

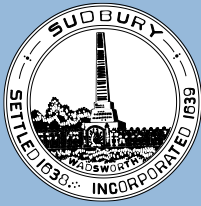
SUDBURY SELECT BOARD
TUESDAY MARCH 2, 2021
6:00 PM, ZOOM

Item #	Time	Action	Item
	6:00 PM		CALL TO ORDER
EXECUTIVE SESSION			
1.		<i>VOTE</i>	Vote to immediately enter Executive Session pursuant to Exemption 3 (G.L. c. 30A, §21(a)(3)) – To discuss strategy with respect to litigation (Eversource) Sudbury v EFSB, SJC No. 12997; Sudbury v Secretary EOEEA, Suffolk Superior Court No. 2084CV00151.
2.		<i>VOTE</i>	Continue executive session to review, approve 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
	7:00 PM		Opening remarks by Chair
			Reports from Town Manager
			Reports from Select Board
			Citizen's comments on items not on agenda
MISCELLANEOUS			
4.	7:15 PM	<i>VOTE</i>	Discussion and possible vote regarding NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY’s responses to the questions posed at the December 15, 2020 Grant of Location Hearing, to determine if there are unaddressed concerns related to the responses provided.
5.	7:30 PM	<i>VOTE</i>	Interview candidates for reappointment to the Permanent Building Committee (PBC). Following interview, vote whether to reappoint Nancy Rubenstein, 57 Winsor Road, and Michael Melnick, 97 Lincoln Road, to the Permanaent Building Committee, both for a term expiring 5/31/23.
6.	7:45 PM	<i>VOTE</i>	Interview candidate for Historic Districts Commission (HDC). Following interview, vote whether to appoint Taryn Trexler, 253 Concord Road, to the HDC for a term expiring 1/1/26.

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

Item #	Time	Action	Item
7.	8:00 PM		Dennis Mannone, Park & Rec Director, to present CPC Town Meeting articles. Also attending is Adam Duchesneau, Director of Planning & Community Development, and Sherril Cline, CPC chair.
8.	8:30 PM	<i>VOTE</i>	Open a joint meeting with the Commission on Disability (COD) regarding ADA assessment discussion with representatives from IHDC.
9.	9:15 PM	<i>VOTE</i>	Vote to close joint meeting with Commission on Disability (COD) and resume Select Board meeting.
10.			Discuss recent OML violation decision
11.		<i>VOTE</i>	Discussion and vote on the Annual Town Meeting start time on Saturday, May 22, 2021 at LSRHS field.
12.			Discussion on LSRHS agreement
13.			Discussion/preparation for joint meeting with Lincoln BOS on March 8
14.			Select Board Goal update from Board goal liaisons.
15.		<i>VOTE</i>	Discussion, review, and vote on Appointment Policy and Code of Conduct (continued from 2/9 meeting).
16.			BFRT update provided by Town Manager Hayes.
17.		<i>VOTE</i>	Review open session minutes of 2/9/21 and possibly vote to approve minutes.
18.			Citizen's Comments (cont)
19.			Upcoming Agenda Items
CONSENT CALENDAR			
20.		<i>VOTE</i>	Vote to send a letter of thanks to Frank Riepe for his many years of service (2001-2021) on the Historic Districts Commission.
21.		<i>VOTE</i>	Review and vote whether to approve the Town Manager/Select Board submission to the 2020 Annual Town Report.
22.		<i>VOTE</i>	Vote to allocate \$20,000 of the mitigation funds listed in item 4.2.c. of the Meadow Walk Development Agreement to the Go Sudbury! Microtransit Pilot Program.

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 SELECT BOARD**

Tuesday, March 2, 2021

EXECUTIVE SESSION**1: Eversource discussion****REQUESTOR SECTION**

Date of request:

Requestor: 30 min

Formal Title: Vote to immediately enter Executive Session pursuant to Exemption 3 (G.L. c. 30A, §21(a)(3)) – To discuss strategy with respect to litigation (Eversource) Sudbury v EFSB, SJC No. 12997; Sudbury v Secretary EOEEA, Suffolk Superior Court No. 2084CV00151.

Recommendations/Suggested Motion/Vote: Vote to immediately enter Executive Session pursuant to Exemption 3 (G.L. c. 30A, §21(a)(3)) - To discuss strategy with respect to litigation (Eversource) Sudbury v EFSB, SJC No. 12997; Sudbury v Secretary EOEEA, Suffolk Superior Court No. 2084CV00151.

Background Information:
attached overview (20 pgs)

Financial impact expected:

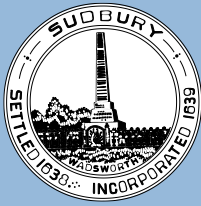
Approximate agenda time requested:

Representative(s) expected to attend meeting: George Pucci of KP Law to attend

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM

**SUDBURY SELECT BOARD**

Tuesday, March 2, 2021

EXECUTIVE SESSION**2: Exec Session to review minutes****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Continue executive session to review, approve 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: Continue executive session to review, approve 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 draft minutes of 1/26/21 and 2/9/21

Financial impact expected:

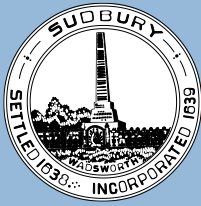
Approximate agenda time requested: 30 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM

**SUDBURY SELECT BOARD**

Tuesday, March 2, 2021

EXECUTIVE SESSION**3: Close Executive Session and resume Open 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:

Background Information:

Financial impact expected:

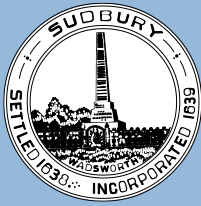
Approximate agenda time requested: 30 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM

**SUDBURY SELECT BOARD**

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**4: Eversource response to GOL comments****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and possible vote regarding NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY's responses to the questions posed at the December 15, 2020 Grant of Location Hearing, to determine if there are unaddressed concerns related to the responses provided.

Recommendations/Suggested Motion/Vote: Discussion and possible vote regarding NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY's responses to the questions posed at the December 15, 2020 Grant of Location Hearing, to determine if there are unaddressed concerns related to the responses provided.

Background Information:
attached documents

Financial impact expected:

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM

KEEGAN WERLIN LLP

ATTORNEYS AT LAW

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DAVID S. ROSENZWEIG
E-mail: drosen@keeganwerlin.com

January 13, 2021

Sudbury Board of Selectmen
278 Old Sudbury Road
Sudbury, MA 01776

Re: Request by NSTAR Electric Company d/b/a Eversource Energy for Grants of Location
Response to Outstanding Questions

Dear Chairman Dretler and Board Members:

This letter responds to questions posed during the December 15, 2020 public comment hearing conducted by the Sudbury Board of Selectmen (“Board”) regarding the February 12, 2020 Petition of NSTAR Electric Company d/b/a Eversource Energy (“Eversource” or “the Company”) for grants of location pursuant to G.L. c. 166, § 22. The grants of location (“GOLs”) are required for four short street crossings (Dutton Road, Peakham Road, Horse Pond Road, Union Avenue) in connection with the Company’s construction of a 115-kilovolt (“kV”) underground electric transmission line (the “New Line”) along a disused right-of-way (“ROW”) owned by the Massachusetts Bay Transportation Authority (“MBTA”) (“MBTA ROW”) in Sudbury.

Before addressing the questions and comments from the GOL hearing, the Company notes its disagreement with the timing of the Board’s next scheduled hearing for the GOL, which was set by the Board for April 6, 2021. The Company filed its GOL application on February 12, 2020 and the first hearing was delayed for ten months until December 15, 2020. While the Company understands and appreciates the challenges of conducting business during the pandemic, we are also aware of the accommodations made by Sudbury and other cities and towns to perform many permit reviews during this timeframe. As examples, it appears that other town agencies in Sudbury, such as the Conservation Commission, the Planning Board and the Board of Appeals, have been processing various permit requests over the past year in typical fashion (albeit with virtual hearings). Notably, prior to the pandemic, the Company obtained GOLs from the Town of Hudson on January 27, 2020 for construction of the New Line along 1.5 miles of public roads, only three weeks after the application was filed with the Hudson Board of Selectmen. For these reasons, the Board’s decision to delay the next GOL hearing until April 6th is insupportable given the limited scope of the requested GOLs. We, therefore, believe that prompt action on the Company’s GOL application, without undue delay as has already been experienced, is warranted. Accordingly, the Company respectfully requests timely review of its GOL application, specifically setting the date for the next hearing in January 2021 and completion of the GOL process expeditiously thereafter.

Attachment4.a: GOL responses 1-13-21 (4437 : Eversource response to GOL comments)

Following below are the Company's responses to the questions and comments from the December 15th hearing that are within the relevant scope of the GOL process.

The Town's Director of Public Works, Daniel Nason, commented and asked questions regarding the Company's petition for a GOL. The following summarizes Mr. Nason's statements and provides a response.

- Mr. Nason notes that road closures in Sudbury are authorized by the Department of Public Works, not the Police Department.

The Company will coordinate road closures with the Department of Public Works ("DPW"), as directed by Mr. Nason, and other relevant Town officials.

- Mr. Nason asked about the timeline for the work proposed by Eversource on Dutton Road so that it does not conflict with the Town's plan for construction on the Dutton Road bridge.

Eversource will work with the DPW director to schedule Project work on Dutton Road to avoid conflicts with the Town's bridge project. Eversource expects the Project work at Dutton Road to take approximately 1-2 weeks to complete.

- Mr. Nason noted that all signage and detail officers will be the responsibility of Eversource.

The Company, through its Contractor, will provide reasonable signage as provided in the Temporary Traffic Control Plans provided in Exhibit E to the GOL Application and will pay the expense of reasonable police details.

- Mr. Nason noted that road plates cannot be used during the winter months.

The Company and its Contractor will schedule the work such that road plates will not be needed during winter months. Eversource notes that Section I(A)(1) of the Town's Road Opening Rules allows for work to be performed between November 1 and April 1 with the written permission of the DPW director. Eversource expects the work at each road to take 1-2 weeks to complete.

- Mr. Nason notes that curb-to-curb paving 25 feet in each direction will be required upon completion of the construction.

Eversource will comply with the Town's Road Opening Rules and Regulations and the Massachusetts Department of Public Utilities' Road Restoration Standards as set forth in D.T.E. 98-22.

Board members, other Town officials and members of the public asked numerous questions about the Company's GOL petition during the public hearing. The following summarizes those questions and provides a response from the Company.

- What happens if the GOL is approved?

A GOL will provide Eversource the legal right to place its duct bank within the four roadways, in accordance with the plans submitted with Eversource's GOL application. Nevertheless, Project construction will not begin until all applicable permits are obtained.

- What happens if the GOL is not approved?

If the GOLs are not approved, Eversource will seek recourse through other legal means available to it.

- Why does the Petition ask for permission to place the wires and cables “over” the roadways? Will the Project be overhead at these crossings?

No, the New Line will be not be constructed overhead. But for three bridge crossings, it will be constructed entirely underground, including at the road crossings, in accordance with the plans submitted by the Company with its GOL application.

- Why would Eversource seek this the GOL when there are other permits needed for the Project and the Project is still under appeal?

It is common practice to seek permits in parallel with each other, especially when permits are independent of each other. This is the only way that projects that require a multitude of federal state and local permits, such as the one proposed by the Company, can be permitted and ultimately constructed in a timely manner. The scope covered by this GOL permit is independent of all other permits for the Project and, thus, cannot and should not be delayed until other permits are issued. In any event, construction of the Project will not begin until all relevant permits are received; thus, the granting of any single permit does not authorize the Project to proceed.

While the final decision of the Energy Facilities Siting Board (“EFSB”) approving the Project pursuant to G.L. c. 164, §§ 69 and 72 and the Certificate of the Secretary of the Executive Office of Energy and Environmental Affairs on the Company’s Final Environmental Impact Report under the Massachusetts Environmental Policy Act have been appealed, those appeals do not affect local permitting for the Project. Notably, those decisions are in full force and effect despite the pendency of the appeals. Moreover, the timing of the receipt of other permits is not pertinent to the Board’s review of the Company’s GOL application.

- Shouldn’t the Board wait until all other permits are issued to see what how those permits may impact the granting of this permit?

No. None of the other permits being sought is applicable to the granting of the right to place the transmission line under the four public ways covered by the application. The GOL permit is independent of all other permits applicable to the Project. The Board is required to review the Company’s GOL application in a timely manner regardless of the status of other permits.

- Will the proposed work interfere with school bus routes?

No. Eversource will coordinate the work with the DPW so as to not interfere with school bus routes along the affected roadways.

- What equipment will be stored in the area during construction? Where are the proposed lay down areas?

Lay down areas will not be established until a Contractor is selected and the work can be planned. Such areas will comply with all permits and permit conditions. Eversource would agree to a condition that no equipment will be stored within the public way at the four road crossings.

- Who is responsible for fixing potholes or other damage in the excavated areas six months down the road? What happens if there is a problem three years down the road?

Roads will be restored in accordance with the Town's regulations as set forth in the Town's Road Opening Rules and Regulations and the Massachusetts Department of Public Utilities' Road Restoration Standards as set forth in D.T.E. 98-22; thus, there is no reason to expect future repairs will be required. Should a repair be required, Eversource will be responsible for the repair if required by the applicable regulations.

- Will there be additional tree removal needed on either side of the road for the roadwork?

No. Although some small diameter woody brush and other low growing vegetation will be removed, no public shade trees or stone walls are expected to be removed within the Town's right-of-way to install the duct bank at the four road crossings covered by the GOL application.

- What are the 200-foot poles at each road section that were mentioned?

There are no poles proposed within the GOL area or anywhere along the Project route. The New Line is entirely underground.

- Any vote to approve this permit should be conditioned on the outcome of the Appeals and receipt of all other permits.

The GOL should not be conditioned on the outcome of either pending appeal. The approvals that are the subject of those appeals are in effect unless they are remanded or overturned by the reviewing court. The Company is entitled to have its permit applications reviewed and acted on in a timely manner independent of appeals or the status of other permits.

- It is premature to issue this permit before all other permits have not been issued.

It is not premature to grant the GOL. As noted above, the scope covered by this GOL permit is independent of all other permits for the Project and, thus, cannot be delayed until other permits are issued. Construction of the Project will not begin until all applicable permits are received; thus, the granting of the GOL does not authorize the Project to proceed.

- Is there a concern for soil contaminants, such as perfluoroalkyl substances (“PFAS”)?

The Company conducted a due diligence investigation for the Project that included the standard evaluation of potential impacts to soil and groundwater associated with former operations in a railroad right-of-way, as well as evaluation of sites adjacent to the ROW that have been identified as oil and/or hazardous waste sites pursuant to G.L. c. 21E. The evaluation did not identify any significant potential for impacts to soil or groundwater in the project work zone (including both the MBTA ROW and public ways) that would be subject to special handling requirements. A Soil and Groundwater Management Plan is being developed to establish protocols for evaluating and addressing soil or groundwater encountered during construction if the material exhibits signs of contamination (e.g., odor, sheen, etc.).

In addition to the questions and comments above, a number of questions and comments posed by Board members and the public at the hearing were not within the subject matter of the GOL petition and are, therefore, outside of the scope of the Board’s review. In the spirit of cooperation and information sharing, the Company will provide brief responses to these comments. However, these questions/comments and related responses should not be a factored into the Board’s decision to grant, condition, or otherwise deny the GOL petition. The Company’s responses are for informational purposes only.

- Would Eversource provide a grant or other compensation to support installation of solar panels at the schools as a condition of receiving this permit?

The Company assumes that this question is unrelated to its GOL request because the standards and provisions of GOLs have no such requirement and cannot be conditioned in this manner.

- Is the entire project underground, with the exception of the bridges?

The Project consists of the New Line and work at the Sudbury and Hudson Light & Power Department substations. The New Line will be entirely underground except where it attaches to the bridges at each of the three bridge locations.

- The Project raises concerns of contamination of water supply and irreparable damages to historical resources.

Excavation of the public ways that are the subject of this GOL application will not adversely impact water supplies and historic resources. Potential impacts to water supply and historical resources were thoroughly examined by the EFSB in its review and approval of the Project. In addition, potential impacts to water supplies and historic resources from construction of the Project as a whole, if any, are being addressed under other permit applications being considered by the Town of Sudbury Conservation Commission, the Town of Sudbury Planning Board, and the United States Army Corp of Engineers.

- Concerns that Eversource won't do what it says it will do.

Eversource will be obligated to construct the Project in accordance with the plans approved by the various permitting agencies and in accordance with all permit conditions and requirements. The Project, as approved by the EFSB, is for the construction of an underground transmission line and related station upgrades.

- What are the mitigation plans to protect the environmental resources?

There is no impact to environmental resources and thus no mitigation is required for the work covered under the requested GOL. Mitigation plans for wetland and stormwater for the entire Project are the subject of the permit applications under consideration by the Town of Sudbury Conservation Commission, the Town of Sudbury Planning Board, and the United States Army Corp of Engineers and will be included in the final orders issued by those permitting authorities.

- To what degree is the MBTA ROW compatible with rail trail activity?

The MBTA granted a lease to DCR for construction of the rail trail along a portion of the MBTA ROW. Rail trails are a common amenity on disused MBTA rights-of-way.

- We understand that the MBTA agreement says if the MBTA requests it, Eversource would have to relocate its transmission line. Is this true? What would the process be? Who would pay for it?

Eversource and the MBTA are parties to an Option Agreement under which the MBTA agrees to grant Eversource the right to acquire a permanent, non-exclusive, subsurface easement along the MBTA ROW for the purpose of constructing, operating, and maintain the New Line. The MBTA reserved the right to relocate all or any portion of the New Line to another location within the easement after the expiration of 20 years. If the MBTA were to execute this right, the cost to relocate the New Line within the easement would be subject to regulatory approval.

- Will the Project deter the MBTA from building a railroad?

The Company assumes that MBTA has retained any right it expects to need to use the MBTA ROW for rail service or other transportation use in the future.

- The status of the MBTA ROW is uncertain. It is referred to as an "inactive railroad ROW" yet MassDOT does not use such a term. What is the real legal status of the ROW at the federal and state levels?

The MBTA ROW is owned in fee by the MBTA. It has not been used for active rail service for over 40 years.

- What is the current in-service date for the Project? The current in-service date for the Project is December 2023. Because the Project continues to be needed to ensure reliable operation of the regional transmission system, Eversource is committed to completing the Project as soon as possible and in advance of the December 2023 date.
- Provide an example of an underground 115-kV line where pedestrians regularly walk on top of it and are exposed to EMF levels.

Underground transmission and distribution lines are located in cities and towns throughout our service territory and meet all applicable safety guidelines provided by recognized health organizations. The guidelines applicable to EMF established by world health organizations are designed to be protective of human health with an adequate margin of safety.

- Why isn't DCR at this hearing when they have been present at all other hearings? Why is DCR not a party to this permit when all other permits have been joint permits?

The GOLs are required for the sole purpose of allowing Eversource to place the New Line within the four public roadways identified in the Company's GOL petition. DCR has no role in the construction of the transmission line and, thus, is not a joint applicant.

- Is the BOS concerned with the final state of the Project? Is the BOS concerned with public safety?

The EFSB is the lead agency within the state with the full authority to review the safety of the proposed transmission line and to authorize its construction. For all of its transmission projects, Eversource also works closely with federal, state and local regulatory and permitting authorities, town/city officials and the community to ensure public safety and fulfillment of all related permit requirements.

- I heard in another meeting that the project will have an EMF level of 99 mG which exceeds the safe level of 85 mG set by the state. What is the difference between peak loading and average loading? I have calculated the EMF level at peak loading vs. average loading as used in the EFSB proceeding. Because 33% of the trail will have the line beneath it, will the milligauss level be higher than the state standard? How will Eversource address this?

As noted above, the EFSB is the lead agency within the state with the full authority to review the safety of the proposed transmission line and to authorize its construction. Please refer to New England Power Company v. Board of Selectmen of Amesbury, 389 Mass 69, 76-78 (1983) for a discussion of the EFSB's and its sister agency, the Department of Public Utilities', broad and, indeed, exclusive, authority to oversee the safety of proposed transmission line projects. In accordance with EFSB precedent, the Company modeled magnetic field values in milligauss ("mG") based on average annual loading and peak loading projected along the route. The best estimate of the magnetic field on any day is provided by calculations based on the annual average load. The maximum modeled magnetic field value is 24 mG along the ROW and 28 mG at manholes. These modeled

values for the Project are far below (and a small fraction of) well-established national and international guidelines for public exposure to EMF.

- What is the largest crane weight and height that will be used for the project? Will it cross the road?

There is no need for a crane to install the duct bank covered by this GOL application. Any cranes used for other parts of the Project will comply with all applicable state and local rules and regulations.

- Shouldn't the MOU with DCR be shared ahead of time?

The MOU between Eversource and DCR will not be finalized until all permits have been issued. Eversource and DCR have committed to share the MOU once it is executed.

- The Project cannot meet the wetland replication requirements of the Town's bylaws; therefore, it is not allowed to be constructed.
- The Project meets the requirement in the Town's wetland regulations for wetland replication. The specific details of that compliance are currently under review before the Conservation Commission.
- There hasn't been adequate testing of soil and groundwater along the project route to ensure the safety of the Project.

The small amount of soil that will be excavated to install the duct bank in the road crossings will be direct loaded onto trucks and taken to licensed off-site soil facilities. Standard best management practices will be in place to manage soil from the excavations in public ways.

Eversource's investigation of soils within the MBTA ROW and due diligence evaluation of Chapter 21E sites adjacent to the MBTA ROW along the Project route did not indicate any contamination that would require further investigation prior to construction. A Soil and Groundwater Management Plan is being developed to establish protocols for evaluating and addressing soil or groundwater encountered during construction that exhibits signs of contamination (e.g., odor, sheen, etc.).

- Eversource claimed in the EFSB proceeding that excavating in the road posed a greater risk of contamination than the ROW and said there was lead in the soil from the automobiles that used gasoline. Since Eversource thinks these pose a threat, additional testing should be at the street crossings in the interest of public safety.

The comment made during the EFSB proceeding was referring to the general recognition that soil along public roads inevitably contains background materials from automobile exhaust, just as soils along former railroad ROWs may contain low levels of residual materials from former railroad operations. However, neither public roads nor railroad ROWs are typically found to contain significant levels of contamination absent a known substantial release of oil or hazardous materials from an event such as an accident or tank

failure. The potential existence of background materials in soils along public roads or the MBTA ROW will not pose a threat to public safety during construction of the Project.

- The Town should investigate the \$300,000 offer made to the Conservation Commission by Eversource.

The proposed funding was offered by Eversource as a mitigation measure to improve conditions on wetlands adjacent to the ROW by removing large areas of invasive species. The Conservation Commission is evaluating the proposal.

- The Historical Commission thinks there is historical stuff in the road and along the route that need further exploring.

Eversource and DCR have met several times with the Sudbury Historical Commission to review and discuss the historical elements of the railroad ROW in the context of obtaining the Sudbury Historical Commission's consultation under Section 106 process for the Army Corps' permitting for the bridge replacement work. In any event, we are unaware of any historical artifacts in the roadways along the route.

The Company hopes the responses provided to the Board are helpful in addressing the inquiries made at the December 15th public hearing. As stated above, the Company looks forward to continuing to work with the Board to finalize its requested GOL. However, the Company renews its request for a timely follow-up hearing in January 2021 to facilitate the expeditious completion of the GOL permitting process in the Town.

If you have any questions on the above information and/or would like to discuss a more timely schedule for the next GOL hearing, please contact me.

Very truly yours,



David S. Rosenzweig

cc: Sean Southworth, Eversource
Sean Lauziere, Eversource
Megan Aconfora, Eversource
Mike Hager, Eversource

Attachment4.a: GOL responses 1-13-21 (4437 : Eversource response to GOL comments)

KEEGAN WERLIN LLP

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DAVID S. ROSENZWEIG
E-mail: drosen@keeganwerlin.com

February 12, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sudbury Select Board
278 Old Sudbury Road
Sudbury, MA 01776

Re: NSTAR Electric Company d/b/a Eversource Energy
Request for Prompt Hearing and Issuance of Grants of Location

Dear Chair Dretler and Board Members:

This letter is sent as a further request by NSTAR Electric Company d/b/a Eversource Energy ("Eversource" or "the Company") that the Sudbury Select Board ("Board") promptly schedule the continued public hearing on the Company's petition for grants of location ("GOLs") pursuant to G.L. c. 166, § 22 ("Petition") and, thereupon, to expeditiously issue the GOLs. The GOLs are required for four short perpendicular street crossings (Dutton Road, Peakham Road, Horse Pond Road, Union Avenue) in connection with the Company's construction of a 115-kilovolt ("kV") underground electric transmission line (the "New Line") in Sudbury.

As the Board is well aware, the Company filed the Petition a year ago, on February 12, 2020. Despite the Company's multiple requests to schedule the Board's consideration of the Petition on a prompt basis, the first hearing on the Petition was not conducted until December 15, 2020, a full 10 months after the Petition was filed. While some of the initial delay was ostensibly due to the emergence of the COVID-19 pandemic, efforts have been made by Sudbury (like other cities and towns) to perform permit reviews and issue permits during this same timeframe. In fact, other town agencies in Sudbury, such as the Conservation Commission, the Planning Board and the Board of Appeals, have been processing various permit requests over the past year in typical fashion (with virtual hearings). Notably, after maintaining timely and steady review of the Company's applications, the Sudbury Planning Board issued the Stormwater Management Permit for the New Line on January 27, 2021 and the Sudbury Conservation Commission issued its Order of Conditions on February 4, 2021. In addition, prior to the pandemic, the Company obtained GOLs from the Town of Hudson on January 27, 2020 for construction of the New Line along 1.5 miles of public roads, only three weeks after the application was filed with the Hudson Board of Selectmen. For these reasons, the Board's decision to delay the opening of the Company's public hearing for 10 months is not justified.

2021 FEB 16 P 3:22
SUDBURY, MA

Letter to Sudbury Select Board
 Re: GOL Petition of NSTAR Electric Company d/b/a Eversource Energy
 February 12, 2021
 Page 2

Furthermore, at the December 15th hearing, the Board voted, over the Company's objection, to postpone the continued public hearing on the Petition until April 6, 2021, adding another four-month delay. In addition, during the December 15th hearing, Board members and members of the public posed several questions to the Company, most of which bore no relation to the Petition.¹ Notwithstanding these non-jurisdictional inquiries, by letter dated January 13, 2021, the Company provided a detailed response, including information responsive to questions outside of the proper scope of the Board's review of the Petition. The Company's letter also requested the rescheduling of the continued public hearing from April 6th to a more expeditious date in January, 2021. To date, we have received no response or follow up to our January 13th letter. Given the Company's thorough response to questions raised at the December 15th hearing, the Company has provided all information needed for the Board to grant the GOLs, and the Board's failure to reschedule the public hearing and to complete its review is insupportable.

Any further delay in processing the Company's Petition is unreasonable and unwarranted. The Company requests timely resumption of the Board's review of the GOL Petition, specifically moving the date for the continued public hearing from April 6th to a date later in February and granting the GOLs in an expeditious manner. Therefore, the Company urges the Board to reschedule the continued public hearing accordingly and to complete the GOL review within the next 30 days. If that does not occur, the Company hereby notifies the Board that, pursuant to 980 CMR 6.02(2)(b), the Company will be entitled to pursue all available remedies to secure relief from the Board's inaction and undue delay.

Thank you for your attention to this request. Please contact me if you wish to discuss this matter.

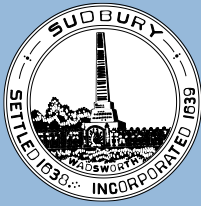
Very truly yours,



David S. Rosenzweig

cc: Sean Southworth, Eversource
 Sean Lauziere, Eversource
 Megan Aconfora, Eversource
 Mike Hager, Eversource
 George Pucci, Esq., Town Counsel

¹ For example, such inquiries included, but were not limited to, the following issues: compensation to the Town, environmental impacts (water supply, soil and groundwater, historical resources, electric and magnetic fields), equipment that will be used on the right-of-way, the memorandum of understanding between the Company and the Department of Conservation and Recreation ("DCR"), DCR's role in the GOL process, awaiting the outcome of the Town's pending Massachusetts Supreme Judicial Court appeal of the Energy Facilities Siting Board decision approving the Project, delaying the Board's GOL review until all other permits are received, the in-service date of the Project, the compatibility of the right-of-way with rail trail activity, the potential for the Massachusetts Bay Transportation Authority to request the relocation of the transmission line or to reactivate rail service, and public safety.

**SUDBURY SELECT BOARD**

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**5: PBC reappointment interviews****REQUESTOR SECTION**

Date of request:

Requestor: PBC Co-chair Elaine Jones

Formal Title: Interview candidates for reappointment to the Permanent Building Committee (PBC). Following interview, vote whether to reappoint Nancy Rubenstein, 57 Winsor Road, and Michael Melnick, 97 Lincoln Road, to the Permanent Building Committee, both for a term expiring 5/31/23.

Recommendations/Suggested Motion/Vote: Interview candidates for reappointment to the Permanent Building Committee (PBC). Following interview, vote whether to reappoint Nancy Rubenstein, 57 Winsor Road, and Michael Melnick, 97 Lincoln Road, to the Permanent Building Committee, both for a term expiring 5/31/23.

Background Information:
attached letter from PBC co-chair, and applications/resumes from both candidates

Financial impact expected:

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Select Board	Pending

03/02/2021 6:00 PM

February 19, 2021

Janie Dretler, Chair
Sudbury Select Board
278 Old Sudbury Road
Sudbury, MA 01776

Re: Reappointment of two Permanent Building Committee Members

Dear Select Board Chair Dretler and members:

As you are aware, the Sudbury Select Board has the responsibility to appoint five out of the seven members of the Permanent Building Committee (PBC). The remaining two members are appointed by the Planning Board and the School Committee. Past appointments by the Select Board have all been made based on the recommendation of the PBC that the appointee has shown through his or her professional experience, technical expertise and familiarity with the issues of interest to the Town and the Permanent Building Committee that he or she would be a great asset to the Committee and the Town as the Committee fulfilled its responsibility in overseeing municipal construction projects.

Two existing PBC members are currently scheduled for reappointment by the Select Board. Both Michael Melnick (current PBC Co-Chair) and Nancy Rubenstein have indicated their willingness to continue serving as Permanent Building Committee members and I am writing as PBC Co-Chair to recommend that the Select Board reappoint both Mr. Melnick and Ms. Rubenstein to the PBC. Both members are extremely knowledgeable and experienced in the public design process and have shown as active PBC participants to be valuable resources of experience and technical knowledge during past and ongoing Sudbury municipal capital construction projects.

As a PBC member for over 40 years, Mr. Melnick has participated in all of the Town's schools, fire stations, police stations, library, public works and historic building and renovation projects overseen by the PBC during his tenure. Mr. Melnick's institutional knowledge of the multitude of municipal buildings within the Town of Sudbury is invaluable to the PBC in meeting its mission of overseeing the design and construction of well-built, cost-effective municipal buildings that meet project owner's program requirements in a timely manner.

Ms. Rubenstein, as a Project Manager and engineer by profession, also has an impressive construction-related resume. Ms. Rubenstein was first appointed to the PBC by the Select Board in 2018 and has been actively involved in the PBC's oversight of the Loring Parsonage Renovation project and the continuing Town Hall Renovation design project. Ms. Rubenstein most recently has been selected by the PBC as the PBC Co-Project Manager with PBC member Jennifer Pincus for the Fairbank Community Center project.

Based on their contribution to both the Town and the PBC to date, the PBC recommends that the Select Board reappoint both Mr. Melnick and Ms. Rubenstein to the PBC for full 3-year terms to expire in May 2023.

In closing, it is desired that the reappointments take place as soon as possible so that we may proceed with the Fairbank Community Center project in which both of these members have been involved, and continue to provide expertise during the design and construction phases of any future capital projects approved at Town Meeting.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Elaine Jones", written in a cursive style.

Elaine L. Jones, Co-Chair
Permanent Building Committee

TOWN OF SUDBURY
APPLICATION FOR APPOINTMENT

BOARD OF SELECTMEN
 278 OLD SUDBURY ROAD
 SUDBURY, MA 01776

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

Board or Committee Name: _____

Name: _____

Address: _____ Email Address: _____

Home phone: _____ Work or Cell phone: _____

Years lived in Sudbury: _____

Brief resume of background and pertinent experience:

Municipal experience (if applicable):

Educational background:

Reason for your interest in serving:

Times when you would be available (days, evenings, weekends):

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

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

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

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

Signature _____ Date _____

Attachment 5.b: Melnick credentials_redact (4425 : PBC reappointment interviews)

TOWN OF SUDBURY APPLICATION FOR APPOINTMENT

SELECT BOARD
278 OLD SUDBURY ROAD
SUDBURY, MA 01776

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

Board or Committee Name: PERMANENT BUILDING COMMITTEE

Name: NANCY RUBENSTEIN

Address: 51 WINSOR RD, SUDBURY

Home phone: [REDACTED]

Email Address: [REDACTED]

Work or Cell phone: [REDACTED]

Years lived in Sudbury: 25

Brief resume of background and pertinent experience:

I am a structural engineer. I have worked designing buildings as well as managing construction projects. I also worked as a Project Manager for the City of Boston, managing projects in their schools and other city facilities.

Municipal experience (if applicable):

(See above) I managed the bid process, designer selection, clerks of the works, etc. for a stadium, 10 school pools, a cemetery, and many school projects for the City of Boston.

Educational background:

Tufts University BSCE, In Sudbury, worked on Living Personage project. several masters degree courses, Real Estate Finance certificate

Reason for your interest in serving:

I have actively contributed and participated in the work of the PBC for the past 3 years and have enjoyed it immensely.

Times when you would be available (days, evenings, weekends):

Anytime needed

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

No

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

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

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

Signature

Nancy G Rubenstein

Date

2/6/2021

NANCY G. RUBENSTEIN, P.E.
 57 Winsor Road
 Sudbury, Massachusetts 01776

EXPERIENCE

Siegel Associates, Inc., Newton, Massachusetts
Project Manager

October 2004-February 2011

- Performed structural calculations and analyses for the design of wood and steel residential and commercial buildings.
- Developed roof framing, floor framing, and foundation plans and sections.
- Provided lateral analysis of frames for seismic and wind design.
- Provided complete engineering and AUTOCAD drafting services to create permit and bid sets of structural drawings.
- Worked closely with architects, contractors, building inspectors, and building owners to promote and develop more efficient and less costly alternative design concepts.
- Performed site inspections and construction administration work before, during, and after completion of construction.

Pilot Development Partners, Inc., Braintree, Massachusetts
Vice President, Senior Project Manager

June 1999 - April 2001
 May 1996 - February 1998

- Performed development programming including establishing preliminary budgets and schedules.
- Provided financing services such as creating and reviewing financing alternatives and pursuing public funding. Conducted feasibility analyses including market studies. Performed acquisition work including feasibility and review of lease terms.
- Performed due diligence work including researching zoning and permitting issues and local regulations, contracting for and managing consultants in environmental assessment and survey work, and producing feasibility reports.
- Managed design and construction activities including writing design and construction specifications and contracts, consultant selection and supervision, bidding and negotiating construction, attending public hearings, obtaining regulatory permits and approvals, and review and processing of invoices, requisitions, and Change Orders.
- Development Management including project monitoring and control, Jobcost expense tracking, project scheduling, and compiling loan disbursement packages for lending institutions.

City of Boston, Boston, Massachusetts
Public Facilities Department, Construction & Repair Division
Project Manager

October 1994 - May 1996

- Selected designers, and negotiated design fees and contracts.
- Managed and supervised the design process. Tracked budgets and estimated costs. Attended public hearings and meetings, and prepared contract documents for public bidding process.
- Coordinated and managed construction. Prepared and processed change orders and requisitions for contractor payment.

Lim Consultants, Inc., Cambridge, Massachusetts
Project Structural Engineer

December 1992-July 1994

- Designed and detailed structural concrete floor and shear wall systems and composite steel framed structures. Performed three dimensional lateral analyses of buildings.

Rubenstein, page two

The Kling-Lindquist Partnership, Inc., Philadelphia, Pennsylvania August 1987 - August 1992
Architecture, Engineering, Interior Design, & Consulting Services
Project Structural Engineer

- Developed and evaluated floor framing and lateral load resisting systems, and column layout and framing schemes. Prepared project specifications. Designed and documented foundation and superstructure bid packages.
- Conducted prebid and preconstruction meetings with concrete and steel subcontractors, and attended client and jobsite subcontractor meetings. Reviewed and approved submissions including calculations, shop drawings, concrete mix designs, material test data, and field inspection reports.

Turner Construction Company, Philadelphia, Pennsylvania August 1985 - August 1987
Engineer

- Scheduled, coordinated, and managed subcontractors for new and rehabilitated construction.

EDUCATION

Boston University, Metropolitan College, Boston, Massachusetts
Diploma in Real Estate Studies, June 1997
Certificate in Real Estate Finance, December 1997

Tufts University, College of Engineering, Medford, Massachusetts
Bachelor of Science in Civil Engineering, May 1985
 Minor in Engineering Management

MUNICIPAL AND OTHER SERVICE

Permanent Building Committee (PBC), Town of Sudbury, Massachusetts 2018 - present
Member

Board of Appeals (ZBA), Town of Sudbury, Massachusetts 2000 - present
Member

Lincoln Sudbury Scholarship Fund (LSSF), Sudbury, Massachusetts 2011 - 2019
Scoring Committee

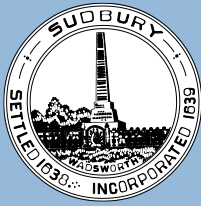
Friends of Lincoln Sudbury Softball (FOLSS) 2012 - 2016
Project Manager for design and construction of new softball field at municipal high school

Zoning Board, Northern Liberties Neighborhood Association, Philadelphia, PA 1987 - 1992
Member, complete rezoning of multiple neighborhood blocks

PUBLICATIONS

"Monumental Stair Design", by Nancy B. Goldberg, P.E., Modern Steel Construction published by the American Institute of Steel Construction, Vol. 31, No 12, December 1991.

Attachment5.d: Rubenstein resume Jan 2021_redact (4425 : PBC reappointment interviews)

**SUDBURY SELECT BOARD**

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**6: HDC candidate interview****REQUESTOR SECTION**

Date of request:

Requestor: Adam Duchesneau, Director of Planning & Comm Dev.

Formal Title: Interview candidate for Historic Districts Commission (HDC). Following interview, vote whether to appoint Taryn Trexler, 253 Concord Road, to the HDC for a term expiring 1/1/26.

Recommendations/Suggested Motion/Vote: Interview candidate for Historic Districts Commission (HDC). Following interview, vote whether to appoint Taryn Trexler, 253 Concord Road, to the HDC for a term expiring 1/1/26.

Background Information:
attached letter of recommendation and application

Financial impact expected:

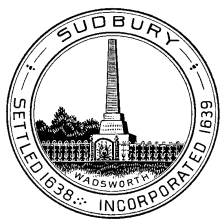
Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM



Town of Sudbury

Historic Districts Commission

HistoricDistricts@sudbury.ma.us

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-639-3314
www.sudbury.ma.us/historicdistricts

February 5, 2021

Ms. Janie W. Dretler, Chair
Select Board
Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776

Re: Appointment of Taryn Trexler to the Historic Districts Commission

Dear Chair Dretler,

At their meeting on February 4, 2021, the Historic Districts Commission voted unanimously, 5-0, to recommend the Select Board appoint Taryn Trexler to the Historic Districts Commission.

Therefore, I am writing to recommend the Select Board appoint Ms. Trexler to the Historic Districts Commission, and to request the Select Board consider this recommendation at an upcoming meeting.

Please do not hesitate to contact me if you have any questions about this candidate. Please advise if you think an interview with the candidate will be necessary. Thank you.

On behalf of the Historic Districts Commission,

Adam L. Duchesneau, AICP
Director of Planning & Community Development

cc: Historic Districts Commission

Attachment6.a: Appointment Letter -Taryn Trexler 210205 (4397 : HDC candidate interview)

TOWN OF SUDBURY
APPLICATION FOR APPOINTMENT

BOARD OF SELECTMEN
 278 OLD SUDBURY ROAD
 SUDBURY, MA 01776

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

Board or Committee Name: _____

Name: _____

Address: _____ Email Address: _____

Home phone: _____ Work or Cell phone: _____

Years lived in Sudbury: _____

Brief resume of background and pertinent experience:

Municipal experience (if applicable):

Educational background:

Reason for your interest in serving:

Times when you would be available (days, evenings, weekends):

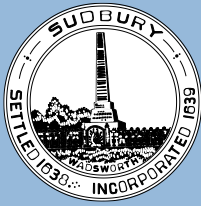
Do you or any member of your family have any business dealings with the Town? If yes, please explain:

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

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

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

Signature _____ Date _____



SUDBURY SELECT BOARD

Tuesday, March 2, 2021

7

MISCELLANEOUS (UNTIMED)

7: CPC Town Meeting articles

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Dennis Mannone, Park & Rec Director, to present CPC Town Meeting articles. Also attending is Adam Duchesneau, Director of Planning & Community Development, and Sherril Cline, CPC chair.

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
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM

SMILE Playground Surface Improvements

The SMILE playground is the most heavily-used public playground in Sudbury and is used all four seasons.



Task 1: Root Discovery

DRG will excavate via supersonic air tool (SSAT) along the fenced area of the playground to determine the extents of the root system.

The findings from the SSAT excavation will be used to prepare an arborist's report to inform the maintenance and preservation of the trees. The report will provide the following:

- A complete description of each tree's health, condition, and viability.
- Any trees recommended for protection.
- Any special recommendations for tree care when work may be required within the root zone.
- Justification for recommended tree removal(s).

Pricing Estimate For Task 1

The following pricing options have been developed for consultations and reports as requested. Any additional consultation or effort would be priced the rate of \$95 per hour.

Dr. Bill Adelson Playground

Supersonic Air Tool Discovery (including site restoration), Arborist Assessment & Report (Includes summary of findings and recommendations).	\$1,476.00
Task 1 Total	\$1,476.00

Task 2

The findings from Task 1 can inform the Town's decision to:

- Retain All Trees
- Retain & Remove Select Trees
- Remove All Trees

Task 3

The findings from Task 1, and the costs associated with the options below will help to inform the Town's decisions:

- For Trees that are Retained:
 - Tree Preservation, Protection, and Monitoring
 - Tree Preservation, Protection, Monitoring, and Site Improvements (ex. Structural Soil)
- For Trees that are all removed:
 - Site Improvements

Based on the results from the SSAT there are several options available to mitigate, including tree root barriers, soil amendments, and replanting in the case of removals.



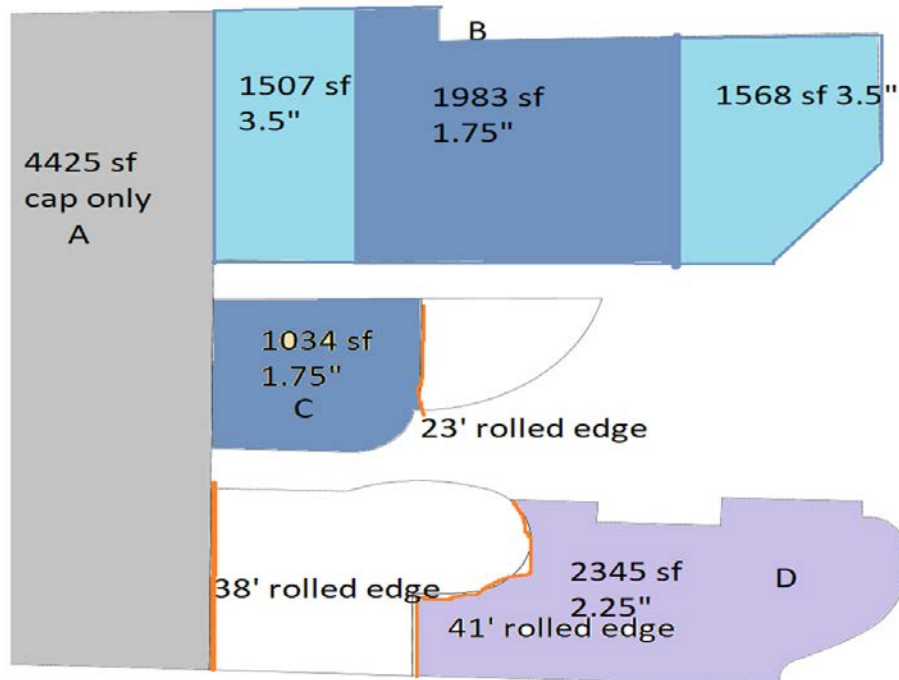
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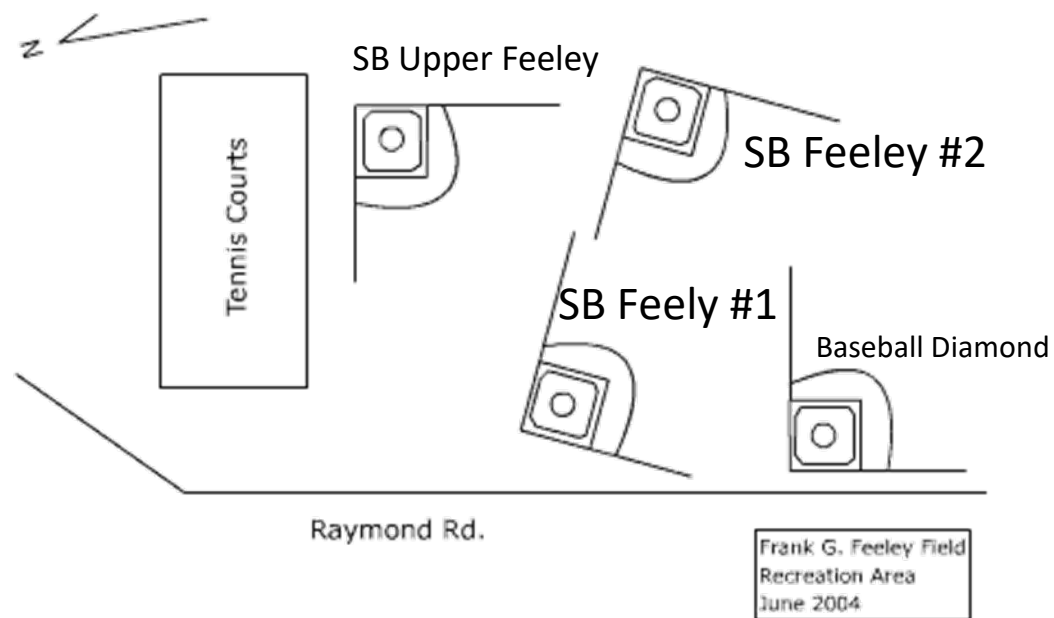
Packet Pg. 33

	SMILE Playground Surface PIP & Equipment Improvements				
	December CPC Request			January Request	CPC January Mtg
Site Work DPW	\$12,163		Site Work DPW	\$17,628.00	\$17,628.00
PIP Cost	\$162,875.00		PIP Cost	\$162,875.00	\$162,875.00
Shade & Equipment	\$24,962		Shade & Equipment	\$30,631.00	\$30,631.00
Total:	\$200,000		Site Work Additional PIP	\$27,790.00	\$27,790.00
15% contingency	\$30,000		Freight	\$1,600.00	\$1,600.00
	\$230,000		Discount amount	-\$6,000.00	-\$6,000.00
			Tree investigation	\$1,476.00	\$1,476.00
			Tree work est.	\$25,000.00	\$25,000.00
			Total:	\$261,000.00	\$261,000.00
			15% Contingency	\$39,150.00	\$39,150.00
			Total:	\$300,150.00	\$300,150.00
			Additional accounts/Fundraising		
			(Boundless Playground Grant) = \$5,123.50	\$5,123.50	\$5,123.50
			(Boundless Playground Trust) = \$18,046.13	\$18,046.13	\$18,046.13
			Total:	\$23,169.63	\$23,169.63
			Project cost:	\$300,150.00	\$300,150.00
			Less other funding:	-\$23,169.63	-\$23,169.63
			Total Project:	\$276,980.37	\$276,980.37
			CPC Voted to add \$ for Tree work/ Contingency or less Trust \$		\$8,019.63
			Total:		\$285,000

Frank Feeley Field Park Improvements



Phase 1- Design work for all three fields, installation of batting cage barrier, Upper Feeley safety enhancements, Lower Feeley 1 safety enhancements and retaining wall. Estimated cost: \$393,000



Phase 1: Includes Design for all phases of project, plus safety needs for Upper Feeley Field, Feeley 1 and batting cage

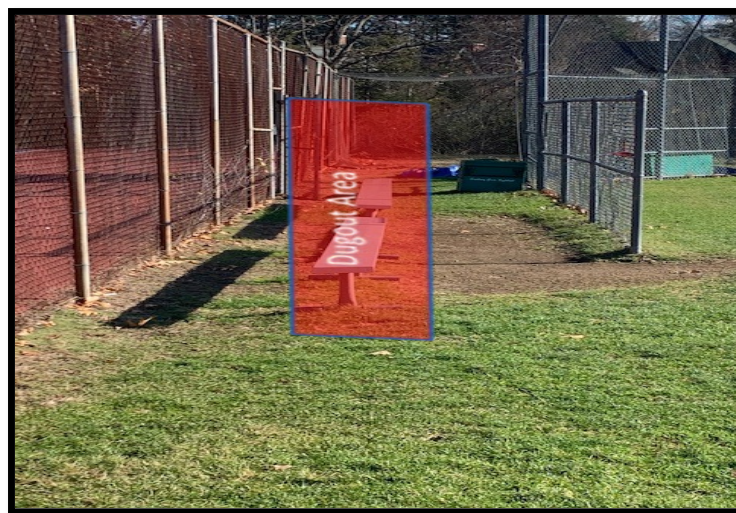
- ✓ Total Design \$95,000 (Park and Recreation Commission on 11/30/2020 Vote 5-0 in favor of using \$25,000 from the Meadow Walk funds for the design of Feeley/Softball project proposal) SGSB funding of \$10,000. Net Design would be \$60,000
- ✓ Professional services typically include:
 - ✓ Survey
 - ✓ Geotech (for drainage work)
 - ✓ Design
 - ✓ Permitting (for drainage & irrigation work)
 - ✓ Construction oversight (submittal review, weekly site visits during construction)
 - ✓ Does not include daily clerk of works monitoring

Phase I Request – Address Safety Issues



Upper Feeley Phase I continues – Dugouts & Protective Netting - \$148,000

- ✓ Mobilization \$5,000
- ✓ 2 dugout roof-only with benches and fence enclosure \$77,000
- ✓ 100LF of 30' high netting \$24,000
- ✓ Concrete pad, 100-bleacher \$17,000
- ✓ Asphalt walk & grading for accessibility \$8,000
- ✓ Loam & seed disturbed areas & construction cleanup \$3,000
- ✓ Professional services \$14,000



Feeley #1 Phase I Continues- Dugouts, Retaining Wall and Batting Cage \$150,000

- ✓ Mobilization \$5,000
- ✓ 2 dugout roof-only with benches and fence enclosure \$77,000
- ✓ Retaining wall \$24,000
- ✓ Concrete pad, bleacher \$17,000
- ✓ Asphalt walk & grading for accessibility \$5,000
- ✓ Timber guardrail to protect existing batting cage \$5,000
- ✓ Loam & seed disturbed areas & construction cleanup \$2,000
- ✓ Professional services \$15,000



7.b

Attachment7.b: Frank Feeley Field Park Improvements - Selectboard_Mtg (4411 : CPC

**Phase 2: Includes safety needs for Lower Feeley 2, drainage and irrigation for the lower Feeley fields
\$645,000**

PHASE II PROPOSAL Feeley #2

- ✓ Dugout & Retaining Wall Phase II \$190,000
- ✓ Mobilization \$5,000
- ✓ 2 dugout roof-only with benches and fence enclosure \$77,000
- ✓ Retaining wall \$60,000
- ✓ Concrete pad, 100- seats bleacher \$17,000
- ✓ Asphalt walk & grading for accessibility \$12,000
- ✓ Loam & seed disturbed areas & construction cleanup \$3,000
- ✓ Professional services \$16,000



Phase 2: continues Includes safety needs for Lower Feeley 2, drainage

Drainage at Feeley #1 & #2 \$260,000

- ✓ Mobilization \$5,000
- ✓ 925LF Interceptor drain along top of slope with diversion pipes to daylight on low side of field \$50,000
- ✓ 425LF Underdrain along toe of slope to interceptor drain outlets \$30,000
- ✓ Sand-slit shallow drainage system under all grass area \$145,000
- ✓ Professional services (including soil Exploration and permitting) \$30,000



Phase 2 continues: Includes safety needs for Lower Feeley 2, irrigation for the lower

Irrigation at Feeley #1 & #2 \$195,000

- ✓ \$195,000 (assumes \$25,000 for electrical and water supply (piping, backflow, meter, enclosure)
- ✓ Recommended along with sand slit drainage system to avoid summer burnout over sand trenches
- ✓ (No extra mobilization if included with drainage contract)
- ✓ Professional services \$20,000

Frank Feeley Field Park Improvements Budget breakdown

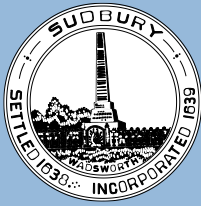
Estimates based on email from 10/2/20 Warner Larson						
Location	Phases	Construction Estimate	Construction Estimate	P&R Funding	SB Donation	Totals
Design of Feeley/Softball Project	1	\$95,000.00		-\$25,000.00	-\$10,000.00	\$60,000.00
Upper Feeley	1	\$148,000.00				\$148,000.00
Feeley #1/Batting Cage	1	\$150,000.00				\$150,000.00
Feeley #2	2		\$190,000.00			\$190,000.00
Drainage @ Feeley #1&2	2		\$260,000.00			\$260,000.00
Irrigation @ Feeley #1&2	2		\$195,000.00			\$195,000.00
Total		\$393,000.00	\$645,000.00	-\$25,000.00	-\$10,000.00	\$1,003,000.00
The Design will define the phases.						

The Frank Feeley Field Park is endorsed by the following Municipal Boards, Committees, Departments, and community organizations:

- ✓ Park & Recreation Commission
- ✓ Park & Recreation Department
- ✓ Public Works Department
- ✓ Parks and Grounds Department
- ✓ Community Preservation Commission
- ✓ Sudbury Youth Girls Softball
- ✓ Sudbury Adult Ladies Softball
- ✓ Sudbury Men's Softball League

CIAC Questions and Answers

- Why the Feeley Field work when P&R has advocated the need for new fields? What's the driver?
 - Those fields are exist but are not playable due to safety concerns and pour drainage and being wet.
- Can you please provide a breakout of total costs?
 - See Slides and document "CPC Request for Feeley Upgrades"
- Who is doing the project for you? DPW?
 - We would hire a contractor once the design is done and go out to bid. DPW could handle a few of the items on the list.
- What is your long-range strategic plan for fields?
 - We are working with the users groups and plan is to do a field survey to better understand the long term needs of users.
 - Softball fields are unique, as compared to rectangular fields that can be used for various sports. Feeley is the home of Sudbury Girls Softball and Sudbury Women's Softball and provides a strong sense of community for the families involved. This is similar to how Featherland (Upper and Lower) provide strong sense of community for the LS Youth Baseball families.
- Construction - simultaneous, phased?
 - Phased approached based on the design. Safety issues and drainage from Upper Feeley to Lower Feeley in phase 1. Lower Feeley outfield drainage and irrigation will be phase 2. The design funded in this request will be for both phase 1 and phase 2.
- Is there irrigation there now? How much?
 - We have irrigation on the upper field only. The lower fields do not have irrigation.



SUDBURY SELECT BOARD

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**8: Joint meeting with COD re: ADA assessment discussion**REQUESTOR SECTION

Date of request:

Requestor: Chair Dretler

Formal Title: Open a joint meeting with the Commission on Disability (COD) regarding ADA assessment discussion with representatives from IHDC.

Recommendations/Suggested Motion/Vote: Open a joint meeting with the Commission on Disability (COD) regarding ADA assessment discussion with representatives from IHDC.

Background Information:

Background Information: The full list of ADA documents are on the website:

<https://sudbury.ma.us/townmanager/2021/02/25/ada-evaluation-and-transition-plan/>

Financial impact expected:

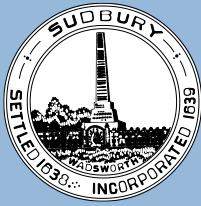
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM

**SUDBURY SELECT BOARD**

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**9: Close joint meeting with COD****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Vote to close joint meeting with Commission on Disability (COD) and resume Select Board meeting.

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

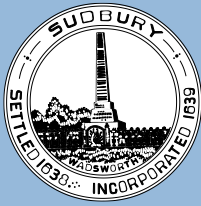
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM



SUDBURY SELECT BOARD

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**10: OML violation**REQUESTOR SECTION

Date of request:

Requestor: Chair Dretler

Formal Title: Discuss recent OML violation decision

Recommendations/Suggested Motion/Vote:

Background Information:
attached letter

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
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February 25, 2021

OML 2021 – 20

Brian W. Riley, Esq.
KP Law, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110

By e-mail only: briley@k-plaw.com

RE: Open Meeting Law Complaint

Dear Attorney Riley:

This office received a complaint from Leonard Simon on August 27, 2020, alleging that the Sudbury Board of Selectmen (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Board on July 13, and you responded, on behalf of the Board, by letter dated July 22. The complaint alleges that the Board violated the Open Meeting Law by failing to announce the name of each member who was participating in the June 22 meeting remotely.²

We resolve this complaint by informal action in accordance with 940 CMR 29.07(2)(a), after reviewing the complaint, the Board’s response, and the request for review of the complaint.

¹ All dates in this letter refer to the year 2020.

² The complaint also alleges that the Board, and specifically its chair, violated the Board’s own policies and procedures by not allowing board members to speak at various times during the meeting, in particular by muting other board members. The Division of Open Government is charged specifically with reviewing complaints to determine compliance with the Open Meeting Law, G.L. c. 30A, §§ 18-25. The Division does not review for compliance with a public body’s own policies and procedures. Furthermore, this allegation, even if true, would not constitute a violation of the Open Meeting Law. The Open Meeting Law states, in part, that “[n]o person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent.” G.L. c. 30A, § 20(g). The term “person” in this section of the law applies to both members of the public and members of the public body. See OML 2020-134; OML 2013-135. Therefore, the chair has discretion to determine who may speak during a meeting. Nonetheless, we strongly discourage the use of technology to silence fellow members engaging in civil discourse regarding Board business. See OML 2020-134.

We also reviewed a video recording of the Board's June 22 meeting.³ Following our review, we find that the Board violated the Open Meeting Law as alleged.

On March 12, 2020, Governor Baker issued an executive order temporarily suspending certain provisions of the Open Meeting Law during the state of emergency. See Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20 (Mar. 12, 2020) (the "Executive Order"). The Executive Order, in relevant part, temporarily suspends the requirements under the Open Meeting Law and the Attorney General's Open Meeting Law regulations that a quorum of a public body, including the chair, be physically present at the meeting location and allows all members of a public body to participate in a meeting remotely. All other provisions of the law and regulations regarding remote participation remain in effect, including the requirement that "[a]t the start of the meeting, the chair shall announce the name of any member who will be participating remotely. This information shall also be recorded in the meeting minutes." 940 CMR 29.10(7)(b); see also OML 2020-138.⁴

The Board's June 22 meeting was held entirely remotely, with all members of the Board participating remotely. The Board acknowledges that neither the Board's chair, nor anyone else, announced at the start of the meeting the names of the Board members participating remotely. Although the Board questions the utility in announcing the names of Board members participating remotely at a meeting where all Board members participated remotely, the Open Meeting Law regulations nonetheless require such an announcement. See id.; OML 2020-138. We therefore find that the Board violated the Open Meeting Law. We acknowledge that the Board has committed to complying with the Law's requirement that the Chair announce the names of all Board members participating remotely. We order the Board's immediate and future compliance with the Open Meeting Law and note that future similar violations may be considered evidence of an intent to violate the law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Carrie Benedon
Assistant Attorney General
Division of Open Government

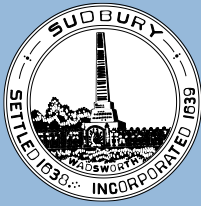
³ A video recording of the Board's June 22 meeting is available at <https://sudbury.vod.castus.tv/vod/?nav=recent>.

⁴ Open Meeting Law determinations may be found on the Attorney General's website, <https://www.mass.gov/the-open-meeting-law>.

cc: Leonard Simon (by e-mail only: lensimon@comcast.net)
Sudbury Board of Selectmen (by e-mail only: boardofselectmen@sudbury.ma.us)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

Attachment 10.a: OML 2021-20 - Sudbury Board of Selectmen (4432 : OML violation)

**SUDBURY SELECT BOARD**

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**11: Annual Town Meeting start time****REQUESTOR SECTION**

Date of request:

Requestor: Town Manager Hayes

Formal Title: Discussion and vote on the Annual Town Meeting start time on Saturday, May 22, 2021 at LSRHS field.

Recommendations/Suggested Motion/Vote: Discussion and vote on the Annual Town Meeting start time on Saturday, May 22, 2021 at LSRHS field.

Background Information:

Financial impact expected:

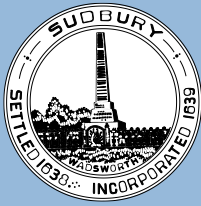
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM

**SUDBURY SELECT BOARD**

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**12: Discussion on LSRHS agreement****REQUESTOR SECTION**

Date of request:

Requestor: Chair Dretler

Formal Title: Discussion on LSRHS agreement

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
Janie Dretler	Pending
Select Board	Pending

03/02/2021 6:00 PM

LAMPKELAW ^{LLC}
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September 8, 2020

INTER/INTRA DEPARTMENTAL MEMO
 REGARDING POLICY FORMULATION
 NOT A PUBLIC RECORD SUBJECT TO MANDATORY DISCLOSURE
 PROPER SUBJECT FOR PARTIAL EXECUTIVE SESSION
 ATTORNEY-CLIENT/ATTORNEY WORK PRODUCT PRIVILEGED MATERIAL

To: Sudbury Select Board
 Town Manager
 Fr: James B. Lampke, Esq. and Daniel I/ Lampke, Esq.
 Re: Legal Issues Concerning Regional School District Agreement

LampkeLaw Response Memo to Questions/Concerns with LS Regional Agreement -
 Town of Sudbury

Select Board member Pat Brown prepared a very helpful and thoughtful memo on questions and issues she had with the present Agreement. We have tried to provide responses based on our understanding of the memo and the current state of the law and facts. For ease of review, our comments follow the issues Select Board member Brown set forth. This memo is a works in progress and not a complete or final memo, under Exemption (d) of the public records law, not a public record and is subject to further revision.

Introduction-

Municipalities may form a regional school district jointly delegating all or part of their school committees' responsibilities to the regional school district. G.L. c. 71, §§ 14B, 16. A regional school district is typically granted the powers and duties of a school committee, and even certain powers of a municipality, to accomplish its purpose of municipalities providing cooperative action to administer a school system which would otherwise be unduly burdensome on their own. See G.L. c. 71, § 16. A RSD may lease land and building for educational purposes for periods not exceeding five years. G.L. c. 71, § 16Q. The prospective agreement of a regional school district ("RSD") must be submitted to the Department of Education, and subject to its approval, to the towns composing the regional school district for their acceptance. See G.L. c. 71, § 14B. A school committee is the entity that determines expenditures within the district's education appropriation, see G.L. c. 71, § 37, sets broad education policy, establishes performance standards for teachers, see G.L. c. 71, § 38, and negotiates and enters into collective bargaining agreements with teachers and other

school personnel, see G.L. c. 150E, § 1. School committees are composed of three or more members elected for terms of not more than three years, unless law or charter provides otherwise. G.L. c. 41, § 1.

As a preliminary matter, if the Town of Sudbury now feels that the Agreement puts an unfair burden on it, it can either propose amendments to the LSRSD school committee, withdraw from the LSRSD or threaten to if proposed amendments are rejected, seek assistance from DESE or seek help from the Massachusetts Legislature. See Burton v. Whittier Reg'l Vocational Tech. Sch. Dist., 587 F.2d 66, 69 (1st Cir. 1978) (“If the City of Haverhill now feels that the district agreement puts an unfair burden on it, it can either withdraw or seek help from the Massachusetts Legislature.”)

Questions/concerns with the LS Regional Agreement

Voting Representation
Provisions for Vocational Education
Apportionment of Capital Expenditures
Budget Timeline
Leaving the Regional District
Pathway Forward

- 1) **Voting Representation:** Amendment 2 (applied to Section #1 describing the School Committee), adopted in 1970, implements a “16n” (district wide) election, rather than electing members of the school committee from each of the member towns. This method of choosing representatives does not guarantee either town representation in proportion to the voting populations of the towns—one person/one vote. As it happens, there are two representatives from the Town of Lincoln and four from the Town of Sudbury—reflective of the 9,000-ish residents of Lincoln and 18,000-ish in Sudbury. There are those who think representation should be based upon the financial contributions of the member towns. I sympathize, but I find no basis upon which to propose that. I would like to have guaranteed representation from each of the member towns, as is customary in many regional districts: town-wide elections for four school committee representatives in Sudbury, and two in Lincoln. This has many practical advantages which aren’t really relevant here, but I can share if you’d like.
Can this deficiency be used to re-open the agreement?

LampkeLaw response:

One person one vote is a shorthand phrase referring to the federal constitutional mandate of electoral equality under the equal protection clause, requiring “that as a general rule, whenever a state or local government decides to

select persons by popular election to perform governmental functions . . . each qualified voter must be given an equal opportunity to participate in that election, and when members of an elected body are chosen from separate districts, each district must be established on a basis that will insure, as far as is practicable, that equal numbers of voters can vote for proportionally equal numbers of officials.” Kelleher v. Se. Reg'l Vocational Tech. High Sch. Dist., 806 F.2d 9, 10 (1st Cir. 1986) (quoting Hadley v. Jr. Coll. Dist. of Metro. Kansas City, Mo., 397 U.S. 50, 56 (1970) (60 percent of the district's total school enumeration electing 50 percent of the district's trustees violates one person-one vote principle)); Black Political Task Force v. Connolly, 679 F. Supp. 109, 111 (D. Mass. 1988). This principle applies to elections for school board positions, and thus applies to a RSD's school committee when possessing sufficient governmental powers to bring it within the principle. Kelleher v. Se. Reg'l Vocational Tech. High Sch. Dist., 806 F.2d 9, 10–11 (1st Cir. 1986).

In Burton v. Whittier Reg'l Vocational Tech. Sch. Dist. the court held that while Haverhill's representation on its RSD's school committee is diluted because Haverhill's population is 41% of the RSD's population but only 15% representation on the RSD's committee, it was not an unconstitutional violation of the *one person one vote* principle since the members were *not chosen by election* but rather were *appointed by the local school committees of its constituent municipalities* and thus the *one person one vote* principle is irrelevant and the residents' voting rights were not taken away, and also noted that Haverhill knew its representation would not be in proportion to its population when it ratified the RSD's agreement. Burton v. Whittier Reg'l Vocational Tech. Sch. Dist., 587 F.2d 66, 69–70 (1st Cir. 1978) (citing Sailors v. Board of Education, 387 U.S. 105, 111 (1967); Hadley v. Junior College District, 397 U.S. 50, 54–56 (1970)). Note that because the RSD's members were appointed by local officials, option 5 below was the mechanism used to comprise that school committee.

On the other hand, in Kelleher v. Se. Reg'l Vocational Tech. High Sch. Dist. the court first held that a majority of voters cannot waive the constitutional right of a minority to an undiluted voting system and therefore the one person-one vote principle applies to an apportionment scheme approved by a majority of the voters whose votes are diluted under that scheme, and then accordingly held that the RSD's apportionment scheme where Brockton was accorded two RSD committee members while the other towns were accorded one member each and thus Brockton's citizens elected only 20% of the RSD's committee members even though Brockton represented 46% of the RSD's population while a West Bridgewater citizen's vote equates to eight times more effective in the committee than a Brockton citizen's vote, producing a great disparity between the weight of the Brockton citizen's vote compared to the weight of citizen's votes in the other member towns, violated the “*one person-one vote* principle because, by not dividing the district's elected Committee members on a population basis as nearly as practicable, it deprives voters of the constitutional right to cast an equally weighted vote.” Kelleher v. Se. Reg'l Vocational Tech. High Sch. Dist., 806 F.2d 9, 10–13 n.8 (1st Cir. 1986) (“The population deviations from average

under the instant apportionment scheme range from 131.9 percent above average for Brockton to 70 percent below average for West Bridgewater.”); see also Mahan v. Howell, 410 U.S. 315, 329 (1973) (16.4 percent maximum deviation “may well approach tolerable limits”).

Under present Massachusetts law, in comprising the members of the RSD’s school committee, the RSD has five options:

- (1): electing committee members by voters in member communities with each community's *representation apportioned according to population*;
 - (2): electing members in *district-wide elections* to be held at the *biennial* state elections;
 - (3): electing members with *residency requirements* in *district-wide elections* to be held at the *biennial* state elections;
 - (4): *weighing* the votes of committee members *according to the population they represent* and
 - (5): appointing committee members *by locally elected officials* such as school board members.
- See G.L. c. 71, § 14E (emphasis added).

Here, Section 1 of the Agreement requires that each member of the school committee be a *resident* of the District and is elected in an *annual district wide* election. Thus, while the Agreement’s current mechanism for comprising the LSRSD members is most similar to option 3 above, it could be impermissible in that the elections are *annual*, instead of *biennial* as required by options 2 and 3 above in § 14E. Nonetheless, aside from the potential defect in frequency of elections, that the LSRSD does not guarantee either town *representation in proportion* to the voting populations of the towns is not a violation of *one person-one vote* because the votes of the LSRSD’s citizens are still equally weighted since they vote *district wide* as opposed to each town’s citizens only being able to elect a specified number of representatives from each district as was the flaw with Brockton’s citizens limited to only electing two representatives. Furthermore, the Kelleher Court has already described the LSRSD’s apportionment mechanism approvingly in requiring that RSD to submit a plan of reapportionment in accordance with the *one person-one vote* principle. See Kelleher v. Se. Reg’l Vocational Tech. High Sch. Dist., 806 F.2d 9, 13 n.16 (1st Cir. 1986) (“A number of options consistent with the one person-one vote principle are available to the District. These include: electing Committee members by voters in member communities with each community's representation apportioned according to population; electing members in *District-wide, at-large elections*; electing members in *District-wide, at-large elections with residence requirements*; weighting the votes of Committee members according to the population they represent; and appointing Committee members by locally elected officials such as school board members.” (emphasis added)). Sudbury’s dissatisfaction with the current

apportionment scheme can still be raised as an issue with the Agreement motivating its desire to amend the Agreement or withdraw though.

- 2) **Provisions for Vocational Education:** Section #3, describing the type of school, indicates that LS can establish a Chapter 74 (vocational education) program. However, Section 9 (Budget Process) states that Vocational Education, including tuition to state aided vocational schools will be described as part of the LS budget. What is the responsibility of the LS Regional School to provide access to an accredited Chapter 74 vocational program for Sudbury students under the regional agreement? Specifically, is LS responsible for paying the tuition and/or transportation costs of Sudbury students enrolled in vocational programs outside the LS district?

Background:

The LS Regional School District was created by Lincoln and Sudbury in 1956. The Towns of Lincoln and Sudbury joined the Minuteman Regional

Vocational School District in 1971 (Article 48 (joining) and Article 49 (funding) the regional district.) when the Minuteman District was created.

As members of the Minuteman Vocational District, the towns of Sudbury and Lincoln were assessed annually by Minuteman to cover the costs of student tuition and transportation. This appeared as a line item in the town's annual budget.

In 2016, the towns of Lincoln and Sudbury withdrew from the Minuteman Regional Vocational School District, effective July 1, 2017.

Since that time, Sudbury (and Lincoln) vocational students attend several different area vocational schools (Assabet Valley, Minuteman Regional, Nashoba) as out-of-district students. I believe that as of Sudbury's withdrawal from the Minuteman Regional district, vocational students should have become the responsibility of the LS Regional District, but that was not pursued vigorously at the time.

Currently,

The Sudbury Public Schools counsel students to apply to the vocational school(s) of their choice as graduating eighth graders from the SPS system.

Parents have to apply to vocational schools for their students; this doesn't happen automatically.

The Town of Sudbury (not SPS and not LS) is responsible for transporting (and paying to transport) the Sudbury students to their vocational program. Arranging transportation falls to the Town Manager, who is not otherwise involved in contracting for student transportation.

The Town of Sudbury pays the tuition of vocational students.

The LS Regional District maintains that students who do not enroll in LS, such as out of district vocational students, are not their responsibility. They do, however, assume responsibility for students enrolled in out of district Special Education programs. I do not understand the legal distinction here.

Amorphous complaints have circulated about vocational students not receiving counseling or other services from the LS high school or the vocational school. Whose responsibility is it?

LampkeLaw response:

It would be helpful in dealing with this and other issues to review any reports or the like that were prepared at the time of the formation of the LSRSD, or since then, which may reference vocational education.

An argument could be made, as discussed more fully, that the intent of the Agreement was for LSRSD to be responsible for the tuition and transportation of students in its charge who want to attend a vocational school. However, not surprising with an Agreement crafted first in 1954, there are some logistical issues with the Agreement.

Section 9 of the Agreement provides in part that the “tentative budget shall in reasonable detail, including the amount payable under the following classifications of expenses and such other classifications as may be necessary:” and goes on to include as a classification “Vocational Education, including tuition to State aided Vocational Schools.” Thus, the concept of the LSRSD providing vocational educational opportunities is part of the Agreement between the parties and this something the Regional District School Committee should consider and do if there is a demand for same.

Section 4 of the Agreement deals with Student Membership and Transfer Date. Membership is defined as all students in Sudbury and Lincoln in Grades 9 through 12. Select Person Brown’s memo refers to students in Grade 8 addressing possibly wanting to attend a vocational school. Students in Grade 8 are technically not yet under the responsibility of the LSRSD. Once they are in Grade 9, they are under the jurisdiction and the responsibility of the LSRSD. If the student is in Grade 9 to 12 and wants to pursue a vocational educational education, then the LSRSD has the jurisdiction and responsibility to address that.

Grade 8 students, who are not yet under the LSRSD, may likely consider vocational education when they are in Grade 8 and such vocational education would start as early as Grade 9 (which is under the jurisdiction of the LSRSD). It makes sense that the LSRSD should be involved in those decisions and assume responsibility for those students in Grade 8 who would otherwise be transitioning to the LSRSD but for their wanting to attend a vocational school. The “sending” school district really would be the LSRSD. Note that there are application and notice time periods in the law that could affect the logistics of this issue, but those could be addressed in the future.

This view is further supported by Section 4, last paragraph on page 3, which provides in part for situations where a student who would enter Grade 11 or 12 is attending an out of district school, that student “may finish their high school education at such High Schools outside of their Town at the Regional School District’s expense.” If the LSRSD is going to pay the expenses for that student, it would seem logical that they would pay the expenses for LSRSD students who wanted to attend vocational school.

Essentially, LSRSD has “exclusive jurisdiction over and responsibility for, the educational needs of the membership”, which includes all students in Grades 9 through 12. Vocational education is an educational need. Sec. 4, 3rd par.

On this issue, depending on the development of further facts and the law, it may be that an argument or claim could be made that the LSRSD owes Sudbury (and perhaps Lincoln) for vocational costs that were incurred that should have been the responsibility of the LSRSD. This would be something that would be raised if litigation were to be pursued. The better course of action would be to try to negotiate a resolution on this issue if in fact it turns out that the LSRSD owes this money.

We should point out that the practice in some communities in similar situations is that the community pays the vocational educational and transportation expenses out of the Town or its School Department budget and not the regional school.

3) Apportionment of capital expenditures

Section #9 describes the current budget process, including the responsibility for “**Debt Service**”. **The agreement does not speak to how this is assessed.** Current practice is that any year’s debt payment is paid by the member towns as apportioned by regional agreement in the current year. The effect is that capital costs that were assumed when a member town was responsible for a specific fraction of the LS budget can shift as the relative number of students changes, leaving the town with a growing student population (or a less-rapidly -

decreasing student population) responsible for an ever-increasing per centage of the capital debt, both interest and principal.

The regional agreement should specify how debt service for capital expenditures is assessed: specifically, that the proportion of the debt to be paid by each member town is assessed at the time the debt is assumed and paid in that amount by the member towns regardless of future changes in enrollment.

LampkeLaw response:

It is suggested that “debt service” is not adequately addressed in the Agreement.

Debt service is a cost the LSRSD must address in its budget. This is provided for under Section 9. The Agreement further provides that “the Committee shall adopt a budget for the ensuing fiscal period and apportion the amount thereof between the member towns according to their respective apportionment ratios as set forth in Section 5(a).”

Debt service is thus a cost shared by the two member communities according to the apportionment ratios set forth in the Agreement.

It is being questioned that the apportionment should be different, suggesting that each community's cost is established when the debt is incurred and remains constant. It is questionable that the member Towns would find that appropriate. It could result in Town A, which when the debt was incurred years ago perhaps had a greater proportion of students but now a much lesser proportion of students, having to pay as if they had a larger proportion than they actually do. Similarly, if Town B at the time the debt was incurred had a small proportion of students but now has a much larger proportion, under the suggested scenario it would be paying a much smaller proportion of the cost yet have more students.

Perhaps the member Towns would agree to that. However, given the possible disparities it in our opinion appears doubtful.

- 4) **Budget Timeline:** From the non-recurring expenditures starting at the end of section #9:
 - a. Not later than thirty days prior to the date on which the final budget is to be adopted, copies of the tentative budget shall be presented and explained to the Finance Committee in each member town.

- b. Within fifteen days thereafter the Regional School Committee shall hold a public hearing in each member town (three days' notice).
- c. Promptly the committee shall meet to adopt a final budget.
- d. Not later than forty-five days prior to the earliest date of Town Meeting in the earlier town, the committee shall adopt a final budget and apportion the amount according to their respective ratios as set forth in Section 5(a)—but not before February 1 nor later than March 31.

First, I recognize the “get out of jail free” provision “*Failure to give notice or hold hearing as herein prescribed shall not invalidate the proceedings for adopting a budget*” in the document. However, the budget timeline does not work.

Lincoln Town Meeting is held the Saturday prior to the last Monday in March. I’ve attached a slide from the LS Budget Presentation last year (December 10, 2019) showing the timeline.

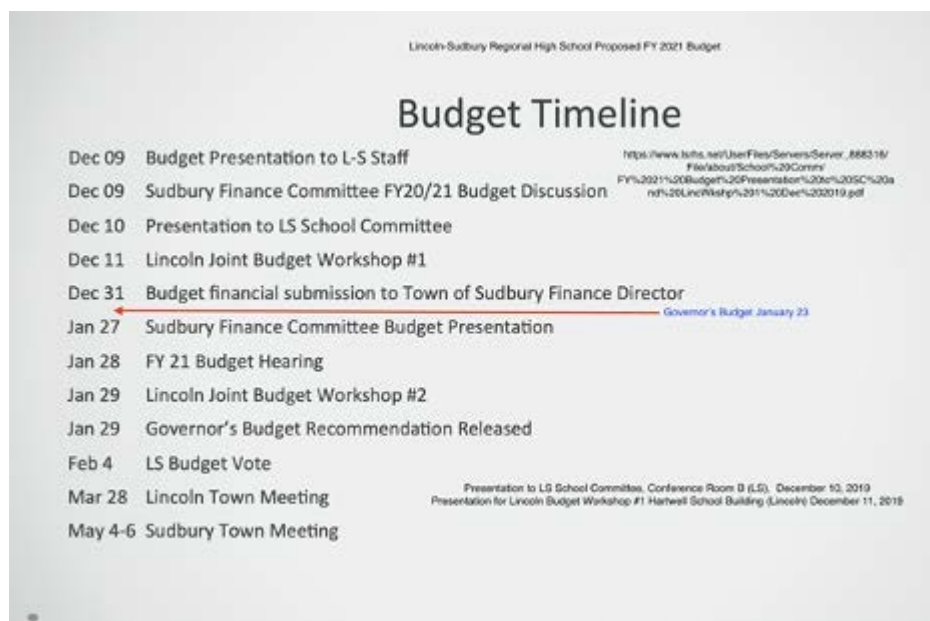
Outside budget factors

Chapter 70 (State Aid to Schools) – Governor’s Budget (January 23)

Regional School Transportation Reimbursement – Governor’s Budget (January 23)

Foundation Budget Local Contributions – Governor’s Budget (January 23)

Health Insurance rate increases—numbers available from provider (February 4)



Working from the Regional Agreement Requirement,

- i) The budget should be presented no fewer than 30 days prior to adoption, that is: prior to January 5. **That happened.** The budget was presented on December 9 to the Sudbury Finance Committee.
- ii) Within fifteen days there should be a public hearing (posted three days prior) of the budget in each town. **That did NOT happen.** It would have required a public hearing prior to December 25 in Sudbury. Given the uncertainties due to insurance rates and payments estimated from the Governor's budget, there was no new information and substantial uncertainties would have remained.
- iii) Rather, **the public hearings occurred well after the fifteen-day interval**, with the Sudbury hearing occurring on January 28. That hearing occurred at the LS High School in the Town of Sudbury; as far as I can tell, the hearing in the Town of Lincoln was not held. Link to January, 28, 2020 LS minutes https://drive.google.com/file/d/1nyDk_WoGCWMwZaglUyNN62tt0T1BL6V/view?usp=sharing
- iv) The finance committees in both towns got updates prior to adopting the final budget, since the underlying information had changed with the Governor's budget and the insurance rates update. Not specified under the agreement, but clearly permitted and just as clearly necessary. The public did not.
- v) **The School Committee shall promptly adopt a final budget.** This was done on February 4, using information that was obtained on February 4 (insurance costs).

There is the Special Circumstance which occurs in years in which a new governor/administration is elected. In that circumstance, the Governor's Budget can be delayed into February, and all items depending on that budget delayed accordingly.

Once the legal landscape underlying the regional agreement changed to require the Governor's budget, it was not possible to adhere to the schedule laid out in the agreement. I have attached (i) an article from the Sudbury Patch (submitted by Nancy Marshal, a member of the LS School Committee in 2013 but who is now a member of the Lincoln Finance Committee) which refers to the SJC decision which requires data from the Governor's budget, and (ii) a description by then-LS School Committee Chair Radha Gargeya on how the towns should set aside money because they cannot know how the apportionment between the two towns will work when the budget is approved.

The list of suggested items in a regional agreement provided by the Department

of Elementary and Secondary Education (DESE) are here: https://cb924651-2e15-4b96-90bc-e14c72bf46fe.filesusr.com/ugd/42a9dd_0ef9664195564ba08b9e61dd15ba128d.pdf

Note that some of these items are optional; some are required by regulation. However, it's best practice to re-examine the agreement periodically to adapt to just such legal changes as the SJC decision.

LampkeLaw Response:

The landmark case Town of Dartmouth v. Greater New Bedford Regional Vocational Technical High School Dist. held that the funding obligations imposed by Education Reform Act (St. 1993, c. 71) overrode the regional school district agreement funding provisions between municipalities by implication. Town of Dartmouth v. Greater New Bedford Regional Vocational Technical High School Dist., 461 Mass. 366, 961 N.E.2d 83, 276 Ed. Law Rep. 411 (2012).

As pointed out in the memo, the schedule for budgeting in the Agreement does not work and is not being followed. This in and of itself supports the two Towns working to update the Agreement. Not having a proper and accurate timeline to follow is not good management or operations. It can also lead to challenges to the process, notwithstanding the “get out of jail card”.

All parties should see at least the wisdom of updating the timeline to the realities of local government.

5) Leaving the Regional District

Section 7 describes the financial obligations of a member town leaving the district. However, if one town leaves the district then there remains a regional district of a single town? Or this dissolves the district? What happens in this event? In particular, if Sudbury chooses to leave the district under the terms of Section 7 who owns the campus and what rights remain to Lincoln? While this is not the option of choice, I want to understand the legal ramifications of this choice.

LampkeLaw Response:

It is recognized by the Sudbury team that this is not a preferred or desired (or likely) option. However, in considering concerns the Board members have, it is something that must be recognized and commented on.

The process for a member leaving is spelled out in Section 7 of the Agreement. Aside from the language in the Agreement, a community leaving a regional school district has been compared to a divorce. Typically a “transition agreement” is drafted between the District and the leaving community and often

the member communities, spelling out what are the obligations going forward for the District, its remaining members and the member leaving. This usually spells out any continuing financial obligations, as well as credits that may be applied to the leaving community. The credits can be financial and/or physical.

The present Agreement already provides for some continuing financial obligations from the Town leaving.

DESE would provide assistance usually in negotiating the transition agreement and perhaps more importantly try to facilitate resolution of any issues to avoid a breakup of the LSRSD. DESE is a proponent of regionalization.

In this instance, since at present there are only 2 members, if 1 member leaves it essentially makes it not a regional school district. One of the communities would make a claim to the building, which is a bit awkward as it is located in Sudbury. That does not mean that Lincoln could not enter into an Agreement where they continue to use the campus in Sudbury. There may be a need for special legislation to address this. Also, remember that bond counsel would become involved as the bonds are an obligation of the District back up typically by the members.

These transition agreements have to be carefully drafted as they set forth the rules going forward. Also, there could be significant health insurance and retirement obligations involved. Not all members of a school district are part of the state teacher's retirement system.

Often, an actuary is hired by the involved parties to deal with many of the financial issues.

6) Questions on Apportionment

Is the way the LS Regional Agreement apportions operating costs between the member towns (by proportion of enrolled students) consistent with what other districts do? Specifically, could apportionment be based upon equalized valuation of property values across the two towns, relative populations of the two towns, or other factors? What are the legal implications of any of these apportionment measures?

LampkeLaw Response:

Subject to the application of applicable state law, the Agreement provides for apportionment to be based on students, so long as the amounts needed for the operation of the District are properly determined under the Educational Reform Act and subsequent laws. This is a fairly typical method of apportionment.

As long as the parties agree, DESE approves and any change is consistent with the law (particularly with funding obligations), the parties can agree to other apportionment methods. It would require, at a minimum, an amendment to the Agreement.

7) Pathway Forward

The Sudbury Select Board has reached out to the Lincoln Select Board to ask about discussing the LS Regional Agreement. The response was that the Lincoln Select Board would defer to the LS School Committee. What are the options of the Sudbury Select Board to re-open the agreement?

LampkeLaw Response:

The fact that Sudbury has initiated its own review of the Agreement and relationship with Lincoln and the LSRSD is a positive first step.

We understand that you have reached out to Lincoln and they indicated they would defer to the LSRSD Committee.

In any resolution of the concerns Sudbury has, and that Lincoln and the District Committee may have, it will require all 3 parties to come together, to at least discuss the process to move forward and then move forward.

You all know the players better than we do and the lay of the land.

I might suggest the following possible plan (which of course can be easily changed)-

1. Sudbury should request the Town Manager to form a Town Manager Committee to continue addressing this. A representative of the Board of Selectmen can also be on this Committee. Other appropriate staff, consultants and legal counsel can be on the Committee. Having it as a Town Manager created Committee removes it from the limitations of the Open Meeting Law. Of course, whenever the Board is discussing the matter, the Open Meeting Law would apply, including any exemptions for Executive Session. Such a Town Manager Committee would be able to function easier.
2. Sudbury, through this Town Manager Committee, should continue to identify areas of concern both in the Agreement and in its relationship with the District and Lincoln.
3. A list of final areas should be developed.
4. An invitation should be sent to the District and Lincoln to begin a series of meetings to discuss these concerns and any additional concerns

they may have. Since they essentially “rebuffed” you before, I would suggest that you set a specific date, time and place for the meeting. Hopefully they will attend.

5. Although this is just a superficial listing, it would be a start to address an Agreement that is 64 years old. Better operating protocols that benefit everyone, including the students, are available.

We trust that this communication is helpful to you. Please contact us with any questions or other issues. We appreciate the opportunity to be of service and work with you on this important matter.

Very truly yours,
James B. Lampke
James B. Lampke
Daniel I. Lampke
Daniel I. Lampke

The Regional Agreement
between
The Town of Lincoln and The Town of Sudbury
with respect to the formation of a Regional
School District, as amended

The following agreement as it stands has been changed from the original agreement of 1954 as the result of six amendments.

Amendment 1 changed the details of apportioning State and Federal Aid in Section 5 (f), and was adopted in 1966.

Amendment 2 changed the method of electing members of the School Committee in Section 1, and was adopted in 1970.

Amendment 3 changed the dates in Section 5 (Apportionment of Expenses) as a result of the change from a calendar year to a fiscal year, and was adopted in 1973.

Amendment 4 changed the dates for considering and adopting an annual budget in Section 9, again as a result of the change from a calendar year to a fiscal year, and was adopted in 1974.

Amendment 5 changed the method of apportioning District revenues and expenditures in Section 5, Section 7 and Section 9 and established the Excess & Deficiency Fund. It was adopted in 1988.

Amendment 6 changed the method by which town meetings amend the Regional Agreement by eliminating the need for paper ballots, and was adopted in 1988.

Marcia A. Roehr
Secretary to the School Committee

May 18, 1988

This Agreement entered into pursuant to Chapter 71 of the General Laws of Massachusetts as amended.

WITNESSETH that

WHEREAS the Towns of Lincoln and Sudbury desire to form a Regional School District under provision of said Chapter 71; and

WHEREAS such Towns desire to enter into an Agreement provided by said Chapter 71,

NOW THEREFORE, in consideration of the foregoing and of the mutual promises herein contained, the Towns of Lincoln and Sudbury do mutually agree as follows:

1. Number, Composition, Method of Selection and Terms of Office of the Members of the Regional District School Committee. The powers and duties and liabilities of the Regional School District shall be vested in and exercised by a Regional School District Committee. Such Committee shall consist of six members to be elected by all of the voters of Regional District voting in an annual District election to be held the last Monday in March as hereinafter provided. The term of office of each member shall be three years and until his successor has been elected and qualified. Two members shall be elected at each annual District Election commencing with the first such election to be held next following the effective date of the Second Amendment to this Agreement. A member of the Regional School District Committee must be a resident of the District. A quorum shall be four. Vacancies which occur on the Regional School District Committee shall be filled by the remaining members of the Committee acting together with the Chairman of the Board of Selectmen of each member town. The appointee filling such vacancy shall serve until the next Regional District election and until his successor has been elected and qualified. At the next Regional District election following the occurrence of such vacancy, a successor to serve for the balance of the unexpired term, if any, shall be elected. The members of the Regional School District Committee incumbent on the effective date of said Second Amendment shall hold office until the year in which their terms would ordinarily expire and until their successors have been elected and qualified as herein before provided.

Nomination papers for membership in the District Committee shall be filed with the Secretary of the District within the time allowed by Massachusetts General Laws relating to filing nominations with the town clerk in town elections and Sections 114 and 115 of Chapter 41 of the

General Laws shall so far as apt apply to nominations for the Regional District School Committee, except that the signatures of at least fifty registered voters of the Regional District shall be required for such nomination. The Annual Election shall be called and held in the manner provided for a calling and holding of an election pursuant to Section 16(n) of Chapter 71 of the General Laws so far as applicable.

Notwithstanding, the foregoing provisions of this section to the contrary, in the event the annual town elections in all the member towns shall be held on the same day as the annual District election, the annual District election may be combined with and held as part of the annual town elections in each member town and the following additional provisions shall be applicable, to wit,

- (a) The Secretary of the Regional School District shall promptly upon receipt thereof certify to the town clerk of each member town the name and address of each candidate for the Regional School District whose nomination papers have been properly filed.
- (b) The Warrant for the Annual Regional School District Election shall state that said election will be held at the same time and place as the annual town election in the member towns.
- (c) The ballot, whether printed or by voting machine, for the Annual Regional School District election may be prepared separately or with the consent of the Selectmen in all member towns may be included with and prepared as part of the ballot of the annual town election.

The town clerk in each of the member towns shall promptly certify to the Regional District Committee the result of the voting in that member town. Newly elected or appointed members of the Regional School District Committee shall be sworn to the faithful performance of the duties of the office by the Secretary of the Regional School District Committee or by the Town Clerk of the town in which he resides, who shall file a record of said oath with the Secretary of the Regional School District. Any recount petitions shall be filed with the Secretary of the School District.

2. Location of Regional District School. The Regional District School shall be located in the northeast portion of the Town of Sudbury within a radius of two and one-half miles of the junction of the two Towns.

3. Type of Regional District School. The Regional District School shall be a Senior High School consisting of Grades 9 through 12, inclusive.

The Regional District School Committee is hereby authorized to establish and maintain State-aided Vocational Education, acting as trustees therefor, in accordance with the provisions of Chapter 74, General Laws, and Acts mandatory thereto, or dependent thereon; if the Regional District School Committee deems it desirable.

4. Student Membership - Transfer Date - Tuition Pupils. The membership of the Regional School District shall include all students residing in the member Towns in Grades 9 through 12 educated at the expense of the member Town or the Regional School District.

Jurisdiction over, and responsibility for, the educational needs of such membership shall not be transferred from the local School Committees of the member Towns to the Regional District School Committee until the Student Transfer Date which shall be September 1, 1956, unless prior thereto the Regional District School Committee and the local School Committees of each of the member Towns agree upon the establishment of an earlier Student Transfer Date.

On the Student Transfer Date, the Regional District School Committee shall assume exclusive jurisdiction over, and responsibility for, the educational needs of the membership except that students of a member Town who attended High Schools outside of their Town on a tuition basis, at their Town's expense, prior to the Fall of the year that the Regional District School is prepared to accept students and who would enter Grades 11 and 12 in the Fall of such year, may finish their High School education at such High Schools outside of their Town at the Regional School District's expense. Notwithstanding the other provisions of this Agreement relating to the apportionment of operating expenses, there shall be apportioned to the respective member Towns, the entire amount, if any, by which the tuition paid by the Regional District School Committee for the students from such town exceeds the average per pupil operating cost of the Regional School District as determined by said

Committee exclusive of such tuition pupils multiplied by the number of such tuition pupils from such town.

Students residing outside the Regional School District may attend the Regional District School upon the approval of the Regional District School Committee and the payment of tuition as determined by such Committee.

Pursuant to such terms and conditions as it may prescribe the Regional District School Committee may authorize the use of Regional School District facilities by member towns or citizens thereof for such purposes as the said Committee may deem in keeping with the civic purpose of such facilities, provided no use may be authorized under this paragraph which would interfere with the use of such facilities for the purposes of the Regional School District.

5. Apportionment of Expenses and Other Items

(a) Apportionment of Costs

The several costs of construction and operation of the District and payments of principal of and interest on its bonds, notes and other obligations shall be apportioned to the member towns as follows: each member town's share for each fiscal period shall be determined by computing the ratio which the sum of its pupil enrollments in the regional school district on October 1 of the three years next preceding the start of such fiscal period bears to the sum of the pupil enrollments in the regional school district of all the member towns on October 1 of the same three years. The Treasurer of each member town shall pay to the Treasurer of the District the amount of such town's share of each installment of principal of and interest on bonds, notes and other obligations of the District at least thirty days before the due date thereof. The Treasurer of each member town shall pay to the Treasurer of the District the amount of such town's apportioned and certified share of all other expenses in twelve equal installments on the tenth day of each month.

(b) Apportionment of State and Federal Aid

Any Federal, State or other aid or grants received by the District shall be credited by the District to its budgeted expenses, and the apportionment to

the member towns under subpart (a) above shall be the net costs after the application of said aid or grants.

(c) Miscellaneous Income Defined

Miscellaneous Income shall include all income of the District other than the assessments paid by the member towns pursuant to subpart (a) above and any Federal, State or other aid or grants.

(d) Excess and Deficiency Fund

All unexpended funds, or any portion thereof, may in the discretion of the Regional District School Committee and with the written approval of the Finance Committees of each of the member towns, be paid into the Excess and Deficiency Fund provided, however, that at no time shall the total of the sums in the Excess and Deficiency Fund exceed five percent (5%) of the total District budget for the succeeding fiscal period. Monies in the Excess and Deficiency Fund may be expended, in the discretion of the Regional District School Committee for any of the following purposes: (i) to meet extraordinary and non-recurring costs attributable to the operation and maintenance of the Regional District School; (ii) to pay any other extraordinary costs when amounts from the sources described in subparts (a), (b), and (c) above are insufficient to pay such costs; or (iii) to reduce the assessment to the member towns in any fiscal period. Any such reduction of the assessment shall be in accordance with apportionment ratios set forth in subpart (a) above for the fiscal period in which such reduction occurs. Monies paid into the Excess and Deficiency Fund shall be deemed received and reserved for special purposes within the meaning of Section 9.

6. Transportation. Transportation to and from the Regional District School and any other transportation for Regional School purposes shall be the responsibility of the Regional School District and its cost shall be an ordinary operating expense.

7. Separation - Admission of Other Towns. No member Town may separate from the District except as herein provided. If no bonds or other evidence of indebtedness have

been issued by the Regional School District or if all such bonds or other indebtedness shall have been paid in full or the member Town which desires to separate shall have paid its share of installments of principal and interest of such indebtedness to date and shall have made irrevocable deposit in the name of the District with a Massachusetts bank or trust company having combined capital or surplus of not less than Five Million Dollars (5,000,000) of funds for the purpose sufficient to meet such Town's share of any future maturing installments of principal and interest on any such bonds or other indebtedness, such Town may, upon the giving of at least one year's written notice of its intention to do so pursuant to a majority vote of the voters present and voting on the question at an Annual or Special Meeting of such Town called for the purpose, withdraw from the Regional School District at the conclusion of the School term normally scheduled to end in the month of June. The Regional School District may withdraw the funds so deposited and use the same only for the payment of the share of interest and principal on its bonds or other evidences of indebtedness, which would otherwise have been apportioned to and paid by such withdrawing Town. Until such future maturing installments have been discharged, however, the withdrawing Town shall, to the extent thereof, remain liable with respect to such bonds or other indebtedness as if it had not withdrawn. The withdrawing Town's share of future maturing principal and interest shall be computed in accordance with Section 5(a), with credit for State aid as provided in Section 5(b), at the time of giving of such notice.

By an amendment of this Agreement adopted by each member Town in accordance with Section 8 and complying with the proviso therein contained, any other Town or Towns may be admitted to the Regional School District upon adoption as therein provided of such amendments and upon acceptance of the Agreement as so amended and also upon compliance with such provisions of law as may be applicable and such terms as may be set forth in such amendment.

8. Amendment of Agreement. This Agreement may be amended in any manner approved by a majority vote of those present and voting on the question at an Annual Meeting or a Special Meeting called for the purpose in the member Towns, provided that no such amendment shall adversely affect any obligation previously contracted by the Regional School District or affect in any adverse manner the liability of the Regional School District or of the respective member Towns on or with respect to the payment of principal of or interest on any bonds or other evidences of indebtedness issued by the

Regional School District, provided that this provision shall not prevent the admission of new towns to the District and the reapportionment accordingly of that part of the cost of construction represented by bonds or notes of the District then outstanding and of interest thereon.

A proposal for amendment may be initiated by the Board of Selectmen of a member Town, by a majority of all the members of the Regional District School Committee or by a signed petition bearing the signatures of five hundred (500) registered voters of the District, provided the petition shall contain the signatures of at least one hundred (100) registered voters from each member Town. Said petition shall also contain, at the end thereof, a certification by the Town Clerks of the respective member Towns as to the number of signatures on the petition which appear to be the names of registered voters from that Town. Any such proposal for amendment shall be presented to the Secretary of the Regional School District Committee who shall mail or deliver a notice in writing to the Board of Selectmen of each of the member Towns that a proposal to amend this Agreement has been received and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The Selectmen in each member Town shall include in the warrant for the next Annual Town Meeting or for a Special Town Meeting called for the purpose, an article stating the proposal or the substance thereof. When a majority of those present and voting upon the question in all the member Towns shall have approved a proposal for amendment, said amendment shall be adopted thereby and thereupon become a part of this Agreement.

9. Preparation and Submission of Budgets. Within sixty days after the Regional District School Committee is organized, it shall prepare a reasonably detailed budget of expenses of the balance of the calendar year. Copies of such budget shall be submitted for approval to the Finance Committee and the Selectmen of the member Towns. The amount of the budget thus approved shall be apportioned between the member Towns according to their respective apportionment factors as of the preceding October 1st and shall then be delivered by the Regional District School Committee to its Treasurer for certification of the respective share thereof to each member Town. The sums thus certified shall be payable by each member Town to the Regional District School Committee only from funds appropriated by each member Town for such purpose, if any.

Thereafter, at the opening of each academic year in September, the Regional District School Committee shall as promptly as practicable proceed with the preparation of a tentative budget for the ensuing fiscal period including provision for any installment of principal or interest to become due in such period on any bonds or other evidences of indebtedness of the District. Such tentative budget shall be in reasonable detail, including the amount payable under the following classification of expenses and such other classifications as may be necessary:

General Control, including salaries of the Superintendent, Attendance Officers, Census Enumerators, and all personnel employed in the Superintendent's Office; School Committee Expense, traveling expense, supplies, postage, and other miscellaneous expense.

Expenses of Instruction, including salaries of teachers, principals and other instructional personnel, clerks in the principal's office, traveling expenses, stationery, postage and other miscellaneous expenses of the principal's office, textbooks and instructional supplies.

Operation of School Plant, including salaries of custodial personnel, fuel, custodial supplies, telephone and other miscellaneous expenses of operation.

Maintenance of School Plant, including all expenditures made for the installation, repair or replacement of grounds, buildings or equipment.

Auxiliary Agencies, including libraries, health services, transportation, tuition, physical education, lunchrooms and miscellaneous expenses.

Outlay, including expenses for alterations of grounds and buildings; and new equipment such as furniture, furnishings, instructional equipment and laboratory apparatus.

Vocational Education, including tuition to State aided Vocational Schools.

Debt Service, including principal and interest payments.

All non-recurring expenditures shall be itemized. From the total of said budget there shall be deducted any surplus of receipts for the preceding fiscal period, excepting those received and reserved for special purposes, over said cost

and expenses for that period. Upon the preparation of such tentative budget for any fiscal period and not later than thirty days prior to the date on which the final budget is to be adopted, copies of the tentative budget shall be presented and explained to the Finance Committee in each member Town and within fifteen days thereafter the Regional District School Committee shall hold a public hearing in each member Town after posting in at least three public places at least three days in advance thereof in such town, a notice signed by the Secretary of the Regional District School Committee stating the time, place and purpose of the hearing at which it shall present the proposed Regional School tentative budget and shall answer any reasonable inquiries with respect thereto. Promptly after the holding of such hearings, the Regional District School Committee shall meet for the purpose of adopting a final budget with such modifications in their tentative budget as they may consider necessary or desirable. Failure to give notice or hold hearing as herein prescribed shall not invalidate the proceedings for adopting a budget. Not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but in no event later than March 31 of such period (provided that said budget need not be adopted earlier than February 1), the Committee shall adopt a budget for the ensuing fiscal period and apportion the amount thereof between the member towns according to their respective apportionment ratios as set forth in Section 5(a).

The budget thus adopted shall then be delivered to the Treasurer for the certification of such adjusted apportioned amounts to the respective member Towns.

10. Subcommittees. The Regional District School Committee may from time to time create subcommittees, the members of which need not be members of the Regional District School Committee, and assign to such committees, subject to the supervision of the Regional District School Committee, such advisory functions as the Regional District School Committee may determine. Without limiting the generality of the foregoing, the Regional District School Committee may, to assist it in the construction of the Regional School Building, appoint a Building Committee to advise it with respect to plans, specifications, appointment of architects, engineers, the letting of contracts, the supervision of construction, and any other assistance which the Regional School Committee may desire.

11. Agreement Not to Limit Statutory Powers. Except as otherwise expressly provided herein, no provision of this Agreement shall in any manner be deemed to limit any power now or hereafter conferred by law upon the Regional School District or the Regional District School Committee established hereby.

RECEIVED
BOARD OF SELECTMEN
SUBURBAN MASS.
JUL 12 12 56 PM '88

Amending the Regional Agreement

Presentation MASC/MASS Joint Conference

Massachusetts Association of Regional Schools



Procedure to Amend Overview

- Review the current Regional Agreement for procedures for amending
- Review State Laws concerning regions
- Form a Regional Agreement Amendment Committee (RAAC)
- Develop a Community Relations Process
- Review and suggest amendments to current Regional Agreement
- When submitting an amendment, all parts of the regional agreement must be in compliance with State Laws and Regulations
- Produce an amended Agreement
- Seek preliminary approval from Commissioner of Education
- Amended agreement is Voted in each town
- Final Approval by the Commissioner of Education



Review the current Regional Agreement for procedures for amending



Regional Agreement

SECTION AMENDMENT

- This Agreement may be amended at any time, and from time to time, in the manner hereinafter provided, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes or other indebtedness of the District then outstanding or the rights of the District to procure the means for payment thereof



Regional Agreement

SECTION AMENDMENT

- An amendment may be proposed by vote of the Regional District School Committee or by vote of any town meeting of any Participating Town. In the latter case the Town Clerk shall forthwith deliver a copy of such vote to the Secretary of the Regional District School Committee. In either case the Secretary shall forthwith deliver a copy of the vote proposing the amendment to the Town Clerk of each Participating Town, and each such Town shall vote at its next town meeting, whether annual or special, upon the acceptance of such amendment. Such amendment shall take effect upon its acceptance by each of the Participating Towns in the manner hereinabove provided



State Laws for Regional Agreements

- The Regional agreement must address all sections as outlined in Chapter 71 Section 14B
- The review would make sure that all required sections are up to date and addressed



Governance and Assessment

- School Committee Composition
 - One Person On Vote
 - Chapter 71 Section 14E
- Assessment Methodology
 - Statutory Method
 - Agreement Method—alternate method



Governance:

One Person One Vote

- Chapter 71 Section 14E
 - Options for Election of Regional School Committees
- There are five ways to choose school committee members and be in compliance



Assessments

- Statutory Method
- Agreement Method



Recommended Steps in Amending

- School Committee appoints a Regional Agreement Amendment Committee (RAAC)
 - Membership on the RAAC
- The RAAC writes amendments to the Regional Agreement
- The RAAC reviews the Regional Agreement for Compliance
- RAAC produces an amended agreement
- RAAC recommends to the School Committee approval or no approval
- School Committee votes to approve, not approve or change the amendment and updates to regional agreement submitted by the RAAC
- Amended agreement sent to DESE for initial approval
- Amendment is sent to the Selectmen of each town after initial approval by DESE



Recommended Steps in Amending

- Selectmen place article on the warrant
- Voters approve or disapprove amended agreement
- If approved, signed agreement and certified votes sent to DESE
- Commissioner approves amended agreement provided it is in compliance



Reflect

- Amendment Process requires careful thought
- Need to develop a Community Relations Program
- Length of time to amend a Regional Agreement can take up to a year or more
- Recommendation is to have facilitators and legal assistance



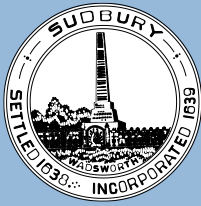
Your Agreement

- What is on file with the DESE?
- Has the agreement been updated with amendments that have been approved by the Towns?
- Does DESE have all the amendments?
- This is an opportunity to update the agreement with all the amendments into one document.



Questions





SUDBURY SELECT BOARD

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**13: Preparation for joint meeting with Lincoln BOS on March 8**REQUESTOR SECTION

Date of request:

Requestor: Chair Dretler

Formal Title: Discussion/preparation for joint meeting with Lincoln BOS on March 8

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

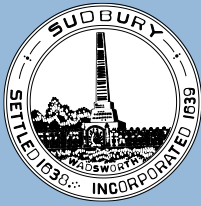
Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM



SUDBURY SELECT BOARD

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**14: SB Goal update****REQUESTOR SECTION**

Date of request:

Requestor: Chair Dretler

Formal Title: Select Board Goal update from Board goal liaisons.

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

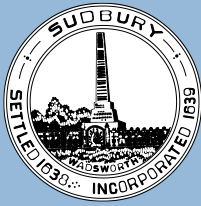
Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM

BOS GOALS 2021						
Goal	Primary Category	Total Score	Priority Level	Board Liaison	Staff Liaison	2021 deliverable
Financial Policies and Capital Planning/ Funding	Financial Management & Economic Resilience	19	High		Town Manager/Treasurer	
LS Regional Agreement and Assessment Process	Effective Governance and Communication	16	High			
Upgrade Fire Station 2 (Rte 20)	Town Services and Infrastructure	14	High		Fire Chief/Facilities	
Bruce Freeman Rail	Open Space, Recreation & Historic Assets	9	High		Planning	
Sewataro	Open Space, Recreation & Historic Assets	5	High		Town Manager/Facilities/PRP	
Expand (Normalize) and Fund Transportation Option	Transportation, Mobility & Housing	4	High		Planning/Treasurer	
Master Plan Implementation (Driven by PB - Support from SB)	Effective Governance and Communication	4			Planning/Town Manager	
Diversity, Equity and Inclusion Commission (underway)	Effective Governance and Communication	2				
Vocational Education	Town Services and Infrastructure	1				
Eversource litigation	Environmental Health & Wellness	1			Town Counsel	
Customer Services for Municipal Facilities	Effective Governance and Communication	0			Town Manager	
Enhance Website (More Self Service)	Effective Governance and Communication	0			IT	
Remote Work Place Support	Effective Governance and Communication	0			IT	
Development Project Mgt and Reporting System (KPI report)	Effective Governance and Communication	0			Town Manager	
House Keeping - including transparency, minutes website)	Effective Governance and Communication	0			Town Manager/Treasurer	
Update Policies and Procedures	Effective Governance and Communication	0			Town Manager	
3 year Calendar for BOS	Effective Governance and Communication	0			Town Manager/Selectmen Office	
Town Meeting - Increasing Engagement, Efficiency, and Participation	Effective Governance and Communication	0			Town Manager/Selectmen Office	
Increase Civic Leadership and Engaged Citizenry	Effective Governance and Communication	0				
Preventative Maintenance for Capital Assets	Financial Management & Economic Resilience	0			Facilities/Treasurer	
Customer Services for Municipal Facilities	Financial Management & Economic Resilience	0			All	
Facilities Inventory	Financial Management & Economic Resilience	0			Facilities	
Staffing Plan for Future	Financial Management & Economic Resilience	0			Town Manager	
Fairbank Comm Ctr	Town Services and Infrastructure	0			Town Manager/Facilities/Sr Center/PRP/Treasurer	
Sidewalks and Crosswalks Priorities	Town Services and Infrastructure	0			DPW/Planning	
Pavement Management Plan	Town Services and Infrastructure	0			DPW	
Roadway (bridges, culverts, drains)	Town Services and Infrastructure	0			DPW	
Emergency Management and Response	Town Services and Infrastructure	0			Town Manager/Fire Chief	
Age Friendly and Dementia Friendly	Town Services and Infrastructure	0			Sr Center	

**SUDBURY SELECT BOARD**

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**15: Discussion and review of Appointment Policy and Code of Conduct****REQUESTOR SECTION**

Date of request:

Requestor: Chair Dretler

Formal Title: Discussion, review, and vote on Appointment Policy and Code of Conduct (continued from 2/9 meeting).

Recommendations/Suggested Motion/Vote: Discussion, review and vote on Appointment Policy and Code of Conduct (continued from 2/9 meeting).

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
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM

Section	Policy	Page	Date Policy Implemented	Reviewed by Policy and Procedure Subcommittee	Reviewed by Select Board	Approved Date
Section 1. Procedural	Code of Conduct of the Board of Selectmen		<i>First adopted by the Board of Selectmen May 10, 2000</i>	2018		
Section 1. Procedural	Code of Conduct for Town of Sudbury Committees Whose Members are appointed by the Sudbury Board of Selectmen or the Sudbury Town Manager		Adopted by the Board of Selectmen July 11, 2006; revised September 8, 2009.	2018		
Section 1. Procedural	Meeting Policy		(Amended 05/10/76, 04/23/84, 10/29/84, 11/08/84, 07/08/96)	2018		
Section 1. Procedural	Town Counsel Policy		(Approved 9/8/2015)			
Section 1. Procedural	Policy on Remote Participation		(Approved 12/15/2015)			
Section 1. Procedural	Appointment Policy		(Approved 12/15/2015)	2018		
Section 1. Procedural	Selectmen's Liaison and Work Assignments		(Amended 5/10/76, 8/23/99)			
Section 1. Procedural	Citizen Comment Procedure			2018		
Section 1. Procedural	Sudbury Board of Selectmen's Office Hours					
Section 1. Procedural	Evaluation Process for the Town Manager		<u>Originally approved 4/5/16; revised 5/1/18</u>			
Section 2. Board of Selectmen Financial Management Policies	Operating Budget Policy			2021		
Section 2. Board of Selectmen Financial Management Policies	Revenue Policy			2018/2021		
Section 2. Board of Selectmen Financial Management Policies	Expenditure Policy			2021		
Section 2. Board of Selectmen Financial Management Policies	Reserves and Risk Management Policy			2018/2021		
Section 2. Board of Selectmen Financial Management Policies	Capital Budgeting and Planning Policy			2018/2021		
Section 2. Board of Selectmen Financial Management Policies	Debt Management Policy			2018/2021		
Section 2. Board of Selectmen Financial Management Policies	Protection of Credit Rating Policy			2018/2021		
Section 2. Board of Selectmen Financial Management Policies	Free Cash Policy			2021		
Section 3 Regulatory	Parade Policy		(approved 5/31/11, <u>reviewed 6/13/18</u>)			
Section 3 Regulatory	Alcohol Rules and Regulations		Last updated 2013	2018		
Section 3 Regulatory	Sale of Kegs		(Approved 9/10/1990, Updated 7/1/1998)			
Section 3 Regulatory	Regulations for Temporary Business or Industrial Trailers		(Adopted 7/23/1983)	2018		Planning Board TM Article 2021?
Section 3 Regulatory	Licensing of Outdoor Amusements Policy		(Adopted as amended 4/29/71, 5/10/76)			
Section 3 Regulatory	Flag Code		(Adopted 7/23/79, 8/23/99)			
Section 3 Regulatory	Traffic Control Signs Policy		(Adopted 9/30/65, amended 5/10/76, 8/23/99)			
Section 3 Regulatory	Policy for Use of Facilities		(Amended 9/20/76, 10/14/80, 7/10/89, 3/11/91, 8/23/99)			
Section 4 Operational	Transfer Station		Rev. 3/16/06; effective 4/1/06			
Section 5. General	Citations and Proclamations					
Section 5. General	Memorial Bench Program		(September 8, 2009)			
Section 5. General	Purchase Contracts					\$25K - The Town Manager shall provide a list of such awards to the Board of Selectmen on an annual basis in January.
			(Adopted 8/9/99, 6/10/02, 8/16/16)			
Section 5. General	Community Event Signs on Town Property					
Section 5. General	Safe Community Policy		<u>Adopted May 7, 2018</u>			
Section 5. General	Minutes Policy		<u>(Amended 5/10/76, 8/23/99) Adopted April 5, 2010</u>			
Section 5. General	Ballot Question Policy		<u>Adopted February 7, 2017</u>			
Section 5. General	Town of Sudbury Donation Policy		<u>Rev. 6/2014</u>			
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?v=00d9583da80907f3008c136f27597126	Agenda Procedure		(Amended 05/10/76, 07/08/96)			
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?v=00d9583da80907f3008c136f27597126	Treasury Warrants and Tax Anticipation Notes		(Amended 5/10/76, 8/23/99)			
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?v=00d9583da80907f3008c136f27597126	Hearing Policy		(Amended 5/10/76, 8/23/99)			
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?v=00d9583da80907f3008c136f27597127	Performance Review Policy (Town Manager and Town Counsel)		(Amended 5/10/76, 2/20/79, 11/9/81, 5/20/91, 8/23/99)			

https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?version=00d9583da80907f3008c136f27597128	Deed and Easement Procedure	(Adopted 12/20/76, 8/23/99)	This is procedure not policy
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?version=00d9583da80907f3008c136f27597129	Collective Bargaining	(Amended 5/10/76, 8/23/99)	This is procedure not policy
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?version=00d9583da80907f3008c136f27597130	Advertising and Directional Signs Policy	(Church Directional Signs - Adopted July 17, 1969) (Signs on Town Property - Adopted January 21, 1971)	Bylaw?
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?version=00d9583da80907f3008c136f27597131	Regulations Governing Electric Companies	(Adopted pursuant to the provisions of General Laws Chapter 164, Section 75.) Adopted 7/31/69, Amended 8/23/99	MGL?
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?version=00d9583da80907f3008c136f27597132	Affirmative Action Policy	(Adopted 7/10/78, amended 8/23/99)	Town Manager?
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?version=00d9583da80907f3008c136f27597133	Acceptance of Gifts	(Adopted 2/20/79)	MGL?
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?version=00d9583da80907f3008c136f27597134	BYOB (Bring Your Own Beer, Etc.) POLICY	(Adopted 8/23/99)	Relevance?
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?version=00d9583da80907f3008c136f27597135	Use of Town Vehicles	(Adopted 11/25/91, Amended 2/3/92, 8/23/99)	Town Manager?
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?version=00d9583da80907f3008c136f27597136	Life-threatening Illnesses	(Adopted 3/16/92, Amended 8/23/99)	Town Manager?
https://sudbury.ma.us/selectboardsoffice/wp-content/uploads/sites/342/2014/08/PoliciesProc.1999_for_website.pdf?version=00d9583da80907f3008c136f27597137	Recycled Product Procurement Policy	(Adopted 6/10/96)	Town Manager?
	Fee Schedules	Fee schedules are not policy	

To be considered

Section 5. General

SAMPLE SOCIAL MEDIA POLICY

DRAFT

Section 5. General

LANGUAGE POLICY

https://malegislature.gov/Bills/191/H4388_12/29/2020

STM 2020 Article 2

Sudbury Committees

Select Board
February 9, 2021

1

Select Board is the appointing authority for many Boards and Committees

- [Agricultural Commission](#)
- [Board of Appeals](#)
- [Board of Registrars](#)
- [Bruce Freeman Rail Trail Advisory Task Force](#)
- [Budget Strategies Task Force](#)
- [Cable Advisor ?](#)
- [Capital Improvement Advisory Committee](#)
- [Community Preservation Committee](#)
- [Council on Aging](#)
- [Cultural Council](#)
- [Diversity, Equity and Inclusion Commission](#)
- [Earth Removal Board](#)
- [Energy and Sustainability Committee](#)
- [Historic Districts Commission](#)
- [Historical Commission](#)
- [Land Acquisition Review Committee](#)
- [Local Emergency Planning Committee](#)
 - [Community Emergency Response Team](#)
 - [VIP Subcommittee](#)
- [Master Plan Steering Committee](#)
- [Memorial Day Committee](#)
- [Permanent Building Committee](#)
- [Ponds and Waterways Committee](#)
- [Route 20 Sewer Steering Committee](#)
- [September 11 Memorial Garden Oversight Committee](#)
- [Sudbury Housing Trust](#)
- [Traffic Safety Coordinating Committee](#)
- [Transportation Committee](#)
- [Veterans' Advisory Committee](#) – no members

2

Committees appointed by Elected Officials other than the Select Board

- [Finance Committee](#) (Moderator)
- [Medical Reserve Corps Executive Committee](#) (Board of Health)

3

Elected Officials

- [Board of Assessors](#)
- [Board of Health](#)
- [Goodnow Library Trustees](#)
- [Lincoln-Sudbury Regional High School Committee](#)
- [Park and Recreation Commission](#)
- [Planning Board](#)
- [Select Board](#)
- [Sudbury Housing Authority](#)
- [Sudbury School Committee](#)
- [Town Moderator](#)

4

APPOINTMENT POLICY and CODE OF CONDUCT

Select Board

5

DRAFT

Existing Policies

6

Appointment Policy

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

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

7

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

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

1. Realize that your function is to follow the mission statement of the Committee.
2. Accept the role of a Committee member is a means of unselfish service, not to benefit personally or politically from his or her Committee activities.
3. Abide by the ethics guidelines established by the State.
4. Conflicts of interest: Refrain from participating as either a member of the Committee or as a member of the public in Committee matters in which you have a personal interest.
5. Abide by all policies established by the Board of Selectmen, PARTICULARLY the email communications policy.
6. Realize that you are one of a team and should abide by all decisions of the Committee once they are made.
7. Be well informed concerning the duties and responsibilities of the Committee.
8. Remember that you represent the entire community at all times.

Adopted by the Board of Selectmen July 11, 2006; revised September 8, 2009. Please note: This code of conduct was originally developed based on similar codes used by other elected boards and Committees in other communities.

8

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

- Request assistance from Town staff only through the staff person assigned to the Committee.
- Not make statements or promises of how you will vote on matters that will come before the Committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting of the Committee.
- ★ • Make decisions only after all facts on a question have been presented and discussed.
- Refrain from communicating the position of the Committee to reporters or state officials unless the full Committee has previously agreed on both the position and the language of the statement conveying the statement.
- Treat with respect and courtesy all members of the Committee despite differences of opinion.
- Treat with respect and courtesy any member of the public, including anyone they have brought to represent them, who comes before the Committee for any reason, but particularly in matters related to regulatory issues.
- Never publicly criticize an employee of the Town. Concerns about staff performance should only be made to the Town Manager through private conversation.
- Insure that any materials or information provided to a Committee member from Town staff should be made available to all Committee members.
- If circumstances change so that meeting attendance on a regular basis becomes difficult, the Committee member will offer his or her resignation to the Board, so that someone who can regularly attend meetings can be selected by the Board.

Adopted by the Board of Selectmen July 11, 2006; revised September 8, 2009. Please note: This code of conduct was originally developed based on similar codes used by other elected boards and Committees in other communities.

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Policies edited by Subcommittee

2018

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DRAFT – 2018 POLICY SUBCOMMITTEE

Appointment Policy

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

For positions appointed by the Selectmen and the Town Manager

1. Expiration date for appointments is ~~May 31st~~^{April 30th}, or until his successor is appointed and qualified, with the exception of the following:
 - a. Historic Districts Commission, which, under G.L.Ch.40C, expire January 1st.
 - b. Election Officers are appointed annually between July 15th and August 15th, in accordance with G.L.Ch. 54, s.12.
 - c. Sudbury Cultural Council appointments may expire at varying times, depending upon date of appointment.
2. The Town Manager shall:
 - a. Present, at the first regular meeting following Town Election, a list of appointments to be made by the Board.
 - b. Notify incumbents and request their statement of availability regarding reappointment.
 - c. Notify the chairman of the appropriate board or committee requesting recommendation for reappointment or filling vacancies.
 - d. Actively seek volunteers for boards and committees and maintain a "Talent File" of same.
 - e. Provide Chairmen of boards and committees with names of candidates from the Talent File and request recommendations from pertinent boards or committees to fill vacancies.
3. ~~Schedule~~ interviews for potential new appointees.
 - a. Copies of applications shall be provided to the Selectmen and chairman of respective board or committee prior to interview.
 - b. Invite chairman to join Selectmen in conducting the interview relating to his board.
4. Annual appointments shall be completed as soon as possible.
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.

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DRAFT – 2018 POLICY SUBCOMMITTEE

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

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

1. Realize that your function is to follow the mission statement of the Committee.
2. Accept the role of a Committee member is a means of unselfish service, not to benefit personally or politically from his or her Committee activities.
3. Abide by the ethics guidelines established by the State.
4. Conflicts of interest: Refrain from participating as either a member of the Committee or as a member of the public in Committee matters in which you have a personal interest.
5. Abide by all policies established by the Board of Selectmen, PARTICULARLY the email communications policy.
6. Realize that you are one of a team and should abide by all decisions of the Committee once they are made.
7. Be well informed concerning the duties and responsibilities of the Committee.
8. Remember that you represent the entire community at all times.

Adopted by the Board of Selectmen July 11, 2006; revised September 8, 2009. Please note: This code of conduct was originally developed based on similar codes used by other elected boards and Committees in other communities.

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DRAFT – 2018 POLICY SUBCOMMITTEE

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

9. Request assistance from Town staff only through the staff person assigned to the Committee.
10. Not make statements or promises of how you will vote on matters that will come before the Committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting of the Committee.
11. Refrain from communicating the position of the Committee to reporters or state officials unless the full Committee has previously agreed on both the position and the language of the statement conveying the statement.
12. Treat with respect and courtesy all members of the Committee despite differences of opinion.
13. Treat with respect and courtesy any member of the public, including anyone they have brought to represent them, who comes before the Committee for any reason, but particularly in matters related to regulatory issues.
14. Refrain from criticizing ~~Never publicly criticize~~ an employee of the Town. Concerns about staff performance should only be made to the Town Manager through private conversation.
15. Insure that any materials or information provided to a Committee member from Town staff should be made available to all Committee members.
16. If circumstances change so that meeting attendance on a regular basis becomes difficult, the Committee member will offer his or her resignation to the Board, so that someone who can regularly attend meetings can be selected by the Board.

Adopted by the Board of Selectmen July 11, 2006; revised September 8, 2009. Please note: This code of conduct was originally developed based on similar codes used by other elected boards and Committees in other communities.

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Suggested edits (green)

Janie Dretler, Select Board

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DRAFT – 2018 POLICY SUBCOMMITTEE

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

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

1. A member of a board or committee in relation to their community should:
 - a. Realize that **their** function is to follow the mission statement of the Committee.
 - b. Accept the role of a Committee member is a means of unselfish service, not to benefit personally or politically from **their** Committee activities.
 - c. Abide by the ethics guidelines established by the State.
 - d. Conflicts of interest: Refrain from participating as either a member of the Committee or as a member of the public in Committee matters in which **they** have a personal interest.
 - e. Abide by all policies established by the Board of Selectmen, PARTICULARLY the email communications policy.
 - f. Realize that **they** are one of a team and should abide by all decisions of the Committee once they are made.
 - g. Be well informed concerning the duties and responsibilities of the Committee.
 - h. Remember that **they** represent the entire community at all times.

Adopted by the Board of Selectmen July 11, 2006; revised September 8, 2009. Please note: This code of conduct was originally developed based on similar codes used by other elected boards and Committees in other communities.

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DRAFT – 2018 POLICY SUBCOMMITTEE

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

2. A member of a board or committee in their relations with staff of the Town should:
 - a. Request assistance from Town staff only through the staff person assigned to the Committee.
 - b. Refrain from publicly criticizing ~~Never publicly criticize~~ an employee of the Town. Concerns about staff performance should only be made to the Town Manager through private conversation.
 - c. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
 - d. Ensure that any materials or information provided to a Committee member from Town staff should be made available to all Committee members.
3. A member of a board or committee in **their** relations with fellow board/committee members should:
 - a. Not make statements or promises of how **they** will vote on matters that will come before the Committee until **they** have had an opportunity to hear the pros and cons of the issue during a public meeting of the Committee.
 - b. Make decisions only after all facts on a question have been presented and discussed.
 - c. Refrain from communicating the position of the Committee to reporters or state officials unless the full Committee has previously agreed on both the position and the language of the statement conveying the statement.
 - d. Uphold the intent of Executive Session and respect the privileged communication that exists in Executive Session.
 - e. Treat with respect and courtesy all members of the Committee, **attendees and staff** despite differences of opinion.
 - f. Treat with respect and courtesy any member of the public, including anyone they have brought to represent them, who comes before the Committee for any reason, but particularly in matters related to regulatory issues.
4. If circumstances change so that meeting attendance on a regular basis becomes difficult, the Committee member will offer his or her resignation to the Board, so that someone who can regularly attend meetings can be selected by the Board.

Adopted by the Board of Selectmen July 11, 2006; revised September 8, 2009. Please note: This code of conduct was originally developed based on similar codes used by other elected boards and Committees in other communities.

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TOWN OF SUDBURY**SELECTMEN'S POLICIES AND PROCEDURES**

- A. MEETING POLICY
- B. AGENDA PROCEDURES
- C. TREASURY WARRANTS AND TAX ANTICIPATION NOTES
- D. APPOINTMENT POLICY
- E. HEARING POLICY
- F. MINUTES POLICY
- G. PERFORMANCE REVIEW POLICY
- H. SELECTMEN'S LIAISON AND WORK ASSIGNMENTS
- I. SITE PLAN SPECIAL PERMIT RULES AND REGULATIONS (see *Zoning Bylaws Sect. 6300*)
- J. DEED AND EASEMENT PROCEDURE
- K. COLLECTIVE BARGAINING
- L. LICENSING OF OUTDOOR AMUSEMENTS POLICY
- M. FLAG CODE
- N. TRAFFIC CONTROL SIGNS POLICY
- O. POLICY FOR USE OF TOWN HALL FACILITIES
- P. ENTERTAINMENT LICENSE – WEEKDAY ONLY
- Q. ADVERTISING AND DIRECTIONAL SIGNS POLICY
- R. REGULATIONS GOVERNING ELECTRIC COMPANIES
- S. AFFIRMATIVE ACTION POLICY
- T. ACCEPTANCE OF GIFTS
- U. BYOB POLICY
- V. USE OF TOWN VEHICLES
- W. LIFE-THREATENING ILLNESSES
- X. RECYCLED PRODUCT PROCUREMENT POLICY
- Y. PURCHASE CONTRACTS

Fee Schedule:

Licenses & Permits
Applications

A. MEETING POLICY

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

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.
 - 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 7:30 p.m. on Mondays. Formal business session shall adjourn no later than 12:00 midnight. Unfinished business will be postponed until the next meeting. Meetings will be held twice a month, unless the need for a special meeting arises.
3. In general, business will be scheduled as follows:
 - a. Opening statement by Chairman (7:30 p.m.)
 - b. Citizen petitions (15 minutes)
 - c. Miscellaneous: such as minutes, gifts, grants, consent calendar, licenses, utility petitions (7:45 p.m.)
 - d. Public hearings (8:00 – 9:00 p.m.)
 - e. Items for Selectmen's consideration (policy issues)
 - f. Town Manager's report
 - g. Reports from Board members and other business
4. The second meeting each month shall provide for the Town Forum from 8:00 – 9:00 p.m.
5. The Selectmen shall, if possible, conduct at least one meeting with boards and committees to discuss their activities and issues.
6. If practicable, executive sessions, other than a few minutes in duration, shall be scheduled for after 9:00 p.m.
7. 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.
8. For the meeting, the Town Manager shall:
 - a. Provide Selectmen with pertinent explanatory or review material in brief form with agenda, sent prior to meeting.

- 2 -

Selectmen's Policies and Procedures

NOTE: This document is currently being updated to incorporate updated votes of the Board of Selectmen regarding procedures

- 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. Indicate on correspondence suggested action to be taken.
- e. Report highlights from meeting minutes of other boards and committees.

B. AGENDA PROCEDURE

(Amended 05/10/76, 07/08/96)

The Town Manager shall prepare agenda for meetings and:

1. Schedule a realistic time period for each appointment, interview, conference or other scheduled items of business.
2. Confirm all appointments including time allotted.
3. Obtain Chairman approval of the agenda and time allocation prior to publication by the Town Manager on the Friday before the meeting.
4. Distribute copies of the agenda to the Selectmen on Friday with the draft copy of minutes of the previous meeting.
5. Post copies of the agenda, Friday, on Town Hall bulletin board, have copies of the agenda, with back-up material, available to the press representatives and have agenda copies available to the public at all meetings.
6. In order to expedite the business of the Board of Selectmen at their regular meetings, and in order that all subject matter scheduled for discussion by the Selectmen may be given proper attention and due consideration, the following procedure has been adopted for submission of items to appear on the regular meeting agenda of the Board of Selectmen.
 - a. Except in emergencies, any item requested to appear on the agenda must be in the office of the Town Manager by 12:00 noon, the Thursday preceding a regular meeting.
 - b. All back-up data, pertinent information or an outline for discussion must accompany all subject matters or items to appear on the agenda.

C. TREASURY WARRANTS AND TAX ANTICIPATION NOTES

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

1. The Town Manager shall sign all payroll and bills payable warrants, in accordance with Chapter 131 of the Acts of 1994.
2. The Selectmen shall sign Tax Anticipation Notes and Bonds, and the Town Manager may be requested to make comments on such borrowings.

D. APPOINTMENT POLICY

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

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

E. HEARING POLICY

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

Hearings before the Board of Selectmen shall be conducted in accordance with the following procedural outline. The Chairman of the Board of Selectmen, or in his absence a member of the Board, shall preside, and a record of the hearing shall be kept by or under the supervision of the Clerk of the Board of Selectmen.

All hearings shall be conducted as follows:

1. The presiding officer will open the hearing by reading the Notice of Hearing, by stating the type of service and posting made of the notice, by filing the notice and return of service (certified mail receipts, etc.) with the Clerk and by announcing (when applicable) that the proceeding is being recorded.
2. The presiding officer will announce that these rules will govern the conduct of the hearing.
3. The Board of Selectmen will receive written motions from any party and will rule upon all motions that require immediate action.
4. The presiding officer will request that all witnesses stand and will then swear in all witnesses.
5. The moving party will present his case. (If witnesses are used they shall be subject to examination by the Selectmen and cross-examination by the opponents or defending party.)
6. The enforcement official shall present his case or position. (If witnesses are used they shall be subject to examination by the Selectmen and cross-examination by the opponents or defending party.)
7. The defending party or opponents will present their case. (If witnesses are used they shall be subject to examination by the Selectmen and cross-examination by the moving party.)
8. The defending party shall have the right to make a closing statement.
9. The moving party shall have the right to make a closing statement.
10. The enforcement official shall have the right to make a closing statement.
11. The Board of Selectmen will receive written motions and memorandums from any party wishing to file such documents.
12. The Board of Selectmen shall either render a decision or continue the hearing until a time certain and then render a decision, which shall be included as a part of the official minutes for their meeting.
13. A copy of this procedure shall be made available to all parties to a hearing prior to or included with notice of hearing.
14. Checklist for compliance with the Open Meeting Law and holding executive sessions:
 - a. Notice of meetings must be posted forty-eight hours in advance in the office of the Town Clerk, unless the meeting qualifies as an "emergency" meeting.

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Selectmen's Policies and Procedures

NOTE: This document is currently being updated to incorporate updated votes of the Board of Selectmen regarding procedures

- b. An open session must be convened.
- c. A majority of the Board must vote by roll call to go into executive session.
- d. The presiding officer must state one of eight designated subject matters which the executive session will be convened to discuss or consider:
 - 1) The reputation, character, physical condition or mental health rather than the professional competence of a particular individual.
 - 2) The discipline or dismissal of, or the hearing of complaints or charges brought against a public officer, employee, staff member or individual.
 - 3) Strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the government's bargaining or litigating position; strategy in preparation for negotiations with non-union personnel; or conduct of collective bargaining sessions or contract negotiations with non-union personnel.
 - 4) Deployment of security personnel or devices.
 - 5) Charges of criminal misconduct or the filing of criminal complaints.
 - 6) The purchase, exchange, lease, or value of real property where open discussion may have a detrimental effect on the negotiating position of the governmental body.
 - 7) Matters required by statute or other law to be kept private.
 - 8) An initial screening and interview of applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants.
- e. The presiding officer must state whether the public meeting will reconvene after the executive session.
- f. The vote to go into executive session and purpose stated must be recorded in the minutes of the meeting.
- g. Votes taken in executive session must be recorded as roll call votes.
- h. When the reputation or discipline of an individual is discussed, the person must be notified in writing at least 48 hours in advance of the meeting. The individual has a right to be present, to have counsel or representative present to advise but not participate, to speak on his/her own behalf, and to request the meeting be held in open rather than closed session.

F. MINUTES POLICY

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

The Town Manager, as Clerk of the Board, is responsible for distributing, recording, and keeping meeting minutes.

1. Minutes shall be approved by the Board at a Selectmen's meeting. The Town Manager shall provide a draft copy to each Selectman no later than the Friday evening before the Board's meeting, so that each Selectman may call him with any corrections or propose corrections at the meeting.
2. As necessary, the Town Manager shall provide petitioners, members of the press, and department heads with a copy of the minutes, or sections of the minutes, after draft has been corrected. Approved minutes shall be filed with the Town Clerk. Additionally, approved minutes shall be placed on the Town computer network for internal and public access for a reasonable period of time.
3. Minutes (except executive session) are a public record.
4. The Town Manager shall sign a final copy of each set of minutes, which shall be combined into a book of numbered pages for each calendar year. The completed book shall have a Table of Contents.
5. The Town Manager will maintain an index of Selectmen's action by subject and cross-referenced.

G. PERFORMANCE REVIEW POLICY (Amended 5/10/76, 2/20/79, 11/9/81, 5/20/91, 8/23/99)

The Selectmen will complete an annual performance review of the Town Manager and Town Counsel. The review shall consist of the following steps:

1. Department Heads shall submit a report outlining their activities and significant accomplishments of the past year, listing major objectives for next fiscal year.
2. The Board will meet with each Department Head to discuss his/her report and agree to a set of objectives for the ensuing year.
3. The Board shall set a salary for each position based on their review and report.

H. SELECTMEN'S LIAISON AND WORK ASSIGNMENTS (Amended 5/10/76, 8/23/99)

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

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

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

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

1. Official Appointed by Selectmen:

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

2. Board or Committee Appointed by Selectmen:

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

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

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

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

J. DEED AND EASEMENT PROCEDURE

(Adopted 12/20/76, 8/23/99)

Many times a Town board or committee has reason to acquire, by gift or purchase, certain interest in land. These interests may include subdivisions, street widenings, walkway or drainage easements, conservation and recreation land, etc. In order to maintain a complete status file and permanent record, the following procedure is to be adhered to. This procedure shall not apply to interests in cemetery lots.

1. The deed transferring title to the Town, executed by the grantor, shall be forwarded to the Town Manager.
2. When necessary, the Town Engineer shall prepare the proper linen.
3. The Town Manager shall maintain:
 - a. "To Be Recorded" file.
 - b. "To Be Accepted by Town Meeting" file.
 - c. "To be Accepted by Selectmen" file. (Town Bylaws Article XII, s.3.)
4. Town Counsel will prepare proper articles for acceptance by Town Meeting or motions for acceptance by Selectmen. Said articles or motions shall be forwarded to the Town Manager.
5. Town Counsel is responsible for checking title, description (when necessary, prepare description), obtaining linen plan, and recording deed and linen plan with Registry of Deeds.
6. The deed, after having been accepted by the Town or the Selectmen and recorded in the Registry of Deeds, will be returned to the Town Manager, who shall make a proper reference record and file the original copy with the Town Clerk, and copies to appropriate boards. The Registry of Deeds return shall be addressed to the Town Manager. The Town Manager shall make and retain a file copy of the instrument prior to its submission to the Registry of Deeds.
7. Town Clerk shall maintain a file containing all original deeds transferring land or interests in land to the Town of Sudbury.
8. Town Counsel shall maintain a status sheet indicating:
 - a. date of receipt of deed, identifying grantor and land.
 - b. date of request for Engineering Department drawing.
 - c. date of transmittal of article or motion to Town Manager.
 - d. date of completion of title search.
 - e. date of recording and such other information as may be necessary to show status of Town Counsel's work with respect to each deed or easement.
 - f. Registry Book and Page number.

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NOTE: This document is currently being updated to incorporate updated votes of the Board of Selectmen regarding procedures

J. Deed and Easement Procedure (CONTINUED)

9. The Town Manager shall maintain an index sheet. This index shall include:

- a. date of first receipt.
- b. board or committee received from.
- c. date transmitted to Town Counsel.
- d. article number and date of acceptance by Town Meeting, or date of acceptance by Selectmen.
- e. grantor's name.
- f. location of land
- g. date recorded with Registry of Deeds.
- h. Registry Book and Page number.
- i. date filed with Town Clerk.

Said index shall be in such a form as to clearly show the status, at all times, of the Town's interest in land.

K. COLLECTIVE BARGAINING

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

Labor relations and collective bargaining with public employees of the Town are governed by General Laws Chapter 150E, and Chapter 131 of the Act of 1994. It is the Town Manager's responsibility to negotiate all contracts with Town employees, except employees of the School Department. Such contracts are subject to approval of the Board of Selectmen. The Town Manager may, subject to the approval of the Selectmen, employ special counsel to assist in the performance of these duties.

L. LICENSING OF OUTDOOR AMUSEMENTS POLICY (Adopted as amended 4/29/71, 5/10/76)

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

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

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

CURRENTLY BEING UPDATED

Attachment 15.c: Policies Proc. 1999 for website (4404 : Discussion and review of Appointment Policy and Code of Conduct)

M. FLAG CODE

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

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

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

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

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

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

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

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

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

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

N. TRAFFIC CONTROL SIGNS POLICY(Adopted 9/30/65, amended 5/10/76,
8/23/99)

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

O. POLICY FOR USE OF FACILITIES(Amended 9/20/76, 10/14/80, 7/10/89,
3/11/91, 8/23/99)1. Town Halla. General Meetings or Events

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

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

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

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

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

Lower Town Hall \$40

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

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

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

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

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

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

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

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

- (b) Putting lights out when leaving

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

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

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

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

b. Stage Productions (Upper Town Hall)

- (1) Regular productions with audience charge:

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

Rehearsals	\$10.00 per date
Production dates	\$25.00 per date
Lower Town Hall	\$10.00 per date
Police Paid Detail	Per collective bargaining agreement or contract.
- (3) Workshop productions with no audience charge and limited public \$20.00 per date
- (4) Dressing rooms shall be available for use for rehearsals and productions, and shall be cleaned by the user to the satisfaction of the Supervisor of Town Buildings following each rehearsal or production.
- (5) All restrooms, dressing rooms and other facilities associated with the stage shall be available for use for dress rehearsals and productions, but must be cleaned after each use by the user to the satisfaction of the Supervisor of Town Buildings.
- (6) All construction or other materials associated with stage productions shall be stored, at the conclusion of any work session, rehearsal or production, in such manner that the facility shall be available for other uses, except that sets and similar equipment installed for purposes of a production may be retained in place on stage throughout the course of the performance. Any construction work that can be done outside the premises should be. Construction and materials to be used must be approved by the Supervisor of Town Buildings.

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

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

P. ENTERTAINMENT LICENSE - WEEKDAYS ONLY (Chapter 140 S. 183A)

Rules and Regulations

1. Application for Entertainment License must be submitted on forms provided by the Board of Selectmen and signed by the licensee, or his duly authorized agent.
2. Application for a license hereunder must be accompanied by a site plan or floor plan indicating the location of all exits, emergency lights, fire extinguishers, exterior windows, rest room facilities, bars, band stands, areas designated for entertainment, amplifying equipment, dancing areas for patrons and shall indicate capacity.
3. Entertainment is to be conducted in such a manner as no noise may be audible from abutting property, and no amplifiers shall be placed so as to direct sound directly toward outside walls.
4. Entertainment or dancing is restricted to areas provided therefor and approved by the licensing authority.
5. This license is subject to inspection at all times by Police Department personnel or any other agent authorized by the licensing authority.
6. The type and hours of entertainment authorized by this license are subject to change at any time by the licensing authority.
7. All areas where entertainment is authorized shall be well lighted.
8. Performers shall not circulate or mix with patrons.
9. No "strip tease" or lewd impersonation of the opposite sex is permitted.
10. Any floor show must first be approved by the licensing authority and such request submitted 21 days prior to date of said floor show. Each such request shall be in writing and describe the show and include sex of performer(s).

Q. ADVERTISING AND DIRECTIONAL SIGNS POLICY

1. Church Directional Signs

Requests for placement of church directional signs within the Town of Sudbury will not be granted. All signs now erected along public ways shall be renewed. In accordance with Article V of the Sudbury Bylaws.

(Adopted July 17, 1969)

2. Signs on Town Property

The placement of signs of an advertising nature on or over the Town Common in Sudbury Centre and all other Town property, including Town ways, is prohibited.

(Adopted January 21, 1971)

CURRENTLY BEING UPDATED

Attachment15.c: PoliciesProc.1999_for_website (4404 : Discussion and review of Appointment Policy and Code of Conduct)

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R. REGULATIONS GOVERNING ELECTRIC COMPANIES

(Adopted pursuant to the provisions of General Laws Chapter 164, Section 75.)

Adopted 7/31/69, Amended 8/23/99

1. Any electric company, as defined in General Laws Chapter 164, Section 1, prior to constructing or installing within the Town any pole, tower or other structure to which it will attach wires or cables for the transmission of electricity or the foundations or footings for the same, including any excavation of earth, shall first obtain construction approval therefor in accordance with these regulations.
2. Plans for Electrical Service:
 - a. Electrical site plans for aboveground and underground service must be approved by the Wiring Inspector before construction starts.
 - b. No power shall be put into these lines until a final engineering plan of these wires is supplied to the Wiring Inspector.
3. Primary and secondary underground electricity shall run on the same side of the road with no exceptions.
4. Boston Edison shall install all primaries and secondaries in the public way. The conditions of the trenches shall be approved by the Wiring Inspector. If Edison has doubt, it may inform the Inspector and request re-inspection.
5. Secondary connections between aboveground and underground service areas shall be installed underground. Placement of additional pole(s) to reach subdivision or service area, whether for street crossing or otherwise, shall not be allowed unless otherwise approved by the Selectmen.
6. Road Crossings:
 - a. All underground road crossings shall be in conduit and shall be perpendicular to any water and gas pipes.
 - b. During the months of November through March, open trench installation of conduit is prohibited, and a jacking or boring method used instead.
7. Transformers shall be made of steel (not plastic).
8. Boston Edison shall be responsible for coordinating the transfer of wires from old to new poles and shall remove any redundant "double" poles within six months of the installation of a new replacement pole.
9. The Board of Selectmen shall conduct public hearings for installations in the public way as required by Massachusetts General Laws.

Regulations Governing Electric Companies (cont.)

10. In considering the application, the Board of Selectmen shall determine that the location and construction or installation of the proposed structure and all component parts thereof as proposed by the applicant do not adversely affect the health, safety, convenience or property of the inhabitants of the Town, and, if it shall determine that such structure would so adversely affect the inhabitants of the Town, it shall specify the aspects of the proposed construction that it has determined would cause such adverse effect and the changes it would require the applicant to make in order to obtain construction approval.
11. The Board of Selectmen shall approve or disapprove the application in writing and shall file same with the Sudbury Town Clerk, who shall record and forward it to the applicant in return for a fee for costs.
12. The Wiring Inspector is hereby designated as the agent of the Board of Selectmen for the purpose of enforcing these regulations, and any decision of the Board of Selectmen hereunder.

S. AFFIRMATIVE ACTION POLICY

(Adopted 7/10/78, amended 8/23/99)

The Sudbury Board of Selectmen affirms the objectives of equal employment opportunity. The Sudbury Board of Selectmen acknowledges that it is illegal to discriminate against any person on the basis of race, color, religious creed, national origin or ancestry, sex, age, handicap or political beliefs or affiliation.

Equal opportunity is recognized as meaning equal access to training, employment and promotional opportunities. It is also recognized as meaning equal pay, benefits and treatment throughout all aspects of the employment and training process.

Although legislation has long made it illegal to discriminate, it is acknowledged that there are certain segments of the population that experience arbitrary, often unintentionally constructed, barriers to employment opportunities.

Affirmative Action is the procedural implementation of equal opportunity legislation. The Sudbury Board of Selectmen stands committed to Affirmative Action to counteract the effects of arbitrary barriers experienced by minorities, women and handicapped individuals in their attempts to find suitable employment.

It is the policy of the Sudbury Board of Selectmen to assure equal access to and equitable treatment in all aspects of job training programs, employment referrals and counseling services in accord with Affirmative Action guidelines. All Town hiring agents and all contractors with the Town of Sudbury are also bound by the equal employment and Affirmative Action guidelines as spelled out in the Sudbury Town Bylaws, Article VII (A).

Responsibility for overseeing the Affirmative Action Program rests with the Town Manager and Affirmative Action Officer. Implementation of any Affirmative Action Program is an integral part of the job responsibilities of all staff of the Town.

T. ACCEPTANCE OF GIFTS (Adopted 2/20/79)

No Town official under the control of the Board of Selectmen may accept personal gifts of any kind from any person, group, business concern, or corporation. If a gift is received every effort will be made to identify the sender and return the same. Any receipt of gifts given must be reported to the Board of Selectmen and a record maintained.

U. BYOB (BRING YOUR OWN BEER, ETC.) POLICY (Adopted 8/23/99)

No permission shall be granted to restaurants to allow patrons to bring their own beer, wine, or other alcoholic beverages for their own private consumption onto the premises while restaurant licenses to sell alcoholic beverages are available in the Town of Sudbury. When all such licenses available for issuance under the General Laws have been issued, the Board of Selectmen will reconsider the matter.

V. USE OF TOWN VEHICLES (Adopted 11/25/91, Amended 2/3/92, 8/23/99)

1. Administration of Policy

- a. This policy was approved on November 25, 1991, by the Board of Selectmen, to become effective immediately, November 26, 1991. Authorization for individual use or assignment of a Town vehicle shall take place annually, prior to the start of the new fiscal year, when contracts are renewed, or when a position becomes vacant.
- b. No employee shall qualify for use of a vehicle outside of normal working hours unless authorized by the Board of Selectmen. The Town Manager may make recommendation to the Board. The distance an employee lives from his or her place of work will be a consideration.
- c. An employee not eligible for a vehicle may, subject to the approval of the Department Head, use a vehicle to attend a conference. Use of a vehicle to attend a conference exceeding three (3) days shall require approval of the Town Manager.

2. General Policy

- a. Employees, who are authorized to take a vehicle home, shall be governed by the following general policy and philosophy. Town vehicles are not personal vehicles and are not for personal use. The vehicles are owned by the Town, and should be viewed as belonging to the citizens of Sudbury. Employees should use the vehicles in a manner consistent with the best interests of the citizens.
- b. Personal use shall be defined according to the Internal Revenue Service Code, as interpreted by appropriate Counsel. The following is a guideline: Personal use is any use of the vehicle for purposes other than:
 - (1) Use on Town Business
 - (2) "De minimis" purposes, which would be for commuting to and from work, including errands performed along the regular commuting route.

3. Specific Guidelines

- a. Vehicle use is limited to travel to and from the residence and place of work. Consideration should be taken to use the most direct route and vehicles may not be used for personal business.
- b. The vehicle shall only be used during the time frame of travel to and from residence, and/or for official work related functions.
- c. All vehicles, except police detective cars, shall be identified with the Town Seal and Municipal license plates.
- d. No personal property that would interfere with the proper performance of the employee's official duties shall be carried in Town vehicles; only those items which are properly listed and on file with the Town Accountant shall be covered under the Town's insurance policy and only to the limits of such coverage.
- e. The vehicle operator shall drive in a safe, courteous, and legal manner. The operator is responsible for any citations received and shall be held accountable for any damage to the vehicle due to negligence or illegal action on the part of the operator.
- f. No alcoholic beverages, or controlled substances shall ever be transported in a Town vehicle. Police vehicles carrying evidence are the only exception.
- g. Town employees, committee and board members, and individuals directly associated with a Town work activity may be passengers in a vehicle.
- h. Unnecessary travel with family members is prohibited.
- i. Incidental in-town travel, such as lunch, is allowed for employees assigned a vehicle.
- j. During personal vacation periods, the vehicle shall be parked at a central Town facility, and will be available for use by employees on an as-needed basis. The vehicle shall not be used during this period as a take home vehicle. Acting Department Heads shall not be entitled to use of a vehicle without authorization from the Town Manager.
- k. Personal use of a vehicle shall be reported to the Town Accountant, and the employee shall reimburse the Town at the current rate the Town reimburses employees for business use of their own personal vehicles.
- l. Only Town employees properly licensed by the Commonwealth of Massachusetts shall be permitted to drive Town vehicles.

4. Certification

- a. Employees who are authorized to use Town vehicles after normal business hours shall certify in writing that they have received, read, and understood this policy, and will abide by it. Employees who violate this policy shall be subject to appropriate disciplinary action including loss of after hours vehicle use privileges.

I hereby certify that I have read and understand the Town of Sudbury's Policy regarding the use of Town vehicles, and that I will abide by these Policies.

Employee: _____

Date: _____

W. LIFE-THREATENING ILLNESSES

(Adopted 3/16/92, Amended 8/23/99)

1. Policy

The Town of Sudbury recognizes that employees with life-threatening conditions, such as some forms of cancer, heart disease, and AIDS, may wish to continue with their daily work routine. Accordingly, employees diagnosed with a life-threatening illness may continue to work as long as they are able to meet acceptable performance standards and do not endanger the health of themselves or others. Where possible, the Town will provide reasonable accommodation to enable such individuals to continue their employment.

2. Need-to-know Chain

Employee -----> Town Manager -----> Employee's Supervisor
 -----> Employee's Physician

3. Guidelines

- a. The Chairman of the Board of Selectmen with the Town Manager is responsible for the general administration and implementation of this policy.
- b. Department heads/supervisors are responsible for ensuring that such matters are handled with discretion and confidentiality.
- c. The Town Social Worker is responsible for providing advocacy, short-term counseling and referral to the employee should it be requested.

X. RECYCLED PRODUCT PROCUREMENT POLICY

(Adopted 6/10/96)

1. The Town of Sudbury, in furtherance of its commitment to recycling, hereby declares that it will purchase items which are environmentally preferable and made of recycled materials whenever such products meet its quality requirements and are available at reasonable prices and terms.
2. All Sudbury departments shall purchase/use recycled products and recyclable products whenever practicable.
3. The Town shall require its contractors and consultants to use and specify recycled products and recyclable products in fulfilling contractual obligations whenever practicable.
4. To the maximum extent practicable, the following standards shall be adhered to:
 - a) For all purchases of printing or writing paper for in-house use or custom printed materials by professional printers, including copier paper, offset paper, forms, stationery, envelopes and file folders, the minimum content standard shall be no less than 20 percent post-consumer materials. This minimum content standard shall be increased to 30 percent beginning December 31, 1998. As an alternative to meeting these standards, the minimum content standard shall be no less than 50 percent recovered materials.
 - b) Any deviation from the standards under part "a)" above must be approved by the Town Manager. The decision not to procure or use recycled content printing and writing paper meeting these standards shall be based solely on a determination that a satisfactory level of competition does not exist, that items are not available within a reasonable time period, or that items fail to meet reasonable performance standards or are only available at an unreasonable price.
 - c) Town departments shall ensure that all contracts for printing require the inclusion of an imprint identifying the recycled content of the paper whenever practicable. (Recycling symbol)
 - d) For all other items, departments shall consult the Commonwealth of Massachusetts Recycled Products Guide and State contract listings for recycled products published by the Mass. Dept. of Procurement and General Services. Additionally, departments shall adhere to EPA Recommended Affirmative Procurement Guidelines whenever practicable.
5. Each department shall implement paper reduction techniques, through the use of duplexing, sharing and circulating materials, and reuse of discarded paper for draft work, scrap paper and internal messages.
6. Each department shall report purchases of recycled products to the Town Manager on July 15 for the previous fiscal year.

RECYCLED PRODUCT PROCUREMENT POLICY continued

7. Glossary.

Environmentally Preferable means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance or disposal of the product or service.

Pre-consumer Material means any material generated during any step in the production of an end product, but does not include any waste material or by-product that can be or has been normally reused within the same plant of the same parent company.

Post-consumer Material means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Post-consumer material is a part of the broader category of "recovered material".

Recovered Material means materials or by-products that have been recovered or diverted from solid waste. Such term does not include those materials and by-products generated from, and commonly reused within an original manufacturing process, e.g., mill broke and home scrap (in paper wastes).

Recovered Paper Material means paper waste generated after the completion of a paper making process, such as post-consumer material, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls and mill wrappers, obsolete inventories, and rejected unused stock. Recovered paper material shall not, however, include fibrous waste generated during the manufacturing process, such as fibers recovered from waste water or trimmings of paper machine rolls (millbroke), or fibrous by-products of harvesting extractive or woodcutting processes, or forest residues such as bark.

Recyclability means the ability of a product or material to be recovered from, or otherwise diverted from the solid waste stream for the purpose of recycling.

8. This policy is adopted pursuant to President Clinton's 1993 Executive Order, U. S. Environmental Protection Agency guidelines, and Commonwealth of Massachusetts "Buy Recycled" effort under Executive Order #350.

Y. PURCHASE CONTRACTS

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

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

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

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

CURRENTLY BEING UPDATED

Attachment 15.c: Policies Proc. 1999 for website (4404 : Discussion and review of Appointment Policy and Code of Conduct)

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Selectmen's Policies and Procedures

NOTE: This document is currently being updated to incorporate updated votes of the Board of Selectmen regarding procedures

SELECTMEN'S POLICIES AND PROCEDURES
FEE SCHEDULE

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

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

<u>LICENSES</u>	<u>FEE ALLOWED BY STATUTE</u>	<u>FEE CHARGED BY TOWN</u>	<u>COMMENTS</u>
<u>Alcoholic Beverages:</u>*			
Package Goods Store AA	Locally fixed	\$2,250	
Package Goods Store WM	Locally fixed	1,500	
Restaurant/Innholder AA	Locally fixed	3,500	
Restaurant/Innholder WM	Locally fixed	1,500	
Liqueurs	Locally fixed	300	
Club AA	Locally fixed	500	Veterans Post
Club WM	Locally fixed	200	
One-day AA	Locally fixed	35	
One-day WM	Locally fixed	25/day	
Auctioneer, resident mos.		\$50/annual	Must be resident for 6 preceding appl., set by Permit Agent
Auctioneer, non-resident		\$25/day	Fee set by Permit Agent
Automatic Amusement Devices*	\$20/machine, unless set by Town Meeting	\$20/machine Prorated	
Billiards*	\$2/minimum no maximum	\$25 + \$25 per table	Fee set by Selectmen collected by Clerk
Bowling*	\$2/minimum	\$25 + \$25 per alley	Fee set by Selectmen collected by Clerk
Common Victualler*	\$25/maximum, unless set by Town Meeting	\$50	
Entertainment - Wkday.	\$100/maximum	\$50	For live music, dancing, radio, TV, etc.
Entertainment - Sunday	\$400/maximum \$20/single event	\$250 \$20/single	For live music, dancing, radio, TV, etc. #

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Selectmen's Policies and Procedures

**NOTE: This document is currently being updated to incorporate updated votes of the
Board of Selectmen regarding procedures**

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

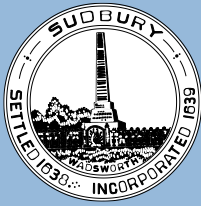
(STATE annual Sunday Entertainment fee

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

<u>LICENSES</u>	<u>FEE ALLOWED BY STATUTE</u>	<u>FEE CHARGED BY TOWN</u>	<u>COMMENTS</u>
Hawkers & Peddlers	(G.L.c.101,s.17 & 22 max. \$52)	\$50	
Inflammable Storage*	(G.L.c.148, s.13 & Bylaw V.s.25)	\$100	
<u>Motor Vehicle:</u> *			
Class I	\$100/maximum	\$50	Mfg. Agent/used cars
Class II	\$100/maximum	\$50	Dealer/used cars
Class III	\$100/maximum	\$50	Dealer/junk cars
Outdoor Amusement - Wkdy.	\$100/maximum	\$50	
Outdoor Amusement - Sun.	\$400/maximum \$20/single event	\$250 20/single	
Taxi Drivers Department		\$20/operator	issued by Police
Taxi/Limo Operation*	(G.L.c.40,s.22)	\$50	
Transient Vendor	Tax Goods or fix fee	\$50	

* See below for application fees

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



SUDBURY SELECT BOARD

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**16: BFRT update**REQUESTOR SECTION

Date of request:

Requestor: Chair Dretler

Formal Title: BFRT update provided by Town Manager Hayes.

Recommendations/Suggested Motion/Vote:

Background Information:
attached letter to MPO

Financial impact expected:

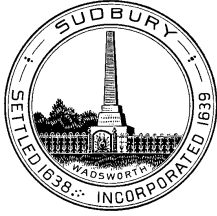
Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Select Board	Pending

03/02/2021 6:00 PM



TOWN OF SUDBURY

Office of the Town Manager

www.sudbury.ma.us

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Sudbury, MA 01776-1843

978-639-3381

Fax: 978-443-0756

Email: townmanager@sudbury.ma.us

Henry L. Hayes, Jr.
Town Manager

February 17, 2021

David Mohler Chair
Attn: Mr. Matt Genova, TIP Manager
Boston Region Metropolitan Planning Organization
State Transportation Building
10 Park Plaza, Suite 2150
Boston, MA 02116

RE: Bruce Freeman Rail Trail Project in Sudbury (608164) and the FFY 2021-2025 TIP

Dear Chair Mohler and Board Members of the Boston Region Metropolitan Planning Organization,

On behalf of the Town of Sudbury, I respectfully request continued support from the MPO for the Bruce Freeman Rail Trail (BFRT), Phase 2D project in Sudbury (MassDOT Project 608164) for programming in the FY 2022 TIP. We are surprised to see the recommendation to move the project to early FY 2023 as a result of the MassDOT project readiness meeting, as we have not previously heard any concerns from MassDOT regarding the Town's advancement of project delivery and the proposed schedule.

The Town has worked for years to advance the design of the BFRT and in the past year tremendous progress has been made. We responded to and resolved MassDOT's final comments on the 25% Design and Bridge Sketch Plans, facilitated and supported MassDOT's Design Public Hearing in July of 2020, and contracted Fuss & O'Neill as our new design engineer team to complete the project design. More recently, we have rapidly advanced the 75% design plans and details, maintained close coordination with the MassDOT Project Manager, held meetings with MassDOT Highway and Rail Division ROW staff, and are embarking on robust public outreach campaign to facilitate finalization of the 75% plans. Our current schedule identifies an April 2021 75% Design submission to MassDOT and an advertising date of April 2022. This schedule has been submitted monthly to MassDOT since December, and we have not received feedback expressing any concerns with this schedule.

The MassDOT concerns associated with project readiness, as explained to us in an email received today from Matt Genova, MPO TIP Manager, are the need for a no-rise (hydrological) analysis associated with one of the project bridges and the ongoing complexity of negotiating ROW with MassDOT's Rail and Transit Division. The no rise analysis and certificate are no longer a concern, as they have been completed, and we have provided the appropriate documentation to MassDOT. Additionally, our design team is committed to advancing the ROW process and keeping the proposed schedule. We do not have complicated ROW actions, although we do require coordination with MassDOT Rail Division, the owners of the rail corridor. We have confidence our team will be able to advance in a timely manner and succeed in meeting the scheduling deadlines, so long as there is commitment from Rail Division to collaborate in delivering the project in 2022.

Attachment 16.a: HHayes to MPO_Sudbury BFRT 608164 20210217 (4436 : BFRT update)

The construction of Phase 2D will involve 4.4 miles of rail trail in Sudbury and 0.5 miles of trail in Concord, improve pedestrian facilities, provide bicycle accommodation, and offer healthy transportation options to reduce greenhouse gas emissions. The project is a statewide and regional priority which will continue the BFRT into Sudbury and advance the dream of a regional multi-use path from Lowell to Framingham.

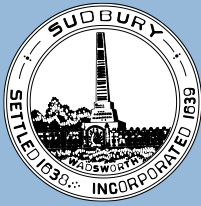
Sudbury has demonstrated its support for the project at Town Meeting numerous times with more than one million dollars in municipal funds allocated to the design. Last year, the Town also acquired the 1.4-mile southern rail road corridor from CSX which will be a direct extension of the BFRT, 2D. No other communities associated with the BFRT (to date) have procured rail corridor sections for the trail. The Town purchased this land following approval for a \$1.2 million project which passed overwhelmingly at Town Meeting and the subsequent ballot vote. Sudbury's unwavering commitment to expanding the BFRT, has been demonstrated time and time again. I urge you to consider all of these factors, plus indications expressed by Beth Suedmeyer and our team as it relates to Sudbury being able to deliver this project in 2022 as currently indicated.

We are happy to answer questions regarding the schedule and any concerns about the project advertising in 2022. Please do not hesitate to contact me at hayesh@sudbury.ma.us or 978-639-3381 or Beth Suedmeyer in our Planning and Community Development Department at suedmeyerb@sudbury.ma.us or 978-639-3363, if you have any questions or seek additional information.

Respectfully submitted,

Henry L. Hayes, Jr.
Town Manager

cc: Sudbury Select Board
Senator Jamie Eldridge
Senator Michael Barrett
Representative Carmine Gentile
David Mohler, MassDOT OTP, Director
Barry Lorion, District 3, District Highway Director



SUDBURY SELECT BOARD

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**17: Minutes review**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Review open session minutes of 2/9/21 and possibly vote to approve minutes.

Recommendations/Suggested Motion/Vote: Review open session minutes of 2/9/21 and possibly vote to approve minutes.

Background Information:
attached draft

Financial impact expected:

Approximate agenda time requested: 30 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM

SUDBURY SELECT BOARD

TUESDAY FEBRUARY 9, 2021

(Meeting can be viewed at www.sudburytv.org)

Present: Chair Janie Dretler, Vice-Chair Jennifer Roberts, Select Board Member Daniel Carty, Select Board Member William Schineller, Select Board Member Charles Russo, Town Manager Henry L. Hayes, Jr., Assistant Town Manager/HR Director Maryanne Bilodeau

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 p.m., via Zoom telecommunication mode.

Chair Dretler announced the recording of the meeting and other procedural aspects included in the meeting. She acknowledged that the Board had just adjourned in Executive Session.

Call to Order/Roll call

Select Board Roll Call: Carty-present, Schineller-present, Roberts-present, Dretler-present.

Chair Dretler stated that Select Board Member Russo would be joining the meeting shortly.

Opening remarks by Chair

- COVID updates to be present by the Health Department
- New members sought for the Finance Committee (FinCom), Permanent Building Committee (PBC) and the Design Review Board (DRB)
- Trail over Ford's Folly is closed until further notice for safety reasons
- PBC met last week and interviewed OPM finalist for Fairbank project; negotiations will continue with the candidate

Board Member Russo joined the meeting at approximately 7:05 p.m.

Reports from Town Manager

- Alerted all to scam calls which pose as calls from the Town regarding a medical alert system
- Town Manager Office Hours on Thursday, February 11 at 9 a.m.
- Great conversation with Carl Ryan, Program Grant Coordinator, regarding grant writing information, which was shared with Town department heads
- Fire and EMS personnel delivered a baby recently; congratulations to the family and the public safety team

Reports from Select Board

Vice-Chair Roberts:

- At recent Park and Recreation Commission meeting, Commission voted to approve several Town Meeting Articles; one regarding revolving funds – field user fees also discussed
- FinCom conducted a thorough LS budget review and SPS budget discussion will take place Wednesday

- Attended Commission on Disability meeting; Commissioners are interesting in promoting ADA accessibility and will likely be meeting with the Board soon
- She and Board Member Schineller had the first Select Board Policies and Procedures Review Subcommittee meeting; updates to follow

Select Board Member Russo:

- Conservation Commission (ConCom) approved the Order of Conditions (15+ pages) for the Eversource Transmission Line project; the appeal period has begun
- Planning Board approved the Stormwater Permit for the Eversource Transmission Line project
- Thanked DPW for all work done during recent snowstorm

Select Board Member Carty:

- SPS School Committee introduced Officer Billy Crisafulli as the new Youth Officer to replace Officer Hutchinson
- SPS voted to withdraw or support dissolution from the EDCO Collaborative
- SPS confirmed the piloting of the COVID pool testing program offered by the State, and hoping to launch the program by the end of February
- SPS budget hearing with FinCom scheduled for February 10
- SPS voted their Equity Statement at their meeting last night
- Transportation Committee has a small number of pilot users reserving rides for the GoSudbury! Uber program, hoping to begin service by the end of this week

Select Board Member Schineller:

- Will be providing update from the Select Board Policies and Procedures Review Subcommittee meeting
- Recognized effort led by residents and Town Social Worker Bethany Hadvab to purchase restaurant gift cards for those in the Town affected by food challenges, helping Sudbury restaurants as well

Citizen's comments on items not on agenda

There were no citizen's comments

Update from Health Director Bill Murphy - COVID and vaccine

Present: Health Director Bill Murphy, Fire Chief John Whelan, Senior Center Director Deb Galloway

Mr. Murphy provided update regarding the COVID incidence in Sudbury and noted that the State vaccine rollout has not gone smoothly. He stressed the lack of vaccine; Sudbury and other Towns have partnered to dispense the vaccine to first responders and clinical employees.

Mr. Murphy detailed that the Curtis Middle School was being considered as a vaccine site, but nothing can happen until vaccines are received. Chief Whalen confirmed that 33 firefighters/EMTs were trained yesterday to administer the vaccines, should they arrive.

Ms. Galloway stated that the COA is helping senior residents secure vaccine appointments and obtain related information. She and staff had met with representatives from the Executive Office of Elder Affairs and are pressing for additional vaccines to be provided to residents at local sites.

Vice-Chair Roberts inquired about the COVID variant strains. Mr. Murphy commented that he understood the vaccines are fairly effective with variant strains.

Mr. Murphy emphasized the use of masks (double masks as well) and the avoidance of gatherings.

Vice-Chair Roberts asked about possible vaccine side effects. Mr. Murphy responded that after he received the vaccine, he was tired but did not experience any other side effects.

Chair Dretler repeated that everyone must be vigilant and continue using face masks, practice social distancing, and wash hands.

Vote to accept 2021 Annual Town Meeting articles submitted by 1/29/21. Also possibly vote on order of articles, take positions on articles, and designate articles for the consent calendar. Also vote to refer any Zoning Bylaw amendments and street acceptance articles to the Planning Board.

Town Manager Hayes reviewed the 36 “ATM 2021 Articles” with the Board.

Chair Dretler suggested that Article 10 – Chapter 90 Highway Funding, Article 11 – Stabilization Fund and Article 12 – FY22 Revolving Fund Limits be put on the Consent Calendar.

Board Member Carty motioned to accept 2021 Annual Town Meeting articles. Board Member Russo seconded the motion.

Resident Len Simon, 40 Meadow Circle, inquired about total legal expense regarding Eversource litigation and asked if the voters could be appraised of the possible success/current status regarding such litigation. Mr. Simon asked that these questions be addressed at the next Board meeting. Chair Dretler recommended that those related legal payments could be posted on the Town website.

Board Member Carty motioned to accept 2021 Annual Town Meeting Articles. Board Member Russo seconded the motion.

It was on motion 5-0; Russo-aye, Carty-aye, Roberts-aye, Schineller-aye, Dretler-aye

VOTED: To accept 2021 Annual Town Meeting Articles.

Board Member Russo motioned to refer any Zoning Bylaw amendments and street acceptance articles to the Planning Board. Vice-Chair Roberts seconded the motion.

It was on motion 5-0; Russo-aye, Schineller-aye, Roberts-aye, Carty-aye, Dretler-aye

VOTED: To refer any Zoning Bylaw amendments and street acceptance articles to the Planning Board.

Discussion and possible re-vote on weekend desired and secondary dates for 2021 Annual Town Meeting at LSRHS.

Chair Dretler noted that the re-vote was necessary because of LSRHS School Committee obligation to be present at Lincoln Town Meeting on May 15, 2021.

Vice-Chair Roberts motioned to rescind the vote to schedule May 15 and May 16 for Annual Town Meeting with backup on May 22, 2021 and May 23, 2021. Board Member Schineller seconded the motion.

It was on motion 5-0; Roberts-aye, Carty-aye, Schineller-aye, Russo-aye, Dretler-aye.

VOTED: To rescind the vote to schedule May 15 and May 16 for Annual Town Meeting with backup on May 22, 2021 and May 23, 2021.

Vice-Chair Roberts motioned to establish Monday, May 3, 2021 as the Annual Sudbury Town Meeting, with a backup date of May 22 and May 23, 2021; alternative backup dates of June 12 and June 13, 2021. Board Member Carty seconded the motion.

It was on motion 5-0; Carty-aye, Schineller-aye, Roberts-aye, Russo-aye, Dretler-aye

VOTED: To establish Monday, May 3, 2021 as the Annual Sudbury Town Meeting, with a backup date of May 22 and May 23, 2021; alternative backup dates of June 12 and June 13, 2021.

Update from Policies and Procedures subcommittee

Vice-Chair Roberts referred to the draft outline of topics covered at the Sudbury Select Board Policies and Procedures Subcommittee meeting.

Chair Dretler mentioned that all the Subcommittee meetings would be covered by Sudbury TV.

Vote to appoint Select Board liaison to the BFRT Advisory Task Force

Chair Dretler nominated Charles Russo as Select Board liaison to the BFRT Advisory Task Force. Board Member Schineller seconded the nomination.

It was on motion 5-0; Schineller-aye, Roberts-aye, Carty-aye, Russo-aye, Dretler-aye

VOTED: To appoint Charles Russo to the BFRT Advisory Task Force

Discussion, review, and vote on Appointment Policy and Code of Conduct

Chair Dretler referred to the listing of Boards and Committees appointed by the Select Board and presented her draft edits to the Appointment Policy and Code of Conduct.

Board Members provided various suggestions and additional edits to the documentation. Board members agreed to continue review of the Appointment Policy and Code of Conduct before voting.

Projects to track (KPI)

Board Member Schineller shared a listing of possible projects to track.

Chair Dretler confirmed that the Fairbank Community Center OPM (Owners Project Manager) would be proving an ongoing project management plan..

The Board agreed to the tracking of six projects:

- Fairbank Rebuild
- Eversource Litigation

- BFRT – Phase 2D
- Town Hall Restoration
- Town-wide ADA Assessment
- Comprehensive Wastewater Management Plan Update (CWMP)

Board Member Schineller motioned to track the six projects discussed and agreed to by the Board. Vice-Chair Roberts seconded the motion.

It was on motion 5-0; Roberts-aye, Russo-aye, Carty-aye, Schineller-aye, Dretler-aye

VOTED: To track the six projects discussed and agreed to by the Board.

Discussion on Clean Energy and Climate Plan for 2030

Chair Dretler provided detail regarding the CECP 2030 endorsement letter from the office of Secretary Kathleen Theodharides, Secretary of Energy and Environmental Affairs. She noted that other communities were also sent the CECP (Clean Energy and Climate Plan) 2030 endorsement letter

Chair Dretler requested that Town Manager Hayes distribute the letter to other Town Departments/Boards. Town Manager Hayes confirmed that he circulated the letter to the Planning Department, Energy and Sustainability Committee, and several others. Town Manager Hayes commented that the Board could consider the related feedback from those groups or proceed with a vote tonight.

Board Member Carty endorsed the clean energy initiative but could not endorse the letter as written. He stated that he was not in favor of zoning aspects as presented.

Board Member Schineller confirmed that he was in favor of clean energy, on a local and national level. He indicated that he was not ready to sign the endorsement letter and preferred that the Board be given the opportunity to include their own comments.

Board Member Russo addressed the six main concepts included in the CECP 2030 Plan, which would benefit the Town of Sudbury. He stressed that Sudbury was one of the first “green” communities and indicated that the letter would reward those communities demonstrating clean energy practices.

Board Member Russo motioned to sign the letter, adding Sudbury’s name and seal to the letter and to endorse the six principals contributing to the CECP (Clean Energy and Climate Plan) 2030, unamended. Vice-Chair Roberts seconded the motion.

Board Member Schineller indicated that including several amendments/comments to the letter was important, such as transmission installations, before endorsement of the letter was finalized with the Town seal.

Resident Len Simon stated that the letter should be supported.

It was on motion 3-2-0; Carty-no, Schineller-no, Russo-aye, Roberts-aye, Dretler-aye

VOTED: To sign the letter, adding Sudbury’s name and seal to the letter and to endorse the six principals contributing to the CECP (Clean Energy and Climate Plan) 2030, unamended.

Town Manager Hayes stated that use of the Town seal necessitates contacting the Town Clerk. Chair Dretler stated she would contact the Town Clerk.

Training Topics from Town Counsel

Town Manager Hayes detailed topics from a training topic list submitted by KP Law. Board members expressed the need for training in the areas of:

- Social Media Training
- Diversity Training
- Public Meeting Training – including Town Meeting
- Decision Training

Review open session minutes of 12/15/20 and 1/12/21 and possibly vote to approve minutes

Chair Dretler read to approve the 12/15/20 Select Board Minutes, as edited. Board Member Carty moved in the words of the Chair. Board Member Russo seconded the motion.

It was on motion 5-0; Russo-aye, Carty-aye, Schineller-aye, Roberts-aye, Dretler-aye

VOTED: To approve the 12/15/20 Select Board Minutes, as edited.

Chair Dretler read to approve the 1/12/21 Select Board Minutes, as edited. Board Member Carty moved in the words of the Chair. Vice-Chair Roberts seconded the motion

It was on motion 5-0; Russo-aye, Roberts-aye, Schineller-aye, Carty-aye, Dretler-aye

VOTED: To approve the 1/12/21 Select Board Minutes, as edited.

Citizen's Comments (cont.)

There were not citizen's comments

Upcoming Agenda Items

Future items include:

- Prepare for the meeting with Lincoln Selectmen
- Master Plan
- Community Fields – Revolving Funds
- Appointment Policies
- Executive Session for the Eversource topic this month
- Annual Town Meeting Warrant
- Meeting with Committee for Disability - March

Consent Calendar

Chair Dretler read:

Vote to accept a \$100 donation from Donna Moy Bruno and Franco Bruno to be deposited into the Program Contributions and Donations Account - 191448/483100.

Board Member Carty moved in the words of the Chair. Board Member Russo seconded the motion.

It was on motion 5-0; Roberts-aye, Carty-aye, Russo-aye, Schineller-aye, Dretler aye

VOTED: To accept a \$100 donation from Donna Moy Bruno and Franco Bruno to be deposited into the Program Contributions and Donations Account - 191448/483100.

Chair Dretler read:

Vote to approve award of contract (Statement of Work) by the Town Manager to DataBank IMX, LLC for digitization services in connection with Board of Health septic design documents.

Board Member Carty moved in the words of the Chair. Board Member Russo seconded the motion.

It was on motion 5-0; Roberts-aye, Carty-aye, Russo-aye, Schineller-aye, Dretler aye

VOTED: To approve award of contract (Statement of Work) by the Town Manager to DataBank IMX, LLC for digitization services in connection with Board of Health septic design documents.

Chair Dretler read:

Vote to sign a proclamation to recognize March 2021 as Shadow Pandemic Awareness Month.

Chair Dretler recognized Leila Frank, Office Supervisor, for her work on the Proclamation. She detailed that domestic violence cases increased with the COVID pandemic.

Select Board Member Schineller moved in the words of the Chair. Board Member Carty seconded the motion.

It was on motion 5-0; Roberts-aye, Carty-aye, Russo-aye, Schineller-aye, Dretler aye

VOTED: To sign a proclamation to recognize March 2021 as Shadow Pandemic Awareness Month.

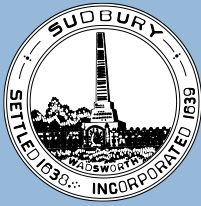
Vote to Adjourn

Board Member Carty motioned to adjourn the meeting. Vice-Chair Roberts seconded the motion.

It was on motion 5-0; Carty-aye, Roberts-aye, Schineller-aye, Russo-aye, Dretler-aye

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 10:52 p.m.



SUDBURY SELECT BOARD

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**18: Citizen's Comments (cont)**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Citizen's Comments (cont)

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

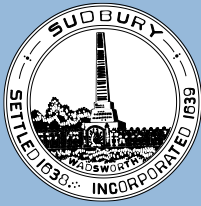
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM



SUDBURY SELECT BOARD

Tuesday, March 2, 2021

MISCELLANEOUS (UNTIMED)**19: 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:

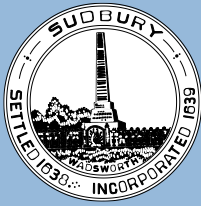
Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM

POTENTIAL UPCOMING AGENDA ITEMS/MEETINGS

MEETING	DESCRIPTION
Mon, March 8, 6:30 pm	Joint meeting with Lincoln Select Board
Tues, March 9, 7:00 PM	Additional meeting to interview DEI candidates
Tues, March 16	Joint meeting with FinCom to present Town Meeting warrant article recommendations
	Continuation of ADA self-assessment discussion with IHDC
Mon, March 29	Annual Town Election
Tues, April 6	Continuation of Eversource utility hearing from 12/15/20
	Sign ATM warrant and send to printer for posting no later than 5/14/21
May 22-23; rain date of June 12-13	Annual Town Meeting at LSRHS field
Date to be Determined	ATM 2021 article - Melone Stabilization Fund
	Budget Strategies Task Force
	By-law items to examine - Special Events & Demonstration Permits; Common Victualler License Holders (Related to Farm Act exemptions, citizen request); Nuisance / Blight Bylaw; Removal Authority of members from appointments
	Citizen Leadership Forum
	Fairbank Community Center update (ongoing)
	Financial policy review (ongoing)
	Health/COVID-19 update (as of 3/18/20)
	Invite Commission on Disability Chair to discuss Minuteman High School
	Local receipts – fee schedule review
	Projects to track using form (KPIs)
	Quarterly review of approved Executive Session Minutes for possible release (February, May, August and November). Consider separate meeting solely for this purpose.
	Quarterly update on Bruce Freeman Rail Trail (BFRT) (March, June, September, December)
	Quarterly update on CSX (January, April, July, October)
	Route 20 empty corner lot – former gas station
	Sewataro Financial Statement review
	Sewataro Future planning
	Sidewalks discussion
	Town meeting recap – year in review
	Town-wide traffic assessment and improve traffic flow
	Update from SB Policy Subcommittee
	Update on crosswalks (Chief Nix/Dan Nason)
	Update on traffic policy (Chief Nix)
	Work Session with Town Counsel: Select Board/Town Manager Code of Conduct and other procedural training
Standing Items for All Meetings	BOS requests for future agenda items at end of meeting
	Citizens Comments, continued (if necessary)

Attachment 19.a: POTENTIAL UPCOMING AGENDA ITEMS 3_2_21 (4420 : Upcoming Agenda Items)



SUDBURY SELECT BOARD

Tuesday, March 2, 2021

CONSENT CALENDAR ITEM**20: HDC thank you letter - Frank Riepe**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to send a letter of thanks to Frank Riepe for his many years of service (2001-2021) on the Historic Districts Commission.

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
Janie Dretler	Pending
Daniel E Carty	Pending
Select Board	Pending

03/02/2021 6:00 PM

Golden, Patricia

From: Fred Taylor <fmrmdm1@gmail.com>
Sent: Tuesday, February 9, 2021 8:13 AM
To: Select Board
Cc: Duchesneau, Adam; Golden, Patricia
Subject: Frank Reipe

Ms. Janie Dretler
Sudbury Select Board
Sudbury, MA

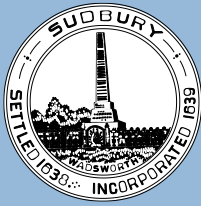
Dear Janie,

As you know, Frank Riepe retired from the Historic Districts Commission effective January, 2021, and we have recommended Taryn Trexler to the board. I am writing just to note that Frank served on the board for over 20 years.

Kind regards,

Fred Taylor
HDC, chair

Attachment20.a: Riepe resignation (4415 : HDC thank you letter - Frank Riepe)

**SUDBURY SELECT BOARD**

Tuesday, March 2, 2021

CONSENT CALENDAR ITEM**21: Annual Town Report draft review****REQUESTOR SECTION**

Date of request:

Requestor: Chair Dretler

Formal Title: Review and vote whether to approve the Town Manager/Select Board submission to the 2020 Annual Town Report.

Recommendations/Suggested Motion/Vote: Review and vote whether to approve the Town Manager/Select Board submission to the 2020 Annual Town Report.

Background Information:
attached draft

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Janie Dretler	Pending
Select Board	Pending

03/02/2021 6:00 PM

Select Board and Town Manager

The Select Board, in conjunction with the Town Manager, hereby submits the reports of the elected and appointed Town officials, boards, and committees for the year 2020, giving a summary of their activities and financial transactions in accordance with Article III, Section 2 of the Town Bylaws. Our report follows.

In January, the Select Board finalized the search for the next Town Manager and selected Henry Hayes, with a start date of April 1, 2020. The Assistant Town Manager/Human Resources Director, Maryanne Bilodeau, served with exceptional skill in unprecedented times as the Interim Town Manager from September 6, 2019 through March 31, 2020. We are so grateful for her continued leadership to the Town of Sudbury, thank you for your perseverance and production throughout the year! One of the initiatives brought forth by the Town Manager was implementing the [Municipal Minute](#), recorded and stored via SudburyTV. The Town Manager also has a motto to “Sustain a SAFE, SECURE, SERVICED & STRONG SUDBURY!”

On January 30, 2020, the World Health Organization designated the 2019 novel Coronavirus outbreak as a Public Health Emergency of International Concern. This disease would impact the Town of Sudbury in many ways throughout the year. By March 10, there were 91 presumed positive cases of COVID-19 in the Commonwealth, on this date, the Governor issued a Declaration of a State of Emergency to Respond to COVID-19.

On March 13, the Select Board issued a statement regarding COVID-19, which, in part reads: “Town officials have been put in a position this week to make important decisions to reduce the spread of COVID-19 in Sudbury. School closings were announced yesterday and many town departments are cancelling or modifying their activities to discourage large group events or programs. The purpose is to exercise social distancing to minimize exposure and infection. For this to be effective, residents must conduct themselves consistent with this purpose. Please do your very best to avoid large gatherings of people and maintain space between yourself and others where possible. As cases of COVID-19 are identified, isolation and quarantining requirements must be strictly adhered to. Please prepare your home with needed food, supplies, and medication.” The COVID-19 pandemic has shifted the way operations were conducted and service delivery in every portion of the municipality. In a line with traditional postures against oppression of any type, the Town rapidly made successful adjustments to resist the negative impacts of the virus.

The Summer of 2020 had a few other notable activities within the Town. The Select Board issued a statement on racial justice, there were multiple demonstrations held related to the nationwide social unrest movement; of note, two of our high school students led a dual location demonstration that was well organized, approximately 400-500 residents in attendance presented themselves in a peaceful and respectful manner. The Town pulled together and put on a [Community Conversation – Race and Safety](#), where a moderated panel discussion ensued.

Charles Russo was elected to the Board in June, however, since the Annual Town Meeting was held in September, he did not take office until the conclusion of the Meeting. The Board reorganized following the 2020 Annual Town Meeting. Janie Dretler was elected to serve as Chair and Jennifer Roberts to serve as Vice-Chair. On September 12, former Select Board member Patricia Brown was recognized for her service to the Town.

[Camp Sewataro](#) put forth a valiant effort to conduct and adjust programming under the COVID-19 constraints. Camp enrollment was limited to less than 2/3 of the historic enrollment in order to comply with COVID-19 guidance from the Department of Public Health. In terms of community impact, the Camp had 202 Sudbury campers from 139 Sudbury families attend, including campers receiving scholarship support. In addition, the camp employed 56 Sudbury residents. Under the terms of the Management Contract, in addition to a management fee of \$60,000 in April and \$60,000 in October and covering all of the maintenance and insurance expenses associated with the property, the Camp paid the Town of Sudbury a 20% revenue share of \$15,682, or \$3,136.40.

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The disposition of the Melone Property located on Route 117/North Road to Quarry North LLC continued in 2020 as the Board closely oversaw the activities throughout the progress of the project. The proposed [Quarry North Project](#) is a housing development, known as Cold Brook Crossing, which is anticipated to move towards closing on the transaction in 2021. The 274 unit proposed project would contain 81 age-restricted units and 26 affordable units in townhouses and multi-family buildings on approximately 26 acres of land with associated parking, amenities, and infrastructure.

Throughout 2020, the Town continued to oppose the Sudbury to Hudson [Eversource Transmission Line project](#), which proposes to run a 115v power line along the MBTA right of way in Sudbury. The Town continued to meet with residents about this project, and Town Counsel and Special Town Counsel continued to oppose the project in Supreme Judicial and Superior Courts.

In 2020, the Town held a [Special Town Meeting](#) in January. One of the articles on the warrant was to change the Board of Selectmen to Select Board, which overwhelming passed at Town Meeting and has since been approved by Legislature and later signed by the Governor which is noted further on in this report. At Annual Town Meeting in September, the Town voted to continue to fund litigation costs opposing the Eversource Transmission Line Project. Acquisition of the CSX Corridor and Fairbank Community construction, both items also passed at the Ballot in November 2020.

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A few of the plans worked or completed include the Comprehensive Emergency Management Plan, Master Plan, Comprehensive Waste Water Management Plan. The Department of Public Works, on behalf of the Select Board, completed the Perambulation of Town Boundaries examination; to locate and mark the of town boundary markers, record such, and provide copy of records to contiguous towns and cities in accordance with G.L. chapter 42, section 2. Sudbury is a five-year cycle, with application in the years ending with five and zero (2020, 2025, 2030).

The Division of Local Services (DLS) issued a report as a result of their review of capital [DLS Report](#) was completed April 6. At the Select Board's request, the DLS Technical Assistance Bureau reviewed the Town of Sudbury's capital improvement program. This review was one of a series of steps the board has taken to fulfill its responsibility for ensuring Sudbury's capital assets can cost effectively sustain the town's desired service levels into the future. It follows on the completed work of the strategic financial planning committee for capital funding, which had existed from October 2013 to April 2019. A [Standard and Poors \(S&P\) Global Rating](#) assigned its 'AAA' long-term rating to Sudbury, Mass. These areas were reviewed: general obligation (GO) municipal purpose loan of 2021 bonds (series A), taxable GO land acquisition bonds (series B), and taxable GO refunding bonds (series C). The outlook is stable.

Unfortunately, one of our Town employees, David "Dave" Cochran, has slipped the bounds of life on earth and entered eternity on June 9, 2020. Dave started working with the Town in 1995, giving us over 25 years of faithful service, at the time of his passing, he held the position of Deputy Electrical Inspector in the Building Department.

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Respectfully submitted,

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Janie Dretler, Chair

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Daniel Carty

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William Schineller

TOWN MANAGER

Henry L. Hayes, Jr. (effective April 1, 2020)

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Departments such Park & Recreation, the Senior Center, and Goodnow Library put forth valiant efforts to reshape and conduct programming under new COVID-19 constraints. Camp Sewataro, a privately run camp on town-owned property also made substantial changes in order to carry out its 2020 summer season.

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In early June, the Select Board issued a statement on racial justice in response to the killing of George Floyd. (Put link to statement). There were multiple demonstrations held in Sudbury related to the call for racial justice nationwide. Of note, high school students led a dual location demonstration that was well-organized with approximately 400-500 residents in attendance. The Town organized a moderated panel discussion called Community Conversation – Race and Safety which included amongst others Sudbury's Town Manager, Select Board Chair, Police Chief and School Superintendents.

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Departments such Park & Recreation, the Senior Center, and Goodnow Library put forth valiant efforts to reshape and conduct programming under new COVID-19 constraints. Camp Sewataro, a privately run camp on town-owned property also made substantial changes in order to carry out its 2020 summer season.

In April, at the request of the Board of Selectmen, the Division of Local Services (DLS) provided a [report](#) summarizing their review of Sudbury’s Capital Improvement Program. This review was one of a series of steps the Board has taken to fulfill its responsibility to ensure Sudbury’s capital assets can cost effectively sustain the town’s desired service levels into the future. It follows on the completed work of the Strategic Financial Planning Committee for Capital Funding, which existed from October 2013 to April 2019. Also in April and related to financial management, [Standard and Poor’s \(S&P\) Global Rating](#) assigned its 'AAA' long-term rating to Sudbury. The areas reviewed included: general obligation (GO) municipal purpose loan of 2021 bonds (series A), taxable GO land acquisition bonds (series B), and taxable GO refunding bonds (series C). S&P described the outlook as stable.

In early June, the Select Board issued a [statement](#) on racial justice in response to the killing of George Floyd. There were multiple demonstrations held in Sudbury related to the call for racial justice nationwide. Of note, high school students led a dual location demonstration that was well-organized with approximately 400-500 residents in attendance. The Town organized a moderated panel discussion called Community Conversation – Race and Safety which included amongst others Sudbury’s Town Manager, Select Board Chair, Police Chief, and School Superintendents.

In September, the Annual Town Meeting was held as an outside event at the Lincoln-Sudbury Regional High School fields. The tremendous effort by the Town’s professional staff and resident volunteers led to an unforgettable Town Meeting! Notable articles that passed included the design and build of a new Fairbank Community Center and the acquisition of the former CSX rail corridor, enabling possible future expansion of the Bruce Freeman Rail Trail. (Both initiatives proceeded to pass at the ballot in November 2020). Special thanks are extended to SudburyTV for their time and attention to facilitate audiovisual requirements that permitted all attendees to participate in the proceedings. The collaboration across the community ensured that individuals of various abilities and needs were well accommodated.

Following the conclusion of Annual Town Meeting, Charles Russo, who was elected to the Select Board in June, officially took office. The Board reorganized with Janie Dretler elected to serve as Chair and Jennifer Roberts to serve as Vice-Chair. On September 12, former Select Board member Patricia Brown was recognized for her service to the Town.

The disposition of the Melone Property located on Route 117/North Road to Quarry North LLC continued in 2020 as the Board closely oversaw the activities throughout the progress of the project. The proposed [Quarry North Project](#) is a housing development, known as Cold Brook Crossing, which is anticipated to move towards closing on the transaction in 2021. The 274 unit proposed project would contain 81 age-restricted units and 26 affordable units in townhouses and multi-family buildings on approximately 26 acres of land with associated parking, amenities, and infrastructure.

Throughout 2020, the Town sustained its opposition to the Sudbury to Hudson [Eversource Transmission Line project](#), which proposes to run a 115v power line along the MBTA right of way in Sudbury. The Town met with residents about the project, and Town Counsel and Special Town Counsel continued to oppose it in Supreme Judicial and Superior Courts.

In November, the Select Board met with Robert Halpin and Michael Edwards of the Collins Center for Public Management to set the [2021 Select Board Goals](#).

Important plans were advanced including the Comprehensive Emergency Management Plan, Master Plan, and Comprehensive Waste Water Management Plan. The Department of Public Works, on behalf of the Select Board, completed the Perambulation of Town Boundaries examination to locate, mark, and record the town boundary markers, and to provide copies of records to contiguous towns and cities in accordance with G.L. chapter 42, section 2. Sudbury is on a five-year cycle, with application in the years ending with five and zero (2020, 2025, 2030).

Unfortunately, one of our long-time Town employees, David “Dave” Cochran, passed away on June 9, 2020. Dave started working with the Town in 1995, giving us over 25 years of faithful service. At the time of his passing, he held the position of Deputy Electrical Inspector in the Building Department.

Moving into 2021, the total number of authorized employees is 181, and we welcomed 22 new employees throughout the past year. The 2020 Employee of the Year is Officer Alan Hutchinson. The 2020 Supervisor of the Year is Bill Murphy. The Town Manager added the Supervisors into the annual awards program. It was a difficult year, where everyone contributed in ways unforeseen. We are very proud of our entire team!

Employee Nominations:

Kimberly Polcari (Fire Department)
Beth Porter (Health Department)
Amy Stimac (Library)
Brian Powell (Information Services Dept.)
Heidi Wright (Library)
Robin Porcella (Accounting)
Alan Hutchinson (Police Dept.)

Supervisor Nominations

Bill Murphy (Health Department Director)
Mark Thompson (Information Services Director)
Esme Green (Library Director)
Deb Galloway (Senior Center Director)
Scott Nix (Police Chief)

On December 29th, 2020, Governor Charlie Baker signed Chapter 245 of the Acts of 2020, containing Bill H.4388, *An Act making the charter of the Town of Sudbury gender neutral*. The petition was co-sponsored by Representative Carmine Lawrence Gentile, and Senators Michael J. Barrett and James B. Eldridge (by vote of the town) and requested that the Town of Sudbury be authorized to make the corresponding changes to its charter.

We close by thanking all Town employees for their work providing services to residents, and all individuals who have offered to serve on Sudbury’s many volunteer groups, boards, committees, and commissions. We also appreciate all of the businesses and visitors throughout the year. We are proud to serve this wonderful town.

Respectfully submitted,

SELECT BOARD

Janie Dretler, Chair

Jennifer Roberts, Vice Chair

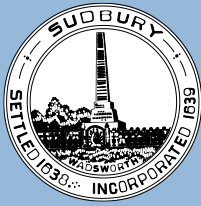
Daniel Carty

Charles Russo

William Schineller

TOWN MANAGER

Henry L. Hayes, Jr. (effective April 1, 2020)



SUDBURY SELECT BOARD

Tuesday, March 2, 2021

CONSENT CALENDAR ITEM**22: Allocate \$20K to Go Sudbury! Microtransit Pilot Program**REQUESTOR SECTION

Date of request:

Requestor: Adam Duchesneau

Formal Title: Vote to allocate \$20,000 of the mitigation funds listed in item 4.2.c. of the Meadow Walk Development Agreement to the Go Sudbury! Microtransit Pilot Program.

Recommendations/Suggested Motion/Vote: Vote to allocate \$20,000 of the mitigation funds listed in item 4.2.c. of the Meadow Walk Development Agreement to the Go Sudbury! Microtransit Pilot Program.

Background Information:

As part of item 4.2.c. of the Meadow Walk Development Agreement (attached), the developer agreed to pay \$100,000 to the Town for the Senior Center to provide for senior citizen transportation needs, to be used by the Town in its sole discretion. At their meeting on July 9, 2019, the Council on Aging voted to recommend to the Select Board to approve the use of \$20,000 of the Transportation Mitigation Funds for the Transportation Committee's Microtransit Pilot Program (letter attached for reference). The Select Board approved the allocation and use of this \$20,000 at your meeting on March 17, 2020. This is another request for an additional \$20,000 of these mitigation funds to be allocated towards the Go Sudbury! Microtransit Pilot Program.

If this second \$20,000 amount is allocated, the funding would be used by the Go Sudbury! Microtransit Pilot Program to subsidize rides from transit providers to seniors, people with disabilities, financially vulnerable residents, and veterans, with the objective of providing them with transportation services to health and community resources as well as economic opportunities. These funds would be used to supplement the Community Compact Grant funds which the Town received in 2019 to launch a multi-municipality Microtransit Program to serve the groups of people listed above. A copy of this grant application is also attached for reference.

Financial impact expected: The mitigation funds listed in item 4.2.c. of the Meadow Walk Development Agreement for the Senior Center to provide for senior citizen transportation needs would be reduced by \$20,000.

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending

Janie Dretler
Daniel E Carty
Select Board

Pending
Pending
Pending

03/02/2021 6:00 PM

DEVELOPMENT AGREEMENT

This Development Agreement (this “Agreement”) is entered into as of this 7th day of June 2016, by and between the Town of Sudbury (the “Town”), acting by and through its Board of Selectmen, and BPR Sudbury Development LLC, a Delaware limited liability company, acting only in its capacity as owner of the Site (as hereinafter defined) (the “Developer,” and together with the Town, the “Parties”).

This Agreement is entered into by the Parties in an effort to establish a framework to facilitate the redevelopment of an approximately 25 acre site (the “Site”) located along Boston Post Road/Route 20, that is part of a larger approximately 50 acre site (the “Former Raytheon Property”) formerly owned by the Raytheon Company (“Raytheon”). The Site is more particularly described and depicted on a certain plan of land entitled “Master Development Plan” (the “Master Plan”) attached hereto and incorporated herein as **Exhibit A**.

Raytheon, formerly the Town’s largest taxpayer, operated an office/research and development complex at the Former Raytheon Property for more than fifty years, providing numerous fiscal, employment, and other benefits to the Town. In December 2015, as part of its planned phased withdrawal from the Former Raytheon Property, Raytheon sold the Former Raytheon Property to the Developer. Raytheon’s withdrawal from the Former Raytheon Property represents a significant loss to the Town but also presents opportunities. The Parties recognize that a coordinated, comprehensive, and expeditious approach to redevelopment of the Former Raytheon Property is mutually beneficial and desirable in that it represents a unique opportunity to fulfill several Town needs and goals. It is anticipated that the substantial private investment to be made in a mixed-use redevelopment of the Site would, among other things, restore a significant and reliable source of municipal tax revenue to the Town; serve as a model and catalyst for the future economic development of the Route 20 corridor, an important Town planning objective; and generate new jobs and revenues while providing desirable amenities to the community.

In response to the Town’s interest in realizing a mixed-use redevelopment of the Former Raytheon Property, the Developer has proposed to construct a multi-phase development at the Site generally consisting of approximately sixty units of age-restricted, active-adult housing (the “Age-Restricted Housing Component”); up to fifty-four beds within an assisted living/memory care facility; approximately 80,000 square feet of retail, restaurant, and convenience uses (the “Retail Component”), which Retail Component includes an approximately 45,000 square foot grocery store; and accessory parking and related site improvements (collectively, the “Project”). The Project accomplishes several key redevelopment goals of the Board of Selectmen and the Planning Board as articulated in a letter to Raytheon dated February 25, 2015. The Site is currently zoned Limited Industrial District (“LID”), with a small portion zoned as residential. Under current zoning by-laws, the proposed Project would not be allowed. In particular, nursing or convalescent home and assisted care facility, personal service establishment, restaurant, ATMs, kiosks, and residential care facility are among the uses not presently allowed in the LID.

The Project will be complemented by the construction of a multifamily affordable housing residential project on an adjoining approximately 17 acre portion of the Former Raytheon Property, consisting of a two-hundred-and-fifty unit rental housing community to be developed

by Sudbury Avalon, Inc., for which an application for a comprehensive permit has been filed under M.G.L. Chapter 40B (“Avalon Sudbury”). The comprehensive permit application is currently under review by the Sudbury Zoning Board of Appeals (“ZBA”), which, at the close of the public hearing, is expected to issue a comprehensive permit for Avalon Sudbury. While Avalon Sudbury is not subject to the Master Plan and is therefore not a part of the “Project” under this Agreement, Avalon Sudbury’s relevant impacts have been considered in the assessment of the Project, its impact on the Site and surroundings (e.g., traffic, stormwater management and fiscal impacts), and with respect to the community benefits agreed upon by the Developer under Section 4.2 of this Agreement.

In order to facilitate the Project, the Parties wish to cooperate to present certain warrant articles to a town meeting in furtherance of the Project, including, without limitation, (i) the adoption of a new zoning by-law to govern the Site, entitled, “Section 4700. Mixed Use Overlay District” (“MUOD”); (ii) the approval of the Master Plan; and (iii) the authorization of the Board of Selectmen to accept the conveyance of certain land and easements to the Town, and, if necessary, to convey easements to the Developer (collectively, the “Town Meeting Articles”). The Board of Selectmen and the Planning Board are willing to cooperate with the Developer in support of the Town Meeting Articles, the Project and Avalon Sudbury subject to the terms and restrictions set forth in this Agreement and the completion of the Developer’s obligations, and the Developer is willing to impose such restrictions and undertake and complete such obligations, as set forth in this Agreement.

The Parties wish to enter into this Agreement to memorialize their mutual understandings, commitments, and agreements regarding the Project.

1. GENERAL

- 1.1 The Developer shall comply with applicable rules, regulations and by-laws of the Town, the Commonwealth of Massachusetts, and federal agencies as they apply to the construction, maintenance and operation of the Project, including, without limitation, compliance with the Wetlands Protection Act, the Massachusetts Environmental Policy Act (MEPA), and the State Building Code.
- 1.2 The applicable terms of this Agreement shall be incorporated by reference in the Conformance Recommendation issued by the Planning Board for the Project as authorized by the adoption of the MUOD by Town Meeting, and shall be binding upon the Developer and any successor in interest to the Project (or component thereof), as provided in Section 5.3 of this Agreement. Any non-monetary violation hereof may be treated as a violation enforceable by the Building Inspector following notice and opportunity to cure.

2. TRAFFIC MITIGATION

- 2.1 The Developer agrees to complete, at its sole cost and expense, the traffic and pedestrian improvements specified in the Conformance Recommendation. The total cost for the design and construction of these improvements is estimated to be approximately \$2,000,000. The design of these improvements has been reviewed by an independent traffic engineer hired by the Town to ensure the adequacy of these improvements to

provide for safe travel by residents, employees and visitors of the Project and Avalon Sudbury while also enhancing safe traffic movement to adjoining properties and along the Route 20 corridor. In addition, the Developer agrees to implement the Traffic Demand Management program specified in the Conformance Recommendation.

3. CONFORMANCE RECOMMENDATION

- 3.1 Pursuant to Section 4742 of the MUOD, the Master Development Plan for the MUOD Project must receive a Conformance Recommendation from the Planning Board in order to be approved by Town Meeting, which may include conditions, limitations, and safeguards. Developer agrees to comply with the Planning Board's Conformance Recommendation in connection with the MUOD Project, including all conditions, limitations and safeguards set forth therein, and said Conformance Recommendation is incorporated herein by reference as if it were set forth herein.

4. COMMUNITY BENEFITS

Upon completion and full occupancy, the Project is anticipated to generate estimated gross tax revenues in excess of \$1,700,000 annually with anticipated net revenues in the range of \$571,500 (per Town's fiscal peer review) to \$694,400 (per Developer's financial analysis) annually, after covering projected municipal service costs associated directly and indirectly with the Project and Avalon Sudbury, including fire, police, schools, public works, inspectional services, health department, ambulance, and other costs. To contribute further to the Town's fiscal well-being above and beyond the projected significant annual tax revenue generated from the Project, Developer agrees to take the following measures:

- 4.1. Within ninety days of issuance of the first certificate of occupancy for the Retail Component of the Project (unless such period is extended for good cause with the agreement of the parties), Developer shall convey to Town for consideration of \$1.00 a parcel of land shown as "Lot 6" on the plan attached hereto as **Exhibit B** (land area of approximately 8,000 square feet of commercial property along with accompanying easements is estimated by Developer to be worth approximately \$200,000) for general municipal purposes, to accommodate the construction of a potential future fire station in place of the existing fire station on the adjacent Town land ("Future Fire Station"). To facilitate this land conveyance for the Future Fire Station, the Town agrees to cooperate, to the extent permissible by law, in obtaining any necessary modification to the permits and approvals obtained in order to construct and operate the Project. The Developer and the Town further agree to cooperate in granting one another all necessary right-of-way easements over the ways and parking lots shown on said plan for access/egress and utilities to and from a Future Fire Station and the Project. Developer also agrees, subject to (i) the approval by MassDEP of an expansion of the existing on-site wastewater treatment plant on the Former Raytheon Property ("WWTP") and (ii) all applicable regulations, to allow a Future Fire Station to discharge its waste water into the WWTP, and to provide connections and easements for such wastewater discharge at no cost to the Town (the value of such sewer rights estimated at approximately \$25,000). Developer also agrees to allow a Future Fire Station to discharge its storm water into the Developer's storm water system, and to provide connections and easements for such storm water discharge at no cost to the Town

(the value of stormwater rights and easements estimated at \$25,000). Developer also agrees to perform periodic landscape maintenance surrounding a Future Fire Station in conjunction with their maintenance of the Project (the value of this landscape maintenance is estimated at approximately \$10,000 annually).

- 4.2 Developer agrees to make the following additional one-time fiscal contributions to the Town to advance the interests of the Town and to enhance Town resources; the payments set forth below shall be tendered by the Developer to the Town in accordance with the payment schedule set forth at **Exhibit C** attached hereto:
- a. Developer agrees to make a contribution of \$500,000 to the Town for the maintenance, construction, and reconstruction of fields for recreational use, said funds to be expended either for existing fields or toward the construction of new fields in its sole discretion.
 - b. Developer agrees to make a contribution of \$850,000 to the Town for public safety purposes, to be used by the Town in its sole discretion.
 - c. Developer agrees to make a contribution of \$100,000 to the Town for the Senior Center to provide for senior citizen transportation needs, to be used by the Town in its sole discretion.
 - d. Developer agrees to make a contribution of \$850,000 to the Town to provide for improved technology for the Town's schools and/or other municipal buildings, to be used by the Town in its sole discretion.
 - e. Developer agrees to make a contribution of \$80,000 towards the design of the Future Fire Station, to be used by the Town in its sole discretion.
 - f. Developer agrees to make a contribution of \$15,000 towards the implementation of a section of sidewalk along Boston Post Road from 501 Boston Post Road (CVS) to Nobscot Road, to be used by the Town in its sole discretion.
 - g. Developer agrees to make a contribution of \$100,000 to fund any fiscal mitigation requirements or off-site mitigation obligations that may imposed as lawful conditions of a comprehensive permit issued by the ZBA for Avalon Sudbury. To the extent the comprehensive permit does not require any or all funds from this contribution be used to satisfy fiscal requirements, such unallocated funds may be used for other municipal purposes as determined by the Board of Selectmen. To the extent the comprehensive permit imposes conditions on Avalon Sudbury that require fiscal mitigation payments or off-site mitigation obligations that exceed this contribution, such conditions shall be fully satisfied by the reallocation of funds from the other contributions set forth in this Section, as may be determined by the Selectmen, such that the total fiscal contributions due under this Agreement and as mitigation payments, if any, required under the comprehensive permit shall not exceed \$2,495,000, the aggregate amount of the contributions agreed to in this section.

5. MISCELLANEOUS

5.1 Reimbursement of Town Review Fees

Prior to issuance of the first Certificate of Occupancy for the Project, the Developer agrees to reimburse the Town for its reasonable legal fees in connection with any review or advice related to the Town Meeting Articles, this Agreement, and the construction and permitting of the Project; and the costs of the special town meeting of June 13, 2016, at which the Town Meeting Articles will be considered. Upon approval of Town Meeting of the Town Meeting Articles, the Developer also agrees to make a payment of \$20,000 to pay for outside consultants contracted by the Town to review site plans and stormwater management plans submitted for Conformance Review on the age-restricted housing, assisted/memory care and village retail components of the Master Plan. These funds shall be held in escrow by the Planning Board for this purpose, and any funds remaining after completion of the plan reviews shall be returned to the Developer

5.2 Forbearance from Suit

The Parties shall forego any actions at law or equity attempting to contest the validity or prevent the enforceability of any provision(s) of this Agreement, and the Developer shall procure written acknowledgment that such forbearance shall bind any successor or assign. Such forbearance shall not preclude any Party from bringing any action for breach of contract on the part of the other Party or acts of intentional misconduct with respect to matters contemplated herein.

5.3 Successors and Assigns

The Parties agree that the Developer may subdivide the Site (including through the creation of one or more condominiums or long term ground leases) and may transfer all or any subdivided portion of the Site to another entity (each a "New Entity"), subject to the Developer's and any New Entity's acknowledgement that:

- (a) This Agreement shall run with title to each subdivided portion of the Site and shall be binding upon the Developer insofar as it is the owner of the Site, and each of its successors or assigns as to the obligations which arise under this Agreement during their respective periods of ownership of the Site and/or their respective subdivided portion(s) thereof, provided that each predecessor-in-title shall be forever released from this Agreement upon procuring a written acknowledgment from its immediate successor, addressed to the Town, acknowledging and agreeing that such successor-in-title is bound by the terms of this Agreement and that this Agreement shall be enforceable against such successor by the Board of Selectmen with respect to such successor's subdivided portion(s) of the Site; and
- (b) The obligations created hereunder shall not be treated as assumed by any New Entity until such notice is delivered to the Town.

5.4 Notices

Notices, when required hereunder, shall be deemed sufficient if sent registered mail to the Parties at the following addresses:

Town: Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776
Attn: Town Manager

Developer: BPR Development LLC
c/o National Development
2319 Washington Street
Newton Lower Falls, MA 02462

with a copy to:

Goulston & Storrs PC
400 Atlantic Avenue
Boston, MA 02110-3333
Attn: Peter L. Tamm, Esq.

5.5 Force Majeure

The Developer shall not be considered to be in breach of this Agreement for so long as the Developer is unable to complete any work or take any action required hereunder due to a *force majeure* event or other events beyond the reasonable control of the Developer.

5.6 Default; Opportunity to Cure

Failure by either Party to perform any term or provision of this Agreement shall not constitute a default under this Agreement unless and until the defaulting Party fails to commence to cure, correct or remedy such failure within fifteen days of receipt of written notice of such failure from the other Party and thereafter fails to complete such cure, correction, or remedy within sixty days of the receipt of such written notice, or, with respect to defaults that cannot reasonably be cured, corrected or remedied within such sixty-day period, within such additional period of time as is reasonably required to remedy such default, provided the defaulting Party exercises due diligence in the remedying of such default. Notwithstanding the foregoing, the Developer shall cure any monetary default hereunder within thirty days following the receipt of written notice of such default from the Town. No default hereunder by the owner (whether the Developer or a New Entity) of any subdivided portion of the Site shall be deemed to be a default by any other owner (whether the Developer or a New Entity) of any other subdivided portion of the Site.

5.7 Limitations on Liability

The obligations of the Developer or any New Entity do not constitute personal obligations of their members, trustees, partners, directors, officers or shareholders, or any direct or indirect constituent entity or any of their affiliates or agents. The Town shall not seek recourse against

any of the foregoing or any of their personal assets for satisfaction of any liability with respect to this Agreement or otherwise. The liability of the Developer or a New Entity is in all cases limited to their interest in the Site or subdivided portion thereof at the time such liability is incurred and shall not extend to any other portion of the Site for which another party has assumed responsibility pursuant to Section 5.3 hereof. In the event that all or any portion of the Site is subjected to a condominium regime or a long term ground lease, the condominium association or the ground lessee, as applicable, shall be deemed to be the owner/New Entity of the affected portion of the Site.

5.8 Estoppels

Each Party agrees, from time to time, upon not less than twenty-one days' prior written request from the other, to execute, acknowledge and deliver a statement in writing certifying (i) that this Agreement is unmodified and in full force and effect (or if there have been modifications, setting them forth in reasonable detail); (ii) that the party delivering such statement has no defenses, offsets or counterclaims against its obligations to perform its covenants hereunder (or if there are any of the foregoing, setting them forth in reasonable detail); (iii) that there are no uncured defaults of either party under this Agreement (or, if there are any defaults, setting them forth in reasonable detail); and (iv) any other information reasonably requested by the party seeking such statement. If the Party delivering an estoppel certificate is unable to verify compliance by the other Party with certain provisions hereof despite the use of due diligence, it shall so state with specificity in the estoppel certificate, and deliver an updated estoppels certificate as to such provisions as soon thereafter as practicable. Any such statement delivered pursuant to this Section 5.8 shall be in a form reasonably acceptable to, and may be relied upon by any, actual or prospective purchaser, tenant, mortgagee or other party having an interest in the Project. The Town Manager is hereby authorized to execute and deliver any such estoppel certificate on behalf of the Board of Selectmen.

5.9 Governing Law

This Agreement shall be governed by the laws of the Commonwealth of Massachusetts. If any term, covenant, condition or provision of this Agreement or the application thereof to any person or circumstance shall be declared invalid or unenforceable by the final ruling of a court of competent jurisdiction having final review, then the remaining terms, covenants, conditions and provisions of this Agreement and their application to other persons or circumstances shall not be affected thereby and shall continue to be enforced and recognized as valid agreements of the Parties, and in the place of such invalid or unenforceable provision, there shall be substituted a like, but valid and enforceable provision which comports to the findings of the aforesaid court and most nearly accomplishes the original intention of the Parties. The Parties hereby consent to jurisdiction of the courts of the Commonwealth of Massachusetts sitting in the County of Middlesex.

5.10 Entire Agreement; Amendments

This Agreement sets forth the entire agreement of the Parties with respect to the subject matter hereof, and supersedes any prior agreements, discussions or understandings of the Parties and their respective agents and representatives. This Agreement may not be amended, altered or

modified except by an instrument in writing and signed by the Parties hereto. Amendments to the terms of this Agreement may be agreed to on behalf of the Town by its Board of Selectmen.

5.11 Interpretation

Capitalized terms used but not defined herein shall have the meanings assigned to them under the Town of Sudbury Zoning By-Law (Article IX).

5.12 Cooperation

The Parties agree to work cooperatively, on a going-forward basis, to execute and deliver documents, and take such other actions, whether or not explicitly set forth herein, that may be necessary in connection with the development of the Project or the implementation of the goals and objectives of this Agreement.

In connection with Avalon Sudbury, upon issuance of a comprehensive permit by the ZBA, and if requested by the Developer, the Town, acting through its Board of Selectmen, agrees to reasonably cooperate in the conversion of Avalon Sudbury to a so-called Local Initiative Program (“LIP”) project by signing a LIP application with Massachusetts Department of Housing and Community Development (“DHCD”) consistent with Avalon Sudbury as approved in the comprehensive permit within thirty days of receipt from the Developer of a complete LIP application. The conversion to a LIP shall be subject to the approval of the ZBA of the conversion to a LIP as an insubstantial change or the conversion is deemed an insubstantial change pursuant to 760 CMR 56.05(11). The Town shall not require any further mitigation or payments of any kind from the Developer in connection therewith. The Town further covenants and agrees to cooperate with the Developer as it takes whatever further steps as may be reasonably necessary to cause the LIP application to be finally approved by DHCD for Avalon Sudbury as approved in the comprehensive permit.

5.13 Compliance

The Developer acknowledges and agrees that the Town, operating through its officers and employees and upon notice to the Developer, shall have the right to enter the Site as reasonably necessary to inspect to confirm compliance with the terms of this Agreement.

5.14 Counterparts; Signatures

This Agreement may be executed in several counterparts and by each Party on a separate counterpart, each of which when so executed and delivered shall be an original, and all of which together shall constitute one instrument. It is agreed that electronic signatures shall constitute originals for all purposes.

5.15 Record Notice

A notice of this Agreement in a form reasonably acceptable to the Developer may be recorded with the Middlesex (South) Registry of Deeds.

5.16 No Third-Party Beneficiaries

Notwithstanding anything to the contrary in this Agreement, the Parties do not intend for any third party to be benefitted hereby.

5.17 Effectiveness; Term

In accordance with Section 4765 of the MUOD, nothing in this Agreement shall be construed to require the Developer to construct or complete all or any portion of the MUOD Project. If, but only if, the Developer decides to undertake the MUOD Project, this Agreement shall not become effective until the applicable Town Meeting Articles are approved or deemed approved, substantially in the form submitted for Town Meeting vote, by the Attorney General's Office of the Commonwealth of Massachusetts in accordance with M.G.L. c. 40, §§ 32, 32A and M.G.L. c. 40A, § 5, the date on which this Agreement becomes effective being referred to as the "Effective Date". The terms of this Agreement may be incorporated into any permit or approval, including the Conformance Recommendation, issued by the Planning Board for the MUOD. The development of the Site is limited to the Project as proposed; any modification or extension of the Project, other than de minimus changes, shall require an amendment to this Agreement.

EXECUTED under seal as of the date and year first above written,

TOWN OF SUDBURY BOARD OF SELECTMEN

By: Susan M. Aulano

Name:

Its:

Hereunto Duly Authorized

BPR SUDBURY DEVELOPMENT LLC,
a Delaware limited liability company

By: John J. O'Neil, III

Name: John J. O'Neil, III

Its:

Hereunto Duly Authorized

LIST OF EXHIBITS

Exhibit A – Master Plan

Exhibit B – Land/Easement Conveyance Plan for Future Fire Station

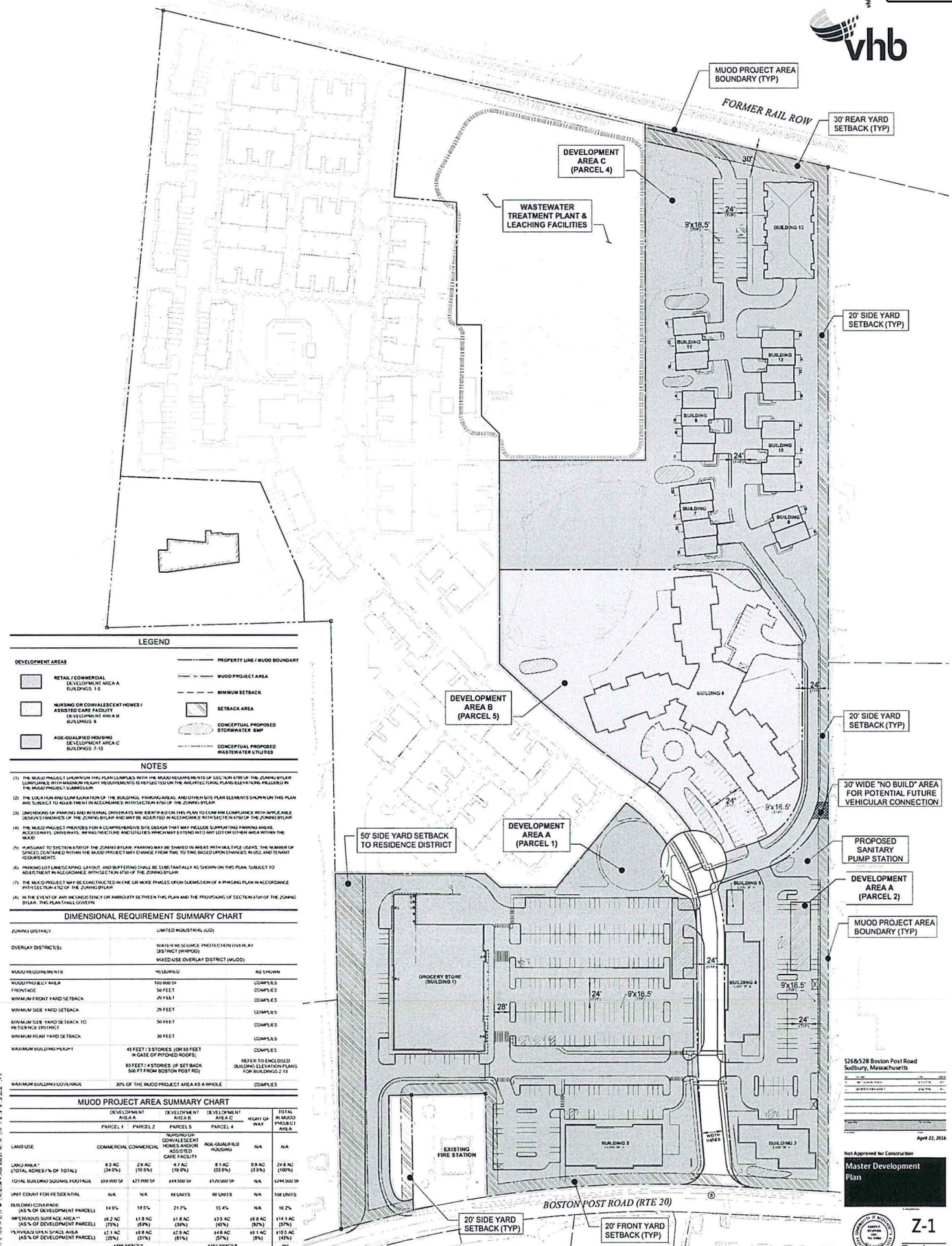
Exhibit C – Schedule of Payments

EXHIBIT A
Master Plan

Attachment22.a: SB Agenda Request - Go Sudbury! Allocation 210302 (4430 : Allocate \$20K to Go Sudbury! Microtransit Pilot Program)



3. PROJECT/STUDY TITLE AND ADDRESS/STATE DEVELOPMENT PLAN (DTP) AND/OTHER DEVELOPMENT PLAN



LEGEND

DEVELOPMENT AREAS	PROPERTY LINE / MUOD BOUNDARY
RETAIL / COMMERCIAL DEVELOPMENT AREA A (BUILDINGS 1-6)	MUOD PROJECT AREA
NURSING OR CONVALESCENT HOMES / ASSISTED CARE FACILITY DEVELOPMENT AREA B (BUILDINGS 7-12)	MINIMUM SETBACK
AGE-QUALIFIED HOUSING DEVELOPMENT AREA C (BUILDINGS 13-15)	SETBACK AREA
	CONCEPTUAL PROPOSED STORMWATER SWP
	CONCEPTUAL PROPOSED WASTEWATER UTILITIES

NOTES

- (1) THE MUOD PROJECT SHOWN ON THIS PLAN COMPLIES WITH THE MUOD REQUIREMENTS OF SECTION 4700 OF THE ZONING BYLAW. COMPLIANCE WITH MAXIMUM HEIGHT REQUIREMENTS IS INDICATED BY THE ARCHITECTURAL PLANS SUBMITTED WITH THE MUOD PROJECT SUBMISSION.
- (2) THE LOCATION AND DIMENSIONS OF THE BUILDINGS, PARKING AREAS, AND OTHER SITE PLAN ELEMENTS SHOWN ON THIS PLAN AND SUBJECT TO ADJUSTMENT IN ACCORDANCE WITH SECTION 4700 OF THE ZONING BYLAW.
- (3) DIMENSIONS OF PARKING AND INTERNAL DRIVEWAYS ARE IDENTIFIED ON THIS PLAN TO COMPLY WITH APPLICABLE DESIGN STANDARDS OF THE ZONING BYLAW AND MAY BE ADJUSTED IN ACCORDANCE WITH SECTION 4700 OF THE ZONING BYLAW.
- (4) THE MUOD PROJECT PROVIDES FOR A COMPREHENSIVE DESIGN THAT MAY INCLUDE SURROUNDING PARKING AREAS, ACCESSWAYS, DRIVEWAYS, IMPASSIBLE STRUCTURES AND UTILITIES WHICH MAY EXTEND INTO ANY LOT OR OTHER AREA WITHIN THE MUOD.
- (5) IN ACCORDANCE WITH SECTION 4700 OF THE ZONING BYLAW, PARKING MAY BE SHARED BY AREAS WITH MULTIPLE USES. THE NUMBER OF SPACES CONTAINED WITHIN THE MUOD PROJECT MAY CHANGE FROM TIME TO TIME BASED UPON CHANGES IN USE AND TENANT REQUIREMENTS.
- (6) PARKING LOT LAYOUT, LAYOUT, AND BUFFERING SHALL BE SUBMITTANT AS SHOWN ON THIS PLAN, SUBJECT TO ADJUSTMENT IN ACCORDANCE WITH SECTION 4700 OF THE ZONING BYLAW.
- (7) THE MUOD PROJECT MAY BE CONSTRUCTED IN ONE OR MORE PHASES UPON SUBMISSION OF A PHASING PLAN IN ACCORDANCE WITH SECTION 4700 OF THE ZONING BYLAW.
- (8) IN THE EVENT OF ANY INCONSISTENCY OR AMBIGUITY BETWEEN THIS PLAN AND THE PROVISIONS OF SECTION 4700 OF THE ZONING BYLAW, THIS PLAN SHALL GOVERN.

DIMENSIONAL REQUIREMENT SUMMARY CHART

ZONING DISTRICT	(LIMITED INDUSTRIAL (LI))
OVERLAY DISTRICT(S)	WATER RESOURCE PROTECTION OVERLAY DISTRICT (WPOD)
WOODS REQUIREMENTS	NO DISRUPT
WOODS PROTECT AREA	50 FEET
MINIMUM FRONT YARD SETBACK	20 FEET
MINIMUM SIDE YARD SETBACK	20 FEET
MINIMUM REAR YARD SETBACK TO INTERFERE DISTRICT	30 FEET
MINIMUM REAR YARD SETBACK	30 FEET
MAXIMUM BUILDING HEIGHT	45 FEET / 3 STORIES (OR 50 FEET IN CASE OF PITCHED ROOFS)
MAXIMUM BUILDING LOT/AREA	30% OF THE MUOD PROJECT AREA AS A WHOLE

MUOD PROJECT AREA SUMMARY CHART

DEVELOPMENT AREA A (PARCEL 1)	DEVELOPMENT AREA B (PARCEL 2)	DEVELOPMENT AREA C (PARCEL 3)	DEVELOPMENT AREA D (PARCEL 4)	DEVELOPMENT AREA E (PARCEL 5)	TOTAL MUOD PROJECT AREA
LAND USE	COMMERCIAL	COMMERCIAL	NURSING OR CONVALESCENT HOMES AND/OR ASSISTED CARE FACILITY	AGE-QUALIFIED HOUSING	N/A
LAND AREA*	8.3 AC (24.7%)	2.8 AC (8.5%)	4.7 AC (14.3%)	8.1 AC (25.0%)	24.9 AC (77.5%)
TOTAL BUILDING SQUARE FOOTAGE	120,000 SF	120,000 SF	120,000 SF	120,000 SF	480,000 SF
UNIT COUNT FOR RESIDENTIAL	N/A	N/A	48 UNITS	80 UNITS	128 UNITS
BUILDING COVERAGE (AS % OF DEVELOPMENT PARCEL)	14.9%	15.5%	21.7%	15.4%	16.2%
IMPERVIOUS SURFACE AREA** (AS % OF DEVELOPMENT PARCEL)	16.2 AC (75%)	11.8 AC (82%)	11.8 AC (75%)	11.8 AC (75%)	51.6 AC (75%)
PERVIOUS OPEN SPACE AREA (AS % OF DEVELOPMENT PARCEL)	1.1 AC (25%)	1.1 AC (25%)	1.1 AC (25%)	1.1 AC (25%)	4.4 AC (25%)
NUMBER PARKING SPACES	148 SPACES (TOTAL COMMERCIAL)	148 SPACES	148 SPACES	148 SPACES	592 SPACES

* LAND AREA INCLUSIVE OF YARD SETBACK AREA
** IMPERVIOUS COVERAGE IS EXCLUSIVE OF ANY ROUTE, 20' WIDENING OR IMPROVEMENTS RELATED TO THE POTENTIAL FUTURE FIRE STATION EXPANSION

526/528 Boston Post Road
Sudbury, Massachusetts

Not Approved for Construction
Master Development
Plan

APR 22, 2018

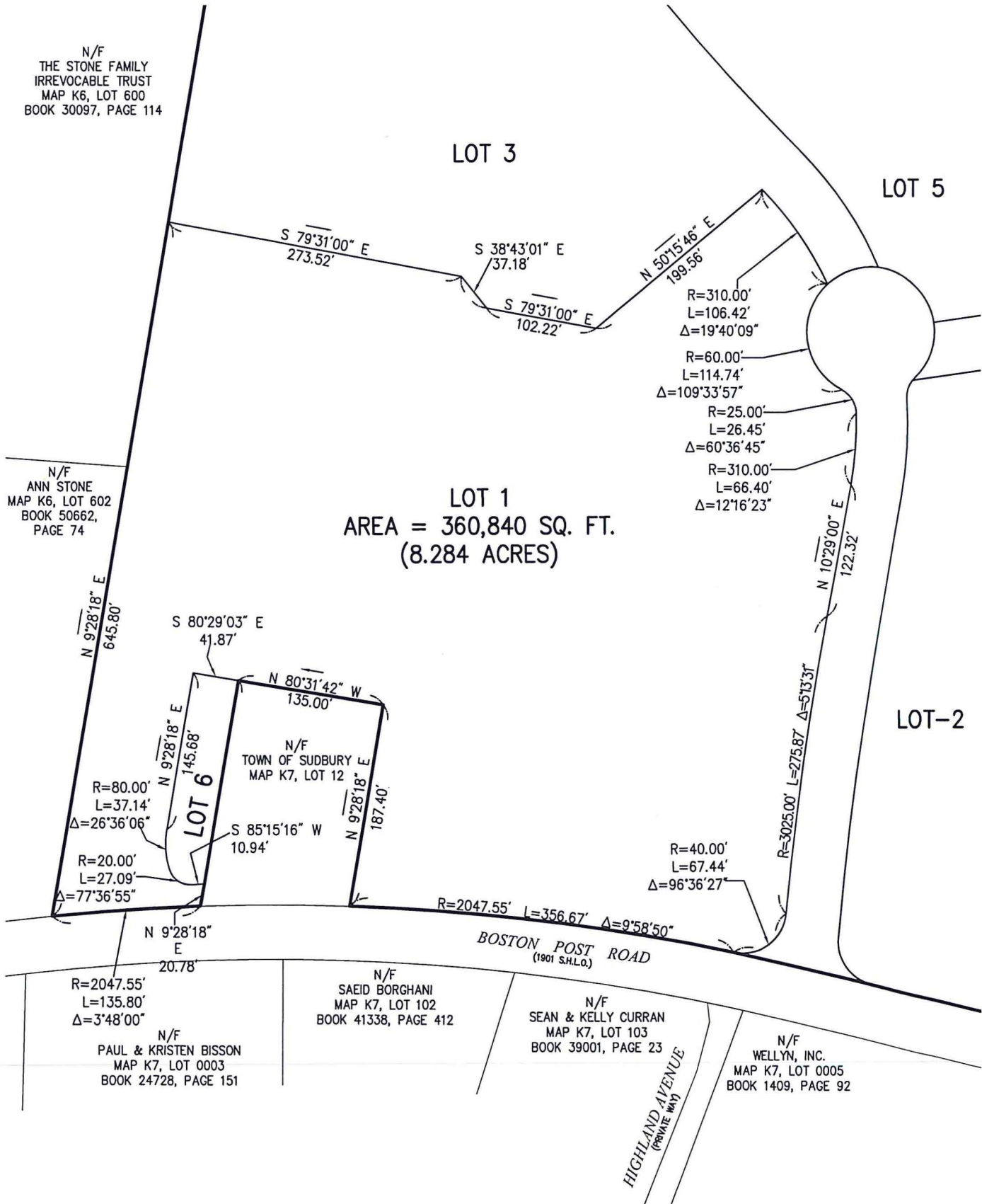
Seal of the Town of Sudbury

Z-1

Attachment 22.a: SB Agenda Request - Go Sudbury! Allocation 210302 (4430 : Allocate \$20K to Go Sudbury! Microtransit Pilot Program)

EXHIBIT B
Land/Easement Conveyance Plan for Future Fire Station

Attachment22.a: SB Agenda Request - Go Sudbury! Allocation 210302 (4430 : Allocate \$20K to Go Sudbury! Microtransit Pilot Program)



0 60 120 Feet

MEADOW WALK
SUDBURY



Boston Post Road
Sudbury, MA

Lot-1 Exhibit

5/23/2016

Packet Pg. 178

EXHIBIT C

Schedule of Developer Contributions in Development Agreement¹

Sec.	Contribution Purpose	Amount	Timing
4.2.a	Contribution towards Development of Recreational Fields	\$500,000	<ul style="list-style-type: none"> \$250,000 (50%) payable prior to issuance of first certificate of occupancy for building within the Retail Component of the Project \$250,000 (50%) payable prior to issuance of certificate of occupancy for the final building within the Retail Component of the Project.
4.2.b	Contribution towards Public Safety	\$850,000	<ul style="list-style-type: none"> Payable prior to the issuance of first building permit within Avalon Sudbury.
4.2.c	Contribution to Senior Center	\$100,000	<ul style="list-style-type: none"> Payable prior to issuance of first building permit for the Project.
4.2.d	Contribution towards Technology for Schools and/or Municipal Buildings	\$850,000	<ul style="list-style-type: none"> \$425,000 (50%) payable prior to issuance of first building permit for the Age-Restricted Housing Component of the Project; \$425,000 (50%) payable prior to the first certificate of occupancy for the Age-Restricted Housing Component of the Project.
4.2.e	Contribution towards Design of Future Fire Station	\$80,000	<ul style="list-style-type: none"> Payable prior to issuance of first building permit within the Project
4.2.f	Contribution towards Sidewalk from CVS to Nobscot Road	\$15,000	<ul style="list-style-type: none"> Payable prior to issuance of first building permit within the Project
4.2.g	Contribution to towards potential comprehensive permit fiscal requirements or other municipal purposes	\$100,000	<ul style="list-style-type: none"> Payable upon issuance of first building permit for Avalon Sudbury

¹ Capitalized terms not otherwise defined herein shall have the meaning as set forth in the Development Agreement. The payments noted in this exhibit are obligations required of the Developer in addition to and not in lieu of the actual tax revenue generated from the Project and the other non-monetary Developer commitments set forth in the Development Agreement, including those additional commitments made in furtherance of a Future Fire Station (i.e., land contribution, sewer/stormwater rights and ongoing obligation of landscape maintenance) and the Route 20 traffic improvements as described therein.



Sudbury Senior Center
Council on Aging
Town of Sudbury, Massachusetts

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

February 25, 2020

MEMORANDUM

TO: Town of Sudbury Select Board
CC: Maryanne Bilodeau, Interim Town Manager
FROM: Sudbury Senior Center Director Debra Galloway

At the Sudbury Council on Aging meeting of July 9, 2019, the COA voted to recommend to the Town of Sudbury Select Board to approve the use of \$20,000 of the Transportation Mitigation Funds for the Transportation Committee Microtransit pilot.

f:\bos\memo to bos re microtransit pilot.doc

**Proposal to Community Compact Cabinet Best Practices Program:
MAGIC Communities' On-Demand Transportation Pilot – *Making the Connections***

Municipal Designation: Town

City or Town Name: Sudbury

Contact: Alice Sapienza, DBA

Contact Phone: 978 443 2878

Contact Email: alicesapienza@verizon.net

Compact Signatory: Robert Haarde

Signatory Title: Chair, Board of Selectmen

Best Practice Area #1: Age and Dementia Friendly Best Practice: “Develop policies and services to improve elder economic security and help people age in community, such as... transportation for non-drivers...”

Are you applying for this best practice with other communities? Yes

Why did you choose this best practice and what assistance would you need to accomplish this best practice?

Why did you choose this best practice?

This application—*Making the Connections*—is submitted by Acton, Bolton, Boxborough, Carlisle, Stow, and Sudbury, acting as lead municipality. We are focusing on seniors, people with disabilities, financially vulnerable residents, and veterans, with the objective of providing them with transportation services to health and community resources as well as economic opportunities. We chose this best practice, because the needs are urgent.

Data from a recently completed community needs assessment in Sudbury revealed:

- 42% of residents with a participation limitation reported they “had missed, canceled, or rescheduled a medical appointment due to lack of transportation.”
- More than a third of residents who are not financially secure are not satisfied with their “ability to get where they want to go.”
- Nearly half of residents 60+ are not satisfied with their “ability to get where they want to go.”
- 29% of those who are not financially secure do not have nearby support.
- 40% of respondents with participation limitations do not know anyone living within 30 minutes on whom they can rely for help when needed.

The town of Carlisle completed a community health needs assessment in 2017, with similar results:

- According to Census data, almost 25% of Carlisle residents age 65 or older have a disability.
- More than 50% of those with a disability noted that they had problems with mobility.

- Nearly 50% of residents did not have a relative nearby to rely upon for help.
- 60% of respondents provided care for someone within the last 12 months
- More than 50% of survey respondents had concerns about the lack of transportation options.
- To improve transportation, the assessment recommended exploring pooling of resources and funding opportunities.

Data from recent community health assessments in the town of Acton illustrate the same challenges. The lack of access to transportation is a significant barrier to seniors and especially to the most vulnerable (including seniors), who experience limited access to food pantries and grocery stores; to employment opportunities; to medical services; and to social opportunities. More than 20% of Acton households earn less than \$50,000 per year, and nearly 25% of households qualify for state-aided housing. The three most critical needs facing veterans are financial stability, ability to manage money, and transportation, primarily to employment opportunities.

In addition, domestic violence reports in Acton and Boxborough are higher than in other area towns. Although victims benefit from a strong partnership between the police departments and the Domestic Violence Services Network (DVSN), victims lack transportation to jobs and to the court house; to legal and immigration assistance; and to secure housing.

In the Minuteman Advisory Group on Interlocal Coordination (MAGIC) region more generally, between 11% and 27% of residents are 65 years of age or older; in 2030, this will jump to between 14% and 36%. Area Agencies on Aging (AAA) report the top unmet need is transportation for medical, social, recreational, and other requirements. Data on residents with disabilities are assumed to map recent Centers for Disease Control and Prevention (CDC) data: (1) 60% of adults 65 years and older report at least one basic action difficulty or complex activity limitation; (2) about 15% of adults report hearing trouble; and (3) about 9% of adults report vision trouble. Cognitive disability among seniors in the region averages 15%, and several towns are characterized as “vulnerable” according to the CDC’s Social Vulnerability indices for disability and transportation.

Recognizing the regional importance of the above transit needs, MAGIC towns voted in 2018 that Metropolitan Area Planning Council (MAPC) provide technical assistance to determine what types of on-demand transit might meet the needs of the communities, and provided up to \$10,000 from their common fund for this work. It should be emphasized that, in April 2018, all MAGIC towns were admitted to the AARP Age and Dementia Friendly Network and committed to focus initially on housing and transportation initiatives.

What assistance would you need to accomplish this best practice?

A unique challenge this pilot seeks to address is that in rural towns (and certain areas of suburban communities) transportation planning and service provisions face variable and generally

sparse population density. Commuting for non-drivers and access to jobs, social activities, community meetings, socializing, and places of worship in evenings and on weekends are difficult. The above data illustrate that the target population is at risk of isolation, loss of work, reduced access to medical care, etc. The rural towns offer no public transportation; in other towns, parking for commuter rail is constrained; and in most towns there are few walking/wheelchair routes from residences to likely destinations.

Using data from this pilot, we intend to (1) explore the future applicability of shared microtransit platforms to optimize transit programs and regional cooperation in the larger MAGIC subregion of the MAPC, and (2) ensure the sustainability and continuous improvement of regional transportation, particularly to our most needy residents. By adopting new and useful ride-hailing technologies in a three-RTA region, we overcome the hurdle of providing and funding inter-RTA transportation.

Our pilot is designed to collect demand data to help regional transit authorities provide effective and cost-efficient services where possible. By partnering with vehicle providers that utilize appropriate dispatch and operational software, the collaborating communities will finally be able to quantify such data as ride numbers, destinations, points of origin, time, etc. At the end of the pilot, we expect to identify potential hubs and fixed route services that regional transit authorities could serve economically and, at the same time, increase equity and inclusiveness as features of age and dementia friendly communities.

To accomplish our goals, we are seeking \$80,000 to support four major tasks:

Task 1. Coordination: The pilot will be governed by a steering committee composed of representatives from each participating community, as well as from Cross Town Connect. Regional transit authorities – including MetroWest RTA and Lowell RTA, which provide senior and fixed route public transit in portions of the area, and representatives from the Massachusetts Bay Transit Authority (MBTA), which provides commuter rail services in the area, will be invited to participate. MAPC will provide technical expertise. This committee will meet regularly and, at the start of the pilot, will:

- Identify “small win” options within and across towns addressing priority needs, pressing gaps, and key preferences.
- Determine target subgroups, geographic coverage, eligible pickup locations and destinations, days, hours, etc., and rider eligibility requirements.
- Develop policies, including interjurisdictional agreements among participating municipalities (likely in the forms of memoranda of agreements) and, with MAPC, determine clear roles among the agencies.
- Procure project manager to oversee daily operations of the pilot.
- Create a list of possible taxi, bus, livery providers and intersections with Council on Aging and RTA services (see Task 2).

- Describe same-day, door-to-door options in detail.
- Outline Plan/Do/Study/Act (PDSA) continuous quality improvement policies and processes for each option. This includes marketing and outreach plans to help spread the word of the new services.

Implementation of this pilot will help fill gaps in existing public transit services within the MAGIC subregion for daily needs such as medical trips, employment, and social services, as well as connections to existing transit and paratransit services. The steering committee will establish policies informing rules for trip eligibility, rider eligibility, geographic guidelines (eligible trip origins, destinations, etc.), time of day rules, and maximum trip lengths and subsidies. A major objective is to find ways to extend the reach of existing transit services (local shuttles, buses, and commuter rail), and particularly serve areas without transit service, and *not* switch transit trips to ride-hailing. Implementation will include coordination with area RTAs and Councils on Aging and surveys of pilot participants to ensure the program provides additional coverage and not shift riders from existing services. As needed, the pilot will always be subject to modification of implementation policies and practices, to ensure it meets program goals.

Task 2. Procurement: After the goals, policies, metrics, and geography have been established, a request for proposals will be developed and opened to transportation and technology providers, to populate the pilot program. The procurement process will include a requirement for one or more of the vendors to provide wheelchair accessible vehicles, ensuring that persons with disabilities have service. The procurement process will also require the provision of multiple modes of requesting services (e.g., smart device app, internet, telephone, walk-up), including possible concierge service, in which a local organization takes care of securing rides for individuals who require that level of assistance. The steering committee will provide input into the procurement process and members will be involved in the selection process of the preferred vendor. MAPC will provide technical assistance in the procurement process and in best policies and best practices on contracting terms.

Simultaneous with procurement, the steering committee (in whole or in designated part) will:

- Explore voucher, gift certificate, bundling options, sponsorships, etc., to support rides and help ensure future sustainability in the towns.
- Compile, from stakeholder management activities, likely demands or opposition; assess, craft responsive strategies; assign implementation responsibility.
- Assign PDSA oversight responsibility for options. This will entail continuous STUDY of real time outcomes using established measures and modifying parameters as needed (ACT), to improve.
- Craft policies to assure continuity and effectiveness of documentation and communications.

Task3. Implementation of Pilot and Monitoring of Progress: As noted above, a Plan/Do/Study/Act process of continuous improvement will assure real-time effectiveness and efficiency. Because of the latter process, data sharing on rides, including origins and destinations, time of day, trip types, and costs are important components, and a data sharing agreement will be a key portion of the contract with the vendor. Given the importance of the customer in transit endeavors, rider surveys and other forms of feedback will be instituted. MAPC will provide additional technical support on the data analysis and rider surveys, along with steering committee members with quality improvement expertise.

Task 4. Pilot Assessment and Development of Future Initiatives: At the end of the pilot (year 2), the steering committee will review data from all PDSA documentation, provide summary analytics, and compile lessons learned. The data on trip demands will be a critical input to developing future initiatives that will close gaps for regional residents by improving the effectiveness and efficiency of (1) existing Cross Town Connect services, (2) CoA senior transportation, and (3) RTA services, likely in the form of a future microtransit initiative and revised ride-hailing partnerships.

As noted above, MAPC will provide technical assistance and will provide required staff time using its existing resources. Specific new expenditures required for this pilot are the following (total: \$80,000):

- Project manager (part time), to manage initiative tasks and subtasks, reporting to the steering committee. Because this is a multi-jurisdictional pilot, it is vital to have one individual identified as responsible for day-to-day operations. This individual will work with the steering committee as a whole and with each individual participating municipality on rider and trip eligibility, cost sharing arrangements, and provide assistance in booking trips and monitoring the data to ensure the pilot is meeting its goals. The eligible project manager will be an individual with municipal and transportation operations expertise. While this individual will likely be a municipal employee or contractor with one of the participating municipalities, we expect this individual will have several temporary spaces from which to work and travel among the towns. *Cost: \$45,000, to cover labor and travel expenses.*
- Marketing and outreach staff for the towns. In these rural communities, many of the proposed transportation services are new. To ensure effectiveness of the pilot, research shows that communication, advocacy, and customer support are vital. Although printed materials and social media will be an important component, we propose having individuals who know and understand riders and can provide help as needed to serve as community advocates. Some advocates may live in affordable developments in the towns; others may be retired seniors active in their communities. They can help book trips, coordinate with the vendors, and (under supervision of the project manager) compile customer input

Sapienza, 3/27/19

for the steering committee. *Cost: \$15,000 to support part time labor, plus travel, printing, and other direct costs.*

- Matching subsidies. The towns involved in the pilot are expected to seek their own subsidies in the form of donations, mitigation funds, Community Health Needs Assessment funds, etc. However, as experience is gained in the implementation, additional funds may be necessary. We have prepared estimates of ride-hail ride costs (based on the CAR experience) and weekly numbers of rides, based on several subsidy assumptions. *Cost: \$20,000 to supplement town subsidy funds.*

Additional details for this application may be found in the following documents:

“Efficiency and Regionalization grant (ERG) proposal 2.15.19 final”

“MAGIC Mobility Grant Proposal Exhibit 1”

“MAGIC Mobility ERG Budget 2019 February 15”

“MAGIC Mobility ERG Schedule 2019 February 15”