



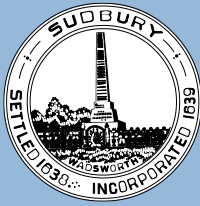
SUDBURY SELECT BOARD
TUESDAY JULY 26, 2022
7:00 PM, ZOOM

Item #	Time	Action	Item
	7:00 PM		CALL TO ORDER
			Opening remarks by Chair
			Reports from Interim Town Manager
			Reports from Select Board
			Public comments on items not on agenda
MISCELLANEOUS			
1.		<i>VOTE</i>	Discussion and possible vote whether to approve petition by Cellco Partnership, d/b/a Verizon Wireless, for the installation of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on an unmarked utility pole on Boston Post Road, as shown on plans included herewith.
2.		<i>VOTE</i>	Discussion and vote whether to approve petition by Cellco Partnership, d/b/a Verizon Wireless, for the installation of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on utility pole number #119S on Boston Post Road, as shown on plans included herewith.
3.		<i>VOTE</i>	Discussion on Diversity, Equity & Inclusion (DEI) Commission and possible vote to make it a permanent commission.
4.		<i>VOTE</i>	Discussion and possible vote on whether to continue the use of chat & Q&A functions in Town committee Zoom meetings.
5.		<i>VOTE</i>	Acknowledge and discuss Open Meeting Law Complaint against the Select Board, and Lisa Kouchakdjian, filed by Mr. John Baranowsky and dated July 15, 2022; review and discuss response to complaint; votes may be taken.
6.		<i>VOTE</i>	Discussion on Town Manager Search Firm process and Select Board August and September meeting schedule
7.		<i>VOTE</i>	Review the Select Board Summer 2022 Newsletter articles and approve for distribution.
8.		<i>VOTE</i>	Vote that the Select Board delegate the authority given to them in Section 13 of Chapter 92 of the Acts of 2022 to detail a sufficient number of police officers for each building that contains the polling places for one or more precincts at every election therein to

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. Some items may be taken out of order or not be taken up at all. The Chair will strive to honor timed items as best as possible, however, the estimated timing may occasionally be inaccurate.

Item #	Time	Action	Item
			preserve order and to protect the election officers and supervisors from interference with their duties and to aid in enforcing the laws relating to elections to the Chief of Police or a police department designee for all future elections.
9.		<i>VOTE</i>	Vote to review and possibly approve the open session minutes of 5/31/22.
10.			Public Comments (cont)
11.			Upcoming agenda items
CONSENT CALENDAR			
12.		<i>VOTE</i>	Vote to grant a special permit to Bikes Not Bombs to hold the “35th Annual Bike-A-Thon” on Sunday, Sunday September 11, 2022, from 11:00 A.M. through approximately 3:00 P.M., with a rain date of Sunday, September 27, 2022, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.
13.		<i>VOTE</i>	Vote to grant a special permit to Myke Farricker, Committee Co-Chair, to hold a “Ride to Defeat ALS” bike ride on Sunday, September 18, 2022, from 7:00 a.m. through approximately 3:00 p.m., following the same route as in previous years, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.
14.		<i>VOTE / SIGN</i>	To approve execution by the Interim Town Manager of a Charter Transportation Agreement between the Town and First Student, Inc. for Sudbury student transportation services to and from vocational schools for the period September 1, 2022 through June 23, 2023, with extensions as may be agreed by the parties.
15.		<i>VOTE / SIGN</i>	That the Board vote to accept a deed to “Parcel A” being land off Brimstone Lane, to be held under the care, custody, management and control of the Conservation Commission, and to convey “Lot 8” being land off Brimstone Lane, both as shown on an Approval Not Required Plan dated April 8, 2022, and that the Chair be authorized to execute any documents or instruments necessary to effectuate the exchange of land.

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. Some items may be taken out of order or not be taken up at all. The Chair will strive to honor timed items as best as possible, however, the estimated timing may occasionally be inaccurate.



SUDBURY SELECT BOARD
Tuesday, July 26, 2022

MISCELLANEOUS (UNTIMED)

1: Verizon petition for small cell pole attachment (unmarked)

REQUESTOR SECTION

Date of request:

Requestor: Verizon

Formal Title: Discussion and possible vote whether to approve petition by Cellco Partnership, d/b/a Verizon Wireless, for the installation of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on an unmarked utility pole on Boston Post Road, as shown on plans included herewith.

Recommendations/Suggested Motion/Vote: Discussion and possible vote whether to approve petition by Cellco Partnership, d/b/a Verizon Wireless, for the installation of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on an unmarked utility pole on Boston Post Road, as shown on plans included herewith.

Background Information:
attached petition and dept feedback

Financial impact expected:

Approximate agenda time requested: 30 minutes

Representative(s) expected to attend meeting: Paula Foley, others from Verizon

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

07/26/2022 7:00 PM

15 Chestnut Street, 4th Floor
Worcester, MA 01609

Paula Foley
Network Real Estate / Regulatory

June 2, 2022

Office of Town Manager and Select Board
Town of Sudbury
Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA
2022 JUN -2 P 1:16

Re: Petition of Cellco Partnership d/b/a Verizon Wireless ("Verizon") for
Pole Attachment of Small Cell Communications Equipment:
SUDBURY_SC01_MA, Boston Post Road, Pole unmarked

Dear Town Manager and Honorable Members of the Select Board:

Enclosed please find a Petition to the Honorable Sudbury Select Board for permission to attach, maintain and operate small cell communications equipment on a utility pole located in the public right-of-way (the "Petition"). The proposed small cell equipment installation included with this petition is to be located on an existing utility pole located on Boston Post Road across from the Sudbury Fire Department Station 2.

Verizon's radio frequency engineers targeted the proposed location due to the high traffic and data demands on Verizon's network in the area. Verizon's existing macro and small cell sites are not providing adequate data capacity in this location due to population, vehicular traffic, multiple wireless devices being used simultaneously and other contributing factors. This small cell site will work to offload the demand of the macro sites and will allow for increased data capacity and speed within the vicinity of the proposed small cell location.

The small cell equipment will be installed using standard commercially acceptable methods in accordance with all applicable federal, state and local laws and regulations. The proposed attachment is to a utility pole jointly owned by Eversource and Verizon. Verizon has entered into a pole attachment agreement with Eversource and is authorized to attach its wireless facilities to the pole.

As shown on the attached detailed plans, the small cell installation on the utility pole will include fiber optic cables, an unobtrusive top-mount antenna measuring 35.4" in height and 14" in diameter; a remote radio head unit, conduits and cable protectors, and an electric meter with a shut-off switch. The attached plans show the proposed location, pole height, mounting height, equipment specifications and utility plan.

Without this installation, Verizon would be unable to provide specifically established coverage and capacity objectives. The utility pole is located within the limited

verizon^v

Attachment1.a: Verizon Petition for Pole Attachment (5347 : Verizon petition for small cell pole attachment (unmarked))

geographic area where Verizon's radio frequency engineers determined that a wireless facility is required.

The Telecommunications Act of 1996

The Telecommunications Act of 1996 (the "Act") imposes restrictions affecting the standard for granting the requested relief, specifically (1) no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas or other wireless facilities in any particular geographic area, see 47 USC § 332(c)(7)(B)(i); (2) local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent service, see 47 USC § 332(c)(7)(B)(i); (3) health concerns may not be considered so long as emissions comply with the applicable standards of the FCC, see 47 USC § 332(c)(7)(B)(iv); and (4) decisions must be rendered within a reasonable period of time, see 47 USC § 332(c)(7)(B)(ii). The presumptively reasonable period of time established by the FCC in this instance is 60 days from the submission of a complete Petition, see 47 CFR § 1.6003(c)(1)(i).

Accordingly, under Massachusetts General Laws Chapter 166, Sections 21, 22, 25A, and the Act, Verizon respectfully requests that the Sudbury Select Board issue a Grant of Location Order to install and operate fixtures as specified herein. Verizon respectfully requests that the Petition be added to the Select Board agenda.

In accordance with the filing requirements, please find the following:

1. Petition for Pole Attachment;
2. Site Drawing;
3. Proposed Order; and
4. Authorization from Eversource to attach to the pole.

Verizon looks forward to presenting this Petition to the Sudbury Select Board. Should you require any additional information, please don't hesitate to contact me. Thank you very much.

Very truly yours,

Paula Foley

Paula Foley
Network Real Estate / Regulatory
M: 508.269.0172
Paula.foley@verizonwireless.com



PETITION FOR SMALL CELL POLE ATTACHMENT

To the Select Board of the Town of Sudbury, Massachusetts

Cellco Partnership d/b/a Verizon Wireless hereby provides a petition to this Honorable Board for the location of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on a utility pole in Sudbury, Massachusetts, as more particularly shown on the plans included herewith.

Pole Location

Pole Location: Boston Post Road - Utility Pole unmarked

Proposed Equipment: Antenna, Remote Radio Heads, AC/DC Converter, associated wires, cables, meter and fiber demark box on a utility pole as shown on the attached Plans titled SUDBURY_SC01_MA prepared by Nexius with a date of 1/17/22

Purpose: To address network coverage and capacity in the immediate area of the subject pole. Offload wireless traffic from macro sites and designed to increase throughput to customers in proximity to the pole.

Respectfully submitted,

PETITIONER:

Cellco Partnership d/b/a Verizon Wireless

Paula Foley

Paula Foley
 Network Real Estate / Regulatory
 15 Chestnut Street, 4th Floor
 Worcester, MA 01609
 M: 508.269.0172
Paula.foley@verizonwireless.com

PREPARED BY:
 (NOT FOR CONSTRUCTION)
 LEASE EXHIBIT

PREPARED BY:
nexius
 TRAYCORN YOUR BUSINESS...PERSONAL WALKERS
 300 A&E OFFICE
 300 A&E OFFICE SUITE 7
 CHESTERFIELD, MA 01024
 1 (978) 923-7965

PROFESSING POWER COMPANY:
EVERSOURCE
 PROFESSIONAL STAMP:

THIS DOCUMENT IS THE DESIGN AND SPECIFICATIONS FOR THE PROPOSED WORK AND IS NOT TO BE USED FOR THE EXCLUSION OR USE OF ANY OTHER PARTY WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CREATOR IS STRICTLY PROHIBITED.

DRAWING SCALES ARE INTENDED FOR 11"x17" SIZE PRINTED MEDIA ONLY. ALL OTHER PRINTED SCALES ARE DEEMED NOT TO SCALE.

REV	DATE	DESCRIPTION	BY
0	01/17/22	FOR REVIEW	AC
1	03/31/22	REV FOR BASE ROOF	AC

SUBMITTALS

SITE INFO:
 SITE NAME:
SUDBURY_SC01_MA
 SITE ADDRESS:
**U/P NO.: UNK
 BOSTON POST ROAD
 SUDBURY, MA 01776**

CHECKED BY:
KB/MA
 DATE:
03/31/22

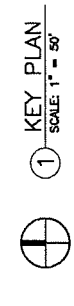
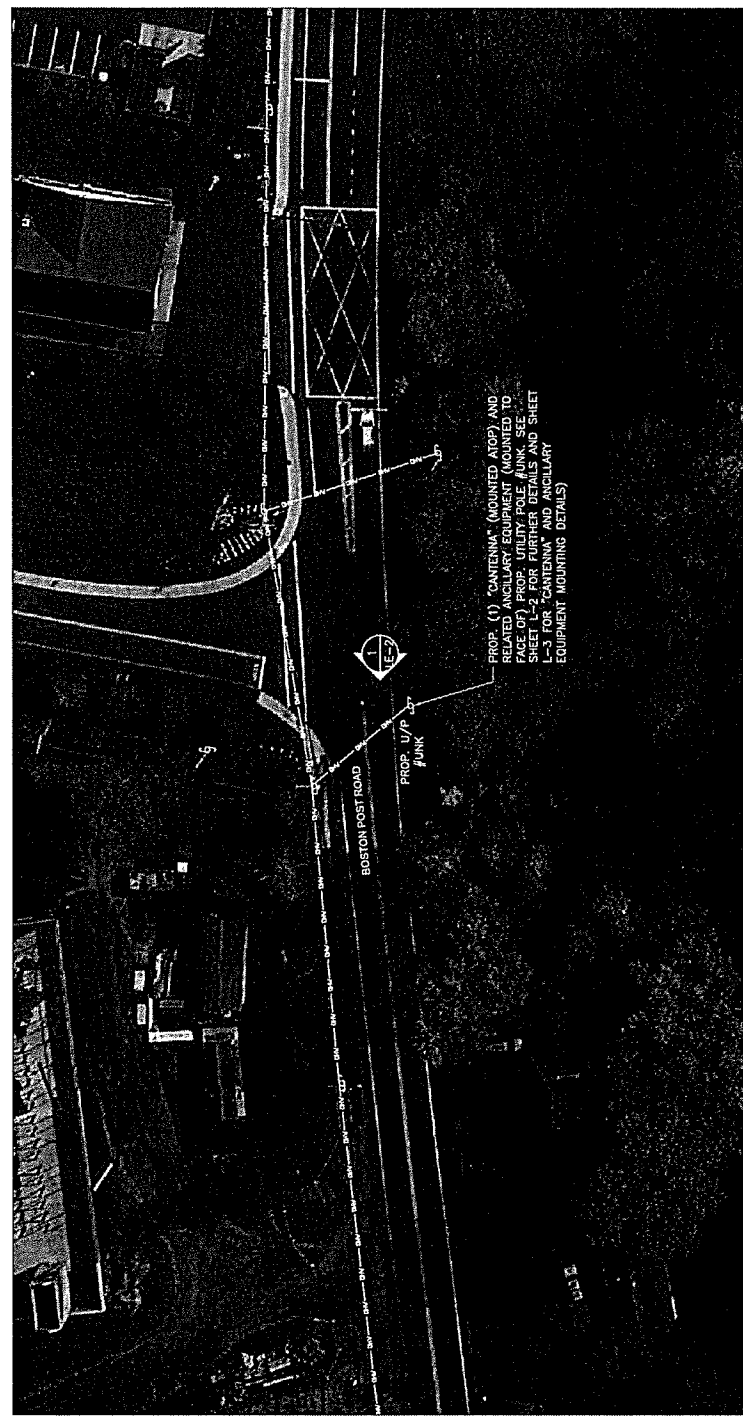
PROJECT NUMBER:
20212313628

SHEET NUMBER:
LE-1

SITE NAME:
SUDBURY_SC01_MA

LOCATION CODE:
706141

SITE ADDRESS:
**UTILITY POLE NO.: UNK
 BOSTON POST ROAD
 SUDBURY, MA 01776**



1 KEY PLAN
 SCALE: 1" = 50'

SHEET NO.	SHEET DESCRIPTION
LE-1	KEY PLAN
LE-2	PHOTO DETAIL & ELEVATION
LE-3	EQUIPMENT PLAN, ANTENNA PLAN & MOUNTING DETAILS
LE-4	ANTENNA & EQUIPMENT SPECS, WIRING DIAGRAM

POLE COORDINATES	LATITUDE (NAD83)	LONGITUDE (NAD83)
	N 42° 21' 37.01"	W 71° 25' 57.85"
GROUND ELEVATION	160' ± A.M.S.L. (NAVD86)	

PREPARED BY:
NEXIUS
 TELECOM YOUR BUSINESS. PERSONAL WIRELESS
 300 APOLLO DRIVE, SUITE 7
 CHILMARK, MA 01924
 1 (978) 923-7865

EVERSOURCE
 PROFESSIONAL STAMP

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REV	DATE	DESCRIPTION	BY
0	01/17/22	FOR REVIEW	AC
1	02/29/22	REV FOR ISSUE READY	AC

SUBMITTALS
 SITE NAME:
SUDBURY_SC01_MA
 SITE ADDRESS:
**U/P NO.: UNK
 BOSTON POST ROAD
 SUDBURY, MA 01776**

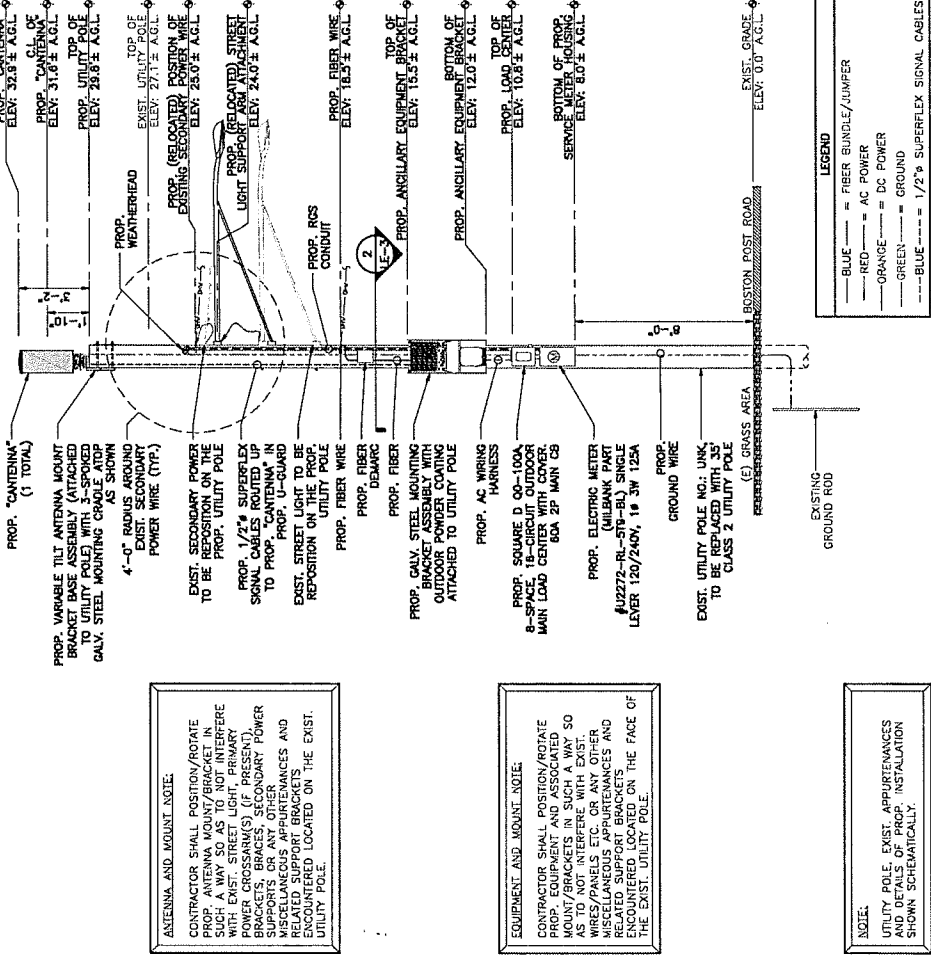
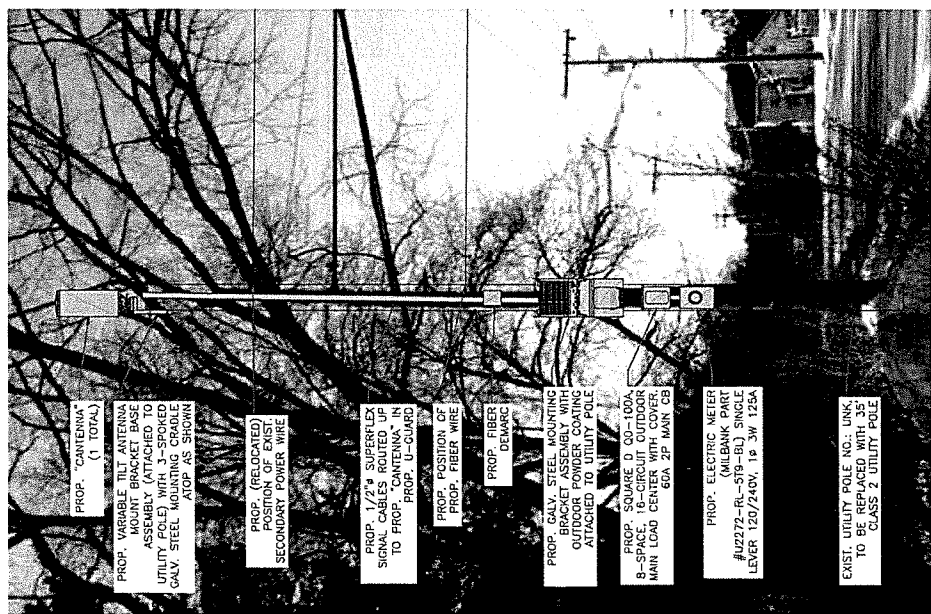
CHECKED BY:
KB/MA
 DATE:
03/31/22

PROJECT NUMBER:
20212313628
 SHEET NUMBER:
LE-2

LEASE EXHIBIT
 NOT FOR CONSTRUCTION

GENERAL NOTES:

- THESE DRAWINGS ARE DIAGRAMATIC IN NATURE AND ARE INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LOCATION, SIZE AND ORIENTATION OF THE PROPOSED WIRELESS TELECOMMUNICATIONS EQUIPMENT INSTALLATION ON THE UTILITY POLE AND ARE NOT SPECIFICALLY INTENDED FOR CONSTRUCTION.
- VERIZON WIRELESS SHALL PLACE WEATHER RESISTANT PHENOLIC PLACARDS ON UTILITY POLE AND ANCILLARY EQUIPMENT TO IDENTIFY EQUIPMENT OWNERSHIP AND CONTACT INFORMATION TO BE UTILIZED IN THE CASE OF EMERGENCY.
- AN ANALYSIS OF THE CAPACITY OF THE EXISTING UTILITY POLE TO SUPPORT THE PROPOSED LOADING HAS NOT BEEN COMPLETED BY NEXIUS AND THUS, THESE DRAWINGS ARE SUBJECT TO CHANGE PENDING THE OUTCOME OF A STRUCTURAL ANALYSIS (TO BE PERFORMED BY OTHERS).
- VERIZON WIRELESS' GENERAL CONTRACTOR SHALL EXTEND EFFORTS TO ENSURE THAT ALL PROPOSED EQUIPMENT MEETS THE REQUIREMENTS OF THE EXISTING UTILITY COMPANY OR COMPANIES CURRENTLY OCCUPYING THE UTILITY POLE AND THE 2017 NATIONAL ELECTRICAL SAFETY CODE.



ANTENNA AND MOUNT NOTE:
 CONTRACTOR SHALL POSITION/ROTATE PROP. ANTENNA MOUNT/BRACKET IN SUCH A MANNER AS TO NOT INTERFERE WITH EXISTING UTILITY POWER BRACKETS (IF PRESENT) SUPPORTS OR ANY OTHER MISCELLANEOUS APPURTENANCES AND RELATED SUPPORT BRACKETS ENCOUNTERED LOCATED ON THE EXIST. UTILITY POLE.

EQUIPMENT AND MOUNT NOTE:
 CONTRACTOR SHALL POSITION/ROTATE PROP. EQUIPMENT AND ASSOCIATED BRACKETS/ASSEMBLIES IN SUCH A MANNER AS TO NOT INTERFERE WITH EXIST. WIRES/PANELS ETC. OR ANY OTHER MISCELLANEOUS APPURTENANCES AND RELATED SUPPORT BRACKETS ENCOUNTERED LOCATED ON THE FACE OF THE EXIST. UTILITY POLE.

NOTE:
 UTILITY POLE EXIST. APPURTENANCES AND DETAILS OF PROP. INSTALLATION SHOWN SCHEMATICALLY.

LEGEND

—	BLUE	FIBER BUNDLE/JUMPER
—	RED	AC POWER
—	ORANGE	DC POWER
—	GREEN	GROUND
---	BLUE	1/2" SUPERFLEX SIGNAL CABLES

ELEVATION
 SCALE: 3/16" = 1'-0"
 GRAPHIC SCALE: 3/16" = 1'-0"

PHOTO DETAIL
 N.T.S.

PREPARED BY:
nexius
 TRANSLATION YOUR BUSINESS - PROVISION WALLACES
 A&E OFFICE
 300 APOLLO DRIVE, SUITE 7
 CHELSEA, MA 02154
 1 (978) 924-7866
 PRESIDING POWER COMPANY.

EVERSOURCE

PROFESSIONAL STAMP:

THIS DOCUMENT IS THE DESIGN AND SPECIFICATIONS FOR THE PROPOSED CELL TOWER. IT IS TO BE USED FOR THE EXCLUSIVE USE OF THE TITLE CLIENT. DUPLICATION OR USE WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CREATOR IS STRICTLY PROHIBITED.

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REV	DATE	DESCRIPTION	BY
0	01/17/22	FOR REVIEW	AG
1	05/21/22	REV. PER IMAE 1007	AG

SUBMITTALS

SITE NAME:
 SUDBURY_SCO1_MA

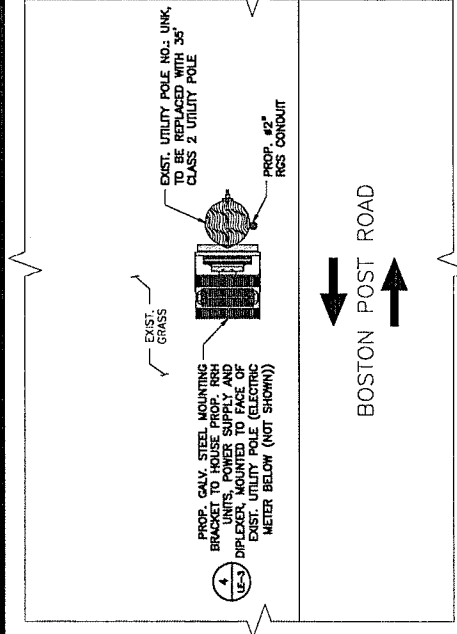
SITE ADDRESS:
 U/P NO.: UNK
 BOSTON POST ROAD
 SUDBURY, MA 01776

CHECKED BY:
 KB/MA

DATE:
 03/31/22

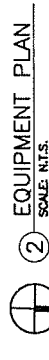
PROJECT NUMBER:
 20212313628

SHEET NUMBER:
LE-3



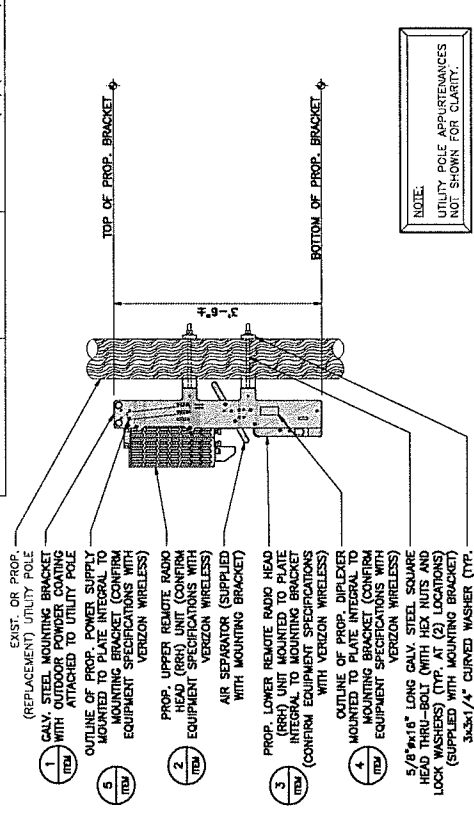
(INDICATES DIRECTION OF VEHICULAR TRAFFIC)

APPROX. NORTH

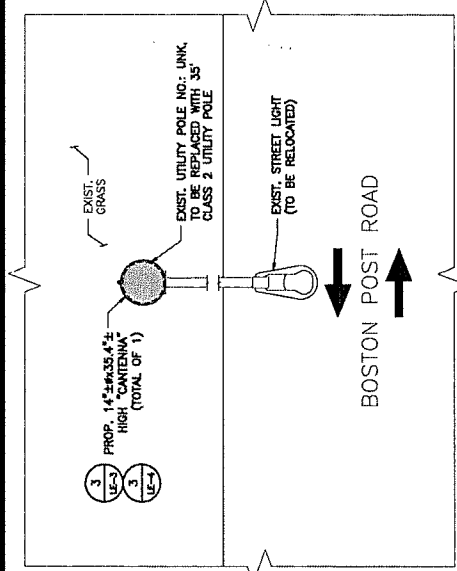


② EQUIPMENT PLAN
 SCALE: N.T.S.

ITEM ID (SEE DETAIL)	DESCRIPTION	WEIGHT (lbs)
1	MOUNTING BRACKET	32.2±
2	UPPER RRH UNIT	102.5±
3	LOWER RRH UNIT	21.4±
4	DUPLEXER	7.6±
5	POWER SUPPLY	25.6±
TOTAL - 189.3± (lbs) (SAT 190 lbs)		



④ EQUIPMENT MOUNTING DETAIL
 N.T.S.



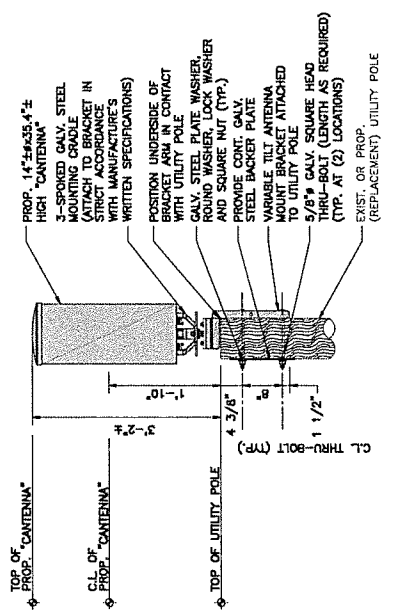
(INDICATES DIRECTION OF VEHICULAR TRAFFIC)

APPROX. NORTH



① ANTENNA PLAN
 SCALE: N.T.S.

NOTE:
 1. CONFIRM DOWNLIT REQUIREMENTS (IF ANY) AND AZIMUTH SPECIFICATIONS WITH VERIZON WIRELESS RF ENGINEER AT THE TIME OF CONSTRUCTION.
 2. VERIFY ALL DIMENSIONS AND CLEARANCES. A WAY TO ENSURE PLUMB INSTALLATION OF "ANTENNA".
 3. UTILITY POLE APPURTENANCES NOT SHOWN FOR CLARITY.



③ ANTENNA MOUNTING DETAIL
 N.T.S.

Attachment 1.a: Verizon Petition for Pole Attachment (5347 : Verizon petition for small cell pole attachment (unmarked))

PREPARED BY:
nexius
TRANSFORM YOUR BUSINESS THROUGH WIRELESS

STATE OFFICE
309 ASH ST., SUITE 7
CHELSEA, MA 01824
1 (978) 923-7885

RESIDING POWER COMPANY.

EVERSOURCE

PROFESSIONAL STAMP

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REV	DATE	DESCRIPTION	BY
0	01/17/12	FOR REVIEW	AC
1	03/01/12	REV. FOR WIRE ROUT	AC

SITE INFO:

SITE NAME:
SUDBURY_SCO1_MA

SITE ADDRESS:
U/P NO.: UNK
BOSTON POST ROAD
SUDBURY, MA 01776

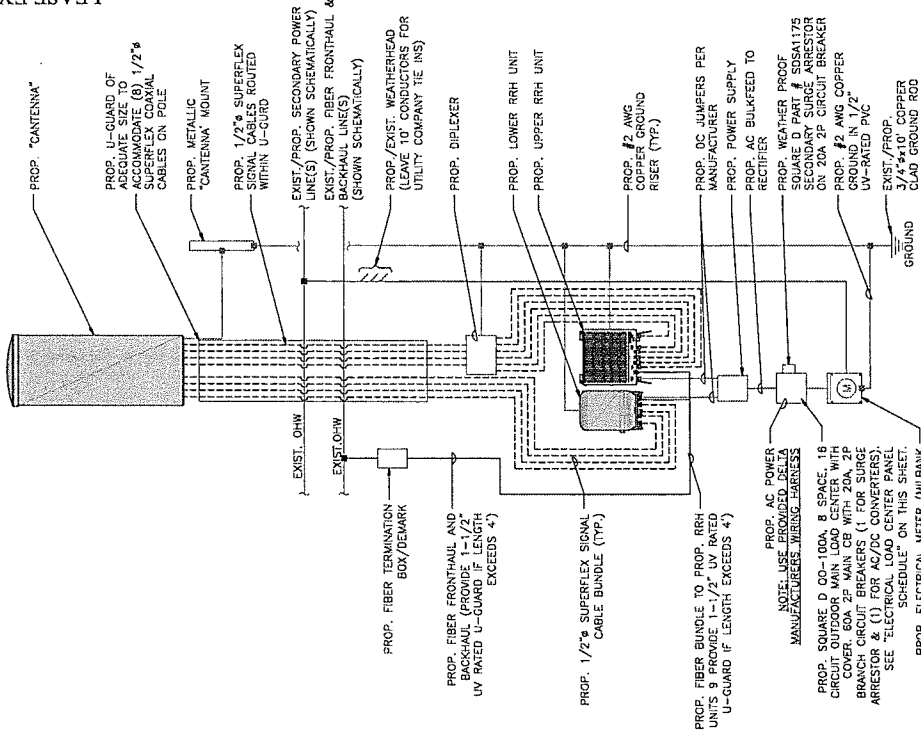
CHECKED BY:
KB/WA

DATE:
03/31/12

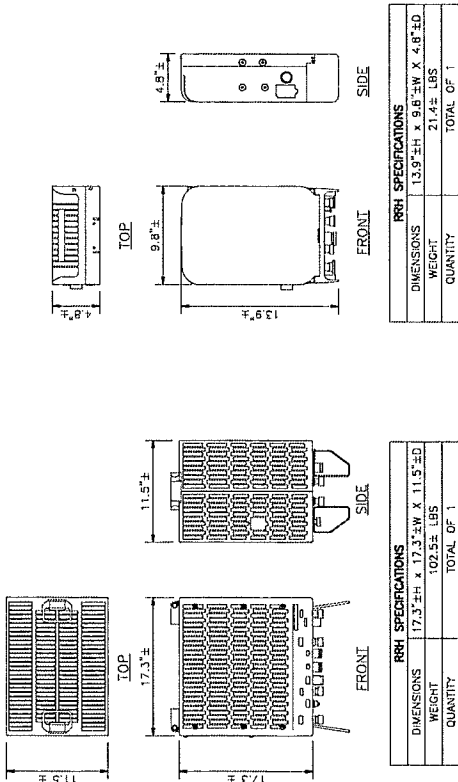
PROJECT NUMBER:
20212313628

SHEET NUMBER:
LE-4

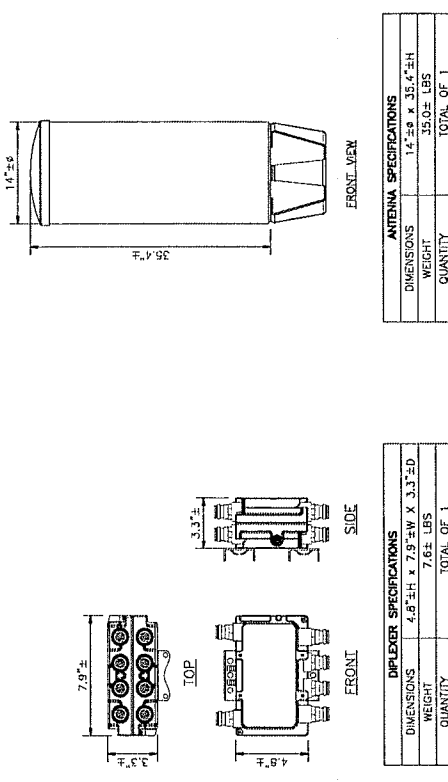
LEASE EXHIBIT
(NOT FOR CONSTRUCTION)



4 GENERAL WIRING DIAGRAM
N.T.S.



1 RRH DETAILS
N.T.S.



3 ANTENNA DETAIL
N.T.S.

2 DIPLEXER DETAIL
N.T.S.

ORDER FOR GRANT OF LOCATION

UNDER MGL c. 166, §§ 22 and 25A

By the Select Board of the Town of Sudbury, Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That Cellco Partnership d/b/a Verizon Wireless (“Verizon”) be and is hereby granted a location for and permission to install and maintain telecommunications wires and wireless attachments and appurtenances, including fiber optic cable, remote nodes and pole-top antenna, to be attached to an existing Eversource / Verizon utility pole located in the Public Right of Way within the Town of Sudbury, as substantially shown on the plans filed with said Petition for SUDBURY_SC01_MA.

The foregoing permission is subject to the following conditions:

See Plans filed with this order.

There may be attached to said pole:

- Antenna;
- Remote Radio Head(s);
- Mounting Brackets;
- Overhead Wires;
- Conduit;
- Cable;
- Diplexer;
- Meter;
- Converter;
- Disconnect; and
- Each sustaining and protecting fixtures as it may find necessary.

I hereby certify that the foregoing was adopted at a meeting of the Select Board of the Town of Sudbury, Massachusetts, held on the _____ day of _____, 2022.

Clerk of Select Board

We hereby certify that on _____, 2022, at _____ o'clock __M., at Sudbury, Massachusetts, a public hearing was held on the petition of Cellco Partnership d/b/a Verizon Wireless for permission to install a small cell wireless antenna, and the necessary sustaining and protecting fixtures on an existing utility pole described in the order herewith recorded, and that we mailed written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the way or parts of ways upon which said Company is permitted to install a small cell wireless antenna, and the necessary sustaining and protecting fixtures on the utility pole under said order and that thereupon said order was duly adopted.

Select Board of the Town of Sudbury,
Massachusetts:

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order, and certificate of hearing with notice adopted by the Select Board of the Town of Sudbury, Massachusetts, on the ____ day of _____, 2022 and recorded with the records of location orders of said Town, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of the General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk

7751757 APPENDIX IV

Form 1

APPLICATION AND POLE ATTACHMENT LICENSE

Licensee Cellco Partnership d/b/a Verizon Wireless
Street Address One Verizon Way, Mail Stop 4A W100
City, State and Zip Basking Ridge, NJ 07920
Date 1/25/2022

In accordance with the terms and conditions of the Pole Attachment Agreement, application is hereby made for a license to make one (1) antenna attachment to pole and one (1) Power Supply(ies) and other attachments located in the municipality of Sudbury in the State of Massachusetts.

This request will be designated **Pole Attachment License Application Number SUDBURYSC01MA-706141. Attached are my power supply specifications if applicable. The cable's strand size is .05 and weight per foot of cable is .02.**

Communication Space

Power / Supply Space

Licensee's Name (Print) Michael Pattison

Signature *Michael Pattison*

EVERSOURCE

Power Company

Title Program Manager

Tel. No. 781-290-9276

Fax No. N/A

E-mail michael.pattison@nexius.com

*******For licensor use, do not write below this line*******

Pole Attachment License Application Number _____ is hereby granted to make the attachments described in this application to _____ attachments to JO¹ poles, 1 attachments to FO² poles, _____ attachments to JU³ poles, _____ Power Supplies and _____ other attachments located in the municipality of _____, in the State of _____ as indicated on the attached Form 3.

Licensor's Name (Print) Richard A. Comeau

Signature *Richard A. Comeau*

(AGREEMENT ID #) Title Manager - Distribution Engineering - Single Pole Administration

Date 5/16/2022

Tel. No. _____

The Licensee shall submit an original copy of this application to Verizon New England Inc. and NSTAR Electric Company d/b/a EVERSOURCE ENERGY.

Attachment1.a: Verizon Petition for Pole Attachment (5347 : Verizon petition for small cell pole attachment (unmarked))

AUTHORIZATION FOR FIELD SURVEY WORK

Licensee: Cellco Partnership d/b/a Verizon Wireless

In accordance with Article III & Appendix I of the Pole Attachment Agreement, following is a summary of the charges which will apply to complete a field survey covering Pole Attachment License Application Number **SUDBURYSC01MA-706141** in the municipality of **Sudbury** in the State of **Massachusetts**.

FIELD SURVEY CHARGES

<u>Field Survey</u>	<u>#Poles</u>	<u>Unit Rate</u>	<u>Total</u>
Field Survey Application Fee (includes 1st pole)	1 pole	\$139.00 \$ <u>139.00</u>
Field Survey 2 -200 Poles	_____	\$ <u>13.45</u> per Pole	\$ _____
Additional Travel Time*	_____	\$ <u>200.00</u> per Day	\$ _____
TOTAL Charges			\$ <u>139.00</u>

* Based on average of 75 poles surveyed per day, add \$200.00 travel time for each additional day required to complete survey.

Please note, if you calculated the cost incorrectly, your check will be returned and a new check for the correct amount must be received by this office in order to schedule the survey. If you need assistance, please call the **HOTLINE** on 800-340-9822. The required field survey covering Pole Attachment License Application # **SUDBURYSC01MA-706141** is authorized. I am enclosing an advance payment in the amount of \$ 139.00.

Licensee's Name (Print) Michael Pattison

Signature Michael Pattison

Title Program Manager

Address 300 Apollo Drive, Chelmsford, MA 01824

Tel. No. 781-290-9276

Date 1/25/2022

Attachment 1.a: Verizon Petition for Pole Attachment (5347 : Verizon petition for small cell pole attachment (unmarked))

FORM 3 Definitions

SURVEYORS: Name of Representative attending Survey from VERIZON, EVERSOURCE, and Licensee

Date of Survey : Date Survey is performed

CWO#: EVERSOURCE Custom Work Order Number

Munic: Municipality where pole is located **State:** State in which pole is located

Licensee Name: Name of Company or Entity applying for Pole Attachments

Exch Code: Verizon's Exchange Code = the Exchange in which the Municipality is located.

Munic Code: EVERSOURCE Municipality Code = the code for the Municipality in which the pole is located (tax purposes).

Application #: The number of the Licensee's Application = sequentially numbered by municipality.

ELCO NAME: The name of the Electric (power) Company in whose service area the pole is located.

Location: List each individual pole (ONE POLE PER LINE) you wish to attach to (multiple sheets may be used) and provide the following:

Street, Route, Circuit # and other information which indicates location of poles.
Indicate location by providing name of street, highway, route, etc., e.g., South Street, north of (N/O) Jones Road. Private Property Poles should be identified as such e.g., P.P. (Lead off pole 1234 South).

Pole #: Tel = Telephone Company pole # El= Electric Company pole #

ATT: Type of Attachment: F = Fiber C= Copper or Coaxial P.S. = Power Supply Riser = Riser Pole

Ownership: JO = Joint Owned 50%-50% Tel-Elco, JU = Joint Use - 100% Tel or 100% Elco, FO = 100% Fully owned by Tel or Elco (Other company not on pole)

Charge: Y or N = Y = Yes, there are make ready charges, N = No, there are no make ready charges to the Applicant.

Work Description: Short description of work operations required.

Task # should also be included and is defined as the number of the task or tasks required for make ready work. The Task # is associated with a Unit Price from the "Make Ready Unit Price Schedule" located in Appendix 1 of the new Pole Attachment Agreement.

Revised 03/06/2015

EVERSOURCE - Work Order Application

FOR KEN KENDRICK:

Customer Request In-Service Date: 1/25/2022 **WO Received Date:** _____
Service Address: Street: U-Pole # Unknown @ Boston Post Road Suite: _____ Town: Sudbury Zip: 01776

Customer Of Record:

Customer Responsible for Payment of Monthly Electric Bills

Name to appear on Monthly Bill: Cellco Partnership (a Delaware Corporation)
 DBA – C/O Name: Verizon Wireless
 Billing Address: P. O. Box 2375, Spokane, WA 99210-2375
 Telephone: 866-322-4547 Tax ID Number: 22-3372889
 Existing Account or Meter Number (if applicable): _____

Property Owner Name (if different from above): Verizon Telephone & EverSource

Owner Address: One Nstar Way – Westwood, MA 02090
 Owner Phone Number: 781-441-3611

Party Responsible for Construction costs associated with work order (if different from above)

Name: Verizon Wireless
 Address: 118 Flanders Road, Westborough, MA 01581
 Phone Number: 508-320-2017

Please Note that Articles of Incorporation are required for new commercial EVERSOURCE Customers

Type of Service Requested: (Circle Appropriate)

New Service Service Upgrade Service Relocation Temporary Service
 Pole Relocation Disconnect/Reconnect Service Removal **Metering Only**
 OH Service from Pole, Pole# : _____ UG Service from; Riser-Pole # : _____ Padmount # : _____

Customer Loading

Brief Description of Work

Type of Load	New Connected Load in KVA	
	Single Phase	Three Phase
Lighting		
Electric heat		
Air Conditioning		
Refrigeration		
Cooking		
Electric Dryer		
Water Heater		
Computer		

Process Equip.	14.4	
Motors/Elevators		
Miscellaneous	X	
Totals		

Attach 1 antenna to Existing U-Pole #unknown at indicated height on LE. In addition attach Converter(s), Rectifier, Router and Disconnect as shown on Lease Exhibit. Attach Coax and Wires as necessary. Will require 60 Amp Single Phase Service.

Number of Meters Required:

Residential: _____ Commercial: _____ Public: _____
 Main Switch Voltage: _____ Amperage: _____ Phase: _____
 Service Voltage: _____ Amperage: _____ Phase: _____
 Facility Type (ie: school, hospital): _____ New Building Square Feet: _____

ALL 480V SERVICES REQUIRE COLD SEQUENCE METERING (DISCONNECT SWITCH ON THE LINE SIDE OF THE METER)

If more than 1 meter is required, how will meters be labeled? (ie: Unit 1, 2, etc, Unit A, B, etc.)

Additional Equipment:

Generator: KW: N/A Phase: _____ Purpose: _____

Attachment 1.a: Verizon Petition for Pole Attachment (5347 : Verizon petition for small cell pole attachment (unmarked))

Motor(S) : Total # : N/A Largest HP: _____ Phase: _____ Locked Rotor AMP: _____

Type of Starting Compensation (choose one): Hard Soft Capacitor VFD

*See Article 802 of EVERSOURCE Information and Requirements Book for Maximum LR current and Three Phase Protection *

Contact Name (circle appropriate):

Customer/Contractor/Consultant: Nexius, Attn.: Matt Granese, Program Mgr.

Street Address: 300 Apollo Drive, Suite 7

City, State, Zip: Chelmsford, MA 01824

Telephone: 617-594-0212

Best Time to Call: 8:30 AM to 5:00 PM

Pager: _____

Fax: _____

Cell: 617-594-0212

Electrician: TBD

License Number: _____

Business Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: _____

Best Time to Call: 8:00 AM to 5:00 PM

Pager: _____

Fax: _____

Cell: _____

Please note that by Interconnecting with the EVERSOURCE Distribution System the Customer of Record acknowledges that they have reviewed and are in compliance with the EVERSOURCE Information & Requirements for Electric Service (Blue Book).

For New Commercial Services, New Residential Developments, New 13.8 kv Two Line Station Electric Service, please provide (2) copies of City/Town approved site plans that illustrates the new facility location and the proposed location of the new utilities (electric, gas, water, sewer, telecommunications) and a One-Line Diagram.

For Service Increases at existing facilities, please submit a One-Line Diagram if available.

For New Residential Services where a pole must be set, please provide (2) copies of a site plan that illustrates the proposed location of the new facilities.

For Temporary Service Requests, please provide (2) copies of a site plan illustrating service location.

You may Fax this Form or mail any additional correspondence to:

EVERSOURCE ENERGY Electric and Gas
One NSTAR Way
Westwood, MA, 02090
Tel: (781) 441 – 3851
Fax: (781) 441-3194
Cell: 339-987-7059
H. Kendrick SW340

FOR NSTAR USE ONLY

EVERSOURCE Revenue Allowance: _____

EVERSOURCE Rate: _____

KVA or KW rating of Existing Loads (if applicable):

Existing Winter Peak Demand: _____

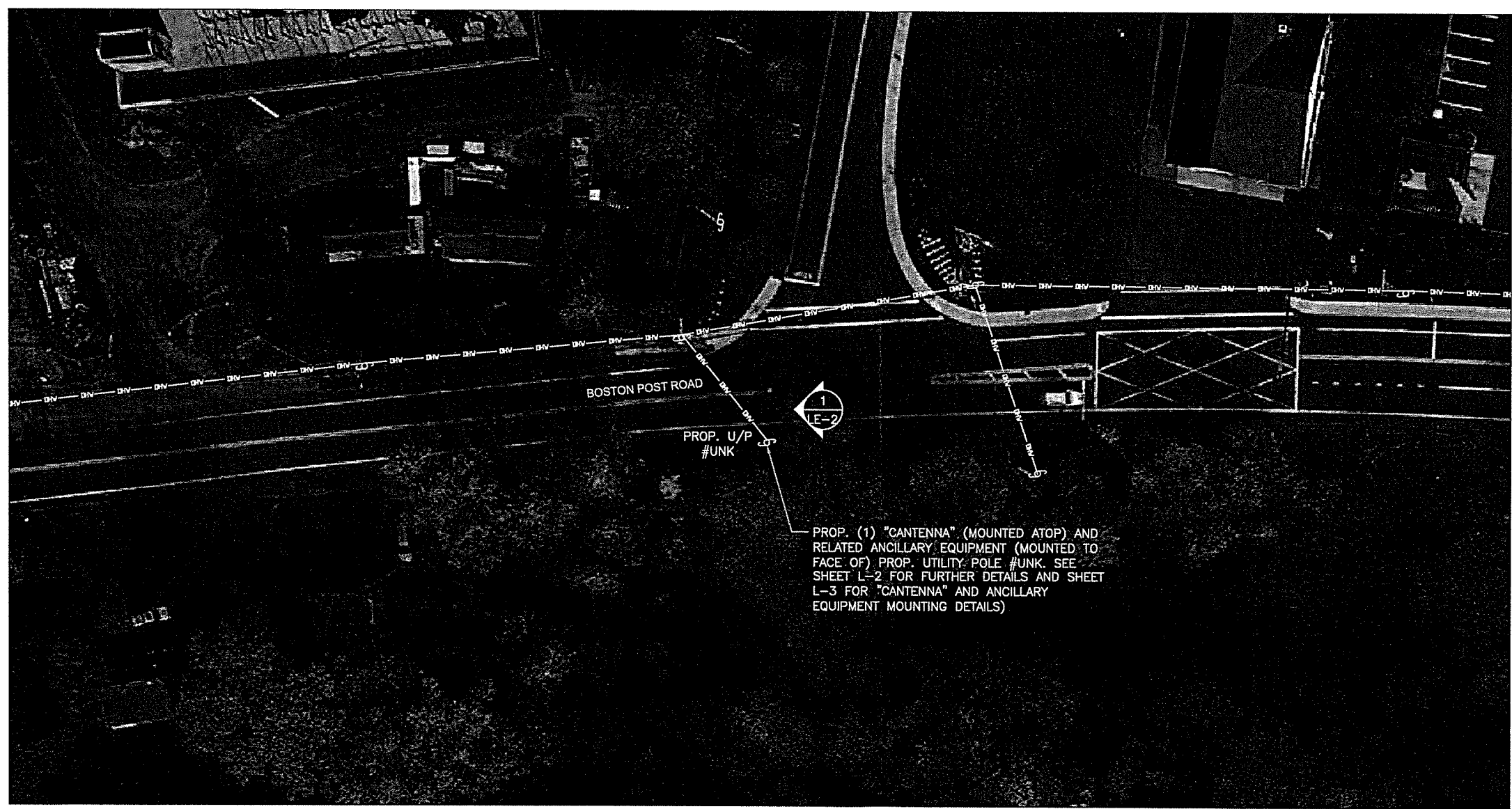
Month/Date/Year: _____

Existing Summer Peak Demand: _____

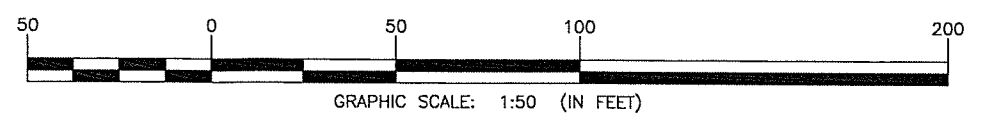
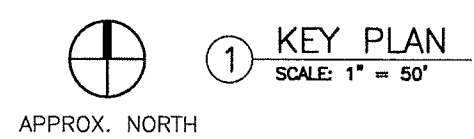
Month/Date/Year: _____

Attachment 1.a: Verizon Petition for Pole Attachment (5347 : Verizon petition for small cell pole attachment (unmarked))

SITE NAME:
 SUDBURY_SC01_MA
 LOCATION CODE:
 706141
 SITE ADDRESS:
 UTILITY POLE NO.: UNK
 BOSTON POST ROAD
 SUDBURY, MA 01776



PROP. (1) "CANTENNA" (MOUNTED ATOP) AND RELATED ANCILLARY EQUIPMENT (MOUNTED TO FACE OF) PROP. UTILITY POLE #UNK. SEE SHEET L-2 FOR FURTHER DETAILS AND SHEET L-3 FOR "CANTENNA" AND ANCILLARY EQUIPMENT MOUNTING DETAILS)



POLE COORDINATES	LATITUDE (NAD83)	LONGITUDE (NAD83)
	N 42.360280° ±	W 71.432736° ±
	N 42° 21' 37.01"	W 71° 25' 57.85"
GROUND ELEVATION	160'± A.M.S.L. (NAVD88)	

SHEET INDEX	
SHEET NO.	SHEET DESCRIPTION
LE-1	KEY PLAN
LE-2	PHOTO DETAIL & ELEVATION
LE-3	EQUIPMENT PLAN, ANTENNA PLAN & MOUNTING DETAILS
LE-4	ANTENNA & EQUIPMENT SPECS, WIRING DIAGRAM

LEASE EXHIBIT
 (NOT FOR CONSTRUCTION)

PREPARED BY:
nexius
TRANSFORM YOUR BUSINESS...THROUGH WIRELESS
 A&E OFFICE:
 300 APOLLO DRIVE, SUITE 7
 CHELMSFORD, MA 01824
 1 (978) 923-7965

PRESIDING POWER COMPANY:
EVERSOURCE

PROFESSIONAL STAMP:

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SUBMITTALS			
REV	DATE	DESCRIPTION	BY
0	01/17/22	FOR REVIEW	AC
1	03/31/22	REV. PER MAKE READY	AC

SITE INFO:
 SITE NAME:
 SUDBURY_SC01_MA
 SITE ADDRESS:
 U/P NO.: UNK
 BOSTON POST ROAD
 SUDBURY, MA 01776

CHECKED BY: KB/AA DATE: 03/31/22

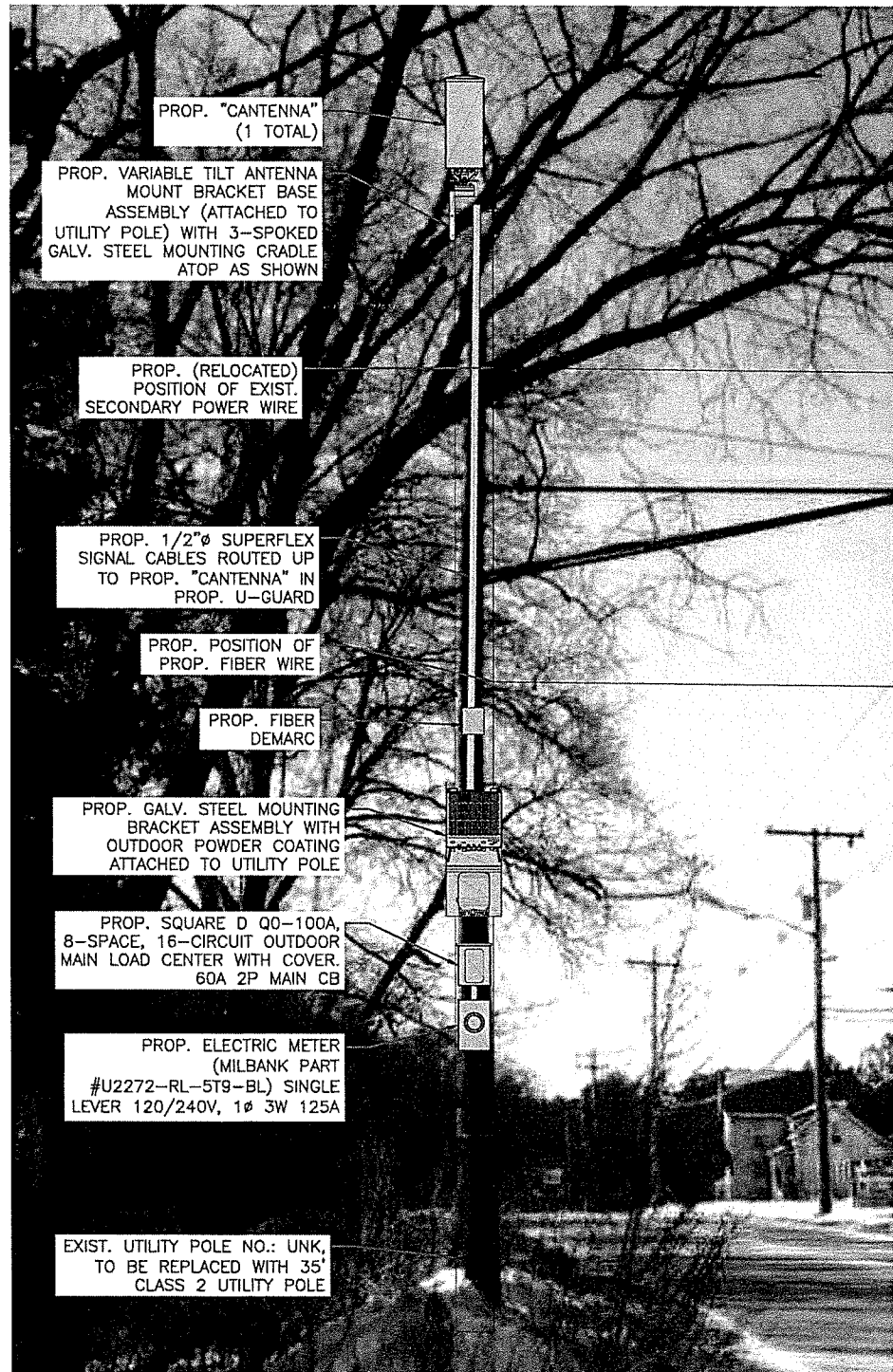
PROJECT NUMBER:
 20212313628

SHEET NUMBER:
LE-1

Attachment1.b: Verizon Petition for Pole Attachment Plans (5347 : Verizon petition for small cell pole attachment (unmarked))

GENERAL NOTES:

1. THESE DRAWINGS ARE DIAGRAMMATIC IN NATURE AND ARE INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LOCATION, SIZE AND ORIENTATION OF THE PROPOSED WIRELESS TELECOMMUNICATIONS EQUIPMENT INSTALLATION ON THE UTILITY POLE AND ARE NOT SPECIFICALLY INTENDED FOR CONSTRUCTION.
2. VERIZON WIRELESS SHALL PLACE WEATHER RESISTANT PHENOLIC PLACARDS ON UTILITY POLE AND ANCILLARY EQUIPMENT TO IDENTIFY EQUIPMENT OWNERSHIP AND CONTACT INFORMATION TO BE UTILIZED IN THE CASE OF EMERGENCY.
3. AN ANALYSIS OF THE CAPACITY OF THE EXISTING UTILITY POLE TO SUPPORT THE PROPOSED LOADING HAS NOT BEEN COMPLETED BY NEXIUS AND THUS, THESE DRAWINGS ARE SUBJECT TO CHANGE PENDING THE OUTCOME OF A STRUCTURAL ANALYSIS (TO BE PERFORMED BY OTHERS).
4. VERIZON WIRELESS' GENERAL CONTRACTOR SHALL EXTEND EFFORTS TO ENSURE THAT ALL PROPOSED EQUIPMENT MEETS THE REQUIREMENTS OF THE EXISTING UTILITY COMPANY OR COMPANIES CURRENTLY OCCUPYING THE UTILITY POLE AND THE 2017 NATIONAL ELECTRICAL SAFETY CODE.

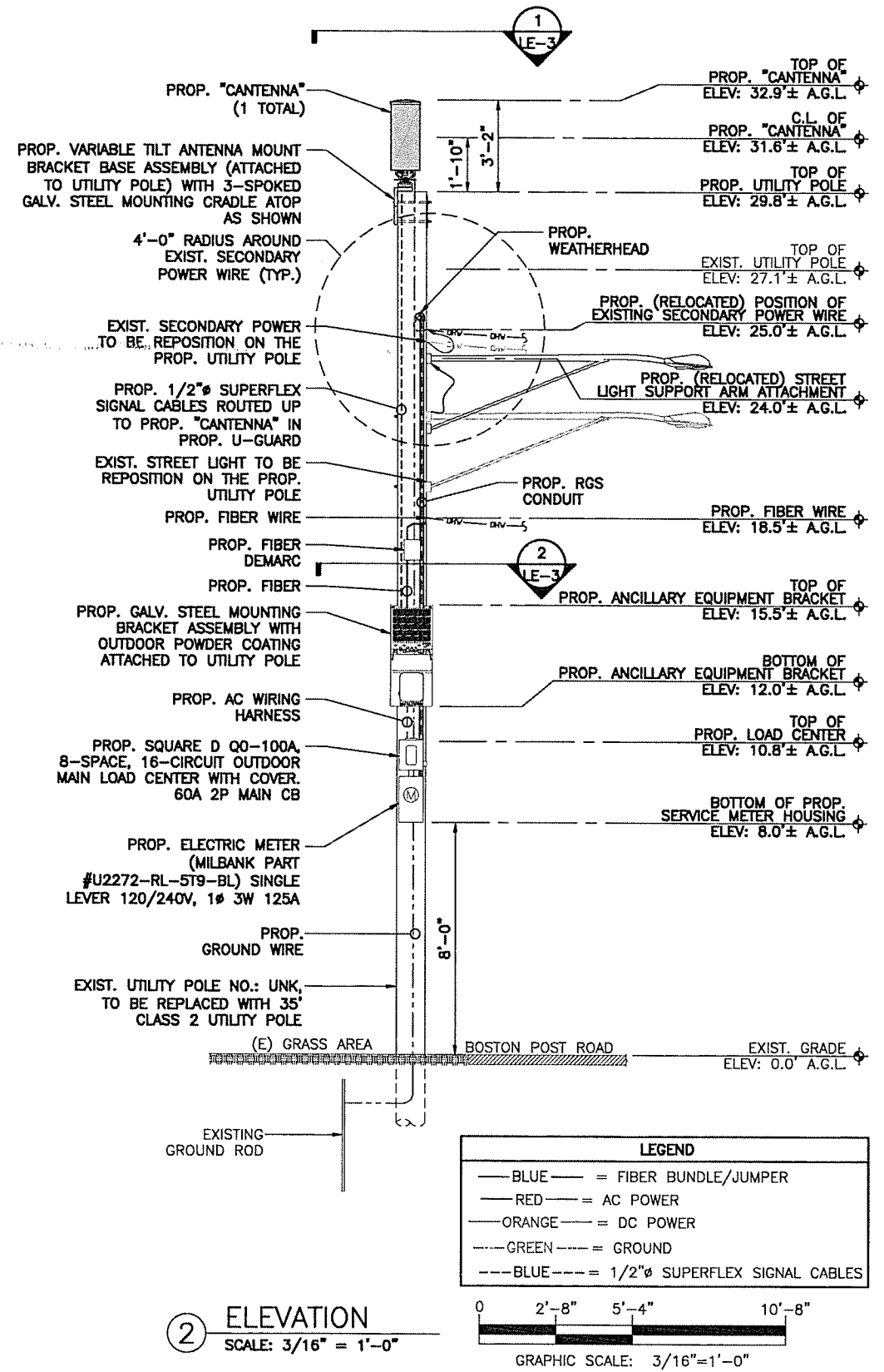


1 PHOTO DETAIL
N.T.S.

ANTENNA AND MOUNT NOTE:
CONTRACTOR SHALL POSITION/ROTATE PROP. ANTENNA MOUNT/BRACKET IN SUCH A WAY SO AS TO NOT INTERFERE WITH EXIST. STREET LIGHT, PRIMARY POWER CROSSARM(S) (IF PRESENT), BRACKETS, BRACES, SECONDARY POWER SUPPORTS OR ANY OTHER MISCELLANEOUS APPURTENANCES AND RELATED SUPPORT BRACKETS ENCOUNTERED LOCATED ON THE EXIST. UTILITY POLE.

EQUIPMENT AND MOUNT NOTE:
CONTRACTOR SHALL POSITION/ROTATE PROP. EQUIPMENT AND ASSOCIATED MOUNT/BRACKETS IN SUCH A WAY SO AS TO NOT INTERFERE WITH EXIST. WIRES/PANELS ETC. OR ANY OTHER MISCELLANEOUS APPURTENANCES AND RELATED SUPPORT BRACKETS ENCOUNTERED LOCATED ON THE FACE OF THE EXIST. UTILITY POLE.

NOTE:
UTILITY POLE, EXIST. APPURTENANCES AND DETAILS OF PROP. INSTALLATION SHOWN SCHEMATICALLY.



2 ELEVATION
SCALE: 3/16" = 1'-0"

LEGEND

- BLUE — = FIBER BUNDLE/JUMPER
- RED — = AC POWER
- ORANGE — = DC POWER
- GREEN — = GROUND
- BLUE --- = 1/2" SUPERFLEX SIGNAL CABLES

0 2'-8" 5'-4" 10'-8"
GRAPHIC SCALE: 3/16"=1'-0"

LEASE EXHIBIT
(NOT FOR CONSTRUCTION)

PREPARED BY:
nexius
TRANSFORM YOUR BUSINESS...THROUGH WIRELESS
A&E OFFICE:
300 APOLLO DRIVE, SUITE 7
CHELMSFORD, MA 01824
1 (978) 923-7965

PRESIDING POWER COMPANY:
EVERSOURCE

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SUBMITTALS

REV	DATE	DESCRIPTION	BY
0	01/17/22	FOR REVIEW	AC
1	03/31/22	REV. PER MAKE READY	AC

SITE INFO:

SITE NAME:
SUDBURY_SC01_MA

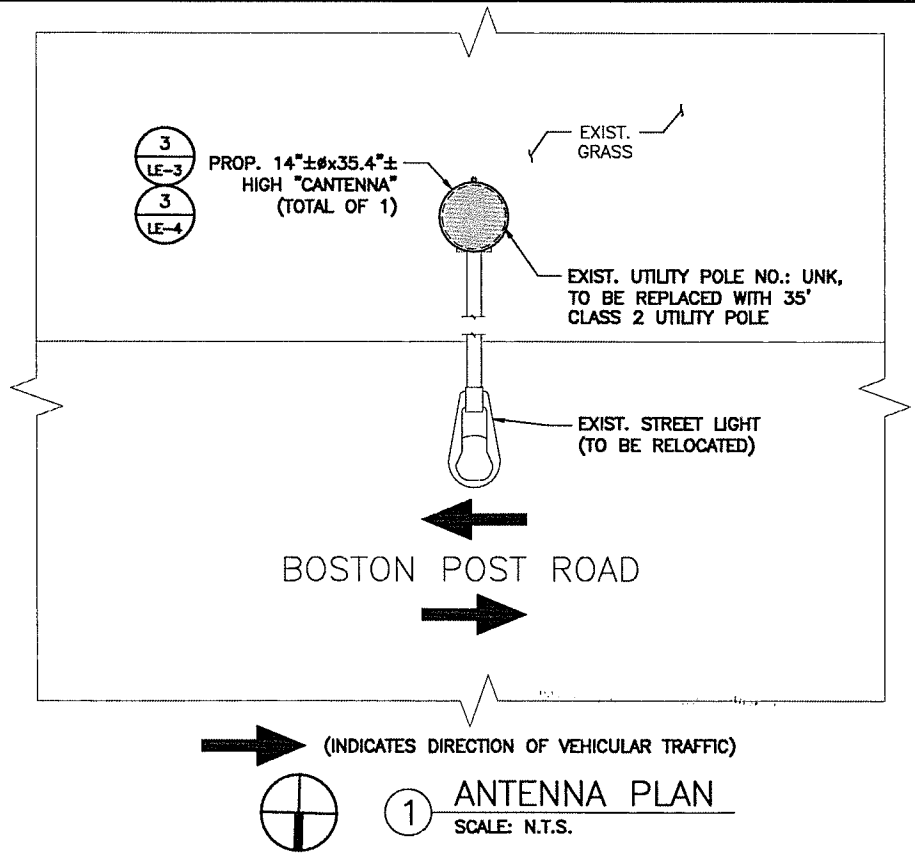
SITE ADDRESS:
U/P NO.: UNK
BOSTON POST ROAD
SUDBURY, MA 01776

CHECKED BY: KB/AA
DATE: 03/31/22

PROJECT NUMBER:
20212313628

SHEET NUMBER:
LE-2

Attachment1.b: Verizon Petition for Pole Attachment Plans (5347 : Verizon petition for small cell pole attachment (unmarked))

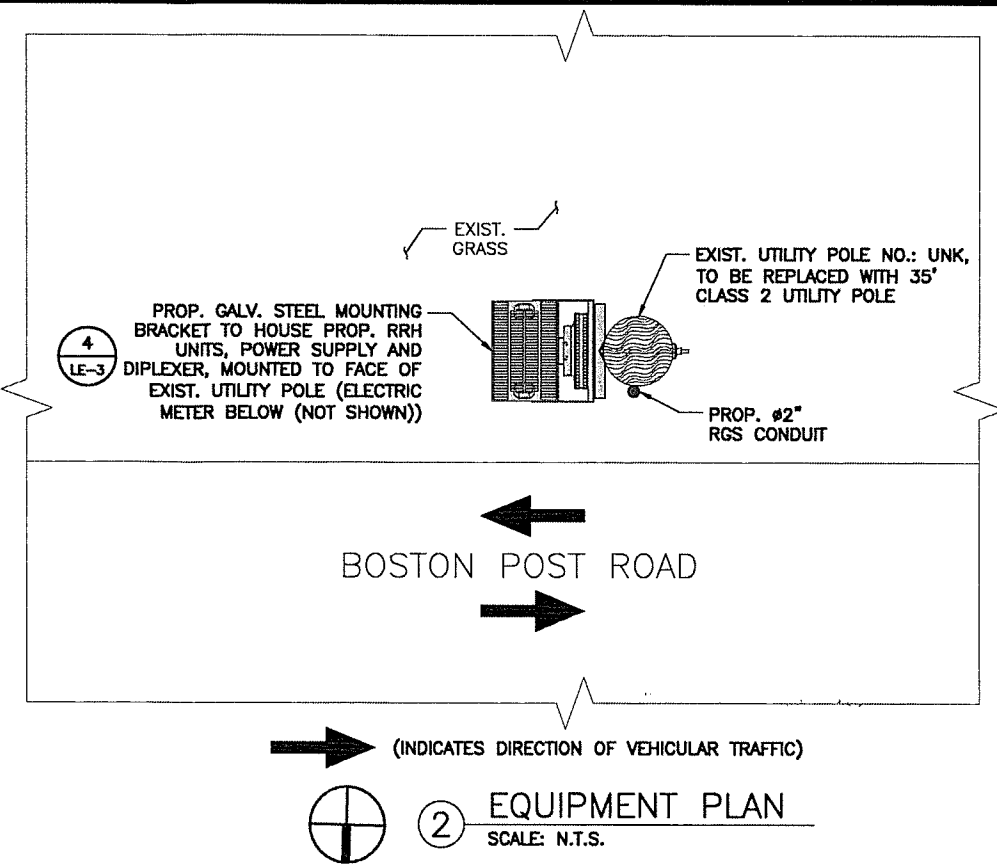


1 ANTENNA PLAN
SCALE: N.T.S.

APPROX. NORTH

NOTE:

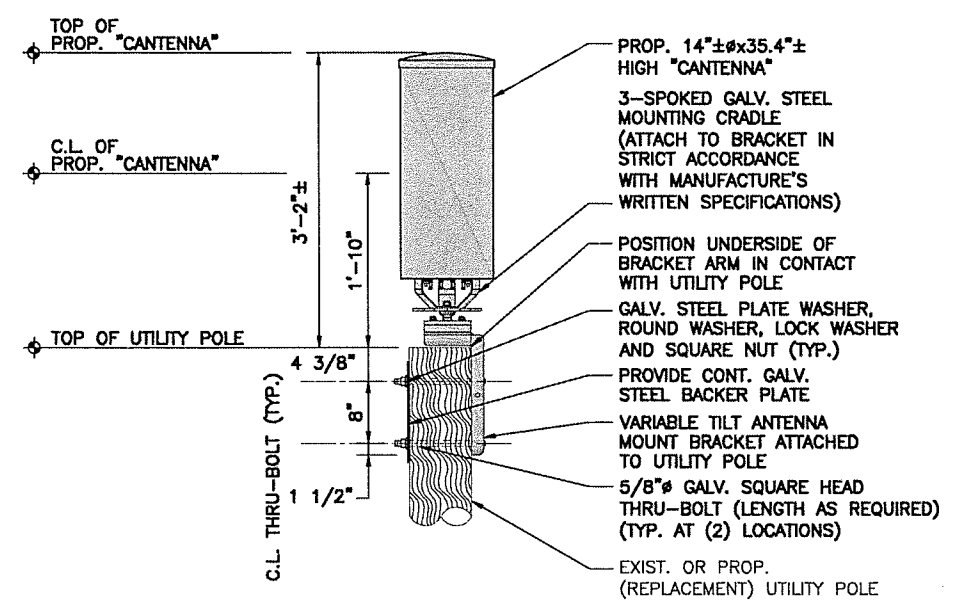
1. CONFIRM DOWNTILT REQUIREMENTS (IF ANY) AND AZIMUTH SPECIFICATIONS WITH VERIZON WIRELESS RF ENGINEER AT TIME OF CONSTRUCTIONS.
2. MOUNT SHALL BE INSTALLED IN SUCH A WAY TO ENSURE PLUMB INSTALLATION OF "CANTENNA".
3. UTILITY POLE APPURTENANCES NOT SHOWN FOR CLARITY.



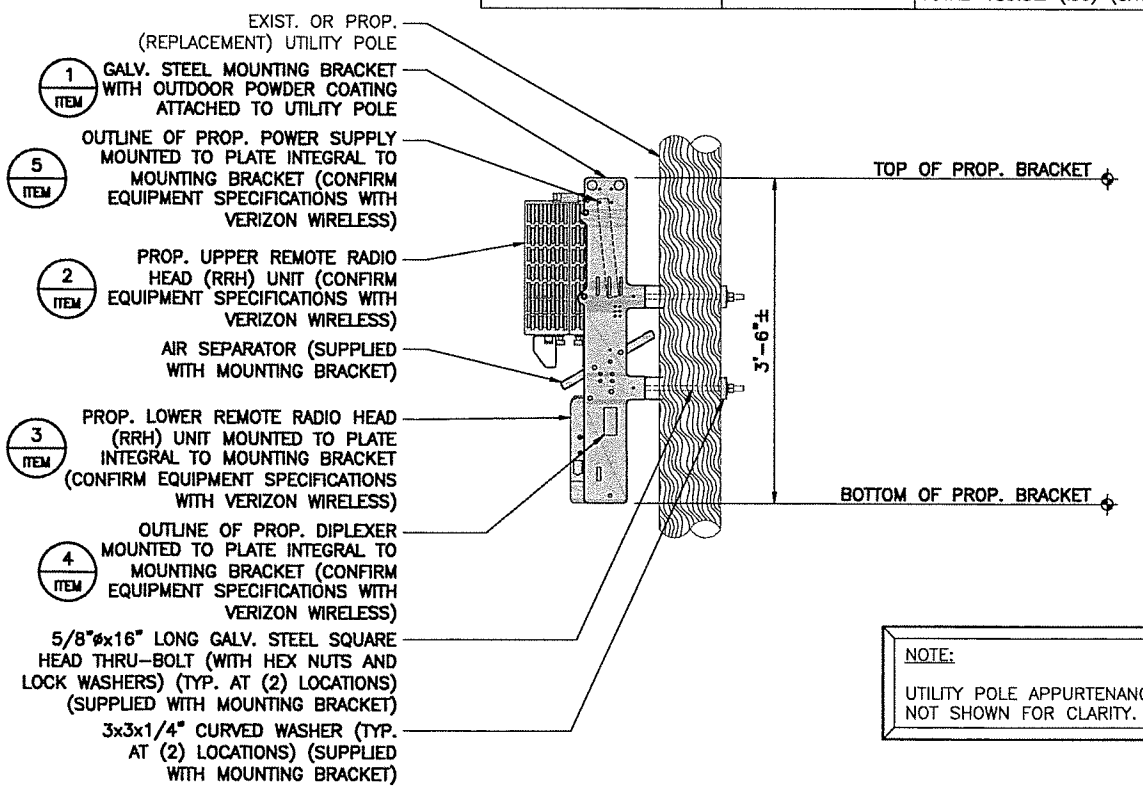
2 EQUIPMENT PLAN
SCALE: N.T.S.

APPROX. NORTH

ITEM ID (SEE DETAIL)	DESCRIPTION	WEIGHT (lbs)
1	MOUNTING BRACKET	32.2±
2	UPPER RRH UNIT	102.5±
3	LOWER RRH UNIT	21.4±
4	DIPLEXER	7.6±
5	POWER SUPPLY	25.6±
TOTAL		189.3± (lbs) (SAY 190 lbs)



3 ANTENNA MOUNTING DETAIL
N.T.S.



4 EQUIPMENT MOUNTING DETAIL
N.T.S.

NOTE:
UTILITY POLE APPURTENANCES NOT SHOWN FOR CLARITY.

LEASE EXHIBIT
(NOT FOR CONSTRUCTION)

PREPARED BY:
nexius
TRANSFORM YOUR BUSINESS...THROUGH WIRELESS
A&E OFFICE:
300 APOLLO DRIVE, SUITE 7
CHELMSFORD, MA 01824
1 (978) 923-7965

RESIDING POWER COMPANY:
EVERSOURCE

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SUBMITTALS

REV	DATE	DESCRIPTION	BY
0	01/17/22	FOR REVIEW	AC
1	03/31/22	REV. PER MAKE READY	AC

SITE INFO:
SITE NAME:
SUDBURY_SC01_MA
SITE ADDRESS:
U/P NO.: UNK
BOSTON POST ROAD
SUDBURY, MA 01776

CHECKED BY: KB/AA DATE: 03/31/22

PROJECT NUMBER:
20212313628

SHEET NUMBER:

LE-3

Attachment 1.b: Verizon Petition for Pole Attachment Plans (5347 : Verizon petition for small cell pole attachment (unmarked))

LEASE EXHIBIT
(NOT FOR CONSTRUCTION)

PREPARED BY:
NEXIUS
TRANSFORM YOUR BUSINESS...THROUGH WIRELESS
A&E OFFICE:
300 APOLLO DRIVE, SUITE 7
CHELMSFORD, MA 01824
1 (978) 923-7965

PRESIDING POWER COMPANY:
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SUBMITTALS			
REV	DATE	DESCRIPTION	BY
0	01/17/22	FOR REVIEW	AC
1	03/31/22	REV. PER MAKE READY	AC

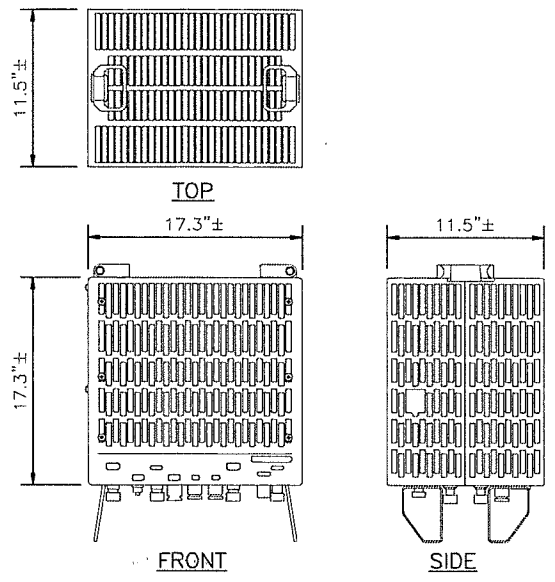
SITE INFO:
SITE NAME:
SUDBURY_SC01_MA
SITE ADDRESS:
**U/P NO.: UNK
BOSTON POST ROAD
SUDBURY, MA 01776**

CHECKED BY: **KB/AA** DATE: **03/31/22**

PROJECT NUMBER:
20212313628

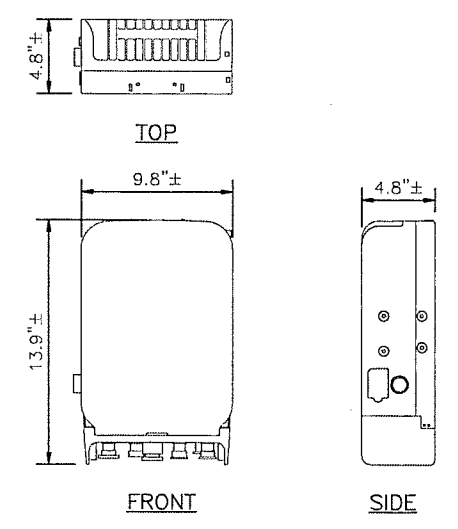
SHEET NUMBER:

LE-4

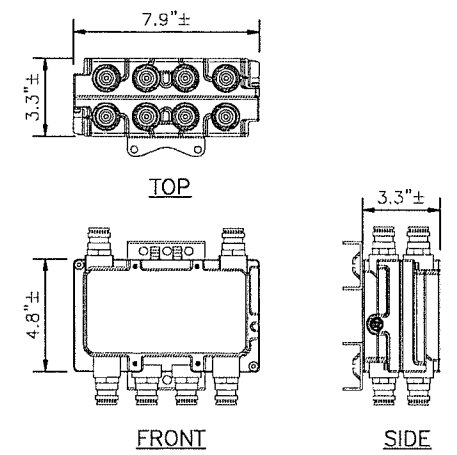


RRH SPECIFICATIONS	
DIMENSIONS	17.3"±H x 17.3"±W X 11.5"±D
WEIGHT	102.5± LBS
QUANTITY	TOTAL OF 1

① RRH DETAILS
N.T.S.

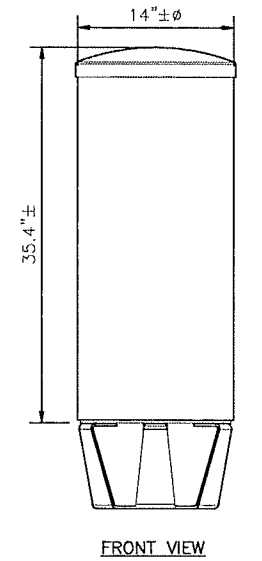


RRH SPECIFICATIONS	
DIMENSIONS	13.9"±H x 9.8"±W X 4.8"±D
WEIGHT	21.4± LBS
QUANTITY	TOTAL OF 1



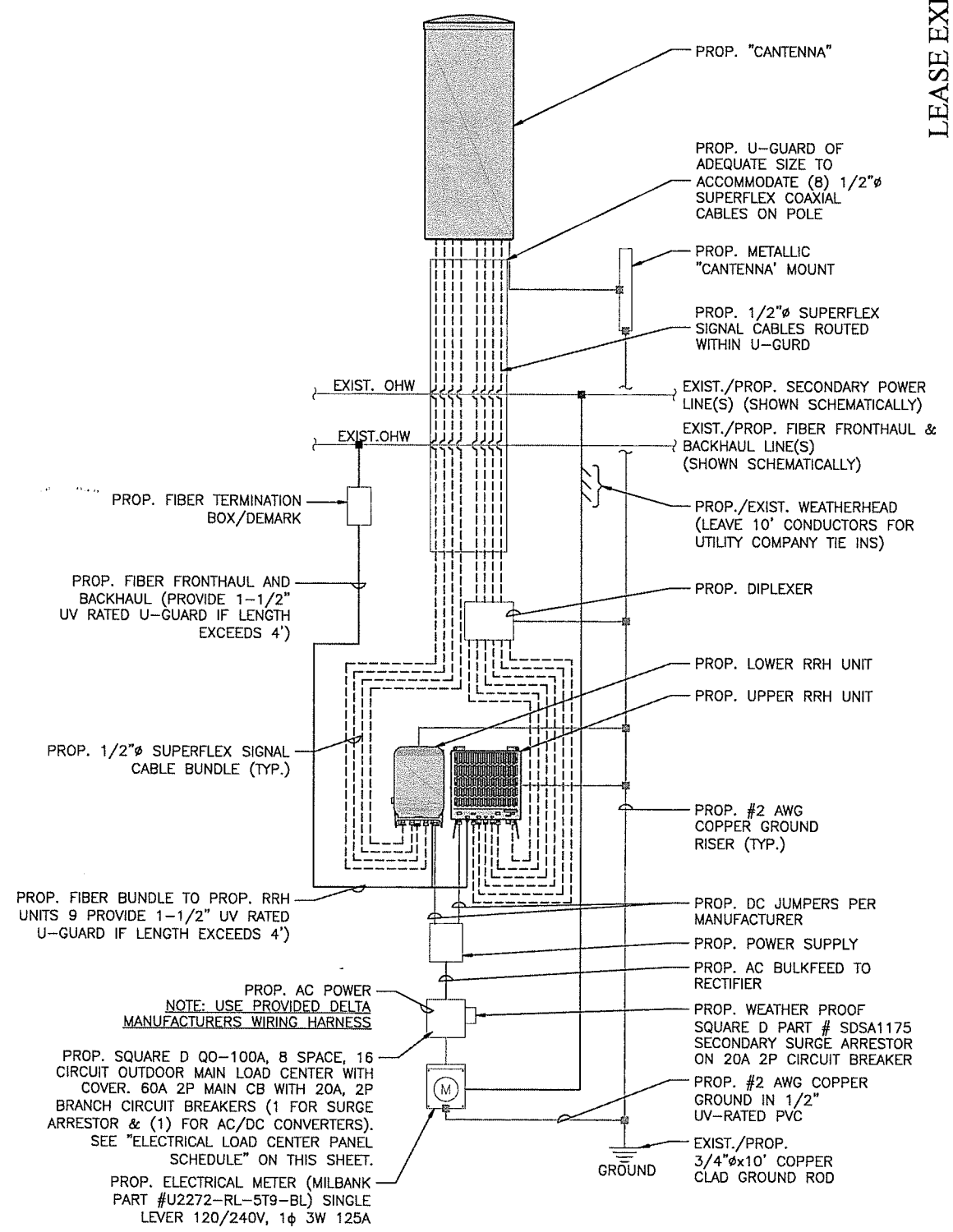
DIPLEXER SPECIFICATIONS	
DIMENSIONS	4.8"±H x 7.9"±W X 3.3"±D
WEIGHT	7.6± LBS
QUANTITY	TOTAL OF 1

② DIPLEXER DETAIL
N.T.S.



ANTENNA SPECIFICATIONS	
DIMENSIONS	14"±Ø x 35.4"±H
WEIGHT	35.0± LBS
QUANTITY	TOTAL OF 1

③ ANTENNA DETAIL
N.T.S.

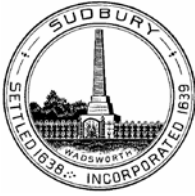


WIRING DIAGRAM NOTES:
1. PROVIDE WEATHER TIGHT SEAL CONNECTORS ON ALL CONNECTIONS EACH SIDE OF ENCLOSURE HOUSING.
2. COORDINATE ANY FURTHER MISCELLANEOUS WIRING AND CONDUIT REQUIREMENTS WITH VERIZON WIRELESS AND ELECTRIC COMPANY.

LEGEND	
— BLUE —	= FIBER BUNDLE/JUMPER
— RED —	= AC POWER
— ORANGE —	= DC POWER
— GREEN —	= GROUND
--- BLUE ---	= 1/2" SUPERFLEX SIGNAL CABLES

④ GENERAL WIRING DIAGRAM
N.T.S.

Attachment 1.b: Verizon Petition for Pole Attachment Plans (5347 : Verizon petition for small cell pole attachment (unmarked))



John M. Whalen
Fire Chief

TOWN OF SUDBURY

Fire Department

77 Hudson Road
Sudbury, MA 01776
Tel. (978) 440-5311
Fax (978) 440-5305

July 14, 2022

To: Sudbury Select Board

Subject: Verizon Wireless Installation "Cantenna"

The Sudbury Fire Department has a number of concerns with the installation of these "Cantenna" devices. The Department would like clarification from Verizon that these systems will not interfere with the Fire Department's two-way radio communications system, to include all transmitters/receivers and Bi-Directional Antenna systems.

In addition the Sudbury Police Department's two-way radio system operates on the same frequency band spectrum as these devices. Could this new Verizon system cause interference with the Sudbury Police two-way radio system?

The Fire Department would also like clarification if these devices act as a receiver of cellular signals only or act as a both a receiver and transmitter of cellular signals. If you have any additional questions please let know, thank you.

John M. Whalen
Chief of Department

Attachment1.c: Verizon Wirelss Memo (5347 : Verizon petition for small cell pole attachment (unmarked))

From: [Lewis, Andrew](#)
To: [Golden, Patricia](#); [Nason, Dan](#); [ORourke, William](#)
Subject: RE: Verizon petitions for celltower pole attachments - SB agenda 7/26/22 (reply requested)
Date: Wednesday, July 20, 2022 10:58:00 AM

Hi Patty,

The Building Department has no issue with this request.

Respectfully,
 Andrew

From: [Nason, Dan](#)
To: [Golden, Patricia](#); [Lewis, Andrew](#); [ORourke, William](#)
Subject: RE: Verizon petitions for celltower pole attachments - SB agenda 7/26/22 (reply requested)
Date: Wednesday, July 20, 2022 3:24:58 PM

Patty,

The Public Works Department does not have any issues with this GOL assuming the proposed location will not interfere with winter snow/ice removal operations for the State (MaDOT) or our operations clearing walkways.

Regards,
 Dan

From: [Duchesneau, Adam](#)
To: [Golden, Patricia](#)
Cc: [Bilodeau, Maryanne](#)
Subject: RE: Verizon petitions for celltower pole attachments - SB agenda 7/26/22 (reply requested)
Date: Tuesday, July 12, 2022 2:04:50 PM

Hello Patty,

Since this proposed cell tower attachment will be located entirely within the public right of way of Boston Post Road/Route 20, the Planning Board and the Zoning Board of Appeals have no jurisdiction here. The permitting process for this item falls entirely to the Select Board in this instance.

Please let me know if you have any questions. Thank you. Adam

From: Duchesneau, Adam <DuchesneauA@sudbury.ma.us>
Sent: Monday, July 25, 2022 4:34 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>; Golden, Patricia <GoldenP@sudbury.ma.us>
Subject: RE: Verizon petitions for celltower pole attachments - SB agenda 7/26/22 (reply requested)

Hello Maryanne and Patty,

In a conversation today with Maryanne and related to Janie Dretler's inquiry from today, Maryanne asked me to expand upon my response in the email below regarding the Verizon petitions for cell tower pole attachments. Here is the situation as I understand it.

These proposed cell tower attachments will be located entirely within the public right of way of Boston Post Road/Route 20. Zoning Bylaw regulations do NOT cover the public right of way and only regulate private property. This is true not just of MassDOT regulated roadways, but all public right of ways within the community. The Planning Board and the Zoning Board of Appeals have no jurisdiction here. The permitting process for this item falls entirely to the Select Board in this instance. As part of this, the Select Board has the ability to, and should, act as a land use permitting authority. They have the ability to impose conditions and request modifications to the proposal as I understand it. These conditions/modification requests could include resizing or relocation of the proposed components, screening with materials in cannisters or otherwise, stealthing, or other adjustments to the proposal for the benefit of the community, just as the Planning Board and Zoning Board of Appeals do with their decisions and applications. However, at the same time, as I understand it, the conditions or modifications imposed by the Select Board in this instance shall not prohibit or have the effect of prohibiting the placement, construction, or modification of the wireless communication facility.

At this time, the Town of Sudbury does not have any rules or guidelines regarding small cell facilities or those facilities within the public right of way. The link which Janie provided from the Town of Arlington is one example of design rules and regulations for these types of communications facilities.

Please feel free to pass this response along to whomever might be interested and it may be best to consult on our Town Counsel on my statements above.

Please let me know if you have any questions. Thank you.

Adam

Adam L. Duchesneau, AICP (he/him/his)
Director of Planning & Community Development
Town of Sudbury | Flynn Building, 278 Old Sudbury Road | Sudbury, MA 01776
t 978-639-3398 | f 978-639-3314 | DuchesneauA@Sudbury.MA.us
www.sudbury.ma.us

From: [Foley, Paula](#)
To: [Golden, Patricia](#)
Subject: Re: [E] Sudbury Select Board Meeting: Tuesday, July 26, 2022
Date: Monday, July 25, 2022 4:27:57 PM
Attachments: [700band.pdf](#)

Patty - please pass this response to the Fire and Police Chiefs. The proposed small cell antennas will operate within frequency bands that are licensed to Verizon. Specifically, for these 4G antennas, we use 746 to 756 MHz. We are already using this spectrum in almost every site we have in the northeast and have experienced no interference with public safety bands. In fact, we collocate on many sites (such as cell towers or rooftops) with a variety of emergency service operators. We also monitor our system for proper operation 24/7/365. In addition, on the utility poles where the antennas will be located, there will be a notice indicating the 800 number of Verizon's 24/7 Network Operations Center. You did not indicate which specific frequency bands are used by the Town for public safety but I assume they fall within the public safety bands indicated on the attached chart. You will note that Verizon's frequencies - 746 to 756 MHz - are located in Block C to the far left of the public safety bands. Please let me know if you have any additional questions.

Regards,
Paula Foley

On Mon, Jul 25, 2022 at 1:58 PM Golden, Patricia <GoldenP@sudbury.ma.us> wrote:

Good afternoon Paula,

Please see attached memo from Sudbury Fire Chief John Whalen regarding the pole petition(s) located at Boston Post Road.

If possible, would you provide any feedback prior to tomorrow night's meeting (7:00 PM) to be shared with the Select Board.

Thank you.

Patty Golden

Senior Admin. Assistant to the Town Manager

Town of Sudbury

278 Old Sudbury Road

Sudbury, MA 01776

Ph: 978-639-3382

Fax: 978-443-0756

www.sudbury.ma.us

Attachment1.f: Verizon_response_Fire_Chief (5347 : Verizon petition for small cell pole attachment (unmarked))

Office Hours:

Mon, Wed, Thur 8:30 am – 5:00 pm

Tues 8:30 am – 7:00 pm

Fri 8:30 am – 12:30 pm

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

--



Paula Foley

Network Real Estate / Regulatory

M 508.269.0172
15 Chestnut Street, 4th Floor
Worcester, MA 01609

From: [Bilodeau, Maryanne](#)
To: [Golden, Patricia](#)
Cc: [Russo, Charlie](#)
Subject: FW: Verizon's Petitions
Date: Tuesday, July 26, 2022 2:44:07 PM

Patty,

I sent the following questions to KP Law to review for tonight's discussion. The answers are noted below.

Please add this email to the packets.

Question #1: What is the shot clock time period for these petitions under FCC Regs 47 CFR 1.6003? Verizon claims the period is 60 days which is the period for a "facility using an existing structure." However, although the Verizon letters state that the existing poles will be used, the fine print of the four Nexus sheet plans for both locations indicate that both poles will be replaced. It makes sense that the pole across from the fire station will be replaced because it obviously is not structurally sound. Is the "reasonable period of time" 90 days from June 2, 2022 (assuming that the window for requesting specific information to make the submission "complete" has passed and the tolling period cannot be extended)?

Question #2: if the poles will be replaced, why under MGL Chapter 166 Section 22 was a "meeting" noticed on the July 26th agenda instead of a public hearing with abutter notification?

Question #3: Do each of these proposed wireless facilities meet the dimensional criteria (cubic feet in volume) to be defined as a "Small Wireless Facility" for purposes of 47 CFR 1.6003?

Question #4: What is the Tolling Period under 47 CFR 1.6003 (d)? My reading of the Petition and its accompanying materials is that the "application" is materially incomplete as well as contradictory. It appears the Town has likely missed the window to notify the applicant that the "application" is materially incomplete. How can the SB consider a denial if it cannot ask for additional information and lacks the necessary evidence as to whether or not there is a "significant gap" in coverage, whether or not there are possible alternative locations, and whether or not these locations are the least intrusive? .Or does the SB have grounds to request additional information?

Question #5: If the SB were to deny the GOL - would it not need to be able to demonstrate that the denial was not an "effective prohibition" under Section.704 of the TCA and court decisions out of the US Court of Appeals, 1st Circuit.

Question #6: How can the Planning Department make the judgment that these wireless facilities are not subject to the Wireless Services Overlay District Bylaw when the submissions do not provide information as to whether or not the "transceiver has a total power input to the antenna of twenty watts or less." Is not the pole a "free-standing monopole" for purposes of the bylaw as it is a single pole? .

See responses below.

From: Brian Riley <BRiley@k-plaw.com>
Sent: Tuesday, July 26, 2022 12:30 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>; Smith, Lee S. <lsmith@k-plaw.com>
Subject: Re: Verizon's Petitions

Hi, Maryanne. I will answer the issues raised below as best I can. In my opinion, the "shot clock" referenced under the FCC regulations is 60 days, for a "small wireless facility" using an existing structure. While it may be true that one or more of these poles is planned to be physically replaced, it is my opinion that the applications should be treated as involving existing poles. As I opined previously, state law (G.L. c.166, sec. 22) provides that before a utility or other transmission company may erect a pole and wires in a new location, it must apply to the local approval authority (Select Board) and there is a public hearing with written notice to abutters. However, the statute also provides that for existing poles, in order to add wires or other facilities, the Board's approval is still required but no public hearing is required. In this case, I understand that there are preexisting poles that Verizon is seeking to attach its "cantenna" facilities to. Even though the existing pole(s) may be replaced by new ones, this is still not a "new" location and abutter notice is not required.

The Board may want to ask Verizon to elaborate on this, but it appears that the proposed antennae do meet the definition of "small wireless facility" as used by the FCC, except I agree with the comment that the application does not make clear whether the "cantennas" themselves (excluding the associated wiring and other equipment) are no more than three cubic feet; Verizon should be able to quickly answer that. If it in fact exceeds 3 cubic feet, then it is not a "small wireless facility" and I would say the Board would have authority to require a new application.

In addition to having control over the location, type, and number of poles, cables, and wires, state law allows local authorities to deny the construction for aesthetic factors and other reasons that may "incommode the public use of public ways." G.L. c. 166, § 21; See Boston Edison Co. v. Concord, 355 Mass. 79, 90 n.2, 91 (1968). The current proposed co-location would not appear to be problematic in those areas (arguably an "aesthetic" factor, but that alone would not provide a good defense, in my opinion). In addition, it is important to note that since the enactment of G.L. c. 166, §§ 21 and 22, federal legislation was passed that limits the authority of local authorities to deny access to telecommunications providers. See 47 USC § 253(a) (state and local governments may not impose legal requirements that prohibit or have the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications service). Federal law does retain the authority of cities and towns to manage street crossings and pole locations on a competitively neutral and non-discriminatory basis. 47 U.S.C. § 253(c). A federal court has held that local governments must be allowed to

perform the range of important tasks necessary to preserve the physical integrity of streets and highways, to control the orderly flow of vehicles and pedestrians, to manage gas, water, cable (both electric and cable television), and telephone facilities that crisscross the streets and public rights-of-way. See Auburn v. Qwest, 260 F.3d 1160 (9th Cir. 2001). This court stated that the types of activities that fall within the sphere of appropriate rights-of-way management include coordination of construction schedules, determination of insurance, bonding and indemnity requirements, establishment and enforcement of building codes, and keeping track of the various systems using the rights-of-way to prevent interference between them. As such, the court concluded that cities and towns, among other things, may regulate the time or location of excavation to preserve effective traffic flow, prevent hazardous road conditions, or minimize noise impacts, and require a company to indemnify the municipality against any claims of injury arising from the company's excavation.

In my opinion, if Verizon responds that the proposed antennae exceed 3 cubic feet each, the Board could require a new application in that they are not "small wireless facilities." As to the 20 watts limitation, however, that is found in the Zoning Bylaw (at least I could not find it in federal regulations or elsewhere). If the proposed antenna has a capacity exceeding 20 watts (this is also not clear), then it would appear that Verizon would also need a special permit from the Planning Board, pursuant to Section 4344 of the Zoning Bylaw (Wireless Services Overlay District). The Building Inspector or Planning Department would be better able to answer how this has been enforced. In addition, if Verizon does need a special permit, that would have its own 60 day "shot clock," as it has not yet made any requests to Planning. However, it is a common holding in Massachusetts law that the need for a zoning special permit would not, in itself, give the Select Board good grounds to deny an application under G.L. c.166; it could, however, give the Planning Board an enforcement issue.

In general, based on G.L. c.166 and state regulatory authority, it is my opinion that the Board has limited grounds to object to this installation (assuming it is a "small wireless facility"), since it would use existing poles and only stick 3 feet above the poles. But the Board can certainly negotiate with Verizon regarding the project, just as it can when other utilities apply to add new wires or other equipment to an existing pole.

Brian

Maryanne Bilodeau
Interim Town Manager
Pronouns: She - Her - Hers

From: Whalen, John <WhalenJ@sudbury.ma.us>
Sent: Tuesday, July 26, 2022 3:24 PM
To: Golden, Patricia <GoldenP@sudbury.ma.us>
Cc: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>; Nix, Scott <NixS@sudbury.ma.us>
Subject: RE: [E] Sudbury Select Board Meeting: Tuesday, July 26, 2022

Hello Patty,

I talked to Paula and one of the engineers this afternoon and they will be sending some additional information.

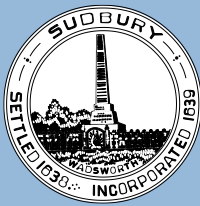
At this point they have answered all my questions about this new system and have assured me that it would not generate any interference with our systems.

Please passes this on to the Select Board.

Thank you

John M. Whalen
Fire Chief
Sudbury Fire Dept.
978-440-5311

Attachment1.h: Whalen_email_7.26 (5347 : Verizon petition for small cell pole attachment (unmarked))



SUDBURY SELECT BOARD

Tuesday, July 26, 2022

MISCELLANEOUS (UNTIMED)

2: Verizon petition re: pole attachment #119S

REQUESTOR SECTION

Date of request:

Requestor: Verizon

Formal Title: Discussion and vote whether to approve petition by Cellco Partnership, d/b/a Verizon Wireless, for the installation of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on utility pole number #119S on Boston Post Road, as shown on plans included herewith.

Recommendations/Suggested Motion/Vote: Discussion and possible vote whether to approve petition by Cellco Partnership, d/b/a Verizon Wireless, for the installation of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on utility pole number #119S on Boston Post Road, as shown on plans included herewith.

Background Information:
attached petition paperwork and dept feedback

Financial impact expected:

Approximate agenda time requested: 30 minutes

Representative(s) expected to attend meeting: Paula Foley, others from Verizon

Review:

- Select Board Office Pending
- Town Manager's Office Pending
- Town Counsel Pending
- Select Board Pending
- Select Board Pending

07/26/2022 7:00 PM

15 Chestnut Street, 4th Floor
Worcester, MA 01609

Paula Foley
Network Real Estate / Regulatory

RECEIVED
BOARD OF SELECTS
SUDBURY, MA

2022 JUL 11 AM 2

July 11, 2022

Office of Town Manager and Select Board
Town of Sudbury
Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776

Re: Petition of Cellco Partnership d/b/a Verizon Wireless ("Verizon") for
Pole Attachment of Small Cell Communications Equipment:
SUDBURY_SC02_MA, Boston Post Road, Pole #119S

Dear Town Manager and Honorable Members of the Select Board:

Enclosed please find a Petition to the Honorable Sudbury Select Board for permission to attach, maintain and operate small cell communications equipment on a utility pole located in the public right-of-way (the "Petition"). The proposed small cell equipment installation included with this petition is to be located on an existing utility pole located in the right of way of Boston Post Road.

Verizon's radio frequency engineers targeted the proposed location due to the high traffic and data demands on Verizon's network in the area. Verizon's existing macro and small cell sites are not providing adequate data capacity in this location due to population, vehicular traffic, multiple wireless devices being used simultaneously and other contributing factors. This small cell site will work to offload the demand of the macro sites and will allow for increased data capacity and speed within the vicinity of the proposed small cell location.

The small cell equipment will be installed using standard commercially acceptable methods in accordance with all applicable federal, state and local laws and regulations. The proposed attachment is to a utility pole jointly owned by Eversource and Verizon. Verizon has entered into a pole attachment agreement with Eversource and is authorized to attach its wireless facilities to the pole.

As shown on the attached detailed plans, the small cell installation on the utility pole will include fiber optic cables, an unobtrusive top-mount antenna measuring 35.4" in height and 14" in diameter; a remote radio head unit, conduits and cable protectors, and an electric meter with a shut-off switch. The attached plans show the proposed location, pole height, mounting height, equipment specifications and utility plan.

Without this installation, Verizon would be unable to provide specifically established coverage and capacity objectives. The utility pole is located within the limited

verizon^v

Attachment2.a: Scanned_petition2 (5355 : Verizon petition re: pole attachment #119S)

geographic area where Verizon's radio frequency engineers determined that a wireless facility is required.

The Telecommunications Act of 1996

The Telecommunications Act of 1996 (the "Act") imposes restrictions affecting the standard for granting the requested relief, specifically (1) no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas or other wireless facilities in any particular geographic area, see 47 USC § 332(c)(7)(B)(i); (2) local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent service, see 47 USC § 332(c)(7)(B)(i); (3) health concerns may not be considered so long as emissions comply with the applicable standards of the FCC, see 47 USC § 332(c)(7)(B)(iv); and (4) decisions must be rendered within a reasonable period of time, see 47 USC § 332(c)(7)(B)(ii). The presumptively reasonable period of time established by the FCC in this instance is 60 days from the submission of a complete Petition, see 47 CFR § 1.6003(c)(1)(i).

Accordingly, under Massachusetts General Laws Chapter 166, Sections 21, 22, 25A, and the Act, Verizon respectfully requests that the Sudbury Select Board issue a Grant of Location Order to install and operate fixtures as specified herein. Verizon respectfully requests that the Petition be added to the Select Board agenda.

In accordance with the filing requirements, please find the following:

1. Petition for Pole Attachment;
2. Site Drawing;
3. Proposed Order; and
4. Authorization from Eversource to attach to the pole.

Verizon looks forward to presenting this Petition to the Sudbury Select Board. Should you require any additional information, please don't hesitate to contact me. Thank you very much.

Very truly yours,

Paula Foley

Paula Foley
Network Real Estate / Regulatory
M: 508.269.0172
Paula.foley@verizonwireless.com



PETITION FOR SMALL CELL POLE ATTACHMENT

To the Select Board of the Town of Sudbury, Massachusetts

Cellco Partnership d/b/a Verizon Wireless hereby provides a petition to this Honorable Board for the location of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on a utility pole in Sudbury, Massachusetts, as more particularly shown on the plans included herewith.

Pole Location

Pole Location: Boston Post Road - Utility Pole number 119S

Proposed Equipment: Antenna, Remote Radio Heads, AC/DC Converter, associated wires, cables, meter and fiber demark box on a utility pole as shown on the attached Plans titled SUDBURY_SC02_MA prepared by Nexius with a date of 3/31/22

Purpose: To address network coverage and capacity in the immediate area of the subject pole. Offload wireless traffic from macro sites and designed to increase throughput to customers in proximity to the pole.

Respectfully submitted,

PETITIONER:

Cellco Partnership d/b/a Verizon Wireless

Paula Foley

Paula Foley
 Network Real Estate / Regulatory
 15 Chestnut Street, 4th Floor
 Worcester, MA 01609
 M: 508.269.0172
Paula.foley@verizonwireless.com

Attachment2.a: Scanned_petition2 (5355 : Verizon petition re: pole attachment #119S)

PREPARED BY:
NEXIUS
 TRANSFORM YOUR BUSINESS THROUGH WIRELESS

AVE OFFICE: SUITE 7
 CHELMSFORD, MA 01824
 1 (978) 923-7865

RESIDING POWER COMPANY:
EVERSOURCE

PROFESSIONAL STAMP:

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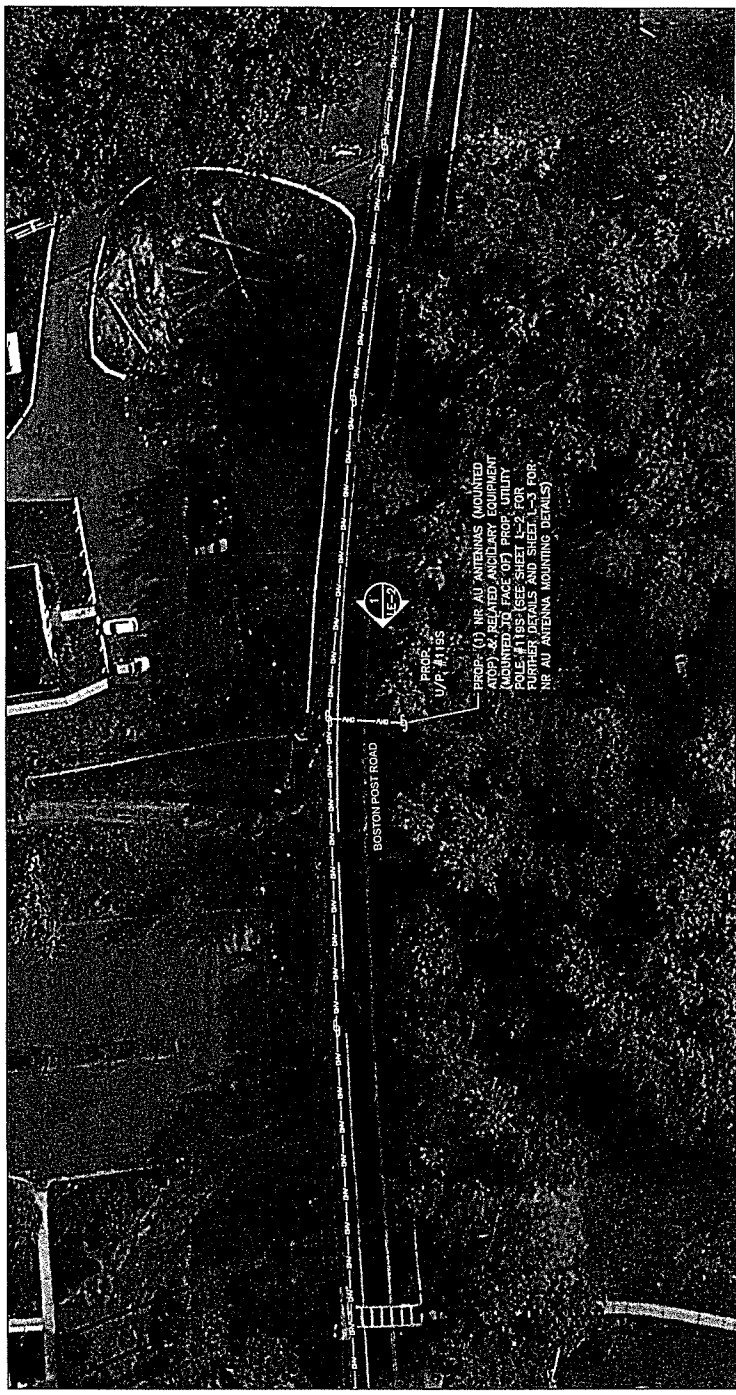
SITE INFO:
 SITE NAME:
SUDBURY_SC02_MA
 SITE ADDRESS:
**U/P NO.: 119S
 641 BOSTON POST ROAD
 SUDBURY, MA 01776**

CHECKED BY:
KB
 DATE:
03/31/22

PROJECT NUMBER:
20212313618
 SHEET NUMBER:
LE-1

LEASE EXHIBIT
 (NOT FOR CONSTRUCTION)

SITE NAME:
SUDBURY_SC02_MA
 LOCATION CODE:
706257
 SITE ADDRESS:
**UTILITY POLE NO.: 119S
 641 BOSTON POST ROAD
 SUDBURY, MA 01776**



PROP: (1) AIR AU ANTENNAS (MOUNTED TOP) & RELATED AUXILIARY EQUIPMENT (MOUNTED TO FACE OF) PROP. UTILITY POLE #119S (SEE SHEET LE-2 FOR ANTENNA MOUNTING & WIRING DETAILS).
 AIR AU ANTENNA MOUNTING DETAILS)



APPROX. NORTH
 KEY PLAN
 SCALE: 1" = 50'

SHEET NO.	SHEET DESCRIPTION
LE-1	KEY PLAN
LE-2	PHOTO DETAIL & ELEVATION
LE-3	EQUIPMENT PLAN, ANTENNA PLAN & MOUNTING DETAILS
LE-4	ANTENNA & EQUIPMENT SPECS, WIRING DIAGRAM

POLE COORDINATES	LATITUDE (NAVD83)	LONGITUDE (NAVD83)
N 42.360580' ±	W 71.441361' ±	
N 42.21.38.09"	W 71.28.28.90"	
GROUND ELEVATION	165 ± A.M.S.L. (NAVD83)	

PREPARED BY:
NEXIUS
 TRANSFORM YOUR BUSINESS THROUGH WIRELESS
 A&E OFFICE:
 300 ASPEN DRIVE, SUITE 7
 CHELSEA, MA 01937
 1 (978) 822-7965

EVERSOURCE
 PRESIDING POWER COMPANY

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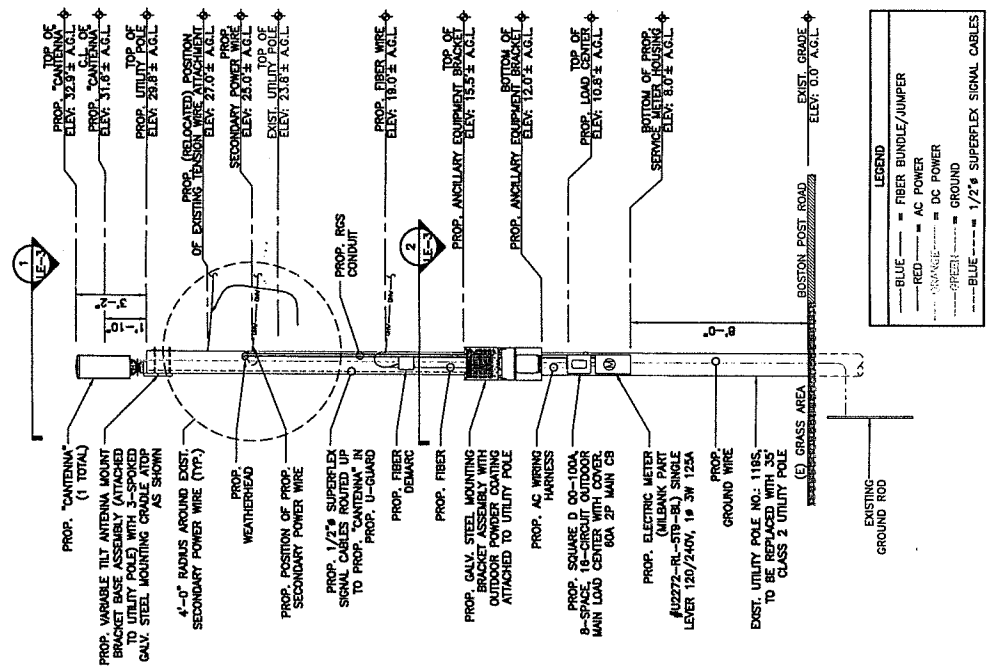
REV	DATE	DESCRIPTION	BY
0	02/01/22	FOR REVIEW	AA
1	04/01/22	REVISED PER COMMENTS	AG

SITE INFO:
 SITE NAME: SUDBURY_SC02_MA
 SITE ADDRESS: U/P NO.: 1195
 641 BOSTON POST ROAD
 SUDBURY, MA 01776

CHECKED BY: KB
 DATE: 03/31/22
 PROJECT NUMBER: 20212313618
 SHEET NUMBER:

LE-2

LEASE EXHIBIT (NOT FOR CONSTRUCTION)



LEGEND
 BLUE --- FIBER BUNDLE/JUMPER
 RED --- AC POWER
 GREEN --- DC POWER
 --- GROUND
 BLUE --- 1/2" SUPERFLEX SIGNAL CABLES

ELEVATION
 SCALE 3/16" = 1'-0"

GRAPHIC SCALE: 3/16"=1'-0"
 0 2'-0" 5'-4" 10'-8"

- GENERAL NOTES:**
- THESE DRAWINGS IN NATURE AND ARE INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LOCATION, SIZE AND ORIENTATION OF THE PROPOSED WIRELESS TELECOMMUNICATIONS EQUIPMENT INSTALLATION ON THE UTILITY POLE AND ARE NOT SPECIFICALLY INTENDED FOR CONSTRUCTION.
 - VERIZON WIRELESS SHALL PLACE WEATHER RESISTANT PNEUMATIC PLACARDS ON UTILITY POLE AND ANCILLARY EQUIPMENT TO IDENTIFY EQUIPMENT OWNERSHIP AND CONTACT INFORMATION TO BE UTILIZED IN THE CASE OF EMERGENCY.
 - AN ANALYSIS OF THE CAPACITY OF THE EXISTING UTILITY POLE TO SUPPORT THE PROPOSED LOADING HAS NOT BEEN COMPLETED BY NEXIUS AND THIS DRAWING IS SUBJECT TO CHANGE PENDING THE OUTCOME OF A STRUCTURAL ANALYSIS TO BE PERFORMED BY OTHERS.
 - VERIZON WIRELESS' GENERAL CONTRACTOR SHALL EXTEND EFFORTS TO ENSURE THAT ALL PROPOSED EQUIPMENT MEETS THE REQUIREMENTS OF THE EXISTING UTILITY COMPANY OR COMPANIES CURRENTLY OCCUPYING THE UTILITY POLE AND THE 2017 NATIONAL ELECTRICAL SAFETY CODE.

ANTENNA AND MOUNT NOTE:
 CONTRACTOR SHALL POSITION/ROTATE PROP. ANTENNA MOUNT BRACKET IN LINE WITH EXIST. STREET LIGHT, PRIMARY POWER CROSSARM(S) (IF PRESENT), BRACKETS, BRACES, SECONDARY POWER SUPPORT BRACKETS, APERTURES AND RELATED SUPPORT BRACKETS ENCOUNTERED LOCATED ON THE EXIST. UTILITY POLE.

EQUIPMENT AND MOUNT NOTE:
 CONTRACTOR SHALL POSITION/ROTATE PROP. EQUIPMENT AND ASSOCIATED MOUNT/BRACKETS IN SUCH A WAY SO AS TO NOT INTERFERE WITH EXIST. WIRES/PANELS ETC. OR ANY OTHER RELATED SUPPORT BRACKETS ENCOUNTERED LOCATED ON THE FACE OF THE EXIST. UTILITY POLE.

NOTE:
 UTILITY POLE, EXIST. APERTURES AND DETAILS OF PROP. INSTALLATION SHOWN SOBREMATICALLY.

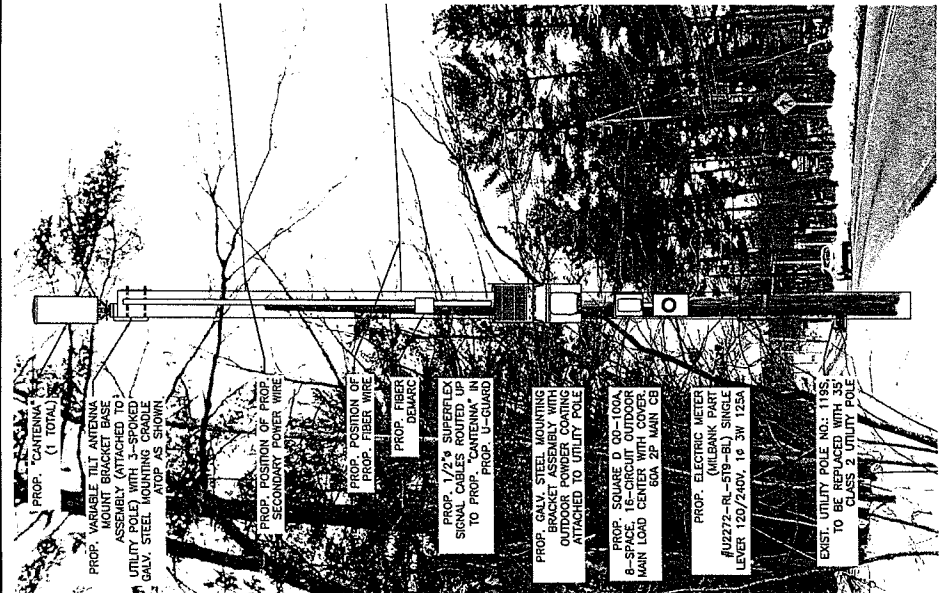


PHOTO DETAIL
 N.T.S.

PREPARED BY:
NEXIUS
 TRANSFORM YOUR BUSINESS...THROUGH WIRELESS
 MAE OFFICE: SUITE 7
 309 APOCALYPSE DR. W. MA 01824
 1 (978) 923-7965

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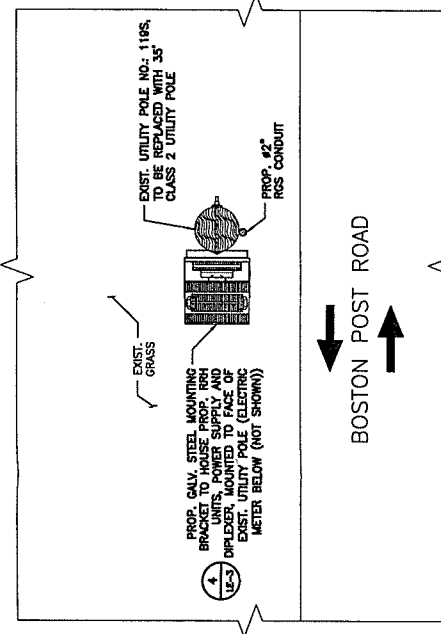
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REV	DATE	DESCRIPTION	BY
0	04/01/22	FOR REVIEW	AA
1	04/21/22	REVISED PER COMMENTS	AC

SITE INFO:
 SITE NAME: SUDBURY_SC02_MA
 SITE ADDRESS: U/P NO.: 119S
 641 BOSTON POST ROAD
 SUDBURY, MA 01776
 CHECKED BY: KB
 DATE: 03/31/22
 PROJECT NUMBER: 20212313618
 SHEET NUMBER:

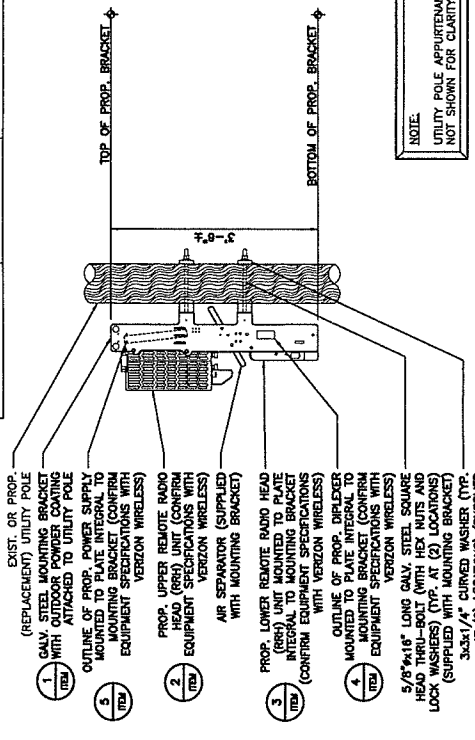
LE-3

LEASE EXHIBIT
 (NOT FOR CONSTRUCTION)

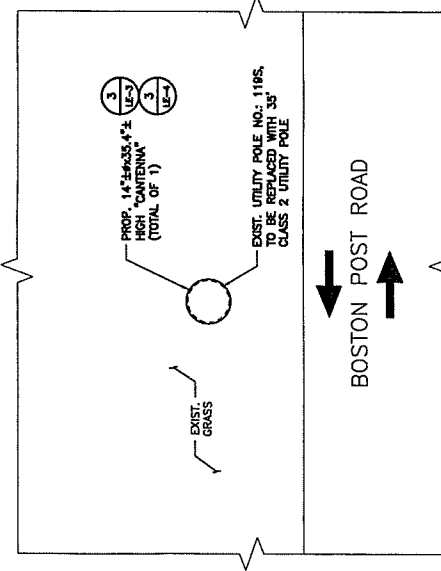


(INDICATES DIRECTION OF VEHICULAR TRAFFIC)
2 EQUIPMENT PLAN
 SCALE: N.T.S.
 APPROX. NORTH

ITEM ID (SEE DETAIL)	DESCRIPTION	WEIGHT (lbs)
1	MOUNTING BRACKET	32.2±
2	UPPER RRH UNIT	102.5±
3	LOWER RRH UNIT	21.4±
4	DIPLEXER	7.6±
5	POWER SUPPLY	25.6±
TOTAL		189.3± (lbs) (SAY 190 lbs)

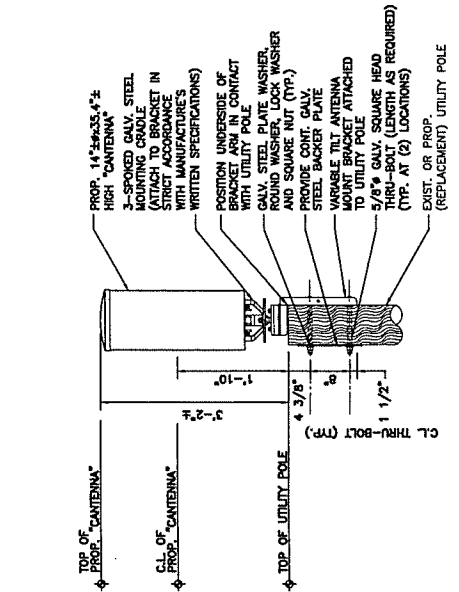


(INDICATES DIRECTION OF VEHICULAR TRAFFIC)
4 EQUIPMENT MOUNTING DETAIL
 N.T.S.



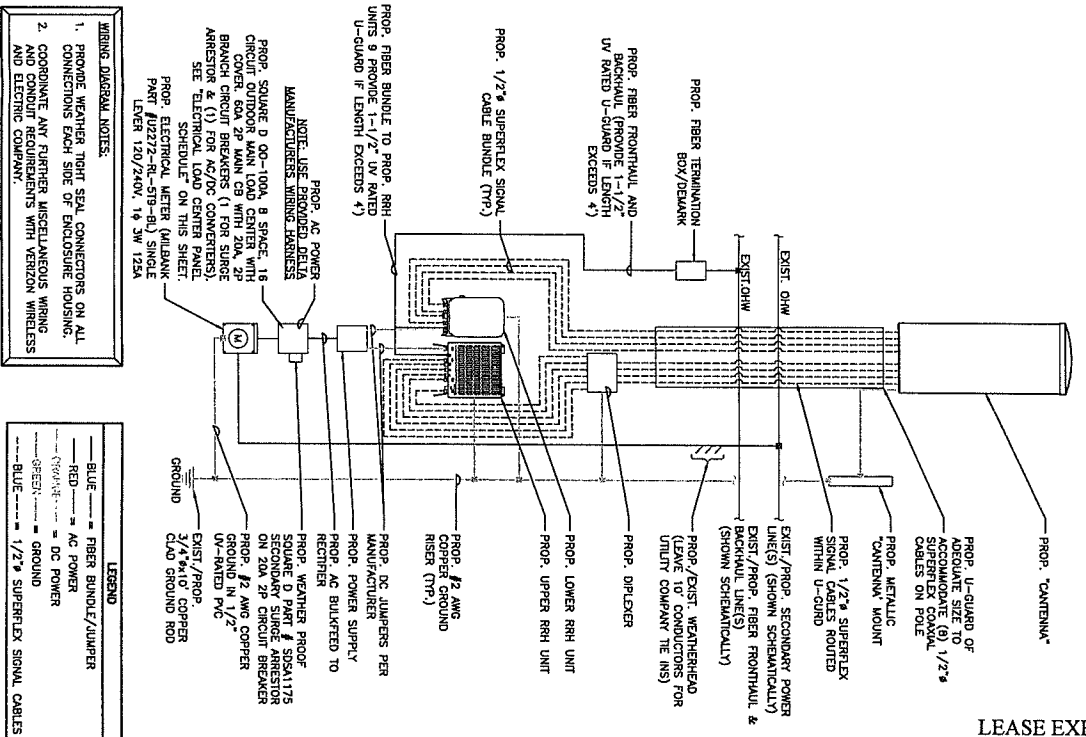
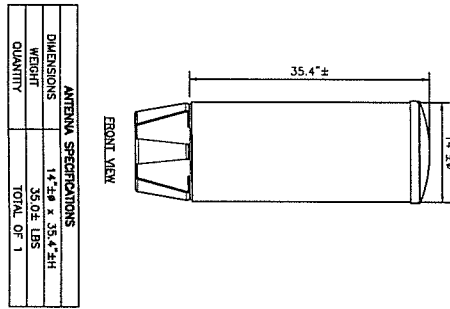
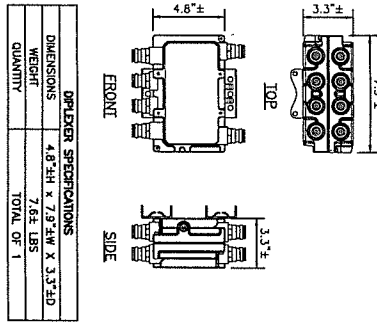
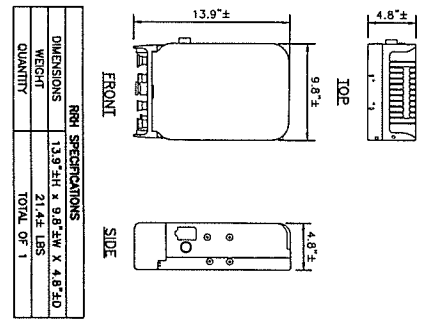
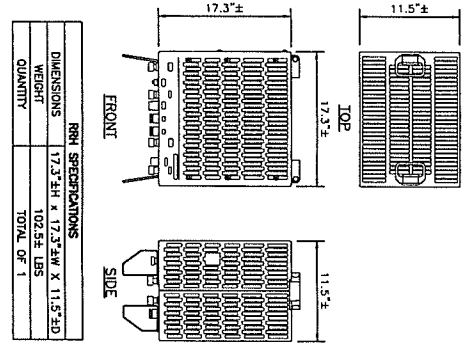
(INDICATES DIRECTION OF VEHICULAR TRAFFIC)
1 ANTENNA PLAN
 SCALE: N.T.S.
 APPROX. NORTH

NOTE:
 1. CONFIRM DOWNTILT REQUIREMENTS (IF ANY) AND SPECIFIC REQUIREMENTS FOR WIRELESS RF ENGINEERS AT THE TIME OF CONSTRUCTION.
 2. MOUNT SHALL BE INSTALLED IN SUCH A WAY TO ENSURE PLUMB INSTALLATION OF "CANTENNA".
 3. UTILITY POLE APPURTENANCES NOT SHOWN FOR CLARITY.



3 ANTENNA MOUNTING DETAIL
 N.T.S.

Attachment2.a: Scanned_petition2 (5355 : Verizon petition re: pole attachment #119S)



LEASE EXHIBIT
(NOT FOR CONSTRUCTION)

EVERS URCE
PROFESSIONAL STAMP

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DATE: 03/21/22
BY: M
REV: 0

PROJECT NUMBER: 20212313618
SHEET NUMBER: LB-4

SUBURRY_SC02_MA
SITE NAME:
SITE ADDRESS:
U/P NO.: 119S
641 BOSTON POST ROAD
SUDBURY, MA 01776

CHECKED BY: DATE: 03/21/22
NO

ORDER FOR GRANT OF LOCATION

UNDER MGL c. 166, §§ 22 and 25A

By the Select Board of the Town of Sudbury, Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That Cellco Partnership d/b/a Verizon Wireless (“Verizon”) be and is hereby granted a location for and permission to install and maintain telecommunications wires and wireless attachments and appurtenances, including fiber optic cable, remote nodes and pole-top antenna, to be attached to an existing Eversource / Verizon utility pole located in the Public Right of Way within the Town of Sudbury, as substantially shown on the plans filed with said Petition for SUDBURY_SC02_MA.

The foregoing permission is subject to the following conditions:

See Plans filed with this order.

There may be attached to said pole:

- Antenna;
- Remote Radio Head(s);
- Mounting Brackets;
- Overhead Wires;
- Conduit;
- Cable;
- Diplexer;
- Meter;
- Converter;
- Disconnect; and
- Each sustaining and protecting fixtures as it may find necessary.

I hereby certify that the foregoing was adopted at a meeting of the Select Board of the Town of Sudbury, Massachusetts, held on the _____ day of _____, 2022.

Clerk of Select Board

We hereby certify that on _____, 2022, at _____ o'clock __M., at Sudbury, Massachusetts, a public hearing was held on the petition of Cellco Partnership d/b/a Verizon Wireless for permission to install a small cell wireless antenna, and the necessary sustaining and protecting fixtures on an existing utility pole number 119S described in the order herewith recorded, and that we mailed written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the way or parts of ways upon which said Company is permitted to install a small cell wireless antenna, and the necessary sustaining and protecting fixtures on utility pole number 119S under said order and that thereupon said order was duly adopted.

Select Board of the Town of Sudbury,
Massachusetts:

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order, and certificate of hearing with notice adopted by the Select Board of the Town of Sudbury, Massachusetts, on the ____ day of _____, 2022 and recorded with the records of location orders of said Town, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of the General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk



247 Station Drive, SE280
Westwood, Massachusetts 02090

July 7, 2022

Attention: State and Municipal Permitting Authorities

Re: **Evidence of Pole Attachment Agreement and Consent to File for
Permits Granted to Verizon Wireless**

****Authorization to do work on Eversource Utility Pole(s) listed in table within Sudbury, MA)****

To Whom It May Concern:

NSTAR Electric d/b/a Eversource Energy ("Eversource") is aware that Verizon Wireless is in the process of permitting for the installation of necessary telecommunications equipment and corresponding aerial fiber optic cable in various locations on Eversource-owned poles throughout our service territory. As part of the approval process, we understand that there is a requirement for Eversource to review these locations and provide the Towns with confirmation of its approval in advance of Verizon Wireless proposed attachment.

Accordingly, Eversource hereby submits its initial authorization for Verizon Wireless to install its equipment and corresponding aerial fiber routes to Eversource poles in the geographic locations as depicted on the plans submitted by Verizon Wireless and on file with the Towns. The installations on Eversource poles will be subject to the underlying terms and conditions of agreements by and between Eversource and Verizon Wireless, as the same may be in effect from time to time.

SITE NAME	ADDRESS	POLE #
SUDBURY_SC02	641 Boston Post Road	119S

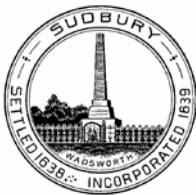
If there is anything further that I can provide you with for your analysis, please do not hesitate to contact me at 781-441-8162.

Sincerely,

Richard A. Comeau

Richard A Comeau
Manager – Single Pole Administration, Distribution Engineering
NSTAR Electric d/b/a Eversource Energy
247 Station Drive, SE280
Westwood, MA 02090
Ph: (781) 441-8162

Attachment2.a: Scanned_petition2 (5355 : Verizon petition re: pole attachment #119S)



John M. Whalen
Fire Chief

TOWN OF SUDBURY

Fire Department

77 Hudson Road
Sudbury, MA 01776
Tel. (978) 440-5311
Fax (978) 440-5305

July 14, 2022

To: Sudbury Select Board

Subject: Verizon Wireless Installation "Cantenna"

The Sudbury Fire Department has a number of concerns with the installation of these "Cantenna" devices. The Department would like clarification from Verizon that these systems will not interfere with the Fire Department's two-way radio communications system, to include all transmitters/receivers and Bi-Directional Antenna systems.

In addition the Sudbury Police Department's two-way radio system operates on the same frequency band spectrum as these devices. Could this new Verizon system cause interference with the Sudbury Police two-way radio system?

The Fire Department would also like clarification if these devices act as a receiver of cellular signals only or act as a both a receiver and transmitter of cellular signals. If you have any additional questions please let know, thank you.

John M. Whalen
Chief of Department

Attachment 2.b: Verizon Wireless Memo (5355 : Verizon petition re: pole attachment #119S)

From: [Lewis, Andrew](#)
To: [Golden, Patricia](#); [Nason, Dan](#); [ORourke, William](#)
Subject: RE: Verizon petitions for celltower pole attachments - SB agenda 7/26/22 (reply requested)
Date: Wednesday, July 20, 2022 10:58:00 AM

Hi Patty,

The Building Department has no issue with this request.

Respectfully,
 Andrew

From: [Nason, Dan](#)
To: [Golden, Patricia](#); [Lewis, Andrew](#); [ORourke, William](#)
Subject: RE: Verizon petitions for celltower pole attachments - SB agenda 7/26/22 (reply requested)
Date: Wednesday, July 20, 2022 3:24:58 PM

Patty,

The Public Works Department does not have any issues with this GOL assuming the proposed location will not interfere with winter snow/ice removal operations for the State (MaDOT) or our operations clearing walkways.

Regards,
 Dan

From: [Duchesneau, Adam](#)
To: [Golden, Patricia](#)
Cc: [Bilodeau, Maryanne](#)
Subject: RE: Verizon petitions for celltower pole attachments - SB agenda 7/26/22 (reply requested)
Date: Tuesday, July 12, 2022 2:04:50 PM

Hello Patty,

Since this proposed cell tower attachment will be located entirely within the public right of way of Boston Post Road/Route 20, the Planning Board and the Zoning Board of Appeals have no jurisdiction here. The permitting process for this item falls entirely to the Select Board in this instance.

Please let me know if you have any questions. Thank you. Adam

From: Duchesneau, Adam <DuchesneauA@sudbury.ma.us>
Sent: Monday, July 25, 2022 4:34 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>; Golden, Patricia <GoldenP@sudbury.ma.us>
Subject: RE: Verizon petitions for celltower pole attachments - SB agenda 7/26/22 (reply requested)

Hello Maryanne and Patty,

In a conversation today with Maryanne and related to Janie Dretler's inquiry from today, Maryanne asked me to expand upon my response in the email below regarding the Verizon petitions for cell tower pole attachments. Here is the situation as I understand it.

These proposed cell tower attachments will be located entirely within the public right of way of Boston Post Road/Route 20. Zoning Bylaw regulations do NOT cover the public right of way and only regulate private property. This is true not just of MassDOT regulated roadways, but all public right of ways within the community. The Planning Board and the Zoning Board of Appeals have no jurisdiction here. The permitting process for this item falls entirely to the Select Board in this instance. As part of this, the Select Board has the ability to, and should, act as a land use permitting authority. They have the ability to impose conditions and request modifications to the proposal as I understand it. These conditions/modification requests could include resizing or relocation of the proposed components, screening with materials in cannisters or otherwise, stealthing, or other adjustments to the proposal for the benefit of the community, just as the Planning Board and Zoning Board of Appeals do with their decisions and applications. However, at the same time, as I understand it, the conditions or modifications imposed by the Select Board in this instance shall not prohibit or have the effect of prohibiting the placement, construction, or modification of the wireless communication facility.

At this time, the Town of Sudbury does not have any rules or guidelines regarding small cell facilities or those facilities within the public right of way. The link which Janie provided from the Town of Arlington is one example of design rules and regulations for these types of communications facilities.

Please feel free to pass this response along to whomever might be interested and it may be best to consult on our Town Counsel on my statements above.

Please let me know if you have any questions. Thank you.

Adam

Adam L. Duchesneau, AICP (he/him/his)
Director of Planning & Community Development
Town of Sudbury | Flynn Building, 278 Old Sudbury Road | Sudbury, MA 01776
t 978-639-3398 | f 978-639-3314 | DuchesneauA@Sudbury.MA.us
www.sudbury.ma.us

From: [Foley, Paula](#)
To: [Golden, Patricia](#)
Subject: Re: [E] Sudbury Select Board Meeting: Tuesday, July 26, 2022
Date: Monday, July 25, 2022 4:27:57 PM
Attachments: [700band.pdf](#)

Patty - please pass this response to the Fire and Police Chiefs. The proposed small cell antennas will operate within frequency bands that are licensed to Verizon. Specifically, for these 4G antennas, we use 746 to 756 MHz. We are already using this spectrum in almost every site we have in the northeast and have experienced no interference with public safety bands. In fact, we collocate on many sites (such as cell towers or rooftops) with a variety of emergency service operators. We also monitor our system for proper operation 24/7/365. In addition, on the utility poles where the antennas will be located, there will be a notice indicating the 800 number of Verizon's 24/7 Network Operations Center. You did not indicate which specific frequency bands are used by the Town for public safety but I assume they fall within the public safety bands indicated on the attached chart. You will note that Verizon's frequencies - 746 to 756 MHz - are located in Block C to the far left of the public safety bands. Please let me know if you have any additional questions.

Regards,
Paula Foley

On Mon, Jul 25, 2022 at 1:58 PM Golden, Patricia <GoldenP@sudbury.ma.us> wrote:

Good afternoon Paula,

Please see attached memo from Sudbury Fire Chief John Whalen regarding the pole petition(s) located at Boston Post Road.

If possible, would you provide any feedback prior to tomorrow night's meeting (7:00 PM) to be shared with the Select Board.

Thank you.

Patty Golden

Senior Admin. Assistant to the Town Manager

Town of Sudbury

278 Old Sudbury Road

Sudbury, MA 01776

Ph: 978-639-3382

Fax: 978-443-0756

www.sudbury.ma.us

Attachment2.e: Verizon_response_Fire_Chief (5355 : Verizon petition re: pole attachment #119S)

Office Hours:

Mon, Wed, Thur 8:30 am – 5:00 pm

Tues 8:30 am – 7:00 pm

Fri 8:30 am – 12:30 pm

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

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Paula Foley

Network Real Estate / Regulatory

M 508.269.0172
15 Chestnut Street, 4th Floor
Worcester, MA 01609

From: [Bilodeau, Maryanne](#)
To: [Golden, Patricia](#)
Cc: [Russo, Charlie](#)
Subject: FW: Verizon's Petitions
Date: Tuesday, July 26, 2022 2:44:07 PM

Patty,

I sent the following questions to KP Law to review for tonight's discussion. The answers are noted below.

Please add this email to the packets.

Question #1: What is the shot clock time period for these petitions under FCC Regs 47 CFR 1.6003? Verizon claims the period is 60 days which is the period for a "facility using an existing structure." However, although the Verizon letters state that the existing poles will be used, the fine print of the four Nexus sheet plans for both locations indicate that both poles will be replaced. It makes sense that the pole across from the fire station will be replaced because it obviously is not structurally sound. Is the "reasonable period of time" 90 days from June 2, 2022 (assuming that the window for requesting specific information to make the submission "complete" has passed and the tolling period cannot be extended)?

Question #2: if the poles will be replaced, why under MGL Chapter 166 Section 22 was a "meeting" noticed on the July 26th agenda instead of a public hearing with abutter notification?

Question #3: Do each of these proposed wireless facilities meet the dimensional criteria (cubic feet in volume) to be defined as a "Small Wireless Facility" for purposes of 47 CFR 1.6003?

Question #4: What is the Tolling Period under 47 CFR 1.6003 (d)? My reading of the Petition and its accompanying materials is that the "application" is materially incomplete as well as contradictory. It appears the Town has likely missed the window to notify the applicant that the "application" is materially incomplete. How can the SB consider a denial if it cannot ask for additional information and lacks the necessary evidence as to whether or not there is a "significant gap" in coverage, whether or not there are possible alternative locations, and whether or not these locations are the least intrusive? .Or does the SB have grounds to request additional information?

Question #5: If the SB were to deny the GOL - would it not need to be able to demonstrate that the denial was not an "effective prohibition" under Section.704 of the TCA and court decisions out of the US Court of Appeals, 1st Circuit.

Question #6: How can the Planning Department make the judgment that these wireless facilities are not subject to the Wireless Services Overlay District Bylaw when the submissions do not provide information as to whether or not the "transceiver has a total power input to the antenna of twenty watts or less." Is not the pole a "free-standing monopole" for purposes of the bylaw as it is a single pole? .

See responses below.

From: Brian Riley <BRiley@k-plaw.com>
Sent: Tuesday, July 26, 2022 12:30 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>; Smith, Lee S. <lsmith@k-plaw.com>
Subject: Re: Verizon's Petitions

Hi, Maryanne. I will answer the issues raised below as best I can. In my opinion, the "shot clock" referenced under the FCC regulations is 60 days, for a "small wireless facility" using an existing structure. While it may be true that one or more of these poles is planned to be physically replaced, it is my opinion that the applications should be treated as involving existing poles. As I opined previously, state law (G.L. c.166, sec. 22) provides that before a utility or other transmission company may erect a pole and wires in a new location, it must apply to the local approval authority (Select Board) and there is a public hearing with written notice to abutters. However, the statute also provides that for existing poles, in order to add wires or other facilities, the Board's approval is still required but no public hearing is required. In this case, I understand that there are preexisting poles that Verizon is seeking to attach its "cantenna" facilities to. Even though the existing pole(s) may be replaced by new ones, this is still not a "new" location and abutter notice is not required.

The Board may want to ask Verizon to elaborate on this, but it appears that the proposed antennae do meet the definition of "small wireless facility" as used by the FCC, except I agree with the comment that the application does not make clear whether the "cantennas" themselves (excluding the associated wiring and other equipment) are no more than three cubic feet; Verizon should be able to quickly answer that. If it in fact exceeds 3 cubic feet, then it is not a "small wireless facility" and I would say the Board would have authority to require a new application.

In addition to having control over the location, type, and number of poles, cables, and wires, state law allows local authorities to deny the construction for aesthetic factors and other reasons that may "incommode the public use of public ways." G.L. c. 166, § 21; See Boston Edison Co. v. Concord, 355 Mass. 79, 90 n.2, 91 (1968). The current proposed co-location would not appear to be problematic in those areas (arguably an "aesthetic" factor, but that alone would not provide a good defense, in my opinion). In addition, it is important to note that since the enactment of G.L. c. 166, §§ 21 and 22, federal legislation was passed that limits the authority of local authorities to deny access to telecommunications providers. See 47 USC § 253(a) (state and local governments may not impose legal requirements that prohibit or have the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications service). Federal law does retain the authority of cities and towns to manage street crossings and pole locations on a competitively neutral and non-discriminatory basis. 47 U.S.C. § 253(c). A federal court has held that local governments must be allowed to

perform the range of important tasks necessary to preserve the physical integrity of streets and highways, to control the orderly flow of vehicles and pedestrians, to manage gas, water, cable (both electric and cable television), and telephone facilities that crisscross the streets and public rights-of-way. See Auburn v. Qwest, 260 F.3d 1160 (9th Cir. 2001). This court stated that the types of activities that fall within the sphere of appropriate rights-of-way management include coordination of construction schedules, determination of insurance, bonding and indemnity requirements, establishment and enforcement of building codes, and keeping track of the various systems using the rights-of-way to prevent interference between them. As such, the court concluded that cities and towns, among other things, may regulate the time or location of excavation to preserve effective traffic flow, prevent hazardous road conditions, or minimize noise impacts, and require a company to indemnify the municipality against any claims of injury arising from the company's excavation.

In my opinion, if Verizon responds that the proposed antennae exceed 3 cubic feet each, the Board could require a new application in that they are not "small wireless facilities." As to the 20 watts limitation, however, that is found in the Zoning Bylaw (at least I could not find it in federal regulations or elsewhere). If the proposed antenna has a capacity exceeding 20 watts (this is also not clear), then it would appear that Verizon would also need a special permit from the Planning Board, pursuant to Section 4344 of the Zoning Bylaw (Wireless Services Overlay District). The Building Inspector or Planning Department would be better able to answer how this has been enforced. In addition, if Verizon does need a special permit, that would have its own 60 day "shot clock," as it has not yet made any requests to Planning. However, it is a common holding in Massachusetts law that the need for a zoning special permit would not, in itself, give the Select Board good grounds to deny an application under G.L. c.166; it could, however, give the Planning Board an enforcement issue.

In general, based on G.L. c.166 and state regulatory authority, it is my opinion that the Board has limited grounds to object to this installation (assuming it is a "small wireless facility"), since it would use existing poles and only stick 3 feet above the poles. But the Board can certainly negotiate with Verizon regarding the project, just as it can when other utilities apply to add new wires or other equipment to an existing pole.

Brian

Maryanne Bilodeau
Interim Town Manager
Pronouns: She - Her - Hers

From: Whalen, John <WhalenJ@sudbury.ma.us>
Sent: Tuesday, July 26, 2022 3:24 PM
To: Golden, Patricia <GoldenP@sudbury.ma.us>
Cc: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>; Nix, Scott <NixS@sudbury.ma.us>
Subject: RE: [E] Sudbury Select Board Meeting: Tuesday, July 26, 2022

Hello Patty,

I talked to Paula and one of the engineers this afternoon and they will be sending some additional information.

At this point they have answered all my questions about this new system and have assured me that it would not generate any interference with our systems.

Please passes this on to the Select Board.

Thank you

John M. Whalen
Fire Chief
Sudbury Fire Dept.
978-440-5311

Attachment2.g: Whalen_email_7.26 (5355 : Verizon petition re: pole attachment #119S)



SUDBURY SELECT BOARD

Tuesday, July 26, 2022

MISCELLANEOUS (UNTIMED)

3: DEI Commission

REQUESTOR SECTION

Date of request:

Requestor: Chair Russo

Formal Title: Discussion on Diversity, Equity & Inclusion (DEI) Commission and possible vote to make it a permanent commission.

Recommendations/Suggested Motion/Vote: Discussion on Diversity, Equity & Inclusion (DEI) Commission and possible vote to make it a permanent commission.

Background Information:
current mission statement attached

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

07/26/2022 7:00 PM

TOWN OF SUDBURY
SUDBURY DIVERSITY, EQUITY, AND INCLUSION COMMISSION

Approved by the Board of Selectmen: November 17, 2020

Amended: April 6, 2021, February 1, 2022

Mission:

The Select Board is creating the Sudbury Diversity, Equity, and Inclusion Commission to support diversity, achieve equity, and foster inclusion for every member of this community, respecting all aspects of identities. The Commission shall also critically consider intersections among these groups to facilitate learning, understanding, and unity.

The Commission shall consist of up to fourteen members-and Advisory members. The Commission shall make recommendations on a quarterly (minimum) basis to the Sudbury Select Board on policies and programs to identify and eliminate conscious or unconscious biases and prejudices, to reject discrimination, and to measure, promote, and increase diversity, equity, and inclusion of Sudbury's historically disenfranchised populations. Within the first eighteen months, the commission will present an action plan to move the town toward the following goals.

Goals:

1. The Commission will meet at least monthly to hear testimony from towns people, deliberate on those discussions and submit a report within the first eighteen months, including an action plan, to the Select Board which will then oversee the implementation of the recommended actions. To accomplish this goal, the Commission will:
 - a. Provide training for the members to self-examine and recognize their own experience with historically disenfranchised populations and unconscious bias.
 - b. Gather first-hand experiences in Sudbury from historically disenfranchised populations.
 - c. Solicit feedback from town departments, boards, and committees.
 - d. Collaborate with groups operating in town that are focused on related issues.
 - e. Facilitate discussions and education forums for town residents about issues of diversity, equity, and inclusion.
2. The Commission will identify ways to promote awareness, engagement, and community building around diverse experiences and to create a more inclusive community, including:
 - a. Brainstorm possible actions that can be taken to address any problems/issues found.
 - b. Leverage final report as presented to the Select Board documenting the state of diversity, equity, and inclusion in town to make appropriate recommendations and address any problems found.
3. The Select Board, in partnership with the Commission, to present findings to the town.

Membership:

The ***Sudbury Diversity, Equity, and Inclusion Commission*** shall be appointed by the Select Board according to the following list. All appointments shall expire on November 30, 2022 but may be extended by the Select Board. Members will be reflective of the diversity of the Sudbury community. The membership will be established through an open request to all residents of the town. The Select Board will send notice of the application

process to all faith communities, local civic organizations, town boards and committees, local media (including print and digital and social media) and any other outlet that will help to reach the broadest range of residents.

The Commission shall elect a Chair and Vice-Chair or Co-Chairs, and a Clerk from among its members. The Chair or Co-Chairs will run the meetings, be the designated communications link with the Select Board, and schedule meetings. Commission members will be initially appointed to serve until November 30, 2022.

Membership (voting members) will include:

- Sudbury resident(s), including Students or Parents of Students attending Sudbury schools.....(up to 14 members)

Advisory (non-voting members):

- Sudbury Police Chief or delegate from Sudbury Police Department(1)
- Town of Sudbury Town Manager or delegate (1)
- Sudbury Public School and/or Lincoln Sudbury Regional High School..... (2)
- One member nominated by the Sudbury Clergy Association (1)
- Commission on Disability Member..... (1)
- Select Board liaison (2)

Areas of expertise/experience for members may include but not limited to:

- Business representatives
- Education
- Parent or caregiver
- Student
- Human Resources
- Immigration law
- Medical and healthcare
- Minority affairs
- Real estate/Affordable Housing
- Social Work

The Commission consists of a group of Commission members and a small group of Advisory members. Commission members are voting members and must be available and willing to attend the majority of scheduled meetings. They may draw upon the expertise of Advisory members, who will be requested to attend meetings and/or discuss topics for which their expertise is needed. The Chair or Co-Chairs will run meetings, be the designated communications link with the Town Manager and other Town staff, and schedule committee meetings. The Commission may internally select a Clerk who will ensure that full minutes and a list of members in attendance are kept of each meeting and promptly submitted to the Commission for approval, filing with the Town Clerk, posting to the Town’s website, and disseminating to the Advisory membership.

The Select Board shall determine by September 30, 2022 whether to modify the mission statement, Commission charge, or Commission composition, and act to establish duration of term effective December 1, 2022.

Meetings will be open to the public, recorded, and will include community wide surveys and discussion groups.

Compliance with State and Local Laws and Town Policies

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

The Code of Conduct for Selectmen Appointed Committee

The Town's Email Communication for Committee Members Policy

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

Use of the Town's Web site

- The Commission will keep minutes of all meetings and post them on the Town's web site. The Commission will post notice of meetings on the Town's website as well as at the Town Clerk's Office.



SUDBURY SELECT BOARD
Tuesday, July 26, 2022

MISCELLANEOUS (UNTIMED)

4: Use of chat & Q&A functions in Zoom meetings

REQUESTOR SECTION

Date of request:

Requestor: Chair Russo

Formal Title: Discussion and possible vote on whether to continue the use of chat & Q&A functions in Town committee Zoom meetings.

Recommendations/Suggested Motion/Vote:

Background Information:

NOTE: Possible optional motion: Discussion and possible vote to restrict the use of Chat and Q&A functions within virtual Zoom meeting by Town boards, committees, and commissions.

Attached are copies of all emails received.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

07/26/2022 7:00 PM

From: [Golden, Patricia](#)
To: [Patricia Golden \(GoldenP@sudbury.ma.us\)](mailto:Patricia.Golden@Sudbury.ma.us)
Bcc: [Committees](#)
Subject: Disabling Chat Function in Zoom meetings
Date: Monday, July 11, 2022 9:33:00 AM

Good morning,

We would like to hear back from Committee Chairs in regards to:

The Select Board at a recent virtual meeting were subjected to a Zoombombing, which is a type of cyber-harassment in which an individual or a group of unwanted and uninvited users interrupt online meetings over Zoom. The perpetrators entered racist remarks into the Chat which were seen by all attending that webinar. Because of this Zoombombing, the Select Board is considering removing the Chat Function (and possibly the Q&A Function) for all public Zoom meetings. Town Counsel confirmed that this change would be acceptable according to the Open Meeting Laws. Public Comments would still be possible utilizing the Zoom Raise Hand Function. In preparation of this discussion, the Chair has asked us to reach out to Committee Chairs to see if they have any objections. If you do have an objection to this, would you **kindly let me know by 4:00 PM**

Wednesday, July 13th

Thank you.

Patty Golden

Senior Admin. Assistant to the Town Manager

Town of Sudbury

278 Old Sudbury Road

Sudbury, MA 01776

Ph: 978-639-3382

Fax: 978-443-0756

www.sudbury.ma.us

Office Hours:

Mon, Wed, Thur 8:30 am – 5:00 pm

Tues 8:30 am – 7:00 pm

Fri 8:30 am – 12:30 pm

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

From: [Silvia Nerssessian](#)
To: [Golden, Patricia](#)
Subject: Re: [school_committee] Disabling Chat Function in Zoom meetings
Date: Monday, July 11, 2022 9:37:11 AM

Hi Patty,

Hope you are well. The Sudbury School Committee does not use the Chat or the Q&A feature on our meetings.

Have a great day!
Many thanks,
Silvia

On Mon, Jul 11, 2022 at 9:33 AM Golden, Patricia <GoldenP@sudbury.ma.us> wrote:

Good morning,

We would like to hear back from Committee Chairs in regards to:

The Select Board at a recent virtual meeting were subjected to a Zoombombing, which is a type of cyber-harassment in which an individual or a group of unwanted and uninvited users interrupt online meetings over Zoom. The perpetrators entered racist remarks into the Chat which were seen by all attending that webinar. Because of this Zoombombing, the Select Board is considering removing the Chat Function (and possibly the Q&A Function) for all public Zoom meetings. Town Counsel confirmed that this change would be acceptable according to the Open Meeting Laws. Public Comments would still be possible utilizing the Zoom Raise Hand Function. In preparation of this discussion, the Chair has asked us to reach out to Committee Chairs to see if they have any objections. If you do have an objection to this, would you **kindly let me know by 4:00 PM Wednesday, July 13th**.

Thank you.

Patty Golden

Senior Admin. Assistant to the Town Manager

Town of Sudbury

278 Old Sudbury Road

Sudbury, MA 01776

Ph: 978-639-3382

Fax: 978-443-0756

www.sudbury.ma.us

From: [Carol Bradford](#)
To: [Golden, Patricia](#)
Subject: Re: Disabling Chat Function in Zoom meetings
Date: Monday, July 11, 2022 12:04:18 PM

Hi Patty,
 I have no problem with removing the chat and Q & A function for zoom meetings.
 Carol Bradford, BOH

On Mon, Jul 11, 2022 at 9:33 AM Golden, Patricia <GoldenP@sudbury.ma.us> wrote:

Good morning,

We would like to hear back from Committee Chairs in regards to:

The Select Board at a recent virtual meeting were subjected to a Zoombombing, which is a type of cyber-harassment in which an individual or a group of unwanted and uninvited users interrupt online meetings over Zoom. The perpetrators entered racist remarks into the Chat which were seen by all attending that webinar. Because of this Zoombombing, the Select Board is considering removing the Chat Function (and possibly the Q&A Function) for all public Zoom meetings. Town Counsel confirmed that this change would be acceptable according to the Open Meeting Laws. Public Comments would still be possible utilizing the Zoom Raise Hand Function. In preparation of this discussion, the Chair has asked us to reach out to Committee Chairs to see if they have any objections. If you do have an objection to this, would you **kindly let me know by 4:00 PM Wednesday, July 13th**.

Thank you.

Patty Golden

Senior Admin. Assistant to the Town Manager

Town of Sudbury

278 Old Sudbury Road

Sudbury, MA 01776

Ph: 978-639-3382

Fax: 978-443-0756

www.sudbury.ma.us

Office Hours:

Mon, Wed, Thur 8:30 am – 5:00 pm

From: [susan ciaffi](#)
To: [Golden, Patricia](#)
Subject: Re: Disabling Chat Function in Zoom meetings
Date: Wednesday, July 13, 2022 8:16:30 PM

Hi Patty,

I apologise for my tardy reply.

Personally, I like the chat function. When I am in a position to be a guest on a meeting, I don't always feel comfortable speaking - it is easier to ask a question in the chat. However, I do understand the need for a bit more security. I just wanted to state my point of view, since this perspective may also be shared with others who don't necessarily feel comfortable speaking out and rely on the chat function.

Thanks for asking,
Susan

Susan Asbedian-Ciaffi
 Chair, CIAC
 508-259-3304
sciaffi@gmail.com

On Mon, Jul 11, 2022 at 9:33 AM Golden, Patricia <GoldenP@sudbury.ma.us> wrote:

Good morning,

We would like to hear back from Committee Chairs in regards to:

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Patty Golden

Senior Admin. Assistant to the Town Manager

Town of Sudbury

278 Old Sudbury Road

From: [Kay Bell](#)
To: [Golden, Patricia](#)
Subject: Re: Disabling Chat Function in Zoom meetings
Date: Tuesday, July 12, 2022 2:55:20 PM

Hi Patty
I'm camping but we able to pick your message up.

I believe I have communicated to Mark and now will share with all:

I support not having a chat function, but retaining raise hand and/or Q&A that is seen by the host/co-host if it's possible to arrange that.

This more closely tracks with the behavior that is expected at live meetings.

My other wish would be for attendees to also be able to see the list of attendees, if possible, because that, too, simulates knowing what neighbors have come out for a meeting as one self has.

I appreciate the SB making the effort to hear what we committee-folk think.

Thanks to all staff and all fellow public servants,
Kay

Chiming in from Otis MA on behalf of the COD.

On Jul 11, 2022 9:33 AM, "Golden, Patricia" <GoldenP@sudbury.ma.us> wrote:

Good morning,

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Thank you.

Patty Golden

Senior Admin. Assistant to the Town Manager

From: [Eric Poch](#)
 To: [Golden, Patricia](#)
 Subject: Re: Disabling Chat Function in Zoom meetings
 Date: Monday, July 11, 2022 1:11:51 PM

Hi Patty,

FinCom does use the chat feature to share information during the meeting regularly, both among panelists and the public. We've been fortunate, that said, to not have been harassed by the Zoombombing. Unless I'm mistaken, the chat feature can be enabled ONLY for panelists as a method of reducing unwanted communication. That's be my \$00.02.

Thanks,
 Eric

On Mon, Jul 11, 2022 at 9:33 AM Golden, Patricia <GoldenP@sudbury.ma.us> wrote:

Good morning,

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Thank you.

Patty Golden

Senior Admin. Assistant to the Town Manager

Town of Sudbury

278 Old Sudbury Road

Sudbury, MA 01776

Ph: 978-639-3382

Fax: 978-443-0756

From: [dave henkels](#)
To: [Golden, Patricia](#)
Subject: Re: Disabling Chat Function in Zoom meetings
Date: Monday, July 11, 2022 11:04:08 AM

I have no objection to removing both functions. Raising a hand can be as effective. As long as the Chair or another member recognizes the “hand”. Additionally, the Chair should reiterate throughout the hearing that the “hand” will be attended to shortly. I have been a participant in 6 hearings where this dynamic has occurred.

Thanks,
 Dave Henkels
 Chairperson
 Conservation Commission

Get [Outlook for iOS](#)

From: Golden, Patricia <GoldenP@sudbury.ma.us>
Sent: Monday, July 11, 2022 9:33:41 AM
To: Golden, Patricia <GoldenP@sudbury.ma.us>
Subject: Disabling Chat Function in Zoom meetings

Good morning,
 We would like to hear back from Committee Chairs in regards to:

The Select Board at a recent virtual meeting were subjected to a Zoombombing, which is a type of cyber-harassment in which an individual or a group of unwanted and uninvited users interrupt online meetings over Zoom. The perpetrators entered racist remarks into the Chat which were seen by all attending that webinar. Because of this Zoombombing, the Select Board is considering removing the Chat Function (and possibly the Q&A Function) for all public Zoom meetings. Town Counsel confirmed that this change would be acceptable according to the Open Meeting Laws. Public Comments would still be possible utilizing the Zoom Raise Hand Function. In preparation of this discussion, the Chair has asked us to reach out to Committee Chairs to see if they have any objections. If you do have an objection to this, would you **kindly let me know by 4:00 PM**

Wednesday, July 13th

Thank you.
 Patty Golden
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 Fri 8:30 am – 12:30 pm

From: [YON - Jan C. Hardenbergh](#)
To: [Golden, Patricia](#)
Subject: Re: Disabling Chat Function in Zoom meetings
Date: Monday, July 11, 2022 12:29:50 PM

Hi Patty,

I'm not a committee chair, but I always have opinions.

I fully endorse limiting the ability of anyone to disrupt the governing of the Town. I fear there will be more attempts to cause chaos in the future. Since the Public can still comment, I think think disabling chat is good plan.

YON <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.jch.com&umid=8099d633-3555-440e-bc77-faef15e2f121&auth=f951e0bbe455ee22fa6fcc7e7ef3188c31a0819b-b90cdee945a4f5cb3b3ff7248990c42a78214740> <> Know thyself

On Jul 11, 2022, at 06:33, Golden, Patricia <GoldenP@sudbury.ma.us> wrote:

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From: [Bella Wong](#)
To: [Golden, Patricia](#)
Subject: Re: Disabling Chat Function in Zoom meetings
Date: Tuesday, July 12, 2022 6:34:50 PM

Hi Patty,
Here is Heather Cowap's (LS School Committee Chair) response:

Hi Bella,
I am in agreement with removing the chat function from the zoom meeting. If they zoom bomb one meeting I expect they will zoom bomb other meetings as well.
Thanks for the update,
Heather

On Mon, Jul 11, 2022 at 9:33 AM Golden, Patricia <GoldenP@sudbury.ma.us> wrote:

Good morning,

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From: [Jones, Elaine](#)
To: [Golden, Patricia](#)
Subject: RE: Disabling Chat Function in Zoom meetings
Date: Monday, July 11, 2022 10:31:04 AM

As long as other people watching the meeting could raise their hand and be recognized to speak, that would work with the PBC.

Elaine

From: Golden, Patricia
Sent: Monday, July 11, 2022 9:34 AM
To: Golden, Patricia <GoldenP@sudbury.ma.us>
Subject: Disabling Chat Function in Zoom meetings

Good morning,
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Wednesday, July 13th.

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

From: [Duchesneau, Adam](#)
To: [Golden, Patricia](#)
Subject: RE: Disabling Chat Function in Zoom meetings
Date: Monday, July 11, 2022 9:37:52 AM

Hello Patty,

For what it is worth, the Planning & Community Development Department fully supports removing the Chat Function and the Q&A Function for all public Zoom meetings.

Please let me know if you have any questions. Thank you.

Adam

Adam L. Duchesneau, AICP (he/him/his)
 Director of Planning & Community Development
 Town of Sudbury | Flynn Building, 278 Old Sudbury Road | Sudbury, MA 01776
 t 978-639-3398 | f 978-639-3314 | DuchesneauA@Sudbury.MA.us
www.sudbury.ma.us

From: Golden, Patricia <GoldenP@sudbury.ma.us>
Sent: Monday, July 11, 2022 9:34 AM
To: Golden, Patricia <GoldenP@sudbury.ma.us>
Subject: Disabling Chat Function in Zoom meetings

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From: [Nix, Scott](#)
To: [Golden, Patricia](#)
Subject: RE: Disabling Chat Function in Zoom meetings
Date: Monday, July 11, 2022 10:21:15 AM

Good morning,

I sent below to the Town Manager over the weekend. I hope all is well! Happy Monday!

In regards to the Chat function in your other email, unfortunately, it is probably best to disable the function as noted. I believe this will also make us less of a target.

Scott

Respectfully,

Scott Nix
Chief of Police
 Sudbury Police Department
 75 Hudson Road
 Sudbury, MA 01776
 (978) 443-1042
nixs@sudbury.ma.us

From: Golden, Patricia <GoldenP@sudbury.ma.us>
Sent: Monday, July 11, 2022 9:34 AM
To: Golden, Patricia <GoldenP@sudbury.ma.us>
Subject: Disabling Chat Function in Zoom meetings

Good morning,

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Wednesday, July 13th.

Thank you.

Patty Golden
 Senior Admin. Assistant to the Town Manager
 Town of Sudbury

From: [ParkandRecreationCommission, Chair](#)
To: [Golden, Patricia](#)
Subject: Re: Disabling Chat Function in Zoom meetings
Date: Monday, July 11, 2022 9:46:45 AM

Hi Patty,

Thanks for asking.

The PRC was recently subjected to some crazy chatting also - the co-host was able to remove that person from our meeting and we continued. I was focused on the live conversation so didn't pay attention to the chat. I typically ask another commissioner to watch the chat.

We do use the chat function for our meetings when we have many people attending. It is a valuable tool when we are having a deep dive into topics. I have also saved the chat history for an additional record to our meeting. Chat allows people to ask questions in a concise way that we then address as we can.

I would not support removing chat from our meetings at this point. If it became a continued issue, then I would support it. Would it be possible to allow the chairperson to enable or disable chat on each meeting so each chairperson has the discretion based on their situation?

Mara

 Park and Recreation Commission Chairperson
<https://sudbury.ma.us/parkrecreationcommission/>
<https://sudburyrec.com/>

From: Golden, Patricia
Sent: Monday, July 11, 2022 9:33:41 AM
To: Golden, Patricia
Subject: Disabling Chat Function in Zoom meetings

Good morning,
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From: [Cline, Sherrill](#)
To: [Golden, Patricia](#)
Subject: RE: Disabling Chat Function in Zoom meetings
Date: Monday, July 11, 2022 10:13:04 AM

I think it's a great idea.

Sherri Cline

From: Golden, Patricia <GoldenP@sudbury.ma.us>
Sent: Monday, July 11, 2022 9:34 AM
To: Golden, Patricia <GoldenP@sudbury.ma.us>
Subject: Disabling Chat Function in Zoom meetings

Good morning,

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Wednesday, July 13th

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From: [Carty, Daniel](#)
To: [Golden, Patricia](#)
Subject: Re: Disabling Chat Function in Zoom meetings
Date: Monday, July 11, 2022 9:59:36 AM

As chair of the Transportation Committee I fully support shutting down chat and Q&A functionality from Zoom.

Dan Carty

From: Golden, Patricia
Sent: Monday, July 11, 2022 9:33 AM
To: Golden, Patricia
Subject: Disabling Chat Function in Zoom meetings

Good morning,
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Attachment4.a: Disabling Chat in Zoom_all_emails (5372 : Use of chat & Q&A functions in Zoom meetings)

From: [Bilodeau, Maryanne](#)
To: [Golden, Patricia](#)
Subject: RE: Time Sensitive RE: More Questions RE: Zoom Chat Function
Date: Tuesday, July 26, 2022 11:31:17 AM

Hi, Maryanne – I'll give you my opinion on these three questions.

1. In my opinion, deleting the “chats” would not be a violation. I first note that the OML provides that while the public must have access to attend or listen to a public meeting, they do not have the right to be heard or participate. Chapter 30A, §20(g) states “(g) No 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.” This has remained the rule throughout the Covid special legislation authorizing fully remote meetings. In addition, while I found a few determinations from the Division of Open Government that reference the Zoom chat feature, none of them said the chats must be retained or that they were even an actual part of the meeting. In addition, the Supervisor of Records has not issued any regulation or guidance as to whether the chats are “public records” – certainly the recording of the meeting itself is a public record, but that is a separate item. In my opinion, unless or until the Commonwealth issues guidance on whether or how to save chats, it is my opinion that you not required to do so.
2. I would say that the SB does have that authority, although how it would be enforced is a more open question. Outside of a Covid-related meeting issues, the SB is the authority that may set parameters for the use of “remote participation.” The AG’s regulations, at 940 CMR 29.10(8), states:

(8) Further Restriction by Adopting Authority. 940 CMR 29.10 does not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

In my opinion, the SB deciding that the chat feature not be used during Zoom meetings (or similar online services) would be valid as being a policy restricting remote participation. I don't know if there is a way to block the chat feature Town-wide, but that would be the best way to ensure it does not get used.

3. In my opinion, the answer for the Q&A feature is the same as for the chat – the SB could do this as a policy. I do note, however, that while the AG agrees that public participation is not mandatory, it is “encouraged.” But I see the SB has a “citizen comment” item already. No violation to turn off this feature.

Brian

Brian W. Riley, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 654 1722

F: (617) 654 1735

C: (617) 909 9084

briley@k-plaw.com

www.k-plaw.com

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Maryanne Bilodeau
Interim Town Manager
Pronouns: She - Her - Hers
Town of Sudbury
278 Old Sudbury Road
Sudbury MA 01776
Phone: (978) 639-3385
Fax: (978) 443-0756

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SUDBURY SELECT BOARD

Tuesday, July 26, 2022

MISCELLANEOUS (UNTIMED)

5: Discuss OML complaint filed 7/15/22

REQUESTOR SECTION

Date of request:

Requestor: Chair Russo

Formal Title: Acknowledge and discuss Open Meeting Law Complaint against the Select Board, and Lisa Kouchakdjian, filed by Mr. John Baranowsky and dated July 15, 2022; review and discuss response to complaint; votes may be taken.

Recommendations/Suggested Motion/Vote: Acknowledge and discuss Open Meeting Law Complaint against Select Board, and Lisa Kouchakdjian, filed by Mr. John Baranowsky and dated July 15, 2022; review and discuss response to complaint; votes may be taken.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

07/26/2022 7:00 PM



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

TOWN CLERK
SUDBURY, MASS.
2022 JUL 18 1 PM 1:21

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: john Last Name: baranowsky

Address: 103 belcher drive

City: sudbury State: ma Zip Code: 01776

Phone Number: 9788356674 Ext. _____

Email: baranow@comcast.net

Organization or Media Affiliation (if any): none

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): SelectBoard - Town of Sudbury

Specific person(s), if any, you allege committed the violation: Lisa Kouchakdlian

Date of alleged violation: July 12, 2022

Attachment5.a: OML complaint-Baranowsky-SB (5364 : Discuss OML complaint filed 7/15/22)

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Sudbury Select Board, known for extraordinarily protracted meeting duration, often delving into matters of policy that some would argue, are extraneous to what Citizens have historically expected duties of the Board, not to be ignored or cast aside for time spent on interesting new rules, regulations, manner of speaking and control of the Body Politic (contrasted to serving the people's needs). Nevertheless, as the final item on the Select Board's typical five hours Agenda is an item described as "Future Agenda Items" where members are given the opportunity by the Chair to enumerate items a member would like Chair, in formulating the next meeting Agenda to include. This is at the sole discretion of the Chair with consideration to time constraints and balancing against addressing core Select Board business while holding meeting duration not to exceed five (5) hours. On the occasion of July 12, 2022, an unfortunate error in timing occurred wherein early scheduled agenda items of real import (final easements and legal documents associated with the Bruce Freeman Rail Trail, a project that this Board overtly obstructed for many years) passed through in little to no time leaving a significant gap in the schedule between these items and a timed item that could not be brought forward. Rather than recess to 7:15 PM, the Chair allowed member Kouchakdjian to bring forward future Agenda Items for listing; however, this member chose not only to list future Agenda Items, but rather in three separate instances launched into deliberation, not only engaging or attempting to engage with other members, but to go so far as to reach out to the Zoom Meeting audience, particularly her followers from her time advocating in similar ways (but apparently not in violation of OML) in the Sudbury Public School Committee, a highly inappropriate and obvious violation of the OML. I counted 4 times where Ms. Kouchakdjian actually used the word or phrase "I've considered this (or that) and...". Consideration being the dictionary definition of deliberation makes these utterances completely unacceptable as for two years, through the ensuing deliberations, we learned that the past three Chair Persons, having been asked my members to add a similar item to a future Agenda for discussion in Open Meeting, all declined to do so. Yet, on the occasion of July 12, 2022, Ms. Kouchakdjian, for one of her many items, not only got it listed, but was allowed to deliberate on the initiative, even to the point where the Board formed a subcommittee, all such activity never properly posted thereby denying even the remote chance that the public body, to which this Board serves, should they be inclined, attempt overcome what in my view is not just an un-level playing field, but a mountain to overcome given these circumstances that the pathway to "solution" has been baked-in without any opportunity for public input on public policy.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

I believe the violation was intentional. I feel that the Chair, Ms. Drettler, and Ms. Roberts tried several times to reign Ms. Kouchakdjian in, suggesting she stop, or allow the Board to go to recess, but the extraordinary pushback, interruptions and failure to yield to the Chair when asked, deserves strong actions up to the limits allowed under OML.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

John K. Baranowsky

Date: _____

July 15, 2022

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:



SUDBURY SELECT BOARD
Tuesday, July 26, 2022

MISCELLANEOUS (UNTIMED)

6: Town Manager Search Firms process

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion on Town Manager Search Firm process and Select Board August and September meeting schedule

Recommendations/Suggested Motion/Vote: Discussion on Town Manager Search Firm process and Select Board August and September meeting schedule

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

07/26/2022 7:00 PM

TOWN MANAGER SEARCH FIRM PROCESS 2022

Proposed SB Meeting Dates are highlighted in yellow

- 6/24/22 RFP available
- 7/21/22 Proposal deadline; Proposals and Evaluation Form sent to SB members to evaluate/rate
- 7/26/22 SB members submit Proposal summary evaluations/ratings to Patty Golden by 10 a.m.
Patty compiles ratings for SB discussion
- 7/26/22** SB discusses evaluation summaries and chooses which firms to interview
SB discuss Reference Checks for firms to be interviewed and who will call which references
- Over the next few days, individual SB members check their assigned references/send updated Evaluations to Patty Golden by 8/1/22 at 10 a.m.
Interim TM works with SB Chair on Search Firm Interview Questions
- 8/1/22 SB individual Reference Check Ratings are due to Patty Golden who will compile them
Revised compiled ratings are shared with SB before next SB meeting
- 8/2/22** SB interviews TM Search Firms
- 8/3/22 Individual SB Interview Ratings due to Patty Golden by 10:00 a.m. so she can compile them
Once ratings are received/compiled, Interim Town Mgr opens/adds price proposals
- 8/3 or 8/9/22** SB votes to Select TM Search Firm
(Contract awarded to the Proposer deemed by the SB to have the most advantageous proposal taking into consideration all of the Technical Proposal criteria and interviews in addition to the Price Proposals.)
- SB also authorizes Interim TM to finalize and sign Contract with chosen firm
(Interim TM works with Town Counsel and SB Chair (for final review) before signing)
- 8/23 or 30/22** SB meets with Chosen search firm to discuss timeline/process



SUDBURY SELECT BOARD
Tuesday, July 26, 2022

MISCELLANEOUS (UNTIMED)

7: Summer 2022 Select Board Newsletter Articles Approval

REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Review the Select Board Summer 2022 Newsletter articles and approve for distribution.

Recommendations/Suggested Motion/Vote:

Background Information:

Draft newsletter attached

Financial impact expected:N/A

Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting:

Review:

Select Board Office Pending

Town Manager's Office Pending

Town Counsel Pending

Select Board Pending

Select Board Pending

07/26/2022 7:00 PM

FROM THE SELECT BOARD

Summer 2022

Town of Sudbury

Electronic Voting at Town Meeting

BY CHARLIE RUSSO, SELECT BOARD

The next time Sudbury gathers for Town Meeting things will look a little different, with residents casting their votes using electronic handheld devices, rather than the colorful paper slips used in recent years.

The upcoming transition to electronic voting is the result of two votes approved at the May 2022 Annual Town Meeting: first, to change Town bylaws to allow the switch, and; second, to purchase the handsets and other equipment required to implement electronic voting.

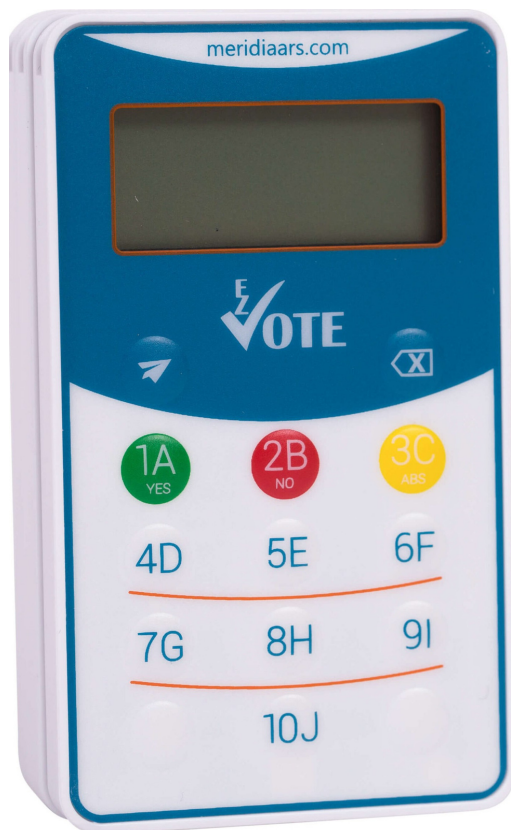
Town Clerk Beth Klein said she expects electronic voting to be used for Annual Town Meeting in May 2023.

The Bylaw

The new bylaw allows the Town Moderator, with permission from the Hall, to use electronic voting as the default method of for future Town Meetings. "Electronic Voting Technology" is defined as any electronic voting system that allows for the counting of votes using a wireless or mobile device, including handheld clickers, mobile phone application, or similar systems.

The electronic voting system will be a secure and private system, and is expected to be a faster and more accurate system than the current one. Voters will be able to see an exact count immediately after each vote, which can be displayed on the large screen used during Town Meeting.

The specific device and company that will be used to provide the system is still to be determined, Klein said. She is currently developing a request for proposals for firms to provide the equipment and services needed for electronic voting.



Attachment7.a: Sudbury Newsletter Summer 2022_SB2 (5031 : Summer 2022 Select Board Newsletter Articles Approval)

For many of the most commonly-used electronic voting systems, the process would be much the same as with the paper cards Sudbury Town Meeting voters are accustomed to using. Before the start of Town Meeting, voters will receive handsets at check in, use them during the meeting, and return them at the end of the night.

The new bylaw also provides a process to remedy errors if an individual voter records their vote incorrectly - for example, pressing the wrong button - and in case a group of voters doubt the overall results of the vote. Potential remedies available to the Moderator include updating the record of the vote to adjust for individual errors, or re-voting and/or using another method of voting in case of concerns about the accuracy of the overall vote.

The Devices

In addition to approving the bylaw change, Town Meeting voters approved the expenditure of \$22,845 of free cash to purchase handsets to implement the process. This funding is expected to purchase about 800 electronic voting handsets, with expected service lives of 8-10 years.

The handsets will replace hand, voice, and paper voting. In addition, Klein said, she hopes the electronic voting will help boost voter confidence in the voting process.

"It can help people to realize that every vote counts," Klein said. "When it's a 2/3 vote or 3/4 vote requirement, that's a bit abstract for some people. But if 500 people are there, and 498 vote in favor of something, that tells you something."

Not a New Process in the State

A number of state laws govern how Town Meetings may be conducted, including a requirement for in-person voting. Virtual/remote Town Meetings are not currently allowed by state law.

Klein noted that electronic voting may be new to Sudbury, but has been in use by more than 90 Massachusetts communities. Massachusetts communities that use electronic voting for Town Meeting include Arlington, Brookline, Framingham, Chelmsford, Lexington, and Billerica, among others, including in Wayland for more than a decade.

VIRTUAL SELECT BOARD'S OFFICE HOURS



Janie Dretler



Dan Carty

Join On-Line

us02web.zoom.us/j/82788884457

Join By Phone

978-639-3366

Meeting ID: 827 8888 4457

WEDNESDAY, SEPTEMBER 14, 2022
12 PM – 1 PM
ZOOM MEETING



Vocational Education for Sudbury

BY LISA KOUCHAKDJIAN, SELECT BOARD

Sudbury has always been, and continues to be, a community whose residents and taxpayers understand the importance of investing in education and value our excellent schools. This is one of the major reasons people continue to move to Sudbury.

Most students follow a traditional educational course through our elementary schools and Curtis Middle School, and complete their primary education at Lincoln-Sudbury Regional High School. For some students, however, a different path may be more appropriate for them to follow.

By state statute in Massachusetts, all towns are to provide vocational education for their students. Vocational education is defined specifically as:

organized education programs offering sequences of courses designed to educate and prepare students for both employment and continuing academic and occupational

preparation. Such programs shall integrate academic and vocational education and shall include competency based applied learning which contributes to an individual's academic knowledge, higher order reasoning, and problem solving skills, work attitudes, general employability skills and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Vocational-technical education shall also include applied technology education to be taught by personnel certified in technology education.
-Massachusetts General Laws ch. 74 § 1.

In recent years, the Town of Sudbury was a member of a vocational school: Minuteman High School (Minuteman). On February 9, 2016 at a Special Town Meeting, the Town of Sudbury withdrew from Minuteman. At that time, the intention was for the Town of Sudbury to become a member of Assabet Regional Vocational High School (Assabet). The Town of Sudbury has not yet become a member of Assabet or any other vocational school.

Since that time, Sudbury students have had increased challenges associated with attending vocational schools as out-of-district students. When Sudbury withdrew, one basis for withdrawing was an expectation that Sudbury students would have flexibility in choosing which vocational school to attend. Unfortunately, students have not had that type of flexibility.

Today we are seeing a significant increase in demand for vocational education across the Commonwealth. This has caused a reduction in available placements for Sudbury students. Typically, students who are sent from a member school district would have an admissions advantage based upon the fact that their town is a member. Due to the increased demand for vocational education, even students coming from member school districts are being waitlisted. For this reason, and since Sudbury is not a member of any vocational school, our students are at an increased disadvantage today.

Addressing the issues surrounding vocational education in Sudbury is a high-level goal for the Select Board. Addressing this issue expeditiously is important as it fulfills the promise made to our community to become a member of a vocational school and reinforces Sudbury's enduring commitment to meet the needs of all our students.

The Select Board is currently researching options available to Sudbury. By consensus, the Select Board has agreed to consider four schools, Nashoba Valley Technical High School, Keefe Regional Technical School, Assabet and Minuteman. Proximity to Sudbury is one of the factors the Select Board considered in determining which schools to consider.

Both Brad Crozier, Superintendent of Sudbury Public Schools and Bella Wong, Superintendent and Principal of Lincoln-Sudbury Regional High School agree that it is in students' best interests for the Town of Sudbury to become a member of a vocational school again. Furthermore, both Superintendents concur that the two best options are Minuteman and Assabet.

The Select Board will make every effort to determine membership options available to the Town of Sudbury. The Select Board values and appreciates the work being done by teachers and administrators in our schools, as well as Town staff, to support our Sudbury students who desire vocational education. Please follow the Select Board meetings for further updates on this topic.



Climate Change & Sustainability Initiatives: A Pivotal Year in Sudbury

BY JENNIFER ROBERTS, SELECT BOARD

It has been an important year in Sudbury in taking steps to fight climate change and foster sustainability.

The timing is critical as it is coming on the heels of concerning and eye-opening reports in 2021 and 2022 by the United Nations Intergovernmental Panel on Climate Change (IPCC), which warned of the impacts of climate change and called for action by leaders and communities across the globe.

Also in 2021, State legislation was passed called the Next Generation Roadmap for Massachusetts Climate Policy legislation. This legislation sets goals for the state to achieve “net zero” emissions by 2050, with interim benchmarks of 50% by 2030 and 75% by 2040. This year, Sudbury is taking proactive steps to do its part, building upon past initiatives to mobilize in the fight against climate change.

At the May 2, 2022 Sudbury Annual Town Meeting, a resident group brought forward Citizen Petition Article 58 focused on combatting climate change that passed by well more than the majority of the hall. Details of the petition article are:

- Declares Climate Emergency.
- Calls for the hiring of a Sustainability Director and appropriation of \$130K from Free Cash or other sources for salary/benefits.
- Calls for community-wide greenhouse gas emissions reductions as soon as possible, but no slower than state benchmarks as signed into law.
- Organize 90-day stakeholder meeting to educate about climate emergency risks and Town's plans to address them.
- Convene advisory team led by Sustainability Director to research and develop a Climate Mobilization Action Plan (CMAP).
- Provide annual status report to Town Meeting on progress towards meeting communitywide greenhouse gas reduction goals.

Also, in Fall 2021, the Select Board set as a top goal “Climate Change & Sustainability Initiatives” with deliverables further mapped out in 2022, including key aspects of the citizen petition. During this time, Sudbury’s own Energy and Sustainability Committee continued to advance important measures, including a plan to put solar on the Town’s Department of Public Works building and consultations to enhance the energy efficiency of the new Fairbank Community Center.

Recently, on July 14th the Select Board held its Annual Town Forum with the topic of Climate Change & Sustainability. This also met the citizen petition request for a 90-day stakeholder meeting. The Forum brought together an impressive and informative list of external panelists, including Senators Jamie Eldridge and Mike Barret, Representative Carmine Gentile, Winchester Sustainability Director Ken Pruitt, and OARS Executive Director Alison Field-Juma. The Select Board was also fortunate to have Town leadership from the Town Manager, Planning, Health, Conservation, Fire, DPW, and Facilities Departments and our Energy and Sustainability Committee, who were able to share their views on how climate change is affecting Sudbury and past and future actions our community can take. For individuals who were unable to see the Forum live, it is currently available for viewing on SudburyTV.



What climate risks to Sudbury have you identified through your work? What has your department already done to plan for and address risks?

*Director of Planning & Community Development
Adam Duchesneau responding to a kickoff question at the
Sudbury Town Forum: Climate Change & Sustainability .*



Adam Duches...

Among the topics discussed in the Forum were plans developed by the Town of Sudbury in recent years, including the Municipal Vulnerability Preparedness Plan (MVP) in 2019 and the Hazard Mitigation Plan (HMP) in 2020. The MVP focuses on community planning for climate change resiliency and implementing key climate change adaptation actions for resiliency. The HMP will help guide Sudbury in future mitigation activities and decisions resulting from natural hazards, such as floods, earthquakes, and hurricanes. Also, the 2021 Sudbury Master Plan Action Plan recognized that Sudbury is vulnerable to the impacts of climate change and that action must be taken to be more resilient and reduce the community's carbon footprint.

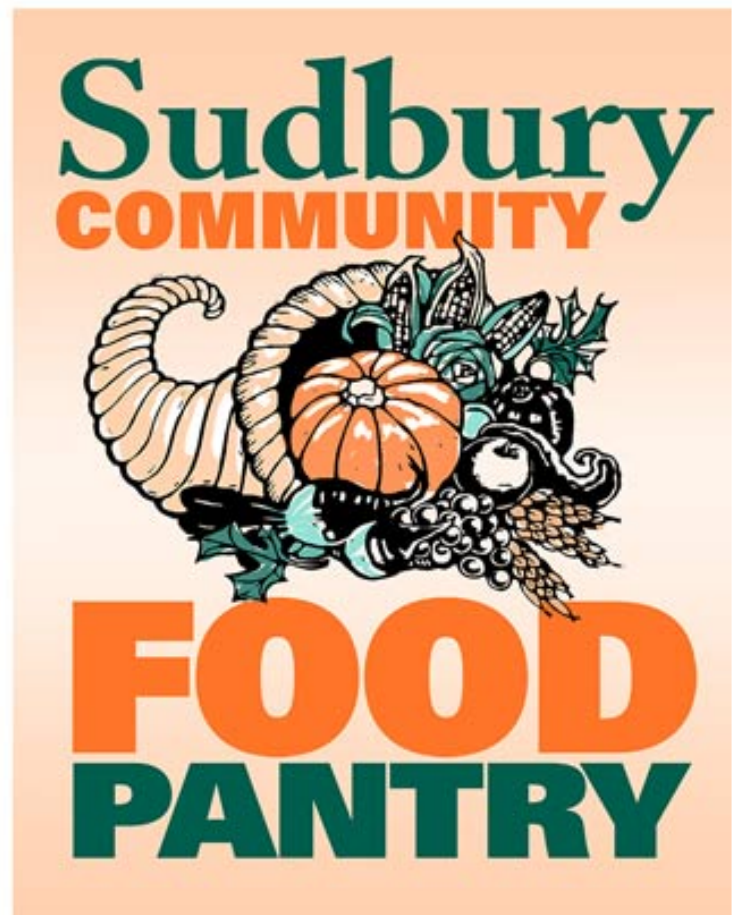
In the Annual Town Forum, Town leaders highlighted current work as well as the need for more staff time and resources to implement the goals of these key plans. Considerable discussion also took place about ongoing efforts to seek grants and State funding to enable necessary action.

Coming off the momentum of the 2022 Annual Town Meeting and Town Forum, the Select Board and Interim Town Manager are actively planning steps to achieve existing goal milestones and the mission of the 2022 Climate Emergency Declaration citizen petition. As this work evolves, the Select Board and Town staff will continue to share updates with the community. Thank you to Sudbury residents, Town staff, businesses, and volunteers for supporting important initiatives to foster sustainability and fight climate change in our community.

Sudbury Food Pantry

BY DAN CARTY, SELECT BOARD

Sudbury is considered one of the more affluent towns in Massachusetts as we are generally towards the top of the list when household and median incomes are considered. What many residents may not realize is we also have a very active Food Pantry serving Sudbury families as well as those from neighboring towns. Curious to learn more, I had the pleasure of talking with Laura Howrey who educated me on the history and current status of the Pantry.

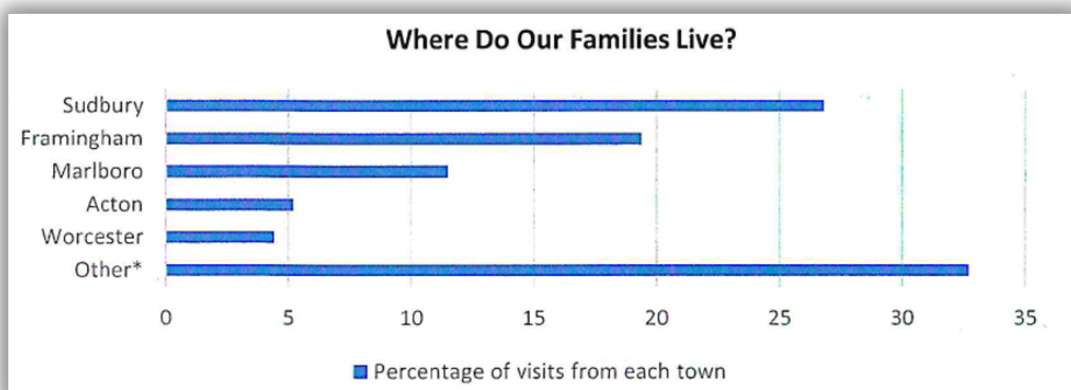


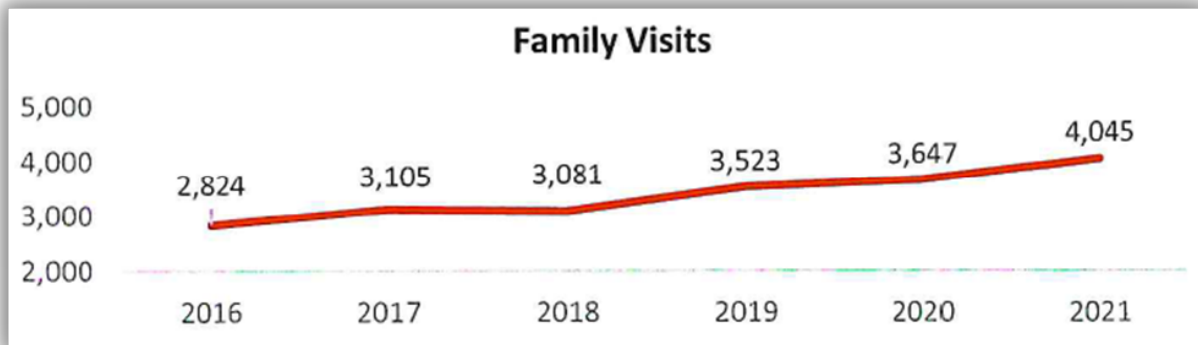
Per Laura, the Pantry started in 1990 at Our Lady of Fatima Church (now Ascension Parish), where it continues today, as a “food shelf.” Over time it turned into more of a full pantry, and currently is staffed fully by volunteers – about one hundred in total – and assists up to eighty families per week. These volunteers unload trucks, collect donations, stock shelves, fill shopping bags, and may also function as “personal shoppers” for those unable to visit the Pantry themselves. The Pantry liaises with the Town of Sudbury via Town Social Worker Bethany Hadvab who helps direct clients. A registered 501(c) (3) organization, the purpose of the Pantry is to help any family or individual, and anyone seeking assistance. While volunteers ask clients a few questions on their first visit, no photo ID or proof of need is asked for, and no one has ever been turned away. Which is important, as while the challenges facing the Pantry are rising, so is the need.

2021 was the busiest year yet for the Pantry. Visits rose 11% as compared to 2020, up to 4,045 in total. 23,706 bags of food were distributed to 763 unique families, including 284 new in 2021. Older and younger demographic groups generally are the most vulnerable to food insecurity, and the numbers show Sudbury and the surrounding area is no different. While families from seventy-three different cities and towns visited the Pantry in 2021, the vast majority have come from Sudbury and the Metrowest area. Nearly 10% of the Food Pantry clients in 2021 were over the age of 64 and 31% were under 18. Over 40 Veterans are also served.

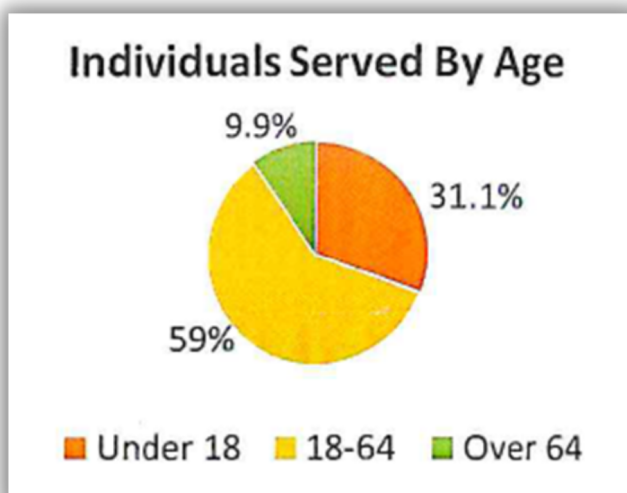
I asked Laura about the challenges facing the Food Pantry, and she mentioned not only the rising need, due in part to general inflation, the rising cost of gas, and that of housing, but also simple physical space. A notable example she gave me had to do with their partnership with the Greater Boston Food Bank (GBFB).

The pantry purchases roughly 61% of its supplies from the GBFB at low or no cost. But due to recent supply chain and staffing issues, they can only get meat from the GBFB if they order in full pallet quantities. A pallet of meat is roughly 3,500 pounds, and apart from the challenge of unloading pallets, the Pantry has inadequate freezer space for storage. Thankfully, a partnership with Sudbury Farms has helped alleviate this as they donate freezer space to the Pantry, and similarly freezers and shelf space at Camp Sewataro are also utilized. The Food Pantry is certainly grateful for Ascension Parish, but it has to work around the church’s schedule of events and its usage of the space. The Pantry operates on Tuesdays and Thursdays from 12 noon through 2:15PM, while volunteers work to stock shelves Monday through Thursday, and trucks deliveries need to be scheduled. Meanwhile the church has their own activities, like vacation Bible school, which cannot be impacted. More space is being sought as the Food Pantry is collaborating with local realtors on options, but real estate in Sudbury is expensive.





When asked about where the food comes from in addition to the GBFB, Laura told me that there are a number of sources. Lovin' Spoonfuls collects food from grocery stores that is no longer sellable but still usable and delivers to the Pantry twice a week. Last year, they accounted for 85,736 pounds of food with a retail value of \$143,275. Gaining Ground and Saltbox Farms, both in Concord, provided 3,831 and 2,214 pounds of fresh produce in 2021. Hope & Comfort and Dignity Matters are partner organizations that supply personal care and feminine hygiene products, and the Sudbury Public Schools provide a sizable portion of the shelf stable food via their monthly food drives at all four elementary schools. Numerous other local farmers, shops, restaurants and local food drives help to supplement shelf stable products. Many more partners exist, and rather than run the risk of forgetting any, I submit the Pantry's list: <https://sudburyfoodpantry.org/partners/>.



When I asked about what happens when there are not enough donations, Laura told me that gaps are filled by the Pantry purchasing from local grocery stores. For example, the GBFB was unable to supply many staples, like canned tuna and breakfast cereal, for several months. Generally available for free through GBFB, they had to purchase these at retail, costing \$1,501 and \$1,118 per month. The Pantry is grateful to the individuals, businesses, foundations, and congregations that provide financial support. 2021 also saw a rise in first-time donors, as well as increased efforts to apply for grants and to leverage Pandemic-related funds. State Representative Carmine Gentile has been of particular assistance in this area. The Pantry also recently received a \$100,000 allocation of ARPA funds from the Town of Sudbury. This marks the first time any Town money has gone directly to the Food Pantry, and this money will be used to fill the aforementioned gaps when food is unavailable from the GBFB or donations.

I enjoyed my conversation with Laura and learning about the Food Pantry, but one passage from her summed up for me the Pantry and its mission: "At the Food Pantry clients are treated with kindness, dignity, and respect. Our goal is to provide them with food of both good quality and substantial quantity. And all of the volunteers would probably agree that we do it because we can."

Thank you to Laura Howrey and all of the volunteers and partners at the Sudbury Food Pantry.

Important Update: Bruce Freeman Rail Trail

BY JANIE DRETHER, SELECT BOARD

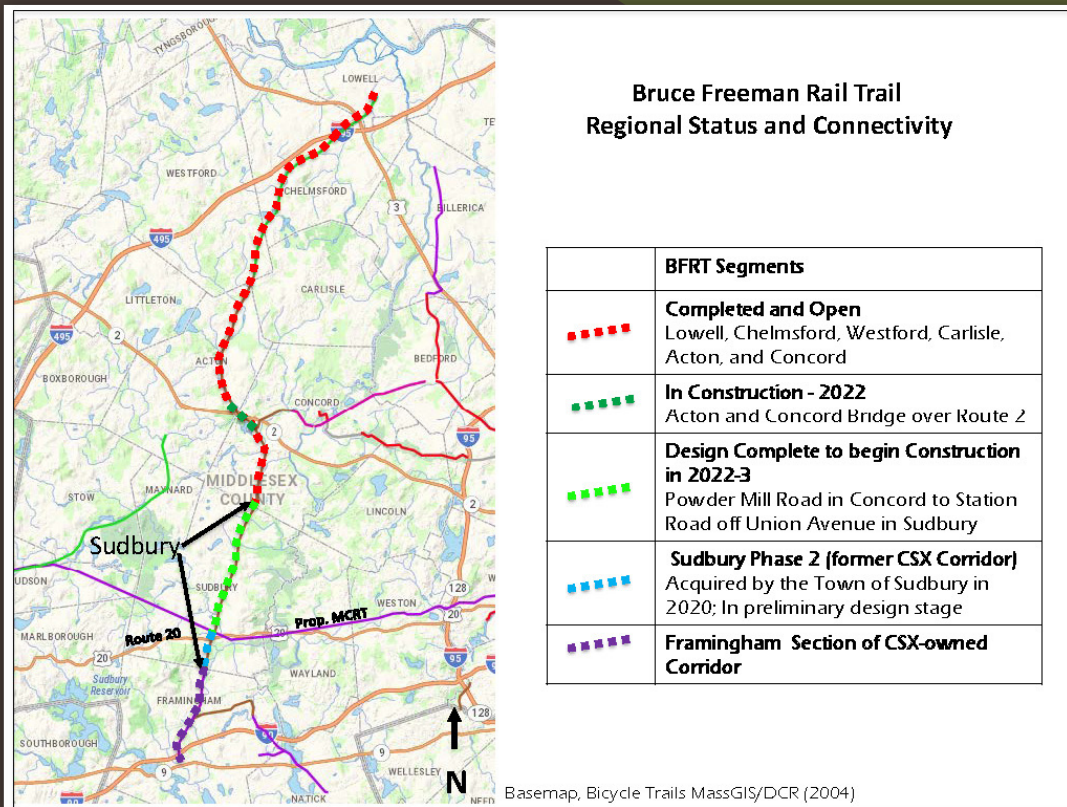
Great news! On July 12, the Select Board approved and signed the Bruce Freeman Rail Trail (BFRT) Lease with the Massachusetts Department of Transportation (MassDOT).

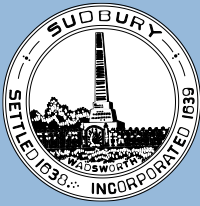
The Board also signed several other documents related to the BFRT including a Traffic Control Agreement with MassDOT for a signal at Hudson and Peakham Roads as well as approval of temporary construction access, temporary easement payments, and acceptance of donations of temporary easements. The anticipated MassDOT advertising date for construction bids is August 6, 2022.

The Select Board also received notice of a MassTrail Grant award for the BFRT Extension to the CSX corridor. This award is for \$240,000 for the advancement of the feasibility study, conceptual design, and first 1/4 mile design of the BFRT on the former CSX corridor.

For more information about the Bruce Freeman Rail Trail project in Sudbury, go to <https://sudbury.ma.us/pcd/?p=354>. If you are interested in receiving project updates about the Sudbury BFRT, please sign up for email notification at: <https://sudbury.ma.us/email-lists/bfrr/>.

The Town will provide more information about the construction timeline later this summer/early fall, so please stay tuned!





SUDBURY SELECT BOARD

Tuesday, July 26, 2022

MISCELLANEOUS (UNTIMED)**8: Delegate authority to Police Chief for officers needed at elections**REQUESTOR SECTION

Date of request:

Requestor: Town Clerk Beth Klein

Formal Title: Vote that the Select Board delegate the authority given to them in Section 13 of Chapter 92 of the Acts of 2022 to detail a sufficient number of police officers for each building that contains the polling places for one or more precincts at every election therein to preserve order and to protect the election officers and supervisors from interference with their duties and to aid in enforcing the laws relating to elections to the Chief of Police or a police department designee for all future elections.

Recommendations/Suggested Motion/Vote: Vote that the Select Board delegate the authority given to them in Section 13 of Chapter 92 of the Acts of 2022 to detail a sufficient number of police officers for each building that contains the polling places for one or more precincts at every election therein to preserve order and to protect the election officers and supervisors from interference with their duties and to aid in enforcing the laws relating to elections to the Chief of Police or a police department designee for all future elections.

Background Information:

Pursuant to the provisions of the recently passed VOTES Act (c. 92 of the Acts of 2022):

Section 13 The select board... of each city and town, in consultation with its election officers and registrars, shall detail a sufficient number of police officers or constables for each building that contains the polling place for 1 or more precincts at every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections.

Prior to this change, the Town Clerk in consultation with the Chief of Police has determined the number of police officers that were needed for every election. Both the Town Clerk and Police Chief recommend that there be a minimum of one police officer assigned to each polling place as currently required under state law. There may be instances where more than one police detail per polling place is needed. In that case, the Chief of Police in consultation with the Town Clerk will take whatever steps are necessary to ensure that voters rights and their safety are protected.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

07/26/2022 7:00 PM



SUDBURY SELECT BOARD
Tuesday, July 26, 2022

MISCELLANEOUS (UNTIMED)

9: Minutes Review

REQUESTOR SECTION

Date of request:

Requestor: Chair Russo

Formal Title: Vote to review and possibly approve the open session minutes of 5/31/22.

Recommendations/Suggested Motion/Vote: Vote to review and possibly approve the open session minutes of 5/31/22.

Background Information:
attached draft - 5/31

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

07/26/2022 7:00 PM

SUDBURY SELECT BOARD

TUESDAY, MAY 31, 2022

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

Present: Chair Charles Russo, Vice-Chair Janie Dretler, Select Board Member Daniel Carty, Select Board Member Lisa Kouchakdjian, Select Board Member Jennifer Roberts, Town Manager Henry Hayes, Jr.

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:11 PM., via Zoom telecommunication mode.

Chair Russo announced the recording of the meeting and other procedural aspects included in the meeting.

Call to Order/Roll Call

Select Board Roll Call: Kouchakdjian-present, Carty-present, Roberts-present, Dretler-present, Russo-present

Opening Remarks by Chair

- Thanked all for participating in special Memorial Day events; Sudbury is one of few communities to continue the tradition of the great Memorial Day Parade
- Family Pride Day on June 11; attended Historical Preservation Public Forum on June 23, Mill Village Art Festival
- Water restrictions in force

Reports from Town Manager

- Diversity, Equity and Inclusion (DEI) Commission “Sudbury Lived Experiences: Storytelling for Change
- The Spring 2022 Newsletter
- Historic Preservation Plan – Public Forum June 23 at 7:00 PM
- Camp Sewataro – “Sounds of Summer Concert on Thursday, June 16 from 4:00 PM to 8:00 PM
- Town Manager Hayes confirmed he was experiencing technical difficulties

Reports from Select Board

Board Member Roberts:

- Attended Memorial Day events in Sudbury, representing a great Town commemoration
- Shared the web address for the DEI Commission “Lived Experience Program” survey, sharing experiences and policy changes

Vice-Chair Dreter:

- Announced tomorrow begins the first day of Pride month in June.
- MAGIC (Minuteman Advisory Group on Interlocal Coordination) Legislative lunch meeting
- Middle School and High School students working on their projects; Select Board received project plan from LSRHS students seeking to provide free feminine hygiene products
- Thanked all who helped with Memorial Day events

Board Member Carty:

- Acknowledged Senior Week at LSRHS and congratulated those graduating
- Asked that everyone be mindful of turtles crossing the street, especially near wetlands

Board Member Kouchakdjian had nothing further to report.

Citizen's Comments

Resident Manish Sharma shared his end of school year congratulations to all Sudbury students, teachers and education staff.

Town Manager to introduce Sandra Duran, Combined Facilities Director, to the Select Board

Present: Sandra Duran, Combined Facilities Director

Town Manager Hayes introduced Ms. Duran, and welcomed her to Sudbury. Ms. Duran provided a summary of her related employment experience.

Board Members welcomed Ms. Duran.

Consent Calendar

Vote to enter into the Town record and congratulate Walker Fryling, Andre Singer, Lucas Smith, and Daniel Vona of BSA Scout Troop 61 for having achieved the high honor of Eagle Scout

Chair Russo read in the words of the motion. Vice-Chair Dretler moved in the words of the Chair. Board Member Roberts seconded the motion.

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

VOTED: To enter into the Town record and congratulate Walker Fryling, Andre Singer, Lucas Smith, and Daniel Vona of BSA Scout Troop 61 for having achieved the high honor of Eagle Scout.

Vote to Grant a Special Permit to the Sudbury July 4th Road Race, to hold the "Sudbury July 4th Road Race" on Monday, July 4, 2022 from 7:00 AM through approximately 12:00 PM, subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the race's conclusion

Chair Russo read in the words of the motion. Vice-Chair Dretler moved in the words of the Chair. Board Member Roberts seconded the motion.

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

VOTED: To Grant a Special Permit to the Sudbury July 4th Road Race, to hold the "Sudbury July 4th Road Race" on Monday, July 4, 2022 from 7:00 AM through approximately 12:00 PM, subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the race's conclusion.

Solect - DPW Building Roof Solar Panels Project - costs inflation discussion with Energy and Sustainability Committee & Permanent Building Committee

Chair Russo mentioned associated cost inflation, and noted that questions regarding utility and roofing needed further explanation. Town Manager Hayes confirmed the Town was not ready to move forward with the Solect solar panels project at this time.

Discussion relative to the construction of the Fairbank Community Center and potential replenishment of funds

Present: Jeff D'Amico, Compass Project Manager/Owners Representative; Dennis Keohane, Finance Director

Mr. D'Amico provided update regarding the breakdown of the \$1.6 funding regarding project financing/contingency aspect.

Mr. D'Amico reviewed various items from the document distributed to the Board Members:

- Current Budget Status
- Recent Fairbank finding approved recently at Town Meeting and kitchen equipment grant funding
- Contingency Needs
- Remaining Risks (movers, commissioning, furniture, fixtures & Equipment and Technology equipment purchases)

Board Member Kouchakdjian asked Mr. D'Amico about preferred recommendation for the Town. Mr. D'Amico responded the preference would be to fund an additional \$1.6 million as contingency funding.

Mr. Keohane recommended consideration of ARPA funding as a more immediate funding option, otherwise a Town Meeting vote, or sale of real estate might be considered. Board Member Carty commented that ARPA funding was not in keeping with the purpose of ARPA. Vice-Chair Dretler stated that the Fairbank Building serves as an emergency center for the Town, which is in the spirit of ARPA funding. Board Member Roberts spoke of other likely ARPA-related purposing at the Fairbank Center including school infrastructure, Park & Recreation and COA (Council on Aging).

Mr. D'Amico addressed inflationary considerations and stressed that a Board vote taken at this meeting would allow the PBC (Permanent Building Committee) to navigate necessary decisions more immediately, and would advance better management of the project

Jennifer Pincus, PBC member, 25 Blueberry Lane, stated if the vote could take place within a couple of weeks it would help.

Board Member Kouchakdjian motioned to allot \$1.6 million dollars of ARPA funds for the Fairbank Center project. Vice-Chair Dretler seconded the motion.

It was on motion 4-1; Kouchakdjian-aye, Roberts-aye, Carty-no, Dretler-aye, Russo-aye

VOTED: To allot \$1.6 million dollars of ARPA funds for the Fairbank Center project

Resident Manish Sharma suggested conducting related funding discussions with local banks and vendors in order to optimize many options for funding.

Mr. D'Amico stated that energy rebates were being explored.

Resident Scott Smigler suggested the Board review Finance Committee and CIAC (Capital Improvement Advisory Committee) comments on this matter.

Discussion and vote whether to approve submittal of application to the Massachusetts One Stop Grant Program in the amount of \$250,000 for conceptual/preliminary wastewater design for Phase 1/1A Sewer Project of the Comprehensive Wastewater Management Program (CWMP)

Present: Dan Nason, DPW Director, Rosemary Blacquir of Woodard & Curran

Mr. Nason provided detail regarding the Stop Grant Program and requested the Select Board endorse an application letter to apply for related grant funding in the amount of \$250,000. He explained that the grant funds would be allocated to hydrogeological studies at the Curtis Middle School, recognizance associated with wastewater treatment aspects in potentially historical areas, continued wastewater-related public outreach and community involvement planning.

Chair Russo asked about time limitations regarding the historical area studies now being performed as well as studies performed in 2006. Ms. Blacquir stated she would investigate those time considerations.

Board members agreed with seeking such funding via grants.

Chair Russo read in the words of the motion. Board Member Roberts moved in the words of the Chair. Vice-Chair Dretler seconded the motion.

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

VOTED: To approve submittal of application to the Massachusetts One Stop Grant Program in the amount of \$250,000 for conceptual/preliminary wastewater design for Phase 1/1A Sewer Project of the Comprehensive Wastewater Management Program (CWMP), as requested by DPW Director Dan Nason.

Discussion and vote American Rescue Plan Act (ARPA) funding requests

Chair Russo noted that ARPA funding should be regarded as a living document, and not absolute.

Board Member Kouchakdjian suggested Board considerations regarding space needs assessment and vocational education needs that might arise.

Funding requests discussed by the Board included:

HOPEsudbury – Community Resource Fund - \$75,000

Resident and HOPEsudbury member Melissa Perla, 30 Pelham Road, confirmed that HOPEsudbury is an independent organization with funding via the Sudbury Health Department. She stressed that COVID times have seen unprecedented need and that HOPEsudbury fills a gap.

Police Department - Medical Equipment – One time - \$9,500

Sudbury Community Food Pantry COVID-19 Mitigation - \$100,000

Fire Department – Fire Station #2 living/office addition increased project costs – one-time - \$1,000,000

Sudbury Housing Trust – COVID Small Grant Program for deferred maintenance due to COVID loss of income – one-time - \$75,000

Sudbury Housing Trust – Housing – Mortgage Assistance Program – one-time - \$75,000

Police Department – Body Camera/Cruiser Camera Program – Ongoing - \$150,000

Planning & Community Development Department – Consultant/Economic Development Consultant – one-time - \$35,000

Commission on Disability - Information Systems – Website – Scan of all documents - \$35,000

Fire Department - Opioid Impacts Offset - \$12,500

Sudbury Housing Trust – Tenant Rental Assistance Program for residents impacted by COVID – one-time - \$125,000

Park & Recreation – Transit Passenger Van – one-time/on-going - \$100,000

Board Member Carty expressed concern regarding the request. Board Member Kouchakdjian stated that her support was contingent on the van being wheelchair accessible.

Town Manager Hayes confirmed that driving of the van would require very specialized training.

Board Members were in favor of the request, with exception of Board Member Carty.

DEI - Funds to hire a consultant/trainer to assist with development of the DEI Commissioner’s mission and action steps – one-time - \$15,000

Chair Russo read in the words of the motion. Vice-Chair Dretler moved in the words of the Chair. Board Member Carty seconded the motion.

It was on motion 5-0; Roberts-aye, Kouchakdjian-aye, Carty-aye, Dretler-aye, Russo-aye VOTED: To move forward with ARPA requests discussed, pending further information from Powers & Sullivan, LLC and Finance Director Dennis Keohane

Recess

Board Member Kouchakdjian motioned the Board to recess for five minutes. Vice-Chair Dretler seconded the motion.

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

VOTED: To recess for five minutes

The meeting resumed at 10:17 PM

Discussion and vote whether to extend Transportation Committee terms

Select Board Member and Transportation Committee Member Carty stated the Transportation Committee was requesting an extension of the Committee for another year, and making some minor modifications to the mission statement and change of membership.

Board Member Carty noted that DPW Director Dan Nason wanted to change his Committee membership status from member to advisory member.

Chair Russo suggested that the Transportation Board submit primary recommendations by the end of the summer. Board Member Carty confirmed he would present that request to the Committee members.

Board Member Kouchakdjian motioned to extend the Transportation Committee to May 31, 2023, incorporating edits to the Mission statement. Board Member Roberts seconded the motion.

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

VOTED: To extend the Transportation Committee to May 31, 2023, incorporating edits to the Mission statement

Board Member Roberts motioned to extend the membership terms of Transportation Committee members to May 31, 2023. Board Member Kouchakdjian seconded the motion.

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

VOTED: To extend the Transportation Committee to May 31, 2023, incorporating edits to the Mission statement

Reorganization of Select Board subcommittees and discussion of liaisons when more than one

Chair Russo read in the words of the motion. Vice-Chair Dretler moved in the words of the Chair. Board Member Kouchakdjian seconded the motion.

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

VOTED: To release the opinion from Town Counsel Lee Smith regarding subcommittee formations and liaison assignments

Chair Russo read Attorney Smith's opinion aloud, highlighting two-member subcommittee formations, assignment of two Select Board liaisons to different boards, and acceptable hosting of Select Board Office Hours sessions.

Board Member Kouchakdjian suggested that members could direct further comments/questions to Open Government at (617) 963-2540.

Board Member Roberts motioned to appoint Board Member Lisa Kouchakdjian to the Select Board Policies/Procedures Subcommittee replacing former Select Board Member Bill Schineller. Janie seconded. Vice-Chair Dretler seconded the motion.

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

VOTED: To appoint Board Member Lisa Kouchakdjian to the Select Board Policies/Procedures Subcommittee, replacing former Select Board Member Bill Schineller

Board Member Kouchakdjian motioned to disband the Camp Sewataro Select Board Subcommittee. Vice-Chair Dretler seconded the motion.

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

VOTED: To disband the Camp Sewataro Select Board Subcommittee

Town Forum protocol discussion

Vice-Chair Dretler provided update regarding a Resiliency/Sustainability Town Forum as voted regarding Article 58 at Town Meeting. July 14, 2022 was presented as a possible date for the Town Forum. She mentioned Forum participation to include Fire Chief Whalen, Director of Planning and Community Development Adam Duchesneau, Environmental Planner Beth Suedmeyer, Lori Capone, Conservation Coordinator, and the possibility of the Energy and sustainability staff person from the Town of Acton.

Discussion and possible vote on finalizing deliverables for Select Board 2022 Annual Goals

Board Member Kouchakdjian confirmed that she would research the vocational education piece and provide an update to the Select Board.

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

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

VOTED: To approve the Motion to vote to approve the finalizing deliverables for Select Board 2022 Annual Goals, as discussed at this meeting.

Vice-Chair Dretler confirmed the deliverables would be included on the Town website tomorrow.

Vote to review and possibly approve the open session minutes of 4/5/22 and 4/26/22

4/5/22 Minutes

Board Member Carty motioned to approve the 4/5/22 minutes, as amended. Vice-Chair Dretler seconded the motion.

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

VOTED: To approve the 4/5/22 minutes, as amended

4/26/22 Minutes

Board Member Carty motioned to approve the 4/26/22 minutes, as amended. Vice-Chair Dretler seconded the motion.

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

VOTED: To approve the 4/26/22 minutes, as amended

Citizens Comments (cont.)

There were no added comments.

Upcoming agenda items:**June 14**

- Office Hours –July 14th at 12 Noon with Board Members Roberts and Kouchakdjian
- Appointments
- Town Forum discussion
- ARPA discussion

Future agenda items:

- SudburyTV/Cable discussion with Jeff Winston
- Regional Housing
- Antisemitism Discussion
- KPI for construction projects coming up in the next 12 months
- Decision regarding Fall Town Meeting

Adjourn

Chair Russo motioned to adjourn open session and not return to open session, after meeting in executive session. Vice-Chair Dretler seconded the motion.

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

VOTED: To adjourn open session and not return to open session, after meeting and adjourning in executive session.

There being no further business, the meeting adjourned at 11:41 PM.



SUDBURY SELECT BOARD
Tuesday, July 26, 2022

MISCELLANEOUS (UNTIMED)

10: Public Comments (cont)

REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Public 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
Town Counsel	Pending
Select Board	Pending

07/26/2022 7:00 PM



SUDBURY SELECT BOARD
Tuesday, July 26, 2022

MISCELLANEOUS (UNTIMED)

11: 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:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

07/26/2022 7:00 PM

POTENTIAL UPCOMING AGENDA ITEMS/MEETINGS

MEETING/EVENT	DESCRIPTION
August 2 (additional mtg)	Discuss Town Manager Search process and timeline; review submitted proposals, choose firms to interview
August 9	Discuss Town Manager search process/interview firms Annual election worker reappointments Sign state election warrant
August 15 (tentative)	Joint meeting with SPS School Committee re: appointment of new member
Sept 13	Master Plan Update (per Russo)
Date to be determined	Appointment policy (Roberts) Discussion on whether to extend DEI commission (by 9/30/22) Housing trust bylaw Capital Process Citizen Leadership Forum (Govt and how it works) Civics projects (students) discussion Climate Emergency declaration & sustainability director Discussion on Civics projects for SPS/LS/Scouts Discussion on Select Board meeting flow, process, efficiency, and decorum Discussion on potential ADA policy Discussion on Town Manager Task Requests SB Goal setting – Fall SB self-evaluation process individually and collectively (Lisa K) Vocational Education update (Lisa K) Executive Session minutes to review/release Eversource Fairbank Community Center update (ongoing) Health/COVID-19 update Investment Advisory Committee Invite Commission on Disability Chair to discuss Minuteman High School Local receipts – fee schedule review (Member Russo) Quarterly review of approved Executive Session Minutes for possible release (February, May, August and November). Consider separate meeting solely for this purpose. Quarterly update from Diversity, Equity and Inclusion Commission (DEI) (December, March, June, September) Quarterly update on Bruce Freeman Rail Trail (BFRT) (March, June, September, December) Quarterly update on Key Performance Indicators (KPIs) projects to track (December, March, June, September) Peakham Road Speed Limits Route 20 empty corner lot – former gas station Select Board Retreat (Member Dretler) and SB statements Sidewalks discussion Solar Panels Subcommittee discussion (Executive) Town meeting recap – year in review Town-wide traffic assessment and improve traffic flow 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	Select Board requests for future agenda items at end of meeting
	Citizens Comments, continued (if necessary)



SUDBURY SELECT BOARD
Tuesday, July 26, 2022

CONSENT CALENDAR ITEM

12: Bikes Not Bombs 35th Annual Bike-A-Thon

REQUESTOR SECTION

Date of request:

Requestor: Julia Karr, Bikes Not Bombs

Formal Title: Vote to grant a special permit to Bikes Not Bombs to hold the “35th Annual Bike-A-Thon” on Sunday, Sunday September 11, 2022, from 11:00 A.M. through approximately 3:00 P.M., with a rain date of Sunday, September 27, 2022, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

Recommendations/Suggested Motion/Vote: Vote to grant a special permit to Bikes Not Bombs to hold the “35th Annual Bike-A-Thon” on Sunday, Sunday September 11, 2022, from 11:00 A.M. through approximately 3:00 P.M., with a rain date of Sunday, September 27, 2022, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

Background Information:

Application and department feedback attached

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

07/26/2022 7:00 PM



TOWN OF SUDBURY

Office of Select Board

www.sudbury.ma.us

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

Email: SBadmin@sudbury.ma.us

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

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

Organization Name Bikes Not Bombs

Event Name 35th Annual Bike-A-Thon

Organization Address 284 Amory St, Jamaica Plain MA 02130

Name of contact person in charge Julia Karr

Telephone Number(s) of contact [REDACTED]

Email address [REDACTED]

Date of event Sunday September 11th, 2022 Rain Date Sunday September 27th, 2022

Starting time 11:00am Ending time 3:00pm

Route of the race/relay and portion of the road requested to be used (please indicate on map and attach to this application) Enter Sudbury via Concord Rd, left on Lincoln Rd, right on Water Row, left on MA-27 S, exit Sudbury.

Anticipated number of participants 75 to 100

Assembly area (enclose written permission of owner if private property to be used for assembly) N/A

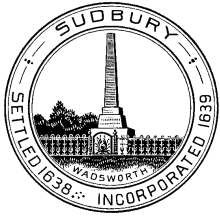
Our assembly area & rest areas are not located in Sudbury.

Organization that proceeds will go to Bikes Not Bombs

Any other important information Route map viewable online here: <https://ridewithgps.com/routes/39082974>

The undersigned applicant agrees that the applicant and event participants will conform to applicable laws, by-laws and regulations as well as any special requirement that may be made as a condition of the granting of permission pursuant to this application. I/we agree to hold the Town of Sudbury harmless from any and all liability and will defend the Town of Sudbury in connection therewith.

Signature of Applicant Julia M Karr Date 7/11/2022



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978-639-3381
Fax: 978-443-0756

Email: SBadmin@sudbury.ma.us

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

Application Checklist:

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

Please submit completed application and materials to:

Office of Select Board

278 Old Sudbury Rd.

Sudbury, MA 01776

Fax: 978-443-0756

Email: SBadmin@sudbury.ma.us

Bikes Not Bombs “Bike-A-Thon”

Sunday, September 11, 2022

Rain Date: Sunday, September 27, 2027

Department Feedback

Department	Staff	Date	Comments
Fire Department	Asst. Chief Choate	7/11/22	No issues.
Highway Department	Dan Nason	7/13/22	The DPW has no problems with this event assuming there are no resources required from our Department.
Park & Recreation	Dennis Mannone	7/12/22	Should be fine.
Police Department	Chief Nix	7/6/22	We have no issues with the event continuing.



BIKES NOT BOMBS

Using the bicycle as a vehicle for social change

284 AMORY STREET • JAMAICA PLAIN, MA 02130
BIKESNOTBOMBS.ORG • 617.522.0222

VIA E-MAIL to sbadmin@sudbury.ma.us

June 29, 2022

Town of Sudbury
 Flynn Building
 278 Old Sudbury Road
 Sudbury, MA 01776

To Whom It May Concern:

I am reaching out to request that Bikes Not Bombs be granted permission to use Sudbury roads for our annual fundraising bike ride, the Bike-a-Thon, on Sunday, September 11, 2022.

This will be our 35th year of running this event smoothly and safely! Each of the heroic cyclists in the event raises money to support our non-profit bicycle programs. Our youth programs in Jamaica Plain help underserved Boston youth learn safe bicycling skills and mechanics skills, while earning their own bike. These bikes help the young people get to school and to jobs. Many continue on to work at Bikes Not Bombs, earning wages while building critical vocational and life skills that lay a foundation for long-term personal and professional success.

I want to mention up front that there are no points along our route where we plan to block, obstruct, or in any way interfere with vehicular or pedestrian traffic. This is not a race, and it is not a single mass of cyclists who stay together. Upon leaving the starting point in Jamaica Plain, each cyclist rides at their own pace, and they will be spread out over many miles and integrated into the normal flow of traffic. We provide the route for cyclists to follow, and each cyclist is on the road as an individual, riding safely and single file on the road as would any other recreational cyclist. The route through Sudbury is part of our 100-mile Bike-a-Thon route, and the riders for this route are extremely experienced in riding with traffic.

We instruct all riders to obey all traffic laws. These cyclists will also be

experienced and comfortable with safely integrating themselves into the normal flow of traffic. We expect the impact on Sunday, September 11th's traffic to be negligible, and we are not requesting any assistance from town authorities on the day of the event.

There are no spectators or parking in Sudbury. Only cyclists will be on the road as a part of normal traffic. The riders will not be stopping in Sudbury.

Below is an outline of our route through Sudbury:

100 Mile route

- Enter Sudbury on Concord Rd.
- Turn left on Lincoln Rd.
- Turn right on Water Row
- Turn left on MA-27 S., and exit Sudbury

Riders will start to trickle into Sudbury at around 11:00am. We expect our very last riders will have exited Sudbury by 3:00pm. The riders will be quite staggered throughout the day.

An online map of the above route can be found here:

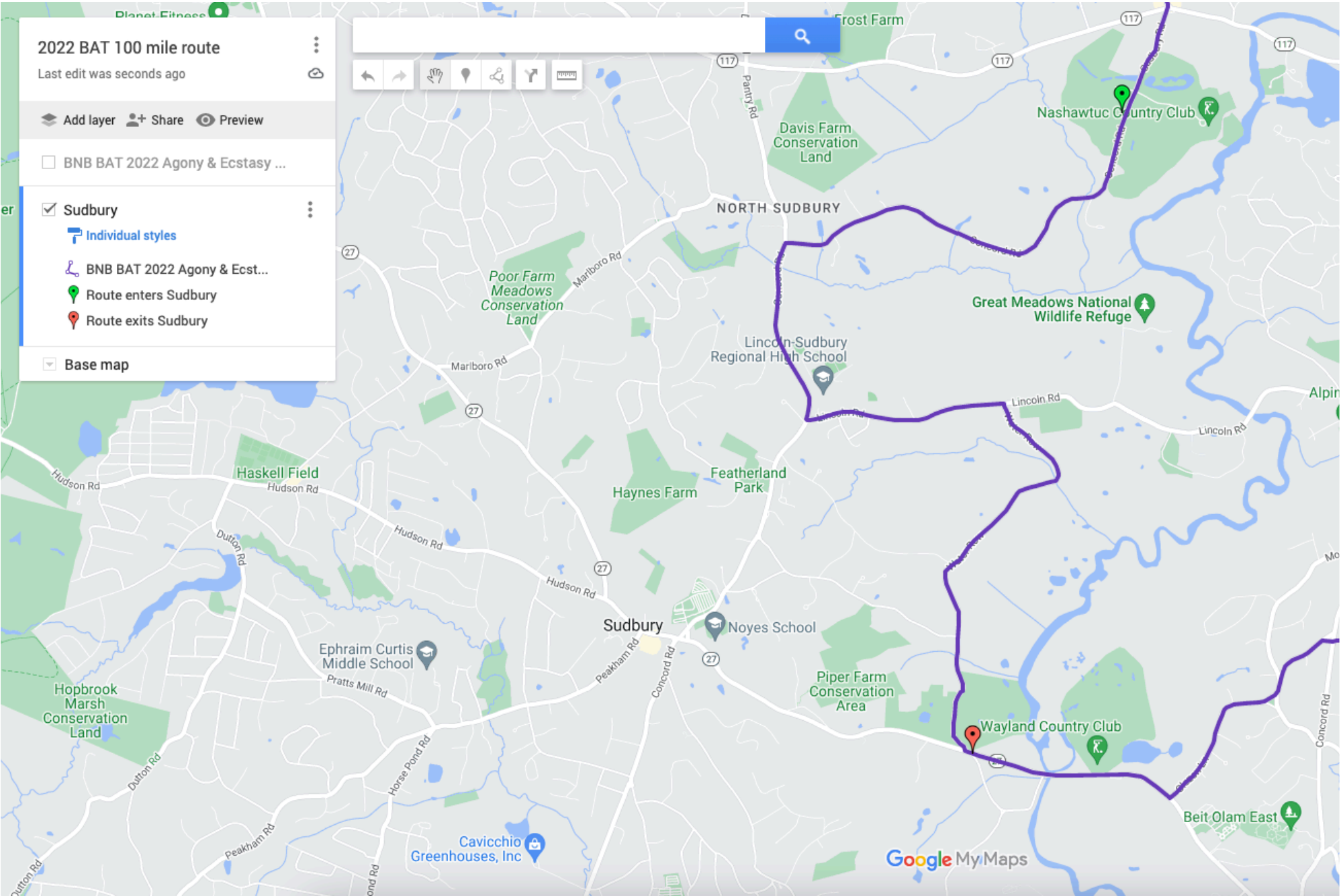
<https://ridewithgps.com/routes/39082974>

If there are any questions at all, please just be in touch with me. Many thanks for your consideration.

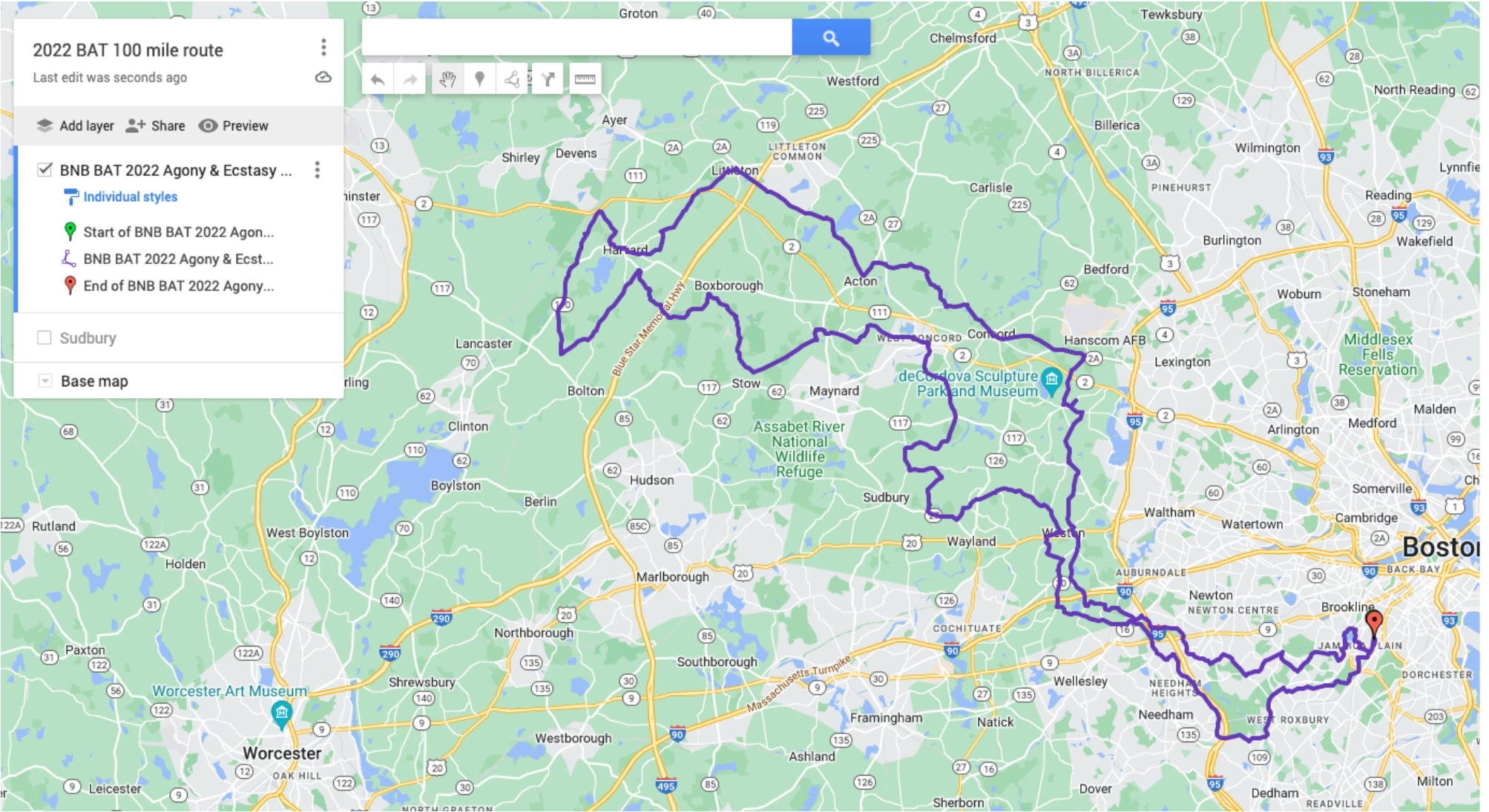
Sincerely,

Julia Karr

Development Associate
Bikes Not Bombs



Attachment12.a: Bikes Not Bombs 2022 Application_sb (5359 : Bikes Not Bombs 35th Annual Bike-A-



Attachment 12.a: Bikes Not Bombs 2022 Application_sb (5359 : Bikes Not Bombs 35th Annual Bike-A-



SUDBURY SELECT BOARD

Tuesday, July 26, 2022

CONSENT CALENDAR ITEM

13: Ride to Defeat ALS 2022

REQUESTOR SECTION

Date of request:

Requestor: Myke Farricker, Co-Chair of the 2022 Ride to Defeat ALS

Formal Title: Vote to grant a special permit to Myke Farricker, Committee Co-Chair, to hold a “Ride to Defeat ALS” bike ride on Sunday, September 18, 2022, from 7:00 a.m. through approximately 3:00 p.m., following the same route as in previous years, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

Recommendations/Suggested Motion/Vote: Vote to grant a special permit to Myke Farricker, Committee Co-Chair, to hold a “Ride to Defeat ALS” bike ride on Sunday, September 18, 2022, from 7:00 a.m. through approximately 3:00 p.m., following the same route as in previous years, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

Background Information:

Please see application and staff feedback attached.

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

- Select Board Office Pending
- Town Manager's Office Pending
- Town Counsel Pending
- Leila S. Frank Pending
- Select Board Pending
- Select Board Pending

07/26/2022 7:00 PM



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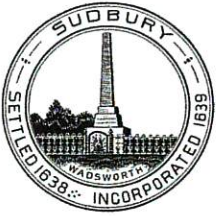
APPLICATION FOR A CHARITABLE WALK/RELAY PERMIT ON A PUBLIC WAY

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

Organization Name Mass Chapter of National ALS Association
 Event Name Ride to Defeat ALS (formerly Positive Spin for ALS)
 Organization Address 524 Boston Post Road, Wayland, MA 01778
 Name of contact person in charge Myke Farricker
 Telephone Number(s) of contact _____ (cell) _____
 Email address _____
 Date of event Sunday, Sept. 18, 2022 Rain Date _____
 Starting time 7:00 AM Ending time 3:00 PM
 Route of the race/relay and portion of the road requested to be used (please indicate on map and attach to this application) Ride routes are attached to this email
 Anticipated number of participants 200
 Assembly area (enclose written permission of owner if private property to be used for assembly) _____
Longfellow Tennis & Health Club, same address as above
 Organization that proceeds will go to Mass Chapter of National ALS Association
 Any other important information Certificate of Insurance aslo attached to this email

The undersigned applicant agrees that the applicant and event participants will conform to applicable laws, by-laws and regulations as well as any special requirement that may be made as a condition of the granting of permission pursuant to this application. I/we agree to hold the Town of Sudbury harmless from any and all liability and will defend the Town of Sudbury in connection therewith.

Signature of Applicant  Date 6-21-22



TOWN OF SUDBURY

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Fax: 978-443-0756

Email: SBadmin@sudbury.ma.us

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

Application Checklist:

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

Please submit completed application and materials to:

Office of Select Board

278 Old Sudbury Rd.

Sudbury, MA 01776

Fax: 978-443-0756

Email: SBadmin@sudbury.ma.us

Ride to Defeat ALS

Sunday, September 18, 2022

Department Feedback

Department	Staff	Date	Comments
Fire Department	Asst. Chief Choate	7/11/22	No issues.
Highway Department	Dan Nason	7/13/22	The DPW has no problems with this event assuming there are no resources required from our Department.
Park & Recreation	Dennis Mannone	7/12/22	Should be fine.
Police Department	Chief Nix	7/6/22	We have no issues with the event continuing.

From: Myke Farricker

Sent: Tuesday, June 21, 2022 10:16 AM

Subject: 2022 Ride to Defeat ALS Permit Request for Sunday September 18th

Leila - Hello again! Hope you're doing well. It's that time of year again. I'm writing to request a permit for this year's 2022 Ride to Defeat ALS bike ride (formerly known as the Positive Spin for ALS) to raise money for research and patient care for those afflicted with ALS, or Lou Gehrig's disease. Over the past 22 years of our ride, we've raised over \$2.5 million in donations. Here is the information for the ride -

- It will take place on Sunday, September 18th.
- Our ride is sponsored and insured again this year by the Massachusetts Chapter of the National ALS Association.
- It begins and ends at The Longfellow Tennis & Health Club, 524 Boston Post Road in Wayland, with starting times of 7:00 a.m.(70 miles), 9:00 am (50 miles), 10:00 am (25 miles), and 11:00 am (10 miles).
- I've attached the 2022 cue sheets and maps for the 10, 25, 50 and 70 mile rides, a copy of the current Certificate of Insurance for the Town of Sudbury, and 2022 Application for a Charitable Event for the Town of Sudbury.

The riders in the 10, 25, 50 and 70 mile rides will be the riders coming through Sudbury. By the time they get to Sudbury, they will be spaced out in groups of 1-3 riders usually. So there shouldn't be a big group of riders coming through Sudbury at any one time. We will be putting up road signs in the ground again this year as we have done in all the past years. We will be putting the signs up the day before the ride, Saturday, September 17th, and we will take all the signs down at the end of the day of the ride, Sunday, September 18th. The signs will be put on metal stakes into the ground - we will not be attaching any signs to any trees or poles.

Thank you for your help again this year and in the previous years. You've been such a big supporter of the ride over the years. Please let me know if you need anything else from me, and if I need to send this permit request to anyone else in the Town of Sudbury government. And please let me know that you have received this permit request. Thank you.

Hope all is well.

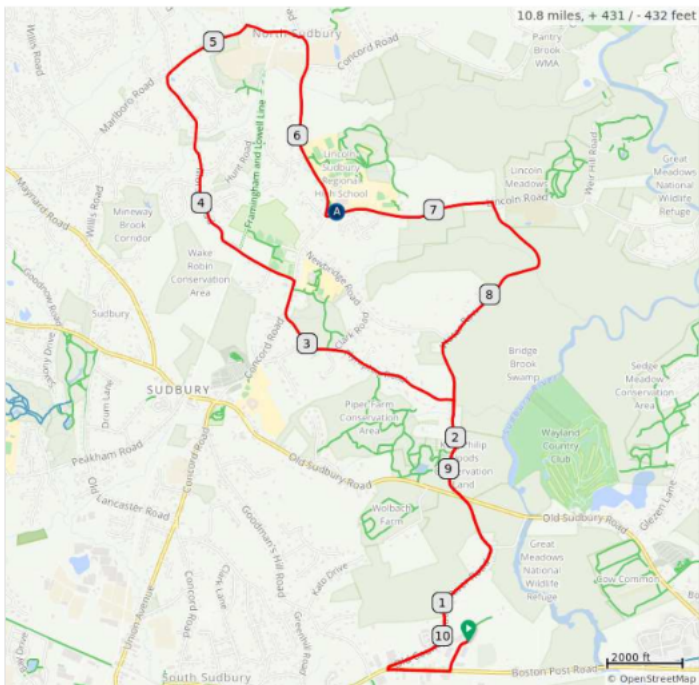
Take care,

Myke Farricker

Co-Chair of the 2022 Ride to Defeat ALS Bike Ride (formerly known as the Positive Spin for ALS)

2022 Ride to Defeat ALS - 10 Mile

13.a



A. Rest Stop @ Lincoln Sudbury High School

RULES OF THE ROAD

- Follow traffic laws. They apply to cyclists.
- Keep your helmet on while riding.
- No headphones. It is illegal to ride with headphones in Massachusetts.
- No speaking or texting on cell phone while riding.
- If you need to pull over, warn cyclists behind you and then get completely out of the way of other riders.
- Call out hazards to warn cyclists ahead. Repeat hazard warnings to those behind you.
- Avoid collisions. Call out "slowing down" or "stopping" to warn riders behind you.

Attachment 13.a: Ride to Defeat ALS 2022

Packet Pg. 117

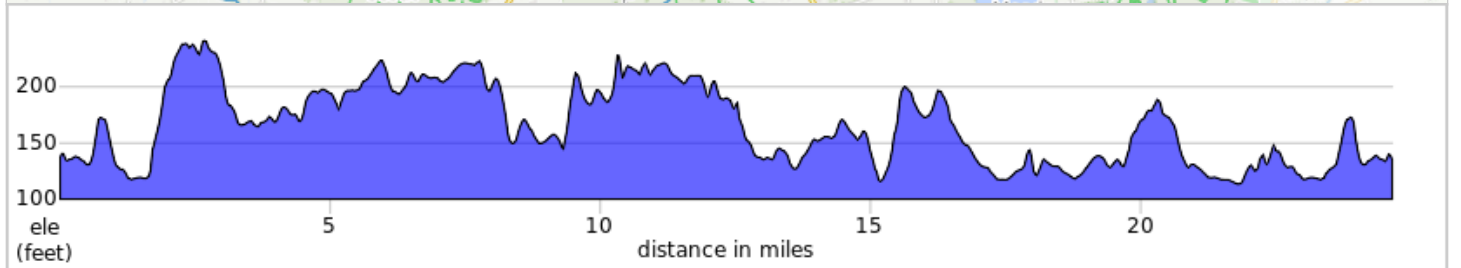
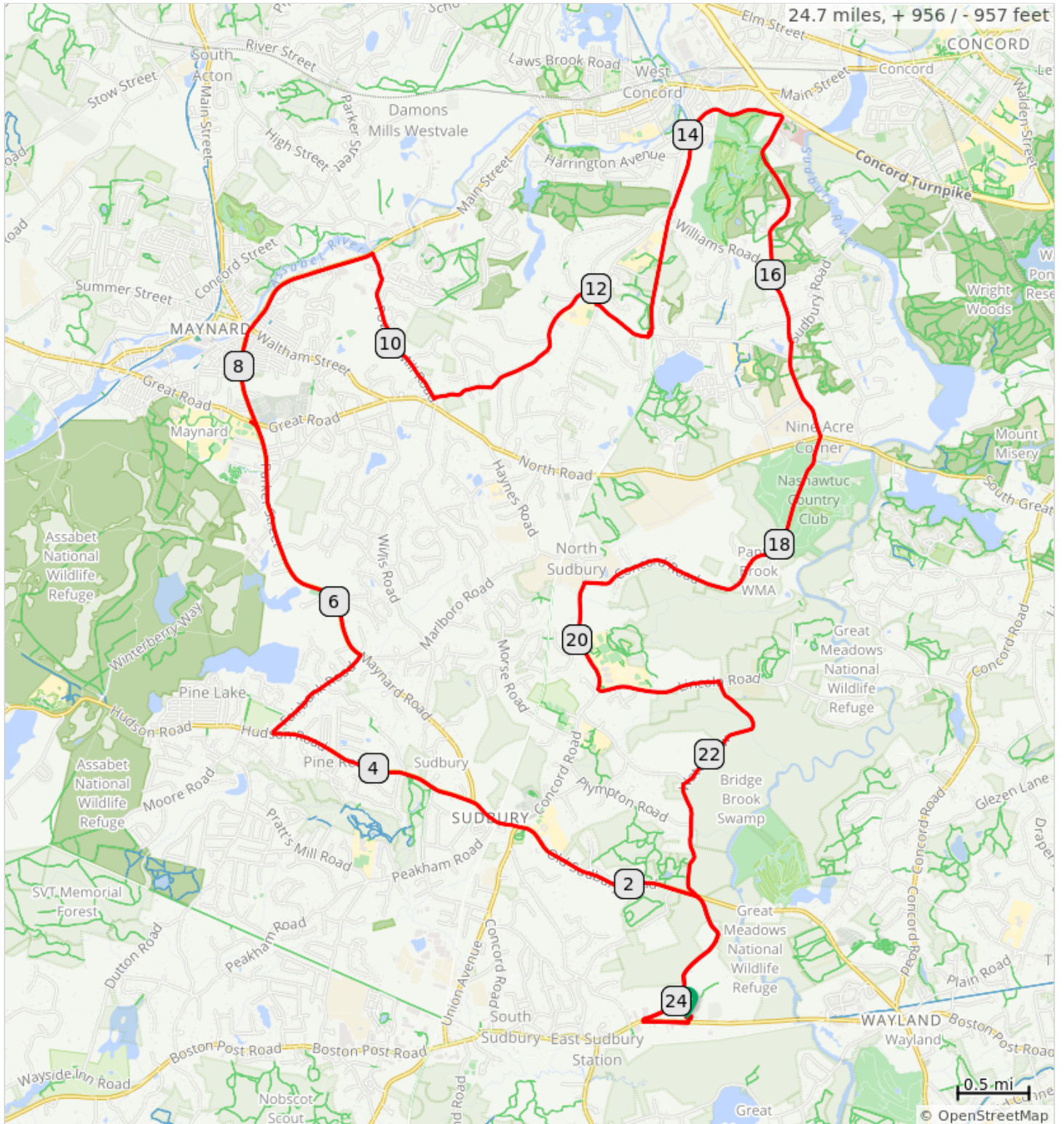
Dist	Type	Note
0.0	📍	Start of route
0.2	➔	R onto US-20 W/Boston Post Rd
0.5	➔	R onto Old County Rd
0.8	⬆	Continue onto River Rd
1.4	⬅	L onto Water Row. CAUTION: Oncoming traffic has R of Way
1.6	⬆	CAUTION: Cross Route 27 and continue onto Water Row.
2.2	⬅	L onto Plympton Rd
3.2	➔	R onto Concord Rd
3.4	⬅	L onto Morse Rd
4.7	➔	R onto Marlboro Rd
5.2	➔	R onto Haynes Rd
5.5	➔	R onto Pantry Rd
5.6	⬆	Continue onto Concord Rd

5.6 miles. +227/-220 feet

Dist	Type	Note
6.4	⬅	L at Lincoln Rd
6.5	⚡	REST STOP @ Lincoln Sudbury High School (Open: 10:30 AM - 2:00 PM)
7.3	➔	R onto Water Row
9.2	⬆	CAUTION: Crossing Route 27 and continue onto Water Row.
9.4	➔	Slight R onto River Rd
10.0	⬆	Continue onto Old County Rd
10.3	⬅	L onto US-20 E/Boston Post Rd
10.6	⬅	L onto Minuteman Dr
10.8	📍	End of route

5.2 miles. +110/-162 feet

2022 Ride to Defeat ALS - 25 Mile v2



Attachment 13.a: Ride to Defeat ALS 2022 Application_sb (5358 : Ride to Defeat ALS 2022)

Dist	Type	Note
0.0		Start of route
0.0		R onto Minuteman Road
0.1		R onto Boston Post Road, US 20
0.4		Sharp R onto Old County Road
1.2		Keep L onto Water Row
1.5		Slight L onto Old Sudbury Road, MA 27
3.5		Keep R onto Hudson Road
3.6		Sharp L onto Hudson Road
3.6		Make a U-turn onto Hudson Road
4.8		R onto Fairbank Road
4.8		Slight R onto Fairbank Road
5.5		Keep R onto Fairbank Road
5.6		Sharp L onto Fairbank Road

5.6 miles. +248/-187 feet

Dist	Type	Note
5.6		Make a U-turn onto Fairbank Road
5.6		L onto Maynard Road, MA 27
7.5		L onto Great Road, MA 117
7.5		Sharp L
7.6		Sharp L onto Parker Street, MA 27
9.3		R onto Sudbury Road
9.5		Keep R onto Sudbury Road
10.5		L onto Powers Road
10.5		Sharp L onto Powers Road
10.5		Sharp L onto Powder Mill Road
10.5		L onto Powers Road
10.5		Slight R onto Powers Road
12.0		R onto Old Pickard Road
12.1		L onto Powder Mill Road

6.5 miles. +250/-251 feet

Dist	Type	Note
12.5		Keep L onto Powder Mill Road
12.5		Sharp R onto Powder Mill Road
12.5		Make a U-turn onto Powder Mill Road
12.5		L
12.6		R
12.6		L onto Bruce Freeman Rail Trail
13.5		Slight R onto Bruce Freeman Rail Trail
14.0		R onto Old Marlboro Road
14.7		Keep R
14.8		Slight R onto Old Road to Nine Acre Corner
15.9		Keep R onto Old Road to Nine Acre Corner

3.8 miles. +143/-151 feet

Dist	Type	Note
16.1		Sharp R onto Old Road to Nine Acre Corner
16.1		Make a U-turn onto Old Road to Nine Acre Corner
16.5		R onto Sudbury Road
19.6		L onto Concord Road
20.4		L onto Lincoln Road
21.2		R onto Water Row
22.9		Keep R onto Water Row
23.1		Sharp L onto Water Row
23.1		Make a U-turn onto Water Row
23.1		L onto Old Sudbury Road, MA 27
23.1		Keep R onto Water Row
23.4		Keep R onto Water Row
23.4		Slight R onto River Road

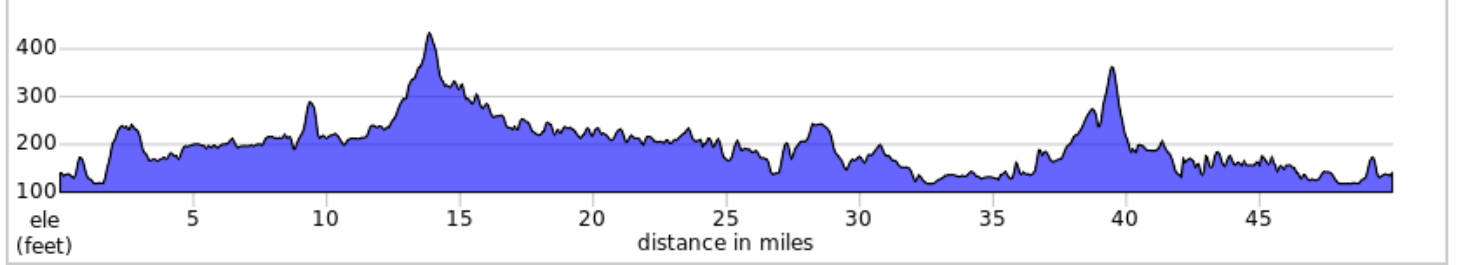
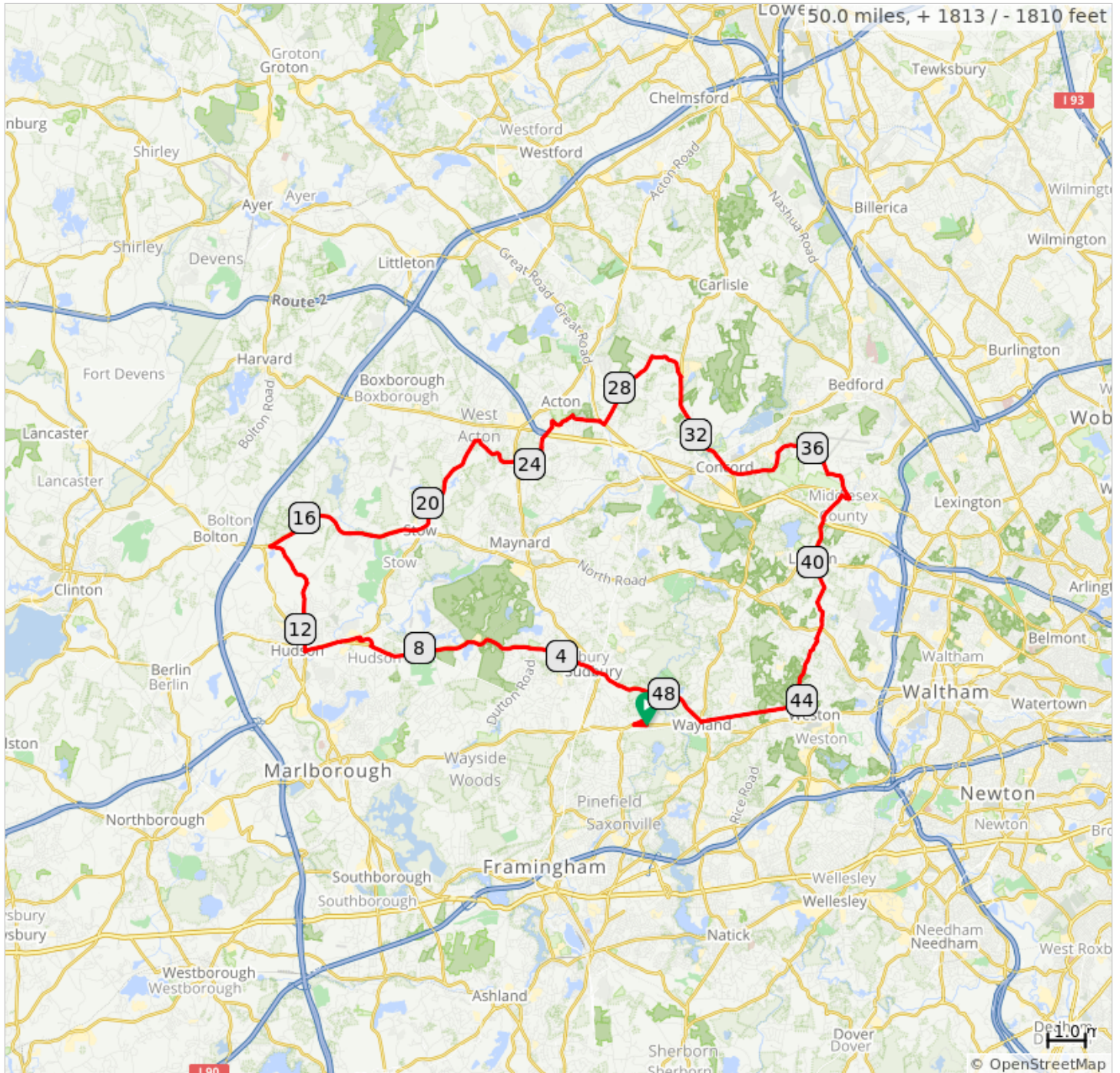
7.5 miles. +193/-248 feet

Attachment13.a: Ride to Defeat ALS 2022 Application_sb (5358 : Ride to Defeat ALS 2022)

Dist	Type	Note
24.3	←	L onto Boston Post Road, US 20
24.6	←	L onto Minuteman Road
24.6	↻	Sharp R
24.6	←	L
24.7	📍	End of route

1.2 miles. +5/-7 feet

2022 Ride to Defeat ALS - 50 Mile v3



Attachment13.a: Ride to Defeat ALS 2022 Application_sb (5358 : Ride to Defeat ALS 2022)

Dist	Type	Note
0.0		Start of route
0.0		R onto Minuteman Road
0.0		R onto Boston Post Road, US 20
0.4		Sharp R onto Old County Road
1.1		Keep R onto River Road
1.2		Sharp L onto River Road
1.2		Keep L onto Water Row
1.5		Keep R onto Water Row
1.5		Sharp L onto Water Row
1.5		Make a U-turn onto Water Row
1.5		Keep L onto Old Sudbury Road, MA 27
5.0		Keep R onto Hudson Road
5.0		Sharp R onto Hudson Road

5.0 miles. +228/-170 feet

Dist	Type	Note
6.6		Keep R onto Sudbury Road
6.7		Sharp L onto Sudbury Road
6.7		Make a U-turn onto Sudbury Road
6.7		Slight L onto State Road
9.4		R onto Orchard Drive
9.9		R onto Wilkins Street, MA 62
9.9		R
11.5		R onto Broad Street
11.5		Continue onto Manning Street
13.2		Keep L onto Long Hill Road
13.3		Sharp L onto Long Hill Road
13.3		L onto Long Hill Road
14.8		R onto Main Street, MA 117
16.8		Keep R onto Great Road, MA 117

11.8 miles. +453/-411 feet

Dist	Type	Note
17.4		Sharp L onto Great Road, MA 117
17.4		Make a U-turn onto Great Road, MA 117
19.2		Keep L onto Crescent Street
19.5		Keep L onto West Acton Road
19.7		Continue onto West Acton Road
22.0		Keep L onto Willow Street
22.1		Sharp L onto Willow Street
22.1		Make a U-turn onto Willow Street
22.1		R onto Summer Street
22.3		R onto Central Street
23.6		Slight R onto Main Street, MA 27
23.7		L onto School Street

6.8 miles. +179/-209 feet

Dist	Type	Note
24.1		L onto Piper Road
25.3		Keep R onto Taylor Road
25.4		Sharp L onto Taylor Road
25.4		R onto Minot Avenue
26.1		R onto Concord Road
26.8		R onto Great Road, MA 2A, MA 119
27.0		L onto Pope Road
28.2		Keep R onto Pope Road
28.2		Sharp R onto Pope Road
28.2		Make a U-turn onto Pope Road
29.2		R onto Spencer Brook Road
29.6		Continue onto Westford Road
30.2		Keep R onto Westford Road
30.3		Sharp L onto Westford Road

6.6 miles. +251/-276 feet

Attachment 13.a: Ride to Defeat ALS 2022 Application_sb (5358 : Ride to Defeat ALS 2022)

Dist	Type	Note
30.3	→	R onto Lowell Road
32.2	↖	Keep L onto Lowell Road
32.3	↗	Sharp R onto Lowell Road
32.3	↪	Make a U-turn onto Lowell Road
32.7	→	R
32.7	←	L
32.8	←	L onto Keyes Road
32.8	→	R onto Lowell Road
33.2	↗	Slight R onto Lexington Road
33.3	↑	Continue onto Lexington Road
34.4	↖	Keep L onto Old Bedford Road
34.9	→	R onto Virginia Road
35.4	↖	Keep L onto Virginia Road
35.5	↗	Sharp R onto Virginia Road

5.2 miles. +85/-121 feet

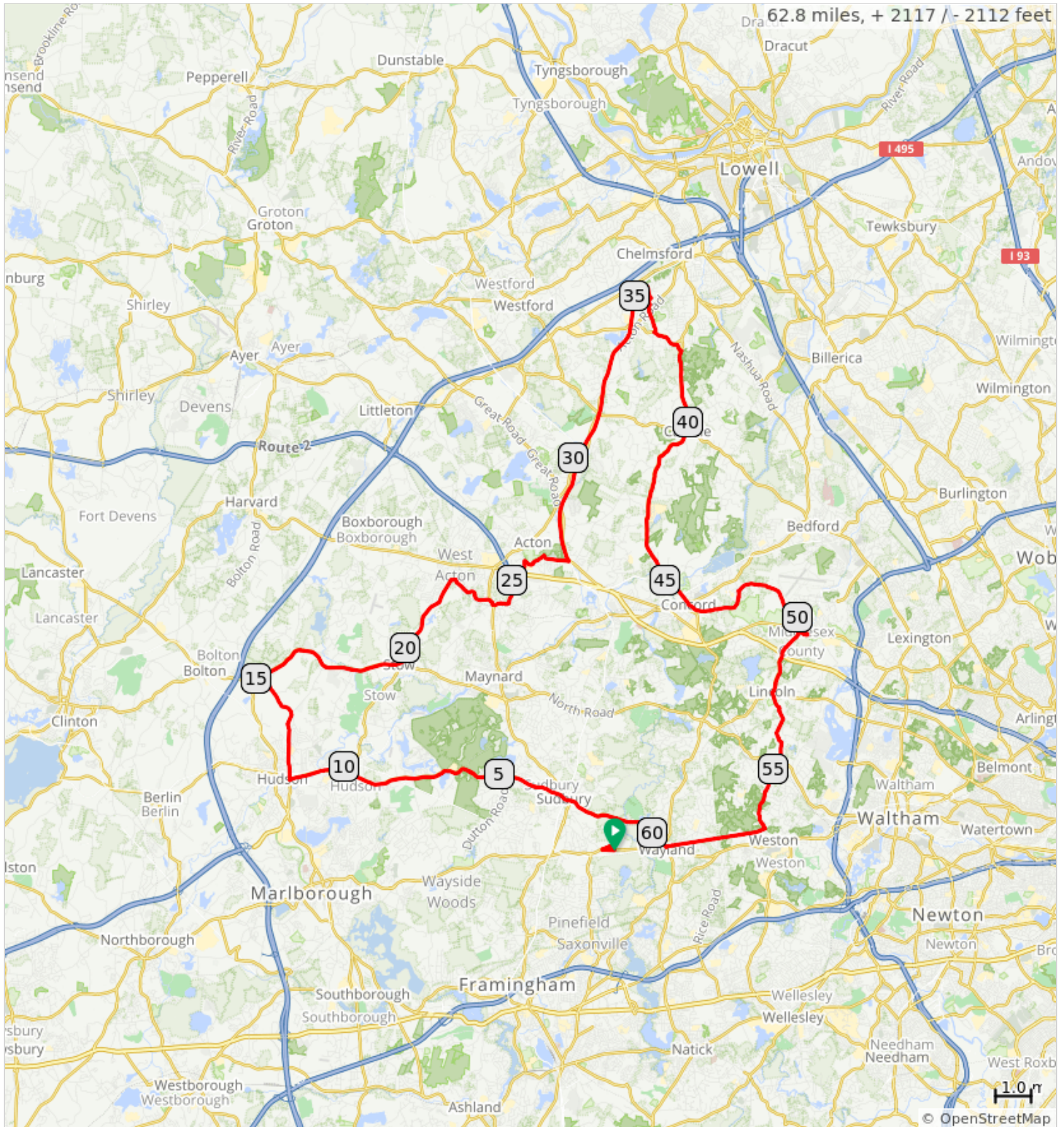
Dist	Type	Note
35.5	↪	Make a U-turn onto Virginia Road
37.0	↗	Keep R onto Old Bedford Road
37.7	↗	Keep R
37.7	↗	Slight R onto North Great Road, MA 2A
37.9	←	L onto Bedford Road
39.8	←	L onto Weston Road
40.2	↗	Keep R onto Weston Road
40.3	↖	Sharp L onto Weston Road
40.4	↗	Keep R onto Weston Road
40.7	↖	Sharp L onto Weston Road
40.7	↪	Make a U-turn onto Weston Road
40.7	↗	Slight R onto Weston Road
41.4	↗	Keep R onto Weston Road

6.0 miles. +360/-301 feet

Dist	Type	Note
41.6	↖	Sharp L onto Weston Road
41.6	↪	Make a U-turn onto Weston Road
43.6	↖	Slight L onto Concord Road
43.9	↖	Keep L onto Concord Road
44.0	→	R onto Mass Central Rail Trail -- Wayside
46.8	→	R onto Cochituate Road, MA 27, MA 126
48.5	↖	Sharp L onto Water Row
48.8	↗	Keep R onto Water Row
48.8	↗	Slight R onto River Road
49.6	←	L onto Boston Post Road, US 20
50.0	←	L onto Minuteman Road
50.0	📍	End of route

8.5 miles. +258/-294 feet

2022 Ride to Defeat ALS - 100 KM v4



Attachment13.a: Ride to Defeat ALS 2022 Application_sb (5358 : Ride to Defeat ALS 2022)

Dist	Type	Note
0.0		Start of route
0.0		R onto Minuteman Road
0.1		R onto Boston Post Road, US 20
0.4		Sharp R onto Old County Road
1.2		Keep L onto Water Row
1.5		Slight L onto Old Sudbury Road, MA 27
6.0		Sharp L
6.0		L
6.3		R
6.3		L onto Hudson Road
6.9		Keep R onto Sudbury Road
7.0		Sharp L onto Sudbury Road
7.0		Make a U-turn onto Sudbury Road

7.0 miles. +262/-206 feet

Dist	Type	Note
7.0		Slight L onto State Road
9.7		R onto Orchard Drive
10.2		R onto Wilkins Street, MA 62
10.2		L
11.7		R onto Broad Street
11.8		Continue onto Manning Street
13.6		L onto Long Hill Road
15.0		R onto Main Street, MA 117
18.1		R onto Orchard Drive
18.1		L
18.2		L
18.2		R onto Great Road, MA 117
19.4		Keep L onto Crescent Street
19.7		Keep R onto Crescent Street
19.7		Sharp L onto Crescent Street

12.7 miles. +528/-510 feet

Dist	Type	Note
19.8		Keep L onto West Acton Road
20.0		Continue onto West Acton Road
20.2		Make a U-turn onto West Acton Road
20.2		Sharp L onto West Acton Road
22.2		Keep L onto Willow Street
22.4		Sharp L onto Willow Street
22.4		R onto Summer Street
22.5		R onto Central Street
23.4		Keep R onto Central Street
23.5		Sharp R onto Central Street
23.8		Keep R onto Central Street
23.8		Sharp L onto Central Street
23.8		Make a U-turn onto Central Street

4.1 miles. +131/-111 feet

Dist	Type	Note
23.9		Slight R onto Main Street, MA 27
23.9		L onto School Street
24.4		L onto Piper Road
25.6		Keep R onto Taylor Road
25.7		Sharp L onto Taylor Road
25.7		Make a U-turn onto Taylor Road
25.7		R onto Minot Avenue
26.4		R onto Concord Road
27.0		Keep L onto Concord Road
27.1		Sharp R onto Concord Road
27.1		Make a U-turn onto Concord Road
27.1		Sharp L onto Bruce Freeman Rail Trail
29.9		R onto Bruce Freeman Rail Trail

6.0 miles. +140/-196 feet

Dist	Type	Note
30.9	↑	Continue onto Bruce Freeman Rail Trail
33.3	↑	Continue onto Bruce Freeman Rail Trail
34.0	↗	Keep R onto Bruce Freeman Rail Trail
34.2	↘	Sharp R onto Bruce Freeman Rail Trail
34.2	↻	Make a U-turn onto Bruce Freeman Rail Trail
34.7	↗	Keep R onto Bruce Freeman Rail Trail
34.8	↘	Sharp R onto Bruce Freeman Rail Trail
34.8	↻	Make a U-turn onto Bruce Freeman Rail Trail
35.4	↙	Sharp L onto High Street
35.4	↘	Sharp R onto Bruce Freeman Rail Trail

5.5 miles. +91/-86 feet

Dist	Type	Note
35.4	→	R onto High Street
35.5	→	R onto Locust Road
35.9	↗	Slight R onto Locust Road
35.9	↗	Slight R onto Byam Road
35.9	←	L onto Barton Hill Road
36.9	↙	Sharp L onto Proctor Road
37.9	↘	Sharp R onto Lowell Street
38.0	↗	Keep R onto Lowell Street
38.2	↙	Sharp L onto Lowell Street
38.2	↻	Make a U-turn onto Lowell Street
40.2	↑	At roundabout, take exit 1 onto Westford Road, MA 225
40.2	↙	Keep L onto Concord Street
43.0	↗	Keep R onto Lowell Road
43.1	↙	Sharp L onto Lowell Road

7.7 miles. +330/-338 feet

Dist	Type	Note
43.1	↻	Make a U-turn onto Lowell Road
45.0	↙	Keep L onto Lowell Road
45.1	↘	Sharp R onto Lowell Road
45.9	↗	Slight R onto Lexington Road
46.1	↑	Continue onto Lexington Road
47.2	↙	Keep L onto Old Bedford Road
47.7	←	L onto Virginia Road
49.4	↗	Keep R onto Virginia Road
49.5	↘	Sharp R onto Virginia Road
49.5	↻	Make a U-turn onto Virginia Road
49.8	↗	Keep R onto Old Bedford Road
50.5	↘	Sharp R onto North Great Road, MA 2A

7.4 miles. +209/-199 feet

Dist	Type	Note
50.7	←	L onto Bedford Road
52.6	←	L onto Weston Road
53.4	↗	Slight R onto Weston Road
54.5	↗	Keep R onto Lincoln Street
54.6	↙	Sharp L onto Lincoln Street
54.6	↻	Make a U-turn onto Lincoln Street
56.3	↙	Slight L onto Concord Road
56.7	↙	Keep L onto Concord Road
56.7	→	R onto Mass Central Rail Trail -- Wayside
59.5	→	R onto Cochituate Road, MA 27, MA 126
60.9	↗	Keep R onto Old Sudbury Road, MA 27
61.2	↘	Sharp R onto Old Sudbury Road, MA 27
61.3	↙	Sharp L onto Water Row

10.8 miles. +424/-512 feet

Dist	Type	Note
61.6	↗	Keep R onto Water Row
61.6	↗	Slight R onto River Road
62.4	←	L onto Boston Post Road, US 20
62.7	←	L onto Minuteman Road
62.8	📍	End of route

1.5 miles. +62/-43 feet

**2022 Massachusetts Ride to Defeat ALS
Rules of the Road**

- Follow traffic laws. They apply to cyclists too!
- Keep your helmet on while riding.
- No headphones. It is illegal to ride with headphones in Massachusetts.
- No speaking or texting on cell phones while riding.
- If you need to pull over, warn cyclists behind you and then get completely out of the path of other riders.
- Call out hazards to warn cyclists around you. Repeat hazard warnings to those behind you.
- Avoid collisions. Call out "slowing" or "stopping" to warn riders behind you.





SUDBURY SELECT BOARD
Tuesday, July 26, 2022

CONSENT CALENDAR ITEM

14: Approve Charter transportation contract for Sudbury students

REQUESTOR SECTION

Date of request:

Requestor: Town Manager

Formal Title: To approve execution by the Interim Town Manager of a Charter Transportation Agreement between the Town and First Student, Inc. for Sudbury student transportation services to and from vocational schools for the period September 1, 2022 through June 23, 2023, with extensions as may be agreed by the parties.

Recommendations/Suggested Motion/Vote: To approve execution by the Interim Town Manager of a Charter Transportation Agreement between the Town and First Student, Inc. for Sudbury student transportation services to and from vocational schools for the period September 1, 2022 through June 23, 2023, with extensions as may be agreed by the parties.

Background Information:

This Agreement facilitates bus services for Sudbury high school students to vocational schools

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

07/26/2022 7:00 PM

CHARTER TRANSPORTATION AGREEMENT

This Charter Transportation Agreement (the "Agreement") is entered into this July ____, 2022, by and between The Town of Sudbury ("Customer") with its corporate offices located at 278 Old Sudbury Rd, Sudbury, MA 01776 and First Student, Inc. ("Contractor") with its corporate offices located at 600 Vine Street, Ste. 1400, Cincinnati, OH 45202.

WITNESSETH

Whereas, Customer has selected Contractor to provide the charter bus transportation services described herein; and

Whereas, Contractor desires to provide such transportation services,

Now, therefore, in consideration of the covenants hereinafter contained, the parties agree as follows:

AGREEMENT

1. Term and Termination

- a. **Term.** The term of this agreement shall commence on 9/1/2022 and shall continue through 6/23/2023 (the "Term"), unless otherwise terminated earlier or extended pursuant to the terms contained in this agreement.
- b. **Termination for Convenience.** Contractor may terminate this Agreement during the Initial Term or Renewal Term without cause and without penalty by giving thirty (30) days written notice to Customer.
- c. **Termination for Breach or Default.** If either party shall default in the performance of or breach any of its obligations specified in this Agreement, the non-defaulting party shall give written notice to the other party, specifying the nature of the default, and if such default is not remedied or substantial efforts are not made to remedy such default within fifteen (15) days from receipt of such notice, the non-defaulting party shall have the right, at its option, either to suspend the performance of its obligations under this Agreement until such default is remedied or to terminate this Agreement by providing the defaulting party with thirty (30) days advance written notice of termination.
- d. **Termination for Bankruptcy.** Either party may terminate this Agreement immediately by written notice to the other party in the event that the other party makes an assignment for the benefit of creditors; or admits in writing inability to pay debts as they mature, or a proceeding is instituted under any provisions of the governing bankruptcy codes and is acquiesced in or is not dismissed within thirty (30) days.

2. Scope and Price of Services Required

Contractor shall, during the term of this Agreement, supply and maintain such number of School Buses and personnel as are required to fulfill the Customer's needs for "Charter Transportation" as defined below.

"Charter Transportation" shall mean the safe and convenient transportation of any and all passengers who are designated by the Customer.

3. Compensation, Billing and Penalties

In consideration for services rendered hereunder, Customer shall pay to Contractor all sums due and owing and calculated in accordance with the rates set forth in Exhibit A attached hereto and made a part hereof.

Contractor will submit to Customer a statement of its services rendered during the prior month. The statement shall contain a reasonably detailed itemization of all services rendered. After verification of the statement, Customer shall pay the amount due and undisputed to Contractor within 30 days of receiving the statement. Contractor shall also provide such other information as may be reasonably requested by Customer to verify the services and the amounts charged for the same.

4. Taxes; Additional Charges

Prices do not include taxes, parking fees, tolls or additional charges for (i) changes in the scope of Services that result in additional mileage or driver hours; (ii) damage to equipment caused by passengers; or (iii) extra cleaning of the equipment due to the nature of Services or the conduct of the passengers (collectively, the "Additional Charges").

5. Notice of Cancellation

Customer shall give First Student notice of cancellation not less than forty-eight (48) hours prior to the scheduled departure time to receive a full refund. FAILURE TO GIVE SUCH NOTICE SHALL RESULT IN THE FULL CHARGE OF THAT DAY'S SERVICE. First Student may cancel services at First Student's convenience with 24 hours' notice prior to date of scheduled event if, within First Student's sole discretion, First Student determines that performing the event in question could be harmful to First Student's public image.

6. Fuel

Contractor shall furnish all fuel to be used in its performance of this Agreement.

7. Routes and Schedules

Contractor shall be solely responsible for determining routes for the charter transportation described herein.

8. Indemnification

To the extent permitted by law, Contractor agrees to indemnify, hold harmless and defend Customer, its governing board, officers, employees and agents from and against every claim or demand which may be made by any person, firm, or corporation, or any other entity arising from or caused by any act of neglect, default or omission of Contractor in the performance of this Agreement, except to the extent that such claim or demand arises from or is caused by the negligence or willful misconduct of Customer, its agents, or employees.

To the extent permitted by law, Customer agrees to indemnify, hold harmless and defend Contractor, directors, officers, employees and agents from and against every claim or demand which may be made by any person, firm, or corporation, or any other entity arising from or caused by any act of neglect, default or omission of Customer in the performance of this Agreement, except to the extent that such claim or demand arises from or is caused by the negligence or willful misconduct of Contractor, its agents or employees.

9. DISCLAIMER

THE SERVICES PROVIDED BY CONTRACTOR ARE PROVIDED ON AN "AS IS", "WHERE IS" BASIS. CONTRACTOR MAKES NO EXPRESS OR IMPLIED WARRANTIES OR REPRESENTATIONS, INCLUDING ANY WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY WARRANTY ARISING BY USAGE OF TRADE, COURSE OF DEALING OR COURSE OF PERFORMANCE.

10. LIMITATION OF LIABILITY

IN NO EVENT SHALL CONTRACTOR BE LIABLE UNDER ANY LEGAL THEORY FOR ANY SPECIAL, INDIRECT, INCIDENTAL, PUNITIVE, TREBLE OR CONSEQUENTIAL DAMAGES OF ANY KIND EVEN IF CONTRACTOR HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES OR CONTRACTOR COULD HAVE REASONABLY FORESEEN SUCH DAMAGES. CONTRACTOR'S AGGREGATE LIABILITY SHALL NOT EXCEED THE AMOUNT OF FEES RECEIVED FROM THE CUSTOMER UNDER THIS CONTRACT.

11. Insurance

Contractor shall, at its expense, procure and keep in force during the entire term of this Agreement, General Liability and Automobile Liability Insurance to protect Contractor, its drivers and other personnel. Contractor shall provide General Liability limits of not less than \$5,000,000 each occurrence and aggregate bodily injury and property damage and \$5,000,000 Personal Injury each occurrence and aggregate; automobile liability limits of not less than \$5,000,000.00 combined single limit for bodily injury and damage to property for all owned, hired and non-owned autos, and umbrella coverage of not less than \$10,000,000.00 in addition to the limits listed above. Customer shall be named as an additional insured on the foregoing insurance policies, which shall be primary and non-contributory, and shall be written on an occurrence basis. In addition, Contractor shall maintain workers' compensation insurance in accordance with applicable law.

Contractor agrees to provide to Customer a certificate of insurance evidencing such coverage upon execution of this Agreement.

12. Force Majeure

In the event Contractor is unable to provide the transportation services as specified in this Agreement because of any act of God, civil disturbance, fire, riot, war, terrorism, picketing, strike, labor dispute, unusual road or traffic conditions, governmental action or any condition or cause beyond Contractor's control, Customer shall excuse Contractor from performance under this Agreement, but only for so long as such cause(s) continue to prevent Contractor from providing the affected services, and provided Contractor makes reasonable efforts to overcome the effects of such causes.

13. Equipment

All school buses supplied by Contractor in performance of this Agreement shall meet or exceed the standards established by the laws and regulations of the State of Massachusetts. Contractor shall maintain the bus used to provide transportation services under this Agreement in accordance with law and accepted industry maintenance standards.

14. Rider Discipline

Contractor's drivers are responsible only for such discipline as is required to properly and safely operate Contractor's buses. Contractor shall have the right to refuse service for disruptive passengers

and/or passengers who are not eligible for charter transportation by the Contractor as defined in this Agreement.

15. Management Personnel

Contractor shall employ management personnel who shall be responsible for the efficient operation of the transportation services furnished hereunder and who shall be Contractor's liaison to the Customer. Contractor shall inform Customer of the names and work addresses of such management personnel.

16. Operations Personnel/Driver Qualifications

Contractor shall employ a sufficient number of drivers and support personnel to assure Customer of continuous and reliable service.

Contractor shall be solely responsible for hiring and discharging personnel employed by Contractor to perform its obligations hereunder.

Contractor shall perform or, at the election of Customer, assist Customer in conducting any legally required and/or Customer-requested checks for Criminal History Record Information for all such personnel, including but not limited to those personnel who may have direct and unmonitored contact with children. Contractor shall promptly provide such information as may be required to conduct such checks. Contractor shall not employ, under this Agreement, any drivers or support personnel who may have direct and unmonitored contact with children whom Contractor has determined, upon reasonable inquiry, may pose a risk of harm to children.

Contractor shall provide qualified drivers, trained and licensed in accordance with the laws of the Commonwealth of Massachusetts and the rules and regulations of Customer.

17. Status of Contractor

In the interpretation of this Agreement and the relations between Contractor and Customer, Contractor shall be construed as being an independent Contractor employed to provide transportation services only. Neither Contractor nor any of its employees shall be held or deemed in any way to be an agent, employee or official of Customer. Contractor shall be responsible for, and hold Customer harmless from any liability for unemployment taxes or contributions, payroll taxes or other federal or state employment taxes.

18. Place of Contract

All references in this contract to the "state" shall mean the Commonwealth of Massachusetts. All regulations, laws and requirements of the state shall mean the regulations, laws or requirements of the Commonwealth of Massachusetts.

19. Severability

In the event any provision specified herein is held or determined by a court of competent jurisdiction to be illegal, void or in contravention of any applicable law, the remainder of the Agreement shall remain in full force and effect.

20. Extension and Modification

Contractor and Customer may extend or otherwise modify the terms of this Agreement in whole or in part as circumstances may justify by mutual written agreement executed by the duly authorized representatives of the parties.

21. Social Distancing

If after the date hereof there are enacted additional laws or regulations that require more stringent social distancing, such applicable laws or regulations may dictate a need to alter capacity allowances. Any such capacity changes may result in the need for additional buses, which may result in a change of price and will be subject to the availability of any additional buses. Customer acknowledges receiving First Student's social distancing guidance information (the "COVID-19 Guidance") referred to in Addendum A hereto.

22. Notice to Parties

All notices to be given by the parties to this Agreement shall be in writing and serviced by depositing same in the United States Mail, certified mail.

Notices to Customer shall be addressed to:

Town of Sudbury
Attn:
Maryanne Bilodeau
278 Old Sudbury Rd
Sudbury, MA 01776

Notices to Contractor shall be addressed to:

First Student
Attn: Tammy Ward
1800 Rt. 34 N, Suite 304
Wall, NJ 07719

With a copy to:

General Counsel
First Student, Inc.
600 Vine Street
Suite 1400
Cincinnati, OH 45202

23. Dispute Resolution

The parties shall negotiate in good faith in an attempt to resolve any dispute that may arise. If a dispute cannot be resolved, the parties may pursue their remedies as they choose.

24. Assignment

This Agreement may not be assigned by either party without the express written consent of the other.

25. CHOICE OF LAW AND SELECTION OF VENUE

This Agreement is governed by the laws of the Commonwealth of Massachusetts. The parties agree that any action at law or equity instituted against either party to this Agreement must be commenced only in the Middlesex County Superior Court, Massachusetts or the United States District Court in Boston, Massachusetts. Contractor and Customer irrevocably consent to the personal jurisdiction of the state and federal courts of Massachusetts as set forth above.

26. Miscellaneous

THIS AGREEMENT CONSTITUTES THE FINAL AGREEMENT BETWEEN THE PARTIES. IT IS THE COMPLETE AND EXCLUSIVE EXPRESSION OF THE PARTIES' AGREEMENT ON THE MATTERS CONTAINED IN THIS AGREEMENT. ALL PRIOR AND CONTEMPORANEOUS NEGOTIATIONS AND AGREEMENTS BETWEEN THE PARTIES ON THE MATTERS CONTAINED IN THIS CONTRACT ARE EXPRESSLY MERGED INTO AND SUPERSEDED BY THIS AGREEMENT. THE PROVISIONS OF THIS AGREEMENT MAY NOT BE EXPLAINED, SUPPLEMENTED OR QUALIFIED THROUGH EVIDENCE OF TRADE USAGE, COURSE OF PERFORMANCE OR A PRIOR COURSE OF DEALINGS. IN ENTERING INTO THIS AGREEMENT, NEITHER PARTY HAS RELIED UPON ANY STATEMENT, REPRESENTATION, WARRANTY NOR AGREEMENT OF THE OTHER PARTY EXCEPT FOR THOSE EXPRESSLY CONTAINED IN THIS AGREEMENT. THERE ARE NO CONDITIONS PRECEDENT TO THE EFFECTIVENESS OF THIS AGREEMENT, OTHER THAN THOSE EXPRESSLY STATED IN THIS AGREEMENT. In the event of a conflict between the terms of the Agreement and any other document or agreement between Customer and First Student, the terms and conditions of this Agreement shall control. If any portion of this Agreement is found to be void or unenforceable, the remaining portions of this Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate the day and year first hereinabove written above.

FIRST STUDENT, INC.

CUSTOMER

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

**ADDENDUM A - TO CHARTER TRANSPORTATION AGREEMENT
COVID-19 WAIVER AND RELEASE OF LIABILITY**

Please read thoroughly and carefully.

Customer and First Student acknowledge that the Novel Coronavirus/COVID-19 (“**COVID-19**”), is a worldwide pandemic, is extremely contagious, and is known to spread mainly through person-to-person contact. Customer and First Student acknowledges that it is very difficult to know who may have COVID-19.

Customer, for itself, and on behalf of the passengers, desires to be transported by charter bus operated by First Student as set out in the STUDENT TRANSPORTATION AGREEMENT, and First Student desires to provide such transportation. Customer and First Student acknowledge doing so may expose the passengers to COVID-19. Customer and First Student acknowledge and agree that while First Student will comply with applicable laws, orders and regulations relating to COVID-19 and has and will continue to put in place reasonable measures to try to reduce the spread of COVID-19, those measures cannot and do not guarantee the passengers will not contract COVID-19. Customer and First Student acknowledge and understand that the risk of persons becoming exposed to and/or infected by COVID-19 may result from the actions, omissions, or negligence of passengers and others, including, but not limited to, First Student, staff, and other customers, their families and other passengers. Customer nonetheless voluntarily seeks, and First Student nonetheless voluntarily agrees to furnish, the services to be provided by First Student under the Student Transportation Agreement entered into by Customer and First Student, and each acknowledges that in doing so, the risk of passengers’ exposure to COVID-19 cannot, despite reasonable precautions, be eliminated.

Customer agrees and acknowledges at the time of booking the fare, the Customer was fully informed and understands all current State and local health guidance, advisories and/or mandates. Customer acknowledges and agrees that prior to departure that Customer has made the passengers aware of any current COVID-19 Guidance and furthermore the Customer agrees and consents to request that its passengers abide by said COVID-19 Guidance.

Customer agrees and acknowledges First Student is not responsible or required to enforce whether passengers and others are adhering to guidance. Customer agrees and acknowledges First Student is not responsible or required to remove passengers or others from the charter bus who do not adhere to guidance. First Student agrees and acknowledges that since Customer will not be travelling on any charter bus with passengers, it will be unable to enforce the COVID-19 Guidance while passengers are travelling on the charter bus, provided that Customer’s absence from the charter bus does not relieve it of its agreement set forth above to make passengers aware of the COVID-19 Guidance and to request that its passengers abide by the COVID-19 Guidance.

BY ACCEPTING ANY AND ALL SERVICES FROM FIRST STUDENT, AND FOR SUCH OTHER GOOD AND VALUABLE CONSIDERATION, AND TO THE GREATEST EXTENT PERMITTED BY LAW, CUSTOMER AND FIRST STUDENT EACH AGREES TO

RELEASE, NOT TO SUE, AND HOLD HARMLESS THE OTHER FROM AND AGAINST ANY AND ALL CAUSES OF ACTION, CLAIMS, COSTS, DEMANDS, LIABILITIES, COMPENSATION FOR DAMAGES, AND EXPENSES OF EVERY KIND (INCLUDING BUT NOT LIMITED TO TESTING, MONITORING, AND TREATMENT, COLLECTIVELY, “CLAIMS”) ARISING FROM COVID-19 AND TO THE EXTENT CAUSED BY ITS NEGLIGENCE OR WILLFUL MISCONDUCT, PROVIDED THAT, FOR AVOIDANCE OF DOUBT, NOTHING HEREIN SHALL REQUIRE CUSTOMER OR FIRST STUDENT TO RELEASE, NOT SUE, OR HOLD HARMLESS THE OTHER FOR CLAIMS CAUSED BY THE OTHER’S NEGLIGENCE OR WILLFUL MISCONDUCT.

Exhibit A: Schedule of Service and Fees

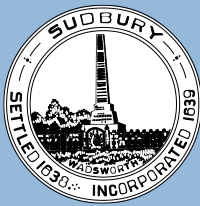
Cost: \$359.83 per vehicle per day for a 7D Van

Includes: Travel from First Student bus terminal to route and back for all shifts; all maintenance and repairs; general cleaning; back-up buses and driver; and insurance (certificate to be provided prior to commencement of the work). The per bus per day cost is still due even in the event that a bus is sent away before the scheduled end time.

Routes: Routes and times may change over time based upon mutual agreement and prior written authorization.

Additional Charges: Additional charges may apply for any time used beyond the schedule listed above and will be billed out at \$59.98 per each additional hour the bus is used. Additional, reasonable charges ranging from \$75 - \$175 per bus may also apply to any excessive cleaning that may be required, provided that Contractor shall take photographs of the condition of the bus before cleaning and provide such photographs to Customer together with any invoice for the charge. Cancellation fees of the full cost of the bus will apply if the bus is cancelled with less than one week's notice.

Service Notifications: If service is interrupted for any reason, First Student will notify the customer designee immediately. All buses are radio equipped. In the event of a breakdown while on route, a replacement bus will be driven to the route. Operator "no shows" are replaced by our qualified stand-by drivers or supervisors. Cross-training is done to minimize service disruption due to sick days, vacations or unexpected absences.



SUDBURY SELECT BOARD

Tuesday, July 26, 2022

CONSENT CALENDAR ITEM

15: Brimstone Lane Land Swap

REQUESTOR SECTION

Date of request:

Requestor: Town Counsel

Formal Title: That the Board vote to accept a deed to “Parcel A” being land off Brimstone Lane, to be held under the care, custody, management and control of the Conservation Commission, and to convey “Lot 8” being land off Brimstone Lane, both as shown on an Approval Not Required Plan dated April 8, 2022, and that the Chair be authorized to execute any documents or instruments necessary to effectuate the exchange of land.

Recommendations/Suggested Motion/Vote: That the Board vote to accept a deed to “Parcel A” being land off Brimstone Lane, to be held under the care, custody, management and control of the Conservation Commission, and to convey “Lot 8” being land off Brimstone Lane, both as shown on an Approval Not Required Plan dated April 8, 2022, and that the Chair be authorized to execute any documents or instruments necessary to effectuate the exchange of land.

Background Information:

The owners of land off Brimstone Lane approached the Town requesting the exchange of 1,033 square feet of land (Parcel 8) for 29,800 square feet of land (Parcel A) adjacent to existing Town-owned conservation land. Town Meeting approved the land swap by vote on Article 39 of the September 12, 2020 Town Meeting. The land exchange required special legislation pursuant to Article 97 because Parcel 8 was held for conservation purposes. The special act authorizing the exchange was enacted as Chapter 40 of the Acts of 2022. Once acquired, Parcel A will be held by the Conservation Commission in perpetuity for conservation and open space purposes.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

07/26/2022 7:00 PM

Acts (2022)

Chapter 40

AN ACT AUTHORIZING THE TOWN OF SUDBURY TO TRANSFER A CERTAIN PARCEL OF LAND.

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

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Sudbury may transfer to Theodore Orenstein and Judith Aronson Webb, as trustees of the David Aronson 2003 revocable trust dated September 11, 2003, or their designee, and Theodore Orenstein and Judith Aronson Webb, as personal representatives of the Estate of Georgianna B. Aronson, or their designee, a parcel of land located off Brimstone lane, containing 1,033 square feet, more or less, as shown on a plan of land entitled “Sketch Plan 137 Brimstone Lane Sudbury, MA” dated June 29, 2020, and prepared by Sullivan, Connors & Associates, a copy of which is on file in the town clerk’s office. This parcel to be conveyed is a portion of a certain parcel of land owned by the town and recorded in the Middlesex southern district registry of deeds in certificate 145492, document 529273, which was acquired by the conservation commission for the promotion and development of natural resources and for the protection of the watershed resources of the town.

SECTION 2. In consideration for the transfer of the land as provided in section 1, Theodore Orenstein and Judith Aronson Webb, as trustees of the David Aronson 2003 revocable trust dated September 11, 2003, and Theodore Orenstein and Judith Aronson Webb, as personal representatives of the Estate of Georgianna B. Aronson, shall convey a parcel of land containing 29,800

square feet, more or less, as shown on the plan of land identified in said section 1 to the town of Sudbury for conservation and open space purposes in perpetuity and such land shall be under the care, custody, management, and control of the Sudbury conservation commission pursuant to section 8C of chapter 40 of the General Laws and shall be subject to article 97 of the amendments to the constitution of the commonwealth.

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

Approved, March 28, 2022.

ACCEPTANCE OF DEED

The foregoing deed from Theodore Orenstein and Judith Webb, Trustees of the David Aronson 2003 Revocable Trust u/d/t/ dated September 11, 2003, as evidenced by a Trustee's certificate pursuant to M.G.L. c. 184, §35 recorded with the Middlesex South Registry of Deeds in Book 68485, Page 90, and Theodore Orenstein and Judith Webb, Personal Representatives of the Estate of Georgianna Aronson, Middlesex Probate Case No. MI17P4150EA, is hereby accepted by the Town of Sudbury, acting by and through its Select Board, pursuant to the authority granted by virtue of a vote on Article 39 of the September 12, 2020 Annual Town Meeting, a certified copy of which is attached hereto, by virtue of Chapter 40 of the Acts of 2022, and by virtue of a vote of the Select Board taken at its meeting held on July 26, 2022.

Said property is hereby accepted for conservation and open space purposes in perpetuity, to be under the care, custody, management, and control of the Sudbury Conservation Commission under the provisions of G.L. c. 40, §8C, and subject to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

TOWN OF SUDBURY SELECT BOARD

By: Charles G. Russo, Chair
Duly Authorized

COMMONWEALTH OF MASSACHUSETTS,

County of Middlesex

On this ___ day of _____, 2022, before me personally appeared Charles G. Russo, to me known to be the person described in and who executed the foregoing instrument, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document and acknowledged to me he signed it voluntarily for its stated purpose as Chair of the Sudbury Select Board.

Notary Public
My Commission Expires:

QUITCLAIM DEED

The TOWN OF SUDBURY, acting by and through its Select Board, pursuant to the authority granted by virtue of a vote on Article 39 of the September 12, 2020 Annual Town Meeting, a certified copy of which is attached hereto, by virtue of Chapter 40 of the Acts of 2022, and by virtue of a vote of the Select Board taken at its meeting held on July 26, 2022, for consideration of One Dollar (\$1.00) and the conveyance to the Town of Sudbury of approximately 29,800 square feet of land, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged,

grant to

Theodore Orenstein and Judith Aronson Webb, as Trustees of the David Aronson 2003 Revocable Trust dated September 11, 2003, evidenced by a Trustee's certificate pursuant to M.G.L. c. 184, §35 registered herewith, and Theodore Orenstein and Judith Aronson Webb, as Personal Representatives of the Estate of Georgianna B. Aronson, Middlesex Probate Case No. MI17P4150EA, having an address of 137 Brimstone Lane, Sudbury, Massachusetts,

with quitclaim covenants

a parcel of land located off Brimstone Lane, Sudbury, shown as Lot 8 on a plan of land entitled "Subdivision Plan of Land in Framingham and Sudbury" dated October 17, 1974 prepared by Arthur E. Harding Jr., Surveyor registered with the Middlesex South Registry District of the Land Court in Book 857, Page 142, Plan 4869H (two sheets), noted on Certificate of Title No. 145492,

Being a portion of the same premises conveyed to the Inhabitants of the Town of Sudbury by Deed dated December 30, 1974 registered with the Middlesex South Registry District of the Land Court as Document 529273 and also recorded with the Middlesex South Registry of Deeds in Book 12745, Page 207.

No tax stamps are required pursuant to G.L. c. 64D sec. 1.

(Remainder of page intentionally left blank. Signature pages follow.)

Executed as a sealed instrument this ____ day of _____, 2022.

TOWN OF SUDBURY SELECT BOARD

 By: Charles G. Russo, Chair
 Duly Authorized

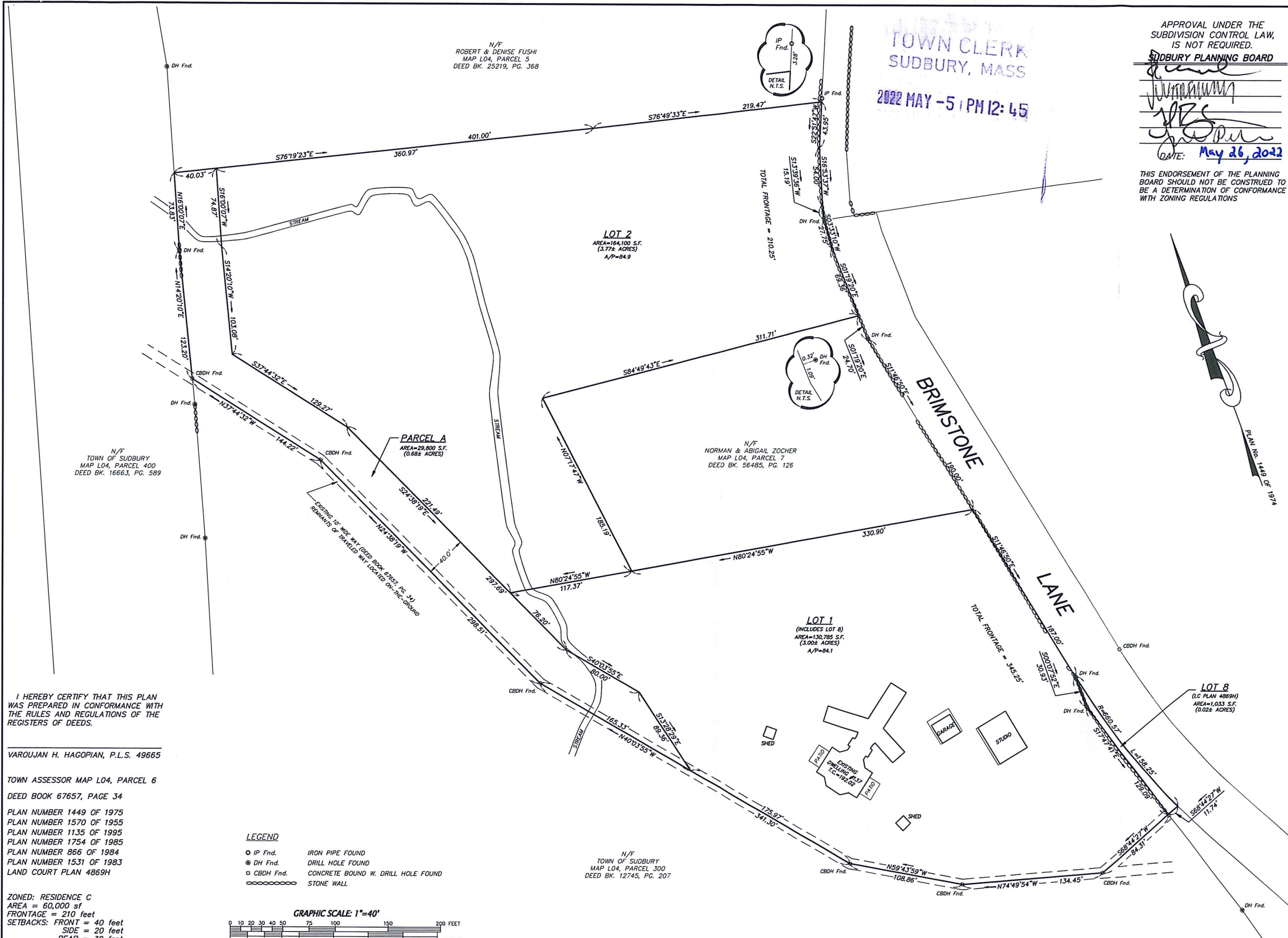
COMMONWEALTH OF MASSACHUSETTS,

County of Middlesex

On this ____ day of _____, 2022, before me personally appeared Charles G. Russo, to me known to be the person described in and who executed the foregoing instrument, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document and acknowledged to me he signed it voluntarily for its stated purpose as Chair of the Sudbury Select Board.

 Notary Public
 My Commission Expires:

822720/SUDB/0065



TOWN CLERK
SUDBURY, MASS
2022 MAY -5 | PM 12:45

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW,
IS NOT REQUIRED.
SUDBURY PLANNING BOARD
[Signature]
[Signature]
DATE: May 26, 2022

THIS ENDORSEMENT OF THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE WITH ZONING REGULATIONS

- GENERAL NOTES:**
1. THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF SUDBURY ASSESSORS RECORDS.
 2. THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY BY CONNORSTONE ENGINEERING INC. PERFORMED IN AUGUST 2018, AND UPDATED IN NOVEMBER 2021.
 3. LEGAL STATUS OF EASEMENTS AND WAYS, NOT DETERMINED BY THIS SURVEY.
 4. PARCEL A IS INTENDED TO BE CONVEYED FROM ARONSON TO THE TOWN OF SUDBURY. PARCEL A IS NOT TO BE CONSIDERED AN INDIVIDUAL BUILDING LOT.
 5. LOT 8, AS SHOWN ON LAND COURT PLAN 4869H, IS INTENDED TO BE CONVEYED FROM THE TOWN OF SUDBURY TO ARONSON.
 6. THIS PLAN WILL CREATE LOTS 1 AND 2, BOTH BUILDABLE LOTS. PLANNING BOARD APPROVAL IS CONTINGENT UPON LOT 8 BEING CONVEYED TO THE RECORD OWNER OF LOT 1 TO PROVIDE THE REQUIRED FRONTAGE.

OWNERS:
THE DAVID ARONSON 2003
REVOCABLE TRUST
137 BRIMSTONE LANE
SUDBURY, MA 01776

CONNORSTONE ENGINEERING INC.
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

PLAN OF LAND OF 137 BRIMSTONE LANE IN SUDBURY, MA

REVISED:	DESCRIPTION:
DRAWN BY: VHH	SURVEY BY: SMC, RLS
DATE: APRIL 8, 2022	
SCALE: 1"=40'	SHEET 1 OF 1

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

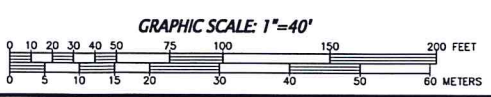
VAROUJAN H. HAGOPIAN, P.L.S. 49665

TOWN ASSESSOR MAP L04, PARCEL 6
DEED BOOK 67657, PAGE 34

- PLAN NUMBER 1449 OF 1975
- PLAN NUMBER 1570 OF 1955
- PLAN NUMBER 1135 OF 1995
- PLAN NUMBER 1754 OF 1985
- PLAN NUMBER 866 OF 1984
- PLAN NUMBER 1531 OF 1983
- LAND COURT PLAN 4869H

ZONED: RESIDENCE C
AREA = 60,000 sf
FRONTAGE = 210 feet
SETBACKS: FRONT = 40 feet
SIDE = 20 feet
REAR = 30 feet

- LEGEND**
- IP Fnd. IRON PIPE FOUND
 - DH Fnd. DRILL HOLE FOUND
 - CBDH Fnd. CONCRETE BOUND W. DRILL HOLE FOUND
 - ⊞ STONE WALL



Attachment15.d: KP-#822728-v1-137_Brimstone_Lane_-_ANR_Plan_Signed_(5369 : Brimstone Lane Land Swap)



SUDBURY CONSERVATION COMMISSION
Meeting Minutes of July 13, 2020

Present: Thomas Friedlander, Chair; David Henkels, Vice Chair; Richard Morse; Bruce Porter; Charlie Russo; Kasey Rogers; Mark Sevier; Ken Holtz, Associated Member; and Lori Capone, Conservation Coordinator

Chair Friedlander opened the meeting under the MA Wetlands Protection Act and the Sudbury Wetlands Administrative Bylaw at 6:30 PM. He stated the Commission would not be using the Zoom questions and answer or chat functions and asked that people raise their hands to be heard. C. Russo asked about accessibility, to which Chair Friedlander responded everyone will still have the same ability to speak but only through one avenue, instead of three, to better manage public comments. If the Commission would like to discuss further, this could be an agenda item for the next meeting.

Minutes:

The minutes of June 29, 2020 were tabled until the next meeting.

Wetland Applications:

Amended Order of Resource Area Delineation – Bruce Freeman Rail Trail, DEP #301-1193:

Chair Friedlander opened the hearing to Amend the Order of Resource Area Delineation for the Bruce Freeman Rail Trail to clarify jurisdictional wetland resource areas subject to the Wetlands Protection Act versus the Sudbury Wetland Administration Bylaw, to classify streams as intermittent or perennial, and to enter into the record the status of vernal pools along the MassDOT Right of Way, continued from June 29, 2020.

Tim Dexter and Eamon Kernan of MassDOT, Alyssa Jacobs of Epsilon Associates, and Beth Suedmeyer, Sudbury Environmental Planner, attended tonight's meeting.

Chair Friedlander stated the Commission was waiting for a proposal from David Burke, Wetlands Recourse Specialist, hired to peer review this project on behalf of the Commission. Mr. Burke presented his proposal to complete the Peer Review. He stated what areas he would review under the Contract and asked Tim Dexter from MassDOT if he agreed with the assessment. Mr. Dexter deferred the answers to Alyssa Jacobs, who is working on behalf of MassDOT on this project as the technical advisor. She stated it appeared Mr. Burke had covered the scope. She asked for clarification on the additional information on isolated vegetated wetlands he was asking for to which Mr. Burke responded that he required information of the volume of water the isolated wetlands could hold. Beth Suedmeyer explained the 2016 Order of Resource Area Delineation (ORAD) did not determine the status of intermittent and perennial streams, or vernal pools, due to time of year and drought conditions. She stated that MassDOT is seeking under this application, to clarify the perennial streams based on definition of the Wetlands Protection Act only.

When questioned about the language of the Town Bylaw regarding the status of streams, Coordinator Capone responded that under the Bylaw, a stream is presumed to be perennial unless proven to be intermittent. The burden is on the applicant. Ms. Jacobs stated that under the Act, if USGS maps show a stream as perennial, then the assumption is that it is perennial, but it can be changed based on direct observations of the stream being dry. More discussion was held about perennial vs. intermittent and the importance of correct classification.

Dave Burke was asked to disclose the cost and timeframe for his services to which he answered not to exceed \$5,500 and timeline was first week in September to complete the initial review. Coordinator Capone asked for an opinion from MassDOT on the peer review and any of their concerns. Mr. Dexter stated as far as the stream designation, MassDOT is exempt from the local Bylaw so is only looking for approval under the State Wetlands Protection Act. Mr. Burke questioned if that was the case. Coordinator Capone stated that under this ORAD the Commission was defining what was state jurisdiction and what was not. When a Notice of Intent is filed, the Commission will be looking for legal clarification from MassDOT and Sudbury's legal Counsel relative to a Bylaw exemption.

There were no public comments.

Chair Friedlander stated that the Commission is looking for a vote on awarding the Peer Review contract to David Burke. Richard Morse moved the motion, seconded by K. Rogers. By roll call, the vote was unanimous in the affirmative. With the agreement of the applicant, this matter was continued to the September 14, 2020.

Notice of Intent - 32 Churchill, DEP File #301-1297:

Chair Friedlander opened the Notice of Intent hearing for tree removal, fence installment, and deck expansion within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Applicants Andrew and Rebecca Stone introduced the project with slides of the location. They stated they wanted to remove one tree overhanging the garage, install a fence around the yard, remove invasive plants and expand their deck. He showed a plan of these elements and several pictures of proposed work. Coordinator Capone stated the work is contained within the existing landscape areas within the outer buffer zone. She had suggested leaving a six-inch clearance under the fence, but with dogs, it would be more beneficial to allow the fence to extend to the ground to keep dogs out of the resource area as the fence will not constitute a barrier between resource areas. She was ok with all other parts of the request. B. Porter stated he understood all aspects of the request but he did not see any narrative about the tree from an arborist. The Coordinator stated the tree does show signs of rot and is in the yard next to the garage. K. Rogers asked if the tree removal would affect shading in the Vernal Pool area. Coordinator Capone stated it would have no effect, located 80 feet away. C. Russo asked for confirmation that the fence would not require additional clearing. Mr. Stone concurred.

There were no public comments.

On motion by D. Henkels, seconded by R. Morse, the Commission voted unanimously, by roll call vote, to close the hearing. On motion by D. Henkels, seconded by M. Sevier, the Commission voted unanimously, by roll call vote, to issue the Order of Conditions approving the project.

Notice of Intent - 200 Mossman, DEP File #301-1298:

Chair Friedlander opened the Notice of Intent hearing to remove a tennis court and install a sport court, with associated tree and invasive species removal, within the 100-foot Buffer Zone, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Applicants Benjamin and Jamie Simeone presented their project. Mr. Simeone stated the existing tennis court was very degraded and that they would like to reduce the surface by 60% and install a Sport Court in place of it. He stated there is bittersweet on site that is killing the large trees in the same general area as the court. They would like to try to eradicate as much as possible, through manual removal. Two trees are proposed to be removed: one is dead and the other is completely encased in bittersweet. He showed pictures of the area, and how the trucks would access the back area. When asked if the primary reason for

invasive removal was to make room for the construction vehicles, Mr. Simeone stated in the affirmative to some degree, but it will also prevent the bittersweet from impacting other trees in this area. Coordinator Capone mentioned this is a difficult undertaking, but stated it improves existing conditions. This space is already developed, and it does not intrude further, relative to the proximity to the wetlands. She asked if there were plans for any lighting or fencing for the Sport Court. The Simeones confirmed the neither were proposed. When asked what will occur in the remaining portion of court not used, the Applicant stated this would go back to its natural state. C. Russo asked the method of removal for invasive. The removal would be completed by hand and the bittersweet would be taken offsite. Mr. Russo cautioned that eradicating the bittersweet is a long process, where the applicants responded they understood and are interested in continuing to fight the invasion. K. Rogers asked what material the current court had and what will be used in the new Sport Court. Mr. Simeone stated the old court is made of asphalt and the new court would also be asphalt, though a much less surface area.

Chair Friedlander asked if there were any members of the public that wanted to speak on this project, and seeing none, entertained a motion by B. Porter, seconded by R. Morse, via unanimous roll call vote, to close the hearing. On motion by D. Henkels, second by C. Russo, the Commission voted unanimously, by roll call vote, to issue an Order of Conditions approving the project.

Notice of Intent - 26 Tavern Circle, DEP File #301-1296:

Chair Friedlander opened the Notice of Intent hearing for tree removal within the 100-foot Buffer Zone and 200-foot Riverfront Area, pursuant to the Wetlands Protection Act and the Sudbury Wetlands Administration Bylaw.

Richard Kennelly, applicant, presented his project to remove nine pine trees that he feels are a safety hazard to the house. Several have fallen, limbs have come down and present a danger. Four are within closer proximity to the wetland which he highlighted. He stated those trees would be replaced by eight native shrubs from the Commission's approved plant list.

The Coordinator had noticed invasive species on the property and the homeowner agreed to remove those as part of the project. Chair Friedlander asked about the northernmost tree, whether it is in the wetland. Coordinator Capone said it was just upgradient of the edge of wetland. The Applicant showed several photos of the trees themselves. The Chair expressed concern about the trees at the bottom of the slope, and questioned why these specific trees had to come down. Mr. Kennelly expressed concern that they are very tall and could hit the house. There is no arborist report as of yet, but the Applicant could obtain one. Chair Friedlander asked if the Commissioners would like to visit the site. Coordinator Capone had been out to the site and her comments were that there are many pine trees that are dead. Her concerns were primarily around the trees nearest the wetland edge, and suggested some trees be left as snags. She had no further concerns as the area was not being converted from forest and the proposed invasive species removal would benefit the Riverfront/AURA resource areas. Mr. Kennelly stated proposed trees are not all dead. Some trees are simply too tall and if they fall on the house, it would cause a lot of damage. M. Sevier asked if the Applicant was open to leaving snags for wildlife habitat. He was open to it but would need further information. K. Rogers asked if there was some kind of invasive beetle causing the trees to die. R. Morse thought the decision is premature until an arborist can view these trees. He encouraged the Applicant secure the Arborist report then come back with more information for his permit. Chair Friedlander asked if it were possible to visit the site, to which several members of the Commission agreed. The Commission discussed requiring an Arborists report and a continuance. The Applicant was agreeable to this.

On motion to continue the hearing to the next meeting date, July 27, made by R. Morse, seconded by M. Sevier, the motion carried by unanimously by roll call vote.

Other Business:

137 Brimstone Lane Warrant Article Revision:

The Chair recognized Atty. Josh Fox to discuss a revision to the Warrant Article previously submitted and voted on by the Commission for 137 Brimstone Lane. The landowner has proposed a land swap with the Conservation Commission for land in the rear of the property for land in the front of the property. He gave a brief review of the history of the property and revised land transfer: 1,033 s.f. on conservation land, for 29,800 s.f. of conservation land. Based on a request from the Board of Selectmen, the proposed 20-foot strip of land has been expanded to 40 feet wide, which allows for better access by hikers and protections for the homeowner. M. Sevier questioned why the land swap was increased by so much. C. Russo stated he had brought this up at a Selectman's Meeting. He had been concerned about the assessment and whether the Town had intentionally retained the sliver of land so as not to give the ability to the property owner to create a second lot. This, in discussion with the Selectman, eventually led to a request for more land to improve the conservation value of the land swap. M. Sevier had some reservations about taking so much land from a landowner. Mr. Fox stated as the representative for the landowner, they are comfortable with this swap. R. Morse made a motion to approve the Amended Warrant Article, seconded by M. Sevier, and via roll call vote, support was unanimous.

Certificate of Compliance:

44 Belcher Road, DEP File #301-1260:

Coordinator Capone explained that this Order is for a deck that was constructed without a permit, which led to a violation that resulted in the Notice of Intent. Coordinator Capone explained that the deck was constructed per plan except that the stairs were constructed further from the wetland and the applicant significantly expanded the mitigation area, so she recommended the Commission issue a Certificate of Compliance.

On motion by D. Henkels, seconded by B. Porter, via unanimous roll call vote, the Certificate of Compliance was issued.

168 Horse Pond Road, DEP File #301-1178:

Coordinator Capone stated that as discussed at the last meeting the only outstanding item associated with the proposed restoration was the removal of buckthorn. She has revisited the site to confirm that this work has been completed and recommended the Commission issue a Certificate of Compliance.

On motion from B. Porter, seconded by R. Morse, by unanimous roll call vote, the Certificate of Compliance was issued.

96 Plympton Road, DEP File #301-1263:

Coordinator Capone explained that this Order was for the expansion of a deck and conversion of a three season room to a four season room, with a small expansion, which required mitigation plantings to convert a portion of the lawn to native species and install an infiltration chamber to infiltrate run off from the roof expansion. She explained that the infiltration chamber was not installed and the plan and homeowners do not show where the mitigation plantings were required. As the roof runoff was naturally infiltrating into the lawn and there were no signs of erosion, Coordinator Capone recommended the site not be redisturbed to install the underground chamber. She discussed alternate mitigation with the homeowners which would remove several invasive species and replant the area with native plants and was seeking confirmation that the alternative mitigation was acceptable to the Commission. The Commission agreed and the Certificate of Compliance will be deferred until the mitigation is complete.

Other Business continued:**Camping on Conservation Land:**

Coordinator Capone stated the areas for camping are not clear on our website. The only accommodations for fire are at Davis, though the website indicates that camping is permitted on all conservation lands except Poor Farm Meadow. She asked for guidance from the Commission as to a process, particularly in the time of COVID when outdoor activities are at higher demand. A permit currently is required. The Commission discussed whether or not they are comfortable allowing camping on all conservation lands. They discussed the responsibilities by the Commission to allow this activity. D. Henkels asked where permit requests are for and she stated typically Davis, but she had received requests for Nobscot and another area. Ken Holtz (Associate Member), stated he had been to Hop Brook, where the trail map show potential camp sites which are crossed out in pencil. The Chair asked the Commission if they want to allow camping in Town or not. Further discussion on this led to the suggestion to allow the program go along as it is, and develop more comprehensive guidelines and updated maps, at a later date.

On motion by R. Morse seconded by D. Henkels, to authorize the Coordinator use her discretion in administering the Camping Program. The Commission will examine further at a later date. By roll call vote the motion passed 6-1 (B. Porter opposed).

On motion by R. Morse, seconded by D. Henkels, the meeting was adjourned at 8:30pm.