

SUDBURY SELECT BOARD
 WEDNESDAY JANUARY 31, 2024
 7:00 PM, ZOOM

Item #	Time	Action	Item
	7:00 PM		CALL TO ORDER
			Opening remarks by Chair
			Reports from Town Manager
			Reports from Select Board
			Public comments
CONSENT CALENDAR			
1.		<i>VOTE / SIGN</i>	Vote to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 44, 46, 48 Union Avenue and 0 Station Road subject to the Stormwater Management Permit issued for the property.
2.		<i>VOTE</i>	Vote to accept award of \$50,000 in Edward J. Byrne Memorial Justice Assistance Grant funding, to be used toward purchase of radio equipment, as requested by Police Chief Scott Nix.
3.		<i>VOTE</i>	Vote to authorize Town Manager to acknowledge FTA 2023 Certifications and Assurance form regarding the Community Transit Grant that was recently awarded.
4.		<i>VOTE</i>	Vote to accept donation of a piano, valued at \$25,000, to the Senior Center from Friends of Sudbury Senior Citizens.
MISCELLANEOUS			
5.		<i>VOTE</i>	Vote to ratify action by Town Treasurer to award winning bids for the \$34,780,000 bond issue sold on January 23, 2024.
6.		<i>VOTE</i>	Update on status and next steps on the proposed firearms business use zoning bylaw.

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. The Chair reserves the right to accept public comment on any item and may establish time limits.



SUDBURY SELECT BOARD
Wednesday, January 31, 2024

CONSENT CALENDAR ITEM

1: Covenant and easement for 44-48 Union Ave and 0 Station Rd

REQUESTOR SECTION

Date of request:

Requestor: Adam Burney, Director of Planning & Community Development

Formal Title: Vote to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 44, 46, 48 Union Avenue and 0 Station Road subject to the Stormwater Management Permit issued for the property.

Recommendations/Suggested Motion/Vote: Vote to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 44, 46, 48 Union Avenue and 0 Station Road subject to the Stormwater Management Permit issued for the property.

Background Information:
attached documents. Original (wet) SB signature required.

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

01/31/2024 7:00 PM

**DECLARATION OF RESTRICTIVE COVENANTS AND
GRANT OF EASEMENT REGARDING
STORMWATER MANAGEMENT SYSTEM**

This Declaration of Restrictive Covenants and Grant of Easement (this “Restriction”) is made as of Dec. 13, 2023 by Union Ave Realty LLC, a Massachusetts limited liability company (the “Owner”) that owns the real property located at 44, 46, 48 Union Ave and 0 Station Rd, Sudbury, MA 01776 (the “Property”), as more specifically described in that certain deed dated Jan. 31, 2005 recorded with Middlesex South District Registry of Deeds at Book 44569 Pg. 168, in favor of the Town of Sudbury (the “Town”), a Massachusetts municipal corporation, by and through its Select Board, having an address of 278 Old Sudbury Road, Sudbury, MA 01776.

Whereas, the Owner applied to the Sudbury Planning Board for approval of a Stormwater Management Permit, for the Property (the “Project”) and the Planning Board, on December 14, 2020, issued a “Decision Stormwater Management Permit” (the “Permit”, which permit is recorded with said Deeds at Book 80,200, Page 476) upon the Property shown as 46 Union Ave, Maps K08 -0038, 0041, and 0043 on a plan entitled “Stormwater Management and Erosion Control Plan”, prepared by DGT Assoc. dated Jan. 20, 2021 on file with the Sudbury Office of Planning and Community Development, to which plan reference is made for a more particular description of said the Property.

Whereas, the stormwater management system required to drain stormwater relating to the Project is to be located on the Property; and

Whereas, the Sudbury Planning Board’s decision to grant the Owner the Permit is contingent upon the Owner being responsible for the perpetual maintenance of the stormwater management system located on the Property, including, without limitation, infiltration system, drainage basins, catch basins, drainage pipes, outlets, spillways, structures and facilities and/or appurtenances related thereto (as the same may be altered from time to time, the “Stormwater System”); and

Whereas, the Owner agrees to provide such perpetual maintenance of the Stormwater System by imposing restrictive and protective covenants on the Property and by granting an easement over the Property and to allow the Town if the Owner fails to do so, to perform such maintenance and charge and assess the Owner for the cost thereof,

Now therefore, the Owner hereby declares the following covenants and grants to the Town the following easement:

1. The Owner, and/or its successors and assigns, shall be responsible, at its sole cost and expense, for constructing, installing, maintaining, operating, repairing, and replacing, the Stormwater System located on the Property for the purpose of allowing for the proper and efficient flow of stormwater as described in the Best Management Practices and the Operation

and Maintenance Plan and the Stormwater Operations and Maintenance Manual entitled “Stormwater Operation and Maintenance Plan” prepared by DGT Associates Inc., on file with the Town, as the same may be amended or renewed from time to time with the prior written consent of the Town such consent not to be unreasonably withheld, delayed or conditioned.

2. The Owner hereby grants to the Town the non-exclusive, perpetual right and easement to enter the Property and any and all portions thereof for the purpose of inspecting the Stormwater System to determine compliance with the terms hereof, and to take any and all actions necessary or convenient to abate or remedy any violation hereof upon the terms and conditions set forth herein. Notwithstanding the above, the Town shall have no obligation to take any such actions.

3. In the event of a failure by the Owner to comply with the requirements of this Restriction resulting in the failure of the Stormwater System to function properly, the Town shall have the right to deliver to the then Owner of the Property a written notice (pursuant to the notice provision below) to remedy said violation specifying the work that is required in order to enable the Stormwater System to function properly and providing for a thirty (30) day time period in which to complete such work. If the remedy is of such a nature that the same cannot be reasonably completed within said thirty (30) day period, then the Town shall impose such other, additional timeframe upon the Owner as is reasonable under the circumstances. In the event the remedy is not completed in a manner reasonably satisfactory to the Town within said thirty (30) day period (or such other additional timeframe imposed by the Town), or the Owner shall fail to commence such remedy within the applicable period, or thereafter fail to prosecute the completion of same with diligence and continuity, then the Town may, but shall have no obligation to, enter upon the Property and remedy the failure described in its notice as set forth in Paragraph 4 below.

4. In connection with any such entry, the Town shall use reasonable efforts (a) to give prior notice to the Owner of same, except in the case of emergency, and (b) not to unreasonably interfere with the current use of the Property, or with access to the Property, except to the extent as may be reasonably required in order to prosecute such remedy. The Town shall promptly restore or replace any portion of the areas outside the Stormwater System disturbed in the exercise of its rights hereunder to the condition it was in prior to undertaking such work, to the extent reasonably possible.

Prior to exercising any right to enter the Property under this Restriction, or, in the case of emergency, as soon as is practicable, the Town agrees to carry and keep in effect, at the Town’s sole cost and expense, comprehensive general liability insurance covering the Property in commercially reasonable amount in light of the nature of the work to be undertaken which may be included under the Town’s so-called blanket or master insurance policy covering other property or insureds in addition to those required hereunder. The Town shall also cause any party performing work on the Town’s behalf on the Property and/or the Stormwater System in accordance with the terms of this Restriction to obtain and keep such insurance prior to entering upon the Property. Any insurance provided for above shall name the Owner as an additional insured. The Town’s liability shall be limited pursuant to M.G.L. c. 258 and any all other applicable provisions of law.

5. The rights hereby granted to the Town include the right to enforce the obligations of the Owner set forth herein by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violation, including, without limitation, relief requiring repair, maintenance or replacement of the Stormwater System (it being agreed that the Town has no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Town. The Town shall have the option to enforce said obligations, but does not have the obligation to do so. The actual expenses incurred by the Town in abating or remedying any violation hereof and in enforcing the duties of the Owner hereunder shall be paid by the Owner within thirty (30) days after delivery of written notice to the Owner by the Town accompanied by reasonable evidence of such expenses, and, if not paid within the time allowed, the Town may recover its costs by means of a municipal lien and/or betterment assessments on the Property in accordance with M.G.L. c. 80 and/or other applicable law. Any election by the Town as to the manner and timing of its right to enforce these covenants or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

6. Within twenty (20) days after written request therefor, the Town shall execute and deliver to the then Owner an estoppel certificate stating that to the best of the Town's knowledge as of the date of the certificate whether any default has occurred under this Restriction by the Owner, and if there are known defaults, specifying the nature thereof. Notwithstanding anything contained herein to the contrary, the issuance of an estoppel certificate shall in no event subject the Town to any liability whatsoever, notwithstanding the negligent or otherwise inadvertent failure of the Town to disclose correct and/or relevant information included in any such estoppel certificate, but the Town shall be estopped from claiming or enforcing hereunder any then-existing default not set forth in such certificate, the same, if any, being waived upon the issuance of any such certificate.

7. No amendment, release or rescission of this Restriction shall be effective without the written approval of the Town and the Owner (or the then current owner of the Property).

8. This restriction and grant of easement shall run with the Property and be binding upon the owners of the Property and their respective successors and assigns for the benefit of the Town.

9. The covenants and obligations contained herein are for the benefit of and enforceable by the Town and owners of the Property in perpetuity. The Owner acknowledges that said covenants, as they are held by the Town, constitute perpetual restrictions held by a governmental body, as those terms are defined in G.L. c. 184, §26, and are thus not subject to G.L. c. 184, §§27-30, and, in any event, shall be enforceable for a term of at least 99 years.

10. The Owner, its successors and assigns, solely during the period of its and their respective ownership of the Property, shall defend, indemnify and hold the Town harmless from any and all claims, damages, losses, costs and liabilities, including, without limitation, reasonable attorneys' fees, relating to the Stormwater System and/or the Owner's actions taken or the Owner's failure to take action as may be required under this Restriction, excluding in any

event from the foregoing indemnity, any matter arising from the negligence or willful misconduct of the Town.

10. The Owner agrees to record this Restriction with the Middlesex South District Registry of Deeds within twenty (20) business days after the date hereof, but the failure to do so shall not affect the validity hereof. The Owner further agrees to provide the Town with a copy of the recorded Restriction within seven (7) business days after a recorded copy is available.

11. All notices required or permitted hereunder shall be in writing and addressed to the parties as set forth above or at such other addresses as the parties may designate from time to time by notice given in accordance with the terms hereof. Notices may be given by hand delivery, or by recognized overnight delivery service, including the U.S. Postal Service, and shall be deemed given upon receipt in hand, or one (1) business day after deposit with such overnight delivery service, as applicable.

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

[End of text. Signatures on next page.]

Executed under seal as of this 13th day of December, 2023.

Union Ave. Realty, LLC
a Massachusetts limited liability company

By: Michael W. Precourt
partner, Union Ave Realty, LLC.

By: Michael Precourt
Name: Michael Precourt
Title: Director / partner

Middlesex County)
) SS:
State of Massachusetts)

The foregoing instrument was acknowledged before me on December 13, 2023, by Michael Precourt, as the member of Union Ave Realty, LLC.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the date and year above-mentioned.

Kemo Ceesay
Notary Public



Kemo Ceesay
NOTARY PUBLIC
Commonwealth of
Massachusetts
My Commission Expires
7/29/2027



Attachment 1.a: 44 & 46 Union Ave Precourt - Acceptance of Easement unsigned 231213 (6128 : Covenant and easement for 44-48 Union Ave

ACCEPTANCE OF EASEMENT

On this _____ day of _____, 2024, the Town of Sudbury, acting by and through its Select Board pursuant to the provisions of G.L. c. 83, §§1 and 3, and any other enabling authority, hereby accepts the foregoing Grant of Easement for drainage purposes and to comply with the obligations of the Town as set forth therein.

TOWN OF SUDBURY,

By Its Select Board

Janie W. Dretler, Chair

Lisa V. Kouchakdjian, Vice-Chair

Daniel E. Carty

Jennifer S. Roberts

Charles G. Russo

COMMONWEALTH OF MASSACHUSETTS

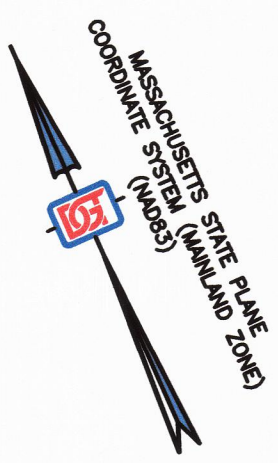
County of _____, ss.

On this ___ of _____, 20___, before me, personally appeared _____, [Chair/Vice Chair/Member] of said Sudbury Planning Board, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Sudbury Planning Board.

Notary Public

My Commission Expires: _____

RECEIVED
12/14/23



GENERAL NOTES:

1. FIELD SURVEY PERFORMED: NOVEMBER 17, 2023.
2. TOPOGRAPHICAL FEATURES SHOWN OUTSIDE OF LINE LABELED "LIMIT OF NEW TOPOGRAPHY" WERE OBTAINED FROM PRIOR FIELD SURVEYS.
3. RECORD OWNER IS UNION AVENUE REALTY, LLC. SEE DEED BOOK 44569 PAGE 168 AND DEED BOOK 1456 PAGE 181.
4. SEE SUDBURY ASSESSORS MAP K08, PARCEL 43 AND MAP K08 PARCEL 38.
5. PARCEL FALLS WITHIN ZONING DISTRICT INDUSTRIAL, "ID".
6. THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND ARE NOT CERTIFICATION TO TITLE OR OWNERSHIP OF THE PROPERTY DEPICTED HEREON. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT ASSESSORS RECORDS.
7. SEE MIDDLESEX SOUTH REGISTRY OF DEEDS FOR RECORD DOCUMENTS.
8. PARCEL FALLS WITHIN FLOOD ZONE "X" AND FLOOD ZONE "AE" AS SHOWN ON THE F.I.R.M. MAP FOR SUDBURY MASSACHUSETTS, PANEL 25017C0506F DATED JULY 7, 2014.

INSPECTION PORT NOTES:

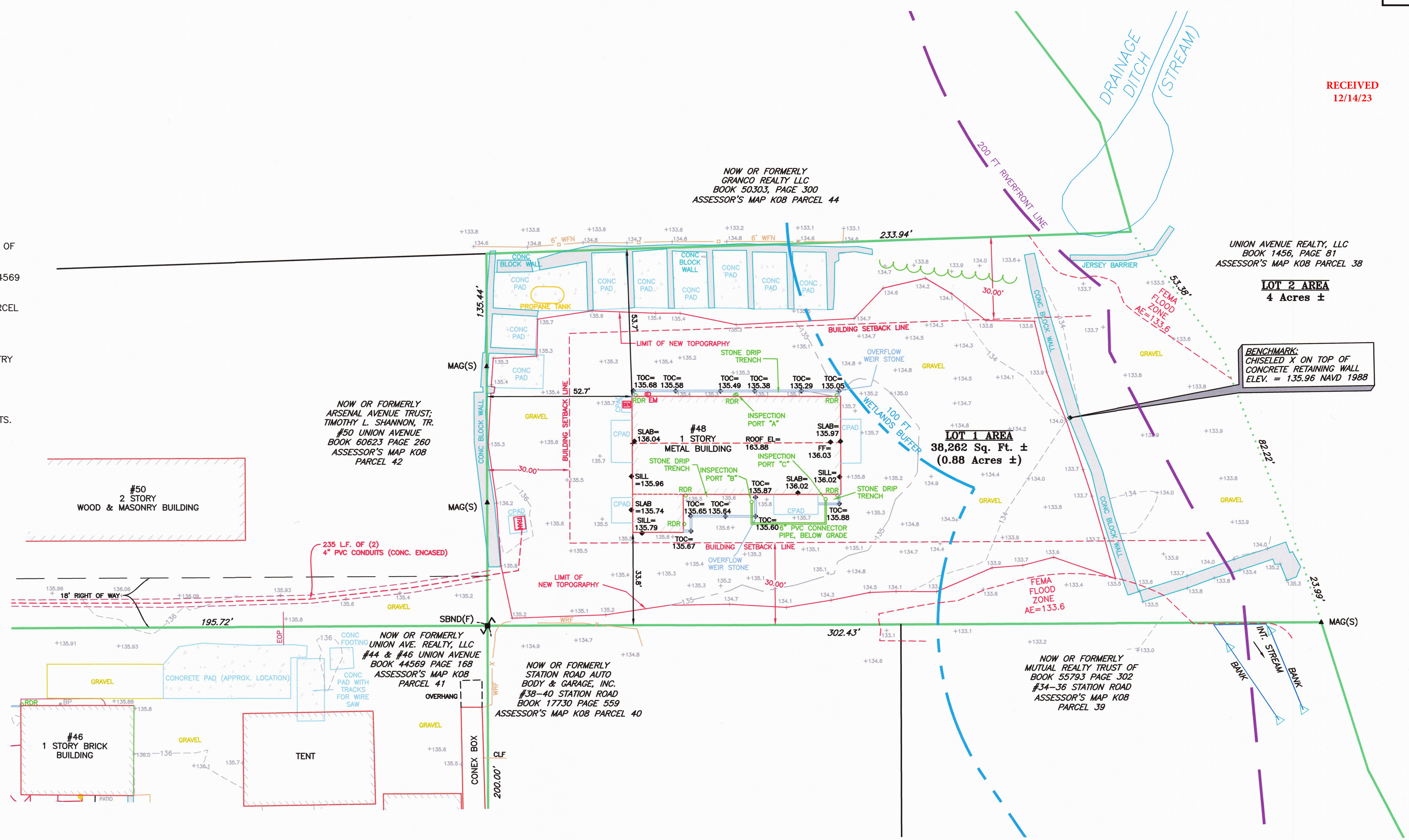
- INSPECTION PORT "A" TOP OF PIPE ELEVATION = 135.93
BOTTOM OF PIPE ELEVATION = 132.74
- INSPECTION PORT "B" TOP OF PIPE ELEVATION = 137.02
BOTTOM OF PIPE ELEVATION = 133.16
- INSPECTION PORT "C" TOP OF PIPE ELEVATION = 137.25
BOTTOM OF PIPE ELEVATION = 133.40

LEGEND:

- BP ● BUMPER POST/BOLLARD
- CLF ○ CHAIN LINK FENCE
- CO ○ CLEAN OUT/INSPECTION PORT
- CONC ○ CONCRETE
- CPAD ○ CONCRETE PAD
- EM ⊕ ELECTRIC METER
- FF=123.4 ⊕ FINISHED FLOOR ELEVATION
- GEN ⊕ GENERATOR
- ⊕ GAS/PROPANE TANK
- MAG ▲ MAGNETIC SURVEY NAIL
- RDR ○ ROOF DRAIN/DOWN SPOUT
- SILL=123.45 ⊕ SILL ELEVATION
- SLAB=123.45 ⊕ GARAGE SLAB ELEVATION
- +123.45 ⊕ SPOT ELEVATION, HARD SURFACE
- +123.4 ⊕ SPOT ELEVATION, SOFT SURFACE
- TOC=234.56 ⊕ TOP OF CURB ELEVATION
- TRN ⊕ TRANSFORMER
- WFN ○ WOOD FENCE
- WRF ○ WIRE FENCE

SURVEY MONUMENTS

- MAG ▲ MAGNETIC NAIL
- SBND ■ STONE BOUND NO DRILL HOLE FOUND
- (F) FOUND
- (S) SET



BUILDING HEIGHT CALCULATION
 ROOF ELEVATION = 163.88
 AVERAGE GRADE = 135.48 -
 BUILDING HEIGHT = 28.4'



I HEREBY CERTIFY THAT:
 THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY AND PRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.
 P. A. Lothman 11/29/2023
 PROFESSIONAL LAND SURVEYOR DATE

RESEARCH: DGT
 FIELD: RAM/JMC
 SCALE: 1"=20'
 ©2023 DGT ASSOCIATES INC.

AS-BUILT TOPOGRAPHIC PLAN OF LAND
 IN
 SUDBURY, MASSACHUSETTS
 MIDDLESEX COUNTY - SOUTH DISTRICT

CALL DIG-SAFE BEFORE YOU DIG

811

48 UNION AVE
 SUDBURY MA, 01776

PREPARED FOR:
 CHARLES J. PRECOURT & SON, INC
 46 UNION AVE
 SUDBURY MA, 01776

CALCULATIONS: DGT
 DRAFTING: RAM
 CHECK: FWK
 PROJ. MANAGER: F. KING, PE

PREPARED BY:

 Framingham • Boston • Worcester
 Mystic, CT
 1071 Worcester Road, Framingham, MA 01701
 508-879-0030 www.DGAssociates.com

DATE: 29-NOV-2023
 PROJECT NO.: 19632
 CRD FILE: 19632-SRV-WP_CARLSON
 SHEET 1 OF 1

Attachment 1.b: 44 & 46 Union Ave Precourt As-Built Plan 231214 (6128 : Covenant and easement for 44-46 Union Ave and 0 Station Rd)



SUDBURY SELECT BOARD
Wednesday, January 31, 2024

CONSENT CALENDAR ITEM

2: Vote to accept grant for purchase of radio equipment

REQUESTOR SECTION

Date of request:

Requestor: Police Chief Scott Nix

Formal Title: Vote to accept award of \$50,000 in Edward J. Byrne Memorial Justice Assistance Grant funding, to be used toward purchase of radio equipment, as requested by Police Chief Scott Nix.

Recommendations/Suggested Motion/Vote: Vote to accept award of \$50,000 in Edward J. Byrne Memorial Justice Assistance Grant funding, to be used toward purchase of radio equipment, as requested by Police Chief Scott Nix.

Background Information:
attached award letter from Governor

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

01/31/2024 7:00 PM



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE BOSTON, MA 02133
 (617) 725-4000

MAURA T. HEALEY
 GOVERNOR

KIMBERLEY DRISCOLL
 LIEUTENANT GOVERNOR

11/15/2023

Scott Nix, Chief
 Sudbury Police Department
 75 Hudson Rd.
 Sudbury, MA 01776

Dear Chief Nix,

Congratulations! We are pleased to notify you that the **Sudbury Police Department** has been awarded **\$50,000.00** in **Edward J. Byrne Memorial Justice Assistance Grant** funding from the *Municipal Law Enforcement* competitive opportunity offered by the Executive Office of Public Safety and Security's Office of Grants and Research (OGR).

Additional correspondence, including all the documents necessary to make this award official will be forthcoming from OGR. In the meantime, if you have any questions, please feel free to contact Allison Garvey at 781-535-0078 or allison.c.garvey@mass.gov

Once again, congratulations on this award and thank you for your commitment to public safety.

Sincerely,

A handwritten signature in blue ink that reads "M. T. Healey".

GOVERNOR MAURA T. HEALEY

A handwritten signature in blue ink that reads "Kim Driscoll".

LT. GOVERNOR KIMBERLEY DRISCOLL



SUDBURY SELECT BOARD
Wednesday, January 31, 2024

CONSENT CALENDAR ITEM

3: FTA certification

REQUESTOR SECTION

Date of request:

Requestor: Deb Galloway, Senior Center Director

Formal Title: Vote to authorize Town Manager to acknowledge FTA 2023 Certifications and Assurance form regarding the Community Transit Grant that was recently awarded.

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

01/31/2024 7:00 PM

Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision.

Text in italic is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
- (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 CFR Part 21;
 - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 CFR Part 25;
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age. -
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 CFR Part 27;
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 CFR Part 24.

- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
 - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (2) Notification of violating facilities pursuant to EO 11738;
 - (3) Protection of wetlands pursuant to EO 11990;
 - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded

- animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
 - (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 CFR Part 1201.
 - (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
 - (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from:
 - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

This certification appears on the Office of Management and Budget’s standard form 424D “Assurances—Construction Programs” and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 CFR § 200.325, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, particularly 2 CFR §§ 200.317–200.327 “Procurement Standards;
- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 CFR Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 CFR § 180.300. Additionally, each applicant must disclose any information required by 2 CFR § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

1.5. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.

The applicant certifies:

- (a) To the maximum extent possible, funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

1.6. American Rescue Plan Act Funding.

The applicant certifies:

- (a) Funds made available by Section 3401(a)(2)(A) of the American Rescue Plan Act of 2021 (Public Law 117-2) shall be directed to payroll and operations of public transportation (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a Public Transportation Agency Safety Plan on behalf of a Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) pursuant to 49 CFR § 673.11(d).

This certification is required by 49 U.S.C. § 5307(c)(1)(L), 49 U.S.C. § 5329(d)(1), and 49 CFR § 673.13. This certification is a condition of receipt of Urbanized Area Formula Grants Program (49 U.S.C. § 5307) funding.

This certification does not apply to any applicant that only receives financial assistance from FTA under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C.

§ 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs, unless it operates a rail fixed guideway public transportation system.

If the applicant is an operator, the applicant certifies that it has established a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673; including, specifically, that the board of directors (or equivalent entity) of the applicant has approved, or, in the case of an applicant that will apply for assistance under 49 U.S.C. § 5307 that is serving an urbanized area with a population of 200,000 or more, the safety committee of the entity established under 49 U.S.C. § 5329(d)(5), followed by the board of directors (or equivalent entity) of the applicant has approved, the Public Transportation Agency Safety Plan or any updates thereto; and, for each recipient serving an urbanized area with a population of fewer than 200,000, that the Public Transportation Agency Safety Plan has been developed in cooperation with frontline employee representatives.

If the applicant is a State that drafts and certifies a Public Transportation Agency Safety Plan on behalf of a public transportation operator, the applicant certifies that:

- (a) It has drafted and certified a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673 for each Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) in the State, unless the Small Public Transportation Provider provided notification to the State that it was opting out of the State-drafted plan and drafting its own Public Transportation Agency Safety Plan; and
- (b) Each Small Public Transportation Provider within the State that opts to use a State-drafted Public Transportation Agency Safety Plan has a plan that has been approved by the provider's Accountable Executive (as that term is defined at 49 CFR § 673.5), Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5), and, if the Small Public Transportation Provider serves an urbanized area with a population of 200,000 or more, the safety committee of the Small Public Transportation Provider established under 49 U.S.C. § 5329(d)(5).

CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2023, Pub. L. 117-328, div. E, tit. VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT

Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

CATEGORY 4. LOBBYING.

If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 CFR § 20.110 and app. A to that part.

This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 CFR Part 20.

4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and

contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

4.2. Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.

5.1. Charter Service Agreement.

To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 CFR § 604.4.

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR Part 604, the terms and conditions of which are incorporated herein by reference.

5.2. School Bus Agreement.

To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 CFR § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 605.11, the applicant agrees as follows:
 - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
 - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).

The applicant certifies that it is in compliance with 49 CFR Part 625.

CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.**7.1. Rolling Stock Buy America Reviews.**

If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 CFR § 663.7.

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 CFR Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 CFR Part 663.

7.2. Bus Testing.

If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 CFR § 665.7.

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 CFR Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;

- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
 - (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
 - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
 - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
 - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
 - (2) It has determined that otherwise eligible local transit needs are being addressed.

CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.

If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants), subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants), subsection (b) (bus and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.

If the applicant will receive a competitive award under subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) related to zero emissions vehicles or related infrastructure, it must make the following certification. This certification is required by 49 U.S.C. § 5339(d).

The applicant will use 5 percent of grants related to zero emissions vehicles (as defined in subsection (c)(1)) or related infrastructure under subsection (b) or (c) to fund workforce development training as described in section 49 U.S.C. § 5314(b)(2) (including registered apprenticeships and other labor-management training programs) under the recipient's plan to address the impact of the transition to zero emission vehicles on the applicant's current workforce; or the applicant certifies a smaller percentage is necessary to carry out that plan.

CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, the asset management certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4). The certification with regard to acquiring restricted rail rolling stock is required by 49 U.S.C. § 5323(u)(4). Note that this certification is not limited to the use of Federal funds.

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625.

If the applicant operates a rail fixed guideway service, the applicant certifies that, in the fiscal year for which an award is available to the applicant under the State of Good Repair Grants Program, 49 U.S.C. § 5337, the applicant will not award any contract or subcontract for the procurement of rail rolling stock for use in public transportation with a rail rolling stock manufacturer described in 49 U.S.C. § 5323(u)(1).

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks (“SIB”) Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).

Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If the applicant will apply for an award under FTA’s Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 CFR § 655.83.

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA’s regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR Part 655.

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 CFR §§ 672.31 and 674.39.

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 CFR Part 672, “Public Transportation Safety Certification Training Program”; and
- (b) Compliant with the requirements of 49 CFR Part 674, “State Safety Oversight”.

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 CFR Part 37, it must make the following certification. This certification is required by 49 CFR § 37.77.

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

CATEGORY 18. INTEREST AND FINANCING COSTS.

If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), "flex funds" from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

CATEGORY 19. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

CATEGORY 20. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT PROGRAMS).

Before FTA may provide Federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing. Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.

FTA has established terms and conditions for Tribal Transit Program grants financed with Federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). The applicant certifies that:

- (a) It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- (b) It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
- (c) It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR Part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
 - (1) It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost

- Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, for Awards made on or after December 26, 2014,
- (2) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR Part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
 - (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
- (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
 - (2) Category 06 (Transit Asset Management Plan),
 - (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
 - (4) Category 09 (Formula Grants for Rural Areas),
 - (5) Category 15 (Alcohol and Controlled Substances Testing), and
 - (6) Category 17 (Demand Responsive Service).

CATEGORY 21. EMERGENCY RELIEF PROGRAM.

An applicant to the Public Transportation Emergency Relief Program, 49 U.S.C. § 5324, must make the following certification. The certification is required by 49 U.S.C. § 5324(f) and must be made before the applicant can receive a grant under the Emergency Relief program.

The applicant certifies that the applicant has insurance required under State law for all structures related to the emergency relief program grant application.

FEDERAL FISCAL YEAR 2023 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: Massachusetts Department of Transportation (MassDOT)

The Applicant certifies to the applicable provisions of all categories: (*check here*) X .

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	_____
02 Public Transportation Agency Safety Plans	_____
03 Tax Liability and Felony Convictions	_____
04 Lobbying	_____
05 Private Sector Protections	_____
06 Transit Asset Management Plan	_____
07 Rolling Stock Buy America Reviews and Bus Testing	_____
08 Urbanized Area Formula Grants Program	_____
09 Formula Grants for Rural Areas	_____
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____

Attachment3.a: 2023 -FTA Certifications and Assurances (6124 : FTA certification)

Certifications and Assurances

Fiscal Year 2023

- 12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs
- 13 State of Good Repair Grants
- 14 Infrastructure Finance Programs
- 15 Alcohol and Controlled Substances Testing
- 16 Rail Safety Training and Oversight
- 17 Demand Responsive Service
- 18 Interest and Financing Costs
- 19 Cybersecurity Certification for Rail Rolling Stock and Operations
- 20 Tribal Transit Programs
- 21 Emergency Relief Program

CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

AFFIRMATION OF APPLICANT

Name of the Applicant: Massachusetts Department of Transportation (MassDOT)

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in the federal fiscal year, irrespective of whether the individual that acted on his or her Applicant’s behalf continues to represent it.

The Certifications and Assurances the Applicant selects apply to each Award for which it now seeks, or may later seek federal assistance to be awarded by FTA during the federal fiscal year.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, “Program Fraud Civil Remedies,” 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

Attachment 3.a: 2023 -FTA Certifications and Assurances (6124 : FTA certification)

Certifications and Assurances

Fiscal Year 2023

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature [Handwritten Signature] Date: 4/26/2023

Name Bina Pandae Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Massachusetts Department of Transportation (MassDOT)

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature [Handwritten Signature] Date: 4/26/2023

Name Jesse M. Boodoo Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

Attachment 3.a: 2023 -FTA Certifications and Assurances (6124 : FTA certification)



SUDBURY SELECT BOARD
Wednesday, January 31, 2024

CONSENT CALENDAR ITEM
4: Accept donation to Senior Center

REQUESTOR SECTION

Date of request:

Requestor: Joe Bausk, Friends of the Sudbury Senior Citizens

Formal Title: Vote to accept donation of a piano, valued at \$25,000, to the Senior Center from Friends of Sudbury Senior Citizens.

Recommendations/Suggested Motion/Vote: Vote to accept donation of a piano, valued at \$25,000, to the Senior Center from Friends of Sudbury Senior Citizens.

Background Information:

From: JOSEPH BAUSK
Sent: Thursday, November 30, 2023 5:20 PM
To: Golden, Patricia
Subject: Re: Piano donation to Sr Center

The Friends of the Sudbury Senior Citizens Inc. wish to donate a piano to the NEW Senior Center at the New Community Center .
It is to be used at the Senior Center only.
It is a 1909 totally refurbished Steinway Model O piano with it's own humidifier ,bench, locking system and padded water resistant made to order cover.it also has Darnell double wheel casters which makes it easier to move around.
The estimated value is \$ 25,000.

Joseph Bausk President

Financial impact expected:

Approximate agenda time requested:

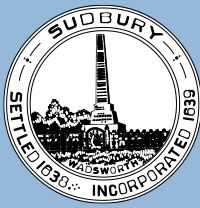
Representative(s) expected to attend meeting:

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

Select Board

Pending

01/31/2024 7:00 PM



SUDBURY SELECT BOARD
Wednesday, January 31, 2024

MISCELLANEOUS (UNTIMED)

5: Vote to approve Bond sale

REQUESTOR SECTION

Date of request:

Requestor: Dennis Keohane Finance Director

Formal Title: Vote to ratify action by Town Treasurer to award winning bids for the \$34,780,000 bond issue sold on January 23, 2024.

Recommendations/Suggested Motion/Vote: Vote to ratify action by Town Treasurer to award winning bids for the \$34,780,000 bond issue sold on January 23, 2024.

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

01/31/2024 7:00 PM

VOTE OF THE SELECT BOARD

I, the Clerk of the Select Board of the Town of Sudbury, Massachusetts (the "Town"), certify that at a meeting of the board held January 31, 2024, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$34,780,000 General Obligation Municipal Purpose Loan of 2024 Bonds of the Town dated February 6, 2024 (the "Bonds"), to Roosevelt & Cross, Inc. at the price of \$36,974,488.04 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on February 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2025	\$1,360,000	5.00%	2038	\$1,270,000	4.00%
2026	1,360,000	5.00	2039	1,270,000	4.00
2027	1,360,000	5.00	2040	1,270,000	4.00
2028	1,360,000	5.00	2041	1,270,000	4.00
2029	1,360,000	5.00	2042	1,270,000	4.00
2030	1,360,000	5.00	2043	1,270,000	4.00
2031	1,355,000	5.00	2044	1,270,000	4.00
2032	1,355,000	5.00	2045	945,000	4.00
2033	1,355,000	5.00	2046	945,000	4.00
2034	1,350,000	4.00	2047	945,000	4.00
2035	1,280,000	4.00	2049	1,890,000	4.00
2036	1,275,000	4.00	2053	3,765,000	4.00
2037	1,270,000	4.00			

Further Voted: that the Bonds maturing on February 1, 2049 and February 1, 2053 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due February 1, 2049

<u>Date</u>	<u>Principal Amount</u>
February 1, 2048	\$945,000
February 1, 2049*	945,000

*Final Maturity

Attachment5.a: Select Board Vote Bonds - Sudbury 2-6-24 (002) (6123 : Vote to approve Bond sale)

Term Bond due February 1, 2053

<u>Date</u>	<u>Principal Amount</u>
February 1, 2050	\$945,000
February 1, 2051	940,000
February 1, 2052	940,000
February 1, 2053*	940,000

*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated January 16, 2024, and a final Official Statement dated January 23, 2024 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds, as applicable, for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Bonds (collectively, the “Documents”), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Attachment5.a: Select Board Vote Bonds - Sudbury 2-6-24 (002) (6123 : Vote to approve Bond sale)

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: January 31, 2024

Clerk of the Select Board

136152786v.1

Attachment5.a: Select Board Vote Bonds - Sudbury 2-6-24 (002) (6123 : Vote to approve Bond sale)



SUDBURY SELECT BOARD
Wednesday, January 31, 2024

MISCELLANEOUS (UNTIMED)

6: Firearms bylaw discussion

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Update on status and next steps on the proposed firearms business use zoning bylaw.

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

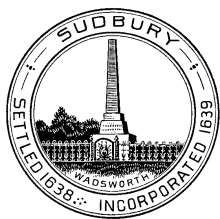
Approximate agenda time requested:

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

01/31/2024 7:00 PM



Town of Sudbury

Planning & Community Development Department

Adam R. Burney, MPA, Director

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

www.sudbury.ma.us/pcd
BurneyA@sudbury.ma.us

MEMORANDUM

Date: 28 December 2023

To: Andrew Sheehan, Town Manager

From: Adam R. Burney, MPA, Director

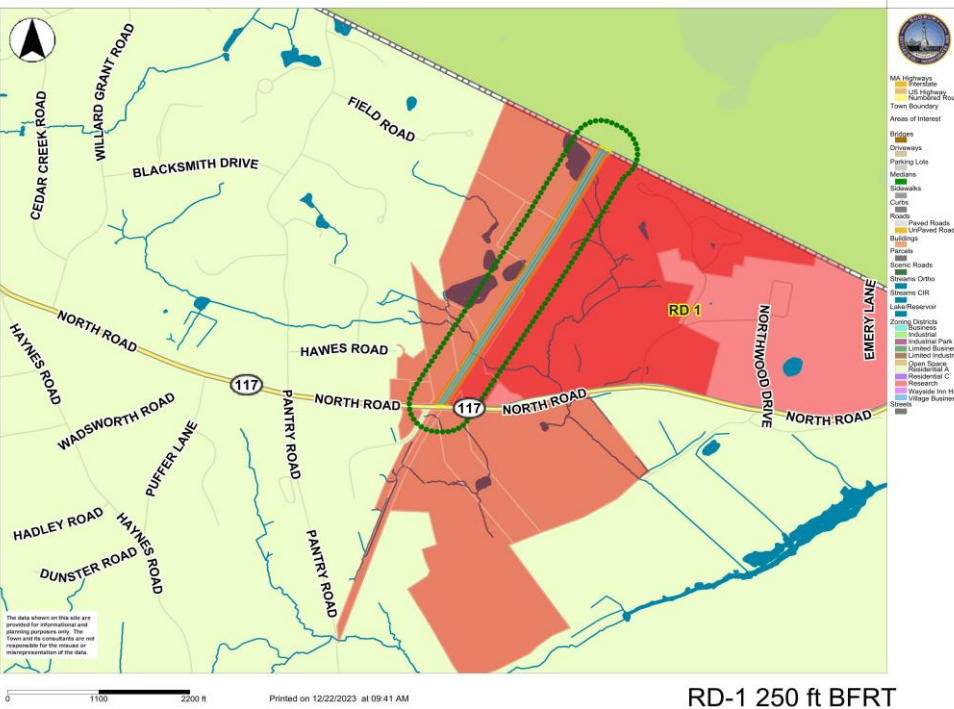
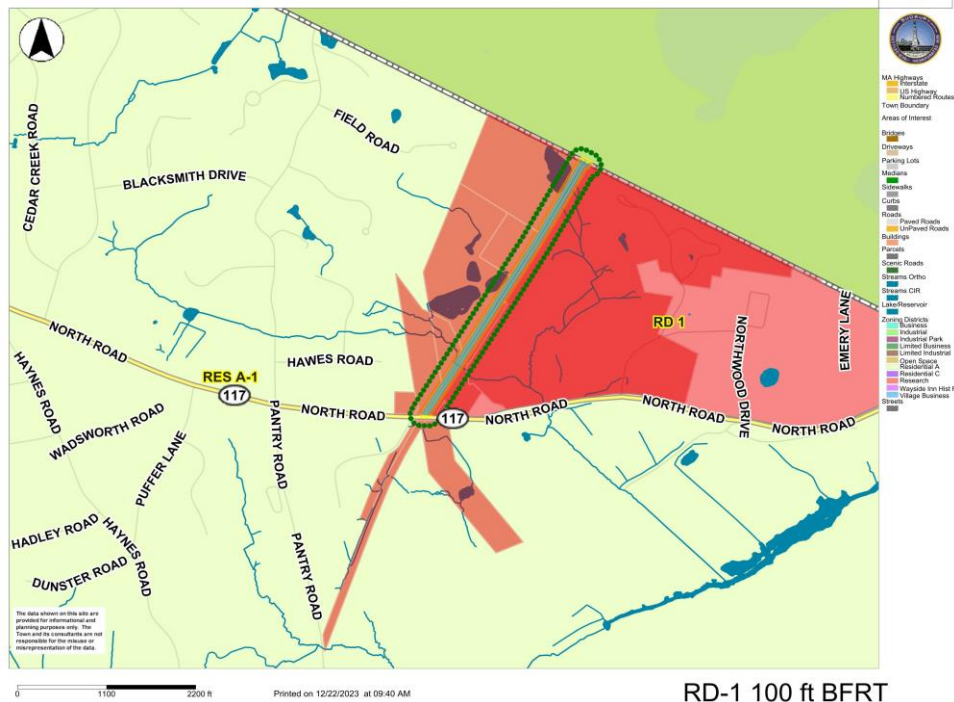
RE: Draft Firearms Business Use Bylaw Setback Modification

Per the discussion of the Select Board on 19 December 2023 I have reanalyzed the potential locations for the issuance of a Special Permit for a Firearms Business Use. Using the restrictions outlined in Section 2261 of the proposed Bylaw with modified setbacks of 100 and 250 feet from the listed uses.

Below is a graphic and written depiction of the constraints on the following Zoning Districts RD-1, IP-1, LID-1, and LID-5 with respect to the restricted uses as outlined in the draft Firearms Business Uses Bylaw. The information below includes both 100 and 250 foot setbacks from the categories of use identified in Section 2261 of the draft Bylaw. Within these Districts I was able to identify 1 parcel (25 Union Ave. K08-0060) where one could potentially apply to the Zoning Board of Appeals to locate a Firearms Business if the setback were reduced to 100-feet from the restricted uses. The limiting factor continues to be the inclusion of the rail trails as public parks. This inclusion is not expressly written in the draft Bylaw and is my view of a conservative approach to the interpretation of this draft Bylaw and the application of such to the areas in question.

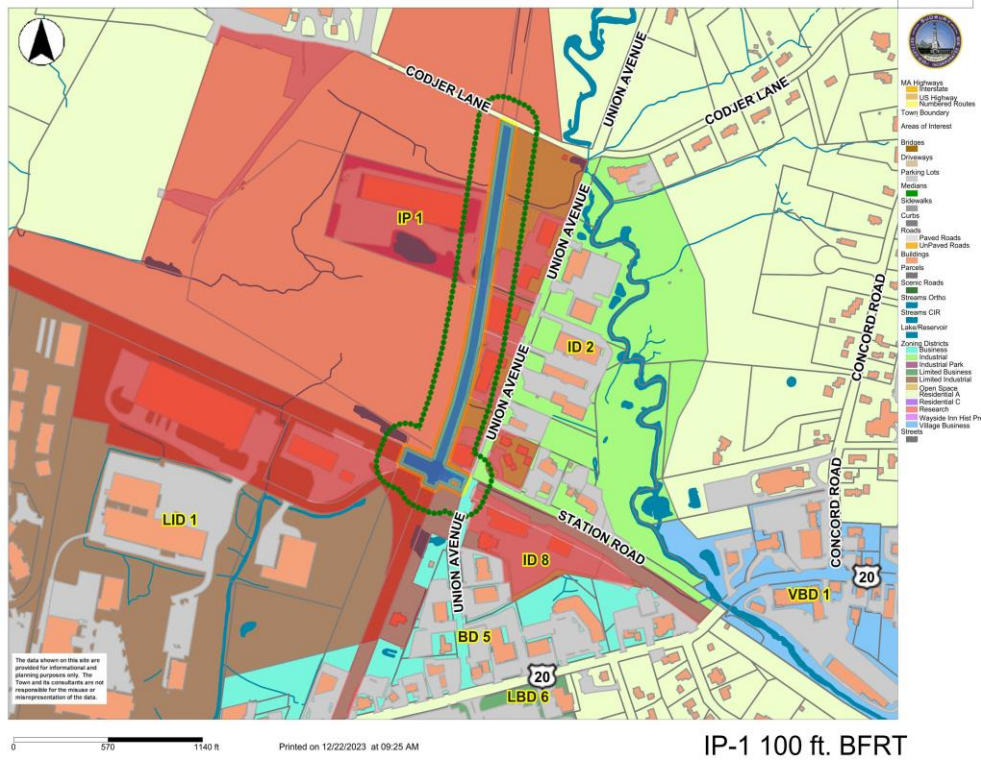
Below is a brief description of the impacts of constraints on the availability of parcels in each district. Following the written description is a series of maps that depict the 100 and 250 setbacks in a dotted GREEN line, any parcel that is touched by this setback is shown in RED.

RD-1: Every parcel in the RD-1 District is occupied by a residential use, abuts a residential use and/or is within 100 or 250 feet of a public park (the Bruce Freeman Rail Trail). The setback depth from restricted uses in this district is less impactful than the fact that the majority of parcels contain residential uses.

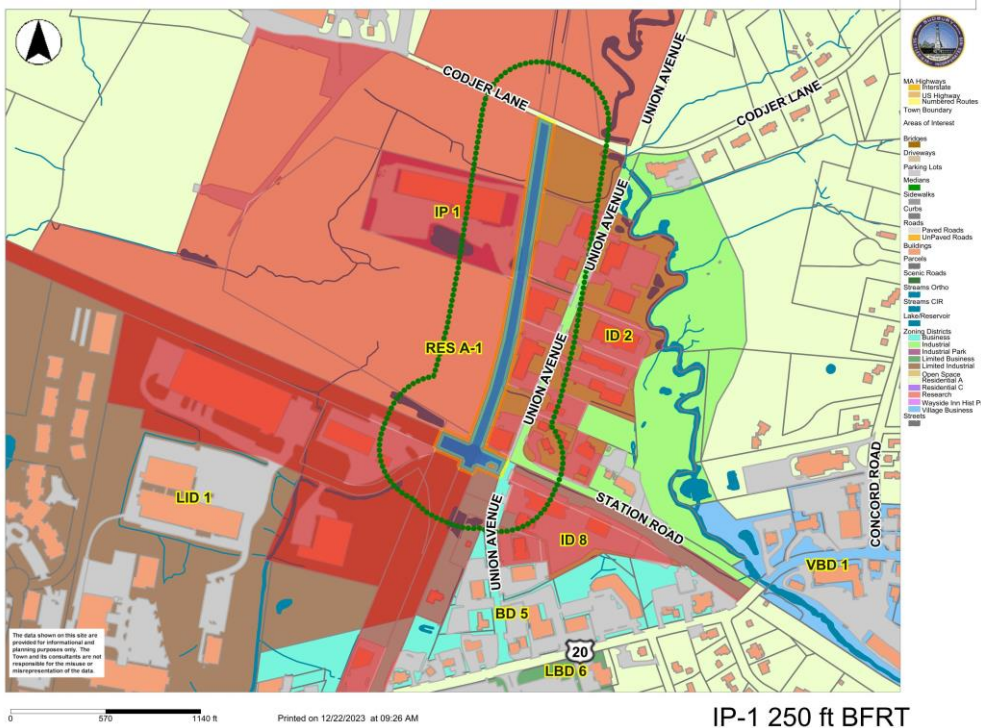


Attachment 6.a: Modified_Setback_Analysis_FAU_Bylaw_232812 (6120 : Firearms bylaw discussion)

IP-1: The single parcel in IP-1 abuts a public park (the Bruce Freeman Rail Trail), if the rail trails are to be interpreted as a public park this district will always be excluded regardless of the setback depth.



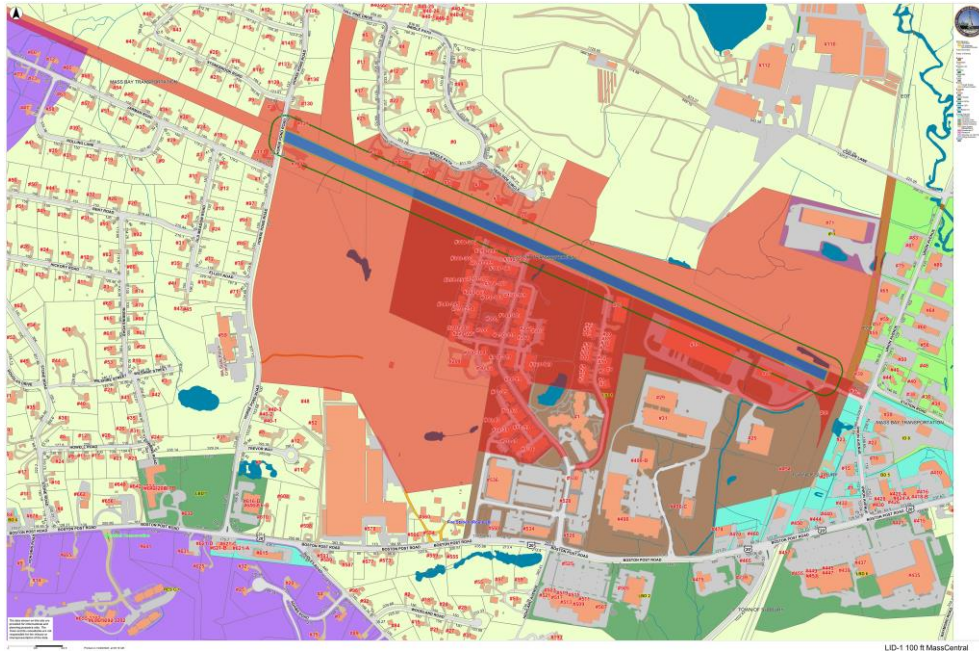
IP-1 100 ft. BFRT



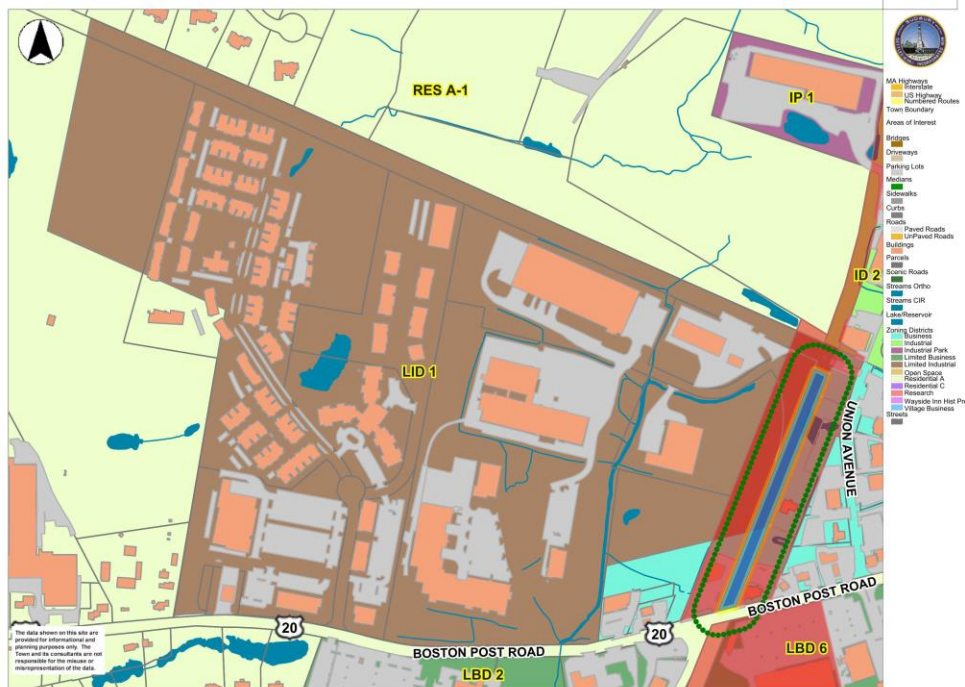
IP-1 250 ft BFRT

Attachment 6.a: Modified_Setback_FAU_Bylaw_232812 (6120 : Firearms bylaw discussion)

LID-1: The parcels contained in the LID-1 District, with the exception of K080-0060, are all with both the 100- and 250-foot setbacks from a public park (Bruce Freeman Rail Train and MassCentral Rail Trail), an establishment catering to seniors (the Bridges) and/or are located abutting a parcel containing a residential use. The limiting factor again appears to be the inclusion of the rail trails as public parks.

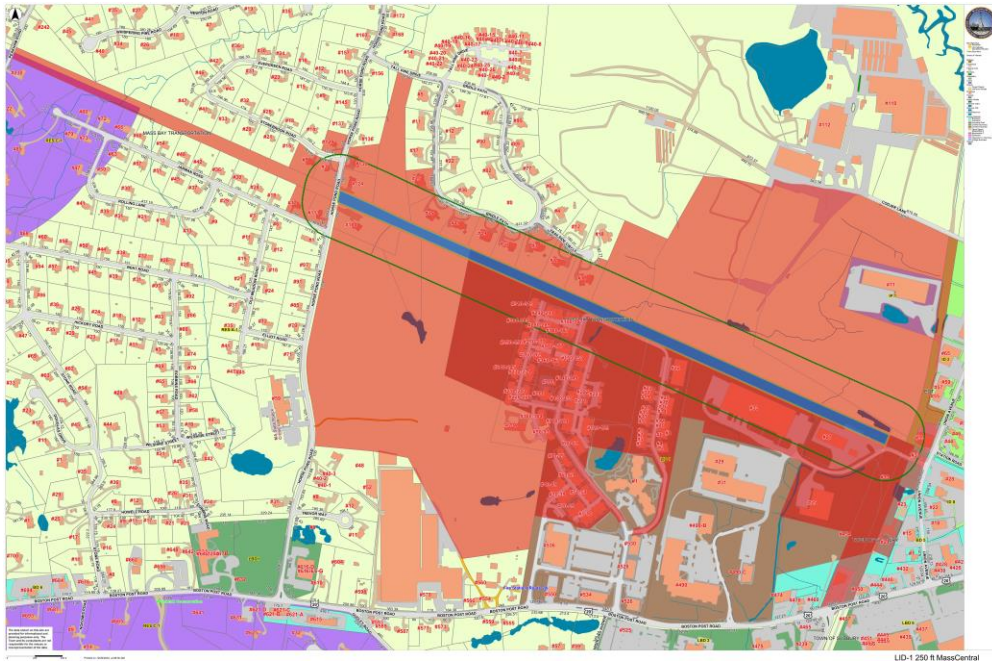


LID-1 100 ft MassCentral

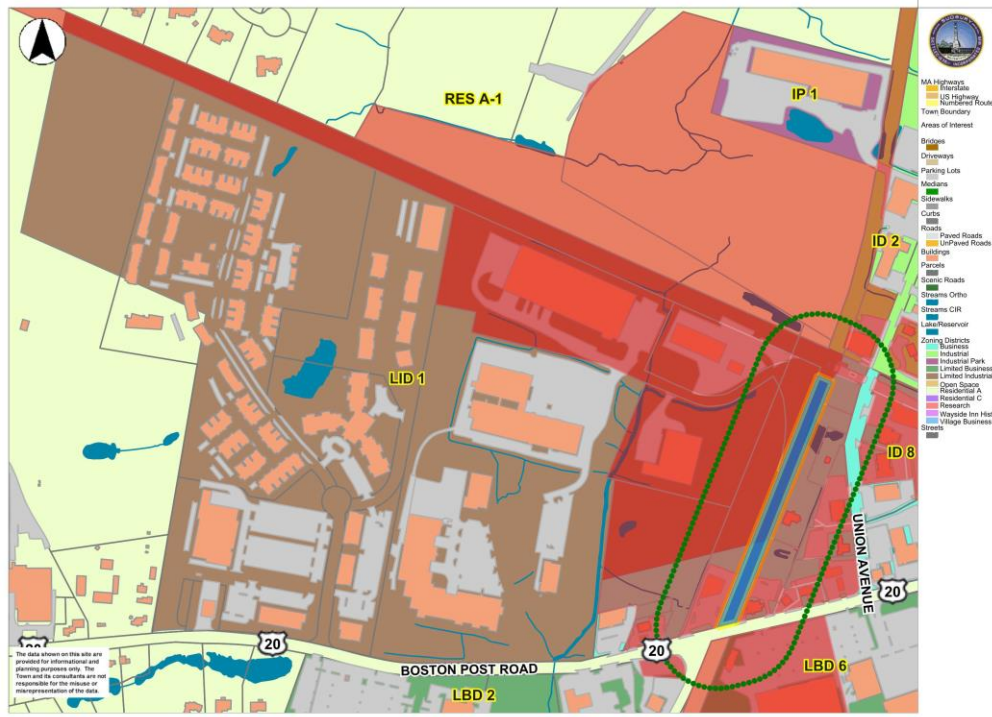


LID-1 100 ft BFRT

Attachment 6.a: Modified_Setback_Analysis_FAU_Bylaw_232812 (6120 : Firearms bylaw discussion)

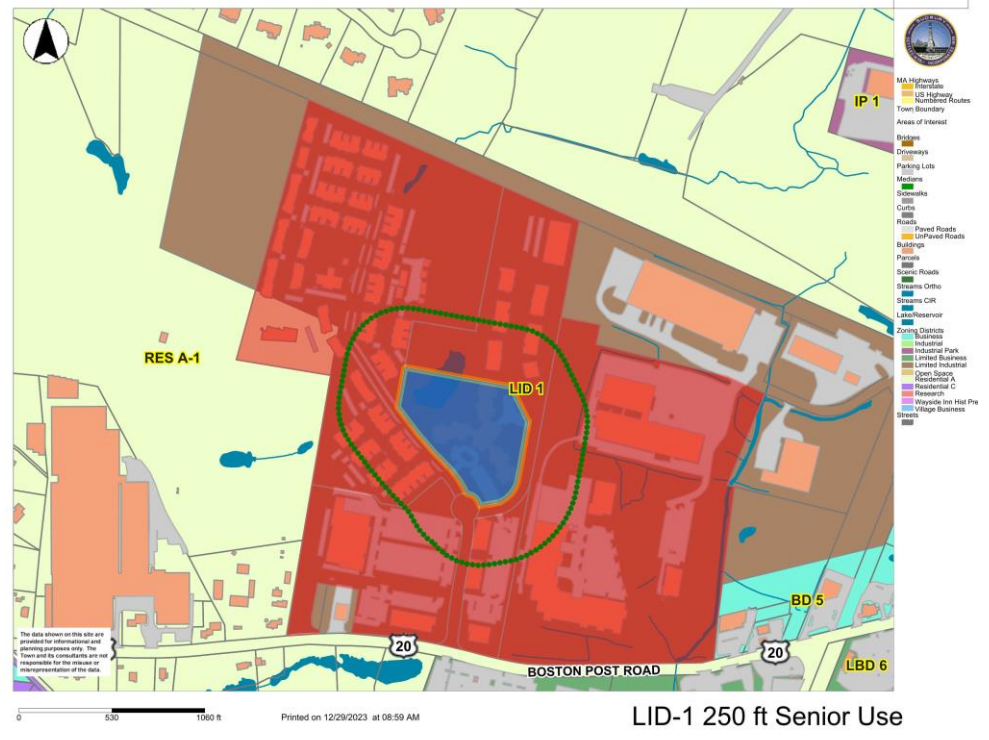
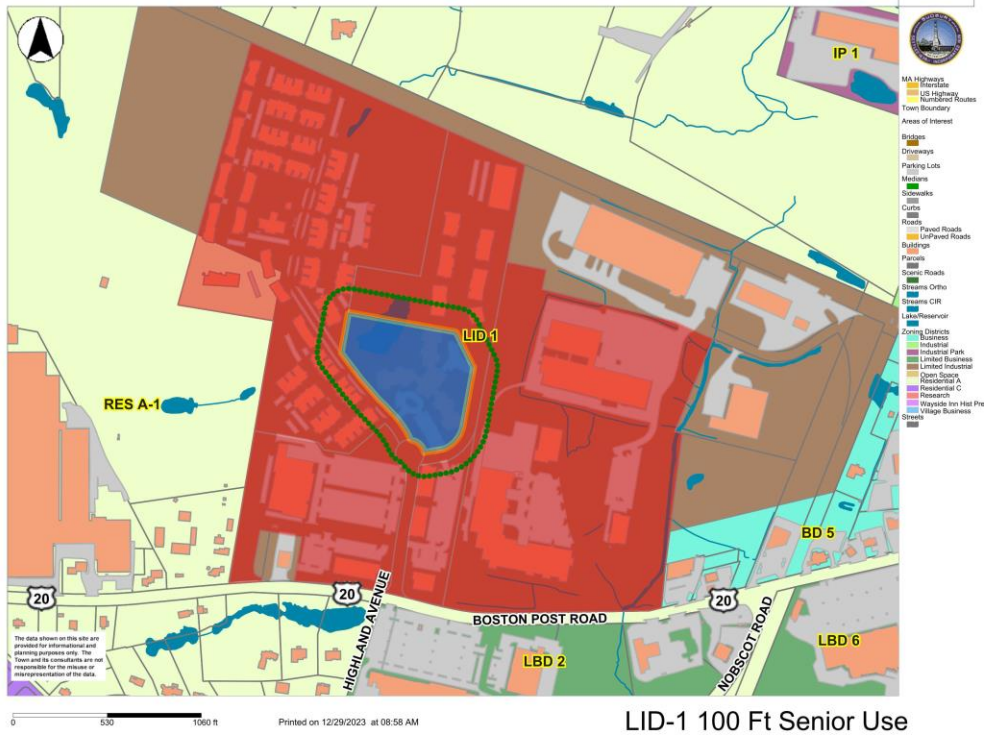


LID-1 250 ft MassCentral

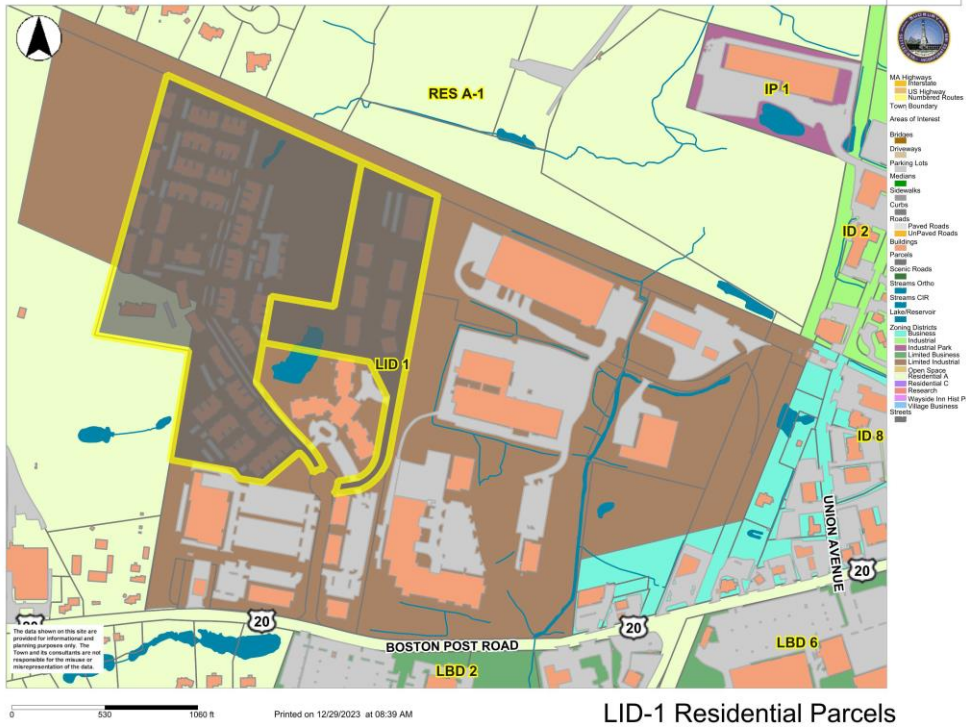


LID-1 250 ft BFR7

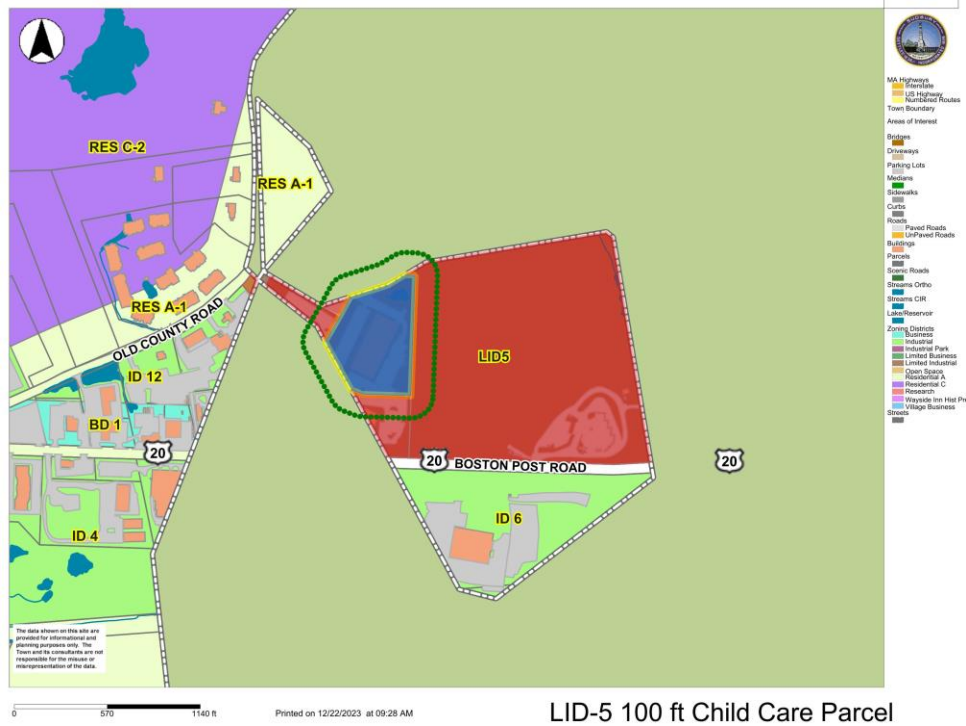
Attachment 6.a: Modified_Setback_Analysis_FAU_Bylaw_232812 (6120 : Firearms bylaw discussion)



Attachment 6.a: Modified_Setback_Analysis_FAU_Bylaw_232812 (6120 : Firearms bylaw discussion)

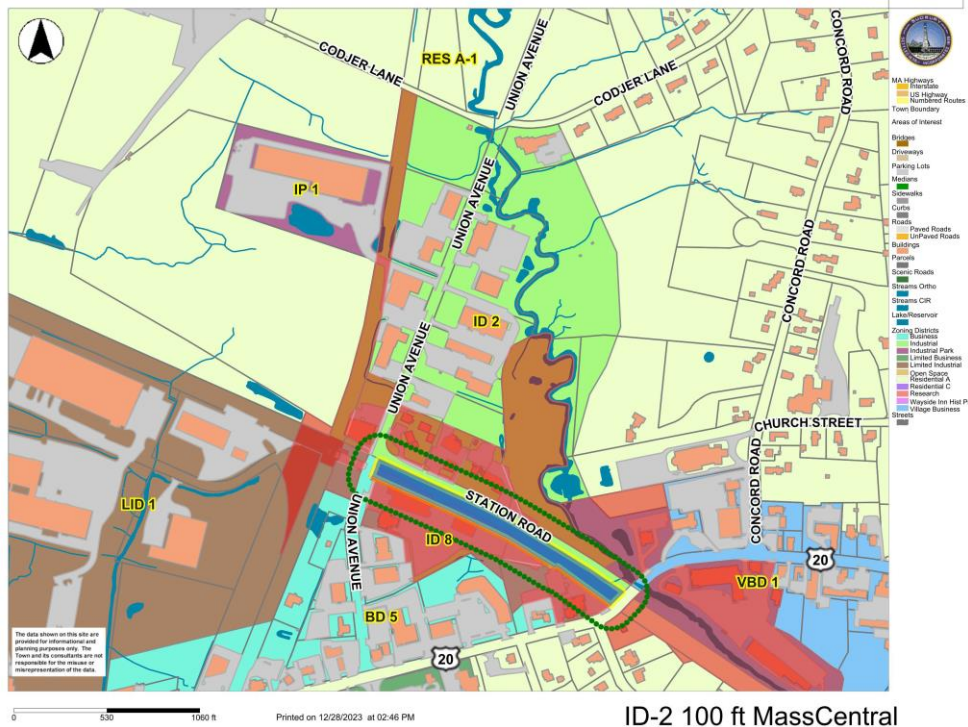


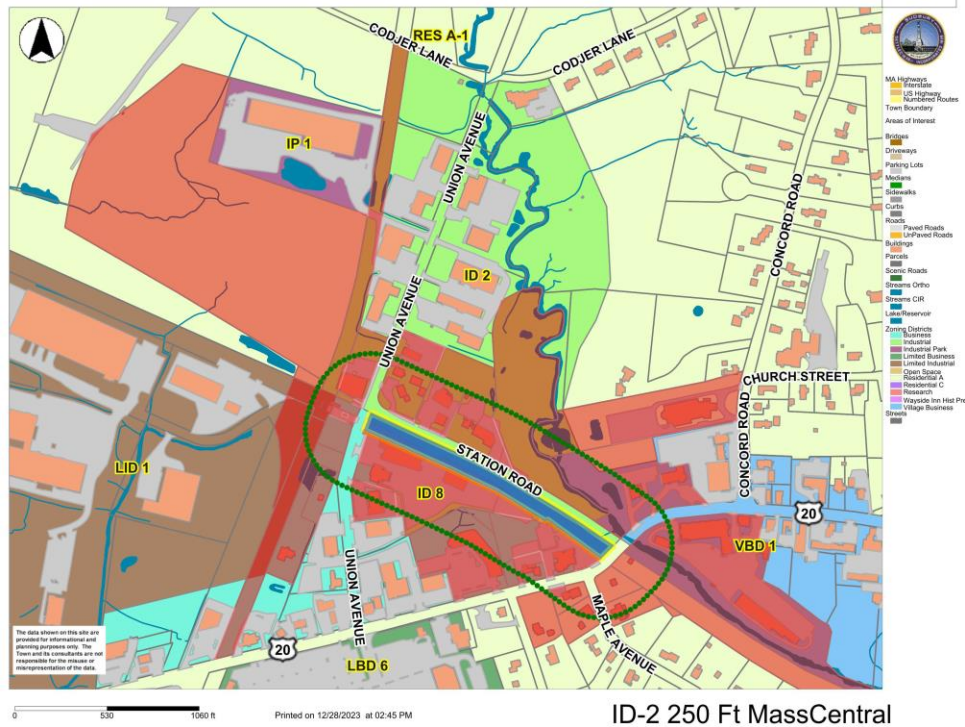
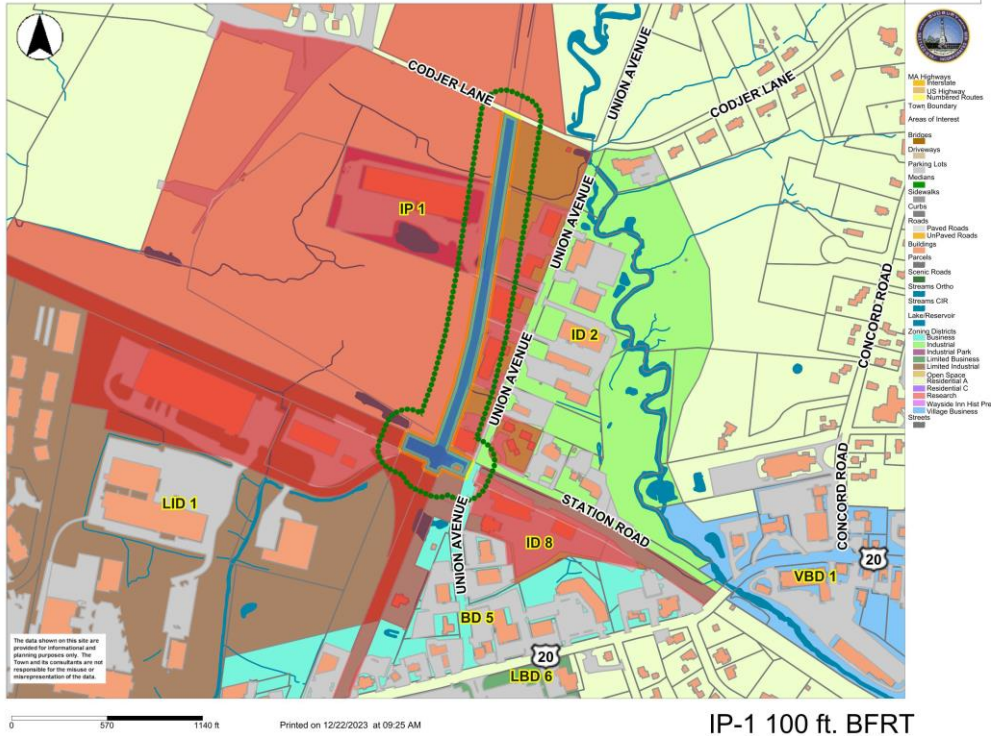
LID-2: Every parcel in LID-2 is occupied or is within 100 feet of a childcare facility (Longfellow Children’s Center).



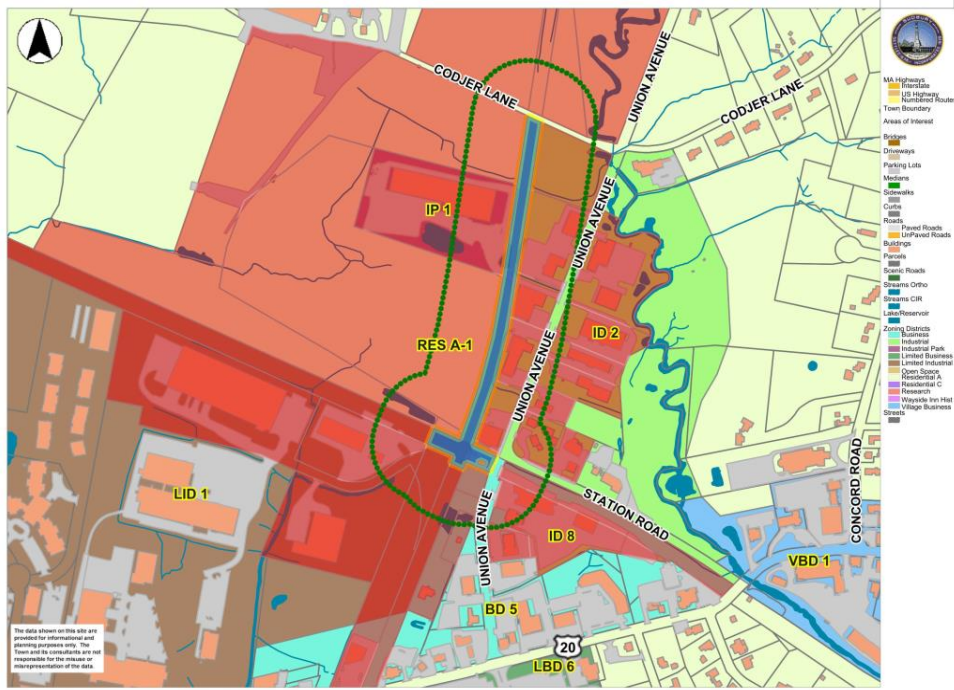
Previously I had reviewed the ID-2, ID-4, ID-6, ID-8, ID-11, and ID-12 districts as additional options to be considered for inclusion. Reviewing these Districts originally provided 2 potential parcels where one may be able to locate a Firearms Business Use. Below is an outline of what the parcels in the reviewed Districts would with the 100- and 250-foot setback adjustments as discussed at the 19 December 2023 meetings.

ID-2: In the ID-2 the reduction of the setback to 100 feet from restricted uses opens the potential for several parcels to be eligible for application to receive a Special Permit. Increasing the setback to 250 eliminates all of the parcels that are made available under the 100-foot setback.





Attachment 6.a: Modified_Setback_Analysis_FAU_Bylaw_232812 (6120 : Firearms bylaw discussion)

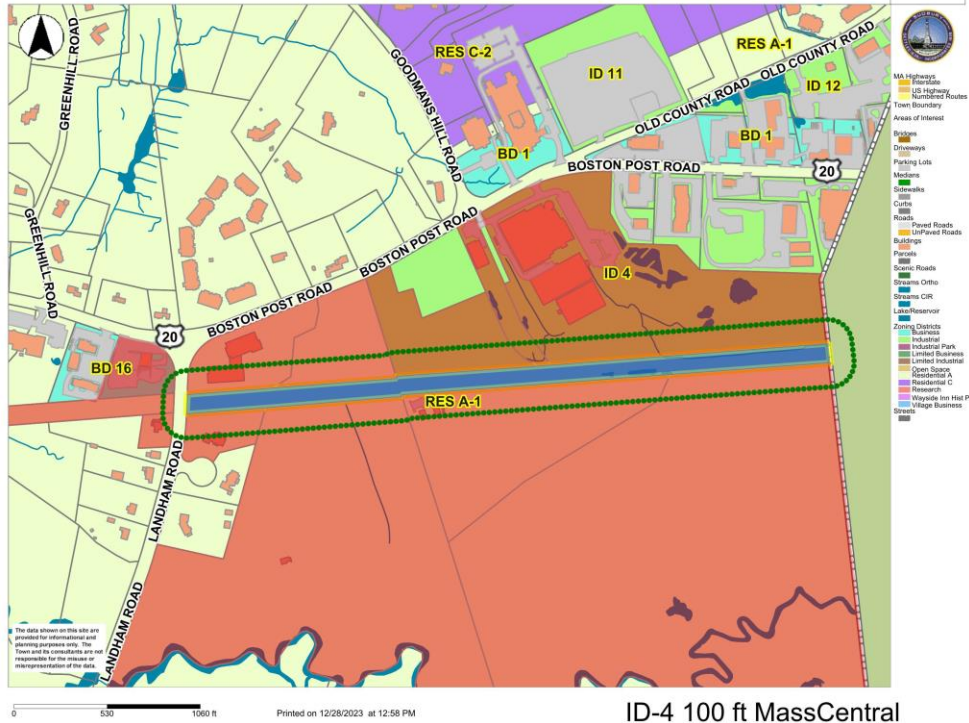


0 570 1140 ft Printed on 12/22/2023 at 09:26 AM

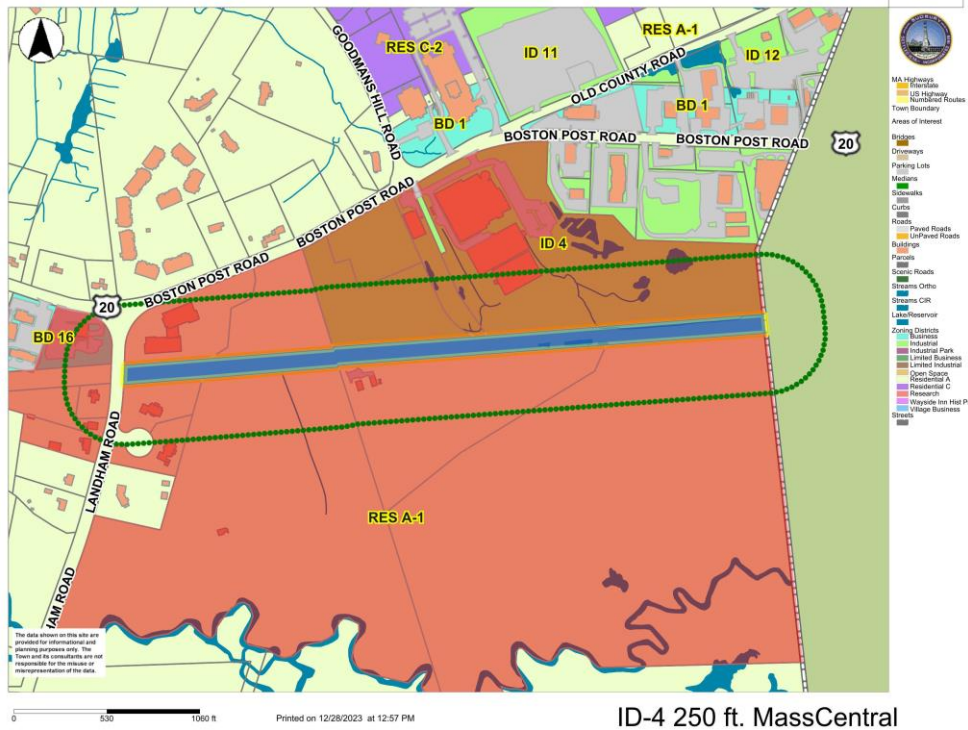
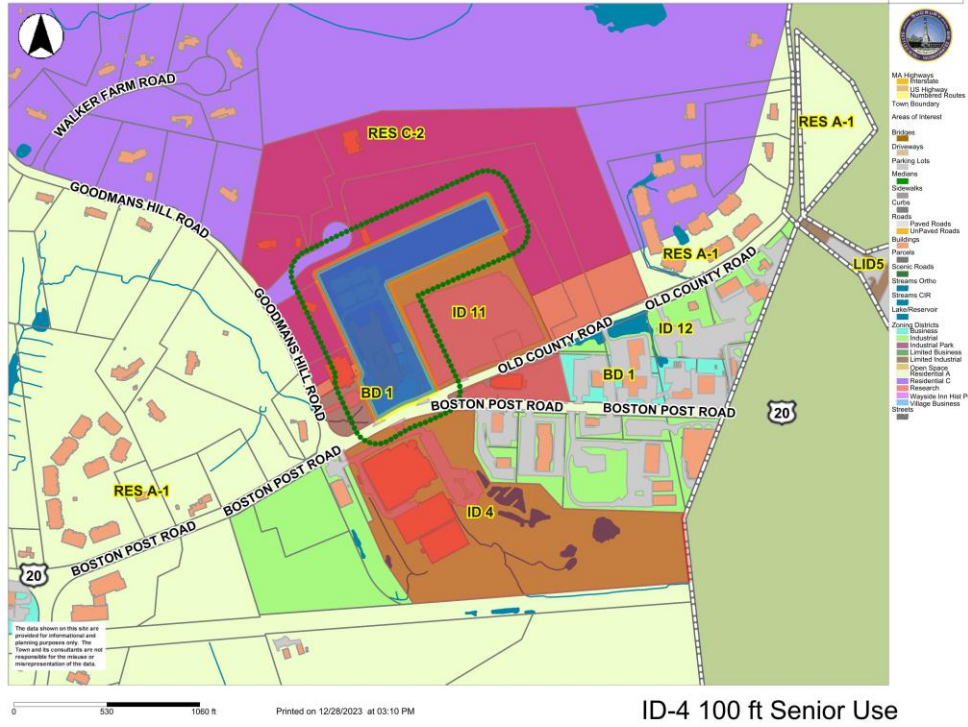
IP-1 250 ft BFRT

Attachment6.a: Modified_Setback_Analysis_FAU_Bylaw_232812 (6120 : Firearms bylaw discussion)

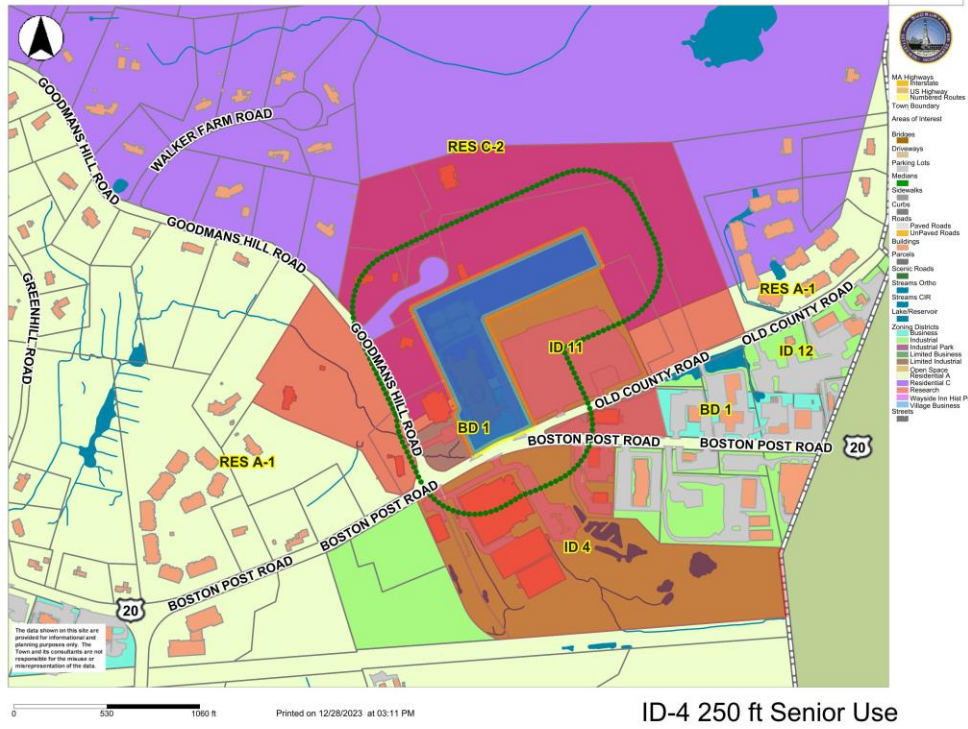
ID-4: In the original review of this district 2 parcels (K11-0016 & 0099) were identified as the only 2 that would qualify as potential locations for a Firearms Business. The restricted uses in ID-4 are a public park (the Mass Central Rail Trail) and an establishment catering to seniors (Bear Mountain at Sudbury 136 Boston Post Road). When the 100 foot setback is applied a number of parcels along Boston Post Road become available for consideration under the proposed Special Permit criteria. When the setback is increased to 250 feet there are fewer parcels that are not impacted, although there are approximately 5 parcels that remain outside of the restrictions.



Attachment6.a: Modified_Setback_Analysis_FAU_Bylaw_232812 (6120 : Firearms bylaw discussion)



Attachment 6.a: Modified_Setback_Analysis_FAU_Bylaw_232812 (6120 : Firearms bylaw discussion)



ID-4 250 ft Senior Use

Attachment 6.a: Modified_Setback_Analysis_FAU_Bylaw_232812 (6120 : Firearms bylaw discussion)

- ID-6: The parcel contained in ID-6 is adjacent to a public park (the Mass Central Rail Trail). Unless the rail trails were excluded as a public park this district would be excluded.
- ID-8: Every parcel in the ID-8 is adjacent to a public park (the Mass Central Rail Trail). Unless the rail trails were excluded as a public park this district would be excluded.
- ID-11: The parcel that comprises the ID-11 is adjacent to a facility that caters to seniors (Bear Mountain at Sudbury 136 Boston Post Road).
- ID-12: The majority of parcels in the ID-12 about a residential use. There is a parcel (K11-0401) that has no restrictions, however, it is owned by the Town of Sudbury, contains extensive wetlands and is ~ 0.25 acres, a combination of factors that make it likely that it is unbuildable.

During the discussion at the 19 December 2023 a few additional items were brought up for consideration as I continued my analysis. The first was the potential for residential zoning that may be created in the Town of Wayland adjacent to the ID-4 District. I did receive input from Robert Hummel, Wayland Town Planner that the area south of Boston Post Road around number 533 is no longer in consideration for residential zoning as part of the MBTA Communities Zoning requirement.

The second item discussed was the possibility of designating specific subdistricts (i.e. LID-1 only) as the permitted location for Firearms Business Uses. I don't believe that this would be possible if the Bylaw is put forth as a modification to the Use Table. The districts are listed under their omnibus title in the Zoning Bylaws and the sub-district designations appear on the map for, what I would infer is, geographical reference. This is based on the fact that there are no differences in the uses that are allowed in the sub-districts nor are there specific alterations to the dimensional requirements.

As mentioned at the meeting on 19 December 2023 an overlay district would allow for maximum flexibility in dictating the potential location of Firearms Business Uses. This would alter the structure of the draft Bylaw as written and may delay moving the process further.

The reduction of the setback from restricted uses, the expansion/alteration of the zoning districts included as permissible locations, and/or the specific exclusion of the rail trails from consideration as public parks in some combination will address the potential concerns relative to the limited number of potential locations and consideration that the draft Bylaw may be a de facto ban.

Please let me know if you would like additional information or have any specific concerns.

Sudbury Niche Store Hours	Hours*	Notes
Selections Boutique	11am-6pm	
Aubuchon Hardware	8am-7pm	
Duck Soup	9:30am-6pm	
Learning Express	10am-5pm	
Date & Time	11am-6pm	Open until 7pm on Thurs
Sullivan Tire	7:30am-6pm	
Big Picture Framing	9:30am-6pm	
Pet Supplies Plus Sudbury	9am-7pm	
The Organic Mattress	10am-5pm	
Bearly Read Books	10am-6pm	Open Sat and Wed
Frank's Spoke 'n Wheel	10am-5pm	Open 10am-7pm Wed
Carpet Carousel	9am-5pm	

*Hours presented are the hours for most days in operation; They represent the maximum longest days unless otherwise noted. There is some other variability on different days, particularly with reduced hours on weekends.

Researched by Select Board Member Roberts