provided via email should be reserved for a posted public meeting of a board or committee. Board or committee members may not “reply all” to express an opinion on information that is shared via email.
- The Open Meetings Law prohibits “revolving door” meetings, in which a quorum of members participates in serial fashion. This includes the use of email. Collecting independent email responses from board or committee members is no different than members of a board or committee commenting on an issue by a “reply all” email.

Advances in technology require additional diligence by board and committee members to be in compliance with the Open Meeting Law. The advent of the internet has created new venues to exchange ideas such as chat rooms, message boards, and blogs which allow for instant dialogue on a wide variety of topics. In response, the state has amended the definition of deliberation to include “oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction . . . .” MGL 30A §18 (emphasis added).

All members of a board or committee should receive a copy of the Open Meeting Law from the Town Clerk’s office when they are sworn in. Appendix 2 of this manual provides more information on the Open Meeting Law and interaction between board and committee members and the public.

### **C. What is a Meeting?**

A meeting occurs any time a quorum, which is usually a simple majority of members of a board or committee meet and discuss or consider any public business or policy over which the board or committee has some jurisdiction or advisory power. A quorum cannot be established by having a board or committee member participate in a meeting via telephone or other means of electronic communication; members must be present at the meeting to constitute a quorum. Through revisions to MGL 30A §20(d), the state has granted the Attorney General's Office authority to create regulation that may provide for limited electronic participation in a public meeting. As of the publication date of this document, no such regulation has been issued. Accordingly, electronic participation is presently prohibited.

A quorum of a board or committee may not meet in private for purposes of deciding or deliberating towards a decision on a matter before a board or committee. Polling of board or committee members on a pending decision prior to an open meeting of a board or committee violates the Open Meeting Law. Polling of board or committee members is a form of a "revolving door" meeting.

If a scheduled meeting of a board or committee has less than a quorum, the only action a board or committee may take is to adjourn the meeting or schedule the next meeting of the board or committee.

### **D. Types of Meetings: Public Meeting & Public Hearing**

There are two types of board or committee meetings: (1) public meetings and (2) public hearings. Public meetings and public hearings (which are held within public meetings) are held in conformance with the Massachusetts Open Meeting Law and the Code of the Town of Nantucket.

Public meetings are conducted so that a board or committee may discuss the business of the board or committee. For example, an advisory board or committee will hold a public meeting to discuss a public policy issue for which it may make a recommendation to the Board of Selectmen. Public testimony at a public meeting is taken at the discretion of the Chair of a board or committee. While the public has the opportunity to address an issue during the public comment portion of a public meeting, a board or committee is not required to allow public testimony on every issue it considers. However, traditionally boards and committees will provide the public the opportunity to speak on an issue. Public participation in a board or committee's discussions or deliberation is at the discretion of the Chair, which may include limiting the amount of time a member of the public is allowed to speak. To act on a matter or adopt a position on an issue, a quorum of the board or committee must be present.

Public hearings are conducted with an appropriate degree of formality, in accordance with Roberts Rules of Order, and with reference to state and local laws and regulations.

Public hearings are conducted for the same overall reasons as the public meeting – to protect both the public interest and the rights of individuals – with the additional purpose of gathering relevant information from an applicant, interested parties, and the public at large. A public hearing also provides a board or committee with the means of gathering the information necessary to develop an informed opinion and to issue permits or licenses that are fully supported by the appropriate facts and laws. During a public hearing, boards and committee are required to take public testimony. Once a public hearing is closed, a board or committee may continue to discuss an issue without taking further testimony from the public.

To act on a matter that has had a public hearing, a quorum of the board or committee members who participated in the public hearing must be present. A member of a board or committee who has missed a single public hearing may vote on the matter in question after signing an affidavit that states the member has reviewed the entire file and listened to the audio tape of the missed meeting. If the membership of a board or committee changes after a public hearing and before a decision is rendered on the matter heard, and a quorum of members who participated in the public hearing no longer serve on a board or committee, then a new public hearing must be opened. Reference to the prior public hearing may not be made during the new public hearing.

#### **E. Location & Posting of Meetings**

Boards and committees should establish a regular meeting schedule to suit the needs and convenience of the members; however, all meetings must be held in a public location that is accessible to people with disabilities. It is recommended that boards and committees hold meetings at a consistent location to the extent possible. Having a consistent meeting location helps to ensure public access to board and committee meetings.

By law, it is the responsibility of a board or committee to provide written public notice of any meeting at least forty-eight hours prior to the board or committee's meeting. The forty-eight hours may not include Saturday, Sunday, or holidays. The public notice must include the time, date, and location of the meeting, as well as a list of topics reasonably anticipated to be discussed, and must be in compliance with the Open Meeting Law.

The Town Clerk's office maintains a central posting board in the Town Building that provides public notice for all public meetings. While only personnel in the Town's Clerk's office may post the actual meeting notice on the posting board, it is not the responsibility of the Town Clerk's office to ensure that a completed posting notice is submitted for posting pursuant to the requirements of the Public Meeting Law. A board or committee calling a meeting is responsible for ensuring that there is proper public notice of a meeting, and is responsible for providing a completed public meeting posting notice to the Town Clerk's office. The Town Clerk's office will provide the posting notice that needs to be completed by a board or committee.



## **F. Conduct of Meetings**

Pursuant to Sections 1-7 of the Code of the Town of Nantucket, boards and committees conduct business in accordance with parliamentary procedure as set out by Roberts Rules of Order. The tenth edition is the most recent and presently effective version of Robert Rules of Order. Appendix 3 of this manual provides fundamental parliamentary procedures outlined in Robert's Rules of Order.

## **G. Voting**

A vote of a board or committee is necessary for a board or committee to make a recommendation or decision, or take a position on an issue. Any member of a board or committee may make a motion to vote on business pending before a board or committee. Unless specified in state law or local bylaw, a motion passes if a simple majority of board or committee members vote in favor of the motion, and it fails if a simple majority of committee members vote against the motion. For some decisions state or local law may require a super majority, such as a two-thirds majority, for a motion to be adopted. Boards or committees that require a super majority for some votes are supported by professional staff who will advise when a super majority vote is necessary. Once a board or committee adopts a motion then it becomes the official position of the board or committee on the issue for which the motion was made.

In the event of a tie vote on a motion, the motion fails. If a motion fails, then the board or committee has not taken action on the issue for which the motion was made. A board or committee must take affirmative action, which means adopting a motion by the required majority vote, to take action on an issue pending before a board or committee. If a motion fails because it did not receive the necessary majority vote, then another motion is necessary for a board or committee to take action on the matter for which the failed motion was made. In most cases, a matter can be deferred for action by a board or committee to a later date. However, some regulatory boards and committees have restrictions on carrying matters forward and there may be time constraints on when the regulatory board or committee has to take action on a matter pending before the board or committee. Regulatory boards and committees should consult with the professional staff to ensure that there are no inadvertent or unintended consequences which may result from failure to take action on a matter pending before the board or committee.

To vote on a motion a board or committee member must be present at the meeting when the motion is made. Voting cannot be done by proxy, telephone, or electronic communication.

A formal vote is not required for routine business, such as the approval of meeting minutes. A board or committee may conduct routine business through the general consensus of the board or committee. If a member objects to approving a matter by general consensus of the board or committee, then a formal vote is required.

## H. Agendas

The Chair of a board or committee is usually tasked with preparing the agenda for a board or committee meeting. If Town personnel staff a board or committee, then for practical reasons, the setting of an agenda for a board or committee meeting is usually done in consultation with staff. Agendas for public meetings may vary slightly for a board or committee; however, agendas generally will include:

- Calling the Meeting to Order
- Approval of Minutes
- Committee Business
- New Business
- Old Business
- Adjournment

An agenda for a public meeting may include a public hearing. While part of a public meeting, the conduct of a public hearing is much different than the conduct of a public meeting. Staff can be consulted on how public hearings are conducted for specific boards or committees. Information on public hearings is in Section 5(D) of this manual.

## I. Meeting Minutes

All boards and committees must keep minutes of every committee meeting. Boards and committees will often select a Committee Secretary, who is a member of the board or committee that is responsible for keeping meeting minutes.

Meeting minutes provide an official record of the actions and votes taken by a board or committee during a meeting and a summary of the important topics raised and discussed. They are not intended to be a verbatim transcript of the meeting, but must contain a summary of each subject discussed, a list of documents and other exhibits used at a meeting, and decisions made, and actions taken on each matter. Additional information on what meeting minutes should contain is provided in Appendix 3.

Prior to voting to approve the minutes, members of the board or committee will be given the opportunity to review minutes of a previous meeting. A board or committee may vote to correct minutes to ensure they accurately reflect the prior proceeding.

Minutes become the official record of a meeting only after they have been approved by the committee. However, meeting minutes are considered a public record before they are formally approved by a board or committee, and draft meeting minutes are subject to public records requests.

## J. Public Records

The Massachusetts Public Records Law (MGL Chapter 66, §10) provides the public with the right to access public records. What constitutes a public record is broadly defined,



and includes all documentary materials made or received by any town official, board or committee member, or employee. There are specific exceptions for documents related to personnel and medical files, proposals and bids, and appraisals of property that are not subject to public records requests under the Public Records Law.

All minutes, informational data, photographs, recordings, maps, memoranda, and circulated materials used by a board or committee, including notes, recordings, or other materials used to prepare minutes, are part of the official record of the session and must be maintained. Town Administration or the appropriate Town personnel should be consulted if a board or committee has a question concerning the public records status of a specific document. Boards and committees should coordinate any response to a public records request with Town Administration.

## **Section 6 – Compensation & Reimbursement**

### **A. Compensation**

With the exceptions of the Selectmen and the Abatement Advisory Committee, all members of boards and committees serve on a volunteer basis and receive no compensation for their service.

### **B. Reimbursement**

The Town may pay some expenses for board and committee members that are incurred while conducting board or committee business. The types of expenses for which the Town may provide payment include travel expenses and the cost of seminars that are held off-island. Any expenses the Town may pay are subject to the availability of funding and approval by the appropriate Town personnel.

Approval for reimbursement must be sought prior to any expense being incurred. Department Heads supporting the operations of a board or committee will decide if a reimbursement request will be approved. For any board or committee that is not directly supported by Town personnel, the Town Manager must approve any reimbursement request.

Reimbursements that are approved will be made consistently with the Town's reimbursement policy, which requires that a receipt is provided for all expenses for which reimbursement is being sought. Town policy also limits the level of reimbursement for certain per diem expenses such as meals. A Town Expense Report must be completed to receive reimbursement for per diem expenses. Any questions regarding reimbursement should be referred to Town Administration.

## Section 7 – Relationship between Town Personnel and Boards and Committees

Article IV of the Town Charter for the Town of Nantucket outlines the responsibilities of the Town Manager, who is the chief administrative officer for the Town of Nantucket. According to the Town Charter, the Town Manager is responsible for the efficient operations of the Town and its departments. Working with Town Department Heads, the Town Manager is ultimately responsible for all personnel and administrative processes of the Town and its departments. As a result, Town personnel report to Town Department Heads and ultimately to the Town Manager. Town personnel do not report to boards or committees.

While Town personnel do not report to boards or committees, Town personnel do fulfill an important support and advisory role for boards and committees. Town personnel support boards and committees to help them carry out their charge or assignment. In some instances, Town personnel may be ex officio (who can be voting or non-voting depending on the appointment criteria) members of a board or committee, but may or may not participate in the board or committee's decision making process. Town personnel may be assigned to assist a board or committee and may provide administrative assistance to the extent possible. This assistance may include preparing staff reports and providing analysis and information to assist a board or committee in developing its recommendations or decisions on a specific matter, or to assist a board or committee in carrying out its statutory charge.

Town personnel support the work of a board or a committee as a whole, and not individual members of a committee. Any requests for information or support should be made by the board or committee during a public meeting and should clearly be within the framework of the board or committee's charge or assignment. Town personnel will determine the way to meet the request of a board or committee. Individual members of a board or committee, or a board or committee as a whole, do not direct the work of Town personnel.

Formal contacts between members of a board or committee and Town personnel should be limited to the personnel assigned to support the board or committee. Department Heads are the point of contact between a board or committee and a Town department. Individual committee members should not ask for individual reports, favors, or special consideration from Town personnel.

Information requests of a board or a committee that are made outside of a public meeting should be made through the Chair of the board or committee to the appropriate Town personnel. The request for information should be for the entire board or committee. Membership on a board or committee does not give an individual member greater access to information than the general public, and requests for information from an individual member of a board or committee are treated as a request for information from the general public.

When making information or support requests, boards and committees are asked to consider the other responsibilities of Town personnel supporting the board or committee's work. Town personnel serving as staff to boards and committees are often Department Heads, who are responsible for the operations of their respective Town departments. The priority of departmental operations may supersede the work requested by a board or committee. Department Heads will prioritize the work of a department and direct the work of departmental personnel accordingly. In prioritizing work, there often are issues a Department Head needs to consider of which a board or committee is unaware. At times these considerations may relate to confidentiality, which could affect the ability to respond to a request of a board or committee.

Town personnel assigned to staff a board or committee may also serve in an advisory capacity to a board or committee. The role Town personnel may serve is very similar to the role advisory boards and committees serve, which is in an advisory capacity to the Board of Selectmen. Staff members to boards and committees are selected by the Town Manager or Department Head on the basis of their professional and technical abilities to support the work of a board or committee.

Staff members for a board or committee are expected to provide impartial and unbiased advice to a board or committee. This includes providing guidance to boards and committees to ensure decisions are consistent with state and local laws, and Town policy. However, board and committee members should be aware that Town personnel are ultimately responsible to the Town Manager, who is accountable to the Board of Selectmen. If an instance arises where a Department Head serving as staff to a board or committee disagrees with the recommendation of a board or committee, it is the staff member's responsibility to advise the Town Manager of that disagreement. In making a final decision on a matter in which there is disagreement, the appropriate Town entity will consider the advice of the board or committee, and the advice of Town personnel.

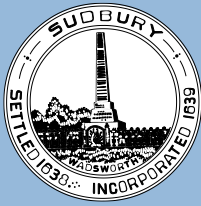
## **Media Relations**

Members of boards and committees may be approached by the media for comment on an issue under consideration by a board or committee, or for a comment on an event related to a board's or committee's charge. As a representative of the Town, board and committee members have an obligation to ensure information provided to the media is accurate. Consulting with the appropriate Town personnel before responding to an inquiry from the media is recommended to ensure the accuracy of information provided to the media.

While serving on a board or committee, there may be a time when an individual member of a board or committee disagrees with the decision of a board or committee. If such an instance arises, members are reminded that pursuant to Section 2(B) of this manual that it is their responsibility to uphold the decision of a board or committee. Members are not prohibited from expressing their personal opinion. However, if a personal opinion is expressed, then it should be made clear that it is a personal opinion and not the opinion of

the board or committee. This includes letters to the editor. If a member chooses to express a dissenting opinion to a board or committee decision through a letter to the editor, then the letter should be signed as a private citizen.

Pursuant to the Open Meeting Law, the media may make any audio or video recording of a public meeting, so long as no active interference with the conduct of the meeting arises as a result of the recording. Video recordings should be made from a fixed location.



SUDBURY BOARD OF SELECTMEN  
Monday, June 22, 2020

7

**MISCELLANEOUS (UNTIMED)**

**7: Discussion on Key Performance Indicators**

REQUESTOR SECTION

Date of request:

Requestor: Selectman Schineller

Formal Title: Discussion and possible vote on Key Performance Indicators (KPI) as requested by Selectman Schineller.

Recommendations/Suggested Motion/Vote: Discussion and possible vote on Key Performance Indicators (KPI) as requested by Selectman Schineller.

Background Information:  
attached slides prepared by Selectman Schineller

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM

# KPIs and Project Status

2020 Select Board Goal



# BOS 2020 Goal #4

Goal: Develop Project Management Review, Control, and Reporting Process

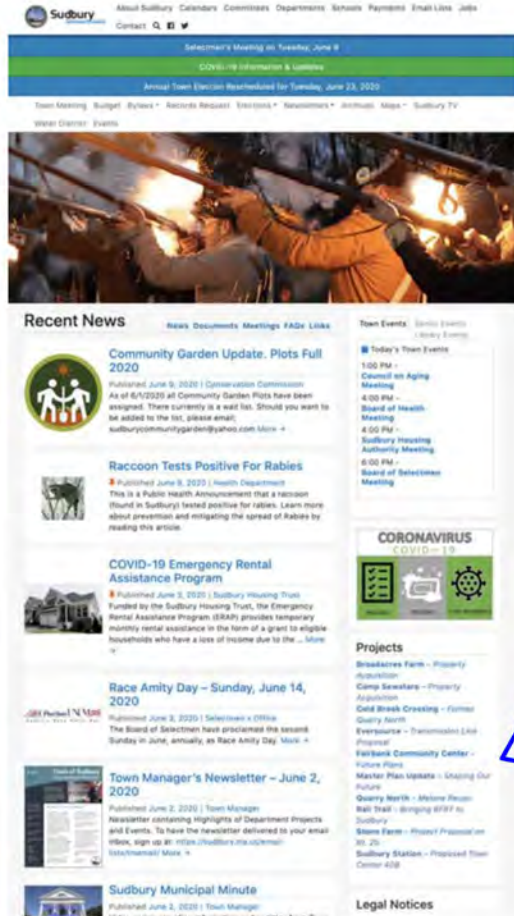
Deliverable: Development of BOS policy. Project Key Performance Indicators and identification of metrics & milestones.

BOS GOALS 2020						
Goal	Primary Category	Total Score	Priority Level	Board Liason	Staff Liason	2020 deliverable
Town Manager Search Completion	Effective Governance and Communication	15	High	Dan Carty	Maryanne Bilodeau	New Town Manager hired.
Fairbank Community Center	Town Services and Infrastructure	14	High	Jen Roberts	Town Manager/Bill Barletta/Deb Galloway/P&R Director/Dennis Keohane	New Fairbank Center - Warrant Article at May 2020 Town Meeting and Special Election.
Regional High School Agreement/Budgeting	Effective Governance and Communication	8	High	Pat Brown	Town Manager/Dennis Keohane	Secure Counsel to review agreement; Meeting between Sudbury BOS and Lincoln BOS. Dialogue with Legislators regarding regional budgeting.
Develop Project Management Review, Control, and Reporting Process	Effective Governance and Communication	7	High	Bill Schineller	Town Manager	Development of BOS policy. Project Key Performance Indicators and identification of metrics & milestones.
Upgrade Fire Station 2 (Advanced Life Support Ambulance, Living Quarters)	Town Services and Infrastructure	6	High	Pat Brown	John Whalen/Bill Barletta	Fire Station 2 Upgrade to accommodate 3rd ambulance. Warrant Article at May 2020 Town Meeting and Special Election.
Bruce Freeman Rail Trail	Open Space, Recreation, and Historic Assets	5	High	Janie Dretler	Beth Suedmeyer/Town Manager	Complete 25% Design; hire consultant for 75/100% Design.
CSX Rail Acquisition	Open Space, Recreation, and Historic Assets	4		Jen Roberts	Beth Suedmeyer/Town Manager	CSX Rail Acquisition - Warrant Article at May 2020 Town Meeting.
School Administration Space Needs (Fairbank)	Town Services and Infrastructure	4		Bill Schineller	Town Manager/Bill Barletta/Deb Galloway/P&R Director	Contingency plan for SPS Adm. needs (if the Fairbank Community Center Warrant Article doesn't pass).

component of the Tax Levy, economic development, user fees, etc.)	Financial Management & Economic Resilience	1	Jen Roberts	Town Manager/Adam Duchesneau/Dennis Keohane	Assess if we are maximizing opportunities to diversify town revenue streams.
Membership in Vocational Education	Town Services and Infrastructure	1	Dan Carty	Town Manager/Dennis Keohane	Before who is responsible for Voc Ed and choose membership school.
Improve Communication Effectiveness	Effective Governance and Communication	1	Janie Dretler	Town Manager	Conduct communications survey; continue to expand upon communication channels so as to reach maximum amount of citizens. Push out agendas to subscribers of various committees. Periodically review communication metrics and results. Timely updating of department websites. Survey effectiveness of new newsletter delivery. Solve to post public agendas on Fridays.

# Are These Projects On Track?

7.a



## Projects

**Broadacres Farm – Property Acquisition**

**Camp Sewataro – Property Acquisition**

**Cold Brook Crossing – Former Quarry North**

**Eversource – Transmission Line Proposal**

**Fairbank Community Center – Future Plans**

**Master Plan Update – Shaping Our Future**

**Quarry North – Melone Reuse**

**Rail Trail – Bringing BFRT to Sudbury**

**Stone Farm – Project Proposal on Rt. 20**

**Sudbury Station – Proposed Town Center 40B**

Attachment 7.a: Project Status and KPIs (3946 : Discussion on

# Example: Bruce Freeman Rail Trail

7.a

## Bruce Freeman Rail Trail (BFRT) Design Project (BFRT, Phase 2D, MassDOT ID 608164)

### Budget Summary

To date, the Town has appropriated (through Town Meetings) \$1,182,492.15 towards the BFRT design. Once the current contracts with VHB and Jacobs are completed, the estimated remainder of 2016 TM and 2018 STM funding will remain to complete the final design phase.

### BFRT Project Design Account Balances and Contracts

Active BFRT Accounts		
Funding Source	Appropriation	Note
2014 Town Meeting (for 25%)	\$202,492.15	25% Design
Donation Friends of BFRT (for 25%)	\$58,700.00	25% Design
2016 Town Meeting (for advancing design)	\$330,000.00	Jacobs Contract of \$146,700, which leaves \$183,300 for 75/100% Design
2018 Special Town Meeting (for advancing design)	\$650,000.00	75/100% Design
<b>TOTAL</b>	<b>\$1,241,192.15</b>	
Contracts	Amount	
25% VHB Original	\$261,000.00	
25% VHB Amendments	\$30,550.00	
25% Structural - Jacobs	\$146,700.00	
25% Jacobs Amendment	\$36,675.00	
Anticipated 75/100% Contract	\$833,300.00	
Funding source for amendments were Planning, DPW, and Town Manager Budgets.		

As you know, the Project is on the Boston MPO Transportation Improvement Program (TIP) for construction funding in federal fiscal year 2022. In May of 2019, the revised construction funding amount approved by the MPO was \$9,334,137. The current estimated advertising date, our target final design date, is in December 2021. The project design must be "shovel ready" by October 2022 to take advantage of the state and federal funds for construction.

### 25% Design

Jacobs Engineering was contracted in August 2018 to prepare the 25% structural design and Bridge Sketch Plans. They have developed the geotechnical data collection plan (approved by MassDOT and the Conservation Commission), contracted with the boring sub-consultant, submitted the draft type selection worksheet for the boardwalk to MassDOT for comment, and are developing the sketch plans for Hop Brook. Additionally, a hydrological survey was conducted at Pantry Brook to inform the flood analysis and structural design. The boring work will begin and be completed in August resulting in the Geotechnical Report and Sketch Plans being submitted to MassDOT in September. A brief estimated schedule is outlined below.

### Jacobs Structural Design Schedule

GEOTECHNICAL TASKS	Approximate Schedule
Preconstruction Meeting	Week of July 29
Geotechnical Borings Start	Week of August 5
Geotechnical Borings End	Week of August 19
Soil Samples Analyzed and Tested and Final Environmental Monitoring Report submitted	Week of September 14
Geotechnical Report Submitted	Week of September 23
STRUCTURAL TASKS	
Sketch Plans Prepared	Week of September 14
Sketch Plans Submitted to MassDOT	Week of September 23
MassDOT REVIEW (could take 3 – 6 months)	End of 2019
MassDOT DESIGN PUBLIC HEARING	Early 2020

### Final Design

The remaining phases of the design, as designated for a MassDOT project, are the 75% design and the 100% phases. The 75% design activities include development of the special provision and itemized cost

# Next Topic: Key Performance Indicators (KPIs)

Problem to be Solved: What Services is Sudbury delivering for our tax dollars?

## GENERAL FUND BUDGET SUMMARY

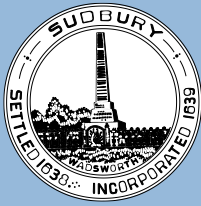
EXPENDITURES	FY19 Actual	FY20 Budgeted	FY21 Recommended	Percentage Increase
Education - Sudbury Public Schools (SPS)	38,309,355	38,535,653	39,608,834	2.78%
Education - LS Regional High School (LS)	24,762,716	25,808,881	26,712,280	3.50%
Education - Vocational	461,426	615,000	550,000	-10.57%
General Government	3,085,214	3,143,637	3,175,064	1.00%
Public Safety	8,472,123	8,924,924	9,199,461	3.08%
Public Works	5,146,416	5,460,288	5,607,520	2.70%
Human Services	746,973	871,110	906,383	4.05%
Culture & Recreation	1,327,814	1,422,707	1,462,889	2.82%
Town-Wide Operating and Transfers	212,237	483,845	486,352	0.52%
<b>Total Town Departments</b>	<b>82,524,274</b>	<b>85,266,045</b>	<b>87,708,783</b>	<b>2.86%</b>
Town Debt Service	3,100,625	3,110,425	3,613,379	16.17%
Employee Benefits (Town and SPS)	11,718,431	12,716,315	13,672,255	7.52%
OPEB Trust Contribution (Town and SPS)	540,249	610,249	680,249	11.47%
<b>Total Operating Budget</b>	<b>97,883,579</b>	<b>101,703,034</b>	<b>105,674,666</b>	<b>3.91%</b>
Capital Budget (Tax Levy)	403,224	800,000	947,076	18.38%
<b>TOTAL EXPENDITURES:</b>	<b>98,286,802</b>	<b>102,503,034</b>	<b>106,621,742</b>	<b>4.02%</b>

### Performance Measures:

Description	2017	2018	2019
Number of Students	1,667	1,633	1,588
Number of Faculty	165	165	
Percentage of Class of 2017 Attending a 2 or 4 year College	94%	98%	
Percentage of Students participating in co-curricular activities.	85%	85%	

### Consolidated Financial Information:

	FY19 Actual	FY20 Appropriated	FY21 Recommended
<b>LS Regional High School</b>			
Sudbury Operating Assessment	23,864,710	24,923,953	25,846,224
Sudbury Debt Assessment	564,892	549,861	529,571
Sudbury OPEB Normal Cost Assessment	333,114	335,067	336,485
<b>Total LS Regional High School</b>	<b>24,762,716</b>	<b>25,808,881</b>	<b>26,712,280</b>



## SUDBURY BOARD OF SELECTMEN

Monday, June 22, 2020

8

### MISCELLANEOUS (UNTIMED)

#### 8: Discussion on Community Conversation forum

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Continued discussion on Safety and Race Community Conversation forum

Recommendations/Suggested Motion/Vote: Continued discussion on Safety and Race Community Conversation forum

Background Information:

Financial impact expected:

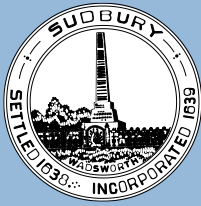
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM



## SUDBURY BOARD OF SELECTMEN

Monday, June 22, 2020

9

### MISCELLANEOUS (UNTIMED)

#### **9: Update Transportation Committee mission statement & membership**

##### REQUESTOR SECTION

Date of request:

Requestor: Chairman Dan Carty

Formal Title: Update and possible vote on Transportation Committee membership and mission statement.

Recommendations/Suggested Motion/Vote: Update and possible vote on Transportation Committee membership and mission statement.

Background Information:  
Current mission statement attached.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM





## **SUDBURY TRANSPORTATION COMMITTEE**

**Voted to establish by the Sudbury Board of Selectmen April 10, 2018**

**Updated October 30, 2018**

**Updated October 24, 2019**

### Mission Statement

The Sudbury Transportation Committee was created by the Selectmen to address a key feature of livable communities: transportation. A livable community is defined as

...one that is safe and secure, has affordable and appropriate housing and transportation options, and offers supportive community features and services. ...Well-designed, livable communities promote health and sustain economic growth, and they make for happier, healthier residents — of all ages (<http://www.aarp.org/livable-communities/net-work-age-friendly-communities/info-2014/an-introduction.html>).

With the exception of specialized transportation provided by the Council on Aging, Sudbury is currently car-dependent, putting a number of residents at risk of isolation, loss of work, inability to access medical care, etc. There is no public transportation within town boundaries; parking space for commuter rail in adjoining towns is limited; and, there are few pedestrian-friendly routes from residences to likely destinations (e.g., town buildings, library, houses of worship, etc.).

Thus, the purpose of the Transportation Committee includes the following:

- To undertake specific assessments/studies of transportation and evaluate pilot experiments, both locally and regionally, at the direction of the Town Manager or her designee
- To consider all functional elements of transportation: public, specialized, traffic congestion, paths and walkways (as distinct from recreational facilities) for all residents—inclusive of but not solely focused on senior residents and residents with disabilities

- To review published assessments/studies to inform the Board of Selectmen, Town Manager, and relevant offices and departments (e.g., the Traffic Safety Coordinating Committee) regarding, especially, opportunities to expand transportation options
- To advise the Board of Selectmen, Town Manager and other town entities about the transportation implications of both residential and business development.
- To consider the sustained attractiveness of the town for businesses and residents and contribute to the environmental goals defined by the Energy and Sustainability Green Ribbon Committee in any recommendations.
- To accomplish other transportation-related tasks requested by the Board of Selectmen.
- To advise the Town Manager how to transition the duties of the Transportation Committee to Town staff or other elected or appointed bodies.

The Transportation Committee will take a proactive role in addressing transportation challenges affecting the town and may establish *pro tem* subcommittees as needed and approved by the Board.

The Board of Selectmen will review the contributions of the Transportation Committee in the spring of 2019 to assess how the Committee has fulfilled its role and to decide whether this structure should be continued until spring of 2020. It is envisioned that the Committee's purpose and tasks will become part of the responsibilities of town departments or bodies by spring 2020. The Transportation Committee, in cooperation with the Town Manager or her designee, will provide recommendations on how to integrate these responsibilities within Town Government.

### **Membership and Structure**

The Transportation Committee consists of a small group of Core and a larger roster of Advisory members. Core members are voting members and must be available and willing to attend the majority of scheduled meetings. They may draw upon the expertise of advisory members, who will be requested to attend meetings and/or discuss topics for which their expertise is needed. The Core group will elect a Chair and a Clerk from among these members. The Chair will run meetings, be the designated communications link with the Town Manager and other Town staff, and schedule committee meetings. The Clerk will ensure that full minutes and a list of members in attendance are kept of each meeting and promptly submitted to the Core for approval, filing with the Town Clerk, posting to the Town's website, and disseminating to the Advisory membership within 15 days of the meeting.

Quorum consists of a majority of serving Core members.

Recommended roles and individuals for membership are listed in the table, below.

### **Compliance With State and Local Laws and Town Policies**

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

The Code of Conduct for Selectmen-Appointed Committee. A resident or employee who accepts appointment to a Town committee by the Board of Selectmen agrees that s/he will follow this code of conduct.

The Town's Email Communication for Committee Members Policy. Anyone appointed to serve on a Town committee by the Board of Selectmen agrees that s/he will use email communication in strict compliance with the Town of Sudbury's email policy, and further understands that any use of email communication outside of this policy can be considered grounds for removal from the Committee by the Selectmen.

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

**Sudbury Transportation Committee: Recommended Examples (updated October 24, 2019)**

<b>CORE GROUP</b>		
<b>Representation</b>	<b>Individual</b>	<b>Contributions</b>
Select Board	Dan Carty	Liaison for Select Board; industrial engineering/operations research and economics; CQI
Council on Aging	Sandy Lasky	One of key stakeholders for extended transportation services
Town Planner	Adam Duchesneau	Link to regional (e.g., Minuteman Advisory Group on Interlocal Coordination), state, and local agencies involved in land use and transportation
Department of Public Works	Dan Nason	Responsible for infrastructure elements related to all modes of transportation
Commission on Disability	Doug Frey	Link to residents with disabilities to provide perspective of transportation options
Metrowest Regional Transit Authority (MWRTA)	Debra Galloway	Director Sudbury Sr. Center; liaison with MetroWest Regional Transit Authority; co-liaison Cross Town Connect (CTC); senior/disabled transportation
Citizen	Alice Sapienza	Sudbury Age-Friendly Ambassador; Harvard MBA, DBA
<b>ADVISORY GROUP (To be expanded as Needed)</b>		
Public Safety	Police (Chief Nix)	Impact of transportation options on and/or by Sudbury Public Safety
Chamber of Commerce	Charlie Dunn	Business needs for employment transit; impact of transportation options on retail sales, etc.
Board of Health	Bethany Hadvab	Town Social Worker; link to residents in most need of transportation services
Planning Department, CrossTown Connect (CTC)	Beth Suedmeyer	Sudbury Planning Department; co-liaison Cross Town Connect (CTC)
Sudbury Public Schools	Lisa Kouchakdjian	Liaison for Sudbury Public School Committee

Lincoln-Sudbury Regional High School	Ellen Joachim	Liaison for Lincoln-Sudbury Regional High School (LSRHS) School Committee
State Representative	Carmine Gentile	Link to state, regional (e.g., MWRTA, and local agencies involved in transportation
Clergy Association	Rotating individuals (leaders of town faith communities)	Transportation identified by this group as a major need
Citizen(s)	TBD	various

[COVID-19 Information & Updates](#)
[Annual Town Election Rescheduled for Tuesday, June 23, 2020](#)
[News](#) [Documents](#) [Meetings](#) [Members](#) [FAQs](#) [Links](#)

## Members

Members					
Name	Position	Address	Term	End Date	Appointed By
Daniel E. Carty	Chairman	15 Stonebrook Rd	1	05/31/2020	Selectmen
Sandy Lasky	Member	19 Abbottswood	1	05/31/2020	Selectmen
Alice Sapienza	Member	70 Ridge Hill Rd	1	05/31/2020	Selectmen
Adam Duchesneau	Staff	278 Old Sudbury Road	1	05/31/2020	Selectmen
Daniel Nason	Staff	275 Old Lancaster Road	1	05/31/2020	Selectmen
Debra Galloway	Staff	40 Fairbank Road	1	05/31/2020	Selectmen
Doug Frey	Member	74 Cutler Farm Rd	1	05/31/2020	Selectmen

[✉ Email this Page](#)
[🔍 Back to Sudbury Transportation Committee](#)

## Sudbury Transportation Committee

The Sudbury Transportation Committee was created by the Selectmen to address a key feature of livable communities: transportation. A livable community is defined as

...one that is safe and secure, has affordable and appropriate housing and transportation options, and offers supportive community features and services. ...Well-designed, livable communities promote health and sustain economic growth, and they make for happier, healthier residents — of all ages... See [AARP Network of Age-Friendly States and Communities](#)

With the exception of specialized transportation provided by the Council on Aging, Sudbury is currently car-dependent, putting a number of residents at risk of isolation, loss of work, inability to access medical care, etc. There is no public transportation within town boundaries; parking space for commuter rail in adjoining towns is limited; and, there are few pedestrian-friendly routes from residences to likely destinations (e.g., town buildings, library, houses of worship, etc.).

## Recent News

[Remote Participation for Meetings Under Emergency Order](#) April 7, 2020

[Announcing MWRTA Route 20 Commuter Shuttle Service](#) June 24, 2019

## Search

## Contact

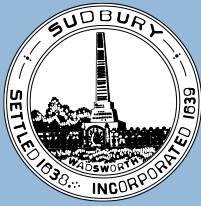
Email: [transportation@sudbury.ma.us](mailto:transportation@sudbury.ma.us)



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Send questions and comments to [webmaster@sudbury.ma.us](mailto:webmaster@sudbury.ma.us).





## SUDBURY BOARD OF SELECTMEN

Monday, June 22, 2020

**MISCELLANEOUS (UNTIMED)****10: Ballot question discussion**REQUESTOR SECTION

Date of request:

Requestor: Town Clerk Beth Klein

Formal Title: Discussion on submission of Ballot questions for the Nov. 3 state election, and potentially provide ballot questions at the June 22 meeting.

Recommendations/Suggested Motion/Vote: Discussion on submission of Ballot questions for the Nov. 3 state election, and potentially provide ballot questions at the June 22 meeting.

## Background Information:

The submission of ballot question(s) depends upon whether or not the Selectmen wish to proceed with the Community Center project at this time and whether the CSX purchase agreement is firm. Need to inform the Board of time limits for submission of the question at the June 9 meeting and provide the ballot questions at a later meeting such as June 22. The Election is Nov. 3.

After submission of the ballot questions to the State, the Selectmen would then determine who provides the arguments for and against according to policy.

See attached from Town Clerk Beth Klein.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

## Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM

**Golden, Patricia**

---

**From:** Klein, Beth  
**Sent:** Friday, May 29, 2020 8:44 AM  
**To:** Hayes, Henry  
**Cc:** Bilodeau, Maryanne; Golden, Patricia; Jones, Elaine  
**Subject:** Placing ballot questions on November 3 ballot  
**Attachments:** 2018\_Ballot\_Questions\_Nov\_6\_state\_election.docx; Town of Sudbury Information to Voters\_Ballot Questions.docx

Hi Henry,

If the BOS plan to vote on Fairbanks and CSX Corridor at the next ATM, and they want to place the ballot questions on the State ballot for November 3, they have to do that by the end of July. The State has to receive the request no later than August 5<sup>th</sup>. The latest the BOS could vote on it would be the July 14 meeting. I believe that Town Counsel would have to draft the actual ballot question. If the BOS decides not to place the ballot questions on the State election then there would have to be a special election in December, which I am sure you don't want to do. So it is important that the BOS vote on this as soon as possible. I attached the letter to the state which was used the last time this was done in 2018. I also attached the Information to voters that was sent out in 2018.

Let me know if you have any questions.

Thanks,

Beth R. Klein  
 Sudbury Town Clerk  
 322 Concord Rd.  
 Sudbury, MA 01776  
 978-639-3351  
 Townclerk@sudbury.ma.us

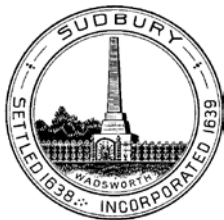
UPDATED ELECTION INFORMATION

<https://sudbury.ma.us/clerk/2020/03/18/2020-annual-town-election/>

Absentee Ballot and Early Voting Applications

<https://www.sec.state.ma.us/ele/covid-19/covid-19.htm>

Attachment10.a: Klein\_memo (3941 : Ballot question discussion)



## 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](mailto:selectmen@sudbury.ma.us)

July 16, 2018

Mr. Howard Hock, Elections Division  
Secretary of the Commonwealth  
McCormack Building  
One Ashburton Place  
Boston, MA 02108

IN BOARD OF SUDBURY SELECTMEN  
Meeting Date: July 10, 2018

### **Vote ballot questions for state election Nov 6, 2018**

Present: Chairman Robert C. Haarde, Vice-Chairman Daniel E. Carty, Selectman Leonard A. Simon, Selectman Patricia A. Brown, Selectman Janie W. Dretler and Town Manager Melissa Murphy-Rodrigues.

It was on motion unanimously

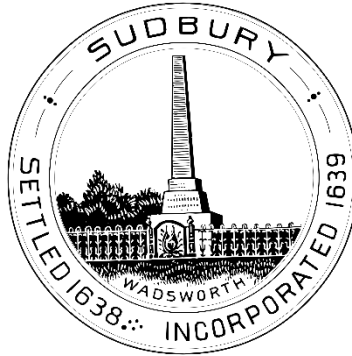
VOTED: Vote to approve ballot question language to send to the Secretary of the Commonwealth for inclusion on the November 6 state election ballot:

- (1) Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and a half, so-called- the amounts required to pay for the bonds issued in order to design a new and/or renovated Community Center and all other appurtenances thereto, to be constructed on Town-owned land on the current site of the Fairbank Community Center and Atkinson Pool, 40 Fairbank Road, including professional, engineering services and project management services, as well as preparation of plans, specifications and bidding documents, and all other incidental and related expenses?
- (2) Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and a half, so-called- the amounts required to pay for the bonds issued in order to purchase, upon such terms as the Board of Selectmen determine, the fee or other interest in the property located at 82 Morse Road, including but not limited to a conservation restriction, and all incidental and related expenses?

A True Copy Attest: Melissa Murphy-Rodrigues, Esq.  
Melissa Murphy-Rodrigues, Esq.  
Town Manager – Clerk

cc: Town Clerk

# Town of Sudbury Massachusetts



## INFORMATION FOR VOTERS

### Sudbury Ballot Questions November 6, 2018 State Election

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

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## INFORMATION FOR VOTERS

The November 6, 2018 State Ballot will include two Town of Sudbury Ballot questions as follows: Ballot Question No. 4 related to partial design funding in the amount of \$1.9M for a new and/or renovated \$32M Fairbank Community Center and Atkinson Pool; and Ballot Question No. 5 related to the Proposition 2 ½ Debt Exemption for the \$3,660,000 purchase of 24.02 a.+/- of Broadacres Farm located off Morse Road with the remaining 9.59 a.+/- portion to be funded from Community Preservation Act funds.

As the ballot will contain the questions only, the following material is provided for your information pursuant to Chapter 180 of the Acts of 1996.

### **BALLOT QUESTION NO. 4**

*Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and a half, so-called- the amounts required to pay for the bonds issued in order to design a new and/or renovated Community Center and all other appurtenances thereto, to be constructed on Town-owned land on the current site of the Fairbank Community Center and Atkinson Pool, 40 Fairbank Road, including professional, engineering services and project management services, as well as preparation of plans, specifications and bidding documents, and all other incidental and related expenses?*

**SUMMARY:** Under Article 3 of the October 15, 2018 Special Town Meeting, voters will consider funding for services relating to partial design for the construction of a new and/or renovated Community Center at the current site on Fairbank Rd. in the amount of \$1,900,000, contingent upon approval of a Proposition 2 ½ Debt Exclusion

This ballot question seeks to increase the amount of property tax revenue the Town may raise commencing in Fiscal Year 2020. It does not increase the Town's levy limit nor does it become part of the base for calculating future years' levy limits.

The estimated the tax impact on the average home value of \$726,960 is estimated at \$27 in fiscal year 2020.

A "yes" vote on this question will authorize the Town to increase taxes in excess of the levy over a 20 year period in order to pay for services related to partial design costs for an estimated \$32,000,000 project, and a "no" vote will mean the project cannot go forward.

**ARGUMENT FOR PASSAGE:** The Fairbank Community Center is a community asset housing Park and Recreation, Atkinson Pool, Senior Center and the Sudbury Public Schools Administrative Offices. It is the site of the Town's emergency shelter, an election voting location, and many of the Town's summer camps.

The 40,900 square foot building, which was built in 1958 as a school and converted to a community center in 1983, is located at 40 Fairbank Road.

The Senior Center, with its ever-growing constituency, services 1600 individuals each year with approximately 24,000 visits. Park and Recreation serves various demographics and provides 690 programs to 9700 participants. The pool had over 72,000 users in 2015.

The building is in varying degrees of disrepair, including drainage and slope issues, poor window conditions, exterior wall and flooring issues, roof panels and structures exposed, and ceiling staining due to leaking. The space is unsuitable and limited, and the building does not have a sufficient generator for emergencies.

The Fairbank Community Task Force and the Selectmen have put forward a proposal to encompass Park and Recreation, the Atkinson Pool and the Senior Center in a new 62,000 square foot building. The plan includes a full sized gymnasium, walking/running track, dedicated Senior space, dedicated Park and Recreation space, a shared common space, exercise space, indoor play area, kitchen, and the preschool. The total cost of the project including design costs, construction, fees and contingencies is approximately \$32,000,000. At this time, the town is only voting for preliminary design funding. For more information: [https://sudbury.ma.us/boardofselectmen/2018/06/13/fairbank\\_community\\_center\\_project/](https://sudbury.ma.us/boardofselectmen/2018/06/13/fairbank_community_center_project/)

**ARGUMENT IN OPPOSITION:** The amount requested in this article is based on a feasibility study prepared by Pros Consulting. In addition to the numerous mathematical and logical errors, the study does not substantiate the need for such an expensive project with accurate market research. For example, the feasibility study claims that there are only 2 swimming facilities in a 15-mile radius of Sudbury, when, in fact, there are at least 5. Furthermore, in the model developed, year-over-year expenditures grow faster than revenue, causing the town to lose more money every year. It would be irresponsible to embark on the next stage of design based on this flawed feasibility study. Before spending tax dollars on a large capital project, we need to prove the need. In this feasibility study, there was a decent case made for improvement for our Senior Center. However, the same cannot be said for the Park and Recreation side of this project. We may be able to address the needs of our Senior Center by other means (property lease or purchase) at a significantly lower cost. These other options should be explored. A vote no on this article is the fiscally responsible vote. We cannot make large capital spending commitments based on an erroneous and unsubstantiated feasibility study.

## BALLOT QUESTION NO. 5

*Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and a half, so-called- the amounts required to pay for the bonds issued in order to purchase, upon such terms as the Board of Selectmen determine, the fee or other interest in the property located at 82 Morse Road, including but not limited to a conservation restriction, and all incidental and related expenses?*

**SUMMARY:** Under Article 2 of the October 15, 2018 Special Town Meeting, voters will consider approval for acquisition of all of the 82 Morse Road property known as Broadacres Farm, together with associated costs, contingent upon approval of a Proposition 2 ½ Debt Exclusion exempting the amounts required for principal and interest on the borrowing from the tax levy.

This ballot question seeks to increase the amount of property tax revenue the Town may raise to pay for the debt service related to the acquisition of Broadacres Farm. Bonds (debt) will be issued upon the transfer of the 2<sup>nd</sup> parcel as the first parcel will utilize Community Preservation Funds. The transfer of the 2<sup>nd</sup> parcel will occur in a future year, but not later than 10 years per the purchase and sale agreement. The estimated impact of increasing future fiscal year's taxes to pay for the estimated debt issuance of \$3,660,000 is estimated at \$53 for year 1 and decreasing annually to approximately \$30 in year 20 for the "average" home value of \$726,960.

A "yes" vote on this question will authorize the Town to increase taxes in excess of the levy over a 20-year period in order to pay for the acquisition; and a "no" vote will mean the acquisition cannot go forward.



**ARGUMENT IN FAVOR:** Broadacres Farms is an active horse farm with stables, pasture, indoor arena and riding fields on both sides of Morse Road. The farm, which is listed as a priority on the Town's Open Space Plan, abuts the Wake Robin Woods Conservation Land, Featherland Park and the proposed Bruce Freeman Rail Trail. The property is currently enrolled in Chapter 61A tax classification, which allows for a significant reduction in taxes in exchange for a right of first refusal to the Town. It contains three vernal pools and is listed as a critical concern in the Heritage Landscape Inventory. The owner of Broadacres would be selling the 33.61 acres of land to the Town in two-three phases, with the first phase being on the Featherland Park side of Morse Road. Protection of this property from development provides historical, cultural, agricultural, ecological and recreational benefits. The acquisition of this property will create more than 50 acres of contiguous conservation land, which would be part of a larger complex of an additional 63 acres of town-owned parcels containing public trails. The zoning of this property would allow for residential single-family homes.

**ARGUMENT IN OPPOSITION:** Any increase in the Town's debt, which is now in decline, will increase the tax bills of residents because of the real estate tax revenue needed to pay debt service each year over the life of the debt. Exempting the debt from the limits of Proposition 2 ½ and thus not affecting the levy limit also affects the efforts of those seeking to control costs by limiting spending.



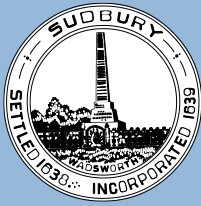
Board of Selectmen  
Sudbury, MA 01776

U.S. POSTAGE  
PAID  
Permit No. 4  
Sudbury, MA 01776  
ECRWSS

POSTAL PATRON  
SUDBURY  
MASSACHUSETTS 01776

**INFORMATION FOR VOTERS**

State Election  
Tuesday, November 6, 2018



SUDBURY BOARD OF SELECTMEN  
Monday, June 22, 2020

11

**MISCELLANEOUS (UNTIMED)**

**11: Town Meeting action**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Review Town Meeting articles, possibly take positions on articles, and assign motions and presentations.

Recommendations/Suggested Motion/Vote: Review Town Meeting articles, possibly take positions on articles, and assign motions and presentations.

Background Information:

Attached list containing articles not yet voted on. This is in Town Meeting warrant format.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM

**ATM 2020 Articles**

**11.a**

#	Article Title	Sponsor/ Submitted by	Article Presenter	BOS Position	FinCom Position	Report BOS position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar	
	<b>IN MEMORIAM RESOLUTION</b>										
	<b>FINANCE/BUDGET</b>										
1	Hear Reports	BOS			n/a		n/a	n/a	Majority		
2	FY20 Budget Adjustments	BOS			n/a		Free Cash	350,000	Majority		
3	FY21 Budget	Town Mgr			2-4		Various	\$105,664,852	Majority		
4	FY21 Capital Budget	Town Mgr			3-2-1		Free Cash	\$672,076	Majority		
5	FY21 Transfer Station Enterprise Fund Budget	Town Mgr					Enterprise Receipts	\$429,978	Majority		
6	FY21 Pool Enterprise Fund Budget	Town Mgr					Enterprise Receipts	\$473,559	Majority		
7	FY21 Recreation Field Maintenance Enterprise Fund Budget	Town Mgr					Enterprise Receipts	\$253,633	Majority		
8	FY20 Snow & Ice Transfer	Town Mgr					Free Cash	\$115,000	Majority		ESTIMATED
9	Unpaid Bills	Town Accountant					n/a	n/a	Four-fifths		
10	Chapter 90 Highway Funding	DPW Director		5-0 support			n/a	n/a	Majority	X	
11	Stabilization Fund	BOS			8-0		Free Cash	\$40,496	Majority		
12	Goodnow Library Services Revolving Fund (new)	Library Director		5-0 support			n/a	n/a	Majority	X	
13	FY21 Revolving Fund limits	BOS					n/a	n/a	Majority	X?	
14	Capital Stabilization Fund	Town Mgr					Free Cash	\$250,000	Majority		
15	Fund Litigation Costs - Eversource	Town Mgr					Free Cash	\$150,000	Majority		ESTIMATED
16	Post-Employment Health Insurance Trust Funding	Town Mgr					HI Trust Fund	\$211,867	Majority		
17	CSX Corridor	BOS					Debt Excl		Two-thirds if borrowed		
18	Fairbank Community Center Design and Construction Funds	BOS			4-4		Debt Excl	\$28,832,000	Two-thirds if borrowed		
19	<b>WITHDRAWN</b>										

Attachment 11.a: Copy of Articles list ATM 2020 05-26-20 (3944 : Town Meeting action)

5/22/2020

Page 1

NS-not support; S-support; IP-Indefinitely Postpone; RTM-Report at Town Meeting

**Packet Pg. 80**

ATM 2020 Articles

11.a

#	Article Title	Sponsor/ Submitted by	Article Presenter	BOS Position	FinCom Position	Report BOS position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar	
20	Construction of Housing/Living Addition - Fire Station #2	Fire Chief					Overlay; Fr Cash; sale of old police station	\$4.1M	Two-thirds if borrowed		
	<b>CAPITAL ARTICLES</b>										
21	Purchase Fire Dept. Ambulance	Fire Chief		5-0 support	8-0; CIAC 4-0		RRA	\$340,000	Majority		
22	Dutton Road Bridge Project - Easements	DPW Director		4-0 support					Majority	x	
23	<b>WITHDRAWN</b>										
24	Front End Loader with Plow	DPW Director		IP	8-0		Free Cash/TS Ent Fund	\$230,000	Majority		
25	Roadway Drainage Improvements	DPW Director			8-0		Free Cash	\$120,000	Majority		
26	Old Sudbury Road Culvert Design	DPW Director			8-0		Free Cash	\$100,000	Majority		
27	Multi-purpose Sidewalk Tractor	DPW Director		IP	8-0		Free Cash	\$195,000	Majority		
28	Dump Truck with Plow	DPW Director			2-4		Free Cash	\$110,000	Majority		
29	One-Ton Dump Truck with Plow, Spreader and Wing	DPW Director			2-4		Free Cash	\$140,000	Majority		
30	6-Wheel Combo Body Dump Truck with Plow and Spreader	DPW Director			2-4		Free Cash	\$260,000	Majority		
31	Sudbury Public Schools Surveillance Cameras	SPS Committee			8-0		Free Cash	\$261,023	Majority		
32	Sudbury Public Schools Playground Improvement	SPS Committee			8-0		Free Cash/ grants/old articles	\$333,000	Majority		
33	Sudbury Public Schools Non-resident Tuition Fund	SPS Committee		5-0 support	8-0		n/a	n/a	Majority	X	
34	Authorize BOS to petition for an additional alcohol pouring license for Meadow Walk development	BOS		4-0 support	n/a		n/a	n/a	Majority	X	
35	Acceptance of Provisions of the Massachusetts Veterans' Brave Act M.G.L. Chapter 59, Sect. 5, clause twenty-second H	Board of Assessors		5-0 support	8-0		n/a	Annual RE Tax	Majority	X	

Attachment 11.a: Copy of Articles list ATM 2020 05-26-20 (3944 : Town Meeting action)

5/22/2020

Page 2

NS-not support; S-support; IP-Indefinitely Postpone; RTM-Report at Town Meeting

Packet Pg. 81

## ATM 2020 Articles

#	Article Title	Sponsor/ Submitted by	Article Presenter	BOS Position	FinCom Position	Report BOS position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar	
36	Addition of Associate Member to the Historic Districts Commission	HDC		5-0 support	n/a		n/a	n/a	Majority	X	
37	Amend Zoning Bylaw, Article IX: Remove Section 4800. Temporary Moratorium on Marijuana Establishments and insert Section 4800. Solar Energy Systems	Planning Board			n/a		n/a	n/a	Two-thirds		
38	Amend Zoning Bylaw, Article IX: Insert Section 5600. Inclusion of Affordable Housing	Planning Board			n/a		n/a	n/a	Two-thirds		
	<b>CONSERVATION COMMISSION ARTICLES</b>										
39	Exchange of Real Property - Brimstone lane parcels	ConComm					n/a	n/a	Two-thirds		
40	Transfer Care & Custody of Town-Owned Water Row parcel to Conservation Commission (H11-401)	ConComm		5-0 support			n/a	n/a	two-thirds		
41	Transfer Care & Custody of Town-Owned Water Row parcel to Conservation Commission (H11-305)	ConComm		5-0 support			n/a	n/a	two-thirds		
	<b>CPC ARTICLES</b>										
42	Community Preservation Fund - Historic Resource Inventory Survey	CPC		5-0 support			CPA Receipts	\$30,000	Majority		
43	Community Preservation Fund - Removal of Invasive Species from King Philip Woods	CPC		5-0 support			CPA Receipts	\$47,000	Majority		
44	Community Preservation Fund - Design of Wayside Inn Road Bridge over Hop Brook	CPC		5-0 support			CPA Receipts	\$125,000	Majority		
45	Community Preservation Fund - Remediation of Water Chesnuts from Hop Brook Pond System	CPC		5-0 support			CPA Receipts	\$180,000	Majority		
46	Community Preservation Fund - Sudbury Housing Authority Acquisition, Creation, Preservation, and support of Affordable Rental Housing	CPC		5-0 support			CPA Receipts	\$259,000	Majority		

Attachment 11.a: Copy of Articles list ATM 2020 05-26-20 (3944 : Town Meeting action)

5/22/2020

Page 3

NS-not support; S-support; IP-Indefinitely Postpone; RTM-Report at Town Meeting



ATM 2020 Articles

11.a

#	Article Title	Sponsor/ Submitted by	Article Presenter	BOS Position	FinCom Position	Report BOS position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar	
47	Community Preservation Fund - Regional Housing Services Office (RHSO) membership fee	CPC		5-0 support			CPA Receipts	\$30,000	Majority		
48	Community Preservation Fund - Library Historic Room Conversion	CPC		5-0 support			CPA Receipts	\$150,000	Majority		
49	Community Preservation Fund - Reversion of Funds	CPC		5-0 support				\$46,333	Majority		
50	Community Preservation Fund - General Budget and Appropriations	CPC		5-0 support			CPA Receipts	\$2.59M	Majority		
	<b>PETITION ARTICLES</b>										
51	Acquire ¼ mile of CSX Corridor (Station Rd to Rt 20)	Simon						300,000	Two-thirds. If borrowed		
52	Expedite completion of BFRT	Simon					n/a	n/a	Majority		
53	Bicycle safety road signs	Porter		3-2 support			n/a	n/a	Majority		
54	Cost/benefit study on burying overhead utility lines	Pathak					n/a	n/a	Majority		
55	Polystyrene reduction	LS students		4-1 support			BOH supports	n/a	Majority		
56	Checkout bag charge	LS students		4-1 support			BOH supports	n/a	Majority		
57	Disposable plastic pollution reduction bylaw (straws & stirrers)	LS students		4-1 support			BOH supports	n/a	Majority		

Attachment 11.a: Copy of Articles list ATM 2020 05-26-20 (3944 : Town Meeting action)

5/22/2020

Page 4

NS-not support; S-support; IP-Indefinitely Postpone; RTM-Report at Town Meeting

Packet Pg. 83

**ARTICLE 11. STABILIZATION FUND**

To see if the Town will vote to transfer from Free Cash \$40,496, to be added to the Stabilization Fund established under Article 12, of the October 7, 1982 Special Town Meeting, pursuant to General Laws Chapter 40, Section 5B; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

BOARD OF SELECTMEN REPORT: Based on the Board of Selectmen's Budget and Financial Policies, the Town's goal is to maintain in the Stabilization Fund an amount equal to 5% of the total projected general fund operating revenues for the last fiscal year. This Fund protects the Town in case of a severe emergency and is beneficial in supporting the Town's AAA bond ratings, which in turn results in lowering borrowing cost.

**ARTICLE 13. FY21 REVOLVING FUND SPENDING LIMITS** (Consent Calendar)

To see if the Town will vote to establish the FY2021 spending limits for the use of revolving funds under

M.G.L. c.44, s.53E ½, by the following departments of the Town in accordance with each fund set forth in Article XXXIII of the Town of Sudbury General Bylaws:

<u>Fund</u>	<u>Department</u>	<u>Maximum Amount</u>
Public Health Vaccinations & Tobacco Control	Board of Health	30,000
Plumbing & Gas Inspectional Services	Building Inspector	65,000
Portable Sign Administration & Inspectional Services	Building Inspector	10,000
Conservation (Trail Maintenance)	Conservation Commission	15,000
Conservation (Wetlands)	Conservation Commission	50,000
Forestry Activities	Conservation Commission	10,000
Council on Aging Activities	Council on Aging	65,000
Council on Aging Van Transportation (MWRTA)	Council on Aging	150,000
Cemetery Revolving Fund	Public Works	20,000
Fire Department Permits	Fire	50,000
Goodnow Library Meeting Rooms	Goodnow Library	10,500
Goodnow Library Services	Goodnow Library	6,000
Recreation Programs	Park and Recreation Commission	650,000
Teen Center	Park and Recreation Commission	10,000
Youth Programs	Park and Recreation Commission	200,000
Bus	Sudbury Public Schools	450,000
Instrumental Music	Sudbury Public Schools	100,000
Cable Television	Town Manager	30,000
Rental Property	Town Manager	40,000
Dog	Town Clerk	75,000
Zoning Board of Appeals	Zoning Board of Appeals	35,000
Solar Energy	Combined Facilities	450,000

; or act on anything relative thereto.

Submitted by the Town Finance Director.

(Majority vote required)

FINANCE DIRECTOR REPORT: As set forth in Article XXXIII of the Town of Sudbury General Bylaws, this article seeks authorization for Fiscal Year 2021 for revolving funds previously established pursuant to M.G.L. c.44, s.53E1/2. Expenditures from each revolving fund are subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.

The maximum amount stated is the same as the FY20 maximum voted for each revolving fund except for

the following: Board of Health Public Health Vaccinations & Tobacco Control increased from \$25,000 to \$30,000; Park and Recreation Commission Recreation Programs increased from \$542,000 to \$650,000; Park and Recreation Commission Teen Center decreased from \$20,000 to \$10,000; Park and Recreation Commission Youth Programs increased from \$170,000 to \$200,000; the new Goodnow Library Services revolving fund established under Art. 12 is set at \$6,000; and the Surplus Vehicle & Equipment category is not operational and is not listed..

**ARTICLE 14. CAPITAL STABILIZATION FUND**

To see if the Town will vote to transfer from Free Cash 500,000, or any other sum, to be added to the Capital Stabilization Fund established under Article 13 of the 2019 Annual Town Meeting; or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required)

TOWN MANAGER REPORT: This transfer is for the purpose of saving funds for future capital needs.

**ARTICLE 15. FUND LITIGATION COSTS – EVERSOURCE**

To see what sum the Town will vote to raise and appropriate, or transfer from available funds, to be expended under the direction of the Town Manager, for the purpose of legal fees, hiring of experts, and all related costs related to litigation of the Eversource/Hudson reliability project; or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required)

TOWN MANAGER REPORT: This article will allow the Town to transfer funds to be used to fund the costs of continuing litigation with Eversource. Litigation is ongoing at both the Energy Facility Siting Board and in the Supreme Judicial Court. The proposed project will run a 115kV power transmission line from Sudbury to Hudson. These funds will allow the Town to continue the litigation and any necessary appeals to decisions.

**ARTICLE 16. POST-EMPLOYMENT HEALTH INSURANCE TRUST FUNDING**

To see if the town will vote to transfer \$211,867.08 from the Health Claims Trust fund, established by the Town as of January 1, 1994, to be placed in the Post-Employment Health Insurance Liability Fund, the so-called Other Post-Employment Benefits (OPEB) Trust established by the Town of Sudbury pursuant to Chapter 72 of the Acts of 2006; or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required)

TOWN MANAGER REPORT: The Health Insurance Trust was set up in 1994 to pay for health insurance claims when the Town was self-insured. Upon joining the State's Group Insurance Commission (GIC) on July 1, 2012, the Town was no longer self-insured; however, the Town needed to leave the Trust intact for at least two years to pay run out claims. The amount requested for transfer is the remaining balance in the Health Insurance Trust and is no longer needed to pay run out claims.

**ARTICLE 17. CSX CORRIDOR**

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, the fee or lesser interest in all or a part of the land shown as Mile Post QBS 3.38 to QBS 4.63 on a Railroad Map dated 4/21/2015 prepared by CSX

Transportation, Inc., a copy of which is on file with the Town Clerk, consisting of 11.26 acres of land, more or less, for purposes of acquiring, establishing, constructing, operating and maintaining a multi-use rail trail/bicycle path for open space, conservation, and active recreation purposes, general municipal purposes, and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, including leasing for purposes consistent with the use of the property, and to authorize the Board of Selectmen to lease the fee or lesser interest in all or a part of such property; and further to raise and appropriate, transfer from available funds, including the Community Preservation Fund, or borrow a sum of money for the acquisition of such property or interest therein and all incidental and related costs, including but not limited to, costs of title investigations, environmental investigations and other due diligence, closing, and attorneys' fees; and, for such purposes, to authorize the Treasurer with the approval of the Board of Selectmen to borrow a sum of money pursuant to G.L. c.44, §7 and G.L. c.44B, §11 or any other enabling authority, and issue bonds and notes of the Town therefor; and, in the event that Community Preservation funds are used for purposes of acquisition, to authorize the Board of Selectmen to grant a conservation restriction on all or a portion of said property meeting the requirements of G.L. c.184, §§31-33 as may be required in accordance with G.L. c.44B, §12; and further to authorize the Board of Selectmen to execute all instruments, including deeds, easements, leases, and/or other agreements, upon such terms and conditions as the Selectmen deem appropriate, and to take all other action as may be necessary to effectuate the vote to be taken hereunder, or take any other action relative thereto.

Submitted by the Board of Selectmen.

(Two-thirds vote required, if borrowed)

**BOARD OF SELECTMEN REPORT:** Article 17 requests an appropriation to fund the acquisition in fee simple of the 1.4 +/- mile CSX rail corridor that runs roughly from Union Avenue at the Chiswick Park entrance south to the Framingham city line, a total land area of approximately 11.26 acres. The parcel is generally 66-feet wide and is adjacent to significant wetlands, conservation lands, and water supply wells. In addition to water resource and conservation land protection, acquisition of the corridor is a priority for continuing the Bruce Freeman Rail Trail south to Route 20 in Sudbury and then to Framingham. Unlike the other rail corridors in Town, where ownership will be retained by government transportation agencies and leases for use have or may be issued, this corridor is available for outright purchase.

The Town began negotiating with CSX twenty years ago, has come close to acquiring the corridor a number of times since then, and now has permission from the Federal oversight entity, the Surface Transportation Board, to negotiate with CSX until December 2020. With new Federal policy in place, the Surface Transportation Board may not grant additional extensions beyond December and the opportunity to acquire the corridor could be lost.

The CSX Rail Corridor Acquisition project has been awarded \$100,000 in a state and federal Recreational Trails Grant funds, which expire if not spent by December, 2020. Additional grant opportunities are being pursued, but are not certain. These grants are reimbursable, so the request is for the full purchase amount, which will be reimbursed to the extent grant funds are received by the Town.

#### **ARTICLE 18. FAIRBANK COMMUNITY CENTER DESIGN AND CONSTRUCTION FUNDS**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of

\$28,832,000 or any other sum of money to be expended under the direction of the Town Manager, for the design, permitting and construction or renovation of a Community Center and all other appurtenances thereto, including a pool, on the Town-owned land located at 40 Fairbank Road, known as the current site of the Fairbank Community Center and Atkinson Pool, and for all incidental and related expenses, including but not limited to professional, design, engineering and project management services, preparation of plans, specifications and bidding documents, borrowing costs, purchase of equipment, technology, and furniture, as well as site preparation, demolition, landscaping, and relocation services and costs; to determine whether the vote taken hereunder shall be contingent upon the approval by the voters at an election of a Proposition 2 ½ Debt Exclusion in accordance with G.L. c.59, s.21C; and to authorize the Board of Selectmen and Town Manager to execute such other documents and contracts as are needed to effectuate the vote taken hereunder; or act on anything related thereto.

Submitted by the Board of Selectmen  
borrowed)

(Two-thirds vote required, if

**BOARD OF SELECTMEN REPORT:** The current Fairbank Community Center is a 40,904 square foot multi-use Town facility. It is the home of the Parks and Recreation Department offices, programming and summer camp space and Atkinson Pool, the Sudbury Public Schools administrative offices and the Sudbury Senior Center offices, programming and kitchen space. The building also houses the School Department IT Department and a portion of the Town IT infrastructure. The facility is also the only Town Emergency Shelter.

The building consists of a 1958 portion that was an elementary school, a 1987 pool addition and 1989 Senior Center addition. The building has a number of physical deficiencies including a leaking roof, antiquated locker rooms and rest rooms, original windows and a failing climate control system. The existing building suffers from a lack of usable programming space and does not meet the needs of the users.

In 2019 the Town Manager formed the Fairbank Working Group comprised of departmental user groups representatives and asked them to work together to come up with a reasonable recommendation for one community center that would meet the needs for all three user groups and to continue to serve as our Emergency Shelter. ICON Architecture was engaged to work with the Group and to formulate a Feasibility Study for a new facility. The proposed new building would be constructed on the south side of existing building adjacent to the existing pool. The pool would remain with repairs. The existing building, except the pool, would be demolished. The proposed new facility would be 42,575 square feet and \$28,832,000 to design, construct and furnish for occupancy.

**ARTICLE 20.**                    **CONSTRUCTION OF HOUSING/LIVING ADDITION - FIRE STATION #2, BOSTON POST ROAD**

To see if the Town will raise and appropriate, appropriate from available funds, or borrow \$4,103,000, or any other sum, to be expended under the direction of the Town Manager, for the purpose of constructing a new housing / living / officer area adjacent to and to be connected to the existing Fire Station #2 Building, located at 550 Boston Post Road, with the Permanent Building Committee tasked for professional, engineering, architectural, and project management services, preparation of plans, specifications, bid documents, supervision of work and including the purchase of additional equipment, technology, furniture, landscaping, and all expenses connected therewith; and to determine whether the vote taken hereunder shall be



contingent upon the approval by the voters at an election of a Proposition 2 ½ Debt Exclusion in accordance with G.L. c.59, s.21C; and to authorize the Board of Selectmen to accept and/or grant such easements as may be necessary or appropriate to accomplish the foregoing; or act on anything relative thereto.

Submitted by the Fire Chief.  
borrowed)

(Two-thirds vote required, if

**FIRE CHIEF REPORT:** The Fire Department is seeking to add a housing, living, office and public space addition to be attached to the current Fire Station #2. The goal of this program is to provide living areas to support four fire personnel, this will allow for the staffing of a Fire Engine Company and an Advanced Life Support Ambulance (ALS) to provide for faster response to emergencies in the southern part of Sudbury.

In the past five years the development of the property's located on the Rt. 20 corridor have been brisk, the construction of Coolidge I and II have provided more than 100 additional age restricted housing units in the most southern section of Rt. 20. The redevelopment by National Development has added 250 non-aged restricted housing, a memory care health facility containing 48 units, an additional 57 units of age-restricted housing units in the Pulte housing units and additional retail commercial space. This one development added 154 emergency responses in 2019.

In the 2019 calendar year the southern section has contributed to 33% more emergency responses than both the North and West sections of the town combined. Providing additional housing at Fire Station 2 will reduce the response time to provide advanced patient care and enhance fire operations.

#### **ARTICLE 24. FRONT-END LOADER WITH PLOW**

To see if the Town will vote to transfer the sum of \$115,000 from Free Cash and the sum of \$115,000 from the Transfer Station Retained Earnings account for the purchase or acquisition of a new front-end loader with plow for the Department of Public Works; or act on anything relative thereto.

Submitted by the Department of Public Works Director

(Majority vote required)

**DPW DIRECTOR REPORT:** The Department currently uses four (4) front-end loaders, however the oldest one is 15-years old and is beyond its useful life expectancy as a front-line machine. This article requests funds to purchase a new machine, which will be safe, reliable, efficient, and capable of meeting the needs of the department. This equipment will make the plowing operations more efficient, and ultimately provide the staff with the proper equipment to clear the roads and parking lots during the snow and ice season.

#### **ARTICLE 25: ROADWAY DRAINAGE IMPROVEMENTS**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$120,000, or any other sum, for the design, permitting and bidding for improvements to the drain

system throughout Town including replacement of old corrugated metal pipe that has deteriorated over time.

Submitted by the Department of Public Works Director

(Majority vote required)

DPW DIRECTOR REPORT: Approval of this article will provide funds to prepare the required design and engineering documents and relative permitting for the rehabilitation and reconstruction of the drain system throughout Town. Over time old corrugated metal drainage pipe deteriorates underground and loses its structural integrity. This occurs specifically because it is in contact with salt (in the runoff water) which is applied during winter treatment operations. This request is to design and bid drainage improvements including replacement of the deteriorated pipe network and appurtenances. Funds for the construction phase of this project and subsequent resurfacing of the roadway will be requested at a future Town Meeting, presumably FY2022.

#### **ARTICLE 26. OLD SUDBURY ROAD CULVERT DESIGN**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$100,000, or any other sum, for the design, permitting and bidding of two culverts on Old Sudbury Road and to authorize the Board of Selectmen to accept and/or grant such easements as may be necessary or appropriate to accomplish the foregoing; or act on anything relative thereto.

Submitted by the Department of Public Works Director.

(Majority vote required)

DPW DIRECTOR REPORT: Approval of this article will provide funds to prepare all the required design and engineering documents and relative permitting of two culverts on Old Sudbury Road. These structures are located along a critical roadway for motorists traveling through Sudbury. These two culverts, located along Old Sudbury Road, need to be replaced to ensure the safe passage of motor vehicles.

#### **ARTICLE 27. MULTI-PURPOSE SIDEWALK TRACTOR**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$195,000, or any other sum, for the purchase or acquisition of a new multi-purpose sidewalk tractor with attachments for the Department of Public works; or act on anything relative thereto.

Submitted by the Department of Public Works Director

(Majority vote required)

DPW DIRECTOR REPORT: This equipment is used to clear the snow and debris from various walkways throughout Town and supplements the roadside mowing with the boom flail mower. The multi-purpose tractor is exposed to many different environments including damaging branches, stone walls, hidden iron castings and corrosive materials (salt) which cause disintegration of the equipment. As the equipment ages, it requires additional mechanical and body work to keep it operational. These multi-purpose machines are expected to last approximately 7-10 years.

**ARTICLE 28. DUMP TRUCK WITH PLOW**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$110,000, or any other sum, for the purchase or acquisition of a new dump truck with plow for the Department of Public Works; act on anything relative thereto.

Submitted by the Department of Public Works Director.

(Majority vote required)

DPW DIRECTOR REPORT: A new dump truck will provide multiple uses throughout all the divisions within the DPW as well as improve efficiencies. It is the goal of the Public Works to focus on standardizing vehicles and specifying vehicles to better suit our multi-disciplinary needs. Dump trucks are one of the most used equipment in the fleet. The Public Works employees use these vehicles to perform their everyday tasks including moving materials and equipment that is carried and towed by these vehicles. These trucks are also paired with larger equipment to perform snow removal.

**ARTICLE 29. ONE-TON DUMP TRUCK WITH PLOW, SPREADER & WING**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$140,000, or any other sum, for the purchase or acquisition of a new one-ton dump truck with plow, spreader and wing for the Department of Public Works; act on anything relative thereto.

Submitted by the Department of Public Works Director

(Majority vote required)

DPW DIRECTOR REPORT: The DPW will be employing the use of larger GVW one-ton dump trucks that can be used for the smaller construction projects around town throughout all divisions. This size vehicle will enable the installation of a municipal-grade plow, a side-mounted wing and a small spreader for winter operations. This new dump truck will provide multiple uses throughout all the divisions within the DPW as well as improve efficiencies in snow removal operations. It is the goal of the Public Works to focus on standardizing vehicles and specifying vehicles to better suit our multi-disciplinary needs. Dump trucks are one of the most used equipment in the fleet. The Public Works employees use these vehicles to perform their everyday tasks including moving materials and equipment that is carried and towed by these vehicles. These trucks are also paired with larger equipment to perform snow removal.

**ARTICLE 30. 6-WHEEL COMBO BODY DUMP TRUCK W/ PLOW & SPREADER**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$260,000, or any other sum, for the purchase or acquisition of a new 6-wheel combo body dump truck with plow and spreader for the Department of Public Works; or act on anything elative thereto.

Submitted by Department of Public Works Director  
required)

(Majority vote required)

DPW DIRECTOR REPORT: The existing truck is at its useful life-expectancy of about 15 years. Due to the caustic nature of the salt and chemical additives used in snow removal operations, the bodies of these vehicles disintegrate much sooner than the total number of hours or miles would typically indicate, in spite of being washed after every treatment event. Being a dedicated spreader, this vehicle is not currently used during the construction season. It is the goal of the Public Works to focus on standardizing vehicles and specifying vehicles to better suit our multi-disciplinary needs. This proposal

is to replace the existing dedicated spreader with a combination body (dump truck and spreader) to be used throughout all seasons. Dump trucks are one of the most used equipment in the fleet. The Public Works employees use these vehicles to perform their everyday tasks including moving materials and equipment that is carried and towed by these vehicles.

**ARTICLE 31. SUDBURY PUBLIC SCHOOLS SURVEILLANCE CAMERAS**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$261,023, or any other sum, for the purchase or acquisition and installation of surveillance cameras and associated equipment in the Curtis Middle School, Haynes Elementary School, Loring Elementary School, Nixon Elementary School and Noyes Elementary School, and all incidental and related costs; or act on anything relative thereto.

Submitted by the Sudbury Public Schools School Committee.

(Majority vote required)

**SCHOOL COMMITTEE REPORT:** This article seeks funding for the purpose of the purchase and installation of surveillance cameras, switches, required licensing, and any necessary supporting hardware in the Curtis Middle School, Haynes Elementary School, Loring Elementary School, Nixon Elementary School and Noyes Elementary School. Interior cameras will improve the safety of the buildings for students and staff while reducing the probability of vandalism and assist in investigations, thus limiting the risk of damage and loss.

**ART 32. SUDBURY PUBLIC SCHOOLS PLAYGROUND IMPROVEMENT**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds and/or accept grants, gifts, and donations, the sum of \$333,000, to be expended under the direction of the School Department for the purpose of construction, reconstruction, or making extraordinary repairs to the Sudbury Public Schools Playgrounds; and all expenses incidental and related thereto including professional and engineering, the preparation of plans, specifications and bidding documents, and supervision of work; or act on anything relative thereto.

Submitted by the Sudbury Public Schools School Committee.

(Majority vote required)

**SCHOOL COMMITTEE REPORT:** This article seeking funding is presented for the purpose of addressing the playground condition at the Loring Elementary School as part of the process to improve all Sudbury Schools' playgrounds originally initiated by Town Facilities Department with consultation from the Sudbury Public Schools Administration. A citizen's group, PlaySudbury, was formed to assist with design and community involvement working toward modernizing the school playgrounds.

This article seeking the funding and appropriation for playground improvements at the Loring Elementary School is part of a multi-year project goal, which, upon completion, will bring the four (4) elementary school playgrounds into compliance with the American Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB) accessibility requirements. These projects include playground improvements already completed at the Haynes and Noyes Elementary Schools, currently in progress at the Nixon Elementary School and this article will fund improvements at the Loring Elementary School Playground. Fundraising, grants, and in-kind donations have been secured are

currently being pursued by the Town of Sudbury, Sudbury Public Schools, and PlaySudbury in hopes of mitigating the costs of the total playgrounds project.

This article seeks to raise \$71,000 in Town Funding, transfer the remaining 10/16/17 STM Article 12 Haynes Playground project balance, transfer the remaining 5/7/18 ATM Article 25 Noyes Playground project balance, and transfer \$10,000 from the 5/6/19 ATM Article 29 Nixon Playground project funds. Secured grants and fundraising donations will fund the balance of this project.

These playground improvements intend to apply concepts of universal design in order to create not just playgrounds, but multigenerational recreational spaces so that the entire community can utilize and enjoy our school grounds.

As PlaySudbury states, every student deserves equal access to their school playground. Despite being maintained, the Sudbury School playgrounds are outdated. The surfaces are not up to Massachusetts Architectural Access Board (MAAB) standards, and much of the equipment is not ADA compliant and nearing end of equipment's useful life. Due to lack of accessibility, some students are being denied an equal opportunity to participate alongside their peers in outdoor play activities. The multi-year Playground Project seeks to provide a safe, accessible play environment for our children to grow and thrive.

**NOTE:** On 1/17/20, Don Sawyer reported that the remaining funds are Haynes playground, \$47,358 and Noyes playground, \$85,130.

**ARTICLE 37. AMEND ZONING BYLAW, ARTICLE IX: REMOVE SECTION 4800. TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS AND INSERT NEW SECTION 4800. SOLAR ENERGY SYSTEMS**

To see if the Town will vote to amend the Zoning Bylaw, Article IX, by removing Section 4800. Temporary Moratorium on Marijuana Establishments in its entirety and inserting in its place a new Section 4800. Solar Energy Systems with the language as follows:

**4800. SOLAR ENERGY SYSTEMS**

**4810. Purpose.** This section is intended to define the parameters for the installation of new Solar Energy Systems by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such systems that address public safety and minimize undesirable impacts on residential property and neighborhoods, as well as scenic, natural, and historic resources.

**4820. Applicability.** No Solar Energy System shall be erected or installed except in compliance with the provisions of this section and other applicable sections of the Zoning Bylaw, as well as state and federal law. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.

**4830. Roof Mounted Installations.** Solar Energy Systems installed on roofs of buildings or

structures shall conform to the following provisions.

- a. Roof Mounted Solar Energy Systems of any size on single- and two-family dwellings are permitted as of right and are not subject to Site Plan Review under Section 6300.
- b. Roof Mounted Solar Energy Systems of any size on multi-family dwellings and all non-residential buildings are permitted as of right, but shall require Site Plan Review under Section 6300 prior to being erected.
- c. Roof Mounted Solar Energy Systems which require Site Plan Review may, at the discretion of the Planning Board, obtain Minor Site Plan approval under Section 6370.
- d. Roof Mounted Solar Energy Systems shall only be constructed within the footprint of the building upon which they are installed.

**4840. Ground Mounted Installations.** Ground Mounted Solar Energy Systems shall conform to the following provisions.

- a. Ground Mounted Solar Energy Systems shall require Site Plan Review under Section 6300 prior to being erected. Systems which also require a special permit from the Board of Appeals shall require Site Plan Review prior to submitting an application for a special permit.
- b. Ground Mounted Solar Energy Systems may, at the discretion of the Planning Board, obtain Minor Site Plan approval under Section 6370. Systems proposed to be located over parking or other vehicular areas, in lieu of naturally vegetated land, are strongly encouraged to seek this form of Site Plan Review.
- c. All setback, yard, buffer, and screening requirements applicable in the zoning district in which the Ground Mounted Solar Energy System, and all related structures, buildings, and equipment, are located shall apply, except for power feed and distribution lines.
- d. Ground Mounted Solar Energy Systems proposed to be located in the area between a property's lot frontage and an existing or proposed building shall require a special permit from the Board of Appeals.
- e. All security fences surrounding a Ground Mounted Solar Energy System shall be set back from property lines a distance equal to the setback requirement applicable to buildings within the zoning district in which the system is located.
- f. The visual impact of a Ground Mounted Solar Energy System, including all accessory structures, buildings, equipment, and appurtenances, shall be mitigated. All accessory structures, buildings, equipment, and appurtenances shall be architecturally compatible with each other. Whenever reasonable, structures shall be shielded from view by vegetation and/or joined and clustered to avoid adverse visual impacts. Methods such as the use of landscaping, natural features, and fencing shall be utilized.



- g. Wherever possible, all utility connections, conduits, cables, power lines, transformers, a and inverters shall be placed underground unless specifically permitted otherwise by the Planning Board or required by the State Building Code. Electrical transformers and inverters to enable utility interconnections may be above ground if required by the utility provider.
- h. The clearing of existing vegetation on the subject property shall be limited to what is necessary as deemed by the Planning Board for the construction, operation, and maintenance of a Ground Mounted Solar Energy System or otherwise prescribed by applicable laws, regulations, and bylaws.
- i. The entire square footage for the arrays of a Ground Mounted Solar Energy System shall count toward the area of disturbance and impervious area square footage calculations.
- j. Ground Mounted Solar Energy System owners or operators shall provide a copy of the project summary, electrical schematic, and Site Plan to the local Fire Chief. The owner or operator shall provide an emergency response plan. The emergency response plan is subject to the approval of the Fire Department and Police Department, and shall include at a minimum, explicit instructions on all means of shutting down the Solar Energy System, which shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- k. Applicants for Large Scale Ground Mounted Solar Energy Systems shall provide a form of surety (Decommissioning Security), either through escrow account, bond, letter of credit, or other mechanism acceptable to the Planning Board, to cover the cost of removal of all Solar Energy System facilities in the event the Town must remove the facilities and restore the property, to the extent feasible, to its original condition. The Decommissioning Security shall be in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 150 percent of the estimated cost of removal and compliance with the additional requirements set forth herein. Applicants shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, which estimate may be peer reviewed by a consultant selected by the Planning Board at the applicant's expense. The amount shall include a mechanism for calculating increased removal costs due to inflation over a period of 30 years. The Decommissioning Security shall be provided at completion of construction of the Solar Energy System (Bonding Date) and will be required before any electricity, generated by the Solar Energy System, is exported to the local electrical grid for sale to third parties. From and after the Bonding Date, the amount of Decommissioning Security may be reviewed at the Planning Board's direction every five (5) years. In the event such review indicates the net decommissioning costs have increased since the Bonding Date, then the amount of the Decommissioning Security will be increased consistent with such revised estimate. The revised estimate will be obtained from a reputable, independent contractor selected by the owner of the Solar



Energy System and may be peer reviewed by a consultant chosen by the Planning Board at the owner's expense.

#### **4850. Use Regulations for All Solar Energy Systems**

- a. Lighting shall not be permitted unless required by the Special Permit/Site Plan Granting Authority or State Building Code. Where used, lighting shall be directed downward and full cut-off fixtures (Dark Sky compliant) shall be used.
- b. The Solar Energy System shall not create a nuisance, which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness, or other nuisance as determined by the Special Permit/Site Plan Granting Authority.
- c. The Solar Energy System owner or operator shall maintain the system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, continued compliance with landscaping and screening requirements, and integrity of security measures. The owner or operator shall be responsible for the maintenance of any access roads serving the system to a level acceptable to the local Fire Chief, Police Chief, Emergency Medical Services, and Building Inspector. Any required site plan approval and/or special permit may require surety to secure such ongoing maintenance.

**4860. Discontinuance.** A Solar Energy System shall be deemed to have been discontinued if it has not been in service for a continuous 12-month period without the written consent of the Planning Board. Upon receipt of a Notice of Discontinuance from the Building Inspector, the owner shall have the right to respond to the Notice within 30 days of receipt. The Building Inspector shall withdraw the Notice of Discontinuance and notify the owner the Notice has been withdrawn if the owner provides information that demonstrates to the satisfaction of the Building Inspector the Solar Energy System has not been discontinued. If the Solar Energy System is determined to be discontinued, the owner shall remove the system, including all structures, buildings, equipment, appurtenances, security barriers, and transmission lines, and stabilize or re-vegetate the site as necessary to minimize erosion and sedimentation, at the owner's sole expense, within six months of receipt of the Notice of Discontinuance. Should the owner of the Solar Energy System fail to remove the system and stabilize the site within said time period, the Town shall then have the option to enforce against the Decommissioning Security, and/or may subject the owner to action pursuant to Section 1340. Penalties.

#### **4870. Administration.**

- a. Where a special permit is required from the Board of Appeals to erect or install a Ground Mounted Solar Energy System, the record owner desiring to erect or install the Solar Energy System shall file with the Board of Appeals an application for a special permit, together with such plans, drawings, specifications, fees, and additional information as required by the Board of Appeals.

- b. The Board of Appeals shall have the authority to waive specific provisions of this section upon a determination the waiver is not inconsistent with the purpose and intent of this section.
- c. The Board of Appeals shall conduct its review, hold a public hearing, and file its decision with the Town Clerk as required by MGL Chapter 40A, Section 9.
- d. Approval Criteria. Before the Board of Appeals may issue a special permit, it shall determine each of the following:

(1) The Ground Mounted Solar Energy System conforms to the provisions of this section.

(2) The Ground Mounted Solar Energy System will not be detrimental to the neighborhood or the Town.

(3) Environmental features of the site and surrounding areas are protected, and the surrounding area will be protected from the proposed use by provision of adequate surface water drainage.

(4) The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.

(5) The Ground Mounted Solar Energy System meets the special permit criteria of Section 6220.

- e. Any special permit shall be subject to such conditions and safeguards as the Board of Appeals may prescribe.
- f. In reviewing any application for a special permit, the Board of Appeals shall give due consideration to promoting the public health, safety, convenience, and welfare; shall encourage the most appropriate use of land; and shall permit no building or use that is detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or other visual nuisances.

**4880. Severability.** If any provision of this Bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby.

; and further by amending Section 7000. Definitions by adding and inserting alphabetically the following definitions associated with the new Section. 4800. Solar Energy Systems as follows:

## **ARTICLE 7000. DEFINITIONS**

**Solar Energy System:** A system whose primary purpose is to harvest energy by transforming solar energy into another form of energy, such as electricity, or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

**Solar Energy System, Ground Mounted:** An active Solar Energy System that is structurally mounted to the ground and is not roof mounted.

**Solar Energy System, Large Scale Ground Mounted:** An active Solar Energy System that occupies more than 1,750 square feet of surface area (equivalent to a rated nameplate capacity of about 10 kW DC or greater), except in the Single Residence "A", Single Residence "C", and Wayside Inn Historic Preservation Residential Zone Districts, where such systems occupy more than 500 square feet of surface area.

**Solar Energy System, Roof Mounted:** An active Solar Energy System that is structurally mounted to the roof of a building or structure.

**Solar Energy System, Small Scale Ground Mounted:** An active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less), except in the Single Residence "A", Single Residence "C", and Wayside Inn Historic Preservation Residential Zone Districts, where such systems occupy 500 square feet of surface area or less.

; and further to make the following changes to Section 2230. Table of Principal Use Regulations. Appendix A:

**SECTION 2230, APPENDIX A**  
**TABLE OF PRINCIPAL USE REGULATIONS**

PRINCIPAL USE	A-RE S	C-RE S	W I	B D	LB D	V B D	I D	LI D	IP	R D
D. INDUSTRIAL										
6. Small Scale Ground Mounted Solar Energy System	Y <sup>vi</sup> <sub>i</sub>	Y <sup>vii</sup>	Y <sub>vii</sub>	Y <sup>vi</sup> <sub>i</sub>	Y <sup>vi</sup> <sub>i</sub>	Y <sup>vi</sup> <sub>i</sub>	Y <sub>vii</sub>	Y <sub>vii</sub>	Y <sub>vii</sub>	Y <sub>vii</sub>
7. Large Scale Ground Mounted Solar Energy System	N	N	N	ZB <sub>A<sup>vi</sup><sub>i</sub></sub>	ZB <sub>A<sup>vi</sup><sub>i</sub></sub>	ZB <sub>A<sup>vi</sup><sub>i</sub></sub>	Y <sub>vii</sub>	Y <sub>vii</sub>	Y <sub>vii</sub>	Y <sub>vii</sub>

vii. See Section 4800.

; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or act on anything relative thereto.

Submitted by the Planning Board.

(Two-thirds vote required)

PLANNING BOARD REPORT: This new proposed section would strike, in its entirety, the current Section 4800 in the Zoning Bylaw which speaks to the temporary moratorium on marijuana establishments. The existing text of Section 4800 in the Zoning Bylaw is no longer needed because a town-wide prohibition on all forms of marijuana establishments (aside from medical marijuana treatment centers) has already been implemented. The proposed new Section 4800 would regulate Solar Energy Systems as these types of installations currently have no formal regulation in the Zoning Bylaw.

**ARTICLE 38. AMEND ZONING BYLAW, ARTICLE IX. INSERT SECTION 5600.**  
**INCLUSION OF AFFORDABLE HOUSING**

To see if the Town will vote to amend the Zoning Bylaw, Article IX, by inserting a new Section 5600. Inclusion of Affordable Housing, as set forth below:

**5600. INCLUSION OF AFFORDABLE HOUSING**

**5610. Purpose.** The purpose of this Bylaw is to increase the amount of affordable housing in the Town of Sudbury available to and affordable by low- or moderate-income households who might otherwise have difficulty purchasing or renting homes in Sudbury, to ensure affordable housing remains affordable in perpetuity, and that such housing is offered in accordance with the requirements of Massachusetts General Law Chapter 40B and its implementing regulations, the Sudbury Comprehensive Permit Policy, the Sudbury Master Plan, and other ongoing programs within the Town of Sudbury. It is intended that Affordable Dwelling Units authorized under the provisions of this Bylaw be considered as Local Initiative Program (LIP) Dwelling Units in compliance with the requirements for the same as specified by the Commonwealth's Department of Housing and Community Development (DHCD) or successors, and that said units count toward the Town's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended.

**5620. Applicability**

5621. Beginning with the effective date of this Bylaw, any development or any division of land subject to Massachusetts General Law Chapter 41, Sections 81-K through 81-GG, which will result in the creation of three (3) or more dwelling units shall require a Special Permit from the Planning Board, and shall include as conditions of said permit that:

- A. At least ten percent (10%) of the dwelling units in the development, as defined by the development's application (Subdivision, Site Plan, Special Permit, etc.), shall meet the criteria of Affordable Dwelling Units. For developments consisting of at least three (3) and up to four (4) dwelling units, the applicant shall make a payment in accordance with Section 5670 or shall provide an Affordable Dwelling Unit in accordance with Section 5630. For developments consisting of at least five (5) and up to ten (10) dwelling units, a minimum of one (1) Affordable Dwelling Unit shall be included in the development. For developments consisting of eleven (11) to fifteen (15) dwelling units, a minimum of two (2) Affordable Dwelling Units shall be included in the development. For all other developments where ten percent (10%) of the dwelling units

results in a fractional number, all fractional units of 0.5 or greater shall be rounded up to the nearest whole number to determine the total number of Affordable Dwelling Units required to be included the development.

- B. The ratio of Affordable Dwelling Units to Market Rate Dwelling Units, built in any twelve-month period, shall be at least equivalent to the ratio of Affordable Dwelling Units to Market Rate Dwelling Units defined for the entire development. The development's Regulatory Agreement shall be recorded with the Registry of Deeds prior to the first Certificate of Occupancy.
- C. Resale deed restrictions shall be established, which ensure Affordable Dwelling Units remain Affordable Dwelling Units in perpetuity or for as long a period as is allowed by law.

5622. Dwelling units shall be considered part of a single development if located either on a single parcel or contiguous parcels of land which have been in the same ownership at any time subsequent to the date of adoption of Section 5600. It is the intent of this bylaw to avoid segmentation of developments intended to circumvent the affordable housing requirements set forth in this Section.

5623. Developments which are permitted under the following regulations shall be exempt from this Section 5600, in its entirety: Massachusetts General Law Chapters 40B or 40R, and from this Zoning Bylaw Section 4700A North Road Residential Overlay District, Section 4700B Melrose Smart Growth Overlay District, Section 5100 Cluster Development, Section 5200 Flexible Development, Section 5300 Senior Residential Community, and Section 5400 Incentive Senior Development.

**5630. Provision of Affordable Dwelling Units.** The requirement to provide Affordable Dwelling Units, as outlined under Section 5621, shall be achieved in any one or combination of methods described below, subject to approval by the Planning Board:

- A. Affordable Dwelling Units may be constructed on the subject property associated with the Special Permit.
- B. Subject to the requirements of Section 5621.B., Affordable Dwelling Units may be constructed off of the subject property associated with the Special Permit in another location at 1.5 times the ratio of Affordable Dwelling Units to be constructed on the subject property. The applicant for a development subject to this Bylaw shall prove to the Planning Board the off-site land is buildable and suitable for residential housing, including under the existing Zoning Bylaw. The Planning Board may require the applicant to submit appraisals or conduct a Phase I Environmental Site Assessment documenting there are no hazardous materials on the property as defined by Massachusetts Department of Environmental Protection and/or the United States Environmental Protection Agency, as well as conduct soil testing to ensure wastewater treatment systems can be implemented. If using this provision, the Planning Board and the applicant for a development shall make best efforts to avoid the dense concentration of Affordable Dwelling Units in town and shall attempt to ensure Affordable Dwelling Units are spread evenly throughout the community.
- C. Subject to the requirements of Section 5621.B., the applicant for a development subject to this Bylaw may choose to convert and preserve existing dwelling units, not previously established as Affordable Dwelling Units. Affordable Dwelling Units proposed under this method shall be comparable to the Market Rate Dwelling Units in the development, be in good repair, have a home inspection report from a licensed inspector submitted to the Planning Board, and it shall be proven all major home systems have a useful life of at least ten (10) years.
- D. For Affordable Dwelling Unit calculations where fractional Affordable Dwelling Units result below 0.5, the applicant for a development subject to this Bylaw shall pay equivalent fees-in-lieu

of constructing Affordable Dwelling Units (see Section 5670) or provide an additional Affordable Dwelling Unit.

- E. Other alternatives to providing Affordable Dwelling Units which are not listed in this section will also be considered for approval by the Planning Board.

#### **5640. Provisions Applicable to Affordable Dwelling Units**

5641. Permissible types of construction for Affordable Dwelling Units, built as a freestanding unit(s) or in combination with a Market Rate Dwelling Unit(s) within a development, are as follows:

- A. Single-family dwellings;
- B. Two-family dwellings which are designed to be consistent in character with the single-family dwellings in the same development;
- C. Multi-family dwellings which are designed to be consistent in character with the single-family dwellings in the same development. Such multi-family dwellings may be allowed provided:
  - i. No more than one (1) doorway faces the front yard area and further provided that, in terms of exterior appearance, the building is compatible in design and, to the extent practicable, indistinguishable from the single-family dwellings in the same development; and
  - ii. There shall be no more than four (4) dwelling units in any residential building; and
  - iii. The total number of multi-family dwellings shall not exceed 10% of the lots in the development.

5642. Siting of Affordable Dwelling Units. All Affordable Dwelling Units constructed under this Bylaw, except for those as in Section 5630.B., shall be situated within the development so as not to be in less desirable locations than Market Rate Dwelling Units and shall be no less accessible to public amenities, such as open space, than Market Rate Dwelling Units. The Site Plan shall clearly identify lots proposed for Affordable Dwelling Units.

5643. Minimum Design and Construction Standards for Affordable Dwelling Units. Affordable Dwelling Units shall be integrated with Market Rate Dwelling Units and shall be compatible in design, construction quality, and appearance with the Market Rate Dwelling Units.

**5650. Maximum Incomes, Rents, and Selling Prices.** To ensure a development's Affordable Dwelling Units are counted on the Town's Subsidized Housing Inventory, the applicant for a development shall retain a qualified agency or entity to conduct a lottery, and enter into a LIP Regulatory Agreement compliant with the requirements of the Commonwealth's DHCD.

**5660. Maintaining Affordability.** The purchaser of an Affordable Dwelling Unit developed as a result of this Bylaw shall agree to execute a deed rider in a form approved by the Commonwealth's DHCD or its successor. The applicant for a development subject to this Bylaw shall be responsible for coordinating with the Planning and Community Development Department and ensuring all requirements of DHCD to include the Affordable Dwelling Units on the Town's Subsidized Housing Inventory are satisfied.

**5670. Calculation of Fees-in-Lieu for Fractional Affordable Dwelling Units.** The applicant for a development subject to this Bylaw shall pay fees-in-lieu of the construction of fractional Affordable Dwelling Units below 0.5 or provide the Affordable Dwelling Unit in accordance with Section 5630. For the purposes of this Bylaw, the fees-in-lieu of the construction or provision of Affordable Dwelling Units shall be 300% of the Area Median Income (AMI) for a household of four (4) as reported by the most recent information from the United States Department of Housing and Urban Development



(HUD), multiplied by the fractional Affordable Dwelling Unit figure. For purposes of illustration, a 22-unit development shall provide two (2) Affordable Dwelling Units and shall also pay fees-in-lieu equal to 300% of the AMI x 0.2 or, alternatively, provide a total of three (3) Affordable Dwelling Units within the 22-unit development. Fees-in-lieu shall be paid to the Sudbury Housing Trust prior to the issuance of a Certificate of Occupancy for any unit in the development for the support, development, and preservation of affordable housing.

**5680. Severability.** If any provision of this Bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby;

; and further by amending Section 7000. Definitions by adding and inserting alphabetically the following definitions associated with the new Section 5600. Inclusion of Affordable Housing as follows:

## **ARTICLE 7000. DEFINITIONS**

**Area Median Income (AMI):** The most recently published median income for the Boston-Cambridge-Quincy Metropolitan Statistical Area as determined by the United States Department of Housing and Urban Development (HUD) for a four (4)-person household.

**Dwelling Unit, Affordable:** A dwelling unit, the value of which is determined by the Commonwealth's Department of Housing and Community Development (DHCD) to be affordable by a low-income or moderate-income household, and thus to be included in the DHCD's Subsidized Housing Inventory of low-income or moderate-income dwelling units for the purposes of compliance with the provisions of Massachusetts General Law Chapter 40B, Sections 20-23.

**Dwelling Unit, Market Rate:** A dwelling unit which has no rental or ownership restrictions. The entity who owns the dwelling unit is free to attempt to rent or sell the unit at whatever price the local market may fetch.

**Local Initiative Program (LIP):** A state housing initiative administered by the Commonwealth's Department of Housing and Community Development (DHCD) to encourage communities to produce affordable housing for low- and moderate-income households. The program provides technical and other non-financial assistance to cities or towns seeking to increase the supply of housing for households at or below 80% of the Area Median Income (AMI). LIP-approved units are entered into the Subsidized Housing Inventory pursuant to Massachusetts General Law Chapter 40B, Sections 20-23.

**Qualified Affordable Dwelling Unit Purchaser:** A household with an income that qualifies for the requirements under the Commonwealth's Local Initiative Program for median area income as reported from the United States Department of Housing and Urban Development (HUD) and/or the Commonwealth's Department of Housing and Community Development (DHCD);

; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or act on anything relative thereto.

Submitted by the Planning Board.

(Two-thirds vote required)



**ARTICLE 39. EXCHANGE OF REAL PROPERTY – BRIMSTONE LANE PARCELS**

To see if the Town will vote to transfer the care, custody, management and control of the land off Brimstone Lane consisting of approximately 1,033 square feet, more or less, as shown on a plan of land entitled "Sketch Plan 137 Brimstone Lane Sudbury, MA" dated Oct. 16, 2019, prepared by Sullivan Connors & Associates, a copy of which is on file in the Town Clerk's Office, from the board or commission currently having custody thereof for the purpose for which said property is currently held, to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, and authorize the Board of Selectmen to convey said parcel on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate; and further, to authorize the Board of Selectmen to submit a petition to the General Court for a special act authorizing the transfer of said parcel under Article 97 of the Amendments to the Massachusetts Constitution; and further, in order to satisfy the Executive Office of Energy and Environmental Affairs' "no net loss policy," to acquire by gift, purchase, eminent domain, exchange of real property or otherwise, the fee or lesser interest in all or a part of the land and the improvements thereon, the land off Brimstone Lane consisting of approximately 16,006 square feet (0.37 acres) more or less, as shown on said Sketch Plan and being a portion of the parcel shown on Assessor's Map L04-0406, and dedicate such 16,006 square foot parcel of land for conservation and open space purposes, to be held under the care, custody, management and control of the Conservation Commission, pursuant to G.L. c. 40, §8C, with the foregoing dedication of such land to become effective upon the enactment of the Article 97 legislation; and further to authorize the Board of Selectmen to execute all instruments, agreements, deeds, conservation restrictions, easements or other documents, upon such terms and conditions as the Board of Selectmen deems appropriate, and to take all other action necessary to effectuate the vote taken hereunder, or act on anything relative thereto.

Submitted by the Conservation Commission.  
required)

(Two-thirds vote

CONSERVATION COMMISSION REPORT: The Commission finds that the 16,006 s.f. piece of land being proposed to be transferred to the Conservation Commission contains more conservation value due to its adjacency to Nobscot Conservation Land and contributes more towards the protection of watershed resources of Sudbury, which was the intended purpose of the original gift of 1,033 s.f. of land.

**ARTICLE 51. ACQUIRE ONE-FOURTH MILE OF CSX CORRIDOR (STATION ROAD TO RT. 20)**

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain or otherwise the fee or lesser interest in all or a part of the land comprising the CSX railroad corridor (right-of-way) from Station Road to Route 20, ¼ mile, +/-, for rail trail purposes; and as funding therefor to raise and appropriate or transfer from available funds, \$300,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of acquiring the CSX railroad corridor (right-of-way) from Station Road to Route 20, ¼ mile, +/-, to become part of the Bruce Freeman Rail Trail, and further to authorize the Board of Selectmen to execute all instruments, including deeds, easements and other documents or instruments, upon such terms and conditions as the Selectmen deem appropriate, and take all other action as may be necessary to effectuate the vote taken hereunder, or act on anything relative thereto.

Submitted by Petition.  
required)

(Majority vote

**PETITIONERS' REPORT:** The purpose of this article is to allow the town to purchase a portion of the CSX rail corridor to become part of the Bruce Freeman Rail Trail.

The path of the Bruce Freeman Rail Trail has two parts. The northern part runs from the Concord/Sudbury line to Station Road, near Union Avenue. It is owned by the State. This part is in the design stage.

The southern part of the Bruce Freeman Rail Trail, from Station Road to the Framingham/Sudbury line, about 1.25 miles, is owned by the CSX Corporation. It is an inactive rail corridor. The Town has sought to purchase the corridor from CSXC. In 2008 Town Meeting voted unanimously to use \$420,000 of Community Preservation Act (CPA) funds to purchase the CSX rail corridor for open space and recreational purposes.

Because of a determination by the Massachusetts Department of Revenue that Community Preservation Act funds could not be used for this purchase, the Town has been unable to buy the CXS corridor. Since then the Town has been looking for alternative funding sources to buy the inactive rail corridor.

One such source of funding to buy the CSX corridor opened up when the Department of Conservation and Recreation announced its Recreational Trails Grant program. Under this program, municipalities could apply for grants for up to \$100,000 for trail acquisition. In February 2018, Sudbury applied for a \$100,000 grant to be used to acquire the northernmost ¼ mile of the CSX corridor, from Station Road to Route 20. In August 2018, the Town was notified that the Department of Conservation and Recreation approved Sudbury's \$100,000 Recreational Trails Grant application.

CSX supported Sudbury's 2018 Recreational Trails grant application and stated that it would consider dividing the sale of its corridor into four sections to be sold, north to south. That is why Sudbury must purchase the northernmost part first. It also makes sense to acquire the northern most ¼ mile, as it will bring the BFRT out to Route 20, rather than having it terminate at Station Road, which is not a main road and could be a difficult access point. MassDOT, which would fund 100% of the construction costs, wants trails to end at main roads.

The \$100,000 Recreational Trails grant Sudbury was awarded in 2018 is a reimbursement grant, meaning the Town will be reimbursed that amount when it meets the terms of the grant proposal. The Town must buy the northernmost ¼ mile of the corridor, then it will receive the \$100,000 grant reimbursement.

Under the terms of the grant, the Town has two years to make the CSX corridor acquisition. The two-year window closes at the end of 2020.

Legislation to overcome the Department of Revenue determination and allow Sudbury to use the \$420,000 in CPA funds to acquire the CSX corridor approved by the Town in 2018 is currently pending in the Legislature. This legislation is moving forward. It received a "favorable" report from the Joint Committee on Municipalities and Regional Governments in December, a key step in advancing the bill, and it should be acted upon later this year. This legislation has received widespread support from many legislators, groups, and residents.

A 'yes' vote on this article would allow the Town to acquire the northernmost ¼ mile of the CSX corridor for the Bruce Freeman Rail Trail, a unique and valuable amenity, long sought and supported by residents, the Select Board and other Town committees. The BFRT will be a safe and natural connection throughout Sudbury, running the full length of the Town, north to south. It will connect Sudbury residents with their schools, parks, athletic fields, houses of worship, Town Center, the

commercial district, and with each other without using a car.

Residents will not have to drive to another town to use their rail trails. Sudbury will have its own – a very special place for residents of all ages and abilities to enjoy the outdoors and nature.

BOARD OF SELECTMEN POSITION. The Board of Selectmen will report at Town Meeting.

**ARTICLE 52. EXPEDITE COMPLETION OF DESIGN OF THE BRUCE FREEMAN RAIL TRAIL**

The Bruce Freeman Rail Trail will be a major community asset and pathway for recreation and transportation for all Sudbury residents of all ages and abilities. As a non-motorized vehicle pathway, it will help out children get to school safely and bring us closer to nature. Since 2012 residents have voted for the Bruce Freeman Rail Trail and have appropriated fund for its design. The construction cost, about ten million dollars, (\$10,000,000) will be paid entirely by state and federal funds that have already been allocated. This article is direction to the Town Manager, Town staff, Town Departments, and Town Boards and Commissions, to move as quickly as possible to complete all designs, submit them to the state, and take all other actions needed to bring the Bruce Freeman Rail Trail to Sudbury.

Submitted by Petition.  
required)

(Majority vote required)

PETITIONERS' REPORT: Sudbury residents have watched rail trails being designed and built in almost every community that borders Sudbury; including Wayland, Framingham, Hudson, Maynard, Acton, and Concord. Perhaps you have had a chance to use them and see what we are missing.

Residents have voted for the Bruce Freeman Rail Trail (BFRT) at the ballot box and Town Meetings not less than six (6) times. Designing and building the BFRT has been a goal of the Select Board since 2013. Adequate funding for the design has been approved five (5) times.

Residents in neighboring communities that have built rail trails love them. Even those who may have been initially opposed appreciate and use the rail trails.

The BFRT in Sudbury will be particularly beneficial as it will be a safe pathway for children to get to school, recreation and athletic fields, or just to visit friends without needing a ride.

On a warm summer day, the trail will take you past running brooks, through verdant foliage, into forests with old stone walls, and show you water fowl and birds you may not have known inhabited Sudbury. Listen to the quiet. Listen to nature.

On a cool autumn day walk among the splendor of a forest drenched in color. See the leaves as they fall and the trees getting ready for winter. Get away from technology. Stroll safely at your leisure, and not see a car, except maybe at road crossings. Teach your children how to ride bike, or walk with friends, partners, or an aged parent.

Five towns to our north already have the BFRT: Chelmsford (2009), Westford, Carlisle and Acton (2018), and Concord (2019).

So why are we still at least four years away from cutting the ribbon the BFRT here in Sudbury? There

are probably many excuses, but not many good reasons. Some delays may have been unavoidable, but others were not. It is the responsibility of Town staff, from the Town Manager on down, to see to it that Select Board goals are achieved, but more importantly, that the will of the town is carried out. That is their job.

#### **ARTICLE 54. COST/BENEFIT STUDY ON BURYING OVERHEAD UTILITY LINES**

To see if the Town will vote to request that the Town Manager and Director of Planning & Community Development conduct a cost/benefit study on burying existing overhead utility wires, leveraging historical performance and maintenance data from power companies and under conventional wisdom that a majority of power outages are caused by a small number of power distribution routes/miles; or act on anything relative thereto.

Submitted by Petition.

(Majority vote required)

**PETITIONERS' REPORT: Problem:** Lately, the power outages in our town appear to be increasing in frequency, and longer in duration, when compared to the 90s, for some residents. We had power outages in the past during heavy snow or ice storms, by falling tree limbs or due to roadside accidents involving utility poles. In contrast, today we find ourselves with power outages by the wind under 30MPH. Indeed, they are more disruptive today. These power outages are forcing residents to buy multiple Uninterrupted Power Supplies (UPS) and generators if only to maintain well-charged mobile phones and electronic monitors. Invariably, access for emergency vehicles and public safety is getting blocked for more than 30 minutes, which reduces our disaster preparedness and ability to support our senior citizens.

#### **We have three choices:**

1. Do nothing, and stay the course as decided by utility providers for us,
2. Bury all utility cables at a high cost and significant disruption,
3. Consider burying select few utility cable-routes which are causing disproportionate outages

**The first planning step towards the 3<sup>rd</sup> choice:** Burying select few utility cables is one way to reduce power outages. While the new developments are already burying the cables, the older developments, the majority of Sudbury households, have overhead cables for power and telecom cables.

While there is no 3<sup>rd</sup> party objective cost-benefit study for a town like Sudbury (with a mix of roads, easements, and a configuration of existing underground utilities), burying all the cables is generally an expensive proposition. Therefore, a citizen petition is proposed for a vote at the ATM requesting that the Town Manager and Director of Planning & Community Development conduct a cost/benefit study on burying existing overhead utility wires, leveraging historical performance and maintenance data from power companies and under conventional wisdom that a majority of power outages are caused by a small number of power distribution routes/miles.

**Benefits:** If implemented, the burying of cables will –

- reduce power outages,
- help improve town resiliency under disasters and improve road access to our senior citizens,
- make our roadside worth watching, as opposed to watching unsightly clump of cables, dangling wires, butchered & bent trees, unappealing bent- or double- or fractured-poles, and potentially,

- provide some long-term cost savings in utility costs for the town and residents.

**Scope, cost & deliverables:** The study, projected over a year, shall require the participation of town staff to the tune of three months of a person's work (or 3 FTE Months). Optionally, the study could use a website (at a projected 3<sup>rd</sup> party cost of \$4K) to collect data and reports. The study is expected to deliver a business case on burying utility cables to help fine-tune our town's long-term utility plans. The majority of the data collection work will be done by our utility companies.

The study intends to determine whether burying a small number of cable routes/miles can achieve significant (50% or more) reduction in power outages - what is typically referred to as identifying low hanging fruits.

**BOARD OF SELECTMEN POSITION:** The Board of Selectmen will report at Town Meeting.

**FINANCE COMMITTEE POSITION:** The Finance Committee will report at Town Meeting.

## Golden, Patricia

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**From:** gpathak@comcast.net  
**Sent:** Thursday, May 28, 2020 9:55 AM  
**To:** Golden, Patricia  
**Cc:** Hayes, Henry  
**Subject:** RE: SB follow-up item - Board of Selectmen (BoS) meeting and my citizen petition on a cost/benefit stud  
**Attachments:** DRAFT 3.0 Cost-Benefit Study Project - BUC for ATM 2020, GP, Sep xx 2020.pptx

Patty, here is the updated slide deck with an absolute minimal effort (1 FTE month over twelve months) req'd of town planning manager, consistent with the current heavy workload situation that Adam and Dan described at the BoS meeting. If any questions, please call me at +1 617 281 1919. With rgds, Girish

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**From:** Golden, Patricia  
**Sent:** Wednesday, May 27, 2020 3:51 PM  
**To:** gpathak@comcast.net  
**Cc:** Hayes, Henry <HayesH@sudbury.ma.us>  
**Subject:** FW: SB follow-up item - Board of Selectmen (BoS) meeting and my citizen petition on a cost/benefit stud

Good afternoon Girish,  
 I'm following up on your email below of April 30. Will you be providing additional information for the Selectmen regarding your petition article?  
 Please advise.

Thank you.

Patty Golden  
 Senior Admin. Assistant to the Town Manager  
 Town of Sudbury  
 278 Old Sudbury Road  
 Sudbury MA 01776  
 978-639-3382  
[www.sudbury.ma.us](http://www.sudbury.ma.us)

*The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.*

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**From:** [gpathak@comcast.net](mailto:gpathak@comcast.net) <[gpathak@comcast.net](mailto:gpathak@comcast.net)>  
**Sent:** Thursday, April 30, 2020 9:06 AM  
**To:** Duchesneau, Adam <[DuchesneauA@sudbury.ma.us](mailto:DuchesneauA@sudbury.ma.us)>  
**Cc:** Town Manager <[TownManager@sudbury.ma.us](mailto:TownManager@sudbury.ma.us)>; [gpathak@comcast.net](mailto:gpathak@comcast.net)  
**Subject:** re: Board of Selectmen (BoS) meeting and my citizen petition on a cost/benefit stud

Adam,

After reflecting on the comments from the BoS on April 28<sup>th</sup> on my presentation (see attached), I will be making the following scope changes for the vote at our next Annual Town Meeting, which is likely to happen after summer:

Attachment11.c: Girish\_Pathak\_email (3944 : Town Meeting action)

1. Change the work from business case to merely a data collection from the power company, Eversource, and force Eversource to give us the outage data and repair-cost data in an easy-to-understand format or on Google maps, and
2. Eliminate the need for a website that would have cost \$4K and would have provided a platform to share progress and outage data/maps with residents.

These two changes are intended to reduce our town's work from 3 FTE months to less than 1 FTE month of work over twelve months!

These two changes will reduce the deliverables/outcomes but will still maintain **the intent of taking the first step of having useful data for the town planners and residents to act.** These changes will reduce staff work (from the town planning and others) to mostly coordination, and communications may be a few emails, few conf calls, etc. over the same twelve-month period.

Let me know if you have any questions. I hope that these changes will make you and the town more comfortable with the petition.

Thanks for the listen.

With rgds,

Girish  
Mobile: 617 281 1919



DRAFT

# Proposed Cost-Benefit Study Burying Utility Cables

For the Consideration of the Town of Sudbury, Annual Town Meeting, September ?? 2020

Proposed by  
Girish Pathak  
gpathak@comcast.net



# AGENDA

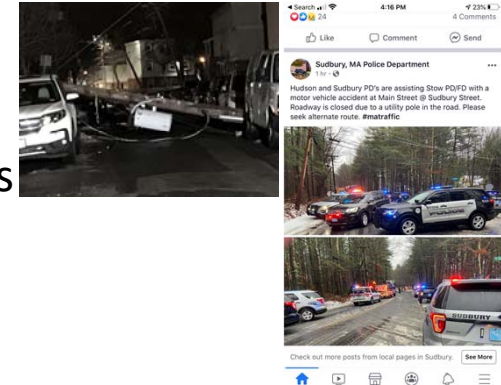
- The Problem, and the Solutions (or Our Choices)
- The Proposed Study Project, and its Deliverables & Timelines
- The Context - the Interested Parties (including MAPC\*) and the Disinterested Parties in this Study
- The Benefits of the Study, if Implemented
- Deliverables from the Study at What Cost (Small, Medium or Large)?
- Question(s) and Answer(s)

\*MAPC stands for Metropolitan Area Planning Council



# The Problem, and the Solutions or Our Choices

- The problem
  - A number of Sudbury residents are facing long (> 1 hr.) & frequent power outages, mostly caused by downing of power cables by
    - snow storms, ice storms, and high winds
    - falling tree limbs
    - road accidents involving utility poles, etc.
  - And our roads are getting blocked by downed power lines
    - For emergency vehicles to be able to reach a home or needy
    - To negatively affect our disaster preparedness
- The Solutions or Our Choices are:
  1. Do nothing, and stay the course
  2. Bury all utility cables, a costly proposition
  3. **Bury select few utility cables/routes which are causing disproportionate outages**



# The Study Project and its Deliverables/Timelines

- To support the choice #3 in the previous slide, the proposed study project is a small first planning/assessment step towards understanding cost-benefits of burying cables for the Town of Sudbury
  - to analyze historical power outages (duration and repair costs, if available)
  - to map outages to cable routes and
  - to potentially prioritize all cable routes into, say five categories, from a small investment and big payoff category on the one end to a big investment and small payoff category, on the other end
- Proposed Deliverables & Timelines
  - Provide power outage data and restoration cost/index, collected from utilities
  - Provide power outage data mapped to GIS maps with duration as the key parameter
  - A brief description of the data and key parameters of interest
- The study project is expected to complete in twelve months and will be done mostly by utility providers, at the request of the officials of the town of Sudbury



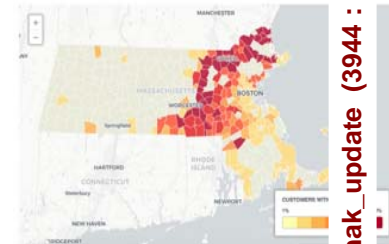
# Context: Presumed Biased-Parties of the Study

- Interested Parties are
  1. Residents of Sudbury for having good data to analyze and to act on
  2. Sudbury Public Works for cost-effective alignment of their plans related to utilities, particularly when they are to dig a road for a utility
  3. Metropolitan Area Planning Council (MAPC) for better disaster preparedness and emergency response planning by the Town of Sudbury
- Disinterested Parties are
  - Utility companies for the short-term additional work that they will have to undertake and release data to town-residents who own it!!!
  - Utility companies for potentially committing them to a path leading to additional CapEx
  - Rate-regulated utility companies for reduction in their operating expenses => profits



# The Benefits of the Study, if Implemented

- **Less power outages**
  - Less power outages in our town
  - Reducing risks to vulnerable residents, who rely on power and clear access roads
  - Reduced need to stock up on (a) UPSes or (b) inefficient/polluting generators
- **Improved road access**
  - Higher availability on our access roads
  - Better disaster preparedness for the Town of Sudbury
- **Roadside beautification**
  - Unsightly clumps of cables, Sagging cables, Dangling wires (safety hazard?)
  - Butchered and Bent trees
  - Un-appealing Bent poles, Double poles, Patched poles
- Potentially, **some long-term cost-savings** for the town and residents



# Deliverables from the Study at What Cost?

- Small in Size, town staff labor hours only
  - Approximately one (1) FTE months of work or labor cost, mostly from the planning department of the Town of Sudbury and some from other departments

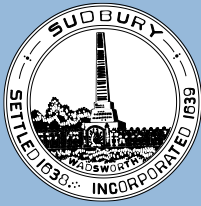




# Any Questions on the proposed Study Project?

## THANK YOU!





## SUDBURY BOARD OF SELECTMEN

Monday, June 22, 2020

**MISCELLANEOUS (UNTIMED)****12: Fairbank update**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion on the Fairbank Community Center/Town Forum, and possible discussion on presentation.

Recommendations/Suggested Motion/Vote: Discussion on the Fairbank Community Center/Town Forum, and possible discussion on presentation.

Background Information:

Financial impact expected:

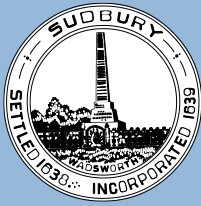
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM



## SUDBURY BOARD OF SELECTMEN

Monday, June 22, 2020

**MISCELLANEOUS (UNTIMED)****13: Approve amendment to Housing Trust Declaration of Trust**REQUESTOR SECTION

Date of request:

Requestor: Adam Duchesneau, Director of Planning &amp; Community Development

Formal Title: Vote to approve proposed amendment to Housing Trust Declaration of Trust.

Recommendations/Suggested Motion/Vote: Vote to approve proposed amendment to Housing Trust Declaration of Trust.

## Background Information:

The current Declaration of Trust only allows new Trustees to be appointed to two (2) year terms. What this can possibly lead to is most (or even all) of the Trustees terms expiring in the same year. The proposed amendment gives the Board of Selectmen the ability to appoint new members to the Housing Trust for one (1) or two (2) year terms to ensure there is a staggering as to when Trustees terms will expire. The proposed amendment also sets the term expiration date as May 31<sup>st</sup> to be consistent with most other positions on Town boards, committees, or commissions. A third adjustment the proposed amendment makes is the elimination of the maximum number of consecutive terms a Trustee can serve (currently allows no more than five). For further details, please see the attached proposed amendment to the Housing Trust Declaration of Trust and the current Housing Trust Declaration of Trust. The proposed amendment has been reviewed and approved by Lee Smith of KP Law (Town Counsel).

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

## Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM

SUDBURY HOUSING TRUST  
AMENDMENT

The Sudbury Housing Trust Declaration of Trust executed February 15, 2007 and recorded in the Middlesex South District Registry of Deeds in Book 49096, Page 353, as amended, on April 4, 2012 and recorded in said Registry in Book 59561, Page 345, and further amended on June 22, 2017 and recorded in said Registry in Book 69837, Page 157 is hereby further amended by deleting the second paragraph of Article IV and replacing it with the following:

“The Trustees shall be appointed for a two (2) year term, such term to end on May 31 of the expiration year or until such time as a successor is appointed, should said appointment be delayed. Two of the initial Trustee appointments shall be for a term of one (1) year, and may be re-appointed at the discretion of the Board of Selectmen. In the event that a majority of the Trustees’ terms shall expire simultaneously, a sufficient number of Trustees may be appointed or reappointed for a term of one (1) year so as to maintain staggered terms among the Trustees.”

IN WITNESS WHEREOF the said Trustees have hereunto set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Kelley Cronin

\_\_\_\_\_  
Janie Dretler

\_\_\_\_\_  
Carmine Gentile

\_\_\_\_\_  
Cynthia Howe

\_\_\_\_\_  
John Riordan



## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned notary public, personally appeared \_\_\_\_\_, a Trustee of the Sudbury Housing Trust, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ and who has stated to me that he/she signed it voluntarily for its stated purpose on behalf of the Sudbury Housing Trust.

\_\_\_\_\_  
Notary Public

My commission expires:

10  
8

## SUDBURY HOUSING TRUST

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

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

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

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

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

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

### ARTICLE I TRUSTEES

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

### ARTICLE II PURPOSE OF TRUST

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

### ARTICLE III POWERS OF TRUSTEES

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

RETURN TO:

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

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

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

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

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

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

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



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

#### ARTICLE IV APPOINTMENT AND TENURE OF TRUSTEES

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

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

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

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

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

#### ARTICLE V MEETINGS OF THE TRUSTEES

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

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

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

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

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

#### ARTICLE VI ACTS OF TRUSTEES

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

#### ARTICLE VII TREASURER/COLLECTOR AS CUSTODIAN

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

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

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

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

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

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

## ARTICLE VIII

## DURATION OF THE TRUST

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

## ARTICLE IX

## CONSTRUCTION OF TERMS

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

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

## ARTICLE X

## RECORDING

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

## ARTICLE XI

## AMENDMENTS

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

## ARTICLE XII

## RECORD TO BE CONCLUSIVE, CERTIFICATE AS TO FACTS

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

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

#### ARTICLE XIII      TERMINATION OF INTERIM TRUST

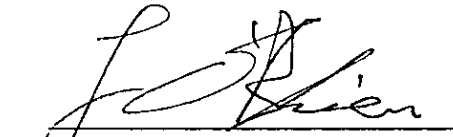
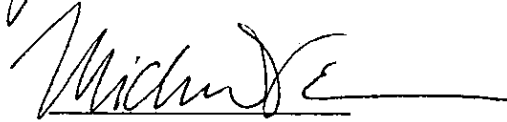
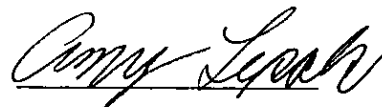

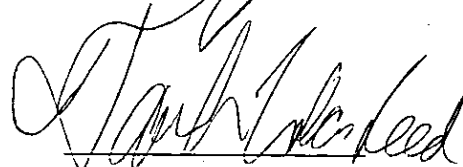
The Interim Trust is hereby terminated and all assets and liabilities shall be transferred to the Trustees hereunder pursuant to the vote of the April 2006 vote of the Sudbury Annual Town Meeting and M.G.L. Chapter 44, s 55C.

#### ARTICLE XIV      TITLES

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



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

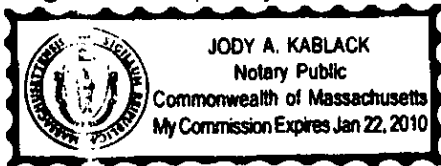
  
Lawrence W. O'Brien  
Michael C. Fee  
Amy Lepak  
Christopher Morely  
Tara L. N. Reed

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

February 15, 2007

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



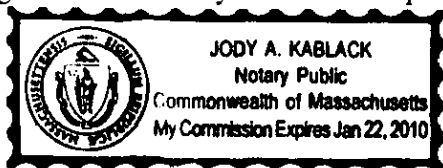
Jody A. Kablack  
Jody A. Kablack, Notary Public  
My commission expires January 22, 2010

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

February 15, 2007

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



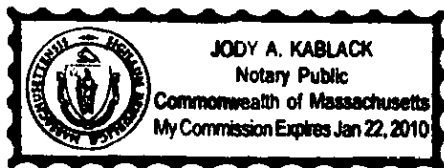
Jody A. Kablack  
Jody A. Kablack, Notary Public  
My commission expires January 22, 2010

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

February 15, 2007

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



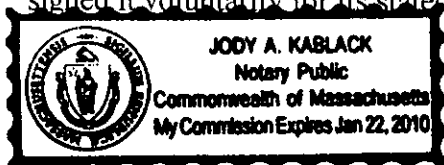
Jody A. Kablack  
Jody A. Kablack, Notary Public  
My commission expires January 22, 2010

## COMMONWEALTH OF MASSACHUSETTS

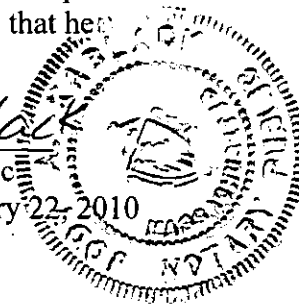
MIDDLESEX, SS.

February 15, 2007

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



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

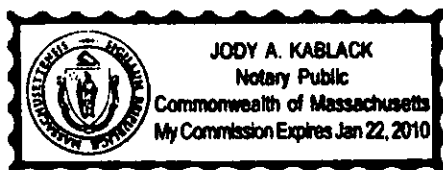


## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

February 15, 2007

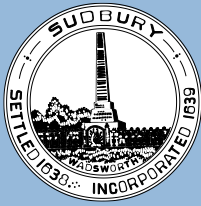
On this 15<sup>th</sup> day of February, 2007, before me, the undersigned notary public, personally appeared the above-named Tara L. N. Reed, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and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



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



James C. Brown  
 Attest: Middlesex S. Register



## SUDBURY BOARD OF SELECTMEN

Monday, June 22, 2020

**MISCELLANEOUS (UNTIMED)****14: Minutes review/approval****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Review regular session minutes of 5/5/20, 5/12/20, 5/26/20 and possibly vote to approve minutes.

Recommendations/Suggested Motion/Vote: Review regular session minutes of 5/5/20, 5/12/20, 5/26/20 and possibly vote to approve minutes.

Background Information:  
attached drafts

Financial impact expected:

Approximate agenda time requested:

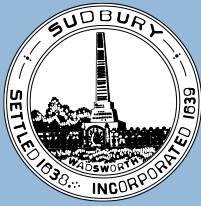
Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM



**SUDBURY BOARD OF SELECTMEN**

Monday, June 22, 2020

**MISCELLANEOUS (UNTIMED)****15: 604B Grant Program - letter of support****REQUESTOR SECTION**

Date of request:

Requestor: Lori Capone, Conservation Coordinator

Formal Title: Vote to request letter of support from the Board of Selectmen for application to the 604B Grant Program.

Recommendations/Suggested Motion/Vote: Vote to request letter of support from the Board of Selectmen for application to the 604B Grant Program.

Background Information:

attached documents provided by Lori Capone, Conservation Coordinator

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

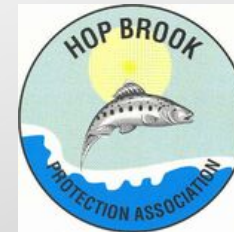
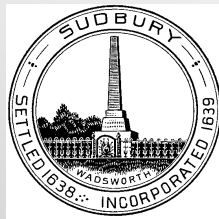
Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM

# DATA AND PLAN TO IMPROVE WATER QUALITY IN HOP BROOK

SECTION 604B WATER QUALITY MANAGEMENT PLANNING GRANT



# 2020 FOCUS

## NONPOINT SOURCE ASSESSMENT AND PLANNING

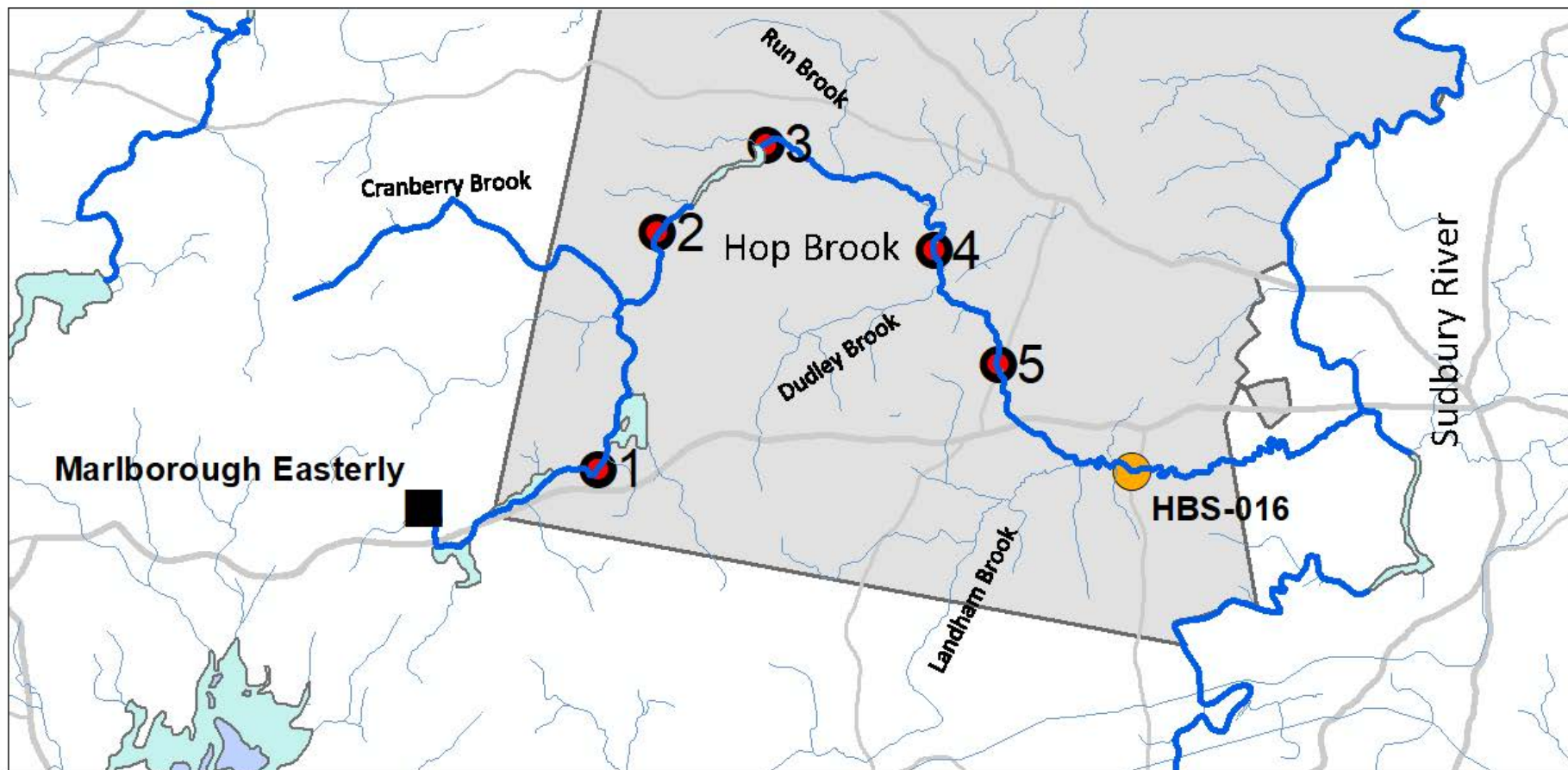
- DEVELOPMENT OF A WATERSHED-BASED PLAN FOR LOCAL WATERSHED PLANNING
- DETERMINE OF THE NATURE, EXTENT, AND CAUSES OF WATER QUALITY PROBLEMS AND DETERMINATION OF POLLUTANT LOAD REDUCTIONS NECESSARY TO MEET WATER QUALITY STANDARDS
- DATA SUPPORTS SUBMISSION OF FUTURE 319 GRANT

# 303(D) IMPAIRED WATERS

## CARDING MILL POND AND TWO SEGMENTS OF HOP BROOK

- **CARDING MILL POND (40 ACRES)**
  - NON-NATIVE AQUATIC PLANTS; ALGAE; AQUATIC PLANTS; DISSOLVED OXYGEN SUPERSATURATION; PHOSPHORUS, TOTAL
- **OUTLET OF CARDING MILL POND TO THE CONFLUENCE WITH ALLOWANCE/LANDHAM BROOK (6.7 MILES)**
  - NON-NATIVE AQUATIC PLANTS; ALGAE; AQUATIC PLANTS; DISSOLVED OXYGEN; DISSOLVED OXYGEN SUPERSATURATION; *ESCHERICHIA COLI*; PHOSPHORUS, TOTAL; TURBIDITY
- **FROM THE CONFLUENCE WITH ALLOWANCE/LANDHAM BROOK TO THE CONFLUENCE WITH THE SUDBURY RIVER (3.0 MILES)**
  - DISSOLVED OXYGEN; NUTRIENT/EUTROPHICATION BIOLOGICAL INDICATORS; PHOSPHORUS, TOTAL





- Proposed New Sites
- Existing Site
- Waste Water Treatment Plant

	Location	Rationale for site choice
1	Under small bridge over Hop Brook on Wayside Inn Rd (Main road or side road?)	WWTP and Grist Mill Pond input to Hop Brook - 1st site in Sudbury
2	Footbridge between Surrey Ln and Barton Dr (walk down established trail)	Added input of Cranberry Brook
3	Stearns pond spillway near parking lot	Stearns Pond input to Hop Brook
4	Peakham Rd bridge over Hop Brook	Added input of Run Brook
5	Union Ave/Codjer Lane bridge	Input of Dudley Brook and Commercial/Industrial Area
O16	Landham Rd bridge	Input of Landham Brook

**Projec Budget for Data and Plan to Improve Water Quality in Hop Brook, Sudbury, Mass.**

Expense Items	604b Amount	In-kind Match	Project Total
<b>Salaries</b>			
Town of Sudbury		\$ 5,000	\$ 5,000
<b>Subcontractual</b>			
<b>OARS</b>			
<b>Salaries</b>			
OARS Executive Director and Director of Finance and Development @\$65/hr			
OARS Water Quality Scientist @\$45/hr			
Subtotal	\$ 23,505		\$ 43,395
<b>Quality Control Scientist &amp; TAC</b>		\$ 2,310	
<b>Equipment</b>		\$ 1,380	\$ 1,380
<b>Supplies</b>	\$ 684		\$ 684
<b>Travel</b>	\$ 281		\$ 281
<b>Other</b>			
Intern @\$25/hr	\$ 1,500		
Laboratory analysis	\$ 7,840		\$ 7,840
<b>Total Subcontractual</b>	\$ 33,810	\$ 8,690	\$ 58,580
<b>Total Expensees</b>			
		Overhead Rate %	N/A
		Total 604b Grant Funds	\$ 33,810
		Total Cost Share	\$ 8,690
		Total Project Budget	\$ 42,500

**ATTACHMENT A - APPLICATION**  
**604b - WATER QUALITY MANAGEMENT PLANNING GRANT PROGRAM**  
**FEDERAL FISCAL YEAR 2020**

## ADMINISTRATIVE SUMMARY

**APPLICANT:** Conservation Commission, Town of Sudbury, MA

**Address:** 275 Old Lancaster Road, Sudbury, MA 01776

**Telephone:** 978-440-5470

**Email:** caponel@sudbury.ma.us

**PROJECT TITLE:** Data and Plan to Improve Water Quality in Hop Brook, Sudbury, Mass.

Water quality data collection: Sudbury; Watershed Based Plan: Hudson, Marlborough, Framingham, Sudbury and Wayland.

**AMOUNT OF FUNDING REQUESTED AND LOCAL MATCH (IF ANY) PROPOSED:**

Federal 604b Funds via MassDEP	\$ \$33,810
Cost Share Proposed (not required)	\$ 8,690

Total Project Budget	\$ 42,500
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**PROJECT SUMMARY/OBJECTIVES:**

Collect water quality and other related data to use in developing a Watershed-Based Plan for the Hop Brook Watershed. The Watershed Based Plan will identify actions to be taken to improve the water quality in Hop Brook, and the Sudbury River receiving water, in order to resolve impairments currently appearing on the 303d List of Impaired Waters for Hop Brook.

**PRINCIPAL CONTACT:**

Lori Capone, Sudbury Conservation Coordinator  
 Name and Title

(978 ) 440-5470  
 Telephone

[caponel@sudbury.ma.us](mailto:caponel@sudbury.ma.us)

Email

**AUTHORIZED SIGNATORY:**

Henry L. Hayes, Jr., Town Manager  
 Name and Title (Printed)

HayesH@sudbury.ma.us  
 Email

(978) 639-3381  
 Telephone

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

Attachment15.b: Sudbury-OARS 604b Application (1) (3905 : 604B Grant Program - letter of support)

**ATTACHMENT A - APPLICATION****604b - WATER QUALITY MANAGEMENT PLANNING GRANT PROGRAM  
FEDERAL FISCAL YEAR 2020****PROJECT NARRATIVE****1. STATEMENT OF THE PROBLEM**

Hop Brook in Sudbury, Mass. is in the Sudbury-Assabet-Concord (SuAsCo) watershed/Concord Basin, and is a tributary to the Sudbury River, a federally-designated Wild and Scenic river, part of the Merrimack River system. Sections of Hop Brook, and some of its tributaries, are state-designated Coldwater Fishery Resources and contain wild eastern brook trout (*Salvelinus fontinalis*, see: [oars3rivers.org/our-work/monitoring/trout-streams](https://oars3rivers.org/our-work/monitoring/trout-streams)). Hop Brook is also an important cultural and recreational resource in Sudbury, with historic properties abutting it, such as the Wayside Inn Grist Mill and Henry Ford's Carding Mill.

A large amount of phosphorus was discharged into Hop Brook from the Marlborough Easterly wastewater treatment plant (WWTP) over several decades. Since 2015, the plant's NPDES permit has restricted the plant to a very low P concentration and the plant is currently meeting permit limits. However, monitoring at OARS' one Hop Brook site shows persistently higher phosphorus concentrations than expected, exceeding the EPA "Gold Book" criteria of 0.05 mg/L. In contrast, the Assabet River, which also received high phosphorus loading from WWTPs in the same timeframe, does NOT show the same high instream concentrations of phosphorus now. OARS' science program's top 2020 priority is to determine and address the cause of these high phosphorus levels since they are the highest anywhere remaining in the SuAsCo watershed and local problems associated with excess nutrients are clearly occurring in the subwatershed. [In Hop Brook, excessive phosphorus had contributed to the proliferation of algae and invasive water chestnut in the historic mill ponds and has resulted in substantial degradation of water quality in this stream system.]

In order to meet water quality standards it is necessary to discover why high instream concentrations still persist so far downstream of the WWTP plant and the impoundments on Hop Brook, how much phosphorus is recycling in the impoundments relative to how much is flushing out downstream, and what other sources exist. This data is also needed to untangle a complex system of nutrient cycling and possible surface and groundwater contributions, in order to reduce phosphorus discharges to the Sudbury River. Of ongoing concern is that the SuAsCo Wild & Scenic River's outstanding ecological, recreational and aesthetic values are impaired by excessive aquatic plant growth due to excess nutrients.

***Specific water quality impairment(s), from the 303(d) listing from the 2016 Integrated List of Waters***

Carding Mill Pond and two segments of Hop Brook were listed for impairments in the 2016 303(d) List; Water Body: Concord (SuAsCo) for the Town of Sudbury (Hager Pond in Marlborough was also listed).

MA82015, Carding Mill Pond, 40.0 acres, Cat. 5: Non-Native Aquatic Plants—TMDL not required (Non-pollutant); Algae; Aquatic Plants (Macrophytes); Dissolved Oxygen Supersaturation; Phosphorus, total

MA82A-05, Outlet of Carding Mill Pond to the confluence with Allowance/Landham Brook, Sudbury (through Stearns Mill Pond), 6.70 miles, Cat. 5: Non-Native Aquatic Plants; Algae; Aquatic Plants (Macrophytes); Dissolved Oxygen; Dissolved Oxygen Supersaturation; *Escherichia coli*; Phosphorus, Total; Turbidity

MA82A-06, From the confluence with Allowance/Landham Brook to the confluence with the Sudbury River, Wayland, 3.0 miles, Cat. 5: Dissolved Oxygen; Nutrient/Eutrophication Biological indicators; Phosphorus, Total



**ATTACHMENT A - APPLICATION****604b - WATER QUALITY MANAGEMENT PLANNING GRANT PROGRAM  
FEDERAL FISCAL YEAR 2020*****Brief history/background leading up to the current situation.***

The headwaters of Hop Brook are primarily in the City of Marlborough, from where it flows roughly east though Sudbury, crossing briefly into Wayland where it enters the Sudbury River. Hop Brook is impounded by four mill dams, creating Hager Pond in Marlborough, and Grist Mill, Carding Mill and Stearns Mill ponds in Sudbury. These ponds have heavy nuisance aquatic weed growth, dominated by water chestnut (*Trapa natans*).

Since 1973, the municipal Marlborough Easterly waste water treatment plant, with a 5.5 MGD capacity, has discharged effluent into the headwaters of Hop Brook, a Class B water body. The current (2010(?)) permit significantly reduced phosphorus effluent concentrations from 0.65 mg/L total Phosphorus<sup>1</sup> to 0.1 mg/L April-October and 0.75 November-March. These new permit limits were met when the upgraded facility went on-line in 2015. Prior to that time, “the vast majority of phosphorus entering Hop Brook [was] from the facility.” (EPA Fact Sheet, cited in NPDES Appeal No. 04-13, Order of 8-11-05) This nutrient has encouraged excessive aquatic biomass growth in the mill ponds, creating an ongoing annual dynamic of weed growth and senescence that cycles the phosphorus between the sediment and the biomass.

Other sources of phosphorus can initially be assumed to be typical for the watershed. Almost all of Sudbury, a suburban residential community, is on septic systems. Only one small commercial area is served by a sewer and small wastewater treatment plant that discharges into the Sudbury River, independent of Hop Brook. Some small shopping centers and state roads (e.g. Rte. 20) contribute to non-point source stormwater runoff, and a commercial plant nursery also drains to Hop Brook. *E. coli* bacteria, another source of impairment, may be coming from some of these sources as well.

Several tributaries to Hop Brook are designated Coldwater Fishery Resources with current populations of native Eastern brook trout (*Salvelinus fontinalis*). Genetic research by USGS showed that these trout travel between these tributaries by passing through Hop Brook. Ongoing temperature monitoring by OARS shows the temperature range in these tributaries remains suitable for brook trout (<http://www.oars3rivers.org/our-work/monitoring/trout-streams>).

***Stakeholders involved in this issue***

OARS is the watershed organization for the SuAsCo watershed and has identified and worked to eliminate sources of water pollution since its founding in 1986. It has run a quality-controlled water quality monitoring program for over 20 years.

Hop Brook Protection Association (HBPA) is a grassroots non-profit organization that works to restore water quality in Hop Brook. It has successfully advocated for pollution controls in the past and is currently focused on managing invasive aquatic plants in the three Hop Brook mill ponds in Sudbury. The project will work with HBPA to engage local young adults as volunteers in the citizen science data collection and as interns in the data analysis.

Sudbury Conservation Commission is the Applicant on this project, and collaborates with HBPA to control invasives and restore water quality. OARS, as project manager, will work closely with the Commission on the Watershed Based Plan and keep them apprised of progress through the project’s quarterly reporting, and other presentations and information as needed.

Sudbury, Assabet and Concord Wild & Scenic River Stewardship Council is the governing body of the Wild and Scenic River since its designation in 1999. The Council closely follows water quality in Hop Brook and expressed concern regarding ongoing impairment. In addition, the Council’s signature RiverFest event traditionally has activities on Hop Brook.

<sup>1</sup> [https://echo.epa.gov/trends/loading-tool/reports/effluent-exceedances?permit\\_id=MA0100498](https://echo.epa.gov/trends/loading-tool/reports/effluent-exceedances?permit_id=MA0100498)

**ATTACHMENT A - APPLICATION****604b - WATER QUALITY MANAGEMENT PLANNING GRANT PROGRAM  
FEDERAL FISCAL YEAR 2020**

Residents and visitors enjoy Hop Brook for its scenery and passive recreation, and the Sudbury River receiving waters are heavily used by boaters, anglers, birders, walkers, hunters and other users. There is a plethora of permanently protected lands along Hop Brook in Sudbury, including the Town's Hop Brook Reservation, lands held by the Sudbury Water District for well head protection, and the Sudbury Valley Trustees' Memorial Forest, which is a unique pine barren environment that is enjoyed by regional visitors for its unique beauty and wildlife.

The historic Wayside Inn Grist Mill is a highly visible and regionally popular destination on Hop Brook. It is a main contact point for the public and holds RiverFest events each spring.

***What the stakeholders will gain***

Progress in reducing pollution resulting in a reduced eutrophication and excess aquatic biomass, and water that is safe for human contact. This will improve the aesthetics and recreational enjoyment of Hop Brook and its ponds, and of the Sudbury River downstream.

***Why the project is needed in this watershed/particular communities***

The current highly eutrophic state of the Hop Brook significantly limits normal wildlife, and creates an objectionable environment for public enjoyment during much of the year. Hop Brook negatively impacts water quality of the Sudbury Wild and Scenic River. Collecting information on nutrient sources and flows is an essential first step in developing an informed remediation strategy. The proposed approach will effectively engage more community members in environmental stewardship, raising awareness and community support for the investment in solutions. Starting in the summer of 2020, the Town will be investing substantial funds (\$180,000) over the next three years to control aquatic macrophytes in the mill ponds. Water quality sampling will be conducted within each of the three ponds. Additional water quality sampling within this stretch of Hop Brook will help dictate future watershed improvement efforts.

***Summary of any other water quality data previously collected for the project area, as applicable***

OARS' water quality monitoring program has maintained a sampling site (HBS-016) on Hop Brook downstream of Landham Brook for 11 years (since 2009). Data on the following parameters are collected May-September each year: Dissolved Oxygen, Temperature, Conductivity, pH, Total Phosphorus, Ortho-Phosphorus, Nitrate-N, Ammonia, and Total Suspended Solids. MassDEP has also collected data for a range of parameters, including Total Phosphorus, Total Nitrogen, Ammonia, Dissolved Oxygen, and *E. coli*, among others, in 2006 at site W0849 (downstream of Dudley Brook) and in 2010 at site W2136 (same as OARS HBS-016).

Instream data on the receiving water of the Marlborough Easterly Waste Water Treatment Plant in Marlborough are collected by the City of Marlborough for the purposes of their pollutant loading calculations for their NPDES permit.]

**2. APPROACH TO THE PROBLEM**

1. Data collection. OARS' Water Quality Scientist will establish 5 new sampling sites on Hop Brook for the sampling seasons for 2021 and 2022. He will amend the existing QAPP for OARS' Water Quality Monitoring Program and the QAPP for Bacteria Monitoring accordingly. If required, new QAPPs will be written. The following parameters will be assessed: Dissolved Oxygen, Temperature, Conductivity, pH, Total Phosphorus, Ortho-Phosphorus, Nitrate-N, Ammonia, Total Suspended Solids, and *E. coli*. The schedule will be the same as OARS existing water quality monitoring program: monthly sampling May-Sept. for water quality; weekly June-Sept. for bacteria at 2 of the sites. Samples are collected using a Citizen Science approach. Volunteers will be recruited in collaboration with HBPA and trained by OARS according to a protocol adapted in 2020 to provide for safe social distancing and other public health requirements. Volunteers collect data and water samples and deliver the samples to the OARS office. The samples are then delivered to a certified local laboratory within the allowable wait time. OARS has a long

**ATTACHMENT A - APPLICATION**  
**604b - WATER QUALITY MANAGEMENT PLANNING GRANT PROGRAM**  
**FEDERAL FISCAL YEAR 2020**

track record of using this very cost-effective approach with high quality results ([oars3rivers.org/river/waterquality/reports](https://oars3rivers.org/river/waterquality/reports)). DEP uses OARS data for the Integrated List of Waters.

2. Data analysis. Field and lab data are analyzed by OARS staff and OARS' Quality Control Officer (per QAPPs) and compiled into a report and submitted to DEP through the EPA's WQX database. A Technical Advisory Committee (TAC) will meet at the beginning, middle and end of the project to review the project and data design, source tracking and data interpretation for the Plan, evaluate the WBP and the project itself. TAC will draw on experts from state agencies, stakeholders, municipal staff, among others.

3. Development of a Watershed Based Plan. OARS' Water Quality Scientist and Executive Director will develop a 9-element Watershed Based Plan for the Hop Brook Watershed using MassDEP's web-based tool. OARS participated as a pilot for the development of this tool, worked with its developers at Geosyntec and are familiar with the methodology. The water quality results and Plan will be shared through a public meeting/webinar, posted on the OARS, HBPA and Conservation Commission websites, and conclusions and links shared through social media.

Attachment 15.b: Sudbury-OARS 604b Application (1) (3905 : 604B Grant Program - letter of support)

**ATTACHMENT A - APPLICATION**  
**604b - WATER QUALITY MANAGEMENT PLANNING GRANT PROGRAM**  
**FEDERAL FISCAL YEAR 2020**

## SCOPE OF SERVICES: TASKS/DELIVERABLES SUMMARY

### OBJECTIVE / TASK #1: QAPP

**SUMMARY:** Confirm sampling sites. Revise existing QAPPs or write new QAPPs for water quality (chemistry) and bacteria (*E. coli*), depending on DEP requirements. QAPPs will be approved by MassDEP. If needed, relocate sampling sites for Year 2 to track sources and submit addendum to QAPP.

**PERSONNEL:** OARS Water Quality Scientist (Ben Wetherill) and QC Officer (Peter Shanahan)

**DESIRED OUTCOME:**

A) Approved QAPPs for water quality (chemistry) and bacteria (*E. coli*) incorporating new sampling sites.

**COST:** \$1,294 Match \$280

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### OBJECTIVE / TASK #2: Recruit and train

**SUMMARY:** Recruit and train volunteer citizen scientists for Years 1 and 2; interns as needed.

**PERSONNEL:** OARS Water Quality Scientist (Ben Wetherill), OARS Director of Finance and Development (Julia Khorana); HBPA (Glenn Pransky)

**DESIRED OUTCOME(S):**

A) Household or other public health-appropriate teams of citizen science volunteers recruited

B) New teams trained

**COST:** \$1,716 Match: \$420

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### OBJECTIVE / TASK #3: Data

**SUMMARY:** Collect, QC and analyze data Year 1 and Year 2. See Preliminary Sampling Plan, below.

**PERSONNEL:** OARS Water Quality Scientist (Ben Wetherill), QC Officer (Peter Shanahan) and intern, TAC

**DESIRED OUTCOME(S):**



**ATTACHMENT A - APPLICATION**  
**604b - WATER QUALITY MANAGEMENT PLANNING GRANT PROGRAM**  
**FEDERAL FISCAL YEAR 2020**

- A) Quality-controlled water quality and bacteria data collected
- B) Data analyzed and likely causes of pollution evaluated and identified
- C) Summer intern recruited and trained

COST: \$15,445 Match: \$2,780

**OBJECTIVE / TASK #4: Disseminate**

**SUMMARY:** Inform stakeholders of results; publish data and analysis for years 1 and 2 in annual Water Quality Reports. In Year 2 publicize Watershed-based Plan and its conclusions; post on websites, social media. Submit data to WQX database for DEP's use. Dissemination would continue after the conclusion of the project through OARS' normal channels and in the process of acting on the Plan's recommendations.

**PERSONNEL:** OARS Water Quality Scientist (Ben Wetherill), Director of Finance and Development (Julia Khorana), and Executive Director (Alison Field-Juma); HBPA (Glenn Pransky); Sudbury Conservation Commission Administrator (Lori Capone) and Commissioners

**DESIRED OUTCOME(S):**

- A) Stakeholders informed of monitoring results
- B) Stakeholders engaged in planning effort and invested in results
- C) Broader public informed

COST: \$6,005 Match: \$710

**OBJECTIVE / TASK #5: Watershed-based Plan**

**SUMMARY:** Develop Watershed-based Plan based on data from Year 1 and Year 2

**PERSONNEL:** Water Quality Scientist (Ben Wetherill), Executive Director (Alison Field-Juma), QC Officer (Peter Shanahan), TAC

**DESIRED OUTCOME(S):**

- A) Watershed-based Plan for the Hop Brook Watershed

**ATTACHMENT A - APPLICATION**  
**604b - WATER QUALITY MANAGEMENT PLANNING GRANT PROGRAM**  
**FEDERAL FISCAL YEAR 2020**

B) Action items resulting from the Plan, potential 319 projects

COST:\$1,945 Match: \$2,600

**OBJECTIVE / TASK #6: Manage project**

SUMMARY: Complete project paperwork, project oversight, project evaluation

PERSONNEL: Town of Sudbury, Conservation Office (Lori Capone); OARS Executive Director (Alison Field-Juma) and Director of Development and Finance (Julia Khorana), TAC

DESIRED OUTCOME(S):

- A) Timely completion of all required paperwork
- B) Oversight and management throughout project
- C) Evaluation of project

COST: \$2,470 Match: \$2,000

**OBJECTIVE / TASK #7: Report**

SUMMARY: Submit reports to DEP. Reports will meet DEP quality requirements.

PERSONNEL: Town of Sudbury, Conservation Office (Lori Capone); OARS Executive Director (Alison Field-Juma), Director of Development and Finance (Julia Khorana), Water Quality Scientist (Ben Wetherill)

DESIRED OUTCOME(S):

- A) Quarterly Reports drafted by OARS, reviewed and submitted by Town of Sudbury
- B) Final Draft Report drafted by OARS, reviewed and submitted by Town of Sudbury
- C) Final Report drafted by OARS, reviewed and submitted by Town of Sudbury

COST: \$4,930 Match: \$2,000

**ATTACHMENT A - APPLICATION**  
**604b - WATER QUALITY MANAGEMENT PLANNING GRANT PROGRAM**  
**FEDERAL FISCAL YEAR 2020**

### **Preliminary Sampling Plan**

Water Quality (including bacteria): Data and samples for all parameters will be collected by volunteers in monthly water sampling events May-September. One Sunday each month, volunteer teams will measure in-situ temperature, dissolved oxygen, conductivity, and pH, using YSI meter. They will also collect water samples for laboratory analysis of phosphorus, nitrate, ammonia, suspended solids, and *E. coli* bacteria. The volunteer teams will follow the same procedure that OARS volunteers have followed for more than 20 years at other sites in the SuAsCo watershed (and for one year with OARS' bacteria sampling program). We will use the same certified lab that OARS has used for more than 10 years. The Lab's minimum TP detection level is 0.01 mg/L. Hop Brook has been averaging between 0.1 and 0.2 mg/L TP. Quality Control duplicates and blanks will also be collected for 10% of the samples, as outlined in the QAPP. The lab is close enough to get the bacteria samples to within the maximum hold time.

One additional bacteria sample will be collected per month to make a total of two sampling events per month. The sampling date will be strategically selected to assist in identifying non-point sources of contamination and reflect efforts to capture the day after significant rain events.

All samples will be collected from 5 new sites that have been selected along Hop Brook (see map of sites) and from the legacy site (HBS-016)—see Sampling Map. The sites have been selected to capture each of the major inputs into the Brook so that it will be possible to identify the dominant source(s) of the pollutants. Data analysis will be performed following the same techniques OARS uses for its annual Water Quality Reports (see: [oars3rivers.org/river/waterquality/reports](https://oars3rivers.org/river/waterquality/reports)). Data will be analyzed graphically by site and date and geographically by location along the Brook. The objective of the data analysis will be to identify where the nutrient and bacteria pollution is coming from and how much of the Brook is actually impaired. In Year 2 the stations locations and timing of sampling may be modified to narrow down the sources of non-point source pollution based on the Year 1 results.

#### **Attachments:**

1. Locus map
2. Sampling map
3. Resumes

**ATTACHMENT A - APPLICATION**  
**604b - WATER QUALITY MANAGEMENT PLANNING GRANT PROGRAM**  
**FEDERAL FISCAL YEAR 2020**

## PROJECT BUDGET

(This budget is for proposal evaluation purposes. Use whole dollar method.)

<b>Projec Budget for Data and Plan to Improve Water Quality in Hop Brook, Sudbury, Mass.</b>				
<b>Expense Items</b>		<b>604b Amount</b>	<b>In-kind Match</b>	<b>Project Total</b>
<b>Salaries</b>				
Town of Sudbury			\$ 5,000	\$ 5,000
<b>Subcontractual</b>				
<b>OARS</b>				
<b>Salaries</b>				
	OARS Executive Director and Director of Finance and Development @\$65/hr			
	OARS Water Quality Scientist @\$45/hr			
	Subtotal	\$ 23,505		\$ 43,395
	<b>Quality Control Scientist &amp; TAC</b>		\$ 2,310	
	<b>Equipment</b>		\$ 1,380	\$ 1,380
	<b>Supplies</b>	\$ 684		\$ 684
	<b>Travel</b>	\$ 281		\$ 281
	<b>Other</b>			
	Intern @\$25/hr	\$ 1,500		
	Laboratory analysis	\$ 7,840		\$ 7,840
	<b>Total Subcontractual</b>	\$ 33,810	\$ 8,690	\$ 58,580
<b>Total Expenses</b>				
			<b>Overhead Rate %</b>	<b>N/A</b>
			<b>Total 604b Grant Funds</b>	<b>\$ 33,810</b>
			<b>Total Cost Share</b>	<b>\$ 8,690</b>
			<b>Total Project Budget</b>	<b>\$ 42,500</b>

**All Applicants must clearly indicate in their proposal budgets the specific tasks with dollars amounts that will be used to meet or exceed the DBE "Fair Share" requirements.**

Note: There is no DBE Water Quality Laboratory within the hold-time requirements for bacteria samples for this project.

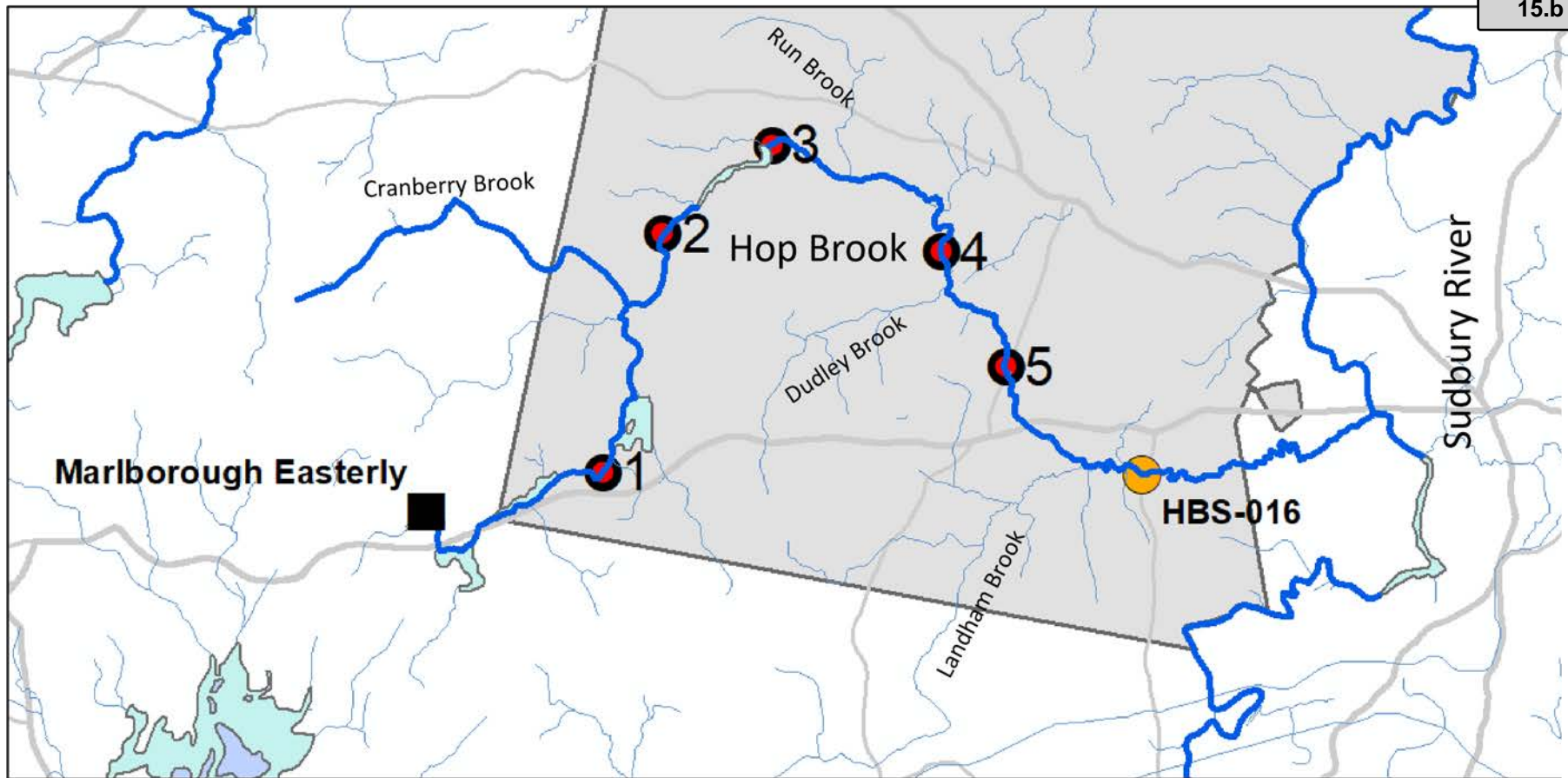
**ATTACHMENT A - APPLICATION**  
**604b - WATER QUALITY MANAGEMENT PLANNING GRANT PROGRAM**  
**FEDERAL FISCAL YEAR 2020**

**PROJECT MILESTONE SCHEDULE**

Based on a January 1, 2021 Notice to Proceed.

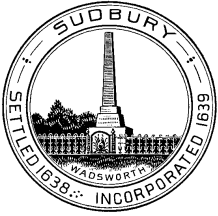
	2021												2022											
TASK	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
1. QAPP	x	x	x																					
2. Recruit/train			x	x	x										x	x	x							
3. Data					x	x	x	x	x							x	x	x	x	x				
4. Disseminate												x	x	x									x	x
5. Plan																				x	x	x		
6. Manage	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
7. Report			x			x			x			x			x			x			x			x





- Proposed New Sites
- Existing Site
- Waste Water Treatment Plant

	Location	Rationale for site choice
1	Under small bridge over Hop Brook on Wayside Inn Rd (Main road or side road?)	WWTP and Grist Mill Pond input to Hop Brook - site in Sudbury
2	Footbridge between Surrey Ln and Barton Dr (walk down established trail)	Added input of Cranberry Brook
3	Stearns pond spillway near parking lot	Stearns Pond input to Hop Brook
4	Peakham Rd bridge over Hop Brook	Added input of Run Brook
5	Union Ave/Codjer Lane bridge	Input of Dudley Brook and Industrial/Commercial
O16	Landham Rd bridge	Input of Landham Brook



# Town of Sudbury

Office of Selectmen  
www.sudbury.ma.us

Flynn Building  
278 Old Sudbury Rd  
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978-639-3381  
Fax: 978-443-0756

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

June 22, 2020

Meghan Selby  
604(b) Program Manager  
Massachusetts Department of Environmental Protection  
Bureau of Water Resources  
8 New Bond Street  
Worcester, MA 01606

Re: Data and Plan to Improve Water Quality in Hop Brook, Sudbury, MA Grant Proposal

Dear Ms. Selby:

On behalf of the Board of Selectmen I am pleased to submit this letter of support for the Data and Plan to Improve Water Quality in Hop Brook grant proposal submitted for funds through the 604(b) Water Quality Management Planning Grant Program as submitted by the Town of Sudbury, through its Conservation Commission.

For numerous years, the Town has been challenged by the marked degradation of Hop Brook. Hop Brook, an important Coldwater Fishery and tributary to the Sudbury River, has suffered from excessive phosphorus loading that was historically discharged into this riverine system from the Marlboro Wastewater Treatment Plant. This has contributed to the eutrophication of Hop Brook's historically significant mill ponds, including Grist Mill Pond at the world renowned Wayside Inn. The treatment plant has installed equipment which has reduced phosphorus discharge since 2016, however, Hop Brook still shows the highest phosphorus concentrations in the SuAsCo Watershed. This grant will assist the community in identifying phosphorus and bacterial inputs with the installation of five water quality monitoring station and implementation of a two-year water quality monitoring program, working in conjunction with the Organization for the Assabet, Sudbury, and Concord Rivers and the Hop Brook Protection Association.

Through the years, the Town has provided funds and staff support towards the removal of excessive invasive aquatic plant growth within the mill ponds on Hop Brook. Most recently, the Town showed their continued dedication to improving these water bodies through the commitment of Community Preservation Act funds (\$180,000 over three years) to treat the proliferation of water chestnut in all three mill ponds. This grant will greatly assist the Town in identifying and developing a plan to help address non-point source inputs that are negatively impacting Hop Brook. The Town is dedicating \$5,000 in in-kind services towards the implementation of this grant proposal.

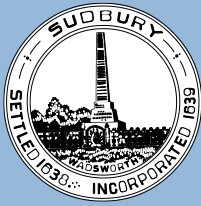
At their regularly scheduled meeting of June 22, 2020, the Board of Selectmen voted in support of this proposal. The Town is dedicated to improving Hop Brook which in turn will help improve water quality of the Sudbury River, a Wild and Scenic River.

Respectfully on behalf of the Board of Selectmen,

\_\_\_\_\_  
Daniel E. Carty, Board of Selectmen Chairman

\_\_\_\_\_  
Date

Attachment 15.c: letter of support\_letterhead (3905 : 604B Grant Program - letter of support)

**SUDBURY BOARD OF SELECTMEN**

Monday, June 22, 2020

**MISCELLANEOUS (UNTIMED)****16: Waiver of ROFR 18 Pinewood Ave****REQUESTOR SECTION**

Date of request:

Requestor: Adam Duchesneau, Director of Planning &amp; Community Development

Formal Title: Vote not to exercise the Town's Right of First Refusal (ROFR) to purchase the deed restricted affordable dwelling unit at 18 Pinewood Avenue, and inform the Department of Housing and Community Development.

Recommendations/Suggested Motion/Vote: Vote not to exercise the Town's Right of First Refusal (ROFR) to purchase the deed restricted affordable dwelling unit at 18 Pinewood Avenue, and inform the Department of Housing and Community Development.

Background Information:

Please see the attached Summary Points information sheet, deed to the property, and affordable housing deed rider. Additionally, at their meeting on June 16, 2020, the Housing Trust voted 4-1 to recommend the Board of Selectmen not exercise the Town's right of first refusal on the property.

Financial impact expected:

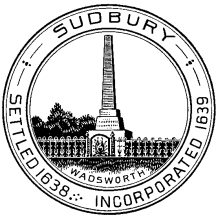
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM



# Town of Sudbury

Planning & Community Development Department

pcd@sudbury.ma.us

Flynn Building  
278 Old Sudbury Road  
Sudbury, MA 01776  
978-639-3387  
Fax: 978-639-3314

www.sudbury.ma.us/pcd

## Summary Points

### Resale of 18 Pinewood Avenue

- The affordable dwelling unit at 18 Pinewood Avenue is up for resale. The owners provided their notice to the Town on June 4, 2020.
- 18 Pinewood Avenue was the fifth home created by the Housing Trust under the Home Preservation Program in 2011 which 'converted' existing market rate homes into affordable restricted homes for first time homebuyers, placing a perpetual deed restriction on the property.
- The Town shares the Monitoring Agent authority with the Department of Housing and Community Development (DHCD), with DHCD playing the lead role. The Town must indicate to DHCD whether it chooses to locate an eligible purchaser or to purchase the dwelling unit itself under the Right of First Refusal (ROFR) provisions (or, as with other dwelling units in the past, assign this ROFR to the Sudbury Housing Authority).
- The owners have purchased another home and are anxious to move the process along. The deed rider provides for a 90-day window to find an eligible purchaser.
- The unit's resale price is \$249,640 (price to seller), which includes \$15,000 of approved capital improvements. Added to this price is a 2% resale fee of \$4,993, making the total purchase price to the new buyer **\$254,633**.
- Sudbury has 37 deed restricted ownership units at this time and there are none on the horizon.
- The current owners/sellers have raised three children in the home, started a business in Sudbury, and are now buying a market rate home in Sudbury. This is the model of how the program works.
- The Housing Trust has already invested approximately \$190,000 of Community Preservation Act funds in 18 Pinewood Avenue and has voted to recommend keeping it in the Home Preservation Program. The house is well maintained and a good opportunity for a first time home buyer.
- Almost 90% of Sudbury's deed restricted rental housing is leased to very low income tenants. Dwelling units such as 18 Pinewood Avenue provide a path to eventual market rate unit home ownership to these renters in the community.



2011 00143448

Bk: 57316 Pg: 75 Doc: DEED  
Page: 1 of 19 08/18/2011 03:36 PM

**DEED**

We, **Laurinda Bilyeu**, a single woman and **Stephen Derek Weiser**, a single man, of Sudbury, Middlesex County, Massachusetts,

For consideration paid and in full consideration of THREE HUNDRED AND TWENTY FIVE (\$325,000.00) DOLLARS

grant to **Vugar Jafarov and Lorena Jafarov**, husband and wife as tenants by the entirety of 18 Pinewood Avenue, Sudbury, Middlesex County, Massachusetts,

with *quitclaim covenants*

the land in Sudbury, Middlesex County, Massachusetts consisting of four parcels and being more particularly shown as Lots eleven (11), twelve (12), thirteen (13) and fourteen (14) in Block C on plan of "Pine Lakes", Sudbury, Mass., drawn by Robert B. Bellamy, Surveyor, dated April, 1927 and recorded with Middlesex County South District Registry in Plan Book 394, Plan 37 to which plan reference is herein made and being bounded as follows:

SOUTH by Pinewood Avenue, one hundred (100) feet;  
WEST by Lot 15 as shown on said plan, one hundred (100) feet;  
NORTH by Lots 51, 52, 53 and 54 as shown on said plan, one hundred (100) feet;  
EAST by Lot 10 as shown on said plan, one hundred (100) feet;

Containing 10,000 square feet according to said plan.

Conveyance is made subject to any restrictions of record so far as they are now in force, including restrictions as set forth in deed of Eugene B. Hamilton, Trustee to Henry R. Coats, recorded in Book 5088, Page 461 at Middlesex South District Registry.

For titles see deed dated September 26, 2006 recorded with the Middlesex South District Registry of Deeds in Book 48257, Page 380.

Attached herewith, Exhibit A (Local Initiative Program Affordable Housing Deed Rider)

**[SIGNATURES ON THE FOLLOWING PAGE]**

MASSACHUSETTS EXCISE TAX  
Southern Middlesex District ROD # 001  
Date: 08/18/2011 03:36 PM  
Ctrl# 157875 07384 Doc# 00143448  
Fee: \$1,482.00 Cons: \$325,000.00

Packet Pg. 155

Attachment 16.a: 18 Pinewood Avenue - Waiver of Right of First Refusal (3937 : Waiver of ROFR 18 Pinewood Ave)

18 Pinewood Ave Sudbury



Witness our hand(s) and seal(s) this 18 day of August, 2011.

Laurinda Bilyeu  
Laurinda Bilyeu

Stephen Derek Weiser  
Stephen Derek Weiser

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 18 day of August, 2011, before me, the undersigned Notary Public, personally appeared **Laurinda Bilyeu**, proved to me through satisfactory evidence of identification which was MASS DEMOCRATIC, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purposes.



KEVIN N. DOLAN  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 6, 2013

Notary Public: Kevin N. Dolan  
My Commission Expires: 12/6/2013

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 18 day of August 2011, 2011, before me, the undersigned Notary Public, personally appeared **Stephen Derek Weiser**, proved to me through satisfactory evidence of identification which was MASS DEMOCRATIC, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purposes.



KEVIN N. DOLAN  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 6, 2013

Notary Public: Kevin N. Dolan  
My Commission Expires: 12/6/2013

**LOCAL INITIATIVE PROGRAM**  
**AFFORDABLE HOUSING DEED RIDER**

*For Projects in Which  
Affordability Restrictions Survive Foreclosure*

made part of that certain deed (the "Deed") of certain property (the "Property") from  
Laurinda Bilyeu and Stephen Derek Weiser ("Grantors") to  
Vugar Jafarov and Lorena Jafarov ("Owners") dated August 18, 2011.  
The Property is located in the City/Town of Sudbury (the "Municipality").

**RECITALS**

WHEREAS, the Grantors are conveying that certain real property more particularly described in the Deed to the Owners at a consideration which is less than the fair market value of the Property; and

WHEREAS, the Property is part of a project which was: [check all that are applicable]

- (i) ☐ granted a Comprehensive Permit under Massachusetts General Laws Chapter 40B, Sections 20-23, from the Board of Appeals of the Municipality or the Housing Appeals Committee and recorded/filed with the \_\_\_\_\_ County Registry of Deeds/Registry District of Land Court (the "Registry") in Book \_\_\_\_\_, Page \_\_\_\_\_/Document No. \_\_\_\_\_ (the "Comprehensive Permit");
- (ii) ☐ subject to a Regulatory Agreement among \_\_\_\_\_ (the "Developer"), [ ☐ Massachusetts Housing Finance Agency ("MassHousing"), [ ☐ the Massachusetts Department of Housing and Community Development] ("DHCD") [ ☐ the Municipality; and [ ☐ \_\_\_\_\_, dated \_\_\_\_\_ and recorded/filed with the \_\_\_\_\_ County Registry in Book \_\_\_\_\_, Page \_\_\_\_\_/as Document No. \_\_\_\_\_ (the "Regulatory Agreement"); and
- (iii) ☒ subsidized by the federal or state government under the Local Initiative Program, a program to assist construction of low or moderate income housing the "Program"; and

WHEREAS, pursuant to the Program, eligible purchasers such as the Owners are given the opportunity to purchase residential property at less than its fair market value if the purchaser agrees to certain use and transfer restrictions, including an agreement to occupy the property as a principal residence and to convey the property for an amount not greater than a maximum resale price, all as more fully provided herein; and

WHEREAS, DHCD and the Town of Sudbury (singly, or if more than one entity is listed, collectively, the "Monitoring Agent") is obligated by the Program or has been retained to monitor compliance with and to enforce the terms of this Deed Rider, and eligible purchasers such as the Owners may be required to pay to the Monitoring Agent, or its successor, a small percentage of the resale price upon the Owners' conveyance of the Property, as set out in the Regulatory Agreement and as more fully provided herein; and

WHEREAS, the rights and restrictions granted herein to the Monitoring Agent and the Municipality serve the public's interest in the creation and retention of affordable housing for persons and households of low and moderate income and in the restricting of the resale price of property in order to assure its affordability by future low and moderate income purchasers.

NOW, THEREFORE, as further consideration for the conveyance of the Property at less than fair market value, the Grantors and the Owners, including his/her/their heirs, successors and assigns, hereby agree that the Property shall be subject to the following rights and restrictions which are imposed for the benefit of, and shall be enforceable by, the Municipality and the Monitoring Agent, and, if DHCD is a party to the Regulatory Agreement and is not the Monitoring Agent, by DHCD.

1. Definitions. In this Deed Rider, in addition to the terms defined above, the following words and phrases shall have the following meanings:

Affordable Housing Fund means a fund established by the Municipality for the purpose of reducing the cost of housing for Eligible Purchasers or for the purpose of encouraging, creating, or subsidizing the construction or rehabilitation of housing for Eligible Purchasers or, if no such fund exists, a fund established by the Municipality pursuant to Massachusetts General Laws Chapter 44 Section 53A, et seq.

Applicable Foreclosure Price shall have the meaning set forth in Section 7(b) hereof.

Appropriate Size Household means a household containing a number of members equal to the number of bedrooms in the Property plus one.

Approved Capital Improvements means the documented commercially reasonable cost of extraordinary capital improvements made to the Property by the Owners; provided that the Monitoring Agent shall have given written authorization for incurring such cost prior to the cost being incurred and that the original cost of such improvements shall be discounted over the course of their useful life.

Area means the Primary Metropolitan Statistical Area or non-metropolitan area that includes the Municipality, as determined by HUD, which in this case is the Boston-Cambridge-Quincy HMFA.

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Area Median Income means the most recently published median income for the Area adjusted for household size as determined by HUD. If HUD discontinues publication of Area Median Income, the income statistics used by MassHousing for its low and moderate income housing programs shall apply.

Base Income Number means the Area Median Income for a four (4)-person household. Currently, the AMI for Boston is \$96,500.

Chief Executive Officer shall mean the Mayor in a city or the Board of Selectmen in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

Closing shall have the meaning set forth in Section 5(b) hereof.

Compliance Certificate shall have the meaning set forth in Section 6(a) hereof.

Conveyance Notice shall have the meaning set forth in Section 4(a) hereof.

Eligible Purchaser means an individual or household earning no more than eighty percent (80%) of Area Median Income (or, if checked [ ] \_\_\_\_\_ percent (\_\_\_\_%) of Area Median Income, as required by the Program) and owning assets not in excess of the limit set forth in the Program Guidelines. To be considered an Eligible Purchaser, the individual or household must intend to occupy and thereafter must occupy the Property as his, her or their principal residence and must provide to the Monitoring Agent such certifications as to income, assets and residency as the Monitoring Agent may require to determine eligibility as an Eligible Purchaser. An Eligible Purchaser shall be a First-Time Homebuyer if required by the Program and as specified in the Regulatory Agreement.

First-Time Homebuyer means an individual or household, of which no household member has had an ownership interest in a principal residence at any time during the three (3)-year period prior to the date of qualification as an Eligible Purchaser, except that (i) any individual who is a displaced homemaker (as may be defined by DHCD) (ii) and any individual age 55 or over (applying for age 55 or over housing) shall not be excluded from consideration as a First-Time Homebuyer under this definition on the basis that the individual, owned a home or had an ownership interest in a principal residence at any time during the three (3)-year period.

Foreclosure Notice shall have the meaning set forth in Section 7(a) hereof.

HUD means the United States Department of Housing and Urban Development.

Ineligible Purchaser means an individual or household not meeting the requirements to be eligible as an Eligible Purchaser.

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Maximum Resale Price means the sum of (i) the Base Income Number (at the time of resale) multiplied by the Resale Price Multiplier, plus (ii) the Resale Fee and any necessary marketing expenses (including broker's fees) as may have been approved by the Monitoring Agent, plus (iii) Approved Capital Improvements, if any (the original cost of which shall have been discounted over time, as calculated by the Monitoring Agent); provided that in no event shall the Maximum Resale Price be greater than the purchase price for which a credit-worthy Eligible Purchaser earning seventy percent (70%) of the Area Median Income (or, if checked [ ] \_\_\_\_\_ percent (\_\_\_ %) of Area Median Income, as required by the Program) for an Appropriate Size Household could obtain mortgage financing (as such purchase price is determined by the Monitoring Agent using the same methodology then used by DHCD for its Local Initiative Program or similar comprehensive permit program); and further provided that the Maximum Resale Price shall not be less than the purchase price paid for the Property by the Owners unless the Owners agree to accept a lesser price. (The "purchase price paid by the Owners" is \$190,000.00, which is the total purchase price minus the buydown assistance).

Monitoring Services Agreement means any Monitoring Services Agreement for monitoring and enforcement of this Deed Rider among some or all of the Developer, the Monitoring Agent, the Municipality, MassHousing and DHCD.

Mortgage Satisfaction Amount shall have the meaning set forth in Section 7(b) hereof.

Mortgagee shall have the meaning set forth in Section 7(a) hereof.

Program Guidelines means the regulations and/or guidelines issued for the applicable Program and controlling its operations, as amended from time to time.

Resale Fee means a fee of **Two Percent (2%)** of the Base Income Number (at the time of resale) multiplied by the Resale Price Multiplier, to be paid to the Monitoring Agent as compensation for monitoring and enforcing compliance with the terms of this Deed Rider, including the supervision of the resale process.

Resale Price Certificate means the certificate issued as may be specified in the Regulatory Agreement and recorded with the first deed of the Property from the Developer, or the subsequent certificate (if any) issued as may be specified in the Regulatory Agreement, which sets forth the Resale Price Multiplier to be applied on the Owners' sale of the Property, as provided herein, for so long as the restrictions set forth herein continue. In the absence of contrary specification in the Regulatory Agreement the Monitoring Agent shall issue the certificate.

Resale Price Multiplier means the number calculated by dividing the Property's initial sale price<sup>1</sup> by the Base Income Number at the time of the initial sale from the Developer to the first Eligible Purchaser. The Resale Price Multiplier will be multiplied by the Base Income Number at the time of the Owners' resale of the Property to determine the Maximum Resale Price on such

<sup>1</sup> For this purpose, the initial sale price is \$190,000 which is the consideration paid to the seller less the subsidy from the Town of Sudbury.

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conveyance subject to adjustment for the Resale Fee, marketing expenses and Approved Capital Improvements. In the event that the purchase price paid for the Property by the Owners includes such an adjustment a new Resale Price Multiplier will be recalculated by the Monitoring Agent by dividing the purchase price so paid by the Base Income Number at the time of such purchase, and a new Resale Price Certificate will be issued and recorded reflecting the new Resale Price Multiplier. A Resale Price Multiplier of 1.97 is hereby assigned to the Property.

Term means in perpetuity, unless earlier terminated by (i) the termination of the term of affordability set forth in the Regulatory Agreement or Comprehensive Permit, whichever is longer; or (ii) the recording of a Compliance Certificate and a new Deed Rider executed by the purchaser in form and substance substantially identical to this Deed Rider establishing a new term.

2. Owner-Occupancy/Principal Residence. The Property shall be occupied and used by the Owners' household exclusively as his, her or their principal residence. Any use of the Property or activity thereon which is inconsistent with such exclusive residential use is expressly prohibited.

3. Restrictions Against Leasing, Refinancing and Junior Encumbrances. The Property shall not be leased, rented, refinanced, encumbered (voluntarily or otherwise) or mortgaged without the prior written consent of the Monitoring Agent; provided that this provision shall not apply to a first mortgage granted on the date hereof in connection with this conveyance from Grantors to Owners securing indebtedness not greater than one hundred percent (100%) of the purchase price. Any rents, profits, or proceeds from any transaction described in the preceding sentence which transaction has not received the requisite written consent of the Monitoring Agent shall be paid upon demand by Owners to the Municipality for deposit to its Affordable Housing Fund. The Monitoring Agent or Municipality may institute proceedings to recover such rents, profits or proceeds, and costs of collection, including attorneys' fees. Upon recovery, after payment of costs, the balance shall be paid to the Municipality for deposit to its Affordable Housing Fund. In the event that the Monitoring Agent consents for good cause to any such lease, refinancing, encumbrance or mortgage, it shall be a condition to such consent that all rents, profits or proceeds from such transaction, which exceed the actual carrying costs of the Property as determined by the Monitoring Agent, shall be paid to the Municipality for deposit to its Affordable Housing Fund.

4. Options to Purchase. (a) When the Owners or any successor in title to the Owners shall desire to sell, dispose of or otherwise convey the Property, or any portion thereof, the Owners shall notify the Monitoring Agent and the Municipality in writing of the Owners' intention to so convey the Property (the "Conveyance Notice"). Upon receipt of the Conveyance Notice, the Monitoring Agent shall (i) calculate the Maximum Resale Price which the Owners may receive on the sale of the Property based upon the Base Income Number in effect as of the date of the Conveyance Notice and the Resale Price Multiplier set forth in the most recently recorded Resale Price Certificate together with permissible adjustments for the Resale Fee, marketing expenses and Approved Capital Improvements (as discounted), and (ii) promptly begin marketing efforts. The Owners shall fully cooperate with the Monitoring Agent's efforts

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to locate an Eligible Purchaser and, if so requested by the Monitoring Agent, shall hire a broker selected by the Monitoring Agent to assist in locating an Eligible Purchaser ready, willing and able to purchase the Property at the Maximum Resale Price after entering a purchase and sale agreement. Pursuant to such agreement, sale to the Eligible Purchaser at the Maximum Resale Price shall occur within ninety (90) days after the Monitoring Agent receives the Conveyance Notice or such further time as reasonably requested to arrange for details of closing. If the Owners fail to cooperate in such resale efforts, including a failure to agree to reasonable terms in the purchase and sale agreement, the Monitoring Agent may extend the 90-day period for a period commensurate with the time the lack of cooperation continues, as determined by the Monitoring Agent in its reasonable discretion. In such event, the Monitoring Agent shall give Owners written notice of the lack of cooperation and the length of the extension added to the 90-day period.

(b) The Monitoring Agent shall ensure that diligent marketing efforts are made to locate an Eligible Purchaser ready, willing and able to purchase the Property at the Maximum Resale Price within the time period provided in subsection (a) above and to enter the requisite purchase and sale agreement. If more than one Eligible Purchaser is located, the Monitoring Agent shall conduct a lottery or other like procedure to determine which Eligible Purchaser shall be entitled to enter a purchase and sale agreement with Owners and to purchase the Property. Preference shall be given to Appropriate Size Households. The procedure for marketing and selecting an Eligible Purchaser shall be approved as provided in the Regulatory Agreement and any applicable Program Guidelines. If an Eligible Purchaser is located within ninety (90) days after receipt of the Conveyance Notice, but such Eligible Purchaser proves unable to secure mortgage financing so as to be able to complete the purchase of the Property pursuant to the purchase and sale agreement, following written notice to Owners within the 90-day period the Monitoring Agent shall have an additional sixty (60) days to locate another Eligible Purchaser who will enter a purchase and sale agreement and purchase the Property by the end of such sixty (60)-day period or such further time as reasonably requested to carry out the purchase and sale agreement.

(c) In lieu of sale to an Eligible Purchaser, the Monitoring Agent or the Municipality or designee shall also have the right to purchase the Property at the Maximum Resale Price, in which event the purchase and sale agreement shall be entered, and the purchase shall occur within ninety (90) days after receipt of the Conveyance Notice or, within the additional sixty (60)-day period specified in subsection (b) above, or such further time as reasonably requested to carry out the purchase and sale agreement. Any lack of cooperation by Owners in measures reasonably necessary to effect the sale shall extend the 90-day period by the length of the delay caused by such lack of cooperation. The Monitoring Agent shall promptly give Owners written notice of the lack of cooperation and the length of the extension added to the 90-day period. In the event of such a sale to the Monitoring Agent or Municipality or designee, the Property shall remain subject to this Deed Rider and shall thereafter be sold or rented to an Eligible Purchaser as may be more particularly set forth in the Regulatory Agreement.

(d) If an Eligible Purchaser fails to purchase the Property within the 90-day period (or such further time determined as provided herein) after receipt of the Conveyance Notice, and the Monitoring Agent or Municipality or designee does not purchase the Property during said period,

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then the Owners may convey the Property to an Ineligible Purchaser no earlier than thirty (30) days after the end of said period at the Maximum Resale Price, but subject to all rights and restrictions contained herein; provided that the Property shall be conveyed subject to a Deed Rider identical in form and substance to this Deed Rider which the Owners agree to execute, to secure execution by the Ineligible Purchaser and to record with the Deed; and further provided that, if more than one Ineligible Purchaser is ready, willing and able to purchase the Property the Owners will give preference and enter a purchase and sale agreement with any individuals or households identified by the Monitoring Agent as an Appropriate Size Household earning more than eighty percent (80%) but less than one hundred twenty percent (120%) of the Area Median Income.

(e) The priority for exercising the options to purchase contained in this Section 4 shall be as follows: (i) an Eligible Purchaser located and selected by the Monitoring Agent, as provided in subsection (b) above, (ii) the Municipality or its designee, as provided in subsection (c) above, and (iii) an Ineligible Purchaser, as provided in subsection (d) above.

(f) Nothing in this Deed Rider or the Regulatory Agreement constitutes a promise, commitment or guarantee by DHCD, MassHousing, the Municipality or the Monitoring Agent that upon resale the Owners shall actually receive the Maximum Resale Price for the Property or any other price for the Property.

(g) The holder of a mortgage on the Property is not obligated to forbear from exercising the rights and remedies under its mortgage, at law or in equity, after delivery of the Conveyance Notice.

5. Delivery of Deed. (a) In connection with any conveyance pursuant to an option to purchase as set forth in Section 4 above, the Property shall be conveyed by the Owners to the selected purchaser by a good and sufficient quitclaim deed conveying a good and clear record and marketable title to the Property free from all encumbrances except (i) such taxes for the then current year as are not due and payable on the date of delivery of the deed, (ii) any lien for municipal betterments assessed after the date of the Conveyance Notice, (iii) provisions of local building and zoning laws, (iv) all easements, restrictions, covenants and agreements of record specified in the deed from the Owners to the selected purchaser, (v) such additional easements, restrictions, covenants and agreements of record as the selected purchaser consents to, such consent not to be unreasonably withheld or delayed, (vi) the Regulatory Agreement, and (vii), except as otherwise provided in the Compliance Certificate, a Deed Rider identical in form and substance to this Deed Rider which the Owners hereby agree to execute, to secure execution by the selected purchaser, and to record with the deed. **Said deed shall clearly state that it is made subject to the Deed Rider which is made part of the deed.** Failure to comply with the preceding sentence shall not affect the validity of the conveyance from the Owners to the selected purchaser or the enforceability of the restrictions herein.

(b) Said deed, including the approved Deed Rider, shall be delivered and the purchase price paid (the "Closing") at the Registry, or at the option of the selected purchaser, exercised by written notice to the Owners at least five (5) days prior to the delivery of the deed, at such other

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place as the selected purchaser may designate in said notice. The Closing shall occur at such time and on such date as shall be specified in a written notice from the selected purchaser to the Owners, which date shall be at least five (5) days after the date on which such notice is given, and no later than the end of the time period specified in Section 4(a) above.

(c) To enable Owners to make conveyance as herein provided, Owners may, if Owners so desire at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, all instruments with respect thereto to be recorded simultaneously with the delivery of said deed. Nothing contained herein as to the Owners' obligation to remove defects in title or to make conveyance or to deliver possession of the Property in accordance with the terms hereof, as to use of proceeds to clear title or as to the election of the selected purchaser to take title, nor anything else in this Deed Rider shall be deemed to waive, impair or otherwise affect the priority of the rights herein over matters appearing of record, or occurring, at any time after the recording of this Deed Rider, all such matters so appearing or occurring being subject and subordinate in all events to the rights herein.

(d) Water and sewer charges and taxes for the then current tax period shall be apportioned and fuel value shall be adjusted as of the date of Closing and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the selected purchaser.

(e) Full possession of the Property free from all occupants is to be delivered at the time of the Closing, the Property to be then in the same condition as it is in on the date of the execution of the purchase and sale agreement, reasonable wear and tear only excepted.

(f) If Owners shall be unable to give title or to make conveyance as above required, or if any change of condition in the Property not included in the above exception shall occur, then Owners shall be given a reasonable time not to exceed thirty (30) days after the date on which the Closing was to have occurred in which to remove any defect in title or to restore the Property to the condition herein required. The Owners shall use best efforts to remove any such defects in the title, whether voluntary or involuntary, and to restore the Property to the extent permitted by insurance proceeds or condemnation award. The Closing shall occur fifteen (15) days after notice by Owners that such defect has been cured or that the Property has been so restored. The selected purchaser shall have the election, at either the original or any extended time for performance, to accept such title as the Owners can deliver to the Property in its then condition and to pay therefor the purchase price without deduction, in which case the Owners shall convey such title, except that in the event of such conveyance in accordance with the provisions of this clause, if the Property shall have been damaged by fire or casualty insured against or if a portion of the Property shall have been taken by a public authority, then the Owners shall, unless the Owners have previously restored the Property to its former condition, either:

(A) pay over or assign to the selected purchaser, on delivery of the deed, all amounts recovered or recoverable on account of such insurance or condemnation award less any amounts reasonably expended by the Owners for any partial restoration, or

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(B) if a holder of a mortgage on the Property shall not permit the insurance proceeds or the condemnation award or part thereof to be used to restore the Property to its former condition or to be so paid over or assigned, give to the selected purchaser a credit against the purchase price, on delivery of the deed, equal to said amounts so retained by the holder of the said mortgage less any amounts reasonably expended by the Owners for any partial restoration.

6. Resale and Transfer Restrictions. (a) Except as otherwise provided herein, the Property or any interest therein shall not at any time be sold by the Owners, or the Owners' successors and assigns, and no attempted sale shall be valid, unless the aggregate value of all consideration and payments of every kind given or paid by the selected purchaser of the Property for and in connection with the transfer of such Property, is equal to or less than the Maximum Resale Price for the Property, and unless a certificate (the "Compliance Certificate") is obtained and recorded, signed and acknowledged by the Monitoring Agent which Compliance Certificate refers to the Property, the Owners, the selected purchaser thereof, and the Maximum Resale Price therefor, and states that the proposed conveyance, sale or transfer of the Property to the selected purchaser is in compliance with the rights, restrictions, covenants and agreements contained in this Deed Rider, and unless there is also recorded a new Deed Rider executed by the selected purchaser, which new Deed Rider is identical in form and substance to this Deed Rider.

(b) The Owners, any good faith purchaser of the Property, any lender or other party taking a security interest in such Property and any other third party may rely upon a Compliance Certificate as conclusive evidence that the proposed conveyance, sale or transfer of the Property to the selected purchaser is in compliance with the rights, restrictions, covenants and agreements contained in this Deed Rider, and may record such Compliance Certificate in connection with the conveyance of the Property.

(c) Within ten (10) days of the closing of the conveyance of the Property from the Owners to the selected purchaser, the Owners shall deliver to the Monitoring Agent a copy of the Deed of the Property, including the deed rider, together with recording information. Failure of the Owners, or Owners' successors or assigns to comply with the preceding sentence shall not affect the validity of such conveyance or the enforceability of the restrictions herein.

7. Survival of Restrictions Upon Exercise of Remedies by Mortgagees. (a) The holder of record of any mortgage on the Property (each, a "Mortgagee") shall notify the Monitoring Agent, the Municipality and any senior Mortgagee(s) in the event of any default for which the Mortgagee intends to commence foreclosure proceedings or similar remedial action pursuant to its mortgage (the "Foreclosure Notice"), which notice shall be sent to the Monitoring Agent and the Municipality as set forth in this Deed Rider, and to the senior Mortgagee(s) as set forth in such senior Mortgagee's mortgage, not less than one hundred twenty (120) days prior to the foreclosure sale or the acceptance of a deed in lieu of foreclosure. The Owners expressly agree to the delivery of the Foreclosure Notice and any other communications and disclosures made by the Mortgagee pursuant to this Deed Rider.

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(b) The Owners grant to the Municipality or its designee the right and option to purchase the Property upon receipt by the Municipality of the Foreclosure Notice. In the event that the Municipality intends to exercise its option, the Municipality or its designee shall purchase the Property within one hundred twenty (120) days of receipt of such notice, at a price equal to the greater of (i) the sum of the outstanding principal balance of the note secured by such foreclosing Mortgagee's mortgage, together with the outstanding principal balance(s) of any note(s) secured by mortgage(s) senior in priority to such mortgage (but in no event shall the aggregate amount thereof be greater than one hundred percent (100%) of the Maximum Resale Price calculated at the time of the granting of the mortgage) plus all future advances, accrued interest and all reasonable costs and expenses which the foreclosing Mortgagee and any senior Mortgagee(s) are entitled to recover pursuant to the terms of such mortgages (the "Mortgage Satisfaction Amount"), and (ii) the Maximum Resale Price (which for this purpose may be less than the purchase price paid for the Property by the Owners)(the greater of (i) and (ii) above herein referred to as the "Applicable Foreclosure Price"). The Property shall be sold and conveyed in its then-current "as is, where is" condition, without representation or warranty of any kind, direct or indirect, express or implied, and with the benefit of and subject to all rights, rights of way, restrictions, easements, covenants, liens, improvements, housing code violations, public assessments, any and all unpaid federal or state taxes (subject to any rights of redemption for unpaid federal taxes), municipal liens and any other encumbrances of record then in force and applicable to the Property having priority over such foreclosing Mortgagee's mortgage, and further subject to a Deed Rider identical in form and substance to this Deed Rider which the Owners hereby agree to execute, to secure execution by the Municipality or its designee, and to record with the deed, except that (i) during the term of ownership of the Property by the Municipality or its designee the owner-occupancy requirements of Section 2 hereof shall not apply (unless the designee is an Eligible Purchaser), and (ii) the Maximum Resale Price shall be recalculated based on the price paid for the Property by the Municipality or its designee, but not greater than the Applicable Foreclosure Price. **Said deed shall clearly state that it is made subject to the Deed Rider which is made part of the deed.** Failure to comply with the preceding sentence shall not affect the validity of the conveyance from the Owners to the Municipality or its designee or the enforceability of the restrictions herein.

(c) Not earlier than one hundred twenty (120) days following the delivery of the Foreclosure Notice to the Monitoring Agent, the Municipality and any senior Mortgagee(s) pursuant to subsection (a) above, the foreclosing Mortgagee may conduct the foreclosure sale or accept a deed in lieu of foreclosure. The Property shall be sold and conveyed in its then-current "as is, where is" condition, without representation or warranty of any kind, direct or indirect, express or implied, and with the benefit of and subject to all rights, rights of way, restrictions, easements, covenants, liens, improvements, housing code violations, public assessments, any and all unpaid federal or state taxes (subject to any rights of redemption for unpaid federal taxes), municipal liens and any other encumbrances of record then in force and applicable to the Property having priority over the foreclosing Mortgagee's mortgage, and further subject to a Deed Rider, as set forth below.

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(d) In the event that the foreclosing Mortgagee conducts a foreclosure sale or other proceeding enforcing its rights under its mortgage and the Property is sold for a price in excess of the greater of the Maximum Resale Price and the Mortgage Satisfaction Amount, such excess shall be paid to the Municipality for its Affordable Housing Fund after (i) a final judicial determination, or (ii) a written agreement of all parties who, as of such date hold (or have been duly authorized to act for other parties who hold) a record interest in the Property, that the Municipality is entitled to such excess. The legal costs of obtaining any such judicial determination or agreement shall be deducted from the excess prior to payment to the Municipality. To the extent that the Owners possess any interest in any amount which would otherwise be payable to the Municipality under this paragraph, to the fullest extent permissible by law, the Owners hereby assign their interest in such amount to the Mortgagee for payment to the Municipality.

(e) If any Mortgagee shall acquire the Property by reason of foreclosure or upon conveyance of the Property in lieu of foreclosure, then the rights and restrictions contained herein shall apply to such Mortgagee upon such acquisition of the Property and to any purchaser of the Property from such Mortgagee, and the Property shall be conveyed subject to a Deed Rider identical in form and substance to this Deed Rider, which the Mortgagee that has so acquired the Property agrees to annex to the deed and to record with the deed, except that (i) during the term of ownership of the Property by such Mortgagee the owner-occupancy requirements of Section 2 hereof shall not apply, and (ii) the Maximum Resale Price shall be recalculated based on the price paid for the Property by such Mortgagee at the foreclosure sale, but not greater than the Applicable Foreclosure Price. **Said deed shall clearly state that it is made subject to the Deed Rider which is made part of the deed.** Failure to comply with the preceding sentence shall not affect the validity of the conveyance to the Mortgagee or the enforceability of the restrictions herein.

(f) If any party other than a Mortgagee shall acquire the Property by reason of foreclosure or upon conveyance of the Property in lieu of foreclosure, the Property shall be conveyed subject to a Deed Rider identical in form and substance to this Deed Rider, which the foreclosing Mortgagee agrees to annex to the deed and to record with the deed, except that (i) if the purchaser at such foreclosure sale or assignee of a deed in lieu of foreclosure is an Ineligible Purchaser, then during the term of ownership of the Property by such Ineligible Purchaser, the owner-occupancy requirements of Section 2 hereof shall not apply, and (ii) the Maximum Resale Price shall be recalculated based on the price paid for the Property by such third party purchaser at the foreclosure sale, but not greater than the Applicable Foreclosure Price. **Said deed shall clearly state that it is made subject to the Deed Rider which is made part of the deed.** Failure to comply with the preceding sentence shall not affect the validity of the conveyance to such third party purchaser or the enforceability of the restrictions herein.

(g) Upon satisfaction of the requirements contained in this Section 7, the Monitoring Agent shall issue a Compliance Certificate to the foreclosing Mortgagee which, upon recording in the Registry, may be relied upon as provided in Section 6(b) hereof as conclusive evidence that the conveyance of the Property pursuant to this Section 7 is in compliance with the rights, restrictions, covenants and agreements contained in this Deed Rider.

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(h) The Owners understand and agree that nothing in this Deed Rider or the Regulatory Agreement (i) in any way constitutes a promise or guarantee by MassHousing, DHCD, the Municipality or the Monitoring Agent that the Mortgagee shall actually receive the Mortgage Satisfaction Amount, the Maximum Resale Price for the Property or any other price for the Property, or (ii) impairs the rights and remedies of the Mortgagee in the event of a deficiency.

(i) If a Foreclosure Notice is delivered after the delivery of a Conveyance Notice as provided in Section 4(a) hereof, the procedures set forth in this Section 7 shall supersede the provisions of Section 4 hereof.

8. Covenants to Run With the Property. (a) This Deed Rider, including all restrictions, rights and covenants contained herein, is an affordable housing restriction as that term is defined in Section 31 of Chapter 184 of the Massachusetts General Laws, having the benefit of Section 32 of such Chapter 184, and is enforceable as such. This Deed Rider has been approved by the Undersecretary of DHCD.

(b) In confirmation thereof the Grantors and the Owners intend, declare and covenant (i) that this Deed Rider, including all restrictions, rights and covenants contained herein, shall be and are covenants running with the land, encumbering the Property for the Term, and are binding upon the Owners and the Owners' successors in title and assigns, (ii) are not merely personal covenants of the Owners, and (iii) shall enure to the benefit of and be enforceable by the Municipality, the Monitoring Agent and DHCD and their successors and assigns, for the Term. Owners hereby agree that any and all requirements of the laws of the Commonwealth of Massachusetts have been satisfied in order for the provisions of this Deed Rider to constitute restrictions and covenants running with the land and that any requirements of privity of estate have been satisfied in full.

9. Notice. Any notices, demands or requests that may be given under this Deed Rider shall be sufficiently served if given in writing and delivered by hand or mailed by certified or registered mail, postage prepaid, return receipt requested, to the following entities and parties in interest at the addresses set forth below, or such other addresses as may be specified by any party (or its successor) by such notice.

Municipality: Town of Sudbury  
Board of Selectmen  
Flynn Building  
278 Old Sudbury Road  
Sudbury, MA 01776

Grantors: Laurinda Bilyeu  
Stephen Derek Weiser

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Owners: Vugar Jafarov  
Lorena Jafarov  
18 Pinewood Avenue  
Sudbury, MA 01776

Monitoring Agent  
(1) Director, Local Initiative Program  
DHCD  
100 Cambridge Street  
Suite 300  
Boston, MA 02114

Others: Town of Sudbury  
Board of Selectmen  
Flynn Building  
278 Old Sudbury Road  
Sudbury, MA 01776

Any such notice, demand or request shall be deemed to have been given on the day it is hand delivered or mailed.

10. Further Assurances. The Owners agree from time to time, as may be reasonably required by the Monitoring Agent, to furnish the Monitoring Agent upon its request with a written statement, signed and, if requested, acknowledged, setting forth the condition and occupancy of the Property, information concerning the resale of the Property and other material information pertaining to the Property and the Owners' conformance with the requirements of the Comprehensive Permit, Program and Program Guidelines, as applicable.

11. Enforcement. (a) The rights hereby granted shall include the right of the Municipality and the Monitoring Agent to enforce this Deed Rider independently by appropriate legal proceedings and to obtain injunctive and other appropriate relief on account of any violations including without limitation relief requiring restoration of the Property to the condition, affordability or occupancy which existed prior to the violation impacting such condition, affordability or occupancy (it being agreed that there shall be no adequate remedy at law for such violation), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Municipality and the Monitoring Agent.

(b) Without limitation of any other rights or remedies of the Municipality and the Monitoring Agent, or their successors and assigns, in the event of any sale, conveyance or other transfer or occupancy of the Property in violation of the provisions of this Deed Rider, the Municipality and Monitoring Agent shall be entitled to the following remedies, which shall be cumulative and not mutually exclusive:

- (i) specific performance of the provisions of this Deed Rider;

*Handwritten signature and initials:*  
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- (ii) money damages for charges in excess of the Maximum Resale Price, if applicable;
- (iii) if the violation is a sale of the Property to an Ineligible Purchaser except as permitted herein, the Monitoring Agent and the Municipality shall have the option to locate an Eligible Purchaser to purchase or itself purchase the Property from the Ineligible Purchaser on the terms and conditions provided herein; the purchase price shall be a price which complies with the provisions of this Deed Rider; specific performance of the requirement that an Ineligible Purchaser shall sell, as herein provided, may be judicially ordered.
- (iv) the right to void any contract for sale or any sale, conveyance or other transfer of the Property in violation of the provisions of this Deed Rider in the absence of a Compliance Certificate, by an action in equity to enforce this Deed Rider; and
- (v) money damages for the cost of creating or obtaining a comparable dwelling unit for an Eligible Purchaser.

(c) In addition to the foregoing, the Owners hereby agree and shall be obligated to pay all fees and expenses (including legal fees) of the Monitoring Agent and/or the Municipality in the event successful enforcement action is taken against the Owners or Owners' successors or assigns. The Owners hereby grant to the Monitoring Agent and the Municipality a lien on the Property, junior to the lien of any institutional holder of a first mortgage on the Property, to secure payment of such fees and expenses in any successful enforcement action. The Monitoring Agent and the Municipality shall be entitled to seek recovery of fees and expenses incurred in a successful enforcement action of this Deed Rider against the Owners and to assert such a lien on the Property to secure payment by the Owners of such fees and expenses. Notwithstanding anything herein to the contrary, in the event that the Monitoring Agent and/or Municipality fails to enforce this Deed Rider as provided in this Section, DHCD, if it is not named as Monitoring Agent, shall have the same rights and standing to enforce this Deed Rider as the Municipality and Monitoring Agent.

(d) The Owners for himself, herself or themselves and his, her or their successors and assigns, hereby grant to the Monitoring Agent and the Municipality the right to take all actions with respect to the Property which the Monitoring Agent or Municipality may determine to be necessary or appropriate pursuant to applicable law, court order, or the consent of the Owners to prevent, remedy or abate any violation of this Deed Rider.

12. Monitoring Agent Services; Fees. The Monitoring Agent shall monitor compliance of the Project and enforce the requirements of this Deed Rider. As partial compensation for providing these services, a Resale Fee [☒] shall [☐] shall not be payable to the Monitoring Agent on the sale of the Property to an Eligible Purchaser or any other purchaser in accordance with the terms of this Deed Rider. This fee, if imposed, shall be paid by the Owners herein as a closing cost at the time of Closing, and payment of the fee to the Monitoring Agent shall be a condition to delivery and recording of its certificate, failing which the Monitoring

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Agent shall have a claim against the new purchaser, his, her or their successors or assigns, for which the Monitoring Agent may bring an action and may seek an attachment against the Property.

13. Actions by Municipality. Any action required or allowed to be taken by the Municipality hereunder shall be taken by the Municipality's Chief Executive Officer or designee.

14. Severability. If any provisions hereof or the application thereof to any person or circumstance are judicially determined, to any extent, to be invalid or unenforceable, the remainder hereof, or the application of such provision to the persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby.

15. Independent Counsel. THE OWNERS ACKNOWLEDGE THAT HE, SHE, OR THEY HAVE READ THIS DOCUMENT IN ITS ENTIRETY AND HAVE HAD THE OPPORTUNITY TO CONSULT LEGAL AND FINANCIAL ADVISORS OF HIS, HER OR THEIR CHOOSING REGARDING THE EXECUTION, DELIVERY AND PERFORMANCE OF THE OBLIGATIONS HEREUNDER.

16. Binding Agreement. This Deed Rider shall bind and inure to the benefit of the persons, entities and parties named herein and their successors or assigns as are permitted by this Deed Rider.

17. Amendment. This Deed Rider may not be rescinded, modified or amended, in whole or in part, without the written consent of the Monitoring Agent, the Municipality and the holder of any mortgage or other security instrument encumbering all or any portion of the Property, which written consent shall be recorded with the Registry.

Executed as a sealed instrument this 18 day of August, 2011.

Grantors: **Laurinda Bilyeu**  
**Stephen Derek Weiser**

Owners: **Vugar Jafarov**  
**Lorena Jafarov**

By [Signature]  
By [Signature]

By [Signature]  
By [Signature]

## COMMONWEALTH OF MASSACHUSETTS

Middlesex South County, ss.

On this 18 day of August, 2011, before me, the undersigned notary public, personally appeared Niger Jatoru, the 18 of August 2011 in its capacity as the \_\_\_\_\_ of \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was [a current driver's license] [a current U.S. passport] [my personal knowledge], to be the person whose name is signed on the preceding instrument and acknowledged the foregoing instrument to be his or her free act and deed and the free act and deed of \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.



KEVIN N. DOLAN  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 6, 2013

Notary Public  
My commission expires:

12/6/2013

## COMMONWEALTH OF MASSACHUSETTS

Middlesex South County, ss.

On this 18 day of August, 2011, before me, the undersigned notary public, personally appeared Niger Jatoru, the \_\_\_\_\_ of \_\_\_\_\_ in its capacity as the \_\_\_\_\_ of \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was [a current driver's license] [a current U.S. passport] [my personal knowledge], to be the person whose name is signed on the preceding instrument and acknowledged the foregoing instrument to be his or her free act and deed and the free act and deed of \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.



KEVIN N. DOLAN  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 6, 2013

Notary Public

My commission expires:

12/6/2013

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## COMMONWEALTH OF MASSACHUSETTS

Middlesex South County, ss.

On this 19 day of August, 2011, before me, the undersigned notary public, personally appeared Laurinda Bilyeu, the \_\_\_\_\_ of \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was [a current driver's license] [a current U.S. passport] [my personal knowledge], to be the person whose name is signed on the preceding instrument and acknowledged the foregoing instrument to be his or her free act and deed and the free act and deed of \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.



KEVIN N. DOLAN  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 6, 2013

Notary Public Kevin Dolan  
My commission expires: 12/6/2013

## COMMONWEALTH OF MASSACHUSETTS

Middlesex South County, ss.

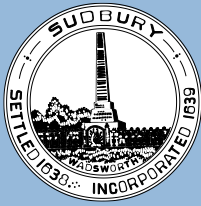
On this 18 day of August, 2011, before me, the undersigned notary public, personally appeared Stephen Derek Weiser, the \_\_\_\_\_ of \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was [a current driver's license] [a current U.S. passport] [my personal knowledge], to be the person whose name is signed on the preceding instrument and acknowledged the foregoing instrument to be his or her free act and deed and the free act and deed of \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.



KEVIN N. DOLAN  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 6, 2013

Notary Public Kevin Dolan  
My commission expires: 12/6/2013

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SUDBURY BOARD OF SELECTMEN  
Monday, June 22, 2020

17

**MISCELLANEOUS (UNTIMED)**

**17: Spring 2020 Selectmen Newsletter Approval**

REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Review draft Spring 2020 Board of Selectmen Newsletter and approve for distribution.

Recommendations/Suggested Motion/Vote:

Background Information:

Draft newsletter attached

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden Pending

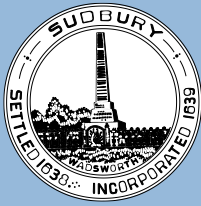
Henry L Hayes Pending

Jonathan Silverstein Pending

Daniel E Carty Pending

Board of Selectmen Pending

06/22/2020 6:00 PM

**SUDBURY BOARD OF SELECTMEN**

Monday, June 22, 2020

**MISCELLANEOUS (UNTIMED)****18: BFRT discussion****REQUESTOR SECTION**

Date of request:

Requestor: Beth Suedmeyer, Environmental Planner

Formal Title: Bruce Freeman Rail Trail (BFRT) discussion.

Recommendations/Suggested Motion/Vote: Bruce Freeman Rail Trail (BFRT) discussion

Background Information:

Financial impact expected:

Approximate agenda time requested:

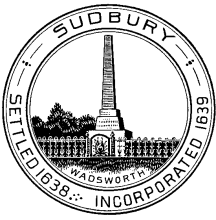
Representative(s) expected to attend meeting:

## Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM





# Town of Sudbury

*Planning and Community Development Department*

[pcd@sudbury.ma.us](mailto:pcd@sudbury.ma.us)

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

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

TO: Select Board  
FROM: Beth Suedmeyer, Environmental Planner, Planning and Community Development  
RE: BFRT Design Project Update  
DATE: June 18, 2020

I am pleased to provide this summary of project status in response to the request for an update on the Bruce Freeman Rail Trail (BFRT) Design Project (BFRT, Phase 2D, MassDOT ID 608164). The 25% project design of the rail trail from the Concord Town line to near Station Avenue has been accepted by MassDOT and a Design Public Hearing is being scheduled for July.

As you know, the Project is on the Boston MPO Transportation Improvement Program (TIP) for construction funding in federal fiscal year 2022. In May of 2020, the revised construction funding amount approved by the MPO was \$13.4 million an increase from \$9.3 million the previous year. The funding increase was mostly due to the refined design and construction cost estimate of the bridges and boardwalk. The current estimated advertising date, our target final design date, is in December 2021. This will be updated when the next design consultant prepares a schedule, but the project design must be "shovel ready" before October 2022 to take advantage of the state and federal funds for construction.

## **25% Design Update and Public Hearing**

The Town and MassDOT have been working closely to resolve outstanding comments received by MassDOT after their review of the 25% design submitted by the Town and its consultants in November 2019. The Town received comments from MassDOT at the end of March, and the rail trail design consultants, VHB and Jacobs, submitted their response to MassDOT in April. A comment resolution meeting with MassDOT was held on May 6th and primarily focused on questions for VHB about the path design, intersection designs, and landscaping. Review of the boardwalk design proposed south of Hudson Road continues. Likewise, an additional comment resolution meeting will be held next week to discuss traffic safety and intersection details for several rail trail and roadway intersections. It is not anticipated that these remaining discussions will delay the scheduling of the DPH.

The MassDOT DPH is a significant milestone in the project development process, during which MassDOT and the design consultants present the project to the community and seek public comment. MassDOT has adopted a virtual DPH meeting procedures under the Covid-19 response guidelines. Accordingly, the DPH will involve a virtual process with a pre-recorded presentation available online and via SudburyTV. Public comments will be submitted to MassDOT in writing. The comment period for the DPH will be open for 10 days following the publication of the presentation. The public hearing will be broadly publicized and promoted. We eagerly anticipate the finalization of scheduling the DPH in the coming weeks.

MassDOT is requesting the last ½-mile of the Concord section, from Powder Mill Road to the Sudbury town line, which was designed as part of Phase 2C, but not yet constructed, be included in the construction project for Phase 2D in Sudbury. Sudbury is coordinating with the Town of Concord and MassDOT to ensure smooth integration of this section of trail into design and construction documents.

This Concord section will be included in the DPH. The Sudbury design consultant will coordinate the compilation and coordination of the two 75%/100%/PSE sets, with the Town of Concord cost sharing to cover these items in the design contract.

In parallel with the DPH preparation process, MassDOT has filed a request for an amendment to the Order of Resource Area Delineation (ORAD) issued by the Sudbury Conservation Commission in 2016 and extended in 2019. Because of drought conditions in 2016, delineations of the vernal pools and perennial/intermittent streams were not included. These resource areas have now been clarified. Additionally, through the amendment, MassDOT is seeking to transfer the ORAD from the Town to MassDOT and clarify areas that are jurisdictional for the state Wetlands Protection Act and/or the Sudbury Local Bylaw. This may have implications for the extent of the proposed boardwalk south of Hudson Road. A site visit was held with MassDOT staff, their wetlands consultants from Epsilon Associates, and the Town's Conservation and Planning and Community Development staff on June 4<sup>th</sup> to discuss the proposed amendment. The Conservation Commission will have a hearing at their June 29<sup>th</sup> meeting to discuss the proposed amendment.

### Final Design

The remaining phases of the design, as designated for a MassDOT project, are the 75% design and the 100% / Plans, Specifications, and Estimate (PSE) phases. The 75% design activities include development of the special provision and itemized cost estimate. The landscape plans will be further developed and the environmental permitting will be initiated. The 100%/PSE design activities address the 75% design comments from MassDOT and ensure all work proposed is clearly described on plans and special provisions. Final details are indicated and permitting is completed. A final draft RFP for procurement of a consultant to conduct these final stages of design is being updated based on feedback from MassDOT following their 25% review.

### Project Development and Design Schedule

Task	Est. Timeframe
MassDOT Virtual Design Public Hearing and 10-day Public Comment Period	July
Publish RFP	August
Review Responses, Select Consultant	September
Notice to Proceed	September-October
Tentative Advertising Date (Design Completion)	December 2021
End of FFY 2022	September 2022

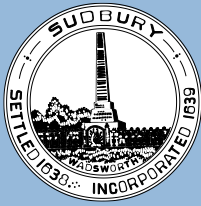
The design consultant will present the preliminary 75/100 % schedule in their Response to RFP.

### Design Budget Summary

To date, the Town has appropriated (through Town Meetings) \$1,182,492.15 towards the BFRT design. Once the current contracts with VHB and Jacobs are completed, the estimated remainder of 2016 TM and 2018 STM funding will remain to complete the final design phase.

### BFRT Project Design Accounts and Contracts

Active BFRT Accounts		
Funding Source	Appropriation	Note
2014 Town Meeting (for 25%)	\$202,492.15	25% Design
Donation Friends of BFRT (for 25%)	\$58,700.00	25% Design
2017 Town Meeting (for advancing design)	\$330,000.00	Jacobs Contract of \$146,700, which leaves \$183,300 for 75/100% Design
2018 Special Town Meeting (for advancing design)	\$650,000.00	75/100% Design
<b>TOTAL</b>	<b>\$1,241,192.15</b>	
Contracts	Amount	
25% VHB Original	\$261,000.00	
25% VHB Amendments	\$30,550.00	
25% Structural - Jacobs	\$146,700.00	
25% Jacobs Amendment	\$36,675.00	
Anticipated 75/100% Contract	\$833,300.00	
Funding source for amendments were Planning, DPW, and Town Manager Budgets.		



## SUDBURY BOARD OF SELECTMEN

Monday, June 22, 2020

19

### MISCELLANEOUS (UNTIMED)

#### 19: Citizen's Comments

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Citizen's Comments

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

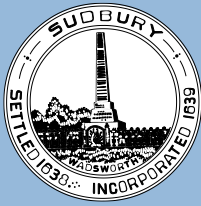
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM



SUDBURY BOARD OF SELECTMEN  
Monday, June 22, 2020

20

**MISCELLANEOUS (UNTIMED)**

**20: Upcoming Agenda Items**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Upcoming Agenda Items

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

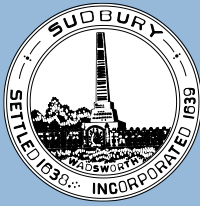
Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM



POTENTIAL UPCOMING AGENDA ITEMS/MEETINGS	
MEETING	DESCRIPTION
July 14	Annual Board and Committee reappointments
	<b>DEADLINE</b> to submit Ballot Question(s) to Town Clerk for inclusion on the Nov. 3 ballot
August 11 (Tues) additional meeting	<b>DROP DEADLINE to sign Annual Town Meeting Warrant (in time for printing/posting for Sept. 15 ATM)</b>
Date to be determined	Vote to elect chairman and vice-chairman of the Board of Selectmen (or SelectBoard) after Annual Town Meeting in Sept.
	Selectmen's Social Media Policy
	Work Session: Select Board/Town Manager Code of Conduct and other procedural training
	Invite Commission on Disability Chair to discuss Minuteman High School
	Eversource Public Hearing re: Grant of Location ( <i>date TBD</i> )
	Approve BOS submission to 2019 Annual Town Report
	Annual meeting with state legislators (2020)
	Discussion on liaison assignments and Board membership on town committees (for 2020-2021)
	Fall Town Forum discussion (July)
	Update from BOS Policy Subcommittee
	Town meeting recap – year in review
	Transportation Committee extension
	Route 20 empty corner lot – former gas station
	Update on traffic policy (Chief Nix)
	Update on crosswalks (Chief Nix/Dan Nason)
	Citizen Leadership Forum
	Town-wide traffic assessment and improve traffic flow
	Temporary Trailer permit - 150 Boston Post Road
	Wayside Inn Road Bridge
	Eversource double pole discussion
	Future planning of Sewataro
<b>STANDING ITEMS FOR ALL MEETINGS</b>	BOS requests for future agenda items at end of meeting
	Citizens Comments, continued (if necessary)
	Fairbank Community Center update (ongoing)
	Bruce Freeman Rail Trail (BFRT) update (quarterly)
	COVID-19 update (as of 3/18/20)

**SUDBURY BOARD OF SELECTMEN**

Monday, June 22, 2020

**CONSENT CALENDAR ITEM****21: Easement acceptance 197 Landham Road****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. 1 and 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 Lindsay Philbrick and Erick Storer for stormwater system maintenance purposes upon the property shown as Lot 2 on a Plan entitled "Plan of Land in Sudbury, Massachusetts" Prepared by Thompson-Liston Associates, Inc., dated January 13, 2015, and recorded with the Middlesex South Registry of Deeds in Plan Book 2015, Plan No. 131.

Recommendations/Suggested Motion/Vote: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 Lindsay Philbrick and Erick Storer for stormwater system maintenance purposes upon the property shown as Lot 2 on a Plan entitled "Plan of Land in Sudbury, Massachusetts" Prepared by Thompson-Liston Associates, Inc., dated January 13, 2015, and recorded with the Middlesex South Registry of Deeds in Plan Book 2015, Plan No. 131.

Background Information:  
attached easement

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM

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 June \_\_\_\_, 2020 by Lindsay Philbrick and Erick Storer (the “Owner”) of 197 Landham Road, Sudbury, MA 01776 (the “Property”) 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, the Owner applied to the Sudbury Planning Board for approval of a Stormwater Management Permit, for the Property (the “Project”) and the Planning Board, on May 13, 2020, issued a “Stormwater Management Permit” (the “Permit”) upon the Property shown as Lot 2 on a Plan entitled “Plan of Land in Sudbury, Massachusetts” Prepared by Thompson-Liston Associates, Inc. dated January 13, 2015, and recorded with the Middlesex South Registry of Deeds in Plan Book 2015 Plan 131, to which plan reference is made for a more particular description of said the Property.

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

Whereas, the Sudbury Planning Board’s decision to grant the Owner the Permit is contingent upon the Owner being responsible for the perpetual maintenance of the stormwater management system located on the Property, including, without limitation, all area drains, drain pipes and infiltration structures 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 Property and by granting an easement over the Property and to allow the Town if the Owner fails to do so, to perform such maintenance and charge and assess the Owner for the cost thereof,

Now therefore, the Owner hereby declares the following covenants and grants to the Town 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 Property 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 “Construction Period and Long Term O & M Plan for 197 Landham Road, Sudbury” prepared by Thompson-Liston Associates, Inc. and dated March 30, 2020, 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 Property 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 Property a written notice (pursuant to the notice provision below) to remedy said violation specifying the work that is required in order to enable the Stormwater System to function properly and providing for a thirty (30) day time period in which to complete such work. If the remedy is of such a nature that the same cannot be reasonably completed within said thirty (30) day period, then the 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 (30) 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 Property 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 the Owner of same, except in the case of emergency, and (b) not to unreasonably interfere with the current use of the Property, or with access to the Property, 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 to the condition it was in prior to undertaking such work, to the extent reasonably possible.

Prior to exercising any right to enter the Property 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 Property 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 Property and/or the Stormwater System in accordance with the terms of this Restriction to obtain and keep such insurance prior to entering upon the Property. Any insurance provided for above shall name the Owner as additional insured and certificate holder, provided however, that the coverage amounts set forth in the Town's policy of insurance naming the Owner as an additional insured shall be limited \$100,000 as set forth in M.G.L. c. 258.

5. The rights hereby granted to the Town include the right to enforce the obligations of the Owner set forth herein by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violation, including, without limitation, relief requiring repair, maintenance or replacement of the Stormwater System (it being agreed that the Town has no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Town. The Town shall have the option to enforce said obligations but does not have the obligation to do so. The actual expenses incurred by the Town in abating or remedying any violation hereof and in enforcing the duties of the Owner hereunder shall be paid by the Owner within thirty (30) days after delivery of written notice to the 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 M.G.L. c. 80 and/or other applicable law. Any election by the Town as to the manner and timing of its right to enforce these covenants or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

6. Within twenty (20) days after written request therefor, 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 Property 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 Property, shall defend, indemnify and hold the Town harmless from any and all claims, damages, losses, costs and liabilities, including, without limitation, reasonable attorneys' fees, relating to the Stormwater System and/or the Owner's actions taken or the Owner's failure to take action as may be required under this Restriction, excluding in any event from the foregoing indemnity, any matter arising from the negligence or willful misconduct of the Town.

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

12. All notices required or permitted hereunder shall be in writing and addressed to the parties as set forth above or at such other addresses as the parties may designate from time to time by notice given in accordance with the terms hereof. Notices may be given by hand delivery, or by recognized overnight delivery service, including the U.S. Postal Service, and shall be deemed given upon receipt in hand, or one (1) business day after deposit with such overnight delivery service, as applicable.

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

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

[End of text. Signatures on next page.]

Executed under seal as of this \_\_\_\_ day of \_\_\_\_\_, 2020.

PROPERTY OWNER:

\_\_\_\_\_  
Name:

Title:

Duly Authorized

### COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this \_\_\_\_ day of June, 2020, before me, the undersigned notary public,  
\_\_\_\_\_, the above-named member person personally  
appeared and proved to me through satisfactory evidence of identification, which was  
\_\_\_\_\_, to be the person whose name is signed on the  
preceding document and acknowledged to me that s/he signed it voluntarily for its stated  
purpose.

Notary Public  
My Commission Expires:

### ACCEPTANCE OF EASEMENT

On this     day of     , 2020, the Town of Sudbury, acting by and through its Board of Selectmen pursuant to the provisions of G.L. c. 83, §§1 and 3, and any other enabling authority, hereby accepts the foregoing Grant of Easement for drainage purposes.

TOWN OF SUDBURY,  
By Its Board of Selectmen

\_\_\_\_\_  
Daniel E. Carty, Chairman

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

\_\_\_\_\_  
Janie W. Dretler, Member

\_\_\_\_\_  
Jennifer Roberts, Member

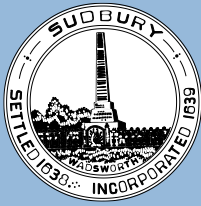
\_\_\_\_\_  
William Schineller, Member

### COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

On this     day of     , 2020, before me, the undersigned notary public, \_\_\_\_\_, the above-named member of the Board of Selectmen for the Town of Sudbury, personally appeared and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding document and acknowledged to me that s/he signed it voluntarily for its stated purpose as a member of the Board of Selectmen of the Town of Sudbury.

Notary Public  
My Commission Expires:



## SUDBURY BOARD OF SELECTMEN

Monday, June 22, 2020

**CONSENT CALENDAR ITEM****22: Approve FY21 amendment MWRTA**REQUESTOR SECTION

Date of request:

Requestor: Debra Galloway, Senior Center Director

Formal Title: Vote to approve the FY21 amendment extending the contract between the MetroWest Regional Transit Authority (RTA) and the Town of Sudbury to provide transportation services for elderly and disabled persons through the Council on Aging effective July 1, 2020, as requested by Debra Galloway, Council on Aging Director, said Agreement to be executed by the Town Manager.

Recommendations/Suggested Motion/Vote: Vote to approve the FY21 amendment extending the contract between the MetroWest Regional Transit Authority (RTA) and the Town of Sudbury to provide transportation services for elderly and disabled persons through the Council on Aging effective July 1, 2020, as requested by Debra Galloway, Council on Aging Director, said Agreement to be executed by the Town Manager.

## Background Information:

This contract continues services provided under previous agreements for transportation for the elderly and disabled. (See attached)

Financial impact expected:\$135,000 (not to exceed) payment by MWRTA to Town of Sudbury

Approximate agenda time requested:

Representative(s) expected to attend meeting:

## Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM



**METROWEST REGIONAL TRANSIT AUTHORITY**  
Public Transportation System

15 Blandin Avenue, Framingham, MA 01702  
Ph. (508) 935 2222 ▪ Fax (508) 935 2225 ▪ Toll Free (888)996 9782 ▪ [www.mwrta.com](http://www.mwrta.com)

May 11, 2020

Daniel E. Carty, Chair  
Sudbury Board of Selectmen  
278 Old Sudbury Road  
Sudbury, MA 01776

Dear Mr. Carty,

Please find enclosed, the 2020-2021 Contract Extension for elderly and disabled transportation services between the MWRTA and the Town of Sudbury, provided by the Sudbury Council on Aging.

Please sign all three (3) copies and return for MWRTA signature. One (1) original copy will be returned for your records, once all signatures are obtained.

Please do not hesitate to contact me if there are any questions.

Thank you,

Eva Willens,  
Deputy Administrator

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2020 JUN 15 P 2:21

Attachment22.a: MWRTA renewal (3927 : Approve FY21 amendment MWRTA)





**METROWEST REGIONAL TRANSIT AUTHORITY**  
Public Transportation System

15 Blandin Avenue, Framingham, MA 01702  
Ph. (508) 935 2222 ▪ Fax (508) 935 2225 ▪ www.mwrta.com

**CONTRACT EXTENSION**  
BY AND BETWEEN  
THE TOWN OF SUDBURY  
AND  
THE METROWEST REGIONAL TRANSIT AUTHORITY

THIS AGREEMENT is made this 1st day of July 2020 by and between the TOWN OF SUDBURY, MA, a municipal corporation hereinafter referred to as the "TOWN" and the METROWEST REGIONAL TRANSIT AUTHORITY ("MWRTA"), a body politic and corporate and political subdivision of the Commonwealth of Massachusetts, hereinafter referred to as the "RTA."

The TOWN and the MWRTA agree to extend the contract for elderly and disabled transportation services, between the parties dated June 12, 2013 and last amended on July 1, 2015, for one additional year, through June 30, 2021.

The terms and conditions of said contract in the amount of \$135,000.00 are hereby ratified and affirmed.

IN WITNESS WHEREOF the parties hereto have caused this extension to be executed by their duly authorized officers on the day and year first written above.

MetroWest Regional Transit Authority  
By:

Town of SUDBURY  
By:

\_\_\_\_\_  
Edward J. Carr, Administrator

Dated: \_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

Approved as to form:

Approved as to form:

\_\_\_\_\_  
General Counsel

\_\_\_\_\_  
Town Counsel

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_



**METROWEST REGIONAL TRANSIT AUTHORITY**  
Public Transportation System

15 Blandin Avenue, Framingham, MA 01702  
Ph. (508) 935 2222 ▪ Fax (508) 935 2225 ▪ www.mwrta.com

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BY AND BETWEEN  
THE TOWN OF SUDBURY  
AND  
THE METROWEST REGIONAL TRANSIT AUTHORITY

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The terms and conditions of said contract in the amount of \$135,000.00 are hereby ratified and affirmed.

IN WITNESS WHEREOF the parties hereto have caused this extension to be executed by their duly authorized officers on the day and year first written above.

MetroWest Regional Transit Authority  
By:

Town of SUDBURY  
By:

\_\_\_\_\_  
Edward J. Carr, Administrator

Dated: \_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

Approved as to form:

Approved as to form:

\_\_\_\_\_  
General Counsel

\_\_\_\_\_  
Town Counsel

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_



**METROWEST REGIONAL TRANSIT AUTHORITY**  
Public Transportation System

15 Blandin Avenue, Framingham, MA 01702  
Ph. (508) 935 2222 ▪ Fax (508) 935 2225 ▪ www.mwrta.com

**CONTRACT EXTENSION**  
BY AND BETWEEN  
THE TOWN OF SUDBURY  
AND  
THE METROWEST REGIONAL TRANSIT AUTHORITY

THIS AGREEMENT is made this 1st day of July 2020 by and between the TOWN OF SUDBURY, MA, a municipal corporation hereinafter referred to as the "TOWN" and the METROWEST REGIONAL TRANSIT AUTHORITY ("MWRTA"), a body politic and corporate and political subdivision of the Commonwealth of Massachusetts, hereinafter referred to as the "RTA."

The TOWN and the MWRTA agree to extend the contract for elderly and disabled transportation services, between the parties dated June 12, 2013 and last amended on July 1, 2015, for one additional year, through June 30, 2021.

The terms and conditions of said contract in the amount of \$135,000.00 are hereby ratified and affirmed.

IN WITNESS WHEREOF the parties hereto have caused this extension to be executed by their duly authorized officers on the day and year first written above.

MetroWest Regional Transit Authority  
By:

Town of SUDBURY  
By:

\_\_\_\_\_  
Edward J. Carr, Administrator

Dated: \_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

Approved as to form:

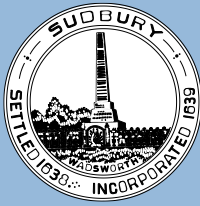
Approved as to form:

\_\_\_\_\_  
General Counsel

\_\_\_\_\_  
Town Counsel

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**SUDBURY BOARD OF SELECTMEN**

Monday, June 22, 2020

**CONSENT CALENDAR ITEM****23: MIIA Grant acceptance****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Vote to accept an FY20 MIIA Grant for \$8,000 as listed in the attached: Automatic restroom door openers for Senior Center restrooms (\$3,678); and walkway for meals delivery (\$4,322).

Recommendations/Suggested Motion/Vote: Vote to accept an FY20 MIIA Grant for \$8,000 as listed in the attached: Automatic restroom door openers for Senior Center restrooms (\$3,678); and walkway for meals delivery (\$4,322).

**Background Information:**

Provided by Bill Barletta, Facilities Director:

**Automatic Restroom Door Openers**

The Men's and Women's restrooms at the Senior Center have standard push/pull doors with hydraulic closers. They are heavy and difficult for many of our participants to use. In particular participants who have mobility issues, who use a cane or walker, or wheelchair are challenged to safely open the doors when entering and exiting the restrooms. Participants struggle to hold the door open and maneuver with a cane or walker. This increases the likelihood of a fall at the Senior Center.

An automatic system with a button inside and out to open and hold the door while our participants pass in and out would greatly reduce the risk of a fall or injury.

**Walkway for Meals Delivery**

The walkway entrance and delivery/pickup pathway to the Senior Center kitchen is on the exterior of the Senior Center building. It consists of concrete paving stones that have become very uneven over the years. The paver stones were originally set in material that has shifted, causing poor drainage and an uneven surface that creates a fall risk. Rain and snow accumulate in this area into large puddles. In the winter, the problem is even more serious as the puddles freeze into thick ice that resists melting, and refreezes overnight. This makes it difficult for the delivery drivers, many of which are older adults, to get to the kitchen to pick up the meal carriers and then safely make their way back to their cars. The walkway is also used by kitchen staff to support the numerous activities in our program room.

The pavers need to be removed, the area leveled with proper drainage material and compacted and pavers reinstalled with proper drainage pitch and slope. The pathway also needs to be isolated from vehicular traffic. We propose removable bollards be placed at the walkway entrance allowing only maintenance and service vehicles to access the kitchen.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

## Review:

Patty Golden  
Henry L Hayes  
Jonathan Silverstein  
Daniel E Carty  
Board of Selectmen

Pending  
Pending  
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06/22/2020 6:00 PM

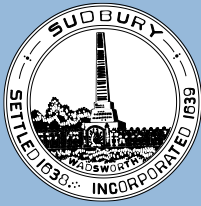




MIIA Grant Statement  
Town of Sudbury

12/4/2019  
7:22:35 PM

Grand Total:					\$12,470	\$8,000
Grant ID	Department	Category	Purpose	Status	Requested	Awarded
RM70	Facilities	Property Loss Prevention Equipment-flammable containers, moisture meters etc	Automated door opening for two restrooms in the senior center	Yes	\$5,720	\$3,678
RM70	Facilities	Property Loss Prevention Equipment-flammable containers, moisture meters etc	Improvement of walkway used for home delivered meals driver meal pickup	Yes	\$4,320	\$4,322
RM124	Fire Dept.	PPE eye, face, fall, hearing etc.	6 sets of pants + jackets	No	\$2,430	



## SUDBURY BOARD OF SELECTMEN

Monday, June 22, 2020

**CONSENT CALENDAR ITEM****24: Approve sale of BANs**REQUESTOR SECTION

Date of request:

Requestor: Dennis Keohane, Finance Director

Formal Title: Vote to approve sale of Bond Anticipation Notes (BANS) as requested by Dennis Keohane, Finance Director.

Recommendations/Suggested Motion/Vote: Vote to approve sale of Bond Anticipation Notes (BANS) as requested by Dennis Keohane, Finance Director.

Background Information:  
attached document

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM

## VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Sudbury, Massachusetts, certify that at a meeting of the board held June 22, 2020, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of a \$5,885,000 2.00 percent General Obligation Bond Anticipation Note (Lot A) (the “Lot A Note”) of the Town dated July 1, 2020, and payable January 27, 2021, to Piper Sandler & Co. at par and accrued interest, if any, plus a premium of \$52,435.35.

Further Voted: to approve the sale of a \$11,240,000 1.25 percent General Obligation Bond Anticipation Note (Lot B) (Subject to Federal and Massachusetts Income Taxation) (the “Lot B Note” and together with the Lot A Notes, the “Notes”) of the Town dated July 1, 2020, and payable January 27, 2021, to TD Securities (USA) LLC at par and accrued interest, if any, plus a premium of \$40,801.20.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 10, 2020, and a final Official Statement dated June 17, 2020, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Notes (collectively, the “Documents”), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

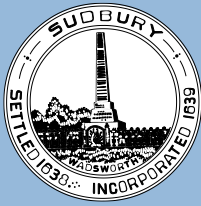
I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended, further suspended, supplemented or modified by the Executive Order of the Governor of The Commonwealth of Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12, 2020.

Dated: June 22, 2020

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Clerk of the Board of Selectmen

83064001v.1

Attachment24.a: Selectmen Vote BAN (Sudbury 7-1-20)-c (3949 : Approve sale of BANs)



## SUDBURY BOARD OF SELECTMEN

Monday, June 22, 2020

**MISCELLANEOUS (UNTIMED)****25: Vote to adjourn meeting**REQUESTOR SECTION

Date of request:

Requestor: Dan Carty

Formal Title: Vote to adjourn meeting

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

## Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/22/2020 6:00 PM