SUDBURY BOARD OF SELECTMEN
AGENDA
TUESDAY, SEPTEMBER 17, 2013
7:30 p.m., Town Hall, 322 Concord Road

1. 7:30 Opening remarks by Chairman

2. 7:35 Reports from Town Manager

3. 7:40 Reports from Selectmen

4. 7:45 Public Hearing: Site Plan Modification – Northern Bank & Trust Company, 430 Boston Post Road *(Jody Kablack, Dir. of Planning and Community Development, and Shaun Briere, attorney for Northern Bank, will attend)*
Vote/Sign

5. 8:05 Interview two applicants for the Capital Improvement Advisory Committee: Bob Desaulniers, and Jamie Gossels, and question of appointing these two applicants plus Jeff Barker to the CIAC.
Vote/Sign

6. 8:25 Town Forum with Department Heads:
a. DPW Director Bill Place – General report on DPW activities and major projects, including Landham Road, walkways and Town Center. Also discussion of NSTAR replanting plans for Stock Farm and Pelham Island Road.
b. Fire Chief Bill Miles - General report on Fire Department activities, including update on Advanced Life Support progress.
c. Police Chief Scott Nix – General update on Police Department activities, including plans to introduce a use of force option commonly known as "tasers" to the department, update on alcohol violation policies, and update on Police Station project.

7. ***Vote*** Vote question of acceptance of funds offer from Friends of the Bruce Freeman Rail Trail

8. 9:10 Discussion of next steps in Board's FY14 goal-setting

---

Consent Calendar:

9. ***Vote*** Vote to approve the special meeting minutes of September 9, the regular session minutes of September 3, and the special meeting minutes of August 21, 2013.

10. ***Vote*** Vote to grant a special permit to Myke Farricker, Committee Co-Chair, to hold a "Ride to Defeat ALS" bike ride on Sunday, September 29, 2013, from 9:00 a.m. through approximately 4:00 p.m., following the same route as in previous years, subject to Police Dept. safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race's conclusion.

11. ***Vote*** Vote to accept, on behalf of the Town, a gift of $100 from the Sudbury Women's Softball League for use by the Town of Sudbury for the purpose of the Sudbury Celebrates 375/Sudbury Day Committee celebration, and may be used for another similar purpose as authorized by the Board of Selectmen in the event that all funds are not expended at the conclusion of the aforementioned celebration.

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.

12. ***Vote*** Vote to approve award of contract by the Town Manager for the development of the Fairbank Community Center Master Plan pursuant to the recommendation of the Permanent Building Committee acting as the Designer Selection Committee.

13. ***Vote/ Sign*** Vote to re-appoint Fletcher Comrie, 26 Amanda Road, a student at LSRHS, as an election officer for a term to expire on August 14, 2014 to work at the polls for community service hours, as requested by Rosemary Harvell, Town Clerk.

Miscellaneous:

14. ***Vote*** Question of finalizing the Board's Citizens Comments Procedure

15. ***Vote*** Update from Town Manager on three new committees authorized by the Selectmen: Town Counsel Review Committee, OPEB, and Capital Financing

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.

AGENDA REQUEST – Item #4

BOARD OF SELECTMEN

Requestor's Section

Date of request: *August 7, 2013*

Requestor: *Jody Kablack, Director of Planning and Community Development*

Action requested:

Approval of Site Plan Modification of Northern Bank & Trust, 430 Boston Post Road

Financial impact expected: *Increase to the tax base*

Background information (if applicable, please attach if necessary):

See attached

Recommendations/Suggested Motion/Vote: *Vote to approve the site plan modification submission of Northern Bank & Trust Company to construct a 2,500 sq. ft. retail bank building on property located at 430 Boston Post Road, Town Assessor's Map K08, Parcel 0077, zoned Business District.*

Person(s) expected to represent Requestor at Selectmen's Meeting:
Jody Kablack and Shaun Briere, Attorney for Northern Bank

Selectmen's Office Section

Date of Selectmen's Meeting: *September 17, 2013*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Town Counsel approval needed? **Yes ( )** **No (X)**

Town of Sudbury
Planning Board

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776
978-639-3387
Fax: 978-443-0756

planningboard@sudbury.ma.us
http://www.sudbury.ma.us/services/planning

TO: Assistant Building Inspector
DPW Director
Board of Health
Conservation Commission
✓ Selectmen
Fire Chief
Commission on Disability

FROM: Jody Kablack

DATE: August 7, 2013

RE: ***Notice of Site Plan Modification Submission***
–Northern Bank & Trust Company 430 Boston Post Road

Attached please find a copy of the above-referenced plan. Please review the plan and submit your findings or recommendations to my attention. The Public Hearing is scheduled for, September 17, 2013.

Prompt reply will allow incorporation of necessary changes into the plan. Failure to receive recommendations from any Board or Commission may be deemed as approval of the proposed plan by that Board or Commission.

****

Name of Site Plan reviewed _____

Name of Reviewer _____ No. of hours spent on plan _____

Town of Sudbury
Office of Selectmen

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

TOWN OF SUDBURY
NOTICE OF PUBLIC HEARING

The Board of Selectmen will hold a public hearing on Tuesday, September 17, 2013, at 7:45 p.m. at the Town Hall, 322 Concord Road, Sudbury, MA, on the application of Northern Bank & Trust Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for a Modification to an approved Site Plan and approval of a Public Way Access Permit to construct a new 2,500 sq. ft. retail bank building and associated improvements including stormwater management and wastewater facilities, utility improvements, parking areas, remote drive-through facility, landscaping, and lighting on property located at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077.

Board of Selectmen

Publication: *Sudbury Town Crier*: August 29, 2013 and September 5, 2013

Post: Town Hall and Flynn Building

cc: Abutters
Applicant
Owner
Sudbury Town Clerk
Sudbury Planning Board
Town Boards and Officials: KINDLY SUBMIT YOUR REPORTS TO THE SELECTMEN WITH COPY TO THE APPLICANT AND TOWN BOARDS BY September 12, 2013.

Public Hearing:
Site Plan Modification of Northern Bank & Trust Company
430 Boston Post Road
Material received as of September 13, 2013

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier* on August 29, 2013 and September 5, 2013. Abutters according to the Assessors were provided written notice by first class mail. The Sudbury Planning Board and other boards and officials were notified and requested to report to the Selectmen. The Selectmen opened the public hearing on September 17, 2013.

The Board is in receipt of the following:

1. Request for Site Plan Modification dated July 26, 2013, received August 5, 2013, including Site Plans prepared by EBI Consulting, Burlington, MA dated August 15, 2012, last revised July 22, 2013, consisting of 9 sheets; Landscape Plans prepared by EBI Consulting and TerraInk dated August 15, 2012, last revised July 22, 2013, consisting of 2 sheets; Site Photometrics Plan prepared by EBI Consulting and Engineering Advantage, Inc. dated May 16, 2013, last revised July 17, 2013, consisting of 1 sheet; Site Plan Survey prepared by Northeast Survey Consultants dated June 7, 2012; and Architectural and floor plans prepared by SDI Architects PC and Strategic Designworks dated September 25, 2012, last revised July 22, 2013, consisting of 3 sheets; Geotechnical Reports prepared by Northeast Geotechnical, Inc. dated April 2, 1012, February 13, 2013 and June 21, 2013; Revised Traffic Impact Assessment prepared by MDM Transportation Consultants, Inc. dated July 25, 2013; and a Public Way Access Permit application dated July 25, 2013.
2. Memo from Jody Kablack, Planning Director, to the Board of Selectmen dated September 13, 2013, including draft minutes of the ZBA meeting of May 20, 2013; Site Plan Decision for Northern Bank & Trust Company dated January 22, 2013; and Approved Site Plan dated January 2013.

Town of Sudbury

Planning and Community Development Department

Jody A. Kablack, Director

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776
978-639-3387
Fax: 978-443-0756
http://www.sudbury.ma.us/services/planning
kablackj@sudbury.ma.us

TO: Board of Selectmen
FROM: Jody Kablack, Planning and Community Development Director
RE: Northern Bank & Trust Company Site Plan MODIFICATION
430 Boston Post Road
DATE: September 13, 2013

A Site Plan Modification application has been received for the above proposal. This application received Site Plan approval from the Selectmen on January 22, 2013. The approved proposal was for the demolition of an existing structure at 430 Boston Post Road and construction of a new 2500 sq. ft. bank building with a 1-lane detached ATM kiosk and 12 parking spaces. One 2-way access onto Union Avenue was proposed, with an additional egress from the rear of the site onto the adjacent alley allowing a left turn out onto Union Avenue. The septic system was located in the rear of the property in the original proposal. The site is a 27,738 sq. ft. parcel of land in the Business District, and is currently operated by Colonial Auto. The site is also within Zone II of the Water Resource Protection District.

The original proposal received 2 variances from the Zoning Board of Appeals on July 16, 2012 for operation of a detached ATM kiosk under section 2230 of the Zoning Bylaw, and to allow two access driveways within 200 feet of each other pursuant to section 3143 of the Zoning Bylaw (which is no longer needed due to the approved egress onto the alley). Special Permits from section 3544 for a reduction in the side yard buffer strip from 10 feet to 6 feet, and from section 3113 to allow 2 reserved parking were also granted by the Selectmen. Other permits are still pending, including a Notice of Intent from the Conservation Commission, a Stormwater Management Permit and Water Resource Special Permit from the Planning Board, an Earth Removal Permit from the Zoning Board and final approval from the Board of Health.

The modification seeks approval to move the bank building 17 feet to the west along the Route 20 frontage from what was previously approved. This will place the building 8.5 feet from the front yard setback on Union Ave, requiring a front yard variance (under consideration by the ZBA on 9/16/13). The building will be located 19.5 feet back from the pavement on Union Ave, which will include a 5' wide walkway and a 6' grass strip located within the Union Ave. right of way. The setback from the building to the Route 20 pavement will be 32 feet, which will include a 5' wide walkway and a 2' grass strip. [It is noted that the TD Bank building is located 25 feet from the Route 20 pavement.] The septic system will be located in the southeast corner of the site.

The rationale for moving the building is driven by the soils on the site. Several iterations have been proposed, but the only location found with soils suitable for a wastewater disposal system is at the southeast corner of the lot. The applicant has submitted 3 geotechnical reports to document their efforts. The report dated April 2, 2012 indicates the only location where percolation tests have succeeded in is the southeastern corner of the property.

I have reviewed the application materials and offer the following comments and recommendations:

1. As noted above, the Zoning Board of Appeals will be holding a public hearing on the request for a front yard variance on September 16, 2013. This variance is critical to this proposal. I will report on the findings of that hearing at the Selectmen's meeting on September 17, 2013.

Town of Sudbury

Planning and Community Development Department

Jody A. Kablack, Director

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776
978-639-3387
Fax: 978-443-0756

http://www.sudbury.ma.us/services/planning
kablackj@sudbury.ma.us

2. The location of the bank building underwent significant discussion during the original site plan review process. The applicant was accommodating of all of the Town's comments and revised the proposal accordingly. Were it not for the unsuitable soils in the favored location, there would be no need for a modification. The only other possible location for the building on this site is to locate it at the rear of the site, and move the parking lot up to Route 20. This configuration would not comply with the zoning provision to locate parking behind or to the side of buildings and would require further variances.

   Additionally, informal discussions commenced in May of 2013 when the applicant notified the Town of its inability to perc the site in the approved location for the septic system. A meeting was held with the Zoning Board, which included members of the Planning Board and Design Review Board, to discuss the relocation of the building. At that meeting (May 20, 2013 draft ZBA minutes attached), the applicant agreed to conduct further soil testing, which yielded more unsuitable soils (geotechnical report dated June 21, 2013).

3. A revised traffic study has been submitted with the modification application indicating a slight decrease in the number of vehicle trips to the site due to the reconfigured accesses and a reduction in the number of ATM lanes from 2 to 1. The site will generate 8 trips in the weekday am peak period (down from 11); 25 trips in the weekday pm peak period (down from 27); and will remain the same on the Saturday mid-day peak period at 21 vehicles.

4. The applicant is questioned if there are any changes to the architectural elements of the building, to the Landscape Plan or to the signage plan? These elements underwent extensive review and any changes must be disclosed and subject to additional review.

5. If there are no changes to the above elements, or to any other aspect of the approved site plan, and the Selectmen respond favorably to the revised building location, the only modifications to the Selectmen's decision dated January 22, 2013 will be to note the revised plan date and inclusion of any new variances granted.

Attachments

cc: Zoning Board of Appeals
Planning Board
Building Inspector
Conservation Coordinator
DPW Director
Health Director
Fire Chief
Commission on Disability
Design Review Board
Applicant

DRAFT

SUDBURY ZONING BOARD OF APPEALS
MINUTES
May 20, 2013

The Board consisted of: Benjamin D. Stevenson, Chair; Jonathan F.X. O'Brien, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Elizabeth T. Quirk.

MEETING OF THE ZONING BOARD OF APPEALS

Discussion with Northern Bank and Trust Company re: 430 Boston Post Road:
Shaun Briere, Attorney with Mawn and Mawn, and representing his client Northern Bank and Trust Company, was present to discuss with the ZBA a potential modification to the Approved Site Plan 13-2 issued by the Board of Selectmen on January 22, 2013. Mr. Briere provided a brief history of the events leading to the approved site plan including multiple appearances before the ZBA, through which two special permits were granted, meetings with the Design Review Board, the Planning Board, and the Board of Selectmen. Several versions of site plans were designed to determine locations for the bank building, ATM, parking, driveway, and septic system and in some cases Boards had opposing views on where everything should go. In the end, the approved site plan situated the building at the southeast corner of the parcel and the septic system at the rear of the site. In a recent development Mr. Briere reported that the results of percolation tests in the approved area for the septic system showed very poor rates averaging forty minutes or more. Given this data modifications will need to be sought to find a more suitable place for the septic system.

Dan Martin, Chair of the DRB, and Chris Morely, Planning Board member, were both present to comment on behalf of their boards. Discussion ensued among all present about what worked and did not work in earlier versions of the site plans. Considerations about building setbacks, amount of parking, access and egress, and green space, were all debated.

In the end, Mr. Briere suggested that his client might be willing to conduct additional perc tests for the southwest corner of the lot if the consensus was that the location might be supported by the Town Boards. The general sense of the ZBA was that locating the system at the southwest corner could work if the retaining wall and landscaping required at the corner of Union Avenue and Boston Post Road were done properly and met with the approval of other boards. A dimensional variance may be required in this scenario.

There being no further business the meeting was adjourned.

Benjamin D. Stevenson, Chair

Jeffrey P. Klofft

Jonathan F.X. O'Brien, Clerk

Elizabeth T. Quirk

Jonathan G. Gossels

Town of Sudbury

Office of Selectmen
www.sudbury.ma.us

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

January 22, 2013

SITE PLAN DECISION
SUDBURY BOARD OF SELECTMEN
NORTHERN BANK & TRUST COMPANY
430 Boston Post Road

DECISION of the Board of Selectmen of the Town of Sudbury, Massachusetts (the "Board") on the petition of Colonial Auto of Sudbury, Inc., Owner (the "Owner"), and Northern Bank & Trust Company, Applicant (the "Applicant"), for property located at 430 Boston Post Road, Sudbury, MA to construct a new 2,500 sq. ft. retail bank building and associated improvements including stormwater management facilities, utility improvements, parking area, 1 lane remote drive-through facility, landscaping and lighting. The Property is shown on Sudbury Town Assessors' Maps K08, Lot 0077, containing approximately 27,738 sq. ft., and lies within a Business District and is also within the Water Resource Protection District Zone II (the "Property").

This decision is in response to an application by the Applicant for approval of a Site Plan submitted to the Board on August 16, 2012 pursuant to the Zoning Bylaw of the Town of Sudbury (the "Zoning Bylaw"), Section 6300.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Applicant, abutters and other parties in interest, as required by law, Lawrence W. O'Brien, Chairman of the Board, called the public hearing to order on September 18, 2012. The hearing was continued to December 6, 2012, January 8, 2013 and January 22, 2013, and was closed at the end of the January 22, 2013 proceedings. Board members and Lawrence W. O'Brien and Robert C. Haarde were present throughout the proceedings. Board member John C. Drobinski was absent at January 8, 2013 session and, pursuant to G.L. c. 39, § 23D, has certified that he has examined all of the evidence received by the Board on this subject and is therefore eligible to vote on the subject application. The record of the proceedings and submissions upon which this decision is based may be referred to in the office of the Town Clerk or the Board office.

The Board is in receipt of the following:

Application for Site Plan Approval dated August 16, 2012 (received August 16, 2012), including Site Plans prepared by EBI Consulting, Burlington, MA, dated August 15, 2012, consisting of 10 sheets, (including architectural plans); Traffic Impact Assessment memo prepared by MDM Transportation Consultants, Inc., dated August 13, 2012; Notice of

Decision from the Zoning Board of Appeals dated July 30, 2012; and supporting documentation.

2. Memo from Debbie Dineen, Conservation Coordinator, to Jody Kablack dated August 27, 2012.
3. Memo from Bill Place, DPW Director, to Jody Kablack dated August 28, 2012.
4. Memo from Jody Kablack, Planning Director, to the Board of Selectmen and Planning Board dated September 14, 2012.
5. Letter from Zoning Board of Appeals Chair, Elizabeth Quirk, to the Board dated September 14, 2012.
6. Email message from Mark Herweck, Building Inspector, to Jody Kablack dated September 17, 2012
7. Email message from Bill Miles, Fire Chief, to Jody Kablack dated September 18, 2012.
8. Letter from the Planning Board to the Board, dated October 1, 2012.
9. Letter from the Design Review Board to the Board, dated October 9, 2012.
10. Letter from Shaun W. Briere, attorney for applicant, dated October 12, 2012 requesting a continuation of the public hearing until November 7, 2012.
11. Memo from Jody Kablack, Director of Planning and Community Development, to the Board dated October 15, 201, reviewing major site changes to the proposal.
12. Letter from Shaun W. Briere, attorney for applicant, dated November 2, 2012 requesting a continuation of the public hearing until November 20, 2012.
13. Letter from Shaun W. Briere, attorney for applicant, dated November 19, 2012 requesting a continuation of the public hearing until December 6, 2012, and granting an extension of time to issue a decision until January 31, 2013.
14. Revised "Layout and Materials Plan" for the project dated November 28, 20112
15. Memo from Debbie Dineen, Conservation Coordinator, to Jody Kablack dated December 4, 2012.
16. Revised Site Plans prepared by EBI Consulting, Burlington, MA, dated August 15, 2012, last revised December 31, 2012 consisting of 7 sheets: Sheet C-1, Title Sheet; Sheet C-2, Legend and General Notes (last revised 8/15/12); Sheet C-3, Layout and Materials Plan; Sheet C-4, Grading, Drainage & Erosion Control Plan; Sheet C-5, Utilities Plan; Sheet C-6 and 7, Site Details (last revised 8/15/12); Landscape Plans prepared by EBI Consulting and TerraInk dated August 15, 2012, last revised December 31, 2012 consisting of 2 sheets: Sheet L-1, Landscape Plan; Sheet L-2, Landscape Details. Existing Plan of Land prepared by Northeast Survey Consultants dated 6/7/12; and Architectural Plans prepared by SDI Architects, PC and Strategic Design Works, dated 9/25/12, last revised 12/31/12, consisting of 3 sheets: Sheet A1.1, Preliminary Floor Plan and Drive-Up Plan; and Sheets A2.1 and A2.2, Preliminary Exterior Elevations.
17. Revised Traffic memorandum from MDM Transportation Consultants dated November 28, 2012; Revised drainage calculations prepared by EBI Consulting dated December 31, 2013; Public Way Access Permit Application dated January 2, 2013; Site Lighting Plan prepared by EBI Consulting, Burlington, MA, dated January 3, 2013; and Lighting Specifications.
18. Memo from Jody Kablack, Director of Planning and Community Development, to the Board, dated January 4, 2013, reviewing changes to the proposal.
19. Letter from Shaun W. Briere, attorney for applicant, dated January 8, 2013.

20. Revised elevation drawings dated January 4, 2013 prepared by SDI Architects, PC and Strategic Design Works consisting of 3 sheets.
21. Minutes from the Design Review Board meeting dated January 9, 2013.

Based upon a determination that the foregoing evidence, together with the plans submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To approve the Site Plan Application of Colonial Auto of Sudbury, Inc., Owner (the "Owner"), and Northern Bank & Trust Company, Applicant (the "Applicant"), for approval of a site plan to construct a new 2,500sq. ft. retail bank building and associated improvements including stormwater management facilities, utility improvements, parking area, 1 lane remote drive-through facility, landscaping and lighting at 430 Boston Post Road, Sudbury Town Assessors' Maps K08, Lot 0077, as shown on plans entitled "Site Plans for Proposed Redevelopment, 430 Boston Post Road, Sudbury, Massachusetts", dated 8/15/12, last revised 12/31/12 prepared by EBI Consulting, Burlington, MA consisting of 7 sheets: Sheet C-1, Title Sheet; Sheet C-2, Legend and General Notes (last revised 8/15/12); Sheet C-3, Layout and Materials Plan; Sheet C-4, Grading, Drainage & Erosion Control Plan; Sheet C-5, Utilities Plan; Sheet C-6 and 7, Site Details (last revised 8/15/12); Landscape Plans prepared by EBI Consulting and TerraInk dated August 15, 2012, last revised December 31, 2012 consisting of 2 sheets: Sheet L-1, Landscape Plan; Sheet L-2, Landscape Details; and Architectural Plans prepared by SDI Architects, PC and Strategic Design Works, dated 9/25/12, last revised January 4, 2013, consisting of 3 sheets: Sheet A1.1, Preliminary Floor Plan and Drive-Up Plan; Sheets A2.1 and A2.2, Preliminary Exterior Elevations (the "Plan"), subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the Property:

1. Issuance of an Order of Conditions by the Conservation Commission.

2. Issuance of a Stormwater Management Permit by the Planning Board.

3. Issuance of a Water Resource Special Permit by the Planning Board.

4. Final approval of the wastewater disposal system by the Board of Health.

5. Issuance of an Earth Removal Permit from the Earth Removal Board.

6. The Applicant has received approval from the Design Review Board for three (3) wall mounted, non-illuminated signs as proposed in the Application for Sign Approval dated January 3, 2013. Any additional or revised signage proposed for the Property shall be subject to re-review by the Design Review Board, and shall comply with the Zoning Bylaw, section 3200.

7. This proposal is subject to variances granted by the Zoning Board of Appeals dated July 30, 2012. All conditions contained in the Variance approvals shall be incorporated herein.

8. Final architectural plans shall be submitted for review and approval of the Design Review Board.

9. Landscaping shall be provided as shown on the Landscape Plan. All trees labeled as to remain on the Plan shall be flagged prior to commencement of construction. Prior to occupancy of the site, the Board or their representative shall view the Property for compliance with the Landscape Plan. If, in the opinion of the Board, additional screening or landscaping is required, the Applicant shall forthwith rectify such concerns with the planting of additional vegetation to the reasonable satisfaction of the Board, the performance of which shall be secured in accordance with condition 24 below, provided, however, that in no event shall the additional landscaping interfere with visibility of the bank, signage and bank operations.

10. The Board hereby grants a Special Permit from section 3543 of the Zoning Bylaw to decrease the depth of the landscape buffer strip between the parking lot and the side lot line from ten (10) feet to six (6) feet. Such reduction shall not detract from the objectives of section 3300 of the Zoning Bylaw, as a significant portion of said side lot line abuts a commercial building less than twenty (20) feet to the east.

11. The Board hereby grants a Special Permit pursuant to section 3110 of the Zoning Bylaw authorizing a reduction in the number of required parking spaces from fourteen (14) to twelve (12). Said reserved parking spaces shall be shown on the Plan and labeled as such.

12. A final Lighting Plan shall be submitted for review prior to issuance of a Building Permit. All proposed lighting for the project shall be shown on the Lighting Plan. The Applicant shall comply with section 3427(f) of the Zoning Bylaw regarding lighting. Exterior lights shall have shields and be arranged to avoid glare and minimize light spilling over to neighboring properties. Lighting, except for security lighting, canopy lighting, lighting in the interior ATM vestibule and illuminated exterior signage, if approved, shall be turned off when the building is not in use. The Board or its representative shall inspect the Property prior to issuance of an Occupancy Permit to certify the intent of this provision. If, in the opinion of the Board, the lighting is not shielded from the adjoining properties, the Applicant shall forthwith rectify such complaint to the satisfaction of the Board.

13. Prior to issuance of a Building Permit, the Applicant has agreed to and shall deposit $1,500.00 with the Town of Sudbury which it may use solely to engage the services of a lighting expert to review the final Lighting Plan for compliance with the Zoning Bylaw, and to assess and recommend remedies for the visibility of the drive-through canopy lighting as viewed from the property lines. Said funds, or the balance of said funds, if any, shall be returned to the Applicant once the Board or its representative has inspected the Property and advised that the lighting is acceptable.

14. The Plan must be revised, as follows:
    a. The Plan must indicate the locations of all reserved parking spaces proposed.
    b. Signature blocks for the Board, the DPW Director, Building Inspector and Planning and Community Development Director shall be added to the Plan.
    c. Fencing details for all proposed fencing shall be added to the Plan.
    d. Retaining wall details for all proposed rock and/or retaining walls shall be added to the Plan. Any retaining wall greater than four (4) feet high shall be designed by a structural engineer.
    e. A notation that all new utilities shall be installed underground shall be added to the Plan.
    f. The Plan shall be revised to incorporate the recommendations of the Design Review Board as noted in the meeting minutes of January 9, 2013, including use of brick on the side elevation, replacement of soffit lights, and change in the color of the PMJ Rhododendrons.
    g. The turning radii in the alley shall be confirmed as adequate by the Director of Public Works.
    h. All proposed lighting shall be shown on the Plan.
    i. Final Architectural Plans shall be submitted.
    j. The final egress configuration shall be shown on the Plan.

15. The existing chain link fence along the drainage swale to the north of the Property shall be removed and replaced with a wooden guard rail by the Applicant in order to improve the aesthetics of the alley, conditioned upon receiving the permission of the property owner.

16. The Board hereby grants a Public Way Access Permit for this project, subject to the following conditions and improvements to be made at the Applicant's expense which facilitate safe and efficient pedestrian and traffic operations within the access and on adjacent public ways:

    a. A secondary egress from the Property shall be constructed within the alley located to the north of the Property as shown on the Plan, and funded by the Applicant. An access easement to utilize the alley as egress from the Property shall be required, and a copy of said easement shall be furnished to the Board. The turning radii at the intersections shall be confirmed as adequate by the Director of Public Works.
    b. The Applicant has agreed to construct a walkway along the frontage of the Property on Union Avenue and Boston Post Road, as shown on the Plan. Accessible curb cuts shall be installed at all driveway entrances and at the Property corner, pursuant to the regulations of the Architectural Access Board.
    c. The Applicant has agreed to fund the installation of a pedestrian activated signal at the Boston Post Road/Union Avenue intersection.
    d. All vegetation within the sight lines of Union Avenue shall be maintained at a height of two (2) feet or less in order to provide unobstructed sight lines exiting the Property at both the main entrance and the alley.

17. A permit from the Massachusetts Dept. of Transportation is required for construction of the walkway along Route 20 and other site improvements along the state right of way, which permit shall be submitted to the Board prior to issuance of an Occupancy Permit.

18. Hours of operation shall be as stated in the application materials.

19. No wells for drinking water supply to be installed on the site.

20. No use of salt or sodium-based de-icers on site unless approved by the Conservation Commission.

21. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued there under.

22. The Applicant shall repair in a timely manner any damage to public roads adjacent to the project that results from the construction and/or maintenance of the project to the satisfaction of the Director of Public Works.

23. All fire lanes and parking areas shall be kept clear at all times, and all snow shall be removed from these areas to ensure access by fire trucks and other public safety vehicles. All signage shall be maintained in good order.

24. The Board of Selectmen hereby grant approval to install one (1) construction trailer pursuant to section 2324 of the Zoning Bylaw and in conformance with the procedural regulations adopted by the Board regarding same. The trailer shall not block or interfere with normal traffic operations on adjacent roadways, or create any other safety concern, and shall be removed prior to issuance of an Occupancy Permit.

25. Prior to the granting of an Occupancy Permit, a site review will be conducted by Town officials, and a performance bond shall be required from the Applicant to secure any conditions noted above which have not been completed.

26. Submission of an "as built" plan. Any material change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval by the Board of Selectmen.

27. No Building Permit shall be issued until the Decision has been recorded in the Middlesex South Registry of Deeds, the plans are approved and signed, and certain items noted above [1, 2, 3, 4, 5, 8, 12, 13 and 14], as specified by the Board, are complied with.

28. No Occupancy Permit shall be issued until certain items noted above [6, 7, 9, 15, 16, 17, 18, 25 and 26], as specified by the Board, are complied with.

29. This approval shall lapse if construction and substantial use thereof have not commenced except for good cause within two (2) years from the effective date of said approval.

Appeals of the grant of this permit, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 8.

Date: January 22, 2013

SUDBURY BOARD OF SELECTMEN

Lawrence W. O'Brien, Chairman

John C. Drobinski

Robert C. Haarde

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss January 22, 2013

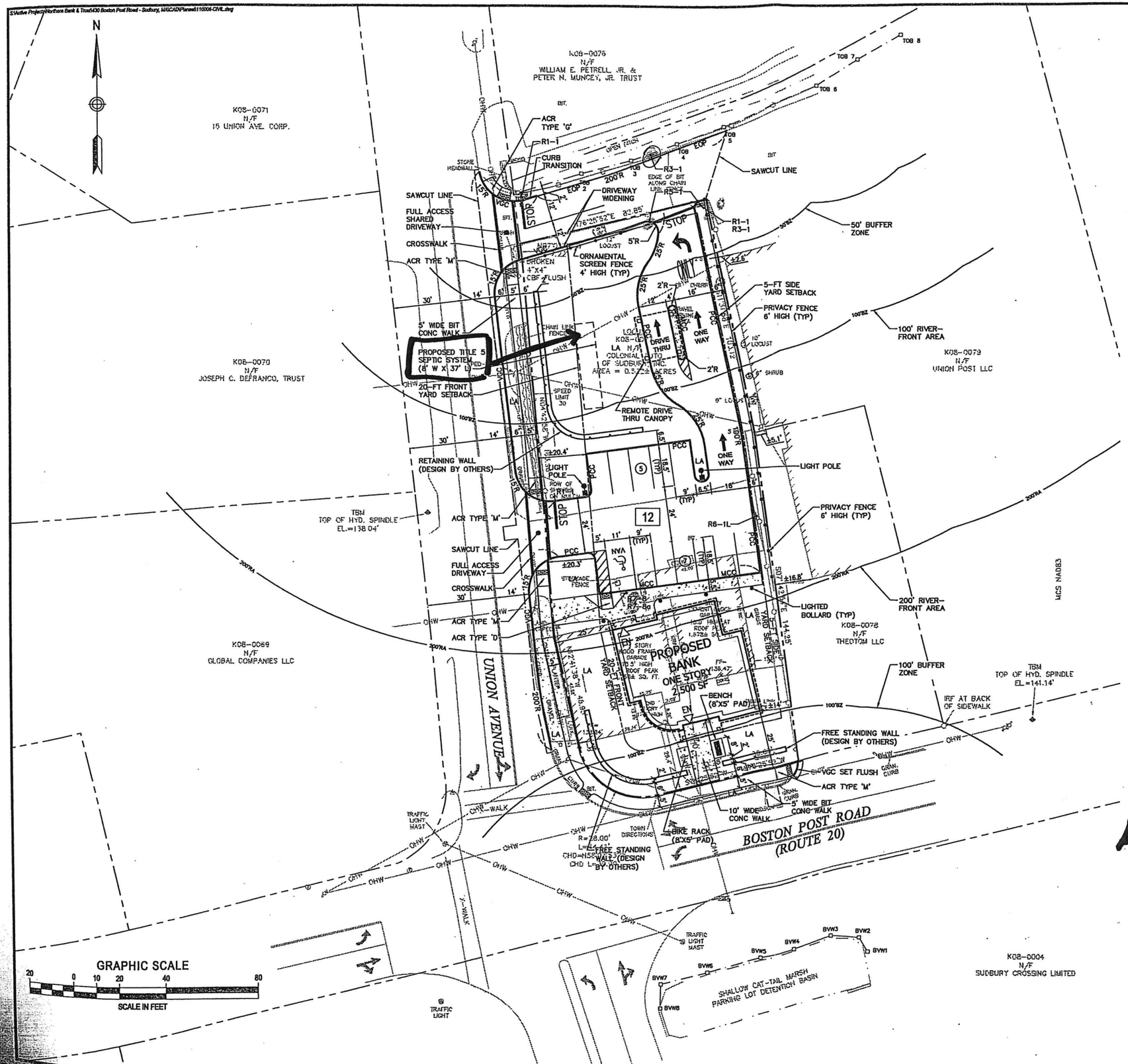
On this 22nd day of January, 2013, before me, the undersigned notary public, personally appeared the above-named Lawrence W. O'Brien, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
Jody A. Kablack
Commonwealth of Massachusetts
My Commission Expires on Jan. 6, 2017

Jody Kablack, Notary Public

My commission expires: January 6, 2017

cc: Town Clerk
Board of Health
DPW Director
Building Inspector
Planning and Community Development Department
Town Counsel
Fire Chief
Police Chief
Conservation Commission
Sudbury Water District
Applicant
Shaun W. Briere, Attorney



Zoning Summary Chart

Zoning District Information			
ZONING DISTRICT:	BUSINESS DISTRICT - BD		
OVERLAY DISTRICT:	WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD)		
Zoning Requirements	**Required**	**Existing**	**Provided**
LOT AREA (MIN):	NONE	0.522 AC	0.522 AC
FRONTAGE (MIN)	50 FT	91.7 FT [1] 248.8 FT [2]	91.7 FT [1] 248.8 FT [2]
YARD SETBACKS:			
FRONT YARD (MIN):	20 FT (SEE NOTE 3)	±29.4 FT [1] ±0.2 FT [2]	±25.0 FT [1] ±25.0 FT [2]
SIDE YARD (MIN):	5 FT	±13.5 FT	±14.0 FT
REAR YARD (MIN):	NONE	N/A	N/A
BUILDING HEIGHT (MAX):	35 FT 2.5 STORIES	18.0 FT 2 STORIES	<35 FT 1 STORY
BUILDING COVERAGE (MAX):	60 %	±17 %	±14 %
OPEN SPACE (MIN):	30 %	±3 %	±40 %
PARKING SETBACK (MIN):	10 FT	0 FT	±6 FT [4]
LANDSCAPING REQUIREMENT FOR PARKING AREAS:	15 % (SEE NOTE 5)	0 %	±17 %
BUFFER REQUIREMENTS:			
RIGHT OF WAY (MIN):	20 FT	0 FT	±20.3 FT [2]
RESIDENTIAL (MIN):	20 FT	N/A	N/A

1. BOSTON POST ROAD
2. UNION AVENUE
3. SET BACK A MAXIMUM OF 40 FEET.
4. REQUIRES A SPECIAL PERMIT FOR REDUCTION IN DEPTH OF BUFFER STRIP FROM THE BOARD OF SELECTMEN, PER SECTION 3544 OF THE TOWN OF SUDBURY ZONING BYLAW.
5. PER SECTION 3541 OF THE TOWN OF SUDBURY ZONING BYLAW, PARKING AREAS WITH MORE THAN 10 SPACES SHALL CONTAIN 150 SQUARE FEET OF PLANTED AREA FOR EVERY 1,000 SQUARE FEET OF PARKING PROPOSED, INCLUDING AISLES, APPROPRIATELY SITUATED WITH THE PARKING AREA.

Parking Summary Chart

Description		Required	Provided
STANDARD SPACES (SIZE: 9' W X 18.5' L):		-	11
ACCESSIBLE SPACES (INCLUDING VAN):		1	1
TOTAL SPACES:		14	12 [1]
Parking Requirements			
BANK:	2,500 SF x 1 SPACE / 180 SF =		14 SPACES
ACCESSIBLE (ADA):	FOR 1 TO 25 TOTAL SPACES =		1 SPACE

1. REQUIRES A SPECIAL PERMIT FOR REDUCTION IN PARKING FROM THE BOARD OF SELECTMEN, PER SECTION 3113 OF THE TOWN OF SUDBURY ZONING BYLAW.

Sign Chart

Sign	M.U.T.C.D. Code	Height	Width
STOP	R1-1	30"	30"
NO RIGHT TURN	R3-1	24"	24"
DO NOT ENTER	R5-1	30"	30"
ONE WAY	R6-1L	12"	36"
RESERVED PARKING	R7-8	18"	12"
VAN ACCESSIBLE	R7-8a	6"	12"

Approved Site Plan

Jan. 2013

EBI Consulting
environmental | engineering | due diligence
21 B Street | Burlington, MA 01803
Tel: 781.273.2500 | Fax: 781.273.3311
www.ebiconsulting.com

COMMONWEALTH OF MASSACHUSETTS
BRIAN F. FAIRBANKS
NO. 46125
REGISTERED PROFESSIONAL ENGINEER
12/31/12

PREPARED FOR:
Northern Bank & Trust Company
James Mawn
275 Mishawum Road
Woburn, MA 01801
Tel: (781) 937-5400
Fax: (781) 937-5416

SUBMITTALS

NO.	DATE	DESCRIPTION	BY
1	11/28/2012	Town Comments	JMH
2	12/31/2012	Town Comments	JMH

DATE: August 15, 2012
PROJECT NUMBER: 16110006

PROJECT TITLE:
Proposed Redevelopment

430 Boston Post Road
Sudbury, Massachusetts
Middlesex County

ISSUED FOR:
Site Plan Approval
(Not Approved for Construction)

SHEET TITLE:
Layout & Materials Plan

SCALE: 1" = 20'
DESIGNED BY: BKF
CHECKED BY: JMH
SHEET NO: C-3
3 OF 7

RECEIVED
AUG 05 2013

Form SP-4 Site Plan Applic. No._____

REQUEST FOR MODIFICATION

Date: July 26, 2013

To: The Board of Selectmen, Town of Sudbury, Massachusetts 01776

From: Northern Bank & Trust Company, 275 Mishawum Rd, Woburn, MA 01801
Name and address of applicant

Re: 430 Boston Post Road, Sudbury, MA
D/b/a and location of property

In accordance with Section 8 of the Board of Selectmen's Site Plan Rules and Regulations, the Applicant requests approval of modifications to the site plan approved January 22, 2013 (date), as listed and explained below.

See Attached.

Please attach further pages as required.
Please attach plan revisions.

Signature of Applicant Shaun W. Briere, Esq.
attorney-in-fact for Northern Bank & Trust Company
Tel. No. 781-933-6650

Form SP-5 Site Plan Applic. No._____

ATTACHMENT

REQUEST FOR MODIFICATION

NORTHERN BANK & TRUST COMPANY

RE: 430 BOSTON POST ROAD

The Applicant, Northern Bank & Trust Company, respectfully requests the Board of Selectmen approve a modification of the Site Plan Decision issued January 23, 2012 for the above referenced property.

The modification is requested as a result of geotechnical testing conducted at the project site in February of 2012 for the location of the subsurface septic system as shown on the approved site plan. A copy of the Geotechnical Engineering Report from Northeast Geotechnical, Inc. dated February 13, 2013 is included in this submission packet for your reference. Installation of the septic system in the rear of the project site as shown on the approved plans is impossible based on the soil conditions existing in that area of the site.

Further geotechnical testing was done completed in June of 2013 to determine what areas of the site maintain soil conditions that support the installation of the septic system. A copy of the Geotechnical Engineering Report from Northeast Geotechnical, Inc. dated June 21, 2013 is included in this submission packet for your reference. As a result of this most recent testing, it was determined that the soil conditions on the site support installation of the septic system only in the southeastern corner of the site. Thus, the site plan has been modified accordingly to accommodate the installation of the septic system in that southeast corner.

The modification to accommodate the location of the septic system also necessitated moving the location of the building to the southwesterly portion of the site. The applicant has applied for the required variances from the Board of Appeals for the encroachment into the front setback and the landscape buffer along Union Avenue.

RECEIVED
AUG 05 2013.

TOWN OF SUDBURY

278 Old Sudbury Road
Sudbury, MA 01776

PUBLIC WAY ACCESS PERMIT APPLICATION

Date: 7-30-2013

To: Planning Board (for Residential use) OR
Board of Selectmen (for Commercial use)

In accordance with Town of Sudbury Bylaws Article XXVI, application for a Public Way Access Permit is made as follows:

NAME OF APPLICANT: Northern Bank & Trust Company

PHONE #: 781-937-5400 **Email:** sbriere@mawn-mawn.com

ADDRESS OF APPLICANT: 275 Mishawum Road, Woburn, MA 01801

NAME OF BUSINESS, IF APPLICABLE: Northern Bank & Trust Company

STREET OR LOT# OF PROPOSED ACCESS: 430 Boston Post Road

TOWN PROPERTY MAP #: K08-0077

NAME OF PROPERTY OWNER: Colonial Auto of Sudbury, Inc.

ADDRESS OF PROPERTY OWNER: 430 Boston Post Road, Sudbury, MA

PLAN OF ACCESS-TITLE AND DATE (attach):

See Plan Set submitted with Application for Modification of Site Plan Approval.

Notes: Evidence of compliance with the Mass, Environmental Policy Act by the Executive Office of Environmental Affairs of the Commonwealth may be required.

S:\Active Projects\Northern Bank & Trust\430 Boston Post Road - Sudbury, MA\CAD\Base-Files\110006-Aerial.dwg

EBI Consulting
environmental | engineering | due diligence
21 B Street | Burlington, MA 01803
Tel: 781.273.2500 | Fax: 781.273.3311

Title: Figure 2
Aerial Site Map

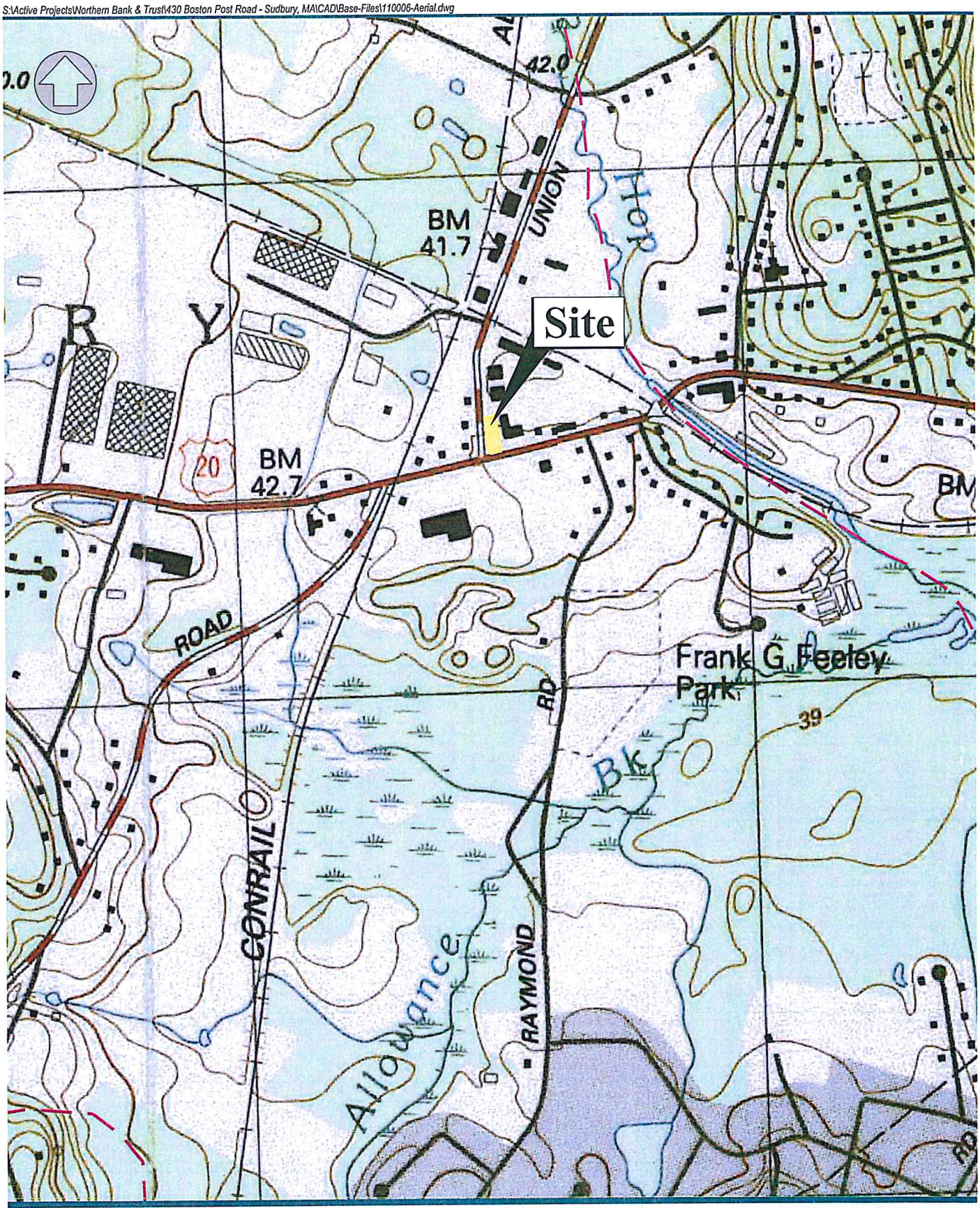
Date: July 2013

Project: Proposed Redevelopment
430 Boston Post Road
Sudbury, Massachusetts

Job No: 16110006

0 50 100 Feet

S:\Active Projects\Northern Bank & Trust\430 Boston Post Road - Sudbury, MA\CAD\Base-Files\110006-Aerial.dwg



EBI Consulting
environmental | engineering | due diligence
21 B Street | Burlington, MA 01803
Tel: 781.273.2500 | Fax: 781.273.3311

RECEIVED
AUG 05 2013

Title: Figure 1
USGS Locus Map

Project: Proposed Redevelopment

430 Boston Post Road
Sudbury, Massachusetts

Date: July 2013

Job No: 16110006

0 400 800 Feet

AGENDA REQUEST - Item #5

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *September 4, 2013*

Requestor: *Maryanne Bilodeau, Asst. Town Manager/HR Director*

Action requested: *Interview applicants Bob Desaulniers and Jamie Gossels, and question of appointing these two applicants plus Jeff Barker to the Capital Improvement Advisory Committee, and determine which shall have terms ending May 31, 2015 (2 appointments) and which shall end May 31, 2016 (1 appointment).*

Financial impact expected: *None*

Background information: *See attached memo and applications*

Recommendations/Suggested Motion/Vote: *Vote to approve the appointments of Bob Desaulniers, 238 Horse Pond Road, and Jamie Gossels, 11 Spiller Circle, plus Jeff Barker, 32 Moore Road, to the Capital Improvement Advisory Committee, for terms to expire either May 31, 2015, or May 31, 2016.*

Person(s) expected to represent Requestor at Selectmen's Meeting: *applicants*

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 17, 2013*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Town Counsel approval needed? **Yes ( )** **No (X)**

TOWN OF SUDBURY
Office of the Asst. Town Manager/HR Director

Maryanne Bilodeau
Asst. Town Manager/HR Director

278 Old Sudbury Road
Sudbury, Massachusetts 01776
Tel: (978) 639-3386
Email: bilodeaum@sudbury.ma.us

To: Maureen Valente
From: Maryanne Bilodeau MB
Re: CIAC Appointments
Date: September 4, 2013

Attached are applications for three citizens who are interested in serving on the CIAC (Capital Improvement Advisory Committee):

Jeff Barker
Bob Desaulniers
Jamie Gossels

Each candidate has received a copy of the new by-law and the anticipated responsibilities of the committee which are also attached to this memo. Since they are new to serving on a municipal committee, I met with Jeff and Bob in regards to their interest in becoming members. They both showed a sincere commitment to serving on the CIAC and have a clear understanding of what it means to be a member of a committee and how committees work as a group. Since Jamie has served on prior committees and you, along with the Board of Selectmen, are familiar with her I did not think it was necessary for me to meet with her.

I feel that each candidate would be nice addition to the CIAC. Please see the attached applications for their background information. You will note that Jeff Barker had noted on his application that he was mainly available weekends; however he understands that meetings are held during the week. He is going to speak with Eric Greece, Chairman, about Eric's past experience and commitment to the committee so as to make sure he (Jeff) can fulfill his obligations should he be appointed. Jeff will let me know by Tuesday, September 10th, if he wishes to proceed forward in the process.

At a legal meeting of the qualified voters of the Town of Sudbury,

held May 7, 2013 the following business was transacted under

Article 22 – AMEND TOWN OF SUDBURY BYLAWS, ARTICLE XXV, CAPITAL PLANNING

VOTED:

To amend the Town of Sudbury Bylaws, Article XXV, Capital Planning by deleting Article XXV in its entirety and substituting therefor the following:

Section 1. There shall be a committee known as the Capital Improvement Advisory Committee, (CIAC) composed of seven members: six members appointed by the Selectmen and one member appointed by the Finance Committee. The CIAC shall choose its officers annually. The term of office shall be three years not more than three of which shall expire within the same year. Members of standing boards and committees, as well as Town or school employees, shall be precluded from membership on the CIAC. CIAC members may serve on ad hoc committees created by the Board of Selectmen.

Section 2. The CIAC shall study proposals from the Sudbury Town Manager, Sudbury Public Schools and the Lincoln Sudbury Regional High School or their representatives which involve major tangible items with a total project cost of more than $50,000 in a single year or over $100,000 in multiple years and which would likely require an article at Town Meeting for the project's authorization. The CIAC shall make a report with recommendations to the Finance Committee and the Board of Selectmen on these proposals.

Section 3. The Sudbury Town Manager shall develop an operating budget for proposed capital expenditures for the upcoming fiscal year containing those items whose costs do not meet this threshold and are to be included in the annual budget and financing plan submitted to Town Meeting. The Town Manager shall work with representatives of the Sudbury Public Schools and the Lincoln-Sudbury Regional High School in developing this budget. This capital expenditures budget shall be submitted to the Sudbury Finance Committee at the same time as the budgets of other Sudbury cost centers.

A true copy, Attest:

Rosemary B. Harvell

Rosemary B. Harvell
Town Clerk

Anticipated Responsibilities of the CIAC members – August 21, 2013

This is a rough overview of the anticipated responsibilities of the CIAC. Since this will be the first year of the committee we will need to iron out details as they come up.

1. Number and terms of committee positions. The Town is looking for three individuals for this committee, as follows: two positions- 2 year terms (expiring 2014) and one position- 3 year term (expiring 2015).

2. Number of meetings. In FY13, the committee met 6 times – in October, November, December, January, March, and April. Anticipate it will be about the same in FY14.

3. Number of projects reviewed. We anticipate that the Committee will review anywhere from 5 to 20 proposals each year for tangible items that exceed the thresholds set by the bylaw.

3. Work required: Town, SPS and L-S staff will submit proposals for projects and make presentations and answer questions on the projects at the meetings. For efficiency, some projects may be presented to the CIAC, FinCom, BOS and CPC at one time. Committee members may also have separate meetings with project owners if they are liaison to that project. Committee members will consider the capital financing allocations available to them (this guidance is being developed by a separate committee) and then make recommendations on supporting projects and recommended funding schedules for funding in future years.

5. Committee members must choose a Chairman and a Clerk of the committee. The Chairman will work with staff to schedule meetings and prepare an agenda for meetings and to write the report summarizing the recommendations of the Committee. The Clerk will be responsible for insuring that minutes are taken of each meeting and sent to the Town for posting to the Committee's home page. The actual taking of minutes can be rotated among committee members. One Town staff member will attend each meeting of the committee to provide information and linkage to the other Town, SPS and L-S officials.

5. Committee members will annually issue a report of their recommendations to the Town Manager, Finance Committee and Board of Selectmen as part of the overall annual budget preparation activities and schedule.

6. Committee members will attend occasional meetings with the Finance Committee or the Board of Selectmen.

7. Committee members will verbally report the Committee's position each year at the Annual Town Meeting or any special town meeting where separate CIAC articles are being deliberated.

8. Note on role played by Town Manager in capital budgeting. Each year there are requests from the Town departments, SPS, and L-S for projects that are below the threshold for consideration by the CIAC ($50,000 in a single year or over $100,000 in multiple years). The Town Manager will convene a working committee comprised of staff from these three cost centers and they will evaluate and prioritize the budget requests that fall below the CIAC thresholds. The Town Manager will share the results of that process with the CIAC, Finance Committee and Board of Selectmen. Note on projects involving Town or SPS facilities. The Town's Permanent Building Committee, working with the Shared Facilities Director, prepares funding articles for capital projects that involve the buildings of the Town and SPS. They will be scheduled with the CIAC for review before January 31 each year. The Facilities Director will be in regular communication with the CIAC on facilities projects that are on his 5 year horizon so that the CIAC can be reviewing this information in conjunction with other capital projects that are listed in the Town's Strategic Financial Planning Report.

9. Note on projects involving L-S Facility. The L-S school committee will prepare funding articles for any project involving the buildings of L-S Regional High School. They will schedule time, working with the Town's ex-officio staff member, to meet with the CIAC to review these projects before January 31 of each year. The L-S Director of Finance will be in regular communication with the CIAC, working through the Town's ex-officio staff member, on facilities projects that are on his 5 year horizon so that the CIAC can be reviewing this information in conjunction with other capital projects that are listed in the Town's Strategic Financial Planning Report.

Members

News | Documents | Meetings

Current Members

Name	Position	Address	Term	End Date
Maryanne Bilodeau	Ex-Officio	278 Old Sudbury Road	Indefinite	
Andrea Terkelsen	Ex-Officio	Flynn Building	Indefinite	
Pascal Cleve	Member	3 Camperdown Ln	3	05/31/2014
Eric Greece	Member	12 Drum Ln	3	04/30/2014
Larry J. Rowe	Member	10 Spiller Circle	3	05/31/2014
Thomas S. Travers	Member	32 Old Framingham Rd	3	05/31/2016

Capital Improvement Planning Committee

The Capital Improvement Planning Committee studies proposed capital projects and improvements involving major tangible assets and projects which have a useful life of at least five years and have a single year cost of $10,000 or a multi-year cost of $100,000 or more.

All offices, boards and committees, including the Selectmen and Sudbury Public School Committee, shall by October 1 of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action for the next six years. The Committee considers the relative need, impact, timing, and cost of these expenditures and the effect each will have of the financial position of the Town.

The Committee then prepares an annual report recommending a Capital Improvement Program for the following five years. The report is submitted to the Finance Committee for its consideration.

Contact

Email: cipc@sudbury.ma.us

TOWN OF SUDBURY
APPLICATION FOR APPOINTMENT TO

(Board or Committee Name)_____

BOARD OF SELECTMEN
278 OLD SUDBURY ROAD
SUDBURY, MA 01776

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

Name: Jeff Barker

Brief resume of background and experience:

Capital equipment sales and implementation management with utilities ranging from $50,000 to $35M. CCT Boston project consultant, MBA, Sudbury resident.

Address: 32 Moore Road

Home phone: 978 443 4119
Work phone: 978 443 4199

Years lived in Sudbury: 13

E-Mail Address: jdbarker1@verizon.net

Municipal experience (If applicable):

Educational background:

BA, MBA

Employment and/or other pertinent experience:

Teradyne, Spirent Communications, Various Consulting Assignments (volunteer)

Reason for your interest in serving:

I can answer that after learning more about the role.

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

Weekends, mainly

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

No

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

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

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

Signature _____ Date 12 Aug 2013

TOWN OF SUDBURY
APPLICATION FOR APPOINTMENT TO

(Board or Committee Name) Capital Improvement Advisory Committee

BOARD OF SELECTMEN
278 OLD SUDBURY ROAD
SUDBURY, MA 01776

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

Name: Bob Desaulniers

Brief resume of background and experience:

Three years of Facilities Management experience with UGL Unicco, DTZ and now UG2. Managed facilities services and supported my managers in executing capital renewals projects. The majority of my work has been in secondary and higher education as well as in corporate settings.

Address: 238 Horse Pond Rd.

Home phone: 617.913.8877
Work phone:

Years lived in Sudbury: 3 Months

E-Mail Address: bdesaulniers@ug-2.com

Municipal experience (If applicable):

N/A

Educational background:

Bowdoin College '04 (BA- English, Economics), Weston High School '00

Employment and/or other pertinent experience:

Business Development and Operations Manager (UG2- Boston, MA) April, 2013- Present
Regional Operations Manager (UGL Unicco/DTZ- Boston, MA) January, 2010- March, 2013

Reason for your interest in serving:

Community involvement is important to me and my family. Although we moved to Sudbury in May, we plan to have our roots here for many years to come. We have our first child due in November and I would like a stake in shaping the community for our future.

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

Weekdays after 7:30 pm

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

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

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

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

Signature _____ Date 8/13/13

TOWN OF SUDBURY
APPLICATION FOR APPOINTMENT TO

(Board or Committee Name) Capital Improvement Advisory Committee

BOARD OF SELECTMEN
278 OLD SUDBURY ROAD
SUDBURY, MA 01776

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

Name: Jamie Gossels

Brief resume of background and experience:
Biologist (postdoctoral fellow, research scientist): 1988-1994
Several volunteer positions (Sudbury, FinCom, SERF, Congregation Or Atid referenced below): 1994-present
Business manager, SystemExperts Corp. (part time): 1996-present

Address: 11 Spiller Circle

Home phone: 978 443 0562
Work phone: N/A

Years lived in Sudbury: 27

E-Mail Address: jamie@systemexperts.com

Municipal experience (If applicable):
6 years Sudbury Finance Committee (2007-2013)
(also former board member and president SERF [Sudbury Education Resource Fund]

↑ (also former board member + president SERF (Sudbury Education Resource Fund).

Educational background:
B.S, Yale University
Ph.D., Massachusetts Institute of Technology (Biology)

Employment and/or other pertinent experience:
FinCom experience most relevant
Also past president, board member Congregation Or Atid, Wayland-As president, oversaw $5 million building project
Business Manager, SystemExperts Corp.-responsible for financial operations of computer network security consulting company

Reason for your interest in serving:
I would like to serve Sudbury in a meaningful way. As a FinCom member, I saw first-hand how critical a capital plan is to the Town.

Times when you would be available (days, evenings, weekends):
flexible availability, all of above times

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

No business dealings. Husband (Jonathan Gossels) is a member of the ZBA. Brother (Larry Rowe) is a member of the CIAC.

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

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

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

Signature Jamie Gossels Date 8/28/13

AGENDA REQUEST- ITEM #6

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *September 2013*

Requestor: *Maureen Valente*

Action requested (Who, what, when, where and why):
Town Forum with Department Heads: DPW Director Bill Place; Fire Chief Bill Miles; Police Chief Scott Nix – general reports on departmental activities

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary):

See attached

Recommendations/Suggested Motion/Vote: *Updates only – N/A*

Person(s) expected to represent Requestor at Selectmen's Meeting:

DPW Director Bill Place, Fire Chief Bill Miles, Police Chief Scott Nix

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 17, 2013*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? **Yes ( )** **No (X)**

Town of Sudbury
Town Manager's Office

278 Old Sudbury Road
Sudbury MA 01776
978-639-3385
Maureen G. Valente, Town Manager
Townmanager@sudbury.ma.us
http://www.sudbury.ma.us

Date: September 12, 2013
To: Board of Selectmen
From: Maureen G. Valente, Town Manager
Subject: Decisions on NSTAR plantings for road crossings
CC: Bill Place, DPW Director

SUMMARY

As you know, I have been trying to achieve agreement from NSTAR to be completely responsible for the successful growing of screening trees and vegetation on the road crossings at Stock Farm Road and Pelham Island Road. Despite repeated emails and calls to NSTAR and outreach to DPU and Representative Tom Conroy, we are at the point where I feel the Board needs to make a decision for this planting season. There are several alternatives that I will present to you.

BACKGROUND

I will not go into a lengthy recounting of the background of this issue in this memo as I feel you are all pretty up to speed on that. I have attached some pertinent background documents from 1969 and 1970 as the basis for Sudbury's position on this matter.

In 2005 NSTAR cut into the roadside screening plants they had installed in the 1970 period. Previously they had "topped" these trees from time to time, but in 2005 they clear cut them. When Sudbury residents and staff pointed out this was in violation of their 1969/70 commitment, it became clear they were ignorant of the commitment made to Sudbury. After discussion NSTAR recognized their commitment, and installed planting to replace what they had cut down. However, they did not water the plants, or check on their health. Overtime, the plants were choked out with invasive species and/or did not survive due to lack of watering or maintenance of the plants.

In 2012, NSTAR once again began to clear cut this area, indicating that what they previously planted and what is there now does not conform to their new rules for plantings under transmission lines. They cut the NORTH side of Stock Farm Road, but ceased their actions before they cut the SOUTH side of Stock Farm Road or either side of Pelham Island Road due to our objections and informing they must stop. As a result, NSTAR provided the Town with a planting plan that you need to approve before they will implement the plan.

CURRENT STATUS

The current dispute between the Board and NSTAR has to do with *how much* NSTAR will do to insure that the planting they propose will survive and thrive. NSTAR maintains the Town has the responsibility to water plants and take care of them. I agree we did have this responsibility the first time the plantings were put in, but we performed our function in 1969/70 and those plants thrived and grew and were successful up to 2005 when NSTAR cut them down with no notice to the Town. I feel that NSTAR has an obligation to make restitution for that action and that restitution includes carrying out the watering and maintenance needed to help the plants grow successfully and the Board has agreed with that position. However, NSTAR declines to recognize that responsibility, instead indicating the plants have a one year warranty and they will re-plant when and if necessary.

OPTIONS

While you may have other ideas, please recognize that the time to plant in 2013 is now, in the fall. If we don't reach agreement with NSTAR at this time, we will likely lose a year and continue with the status quo situation. With passage of time, personnel may change and NSTAR might walk away from this commitment altogether.

Option 1: Accept the planting plan with some limitations as follows:

1. Instruct NSTAR to go ahead with the planting plan for the NORTH side of Stock Farm Road, where NSTAR clear cut last year.
2. Instruct NSTAR to leave the existing screening plants on the South side of Stock Farm Road, because NSTAR did not yet clear cut this area, and the existing plants do provide some screening likely better than the proposed planting scheme would do. .
3. Instruct NSTAR to leave the existing screening on Pelham Island Road, because the existing screening plants provide some screening, likely better than the proposed planting scheme would do.

I have discussed this option with Stan Kaplan, the resident who has been most committed to getting the road crossing screening re-established. While he is very disappointed that there appears no way to get NSTAR to make full restitution to the Town, he agrees that it is important to get the re-planting of the north side of Stock Farm Road completed, and to keep NSTAR from doing further clearing on the other road crossing areas. On the other hand, Bill Place and Scott Taylor, Sudbury Tree Warden, don't agree with this plan as they observe the bottoms of the remaining trees are dead and bittersweet and other invasives have choked out what was originally planted.

Option 2: Advise NSTAR of alternate planting preferred by DPW Director Bill Place.

Bill can explain more to you when he meets with you Tuesday night. He feels NSTAR should plant a line of eastern red cedars along the crossings. He feels this type of tree would work well

in the soil conditions. He says although they may grow to somewhat higher than NSTAR wants, they will grow very full, providing good screening, and he feels the DPW could do the topping of the trees as necessary. He conferred with Paul Cavicchio, and together they feel NSTAR should be required to completely clear the area, first pulling out old stumps, then plant these trees, and they will have reduced challenges to keeping these trees alive.

Option 3: Continue to press NSTAR to take care of the plants they suggest

As noted earlier, I don't feel we have any expectations of success by maintaining this position. I have spoken to NSTAR a number of times, and Paul Kenny has spoken to the counsel on this matter. He has called DPU and found that they maintain they don't have standing to help with this issue. He called Representative Conroy who said he would make some calls. We have not heard back from Rep. Conroy as of the writing of this memo.

NSTAR ELECTRIC GAS

800 Boylston Street Boston, Massachusetts 02199

Jeffrey N. Stevens
Senior Counsel

Tel: 617-424-2141
Fax: 617-424-2733
E-mail: Jeffrey.Stevens@nstar.com

August 20, 2013

Paul L. Kenny, Esq.
Town of Sudbury
Office of the Town Counsel
278 Old Sudbury Road
Sudbury, MA 01776

Dear Attorney Kenny:

Your letter of July 18, 2013, addressed to Vera L. Admore-Sakyi, regarding issues associated with NSTAR Electric Company's (NSTAR) Right of Way (ROW) located in the vicinity of Stock Farm Road has been forwarded to my office for response.

NSTAR takes great offense to the inaccuracies and unsupported statements contained in your letter regarding the facts associated with roadside screenings, terms of any agreement or understandings between the Town and NSTAR associated with that screening, and the response by NSTAR to the Town of Sudbury.

So that there is no misunderstanding, NSTAR and its representatives have made great efforts to work with the Town on this matter. NSTAR has committed to the Town to have a road screening in this area. NSTAR has provided the Town with a replanting plan for this area which will provide an appropriate road screening. NSTAR has tried to work cooperatively with the Town. The Town's insistence on additional payments, additional guarantees, and other conditions does not appear to be a reciprocal effort to work cooperatively with NSTAR.

Your July 18, 2013 letter makes a number of representations regarding an agreement between NSTAR and the Town and the substance and terms of that agreement. I am enclosing a copy of a document that was provided to NSTAR several years ago by the Town regarding the road screening issue. This document is dated March 9, 1971 and details what was agreed to by NSTAR and the Town regarding plantings. Unless there is additional documentation maintained by the Town regarding this issue (which I would ask that you forward to me promptly if such documentation exists), I do not see any reference to additional maintenance obligations or approval from the Town regarding cutting or replanting requirements.

The March 9, 1971 document that is attached provided for the planting of red pines at the Pelham Island Road and Stockfarm Road crossings (there is no reference to Victoria Road). While these types of trees may have been appropriate and acceptable under the transmission lines 40+ years ago, such is not the case today due to reliability and safety needs. As we have explained numerous times, compatible tree growth under and adjacent to the power lines is determined based on location in our wire and border zone areas. Our Company standard (and industry best practice) is zero to three feet mature growth under the wire zone and no greater than 15 feet mature growth in the border zone. Given our past history and the extreme sensitivity in this neighborhood NSTAR is allowing 6 foot mature growth trees in the wire zone for these road screenings.

Contrary to your assertions, NSTAR is not ignoring its commitments to the Town of Sudbury for road screening in this area. NSTAR's letter of June 17, 2013 provides NSTAR's plan and commitment for replanting. I have enclosed a copy of NSTAR's June 17, 2013 letter for your convenience, but I will summarize NSTAR's commitment as stated in the letter in more detail:

1. Town officials and residents reviewed plans previously developed by Weston Nurseries and provided to the Town in 2012;
2. The plan developed for the Stock Farm and Pelham Island Road area provides for compatible plantings within the ROW easement; therefore, the plantings will be able to grow into their full form and function;
3. NSTAR will not need to prune or remove any of the plantings in the future as they will not interfere with the conductors or access to the ROW in the current transmission line configuration;
4. The proposed plan will provide an appropriate road screening for this area;
5. NSTAR is willing to work with the Town to amend or revise the plan if there are other appropriate and compatible tree species that the Town would prefer to be planted;
6. We have a one-year guarantee on the success rate for all of the plantings from Weston Nurseries;
7. Within that time period, NSTAR will revisit the area to make sure that the plantings are healthy and thriving. If any individual plants require replacement in order to maintain the integrity of the road screening, NSTAR will undertake the necessary re-plantings. If, after that time period there are still individual trees that require further attention, we will work with the Town to address those needs.

It is unfortunate that the Town does not feel that NSTAR has been responsive in this matter, but as the above makes abundantly clear, NSTAR has tried to work cooperatively with the Town. NSTAR stands ready and willing to complete this replanting work in the

Fall, which is the favorable part of the season for new plantings. As such, we plan to remove the remaining incompatible trees and complete the re-plantings in September.

Please do not hesitate to contact me directly if you have any questions or would like to discuss this matter further.

Sincerely,

Jeffrey N. Stevens, Esq.

Enclosures

cc: Vera Admore-Sakyi,

MEETING: March 9, 1971 3:30 P.M. Selectmen's Office, Town Hall

Present: Town of Sudbury -- John E. Taft, Selectman
Floyd L. Stiles, Jr., Executive Secretary
George McQueen, Highway Commissioner
Weldon A. Thomas, Highway Supt.
Frederick Price, Tree Warden.

Boston Edison Co.--Frederick Roth, Dist. Mgr. Public Relations
Robert Little, Arborist

Subject: Boston Edison program of tree planting to screen high tension line right of way at street crossings.

1. Pelham Island Road

a) Boston Edison will plant two (2) rows of red pine, approximately 15' on center, back row approximately 10' behind front row across their right of way, paralleling street. The front row will be approximately 25' back from edge of travelled way. Approximately 33 (16/17) trees each side (total 66).

b) On south side of Pelham Island Road, Boston Edison will plant single row of red pine on each side of their right of way and perpendicular to street, a distance of approximately 100'. Approximately 8 trees, each side 12' on center.

2. Stockfarm Road

a) On south side of street, Boston Edison will plant two (2) rows of red pine, approximately 15' on center back row approximately 10' behind front row across their right of way, paralleling street and approximately 25' back from edge of travelled way to front row (approximately 55 trees).

b) On north side of street, Boston Edison will plant same as 2(a) above, except trees will start westerly of right of way on Town owned land, commence easterly, parallel to Stockfarm Road and curving to meet present evergreens near driveway to home abutting eastern edge of right of way, north of Stockfarm Road.

3. Boston Edison will attempt, but not committed, to similar screening along westerly side of existing sub-station, north of Boston Post Road.

4. Trees planted on south side of streets are set back to prevent icing condition on travelled way due to shading from sun. It appears to be Boston Edison's practice to plant 25' back from street anyway, which satisfies this requirement.

5. The Highway Department of Sudbury will assist by watering trees, when needed, as determined by Tree Warden and based on his periodic inspection.

NSTAR ELECTRIC GAS
157 Cordaville Road Southborough, Massachusetts 01772

June 17, 2013

Ms. Maureen Valente, Town Manager
Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776-1843

Dear Ms. Valente:

I am responding to your recent inquiry to NSTAR Electric's JoAnne O'Leary about the plantings in the Stock Farm and Pelham Island Road area.

I understand Town officials and residents reviewed the plans previously developed by Weston Nurseries and that was provided to the Town in 2012. The plan was specifically designed to work within our wire and border zone areas. Our Company standard is zero to three feet mature growth under the wire zone and no greater than 15 feet mature growth in the border zone. Given our past history and the extreme sensitivity in this neighborhood NSTAR is allowing 6 foot mature growth trees in the wire zone for these road screenings.

The plan developed for the Stock Farm and Pelham Island Road area provides for compatible plantings within the ROW easement; therefore, the plantings will be able to grow into their full form and function. NSTAR will not need to prune or remove any of the plantings in the future as they will not interfere with the conductors or access to the ROW in the current transmission line configuration. The proposed plan will provide an appropriate road screening for this area. However, NSTAR is willing to work with the Town to amend or revise the plan if there are other appropriate and compatible tree species that the Town would prefer to be planted.

Finally, we have a one-year guarantee on the success rate for all of the plantings from Weston Nurseries. Within that time period, NSTAR will revisit the area to make sure that the plantings are healthy and thriving. If any individual plants require replacement in order to maintain the integrity of the road screening, NSTAR will undertake the necessary re-plantings. If, after that time period there are still individual trees that require further attention, we will work with the Town to address those needs.

We believe that the above information provides the Town with the requested commitments from NSTAR regarding the proposed plantings. We need to remove the remaining incompatible trees as soon as possible in order to protect the integrity and reliability of our conductors. The replanting would take place in the early Fall to best accommodate the health of the new trees.

Please let me know if you have any questions or require any additional information.

Sincerely,

Vera L. Admore-Sakyi
Director, Vegetation Management

cc: JoAnne O'Leary
Jeffrey N. Stevens, Esq.

and put our programs in place. Consider the following:

1. The Town needs more land for its present and future citizens - parks, playgrounds, historic sites, school grounds, and just plain open land to enjoy and preserve.
2. We need a plan for the Town Center which will preserve the historical buildings and the beauty of our Center, solve the traffic problem, and accommodate the Noyes School expansion.
3. The future form of our town government needs definition and careful consideration. How long should we keep the open Town Meeting, or should we go representative? Do we set up a Town Manager or a Superintendent of Public Works? Which officers are elected? Which appointed?
4. What do we do about municipal services - trash and garbage collection and disposal, sewerage, and water? When and how is the Water District merged into the Town?
5. What positive steps will the Town take to prevent water and air pollution?
6. How do we make our highways safer?
7. We also need to further expand our tax base and employment opportunities by attracting additional desirable industrial development to Sudbury.
8. In the next decade, we can expect the town population to increase as much as in the Sixties, so that by 1980 it will top 19,000, up nearly 50%. But the number of school children will probably increase less than 15%.

These challenges will call for the best from all of our Town boards and committees - and from our citizens. Dollar and cent issues like capital expenditures and operating expenses and tax rates are involved, and so are people concerns and questions of how we want to govern ourselves. The Selectmen plan to provide leadership and overall direction in addressing these issues of the Seventies.

Before closing this report, a few comments are in order on several specific items that were a particular concern of the Selectmen in 1969.

Boston Edison Cases - As a result of the favorable Supreme Judicial Court decision on sustaining the Selectmen's decision not to give street crossing permits, Boston Edison has announced that it has abandoned the planned Sudbury Valley Line. This overhead transmission line would have run through Sudbury, Wayland and Concord by way of the beautiful Sudbury River marshes.

The Supreme Judicial Court also ruled favorably on the 230,000-volt line from Medway to Sudbury, pointing out that Edison did indeed need new permits from the Selectmen to cross the public ways with this line. However, Edison's continued and obstinate refusal to go "underground", put the integrity of their power system in jeopardy. Under considerable pressure from the Department of Public Utilities, Edison and the four towns - Sherborn, Framingham, Wayland, and Sudbury - agreed to a compromise. A single line on wood poles will be installed rather than two lines on high steel towers. Edison also agreed to provide screening where this line and the existing 115,000-volt line cross the public ways.

Legal Counsel - In order to provide the "close in" legal service our town boards require, the Selectmen appointed Mr. David Turner as our Town Counsel. He is available at Town Hall every Thursday afternoon and evening and other times as they require.

Regional School Representation Case - The growth of Sudbury has been so much larger than Lincoln, that the 3-3 representation on the Regional High School Committee has been brought into question. When it became apparent that this issue of representation would be damaging to the school until it was settled, the Selectmen filed suit in Federal Court to secure equitable representation. We have also worked with the various committees involved to provide a solution between the towns. If and when the towns agree, the suit can be withdrawn.

Fire Headquarters - The site for a suitable Fire Department Headquarters was reexamined in 1969. The Gray land on Hudson Road was selected considering all aspects of traffic, central location, accessibility, neighborhood impact, and topography. Our architect, Mr. John Hughes, is now designing the site and building so that it will fit attractively into the neighborhood and the beautiful pine woods on the site. We trust the 1970 Town Meeting will agree and appropriate the necessary funds to purchase this land.

Sanitary Disposal - The Selectmen and their special Sludge Disposal Committee have been working closely with corresponding officials of Wayland on potential joint plans for Sand Hill. Both towns own abutting acreage off Route 20 in this area, and both towns plan to provide sanitary land fills and sludge disposal facilities. There are obvious economies in working together.

Massachusetts Selectmen's Association - The Sudbury Selectmen took a more active role at the 1969 convention of the Massachusetts Selectmen's Association. Articles were entered and debated on undergrounding power lines, cooperating with the Massachusetts League of Cities and Towns to achieve our mutual goals, and on preventing legislative actions after Town Meetings which have the effect of raising local taxes without local control.

In closing, we extend our heartfelt thanks to all of you who are helping Sudbury - as employees, as board and committee members, and as citizens. In particular, we thank Floyd Stiles, our Executive Secretary, for his good-natured and effective assistance to the many town departments and to ourselves.

John E. Taft, Chairman
Martin E. Doyle
Howard W. Emmons

1970 Sudbury Town Report

POWER AND LIGHT COMMITTEE

Sudbury citizens can take immense pride in the final results of a ten year long struggle to prevent Boston Edison from constructing a overhead transmission line through the Sudbury River Valley. This line has been totally and permanently abandoned, a line whose construction would have ruined the beauty of this lovely valley forever. Townspeople have maintained an interest in opposing this overhead construction, both financially and otherwise, since the line was originally proposed in 1960, and this committee is glad to report the success of these efforts.

Expressed several times over the past years has been the willingness of the town to assist the Edison Co. in putting this line underground through the streets of the town. We are delighted to report that this fall Edison announced plans to install two 115 KV transmission lines along our public ways. This line will run from the Sudbury sub-station to a new sub-station to be built in Maynard, some 6.7 miles. We urge town officials and boards to work closely and cooperatively with the utility company.

The Power and Light Committee's primary objective has been to prevent the construction of the overhead transmission lines on 90 foot wooden H-frames through the Sudbury River Valley and the Sudbury countryside, but a further concern has been with Edison's plan to construct another transmission line on its existing right of way from Medway to its sub-station in South Sudbury. Of great interest was the fact that in the end these two issues were resolved at the same time.

This Medway high tension line was to be carried on steel towers up to 160 feet high. The Selectmen and the Power and Light Committee recognized that this line was needed to take care of the growing demand for power throughout Edison's territory, but were strongly opposed to those steel towers rising far above the wooden H-frames carrying the existing transmission lines. The Committee and the Selectmen, with the cooperation of the Selectmen of Wayland, Framingham and Sherborn, advocated the undergrounding of the proposed line at hearings before the Department of Public Utilities and the Supreme Judicial Court of Massachusetts. However, it became evident that because of lack of technical research undergrounding such a long high voltage line is impractical at this time.

At this point efforts of the four towns had to be directed toward getting an agreement for an overhead line constructed in the least objectionable manner.

(3)

An agreement was reached between Edison and the four towns which provides, among other things, that Edison will construct a single circuit 230 KV line from the Framingham-Natick town line to the Sudbury sub-station erected on wooden H-frames similar to those presently located on the right of way (except on steel towers at the crossings of Landham Brook and the Sudbury River) which H-frames shall be kept at heights as low as reasonably possible. It was also agreed that the Company will cooperate with the tree wardens of the four towns in screening the lines at street crossings and will undertake a three year program of removal, relocation or other changes of some of the 13.8 KV lines presently located on the right of way which will lessen aesthetic objections to the use of part of the way. Most important to Sudbury residents, Edison agreed not to construct the transmission facilities known as the Sudbury Valley line. We don't have to be ugly!

It is expected that the future activities of the Power and Light Committee will include cooperation with other towns to obtain legislation to prevent the proliferation of overhead transmission lines particularly across conservation land, to obtain the undergrounding of existing distribution lines, particularly around the Common, and in general to see that future Edison construction in Sudbury shall be as unobjectionable as possible.

Dorothy Z. Russell, Chairman
Joseph A. Morely
Robert E. Stone, Jr.
Robert C. Wellman

BOSTON EDISON COMPANY
15 Blandin Avenue
Framingham, Massachusetts 01701

February 1, 1971

Mr. John E. Taft
Board of Selectmen
Town Hall
Sudbury, Massachusetts 01776

Dear John:

(5) Thank you for taking the time to send me the brochure entitled "Policy and Program for Improving Appearance of Overhead Transmission Lines" which was recently published by New England Electric System. We are familiar with the publication and in fact we are formalizing a booklet of our own.

As you assumed, John, it is our intention to screen the crossings this spring. It would be a pleasure to discuss the plantings with you and it is my intention to have Mr. Robert Little, our company arborist, with me at that time.

I will be in touch with you in the near future to arrange a time that will be mutually agreeable. Also, I would like to discuss with you what we have already been doing in this area along with our promotion of dual uses along our rights of way.

Sincerely yours,

Frederick A. Roth
District Manager

MEETING: March 9, 1971 3:30 P.M. Selectmen's Office, Town Hall

(6)

Present: Town of Sudbury -- John E. Taft, Selectman
Floyd L. Stiles, Jr., Executive Secretary
George McQueen, Highway Commissioner
Weldon A. Thomas, Highway Supt.
Frederick Price, Tree Warden

Boston Edison Co.--Frederick Roth, Dist. Mgr. Public Relatio
Robert Little, Arborist

Subject: Boston Edison program of tree planting to screen high tension line right of way at street crossings.

1. Pelham Island Road

a) Boston Edison will plant two (2) rows of red pine, approximately 15' on center, back row approximately 10' behind front row across their right of way, paralleling street. The front row will be approximately 25' back from edge of travelled way. Approximately 33 (16/17) trees each side (total 66).

b) On south side of Pelham Island Road, Boston Edison will plant single row of red pine on each side of their right of way and perpendicular to street, a distance of approximately 100'. Approximately 8 trees, each side 12' on center.

2. Stockfarm Road

a) On south side of street, Boston Edison will plant two (2) rows of red pine, approximately 15' on center back row approximately 10' behind front row across their right of way, paralleling street and approximately 25' back from edge of travelled way to front row (approximately 55 trees).

b) On north side of street, Boston Edison will plant same as 2(a) above, except trees will start westerly of right of way on Town owned land, commence easterly, parallel to Stockfarm Road and curving to meet present evergreens near driveway to home abutting eastern edge of right of way, north of Stockfarm Road.

3. Boston Edison will attempt, but not committed, to similar screening along westerly side of existing sub-station, north of Boston Post Road.

4. Trees planted on south side of streets are set back to prevent icing condition on travelled way due to shading from sun. It appears to be Boston Edison's practice to plant 25' back from street anyway, which satisfies this requirement.

5. The Highway Department of Sudbury will assist by watering trees, when needed, as determined by Tree Warden and based on his periodic inspection.

6b

Golden, Patricia

From: Miles, William
Sent: Friday, September 13, 2013 1:32 PM
To: Golden, Patricia
Subject: Fwd: Sudbury Fdn grant

Begin forwarded message:

From: Marilyn Martino <martino@sudburyfoundation.org>
Date: September 13, 2013, 8:12:47 AM EDT
To: Maureen Valente <ValenteM@sudbury.ma.us>
Cc: William Miles <MilesW@sudbury.ma.us>
Subject: Sudbury Fdn grant
Reply-To: <martino@sudburyfoundation.org>

Hi Maureen:

Many thanks for coming to our board meeting yesterday. It was extremely helpful -- and always interesting. (I just ordered the Good to Great monograph.)

I also wanted to let you know that the board approved your request for a $13,095 grant to buy a Lucas Chest Compression Machine. Congratulations. The board was quite impressed with the ALS program and pleased to be able to enhance it with this purchase.

All the best,

Marilyn

Marilyn Martino
Executive Director
The Sudbury Foundation
978.443.0849
Follow us on Twitter: @SudburyFdn

Investing in People, Place and Possibility


LUCAS

6c

Town of Sudbury
Town Manager's Office

278 Old Sudbury Road
Sudbury MA 01776
978-639-3385
Maureen G. Valente, Town Manager
Townmanager@sudbury.ma.us
http://www.sudbury.ma.us

Date: September 12, 2013
To: Board of Selectmen
From: Maureen G. Valente, Town Manager
Subject: Tasers Policy – Use by Sudbury Police Department

I have been working with the Sudbury Police Department, first with Chief Rick Glavin, and now continuing with the Chief Scott Nix, to develop an overall policy for use of Electronic Control Devices (ECD) by sworn personnel of the SPD. Both Chiefs have seen this as adding an important force option for SPD personnel to have available to them. The most common trade name of the EDC devices is "Taser" but there are other devices on the market.

To date, the department has acquired XX devices and has used them for evaluation and training, but has not deployed them as a regular piece of equipment for patrol officers to carry until the Chief receives approval by me to do so. And before I give this approval, the Chief and I want to have a discussion with you and answer questions you may have and hear your perspective on adding this pieces of equipment to that regularly carried by the men and women of the Sudbury Police Department.

On Tuesday September 17, 2013 Chief Nix will be meeting with you as part of the scheduled Town Forum meeting with public safety department heads, and we would like to have this discussion with you as part of this.

Attached is information from Chief Nix related to this subject.

Sudbury Police Department

415 Boston Post Road
Sudbury, MA 01776
Business (978) 443-1042
Fax (978) 443-1045

September 12, 2013

To: Town Manager Maureen Valente
From: Chief of Police Scott Nix
RE: Proposed New Use of Force Option – Electronic Control Weapons (ECW's)

Maureen:

Law enforcement has continually tried to find alternatives relative to use of force options intended to reduce injury to officers and civilians alike. Prior to the introduction of chemical munitions officers relied on their firearm, baton or hands on physical tactics. The evolution of chemical munitions has progressed into today's choice, pepper spray. The problem with pepper spray, baton, less lethal munitions and physical compliance techniques is they all rely on pain compliance that may have longer lasting effects. Often times, law enforcement deal with individuals who are impaired by alcohol, narcotics or suffer from mental illness that may reduce the desired effect in using currently available force options in that the subjects pain threshold is drastically increased. Electronic Control Weapons (ECW's), which were originally introduced in the 1970's, have evolved as well but, in addition to using pain compliance, it is considered an "electro-muscular disruptor. One of the most popular brands of ECW's is the Taser. They are designed to override the central nervous system for a limited period to allow officers to control the subject. The lasting effects resulting from use of other force options is drastically minimized or eliminated in most cases.

Sudbury officers are currently issued, in addition to their firearm, pepper spray and a baton. Although not used on a routine basis, these options have been employed a number of times during my tenure. Cross contamination of pepper spray and the potential for injury when deploying a baton are possibilities we are very aware of. Adding ECW's to the officers available "tools" is, in my opinion, an excellent addition in protecting the wellbeing of our officers and volatile subjects we sometimes encounter. Often, just the presence of a "Taser" prevents further escalation.

The Executive Office of Public Safety provides strict guidelines as to the training, policies regulating ECW's and the deployment. The use of, training and reporting requirements will be followed as provided in departmental policies relative to Authorized Weapons, Electrical Weapons, Use of Force and Use of Force Reporting. In short, each deployment would require a Use of Force report that must be reviewed by Command Staff.

I believe the model of choice for our department is a "Taser X2." This device has two cartridges versus one with other models. This provides a backup for a missed shot or multiple subjects. The device itself if $978.00 and the ancillary items are broken down as follows:

1. Holster $61.95
2. Battery Pack with 5 second shut off $61.95
3. 25' Cartridges (x2) $29.95 per cartridge
4. Training Cartridges (x2) $27.95 per cartridge

Sudbury Police Department

415 Boston Post Road
Sudbury, MA 01776
Business (978) 443-1042
Fax (978) 443-1045

According to the Taser representative each device has a five year life expectancy. We could choose not to purchase the additional warranty recommended by Taser and at the end of the expected life expectancy we could continue deploying the devices until they malfunction but I would not want to discover a malfunctioning device when needed the most. We would then be responsible for purchasing new devices at the end of the given life span. If extended coverage is desired, they have two separate plans in covering them for that five year period. The first year is free of charge under both scenarios. Plan A requires a onetime payment of $310/device which covers that device for the remainder of the five year period where the device would be repaired or replaced if problems arose. We would then be responsible for the purchase of replacement devices at the end of their life expectancy. Plan B (Taser Assurance Plan) would be a yearly $200/device fee for each of the remaining four years. Additionally, they would supply a replacement Taser (on sight) for use if a device became inoperable to allow for the repair or replacement of the affected equipment. At the end of the five year period they would replace each device with a new, current model for free. My inclination at this point would probably be Plan B. Therefore, in assessing the number of devices needed, we have purchased four to this point and would like to purchase an additional four, with respective ancillary items mentioned previously, plus receive the spare for a total if nine devices. We would stand at that number given the expense of Plan B that would equip necessary personnel working their normal tours of duty as well as others on additional assignments when necessary.

As required under the governing CMR, officers must receive at a minimum four hours of training by certified Criminal Justice Training Committee certified trainers whom must receive at least sixteen hours of instruction.

Attached, is a document produced on behalf of the Department of Justice that I believe is worth viewing that is highlighted accordingly. As well, if you would like other supporting documents, in addition to the ones already provided, I would be happy to provide others you may deem necessary.

Respectfully submitted,

Chief of Police
Sudbury Police Department

Sudbury Police Department

415 Boston Post Road
Sudbury, MA 01776
Business (978) 443-1042
Fax (978) 443-1045

August 7, 2013

Town Manager Maureen Valente
278 Old Sudbury Road
Sudbury, MA 01776

Maureen,

I would like to continue a project begun during Chief Glavin's tenure relative to another use of force option for officers known as Electronic Control Devices (ECD). Devices as such are "electro-muscular disruptors that override the central nervous system." The most widely deployed brand of ECD's is "Taser," although there are others on the market. The Commonwealth of Massachusetts has set forth regulations in 501CMR8.00 regarding training, sales of and who can possess ECD's. This is not a solve all option but studies have shown the availability of this device has substantially reduced injuries to officers as well as offenders.

After consultation with several others departments, instructors as well as the sales representative for Taser we had previously determined the X2 model would be the most prudent choice to deploy. This device has two cartridges attached in the event the first deployment misses or another volatile subject is present.

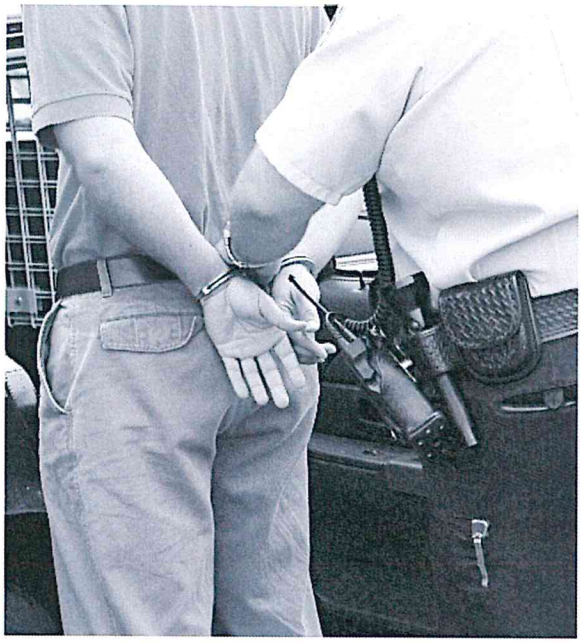
The use of an ECD would be regulated by department policy which must be approved by the Executive Office of Public Safety with continual reporting for each use of an ECD. As well, the training curriculum must be submitted to the Executive Office of Public Safety for approval which is delineated in 501CMR8.00.

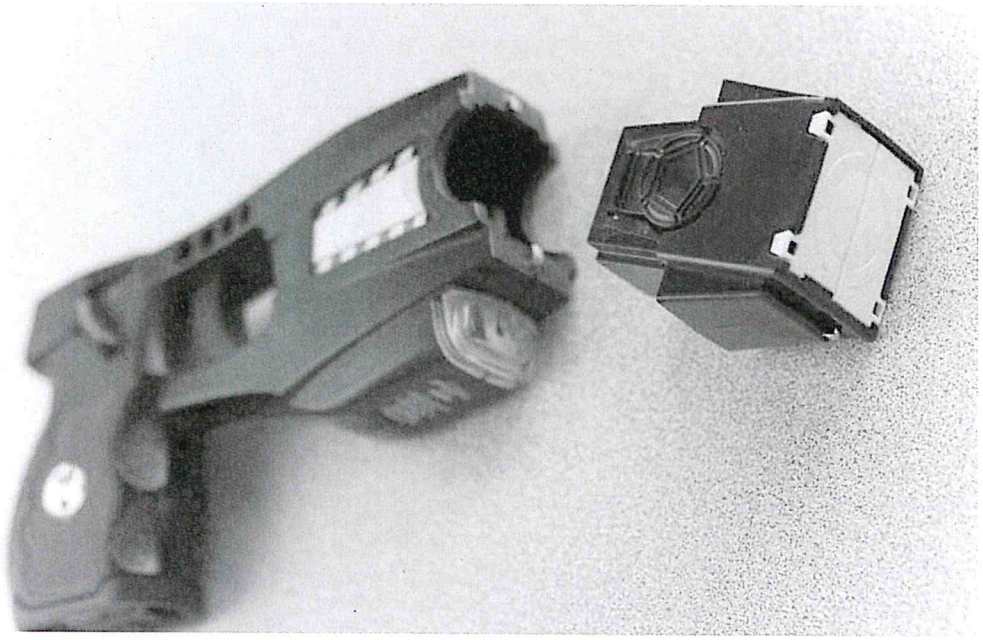
Included with this letter are several supporting documents for your review.

Although I believe the ultimate authorization would be yours, it may be prudent to present the proposed to the Board of Selectmen as well. Thank you in advance.

Respectfully,

Scott Nix
Chief of Police
Sudbury Police Department





Final Findings From the Expert Panel on the Safety of Conducted Energy Devices

by Brian Higgins

In its final report, an expert panel of medical professionals concludes that the use of conducted energy devices by police officers on healthy adults does not present a high risk of death or serious injury.

Today, more than 12,000 law enforcement agencies in the United States use conducted energy devices (CEDs) as an alternative to conventional physical control tactics or other means of subdual. An NIJ-sponsored expert panel, convened to evaluate the safety and effectiveness of CEDs, issued its final report in May 2011. The panel concluded that law enforcement officers need not refrain from using CEDs to place uncooperative and combative subjects in custody provided that the CEDs are used in accordance with accepted national guidelines and an appropriate use-of-force policy. In its report, the panel concluded that field use of CEDs is safe in the vast majority of cases and creates less risk of injury — to officers and suspects alike — than other options of subduing uncooperative persons.

In addition to investigating the effects of CEDs, the panel issued recommendations for their use. Among these were to apply CEDs for no longer than 15 seconds at a time and to limit the number of discharges to the fewest needed to control the suspect. The panel also said that, regardless of how long the CED exposure lasts, some form of medical screening and ongoing observation of individuals exposed to CEDs is crucial. Screening should start at the scene and individuals should continue to be monitored in

custody for abnormal physical and behavioral changes.

CEDs, such as Tasers, generate 50,000 volts of electricity. The electricity stuns and temporarily incapacitates people by causing involuntary muscle contractions. This makes people easier to arrest or subdue. Widespread police adoption of CEDs has been driven by two major beliefs: that CEDs facilitate arrests when suspects actively resist and that they are safer than other use-of-force options. Independent researchers studying law enforcement agencies that deploy CEDs have concluded that, when used appropriately by properly trained officers, CEDs have reduced injuries to officers and suspects in use-of-force encounters and reduced use of deadly force.[1]

Nonetheless, a number of individuals have died after exposure to a CED. Some were healthy adults; many were chemically intoxicated or had some underlying medical condition. These deaths have caused law enforcement personnel and the public to ask questions about the safety of CEDs.

To answer these questions, NIJ, in cooperation with the College of American Pathologists, the Centers for Disease Control and Prevention, and the National Association of Medical Examiners, conducted a study to address whether CEDs can contribute to or be the primary cause of death and, if so, how.

To support the study, an expert medical panel was formed, composed of forensic pathologists, medical examiners and specialists in cardiology, emergency medicine, epidemiology and toxicology. The panel reviewed 300 subdual cases in which a CED was used and later the person died.

The panel concluded that, in general, the stress of receiving a CED discharge is comparable to the stress from otherwise being physically restrained or subdued.

In the vast majority of these cases, the original medicolegal investigations concluded that CED exposure was not the cause of death. The panel conducted in-depth reviews of 22 of those 300 cases and reviewed approximately 175 peer-reviewed articles on the physiological effects of CEDs. The panel's report provides findings concerning death investigation, CED use, CED-related health effects and medical response to the use of CEDs. The panel determined that there is no conclusive medical evidence in the current body of research literature that indicates a high risk of serious injury or death to humans from the direct or indirect cardiovascular or metabolic effects of short-term CED exposure in healthy, non-stressed, non-intoxicated persons.

Field experience with CED use indicates that short-term exposure is safe in the vast majority of cases. According to the final report, the risk of death in a CED-related use-of-force incident in the general population is less than 0.25 percent (one in 400). The report notes that, based on the panel's review and confirmation of the findings of the original death investigations of 300 deaths following CED exposure, it is reasonable to conclude that CEDs do not cause or contribute to death in the large majority of cases.

The panel concluded that, in general, the stress of receiving a CED discharge is comparable to the stress from otherwise being physically restrained or subdued. Verbal altercation, physical struggle and physical restraint all generate stress that may heighten the risk of sudden death in individuals who have a pre-existing cardiac condition or certain other diseases.

Unlike the risk of secondary injury (e.g., injuries due to falling as a result of CED exposure, discussed below), the risk of death directly or primarily due to the electrical effects of CED application has not been conclusively demonstrated. The literature suggests a substantial safety margin with respect to the use of CEDs when they are used according to the manufacturer's instructions. The possibility that the effects of a CED can be directly lethal in some cases, however, cannot be excluded — though not conclusively demonstrated, plausible mechanisms of injury exist. There are anecdotal cases in which no other significant risk factor for death is known and the timing of death provides circumstantial evidence that the CED's application was the cause of death. As such, there remains at least a theoretical possibility that in rare cases, CED application could be directly or primarily responsible for death due to a confluence of unlikely circumstances.

The report states that the risk of significant injury from CEDs is also low (0.5-0.7 percent). Significant injuries associated with CED use documented in the studies reviewed by the panel included puncture wounds from CED darts (including wounds to the eye, throat and skull resulting in loss of vision, unconsciousness and seizures requiring medical care) and falls related to muscular incapacitation or intense muscle contraction.

How CEDs Work

Most conducted-energy devices (CEDs) carried by law enforcement officers in the U.S. can operate in two modes: a drive-stun mode and a probe mode. In both modes, CEDs work by sending energy down two electrical contacts. If the contacts are touching an object, a conduit, the electricity will flow from one contact to the other through that object, closing the circuit.

An open circuit (when there is no conduit) on a CED can generate up to 50,000 volts (the peak open circuit arcing voltage). When the circuit is closed, such as when the probes are embedded in someone's torso, a CED may produce approximately 5,000 volts (the amount will depend on the model). For comparison, the standard U.S. wall outlet generates 120 volts. It is, of course, extremely dangerous to receive a shock from a wall outlet. So, how is it possible for a human body to safely receive 5,000 volts from a CED?

To answer that question, we need to look at another measure of energy: current. If we think of electricity as water flowing through a pipe, rather than electrons traveling along a wire, then voltage is the pressure it takes to push water through the pipe, while current is the rate at which the water flows. Electrical outlets have a high, continuous current — after all, we expect them to supply us with a high, steady stream of energy so our lights, appliances and electronics work without interruption.

CEDs, on the other hand, have a low, pulsed current. After the probes are attached to skin or clothing, the trigger activates a five-second series of low-current pulses. It may, for example, activate 19 low-current pulses per second that last for 30 microseconds (30 millionths of a second) each. It should be noted that some versions of CEDs in use can deliver multiple discharges if the trigger is pressed again after the first cycle or prolonged and uninterrupted discharges if the trigger is held down continuously.

CEDs will have different effects on people depending on which mode they are in and officers may use them for different purposes (incapacitation versus deterrence).

In probe mode, CEDs use compressed nitrogen to fire two barbed probes (sometimes called darts) at a target, imbedding themselves in the target's skin or clothing. Unlike in drive-stun mode, the probes are not directly next to one another and the electrical current is spread out across more tissue. When the trigger is pulled, electricity travels along thin wires attached to the probes. In addition to causing pain, the electrical current interferes with the target's neuromuscular system. The interference causes involuntary muscle contractions, temporarily incapacitating the target and making him or her easier to arrest or subdue.

In drive-stun mode, when a CED's contacts are applied directly to a target, CEDs do not have the same incapacitating effect that they usually do in probe mode. Because the electrical contacts are closer together, they do not engage or electrically excite as much tissue and, consequently, do not temporarily interfere with a person's neuromuscular system. They do, however, cause pain, which may deter an individual from continuing his or her behavior.

The panel highlighted the possibility of secondary injuries resulting from the use of CEDs on tall structures or steep slopes, where individuals exposed to a CED could fall; near flammable materials (including gasoline, explosives, aerosols and propellants) that a spark from a CED could ignite; and in water, where submersion could lead to drowning. The use of CEDs also presents a risk of interfering with implantable cardiac devices, such as pacemakers, although no bad outcomes have been reported. Furthermore, the physiological effects of prolonged or repeated CED exposure are not fully understood.

The panel acknowledged that there may be circumstances in the field that require repeated or continuous exposure to a CED discharge. They

emphasized that law enforcement personnel must be made aware that the associated risks are unknown and most deaths associated with CED use involved multiple or prolonged discharges. The report states that it is critical that law enforcement officers minimize or avoid multiple or prolonged activations of CEDs as a means of subduing an individual.

The report also states that the safety margins of CED use in healthy adults may not apply to everyone. The effects of CED exposure on small children, those with diseased hearts, the elderly, pregnant women and other potentially at-risk individuals are not clearly understood, and more data are needed. Law enforcement personnel should minimize or avoid use of a CED on members of these populations.

In addition to recommendations governing the use of CEDs, the panel issued advice in the event a death occurs following the use of a CED. The panel recommended that all deaths following deployment of a CED should be subject to a complete medicolegal investigation. This investigation should include an autopsy by a forensic pathologist and a medically objective investigation independent of law enforcement. In addition to the conventional information collected in a death investigation, investigators should collect information specific to the CED-related death, such as the manner in which CED darts or prongs were applied and where they were applied.

Finally, the panel recommended that law enforcement personnel maintain an ongoing dialogue with medical examiners or coroners and emergency physicians to discuss effects of all use-of-force applications, including those involving CEDs, and evaluate procedures involving life preservation, injury prevention and evidence collection.

The report states that it is critical that law enforcement officers minimize or avoid multiple or prolonged activations of CEDs as a means of subduing an individual.

About the author: Brian Higgins is a writer and editor at Lockheed Martin Corporation, which has a communications support contract with the Office of Justice Programs.

NCJ 235894

Notes

1. Smith, Michael R., Robert J. Kaminski, Geoffrey P. Alpert, Lorie A. Fridell, John MacDonald, and Bruce Kubu, *A Multi-Method Evaluation of Police Use of Force Outcomes,* Final report to the National Institute of Justice, grant number 2005-IJ-CX-0056, July 2010, NCJ 231176, available at https://www.ncjrs.gov/pdffiles1/nij/grants/231176.pdf.

For more information:

- Read the final report, *Study of Deaths Following Electro Muscular Disruption,* at https://www.ncjrs.gov/pdffiles1/nij/233432.pdf.
- Read the NIJ Research in Brief, *Police Use of Force, Tasers and Other Less-Lethal Weapons,* at https://www.ncjrs.gov/pdffiles1/nij/232215.pdf.
- Visit NIJ's Web topic page (http://www.nij.gov/topics/technology/less-lethal/conducted-energy-devices.htm) and read an article in the *NIJ Journal,* "Police Use of Force: The Impact of Less-Lethal Weapons and Tactics" (http://www.nij.gov/journals/267/use-of-force.htm).

IACP National Law Enforcement Policy Center

Electronic Control Weapons

Concepts and Issues Paper

Originally Published: 1996

Revised: May 2004, January 2005, August 2005

I. INTRODUCTION

A. Purpose of the Document

This paper is designed to accompany the *Model Policy on Electronic Control Weapons (ECW)* established by the IACP National Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their community and their law enforcement agency.

Considerable public attention has been focused on ECWs. Numerous cases have been cited in the press and elsewhere in which deployment decisions were questioned and some in which the ECW was linked to injury or death of suspects. Comprehensive research on the uses of ECWs and their potential role in injury or death is not yet available, and much of what is fueling debate is anecdotal. Nonetheless, there is enough information to provide police departments with advice on policy measures they can take to reduce the likelihood of unexpected outcomes resulting from the use of ECWs in order to help protect suspects, officers, and others from unreasonable risks and unwarranted litigation.

B. Background: Nondeadly Force Options

Law enforcement has sought alternatives to the use of deadly force since establishment of the first civilian chemical munitions company in 1923. Since that time, a variety of methods, tools, tactics, and techniques have been developed to assist law enforcement officers in subduing violent individuals through nondeadly force options. ECWs are among the recent results of this endeavor, and a discussion of the subject is best examined in this overall historical context.

The initial focus was on chloroacetophenone (CN) gas grenades and o-chlorobenzylidenemalononitrile (CS) to disperse crowds during periods of labor unrest. The technique proved relatively safe and effective, particularly as an alternative to the use of batons or firearms, and was generally welcomed by both police and civilian observers.[1] It led to the development of pen-gun teargas launchers that field officers could use to subdue violent persons without coming into close contact with them. The high-velocity CN payload was reliable in stopping suspects, but regrettably, it also caused numerous permanent and disfiguring eye injuries.

In 1965, CN-based Chemical Mace was introduced to law enforcement. It was intended to be a safer alternative to hands-on tactics, and for the first time gave officers immediate access to a nondeadly weapon that allowed them to engage combative suspects from a safe distance. Although safe and generally effective, the product fell into disfavor for two reasons. First, Chemical Mace did not stop a significant percentage of those who were sprayed—especially those who were intoxicated, who were under the influence of certain drugs, or who suffered from certain types of mental illnesses. Second, Chemical Mace earned a well-deserved reputation for secondary contamination. Many police officers of the era were all too familiar with the effects of contaminated suspects who occupied their patrol car or a jail cell.

But Chemical Mace did reduce injuries to officers and suspects alike, even though the problems described above caused most agencies to stop issuing it by 1980. Several years later, oleoresin capsicum (OC), generally called pepper spray, gained the attention of progressive police trainers. Similar agents had been tested by the military in the 1930s and used by mailmen on menacing dogs since the 1960s. The pepper products ultimately proved much more effective than CN and did not cause secondary contamination. As a result, pepper spray can now be found on nearly every police duty belt in America. Many consider it the most significant injury reduction tool in law enforcement history.

National Aeronautics and Space Administration scientist Jack Cover began experimenting with electricity as a nondeadly weapon. He discovered that when short-duration (milliseconds), high-energy DC electric pulses were applied to humans, immediate incapacitation almost always occurred without direct negative side effects. This finding led to a delivery system called the TASER, which the Los Angeles police and sheriff's departments adopted, and deployed several thousand times between 1981 and 1991.

The term "TASER" is often used generically to describe ECWs, but it is a federally registered brand name, and the TASER is not the only ECW on the market. The operational concepts for ECWs are generally standard and could easily be adapted to similar

A publication of the IACP National Law Enforcement Policy Center
515 N. Washington St., Alexandria, VA 22314-2357

devices. However, while devices may be similar in design, function, and appearance, individual manufacturers' guidelines may differ and should be followed.[2]

OC spray, the police baton, and nondeadly impact projectiles all rely on pain to overcome a suspect's resistance. Unfortunately, a significant number of people encountered by police today use mind-altering drugs, abuse alcohol, or are mentally ill. These factors, separately or in combination, can increase their tolerance to pain and decrease the effectiveness of weapons that rely on pain. When nondeadly force options are ineffective, additional force needed to stop the threat can result in serious or even fatal injury.

The forgoing types of problems generated renewed interest in ECW technology that does not rely solely on pain to be effective. The original ECWs of the early 1970s were 50,000-volt, seven-watt stun systems that were classified as firearms because they used gunpowder to fire probes into subjects. Thus, these ECWs fell under the provisions of the 1968 Gun Control Act. Since they were ineffective in some encounters, additional testing and research was conducted, leading to the introduction of new ECWs in 1999. One of the newer devices is a 50,000-volt, 26-watt system. It uses nitrogen cartridges rather than gunpowder to fire its probes. More important, however, this device is classified as an electro-muscular disruptor that overrides the central nervous system. It provides officers with another control option where other alternatives are inappropriate or ineffective.

II. PROCEDURES

A. General Operational Considerations

Commercially available ECWs are battery powered and may use both laser and conventional fixed sights for targeting. They are fired (triggered) like a police service pistol. The following is an overview of some of the primary operational features of these devices.

- The weapon is switched from safe.
- The weapon is pointed at the target.
- The trigger is pulled.
- Two metal probes are propelled by compressed nitrogen from a replaceable cartridge.

Some models offer a choice of a standard-length cartridge or an optional longer cartridge. Some models offer longer, heavier probes that significantly increase the weapon's effectiveness by providing better penetration of thick clothing.

The probes have the appearance of small, straightened fishhooks. One end of the probe is connected to the weapon by a fine insulated wire.

When both probes contact the target, the device automatically delivers several seconds of electric current. Some models deliver five additional seconds of current with each additional pull of the trigger. The device will deliver current without interruption if the operator continues to press the trigger.

The operator can stop the discharge of current by manually placing the device on safe at any time, although allowing the full discharge on initial deployment is recommended.

The model policy recommends cycling the weapon no more than necessary to accomplish the objective, typically that of subduing a suspect until alternative means such as handcuffing can be used to ensure compliance. The electrical discharge is designed to affect the motor nervous system and muscles, causing physical incapacitation that will allow officers to apply handcuffs or similar restraints and gain control of the suspect (even during the electrical cycle).

The British Columbia Office of the Police Complaint Commissioner released its TASER Technology Review Final Report on June 14, 2005.[3] The report provides a number of valuable observations and several recommendations pertinent to the deployment of ECWs, which it refers to as "conducted energy devices." To guard against potential ventricular fibrillation in the subject, the report recommends establishing a margin of safety by limiting officers to the minimal number of ECW cycles necessary to control the situation. The authors note "there will be situations, particularly in areas where back-up officers may be distant or unavailable, where multiple applications are necessary to control violent subjects." However, they emphasize that "Training protocols should reflect that multiple applications, particularly continuous cycling of the TASER.... may increase the risk to the subject and should be avoided where practical."

In light of this and related information, the model policy recommends that officers justify in their use-of-force report any instance in which (1) subjects are energized more than three times, (2) subjects are subjected to any energy cycle longer than 15 seconds in duration, (3) more than one ECW is effectively used against a subject in any given incident, or (4) an ECW is used against a person in a susceptible population group (defined below).

Some ECWs can also be used in direct contact stun mode, which involves delivering the electric current via direct contact with the subject, with or without the cartridge attached. It is important to note that anytime the trigger is pulled and a cartridge is attached, the probes will be deployed. But if the device is in direct contact with the subject, the probes will be stopped immediately and will not travel beyond the contact point. However, use of the ECW as a contact weapon operates as a device rather than an electro muscular disruptor. As such, it may not be effective on persons who, because of drug or alcohol use or mental illness, do not sense pain as readily as others. When used in the direct contact mode, the ECW is also capable of causing burns. Use of ECWs in the direct contact mode should follow the same deployment criteria as use with projectiles.

B. Effects of ECWs

The effects of ECWs are well documented but vary somewhat depending on the subject and the circumstances. The following are typical examples of subject reactions to the electrical charge:

- Falling immediately to the ground
- "Freezing" in place (involuntary muscle contractions) during the discharge of current
- Yelling, screaming, or being silent
- Feeling dazed for several seconds or minutes
- Temporary tingling sensation
- Lack of any memory or sensation of pain
- Slight signature marks that resemble surface burns on the skin that may appear as red marks or blisters
- Eye injury from probe contact

Nearly all data on physical consequences, particularly death or injury of subjects, have been gathered by industry ECW manufacturers. No comprehensive independent studies of ECW deployment in general and safety in particular, such as testing by Underwriters' Laboratories, has been conducted. Anecdotal accounts abound concerning the circumstances surrounding injury or death of subjects involving ECWs. Unfortunately, much of this information has been published as fact, and broad conclusions have sometimes been drawn without hard research or spe-

cific information on incidents. The Department of Defense has conducted limited studies but concludes that more research is needed.

According to manufacturers' reports, more than 40 suspects have died after being subjected to ECW deployment. The same sources claim that the device itself has not been the cause of any of those deaths. Manufacturers claim that subjects have included persons equipped with pacemakers and persons with histories of cardiac problems who have not reported any unwarranted adverse reactions. Manufacturers also claim that the electrical current deployed in ECWs should not have unwarranted adverse effects on individuals of small stature.

Thus, information presently available suggests that ECWs do not create an increased risk of pacemaker malfunction or heart fibrillation or an increased risk of death or serious injury, aside from the legitimate concern of secondary injuries from falling. "Independent studies done by authorities in England and Canada reached a similar conclusion: [ECWs] are safe enough for police to use, but more research is needed"[4] particularly with respect to their deployment against "susceptible" populations, such as the very young.

Until independent research provides more information, the model policy includes in the population of "susceptible" individuals women who are pregnant, persons with pacemakers, those suffering from obvious ill health, children, the elderly, and persons of small stature, regardless of age. Added caution may be warranted when using ECWs against the above-mentioned persons, just as added caution would normally be recommended when using OC spray or similar nondeadly force weapons. The model policy prohibits ECW use against anyone unless the person demonstrates an overt intention to use violence or force against the officer or others or resists detention and arrest and other alternatives for controlling them are not reasonable or available. The use of ECWs against passively resistant individuals who do not pose an immediate threat of violence to officers or others would not normally be permitted.

Normally, violence, force, and resistance are demonstrated by actions, deeds, or words that signify the intent and ability to take such actions. With these cautions in mind, ECWs may generally be deployed consistent with a professionally recognized philosophy of use of force, that is: use only that level of force that reasonably appears necessary to control or subdue a violent or potentially violent person. ECWs should also be used early enough to prevent a confrontation or situation from escalating to a point where a greater level of force might be necessary.

No policy or guideline can anticipate every situation that officers might face, but in general terms officers may consider using ECWs when they can reasonably articulate grounds to arrest or detain a subject, and the subject has demonstrated that he or she will likely use physical force to resist the arrest or detention, or may otherwise assault or attempt to assault the officer, another person, or himself or herself.

In view of the widespread publicity concerning the safety and effectiveness of ECWs, officers should not become overly dependent on the use of ECWs to the exclusion of other reasonable alternative force options. In the final analysis, decisions to use ECWs must be based on the totality of circumstances known to the officer at the time of the incident and the available force options reasonably available to the officer.

Most police agencies place ECWs at the same level as pepper spray on the force continuum. Volunteers who have been exposed to pepper spray and ECWs report that pepper spray is the more punishing of the two. Persons exposed to an ECW will typically recover in seconds or minutes, as compared to a recovery time of almost one hour for pepper spray.

C. Additional Deployment Considerations

Officers must consider the totality of the circumstances in every use-of-force situation to ensure that the best overall decision is made. Although time is generally not available to weigh all the circumstances surrounding a potential deployment, officers should, where possible, be aware of the following concerns :

- Is there a need to immediately incapacitate the subject? Does the subject appear mentally deranged, under severe influence of drugs or alcohol, or in a highly agitated and uncontrolled state?
- Is the subject wearing heavy clothing that may impede the effectiveness of the device?
- What is the physical environment of the subject? Is he or she in a position that increases the risk of injury due to a fall, such as on a stairwell, next to a fire, near a busy roadway, or standing in water?
- Has the subject been exposed to flammables such as gasoline, gunpowder, other explosives, or alcohol-based pepper spray that may be ignited by a spark from the device?
- How far away is the subject? Can officers safely move close enough to use either the short- or long-range cartridge? Do officers have a pepper spray system that can reach the same distance or even further without creating a fire hazard?
- Can the officer make the shot, whether with pepper spray or the ECW? Both OC and ECWs require an unobstructed view, and the ECW must be held exactly vertical to the ground or the bottom probe will miss the target.
- Should multiple devices be employed? Manufacturers claim that the use of a second ECW does not create a dangerous level of cumulative electric current, and may prove beneficial if the initial device is ineffective or malfunctions. However, unless the first ECW malfunctions, the use of multiple devices against the same subject in a given incident is discouraged, and the model policy requires officers to report and specifically justify such occurrences in their use-of-force report.

D. ECWs and Sudden Death Syndrome

Limiting the number of energy cycles, the use of continuous cycling of more than 15 seconds, and instances of multiple officer deployments against the same person can help to prevent tetany (muscular spasms) or exhaustion of muscles of respiration and the development of acidosis. Such respiratory impairment, as noted in the previously cited research from British Columbia, "becomes crucial when the [ECW] weapon is used or restraint is applied during or at the end of a prolonged physical struggle." The inability of some subjects to regain free breathing is critical "as the body tries to return to homeostasis and compensate for increased levels of CO_2." According to the report, "The state of hypoventilation means that the subject can still breathe, just not at the level their body requires to return to equilibrium. Police may be misled by the fact the subject can still speak, indicating a clear airway, which does not necessarily mean they can breathe at an adequate rate."

Prolonged physical struggle between officers and suspects who have ingested cocaine and certain other recreational drugs alone or in combination with alcohol has long been linked to the phenomenon referred to as "sudden death syndrome." Some use the term "excited delirium" to describe the condition of a person in an extreme state of drug intoxication, although this term is not

officially recognized by medical or psychiatric professionals in the United States through the *Diagnostic and Statistical Manual of Mental Disorders*.

Persons experiencing severe cocaine, methamphetamine, or other forms of serious drug or alcohol intoxication are among those at highest risk of sudden death. Unfortunately, they are often the very individuals most likely to come into contact with police because of their uncontrolled and irrational behavior (e.g., erratic and frantic activity, screaming, disrobing in public, irrationality, aggressiveness, superior strength). It is not difficult to postulate that the use of an ECW on such individuals, who are often already in a precarious physical state, could precipitate unexpected negative consequences, including death. Addressing this issue, the foregoing report states that "recognizing that prolonged struggle heightens the risk to both the officer and the subject, it may be appropriate to use a TASER as soon as it becomes clear that physical control will be necessary and that negotiation is unlikely to succeed. **A single TASER application made before the subject has been exhausted, followed by a restraint technique that does not impair respiration may provide the optimum outcome.**"[Author's emphasis] Use of the prone, four-point restraint should be avoided whenever possible, and officers should maintain observation of the individual during transportation.

E. Training Requirement

Officers must be properly trained before they are issued and use an ECW. Failure to provide professionally accepted training exposes the officer, agency, and the public to an increased potential for negative outcomes. The training provided should, at a minimum, be consistent with the manufacturer's recommendations, and should address the following topics:

- Design and function of each device.
- Proper method of carry, use, and activation of the device.
- Proper method of storage and maintenance of the device.
- Agency policy concerning rules of use and engagement, with special emphasis on how the device is carried and accessed. Since some models are designed to be worn on the duty belt, this policy and related training must ensure that the service handgun is never accidentally drawn instead of the ECW. This has occurred in several documented cases, at least one of which resulted in the death of a suspect.
- Agency policy specifying requirements for supervisory notification and documentation of the incident. This should include specific requirements concerning photography.
- Agency policy on removal of darts from a procedural standpoint as well as issues relating to preventing transmission of biohazards.
- Agency policy on preservation of the discharged darts, cartridges, and anti-felon identification (AFID) tags as evidence.
- Agency policy on when medical evaluation is required for those shot by the device.
- Agency policy should allow the opportunity for volunteers in the department to experience being shot by the device.
- Training should be provided concerning the practical application and operational use of the device, including loading, unloading, live fire, and marksmanship training.
- Training should also include practical role-playing scenarios to test the officer's decision-making capabilities as they relate to the issues outlined in the deployment policy.
- A written examination should be included to test the officer's knowledge of the issue areas outlined above.

In addition to the basic training program, officers should be recertified annually, consistent with the manufacturer's recommendations and addressing the points outlined in the initial training.

F. Storage, Transportation, Carrying, and Handling of the Device

The storage, transportation, carrying, and handling of the device and replacement cartridges should conform to manufacturer's recommendations and specific agency guidelines. Some popular ECWs are designed to be worn by line personnel on their duty belts. As previously noted, this ready access has resulted in several unintentional deployments of service handguns and at least one fatal shooting. Decisions to address this issue include weak versus strong side carry (e.g., on the side opposite the service firearm) and procurement of devices in a color, such as yellow, that is easily recognized.

Special consideration should also be given to the need to avoid carrying the replacement cartridges in unsecured locations such as in pants or jacket pockets. Doing so may result in accidental discharge or damage due to the introduction of dirt, lint, or other foreign substances into the cartridge. Some models provide for carrying extra cartridges, though the lack of available belt space may prevent officers from doing so.

G. Specific Operational Considerations

Supervisor's approval. It is not normally necessary to consult a supervisor before using an ECW. Officers who are properly trained in the safe and effective use of the device can normally be empowered to use it when justified.

Pointing or displaying the device. The device should be pointed at a person only under the following conditions.

1) The officer reasonably believes that discharge, if it proves necessary, will be justified under the circumstances, and

2) The officer reasonably believes that the circumstances will require discharge of the device unless those circumstances change prior to actual discharge (such as by voluntary compliance of the subject, or by the intervention of another means of restraint).

It is important to note that some ECWs project a visible red laser dot on the target (when the device is taken off safe), and that the cartridge can be quickly removed from the device and a visible electric arc displayed in an effort to coerce suspect compliance. Use of these types of preemptive measures has been the subject of much debate. In a number of cases these actions have convinced suspects that they should submit to officer directions rather than resist. However, in other cases suspects immediately attacked officers or turned and ran away, requiring a foot pursuit and physical confrontation after being overtaken. Considering the totality of the circumstances, it is generally better to use the device as soon as practical after justification is established.

Avoiding accidental discharge. Whenever an ECW is carried, handled, or prepared for discharge, all appropriate firearm-type safety precautions must be taken.

Aiming point. Whenever possible, the weapon should be aimed at center body mass—that is, with the sights or laser dot between the shoulder blades—to ensure that darts make solid body contact. This is absolutely necessary to ensure effectiveness of the device and to avoid unintentional and potentially dangerous impact of the darts on the face or other vulnerable area, such as the groin. As with other nondeadly strategies and tools,

ineffective use of the ECW may escalate the situation and result in injury to the subject, officers, or bystanders.

The preferred aiming point is the center mass of the suspect's back, since there is less possibility of the darts coming into contact with sensitive or vital body areas such as the eyes, male groin, or female breasts. Of course, to target the back it is necessary to gain a suitable position behind the suspect, which is not always possible. Sometimes, this can be accomplished by creating a diversion using another officer. Without another officer's assistance or similar diversion, it is less likely that the weapon can be deployed in this manner. Therefore, a suitable alternative, and often more reasonable aiming point, is center body mass of the suspect's chest or legs.

H. Probe Removal and Medical Attention

The officer or trained designee can remove probes that penetrate the flesh in a nonsensitive area as prescribed by the manufacturer. Some agencies require that where reasonably possible, an EMT or similarly qualified medical professional remove the darts. Generally, trained officers can safely perform this procedure without harm to the subject, and they may be more qualified than an EMT or physician who has not received special training in this process. However, the use of EMTs or emergency medical practitioners to remove darts is a reasonable and prudent option. The probes or darts should be placed in containers suitable for the safe storage of sharp objects, and in accordance with the departmental biohazard material policy.

Probes and darts, cartridge packs, and the confetti-like, serial numbered AFID tags emitted during an operational deployment against an individual are evidence and should be treated accordingly. The integrity of the wire and the probes should be maintained for forensic analysis in the event of the device's failure.

Whenever reasonably possible, all individuals who have been incapacitated should be transported to an emergency or other medical facility for evaluation. This practice takes the guesswork away from officers, who generally have little information on the subject's medical condition or the effects of the ECW on the subject. This simple policy provides an element of insurance for the officer and the department. However, it is recognized that this practice cannot be followed in all instances. An officer working in a remote area and without backup may find it unreasonable or even impossible to meet this requirement. Therefore, the model policy suggests this as a preferred option whenever it is reasonably possible. In some cases, the policy requires that officers transport or have the subject transported to an appropriate medical facility. These situations are as follows:

- When a subject requests medical attention. Officers should routinely inquire whether the subject desires medical attention.
- When a subject is struck by an ECW probe in any sensitive or vital body area, such as the eyes, male groin, or female breasts.
- When officers have difficulty removing the probes.
- When a subject does not appear to recover properly after being hit. The signs and symptoms of failure to recover from an ECW exposure should be covered in training.
- When the subject is in a potentially susceptible population as defined elsewhere in this document.
- When the subject has been energized more than three times.
- When more than one ECW has been deployed against a subject in whom darts made positive contact.
- When a subject has been subjected to a continuous cycle of 15 seconds or more at any time during the incident.
- When the subject has exhibited signs of extreme, uncontrollable agitation or hyperactivity prior to ECW exposure, as discussed in the section above on sudden death.

I. Reporting

Deployment of an ECW against a subject is a use of force and should be reported as such in accordance with department policy. Therefore, with the exception of deliberate discharges for training purposes, all instances of discharge, including accidental discharge, should be reported via the appropriate chain of command. The report should include the following, at a minimum:

- The circumstances that necessitated the discharge, including the facts that support the officer's conclusion that the use of force was justified and necessary.
- The identity of the subject, all officers involved, and any known witnesses.
- The make, model, and serial number of the unit used. Some models are computer controlled and can download operational data. They can provide data on date and time, duration, temperature, and battery status of all deployments. This information is invaluable when investigating claims of improper or excessive use of force. Some agencies require an annual dataport download—regardless of reported use—for review by the department's professional standards or similar oversight authority.
- The range at which the unit was employed.
- The point(s) of impact on the subject.
- The number of five-second cycles used and specific justification if more than three cycles were used.
- The type of clothing the probes encountered.
- The type of cartridge used.
- The type of discharge (probe, direct contact stun, or both).
- Evaluation of the effectiveness of the device.
- After-discharge actions taken by the officers.
- Any injuries suffered by the subject as a result of using the device. This type of record keeping is essential to evaluate the effectiveness and suitability of ECWs for continued use, and to protect the department in the event of a complaint concerning improper conduct by the officers.
- Officers should ensure that they specifically justify in their use-of-force report any instance in which a subject is:
  a. energized more than three times,
  b. energized for longer than 15 seconds in any cycle,
  c. energized by more than one ECW in any given incident, or
  d. defined as part of a "susceptible population."

J. Maintenance of ECWs

Testing and maintenance of the devices must be performed in accordance with the manufacturer's specifications and recommendations, which should be clearly addressed during user training. Modern ECWs are very durable, but every effort should be made to avoid dropping them to avoid internal damage. The devices should also be kept dry, since they are water-resistant rather than waterproof.

Some models can use either alkaline or nickel metal hydride AA batteries. The alkaline batteries do not perform well at lower temperatures, and care should be taken to ensure that the batteries are not frozen or extremely cold prior to using the device. A rubber stopper is used to protect the dataport connections and should be kept in place all times except during actual downloads.

Endnotes

[1] Although CN and CS were welcome alternatives to deadly force, their use came under scrutiny and criticism from some corners over subsequent years, even though they continue to be used in some countries. In an article published in the *Journal of the American Medical Association*, medical researchers noted the following: "Although CS has been the most widely used and well studied of the tear gas agents, other agents are still available. . . . Chloroacetophenone is generally acknowledged to be of greater toxicity than CS, being more likely to cause permanent corneal damage on contact with the eye and primary and allergic contact dermatitis. The maximum safe inhaled dose has been estimated to be several times lower than that of CS and at least five deaths have been reported following the use of CN grenades in confined spaces. Little is known regarding its potential for chronic pulmonary or genotoxic effects or for potential effects on reproduction." *"Tear Gas: Harassing Agent or Toxic Chemical Weapon?"* vol. 262, no. 5 (August 4, 1989).

[2] This document makes reference to TASER products and TASER International because the Advanced TASER M26 and TASER X26 are the most widely used electronic incapacitation devices in the American police arsenal. However, EMC devices are addressed from a more generic approach due to the likely introduction of similar devices on the market.

[3] For a copy of the report, see:
http://www.victoriapolice.org/TASER%20Final%20Report%20June%2014th%20%202005.pdf.

[4] Quoting from Larry Farlow, spokesman for the Texas-based Air Force Research Laboratory, which conducted Defense Department research, as reported in "Experts dispute data on stun guns," *Miami Harold*, December 5, 2004, p. 18A.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

This project was supported by Grant No. 2000-DD-VX-0020 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice or the IACP.

501 CMR: EXECUTIVE OFFICE OF PUBLIC SAFETY

501 CMR 8.00: STANDARDS FOR LAW ENFORCEMENT TRAINING IN THE USE OF ELECTRONIC WEAPONS AND THE SALE OF ELECTRONIC WEAPONS IN THE COMMONWEALTH

8.01 Purpose

The purpose of 501 CMR 8.00 is to establish rules and regulations governing law enforcement training in the use of electronic weapons and sale of electronic weapons in the Commonwealth.

8.02 Statutory Authorization

501 CMR 8.00 is promulgated pursuant to G.L. c. 140, § 131J, requiring the Secretary of Public Safety to promulgate rules and regulations governing the sale of electronic weapons in the Commonwealth and the training of law enforcement on the appropriate use of such weapons.

8.03 Definitions

(a) Electronic weapon or device: Any portable device or weapon from which an electrical current, impulse, wave or beam may be directed which such current, impulse, wave or beam is designed to incapacitate temporarily, injure or kill.
(b) Authorized officer: A federal, state or municipal law enforcement officer, or member of a special reaction team in a state prison or designated special operations or tactical team in a county correctional facility.

8.04 General Qualifications for the Possession and Use of Electronic Weapons

(a) In order to qualify for admission into an approved training program for the use of electronic weapons, an authorized officer must:

(1) be currently employed as a federal, state or municipal law enforcement officer, or be a member of a special reaction team in a state prison or designated special operations or tactical team in a county correctional facility;
(2) have successfully completed a firearms training course conducted by the Municipal Police Training Committee or approved by the Colonel of the Massachusetts State Police; and
(3) be authorized by the officer's department to carry a firearm in the performance of the officer's duty.

(b) Except for training purposes an authorized officer shall not possess or carry an electronic weapon until successfully completing an approved training program for the use of electronic weapons.

8.05 Training Programs on the Use of Electronic Weapons

In order for a training program for the use of electronic weapons to receive approval from the Secretary of Public Safety, the program must demonstrate the following components:

(1) Not less than 4 hours of training;
(2) A review of the mechanics of an electronic weapon;
(3) Illustration of the medical issues involved with the use of an electronic weapon, including, but not limited to, information regarding the effects of electronic weapons on individuals with pre-existing medical conditions, information on and a demonstration regarding the removal of wires from an individual after an electronic weapon has been discharged;
(4) A segment on weapon proficiency for trainees, including a demonstration on the accurate discharge of an electronic weapon and practice discharge of an electronic weapon by trainees;
(5) A segment on the use of an electronic device as less than lethal force and its relation to other weapons within the department's use of force policy. This segment must incorporate review of the department's less than lethal force policy; and
(6) A segment on the department's data collection protocol and reporting requirements as set forth in G.L. c. 140,§ 131J.

All departments and agencies must submit their training program curriculum to the Secretary of Public Safety for approval prior to

training authorized officers. All training program curriculum on the use of electronic weapons must be submitted to the Executive Office of Public Safety, One Ashburton Place, Boston, MA 02108 for approval.

8.06 Certification Requirements for Training Instructors

Training instructors for any approved training program for municipal police officers, county sheriffs and Department of Correction employees on the use of electronic weapons must be certified by the Municipal Police Training Committee. Training instructors for an approved training program for the Massachusetts State Police on the use of electronic weapons must be certified by the Colonel. The instructors for the Municipal Police Training Committee and the Massachusetts State Police must have undergone no less than 16 hours of instruction on training on the use of electronic weapons. Approved instructors shall receive certification from the Municipal Police Training Committee or the Colonel, respectively, upon successful completion of the course. Instructors may also receive certification training provided by manufacturers of electronic weapons. A manufacturers' training program must consist of no less than 16 hours of instruction on training on the use of electronic weapons.

8.07 Requirements for the Sale of Electronic Weapons

(1)Manufacturers and dealers of electronic weapons can only sell such weapons as meet the specifications defined in G.L. c. 140, § 131J, in the Commonwealth to the following departments: the Massachusetts State Police, Massachusetts Bay Transportation Authority Police, Environmental Police, any federal law enforcement agency, any municipal police department, the Department of Correction and any county sheriffs' departments for use by officers as authorized by G.L. c. 140, § 131J, the Municipal Police Training Committee for use by authorized training officers, and any statutorily authorized law enforcement agency approved by the Secretary of Public Safety.

(2) Any manufacturer or dealer seeking to sell electronic devices in the Commonwealth must be a licensed firearms dealer pursuant to G.L. c. 140, §§ 122, 123, and comply with the firearm licensing requirements of G.L. c. 140 and the provisions and protocol of the Massachusetts Instant Record Check System (MIRCS).

(3) Any licensed dealer seeking to sell electronic devices in the Commonwealth must notify the Executive Director of the Firearms

Records Bureau in writing of his/her intent to sell electronic devices for inclusion in the MIRCS database.

8.08 Severability Clause

If any article, section, subsection, sentence, clause or phrase of 501 CMR 8.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Secretary of Public Safety or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 501 CMR 8.00.

ELECTRICAL WEAPONS

POLICY & PROCEDURE NO. **1.03**	ISSUE DATE:
	EFFECTIVE DATE:
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: **1.3.1; 1.3.4; 1.3.5; 1.3.6; 1.3.7; 1.3.9; 1.3.10; 1.3.11; 1.3.12**	REVISION DATE:

I. GENERAL CONSIDERATIONS AND GUIDELINES

Electrical weapons, often referred to by a common brand name – TASER – are electro-muscular disruptors that override the central nervous system. Such weapons provide officers with another control option.

This department has decided to make electrical weapons available to certain authorized officers who obtain the training specified by the Commonwealth of Massachusetts, consistent with the policies and recommendations of respected law enforcement agencies, such as the International Association of Chiefs of Police.

II. POLICY

It is the policy of this department that:

A. Electrical weapons shall be made available as a less lethal use of force option to police officers of this agency who are authorized to carry this weapon; and

B. Electrical Weapons may be used by authorized and trained personnel in accordance with 501 CMR 8.00, and consistent with additional guidelines established herein.

III. DEFINITIONS

A. *Electrical Weapon or Device:* Also referred to as an electronic weapon: a portable device or weapon from which an electrical current, impulse, wave or beam may be directed where such current, impulse, wave or beam is designed to incapacitate temporarily.

B. *AFIDs* (Anti-felon Identification Tags): Confetti-like pieces of paper that are expelled from the cartridge when fired. Each AFID tag contains an alpha-numeric identifier unique to the cartridge used.

C. *Drive Stun Mode:* The electrical weapon is used without the cartridge. The device is pressed against the suspect, and an electrical shock is delivered.

IV. PROCEDURES

A. Authorization

1. The department policies regarding ***Authorized Weapons***, ***Use of Force***, and ***Use of Force Reporting*** apply to electrical weapons. For further information, refer to these policies.
2. Only officers who have been trained and authorized may carry this device.
3. Except for training purposes, an officer shall not possess or carry an electrical weapon until successfully completing an approved training program in the use of electrical weapons.[1]

B. Special Regulation Regarding Electrical Weapons

1. 501 CMR 8.04 establishes a training requirement for the use of electrical weapons.
2. In order to qualify for admission into an approved training program for the use of electrical weapons, an authorized officer must:
   a. Be currently employed as a state or municipal law enforcement officer;
   b. Have successfully completed a firearms training course conducted by the Municipal Police Training Committee or approved by the Colonel of the Massachusetts State Police; and
   c. Be authorized by the officer's department to carry a firearm in the performance of the officer's duty.

C. Weapon Readiness

1. CARRYING
   a. The device will be carried in an approved holster in a cross draw configuration on the side of the body opposite the service hand-gun. Officers not assigned to uniformed patrol may utilize other department-approved holsters and carry the weapon consistent with department training.
   b. The device will be carried fully armed with the safety on in preparation for immediate use when authorized.

2. ACCESSORIES

   a. Officers authorized to use the device shall be issued a minimum of one spare cartridge as a back-up in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement.

   b. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.

   c. Only agency-approved battery power sources shall be used in the electrical weapon.

D. Deployment [1.3.4]

1. USE OF FORCE CONTINUUM

   a. Drive Stun Mode:

      1) In drive stun mode the device is a pain compliance tool rather than an electro-muscular disruptor.

      2) It may be deployed as a pain compliance technique in response to an active resistant person.

      3) It is minimally effective compared to conventional cartridge-type deployments. The effect of drive stun is not as long-lasting as fired probes.

      Note: Pain compliance may not be effective against someone in a state of "mind-body disconnect," as in a mental health crisis state, under the influence of a mind altering substance, or extremely focused.

   b. Firing the device:

      1) Firing the device cartridge to deploy electrodes is a defensive tactic.

      2) It may be used in response to an assaultive person.

   c. Lethal Force

      1) Intentionally firing the device at the head or neck is a deadly force countermeasure in response to a lethal threat.

      2) ELECTRONIC WEAPONS ARE NOT A SUBSTITUTE FOR LETHAL FORCE. Officers are not expected to respond to a lethal force threat with a less lethal force option such as an electrical weapon.

      3) An electrical weapon may be used in response to a lethal force threat under exigent circumstance as a weapon of available means.

d. Electronic weapons are best considered an option in situations where:

1) An officer has other appropriate force options available to deal with the threat;

2) The officer has moved to a position of advantage such as cover, concealment or barrier, based upon the subject's behavior or weapons; and

3) An additional officer can safely approach the subject to within effective range to deploy the electronic weapon.

2. DEPLOYMENT OF DEVICE

a. A full five second cycle deployment should be applied without interruption unless circumstances dictate otherwise.

1) The five second cycle is a potential "window of opportunity" for an officer to immobilize, control, or handcuff a suspect.

2) Secure the suspect as quickly as possible during or immediately following the period of incapacitation.

b. A second or subsequent five second cycle may be necessary if, after the first five second cycle, the officer still perceives the subject as a threat.

c. Officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.

d. The officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.

3. TARGET AREAS

a. Much of the body is a target area, including:

1) The center of available mass (back and chest); and

2) The legs.

b. Avoid aiming at the head or neck unless the encounter justifies a deadly force response.

4. FORBIDDEN

a. Deployment of the device in a punitive or coercive manner.

b. Use on a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.

c. Use in any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but

not limited to OC spray with volatile propellant, gasoline, natural gas, or propane). **[RECOMMENDATION: IF THE USE OF THIS DEVICE IS AUTHORIZED BY YOUR AGENCY OR CARRIED BY AGENCIES ADJACENT TO YOUR JURISDICTION, ISSUE OR AUTHORIZE ONLY OC SPRAY THAT IS NON-COMBUSTIBLE.]**

d. In any environment where the subject's fall could reasonably result in death (such as in water or on an elevated structure).

5. SUSCEPTIBLE POPULATION

a. Officers should be aware of the greater potential for injury when using an electronic weapon against certain individuals. Electronic weapons should not be used against:

1) Children under the age of seventeen (17);

2) Adults over the age of seventy (70);

3) Women believed to be pregnant; or

4) Those known to be suffering from severe mental illness.

[OPTIONAL – CHOOSE ANY OF THE FOLLOWING]

5) Persons of small stature irrespective of age;

6) Persons known to be equipped with a pacemaker; or

7) Persons in obvious ill health.

b. Electronic weapons should only be deployed on these vulnerable groups if the officer's assessment at the time is that the individuals have or will cause immediate serious bodily harm to themselves and/or others but could be subdued by an electronic weapon.

E. Aftercare

1. PROBES

a. Probes may be removed from the subject after the subject is restrained.

b. Probes

[OPTIONAL]

may be removed by trained officers.

OR

may be removed only by medical personnel.

2. MEDICAL CARE

a. Seek medical attention for:

1) A person who requests medical attention. Officers shall ask

persons if they desire medical attention.

2) A person who does not appear to recover properly after being engaged with the electronic device.

3) A person who is in a potentially susceptible population category. See **SUSCEPTIBLE POPULATION** in this policy.

4) A person who has been energized more than three times. [2]

5) A person who has had more than one EW effectively used against him or her in any given incident.

6) A person who has been subjected to a continuous energy cycle of fifteen (15) seconds or more.[3]

7) A person who has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to electrical weapon exposure. For further information, see the department policy regarding ***Use of Force.***

b. Transport the following to a medical facility:

1) A person who is struck by a probe in the neck, throat, face, female breasts, groin;

2) A person from whom personnel have difficulty removing the probes; and

3) A case in which the barb separates from the probe upon removal.

F. Reporting

1. OFFICER RESPONSIBILITY

a. The deploying officer shall notify his or her supervisor as soon as practical after deploying the device and complete the appropriate use-of-force report.

b. Officers shall specifically articulate the rationale in their use-of-force report for any instance of the following:

1) An electrical weapon is energized more than three times on a single subject.

2) An energy cycle longer than fifteen (15) seconds in duration is used against a subject.

3) More than one electrical weapon is used against a subject in any given incident.

4) An electrical weapon is used against an individual designated to be in a "susceptible population."

2. SUPERVISOR RESPONSIBILITY

   a. Ensure that photographs of the area impacted by the probes are taken after the probes are removed, if possible.

   b. Ensure that the subject has received the proper medical attention as appropriate.

   c. If the device has been fired, the officer shall collect the cartridge, wire leads, darts, and AFIDs as evidence. Darts are to be treated as a biohazard material and appropriately handled.

3. ADMINISTRATIVE RESPONSIBILITIES

   a. Report all electronic weapons deployment to the Executive Office of Public Safety. The report must include:

      1) The number of officers in the department;

      2) The number of electrical weapons purchased by the department;

      3) The number of incidents involving electrical weapons; and

      4) Gender and race of targets.

   b. Data from electrical weapons must be supplied to the Department of Public Safety.

   c. There will be an administrative review of each report of the discharge of an electronic weapon. This will be conducted by the Chief or other command staff officer as directed by the Chief.

   d. The department will conduct an annual analysis of reported uses of electronic weapons. Where indicated, training needs, equipment upgrades, and/or policy modifications will be considered.

---

[1] 501CMR8.04(b).

[2] IACP National Law Enforcement Policy Center, *Electronic Control Weapons*, Concept and Issues Paper, Revised August 2005, H: Probe Removal and Medical Attention.

[3] IACP National Law Enforcement Policy Center, *Electronic Control Weapons*, Concept and Issues Paper, Revised August 2005, H: Probe Removal and Medical Attention.

AGENDA REQUEST - Item #7

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *September 12, 2013*

Requestor: *Maureen Valente*

Action requested (Who, what, when, where and why): *Vote question of acceptance of funds offer from Friends of the Bruce Freeman Rail Trail*

Financial impact expected: *None*

Background information (if applicable, please attach if necessary): *See attached*

Recommendations/Suggested Motion/Vote:

Vote to accept, on behalf of the Town, funds offer from Friends of the Bruce Freeman Rail Trail

Person(s) expected to represent Requestor at Selectmen's Meeting: *N/A*

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 17, 2013*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? **Yes ( )** **No (X)**

Town of Sudbury
Town Manager's Office

278 Old Sudbury Road
Sudbury MA 01776
978-639-3385
Maureen G. Valente, Town Manager
Townmanager@sudbury.ma.us
http://www.sudbury.ma.us

Date: September 9, 2013
To: Board of Selectmen
From: Maureen G. Valente, Town Manager
Subject: Draft affirmative vote(s) on rail trail – two alternatives

You asked me to work with Town Counsel to draft a vote showing your agreement to accept the offered gift to move forward with the 25% design of the ½ mile segment of the trail, but also include language and caveats which we believe will protect the Town from complications associated with such an acceptance of funds. This is included as the first motion in this memo.

I have also included an alternative motion suggested by Selectman Simon. You can see he deleted paragraphs 2, 3 and 4 and added a sentence to paragraph 1.

The vote that I have worked with Town Counsel to draft includes the following:

1. Indicates that the Board will intend to accept the funds when and if raised and given to the Town in full amount sufficient for the purpose of obtaining the 25% design plan to MA DOT standards for the ½ mile segment.
2. Indicates that the Board will intend to accept the funds if an updated cost estimate is provided for the 25% design plan plus a parking analysis for the area referenced so the Board will know if the funds are adequate for the consultant's contract.
3. Indicates that the Board will reserve the right, when accepting the funds, to choose the best time to begin the RFP process, within a 6 month time window, allowing the Town to balance multiple projects and demands as they see appropriate. This has been added not to slow down the work, but so that if the funds are ready right at a busy time for other Town priorities, such as Town Meeting, there is flexibility for the Board among competing priorities.
4. Indicates that the Board will be able to revisit its vote if there is a gap between the promised funding and the cost of the contract and the FBFRT does not provide the additional funding.

This vote does NOT use the language in the FBFRT offer (see page 3 of the letter dated August 8, 2013) that the funds "*will be paid when the Town of Sudbury executes the aforementioned 25% design contract*". Instead the vote indicates that when the funds are raised and ready for gifting to the Town, then the Town will begin the work of developing the RFP leading to a contract. To ask Town staff to undertake significant work to develop an RFP when there is a chance the funds might not be raised is asking the Town to take risk in this venture and

undermines the intent of the offer, which is to allow Sudbury to obtain the 25% design with no cost to the Town. This approach anticipates the following sequence: a) the Friends raise the offered amount; b) the Friends obtain an updated cost estimate once they believe sufficient funds have been raised; c) the Friends present the check for the full amount of the design plan plus parking study to the Board, d) the Town will hold the funds in escrow while staff develop the RFP and choose a consultant; e) the Town will execute the contract if funds are sufficient to cover the cost of the contract(s) including the parking analysis; e) if funds are inadequate, the FBFRT will be asked to donate additional funds, as indicated in the August 8, 2013 offer letter.

Please note that this is NOT a vote accepting the offered "good faith" amount of $5,000. From my perspective, accepting this amount does nothing to move the project forward as we cannot sign any contracts without having the full amount necessary for the contract. Since we cannot complete "$5,000" worth of the contract, these funds do not get us started any earlier on the project. Administratively and from a policy standpoint, acceptance of $5,000 that might need to be returned creates a significant amount of additional work for Town staff. When and if the entire amount is raised, the administrative and accounting work can be done all at once in a streamlined manner.

SUGGESTED MOTION drafted by staff

Move to advise the Friends of the Bruce Freemen Rail Trail (FBFRT) that the Sudbury Board of Selectmen are receptive and will accept a gift of $58,700 or a higher adequate amount to satisfy the updated cost estimate that will be simultaneously provided by the FBFRT, for the purpose of payment for a 25% design plan to MA DOT standards for the 1/2 mile segment of the BFRT from the Concord town line to the south side of Route 117 in Sudbury plus a parking count and analysis for the Davis Recreation Field Parking Area.

Further, move to advise the FBFRT that upon receipt of the $58,700 or higher amount the Town will begin the work to issue an RFP for the purpose of preparing the full 25% design plan to MA DOT guidelines and all prerequisites thereto, including but not limited to parking counts and analysis, within six months of receipt of said funds. The finished design plan shall be in accordance with MA DOT guidelines with maximum flexibility as to width and surface materials and must meet all Sudbury's local bylaws, and all applicable state laws.

Further, move that the FBFRT, as noted in the first paragraph, are required to provide the Sudbury Board of Selectmen with an updated detailed price estimate for the cost

of development of the MA DOT 25 % design plan plus parking analysis at the same time they present the Sudbury Board of Selectmen with the full amount of the funds that have been offered for this purpose. The Sudbury Board of Selectmen acknowledges that the $58,700 offered in the FBFRT letter dated Aug. 8, 2013 may be insufficient to pay for the requirements of the consulting contract for the design plan and parking analysis, and therefore the Board reserves the right to review this vote if the updated cost estimate exceeds the amount of the gift from the FBFRT and the Friends are unable to provide the additional funds or if any other information affecting the Town's ability to develop the design plan and parking analysis becomes available.

Further, the Board of Selectmen and the FBFRT agree that the Town of Sudbury is under no agreement to move forward with development of the railroad ROW after completion of the design, and the FBFRT will not seek any refund of donated funds if the Town does not use the design for any future purpose.

SUGGESTED MOTION, as provided by Selectman Simon

Move to advise the Friends of the Bruce Freemen Rail Trail (FBFRT) that the Sudbury Board of Selectmen are receptive and will accept a gift of $58,700 or a higher adequate amount to satisfy the updated cost estimate that will be simultaneously provided by the FBFRT, for the purpose of payment for a 25% design plan to MA DOT standards for the 1/2 mile segment of the BFRT from the Concord town line to the south side of Route 117 in Sudbury plus a parking count and analysis for the Davis Recreation Field Parking Area. The Town will commence work on the RFP upon receipt of the funds from the FBFRT.

~~Further, move to advise the FBFRT that upon receipt of the $58,700 or higher amount the Town will begin the work to issue an RFP for the purpose of preparing the full 25% design plan to MA DOT guidelines and all prerequisites thereto, including but not limited to parking counts and analysis, within six months of receipt of said funds. The finished design plan shall be in accordance with MA DOT guidelines with maximum flexibility as to width and surface materials and must meet all Sudbury's local bylaws, and all applicable state laws.~~

~~Further, move that the FBFRT, as noted in the first paragraph, are required to provide the Sudbury Board of Selectmen with an updated detailed price estimate for the cost~~

~~of development of the MA DOT 25 % design plan plus parking analysis at the same time they present the Sudbury Board of Selectmen with the full amount of the funds that have been offered for this purpose. The Sudbury Board of Selectmen acknowledges that the $58,700 offered in the FBFRT letter dated Aug. 8, 2013 may be insufficient to pay for the requirements of the consulting contract for the design plan and parking analysis, and therefore the Board reserves the right to review this vote if the updated cost estimate exceeds the amount of the gift from the FBFRT and the Friends are unable to provide the additional funds or if any other information affecting the Town's ability to develop the design plan and parking analysis becomes available.~~

Further, the Board of Selectmen and the FBFRT agree that the Town of Sudbury is under no agreement to move forward with development of the railroad ROW after completion of the design, and the FBFRT will not seek any refund of donated funds if the Town does not use the design for any future purpose.

AGENDA REQUEST- ITEM #8

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *September 13, 2013*

Requestor: *Maureen Valente*

Action requested (Who, what, when, where and why):
Discussion of next steps in Board's FY14 goal-setting.

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary):

see attached

Recommendations/Suggested Motion/Vote:

Discussion of next steps in Board's FY14 goal-setting.

Person(s) expected to represent Requestor at Selectmen's Meeting:

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 17, 2013*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? **Yes ( )** **No (X)**

Town of Sudbury
Town Manager's Office

278 Old Sudbury Road
Sudbury MA 01776
978-639-3385
Maureen G. Valente, Town Manager

Townmanager@sudbury.ma.us
http://www.sudbury.ma.us

Date: September 12, 2013
To: Board of Selectmen
From: Maureen G. Valente, Town Manager
Subject: Update on FY14 goal progress and further work on FY14 goal setting

As I verbally reported to you at your meeting on September 3, 2013, you have completed the first step in setting your FY14 goals, and that involved reviewing the votes that have been made by the Board over the past 12 months, and then giving me the green light to begin various actions of many of these items.

In your notebook on preparing for your goal setting, I noted four other areas of potential goals based on earlier discussions but I could not find a Board vote to feel comfortable saying you wanted to set a goal for these areas for FY14.

1. Choosing a development option for the Gravel Pit.
2. Developing a plan to create significant number of new affordable housing units to preserve the safe harbor from 40B developers.
3. Develop options for a Sudbury Historical Museum
4. Determine if there are savings or other benefits from a shared superintendent between L-S and SPS schools.

At your meeting, Selectman Woodard also suggested that a possible goal for consideration by the Board be "how to do an optimum budget allocation between Town/SPS/LS"?

The Board members at the August 21 meeting concluded the meeting by stating that you wanted to have further goal setting work to discuss these items and perhaps add other ones that the Board has not addressed yet.

As I noted before, a good goal is one that is "dripping" with action steps, so that the staff and I clearly know the expectations of what the Board wants us to do, and what you expect of each other. And it should have very clear deliverables so that all can know what end we are working toward.

At this time I am looking for direction from the Board on how to proceed with finalizing the FY14 goal setting.

Golden, Patricia

From: Bryan Semple <bryan.semple@gmail.com>
Sent: Thursday, September 12, 2013 4:47 PM
To: Selectmen; Board of Selectmen
Subject: Comments for Tuesday
Attachments: Three Goals for the Board of Selectmen.docx

I requested citizens petition time for Tuesday - i.e. on Selectmen's goals.

Attached are the basic substance of my remarks.

Bryan Semple
15 Revere Rd

Three Goals for the Board of Selectmen

The Board of Selectmen should make a top priority the following three goals for FY14.

- Get to long term safe harbor from 40B developers
- Change the budgeting process to control spending
- Fix the regional agree with Lincoln for LS

Getting to Long Term Safe Harbor on 40B

Traveling down route 20, you don't have to travel far to see the impact of 40B development on the town. The construction at Landham Road and route 20 is just the beginning as Johnson Farm construction has not even started. Yet the town doesn't appear to have a plan to get to long term safe harbor from 40B developers. This despite having years to develop a plan, a Sudbury Housing Trust where 10% of CPA funds are spent, and town planning department that included a position dedicated to affordable housing that had enough extra time to operate 40B auctions in other towns. We have also created an Regional Affordable Housing service for other towns, despite not having a long term plan for safe harbor from 40B developers. Do we have a plan that I just don't see?

The towns plan has relied on building home ownership units. Yet the math as Dan DePompei pointed out in the Spring doesn't work. For every 1 unit of affordable 40B ownership housing that counts towards the goal, we add three units that don't. While this strategy makes Sudbury desirable for developers, for the townspeople it will mean a continuous fight lot by lot to attempt to keep 40B developments out of town. Just ask the residents near Johnson Farm. The only real way forward appears to be the development of large scale rental housing in town. As objectionable as this may be for some, it is exactly what neighboring towns like Concord are undertaking to meet their affordable goal. There doesn't appear to be any other way.

Regardless, I am not an affordable housing expert. But the town employs a planning department. The town needs to present a plan to the taxpayers on how we are going to reach safe harbor for the long term. This needs to be a priority for the board before another Johnson Farm is built.

Changing the Budgeting Process to Control Spending

Good government and good schools cost money. As a taxpayer, I am willing to pay for both, especially the schools. Yet since 1997 when I moved here, the towns (and I use the word town to mean the town, SPS, LS, the Minute Man Regional HS, and debt service) budget has increased from $45.9.5M to $81.8M according to the warrant. That is a compounded annual growth rate of 3.25%. That figure is corrected for inflation. Removing inflation, the budget has increased annually by a CAGR of 5.43%. Looked at another way, in 1997 when I moved here, the town was spending $45.9M per year in 2013 dollars. That has increased in absolute

dollars by $35M. Where is that money being spent? Some items like healthcare have increased faster than inflation. Yet we are constantly told at town meeting how much money the town is saving. I don't see it. I see a budget that constantly increases each year even during recessions.

Some other data points:

	FY96	FY13	CAGR
Town Population	16542	18103	.53%
Student Population (LS + SPS)	3615	4583	1.41%
School + LS + Town Budget	45,942,000 (2013 $)	81,759,756	3.25%

People will pay for good government and good schools. But the failure in passing critical overrides should serve as a wake up call that without a better cost controls, the towns taxpayer's patience at this never ending increase in spending has limits.

This goes beyond the structural deficit and no amount of downtown commercial property will solve the problem. If I am not mistaken, the entire Shaw's plaza only contributes several hundred thousand in property taxes each year. We would need 10 of those to make a dent in the annual spending increase.

Please come up with a workable plan that could involve menu budgeting for town meeting, outsourcing, and regionalization. We need to control spending.

Fixing the LS Regional Agreement

Tied to the budget discussion is the LS Regional Agreement. All of you are familiar with both the contribution formula for the LS budget and the representation formula for the school committee. Do of any of you feel as though the spending formula and representation formula is fair to the taxpayers of Sudbury?

Either the representation formula needs to be changed so school committee representation is based on some manner of fiscal contribution or Lincoln's contribution to the school needs to be increased to more accurately reflect the benefit all Lincoln residents receive from access to this shared public resource. I would quite frankly like to see them up their commitment to the school, then have Sudbury reduce by a fraction those saving and apply some of the savings to SPS thereby boosting the budgets for both schools.

But without you taking a leadership position on this, change will not happen. Lincoln has little incentive to change the agreement. IF I were a Lincoln taxpayer, I would not change it

either. But if you, the Sudbury BOS start supporting candidates for the LS School Committee who are for changing the agreement, we will make a step in the right direction to solving this.

This issue can't be solved by a single selectmen or liaison to the LS. Those who suggest that are either naive of Lincoln politics or are being disingenuous to a selectman. All five of you need to take action

1. Get us a plan to safe harbor on 40B
2. Curb spending
3. Fix the LS Regional Agreement

AGENDA REQUEST – Item #9

BOARD OF SELECTMEN

Requestor's Section

Date of request: *September 11, 2013*

Requestor: *Patty Golden*

Action requested: *Approval of minutes*

Financial impact expected: *None*

Background information (if applicable, please attach if necessary):
CONSENT CALENDAR *– see attached*

Recommendations/Suggested Motion/Vote:

Vote to approve the goal-setting minutes of August 21st, the regular session minutes of September 3rd, and the special meeting minutes of September 9th, 2013.

Person(s) expected to represent Requestor at Selectmen's Meeting: *N/A*

Selectmen's Office Section

Date of Selectmen's Meeting: *September 17, 2013*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? **Yes ( )** **No (X)**

IN BOARD OF SUDBURY SELECTMEN
WEDNESDAY, AUGUST 21, 2013

Present: Chairman John C. Drobinski, Vice-Chairman Charles C. Woodard, Selectman Lawrence W. O'Brien, Selectman Leonard A. Simon, Town Manager Maureen G. Valente.

Staff present: Asst. Town Manager/HR Director Maryanne Bilodeau; Director of Planning & Community Development Jody Kablack; Fire Chief William Miles; DPW Director William Place; Police Chief Scott Nix; Combined Facilities Director Jim Kelly.

Absent: Selectman Robert C. Haarde.

The statutory requirements as to notice having been compiled with, the meeting was convened at 8:00 a.m. in the Silva Conference Room, 278 Old Sudbury Road.

Chair John Drobinski welcomed the participants to this first step in developing the FY14 goals and turned the meeting over to Town Manager Valente, who briefly covered the following points:

1. This is a working meeting to help the Board and senior staff get a better understanding of how to proceed on a number of votes the Board had made in past 12 months and to bring the new members of the Board up to date on the efforts earlier voted by the Board when it was a three member board.

2. A list of 16 potential goals (later reduced to 14 by combining related efforts) has been developed by reviewing the minutes of Board meetings. These are what will be discussed in this meeting.

3. A list of 4 more items which might be further Board goals are listed but it is likely the Board will need to meet later on to determine if these items and others should be added as FY14 goals: Affordable housing to keep our "safe harbor" status; options for a Sudbury Historical Museum; choosing a development option for the Melone Gravel pit; and determining if there are savings or other benefits from a shared superintendent of the L-S high school and the SPS school system.

4. All members of the Board and all members of the senior staff completed a "paired ranking" exercise to start them thinking about these projects and to provide a relative ranking of the projects. A good result is that the Board's rankings and the staff ranking were very similar.

5. The Town has completed a number of goals in the past two years. They include:
    a. Town and SPS employees to the GIC, with savings in health insurance
    b. Pantry Brook farm preserved in perpetuity
    c. Energy costs reduced in town buildings by 11% in less than five years
    d. Seniors increased as % of population from 9.82% to 12.20%
    e. Special Act for senior tax relief passed
    f. Shared facilities department created and staffed
    g. Town center design passed, and getting ready to implement
    h. Landham Road intersection finally approved by state and beginning to move forward with state taking responsibility for funding the project
    i. Advanced Life Support moving forward, hoping for Nov 1 launch
    j. Emergency Medical Dispatch and Combined Dispatch implemented
    k. Town Hall feasibility study underway
    l. Police Station design has begun
    m. Fairbank long term planning has begun
    n. Reached target for 5% reserves
    o. Master Plan for recreation fields completed, first project (L-S softball field) funded

p. Staff Succession planning working
q. AAA credit rating continued

6. On the attached page, Attachment A, are the 14 potential goal projects discussed. After discussion, information was added on which Selectmen interested in working on each potential goal area. The Board members indicated that they want Selectman Haarde to have the chance to further indicate which projects he might want to work on, beyond those where it is assumed he will want to join based on his current liaison and committee assignments.

7. Town Manager Valente noted she would have a summary of the meeting and the potential Selectmen liaison list ready for the Board to discuss at their meeting on September 17, 2013 and would seek guidance from the Board for further Goal setting steps at that time.

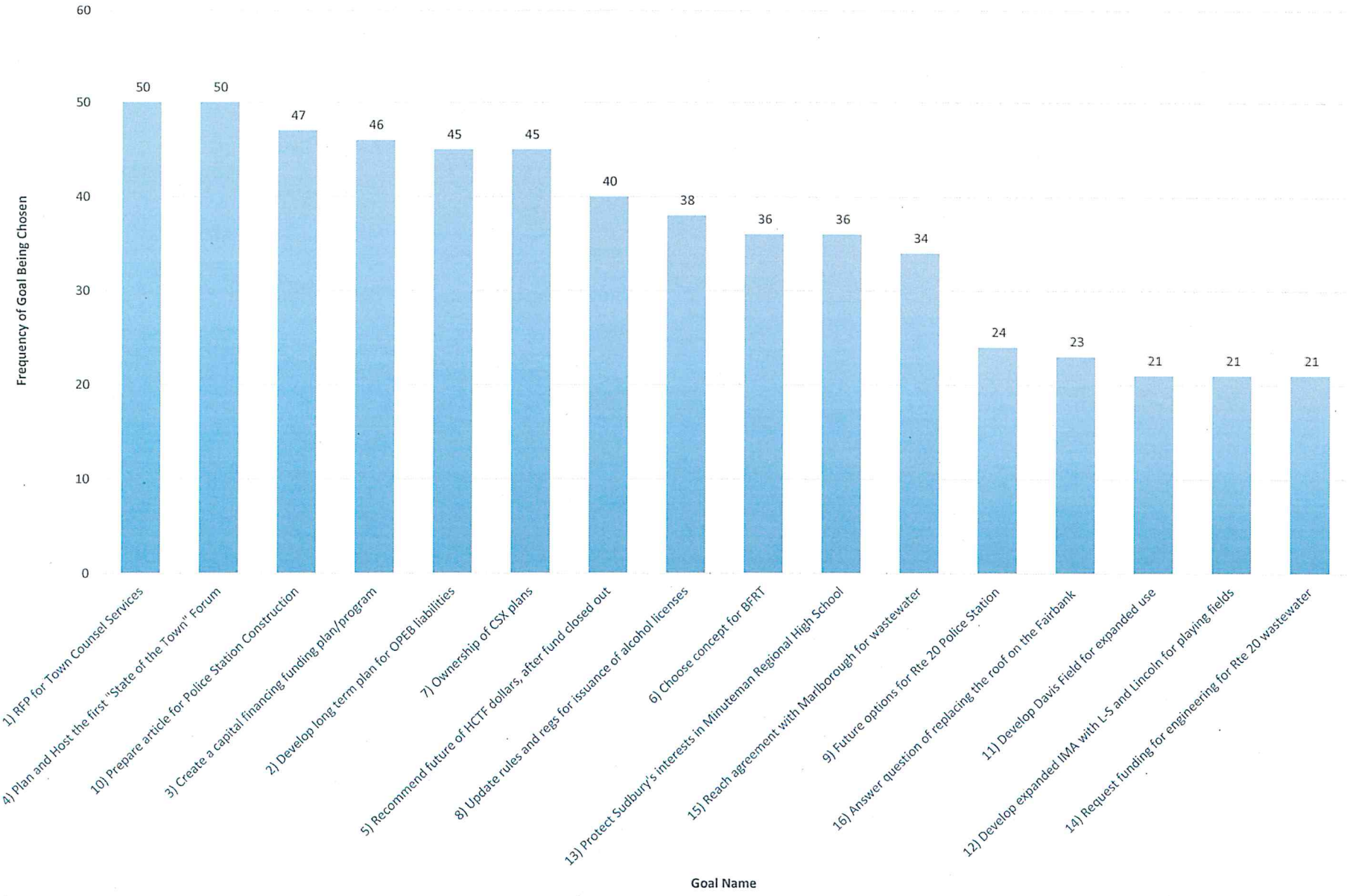
There being no further business, the meeting adjourned at 12:00 noon.

Attest:_____
Maureen G. Valente

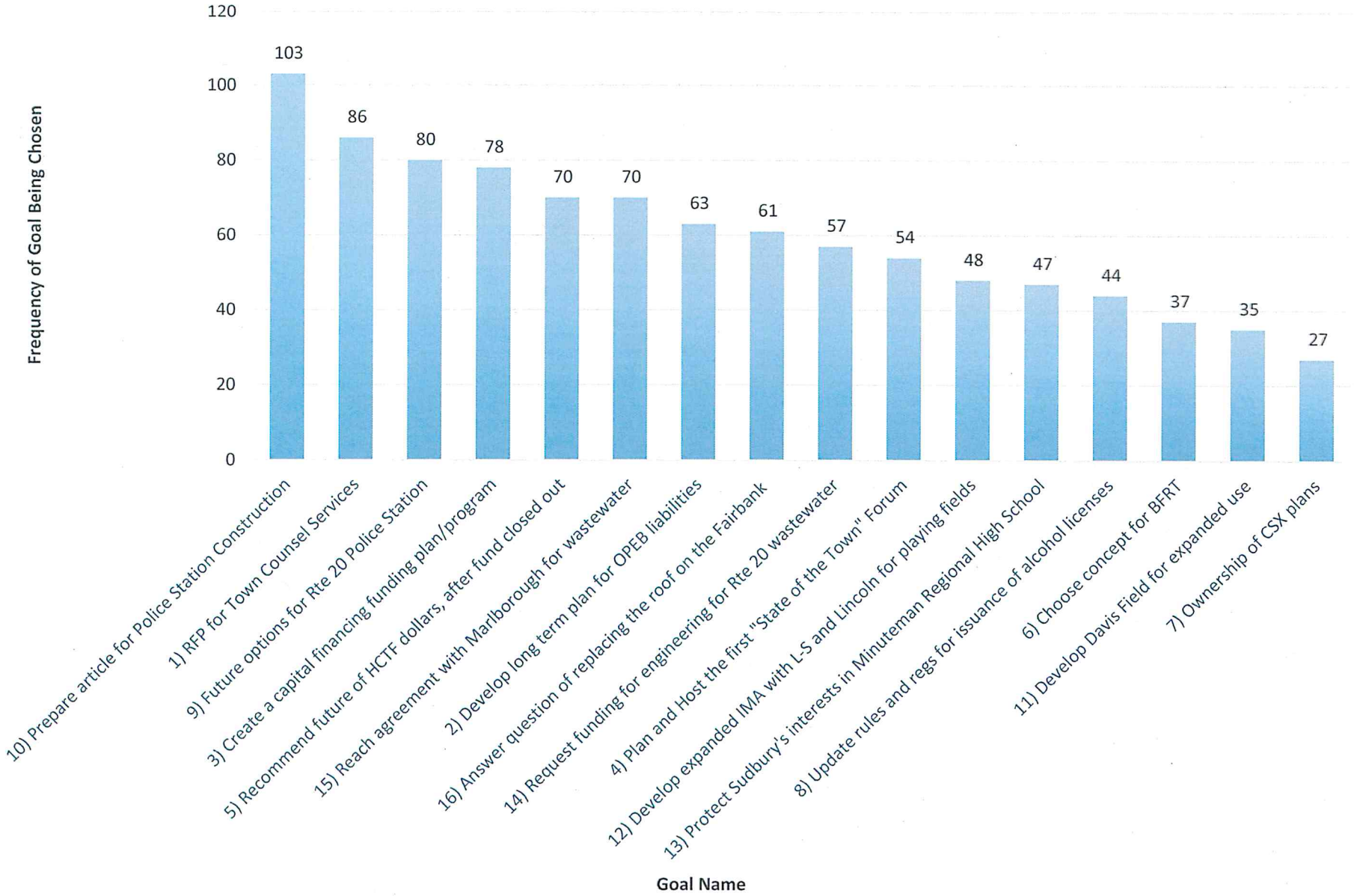
ATTACHMENT A: FY14 PROBABLE GOALS BASED ON EARLIER VOTES

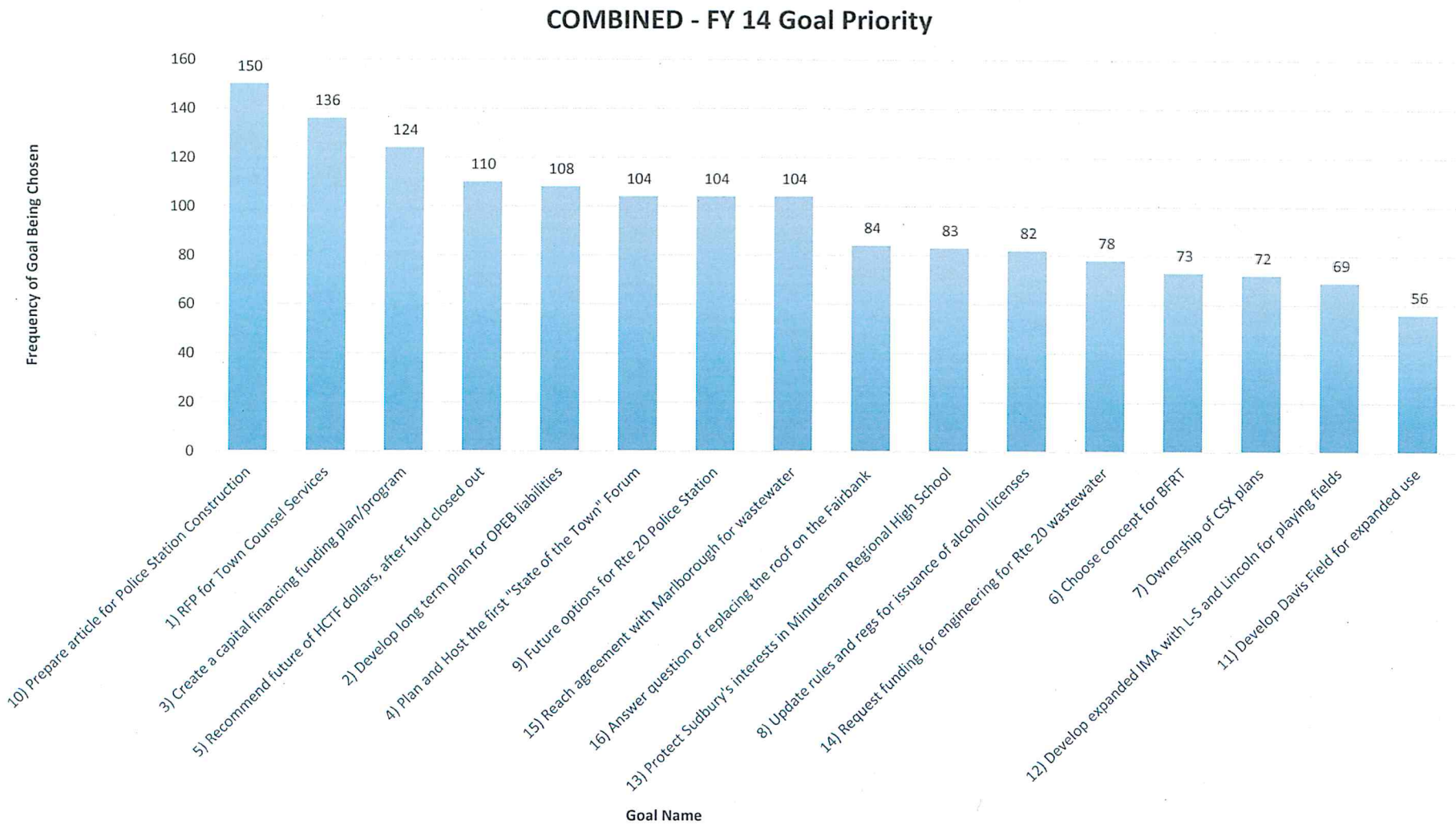
Potential Goal #	What	Deliverables	Potential Selectmen Liaisons	Lead Staff
1	Conduct an RFP process for Town Counsel services	RFP issued, Town Counsel appointment made	Drobinski, Simon	Valente
2	Plan and host the first "State of the Town" Forum, pursuant to the newly adopted bylaw requiring same	Forum held in FY14	Drobinski, Woodard	Office staff (Golden and Frank)
3a	Prepare article for funding Police Station Construction	Article written, all construction documents ready, project is bid out?	O'Brien	Kelly, Nix, Valente, PBC
3b	Determine future best use for the existing Police Station on Route 20	Report to Board of Selectmen with options; vote of Board on preferred option	O'Brien	Nix; Kablack
4	Pursuant to Strategic Financial Planning Report, Create a committee, charge them with developing a capital financing funding program with action steps	Report received with recommendations on how to finance the overall capital needs as described in Strategic Financing Planning Report	Woodard, O'Brien	Valente, Bilodeau Terkelsen
5a	Pursuant to Strategic Financial Planning Report, Create a Committee, charge them with developing a long term plan for dealing with OPEB liabilities	Report received with recommendations on OPEB action steps as needed to address OPEB challenge described in Strategic Financing Planning Report	Woodard, O'Brien	Valente, Bilodeau
5b	Health Claims Trust Fund closed out, agreement reach with IAC, recommendation on future of remaining funds	Article for Town Meeting to appropriate balance remaining in HCTF, agreement reach with employees on employee portion of fund	Woodard, O'Brien	Valente, Bilodeau, Terkelsen
6	Determine if Town will pursue ownership of CSX owned portion of rail trail line or let the option lapse	Board takes votes and provides direction to staff on finding alternative funding source for purchase.	Simon	Kablack, Dineen, Place
7	Update Selectmen's rules and regulations for issuance of alcohol licenses	Draft rules and regulations voted on by Board of Selectmen	O'Brien	Office Staff (Golden and Frank) Police Chief Nix
8	Decide on concept for Bruce Freeman Rail Trail, provide direction to staff	Concept direction voted by Board of Selectmen, staff prepare article for 2014 Town Meeting for first funding request	Simon	Kablack, Dineen, Place
9	Protect Sudbury's interests in the Minuteman Regional Vocational High School Capital Project	Board advises Town Meeting votes on new proposals for regional agreement, capital allocation method	Haarde, Simon	Valente
10	Establish a proposal to Marlborough Mayor and City Council to allow Sudbury use of Easterly Treatment plant for Sudbury business district wastewater needs	If feasible, draft IMA is developed	Drobinski	Valente, Kablack
11	Answer question of replacing roof on the Fairbank Community Center classroom section	After feasibility study is completed, determine if original roof project can go forward and prepare article for 2014 Annual Town Meeting	O'Brien, Woodard, Haarde	Kelly, PBC
12	Increase recreational land/opportunities/use at Davis Field	Plan is developed for expanded use of Davis Field including parking issues, Conservation Commission votes approval, and article is approved by CPC and Town Meetiing for funding	Haarde ?	Kablack, Dineen, Place, McShea, Valente
13	Develop an expanded IMA for L-S playing fields that includes Lincoln	An agreement among L-S, Sudbury Selectmen, Sudbury Recreation Commission, Lincoln Selectmen, Lincoln Recreation Commission	O'Brien, Woodard	Valente, McShea, Kablack
14	Start engineering work for either the Marlboro alternative or the Sudbury decentralized system	Article is submitted by Board of Selectmen for 2014 Town Meeting	Haarde, Simon	Kablack

SELECTMEN - FY 14 Goal Priority



SENIOR STAFF - FY 14 Goal Priority




COMBINED - FY 14 Goal Priority
Frequency of Goal Being Chosen
160
140
120
100
80
60
40
20
0
150
136
124
110
108
104
104
104
84
83
82
78
73
72
69
56
10) Prepare article for Police Station Construction
1) RFP for Town Counsel Services
3) Create a capital financing funding plan/program
5) Recommend future of HCTF dollars, after fund closed out
2) Develop long term plan for OPEB liabilities
4) Plan and Host the first "State of the Town" Forum
9) Future options for Rte 20 Police Station
15) Reach agreement with Marlborough for wastewater
16) Answer question of replacing the roof on the Fairbank
13) Protect Sudbury's interests in Minuteman Regional High School
8) Update rules and regs for issuance of alcohol licenses
14) Request funding for engineering for Rte 20 wastewater
6) Choose concept for BFRT
7) Ownership of CSX plans
12) Develop expanded IMA with L-S and Lincoln for playing fields
11) Develop Davis Field for expanded use
Goal Name

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, SEPTEMBER 3, 2013

Present: Chairman John C. Drobinski, Vice-Chairman Charles C. Woodard, Selectman Lawrence W. O'Brien, Selectman Robert C. Haarde, Selectman Leonard A. Simon, and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:31 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:31 p.m., Chairman Drobinski opened the meeting. He reminded the community to be mindful of more pedestrian and vehicular traffic now that schools are in session. He also announced construction continues on Landham Road, and the work would likely be completed the week of September 9, 2013. Chairman Drobinski announced mosquito spraying is scheduled for certain roads later tonight, and additional information is available from the E. Middlesex Mosquito Control Association. He thanked citizens for sharing their thoughts about the Board's Citizens' Comment procedures. Chairman Drobinski stated he and other Board members were contacted by Lincoln-Sudbury Regional High School regarding coordination of a joint meeting with Lincoln's Board of Selectmen.

Reports from the Town Manager

Town Manager Valente stated Police Chief Nix provided an update today regarding the impact of the Landham Road construction project on Loring School and other Town traffic. While some delays were experienced, residents have been appreciative of the police detail and temporary arrangements.

Town Manager Valente updated the Board on a meeting held in August for the 16 Town Managers of the Minuteman Regional Technical High School District. She stated the outstanding issues may need to be resolved this year to ensure receipt of the potential Massachusetts School Building Authority grant. Ms. Valente stated that, if an agreement cannot be reached which is acceptable to all 16 members, it is possible the grant could be lost, and that a bond for the project might not be able to be issued. The result of these potential circumstances could be that member towns would need to fund capital expenses on a cash basis. Ms. Valente stated a draft revised regional agreement is being worked on. She also stated the concept is being discussed (and it will be reviewed by the State) to ask non-member towns to sign an agreement to contribute towards capital costs in order to have their students attend the School. Town Manager Valente stated Sudbury's Minuteman representative David Manjarrez has requested a meeting with her and Selectmen Haarde and Simon to further discuss relevant Minuteman issues, which she will coordinate.

Town Manager Valente stated the Board had a preliminary goal setting meeting in late August, which will likely be one of several goal-setting sessions. Further goal-setting discussion may be on the Board's next meeting agenda, and there will be some follow up discussion later tonight as a result of the August meeting.

Reports from the Board of Selectmen

Selectman Simon and Chairman Drobinski stated they both have recently returned from vacation.

Selectman O'Brien stated he met with two members of the Council on Aging, and that the Council is beginning work on its budget.

Selectman Haarde stated the Fairbank Community Center Committee is scheduled to meet tomorrow and the Route 20 Sewer Steering Committee will meet in a few weeks.

Vice-Chairman Woodard stated he plans to attend the Fairbank Community Center Committee meeting tomorrow. He also spoke with L-SRHS representatives regarding a joint meeting with Lincoln's Board. Vice-Chairman Woodard also attended a Permanent Building Committee meeting regarding ideas for Town Hall proposed by architects.

Goodnow Library Board of Trustees – Joint Meeting – Appoint Interim New Member
Present: Goodnow Library Trustees Lily Gordon, Carol Hull, Robert Iuliano, Barbara Pryor, Sarah Sogigian and candidates Gregory P. Hamill, Edward Feldman, Nancy Vetstein Hershfield

At 7:42 p.m., Chairman Drobinski opened a joint meeting with the Goodnow Library Board of Trustees regarding appointing an interim new member. He thanked the three candidates for their interest in the position, stating it is a tribute to the Library and the great Town resource it is that it has drawn the interest of so many qualified candidates. The Board was previously in receipt of copies of resumes for the three candidates, Gregory Hamill, Edward Feldman, and Nancy Hershfield.

Town Manager Valente explained the process for this appointment, noting the vote would be a joint election of both boards.

Edward Feldman stated he has lived in Town 22 years, and he summarized his prior professional and board experiences. Mr. Feldman stated he has a long-standing love of books and for the Library, which he views as the epicenter of the Town's culture. He believes it would be an honor to help sustain the Library's purpose.

Gregory Hamill also provided the Board with a summary of his professional and board experience, noting he has lived in Sudbury since 1979. Mr. Hamill has always enjoyed libraries, and as a teenager worked as a page at the Brookline Public Library. He has continually frequented the Library with his children and now is introducing his grandchildren to the facility. Mr. Feldman is interested in helping the Library use technology resources more in the future and providing more interactive options for children.

Nancy Vetstein Hershfield has lived in Town for 14 years. Ms. Hershfield stated she went to the Library when she moved to Town and she met many new people there. She is a writer who frequents the Library often with her children. Ms. Hershfield wanted to become more involved with the Library and she participated in the 150th anniversary planning for the Library. She believes her prior public relations experience could be helpful for the Library, as it makes the transition to the digital age. Ms. Hershfield would like to help support the relevance of the Library to the Town, and she exhibited a t-shirt noting the Library was "good then - good now."

Board members asked each candidate several questions related to challenges they foresee for the Library, their visions for the Library and their opinions regarding hardcover books versus digital/electronic books and media. Each candidate stated they believe there will always be a need for both types in the near future. They also stated involving the Town's youth is critical to the sustainability of the Library as a community gathering place. Each of the candidates also mentioned addressing the changing needs of the Library, and obtaining more e-books which are expensive, will be difficult with limited resources. They also stated they see the first year in this position as an opportunity to learn from current Trustees, personnel, and users what is important for the Library.

Board members emphasized how great it is to have such talented people want to volunteer their services for such a worthy resource, and they encouraged the candidates to remain involved in some way with other Town groups if they are not selected tonight.

It was on motion unanimously

VOTED: To elect by roll call vote Nancy Hershfield, 88 Butler Road, as a new member of the Goodnow Library Trustees to serve until the effective date of the next Town Election, in accordance with General Laws Chapter 41, Section 11, as amended, to fill a vacancy created by a Trustee resignation, Chairman John C. Drobinski, Hershfield; Vice-Chairman Charles C. Woodard, Feldman; Selectman Robert C. Haarde, Hamill; Selectman Lawrence W. O'Brien, Hershfield; Selectman Leonard A. Simon, Feldman; Lily Gordon, Hershfield; Carol Hull, Hershfield; Robert Iuliano, Hershfield; Barbara Pryor, Hershfield; and Sarah Sogigian, Hershfield.

Trustee Barbara Pryor stated the Board is grateful for the interest of all the candidates and it is a tribute to the services provided by the Library.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of August 20, 2013.

Selectman Simon commended Recording Secretary Ellen Bicoules for composing the thorough meeting minutes.

Colonial Fair and Muster of Fifes and Drums – Special Permit

It was on motion unanimously

VOTED: To approve a Special Permit to Harold Cutler for the Colonial Fair and Muster of Fifes and Drums to be held on the Wayside Inn grounds from 10:00 a.m. to 5:00 p.m. on Saturday, September 28, 2013, subject to conditions and permits required by the Fire and Police Departments and the Board of Health.

Sudbury Celebrates 375/Sudbury Day Committee – Appointment

It was on motion unanimously

VOTED: To approve the appointment of Jane Kline, 153 Woodside Road, as a member of the Sudbury Celebrates 375/Sudbury Day Committee for a term to expire November 30, 2014, as requested by Hal Cutler, Committee Co-Chair.

Bullfinch's Restaurant - Sunday Entertainment License Renewal

It was on motion unanimously

VOTED: To renew the current Sunday Entertainment License for Bullfinch's Inc., d/b/a Bullfinch's Restaurant, 730 Boston Post Road, for a live jazz trio from 11:00 a.m. to 2:00 p.m., for the period of September 8, 2013 to August 31, 2014.

Legal Services – Establish Working Group

Chairman Drobinski stated this agenda item and the three which follow were as a result of the Board's FY14 preliminary goal-setting meeting. The Board was previously in receipt of copies of a draft "Town Counsel Review Committee Charge/Mission and Suggested Membership."

Town Manager Valente reviewed the charge to develop a statement of need for legal services based on input from frequent users of this office, and the suggested membership for the working group.

As a lawyer, Selectman Simon stated he is interested in participating in the process, noting municipal legal services are a specific subspecialty in law.

Selectman O'Brien stated he endorses having a lawyer as a member of the group, and he supports the draft charge and membership. He questioned if the process can be completed by December 31, 2013 and whether the Board should consider extending the term of the current Town Counsel to ensure a smooth transition.

Selectman Haarde asked if the working group would be conducting interviews with finalists. Town Manager Valente stated she envisioned the working group would rank and recommend candidates to the Board, and possibly conduct first-round interviews, but the Board would conduct final interviews. Chairman Drobinski stated he supports this process. Selectman Haarde stated he would expect the Board would also have the option to be able to consider all the applications and choose to interview someone perhaps not recommended by the working group.

It was noted the working group could decide its own chair and whether it wished to interview candidates as part of its process. Town Manager Valente stated Assistant Town Manager Bilodeau would be the lead staff person assisting the group.

It was on motion unanimously

VOTED: To establish a working group to handle tasks associated with helping the Board make a Town Counsel decision, and to approve the "Town Counsel Review Committee Charge/Mission and Suggested Membership" reviewed tonight, subject to including a timetable to accomplish the tasks, and noting Chairman Drobinski and Selectman Simon will represent the Board as members of the working group.

Other Post-Employment Benefits – Establish a Committee

The Board was previously in receipt of copies of a "Draft Mission Statement for OPEB Working Group," and Town Manager Valente reviewed its content.

Selectman Simon stated this is a big project for a major problem, which will likely involve all Board members.

Selectman O'Brien stated he is willing to represent the Board on this committee and also on the committee to be suggested in the next agenda item. He suggested adding a citizen-at-large member.

Selectman Haarde stated he is pleased a committee will be established because the consequences of this problem have already hit other countries and cities in the United States, and it is likely in the Town's future, if it is not addressed. He further stated the draft framework looked good.

Vice-Chairman Woodard stated this committee and the one suggested in the next agenda item are related in that they focus on the Town's debt obligations, and he volunteered to represent the Board on both committees. He supports the idea of adding a citizen-at large member, if the person has specific skill sets to aid the process.

Town Manager Valente noted this agenda item was not publicized to be voted tonight, but it can be brought back for a vote at the Board's next meeting. In the interim, she suggested, and the Board concurred, that she notifies the two School Superintendents of the Board's intention to establish the committee, asking for their own membership input. Town Manager Valente also suggested, and the Board concurred, that she would work with Vice-Chairman Woodard and Selectman O'Brien to prepare a draft of skills preferred for the citizen-at-large member for review and vote at the Board's next meeting.

Vice-Chairman Woodard reiterated that the intention is for the citizen-at-large member to be someone who can bring additional expertise to the committee.

Strategic Planning - Capital Finance - Establish Working Group

The Board was previously in receipt of copies of a "Draft Mission Statement for Capital Financing Working Group," and Town Manager Valente reviewed its content.

Selectman Simon stated this is an ambitious project and he is willing to help represent the Board if he is needed.

Selectman O'Brien reiterated his belief that this agenda and the previous agenda item are related, and he offered to represent the Board on both committees. He suggested adding a citizen-at large member to this committee and adding a charge to investigate other revenue centers.

Selectman Haarde supports adding a citizen-at-large member with proper skills to assist the committee.

Vice-Chairman Woodard reiterated his interest in representing the Board on this committee and the one suggested in the previous agenda item.

Town Manager Valente noted this agenda item was not publicized to be voted tonight, but it can be brought back for a vote at the Board's next meeting. In the interim, she suggested, and the Board concurred, that she reaches out to Town groups regarding their membership representation, and Selectman O'Brien and Selectman Simon should further discuss who will join Vice-Chairman Woodard to represent the Board.

Town Forum – Discussion of Bylaw

At 8:53 p.m., Chairman Drobinski opened a discussion regarding the Town Forum Bylaw, noting the Board supports proceeding with this Forum. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated August 21, 2013.

Town Manager Valente reviewed items for consideration mentioned in her August 21, 2013 memo, including possible formats for the forum, posted agendas, coordination, and lack of a budget.

Chairman Drobinski asked Dan DePompei, proponent of this bylaw at this year's Town Meeting, for feedback, including timing for the Forum, stating the Board wants to satisfy his intent as much as possible.

Sudbury citizen Dan DePompei, 35 Haynes Road, stated his intent was to create a constructive conversation format to solicit citizen input on Town issues. He referenced Town Manager Valente's memo, noting it includes many excellent suggestions. Mr. DePompei stated timing could be flexible, but he suggested it be held a few months before Town Meeting.

Selectman O'Brien noted the bylaw includes a time limit for the session of two and one-half hours. He and Mr. DePompei also suggested it would be good if representatives from the two School systems could attend, since the Schools account for 75% of the Town's budget. Vice-Chairman Woodard added 50% of households utilize School services.

Timing for the Forum was briefly discussed, noting it would be helpful to coordinate it with the publication of the Town Warrant, or at the end of January/early February.

Selectman O'Brien emphasized the Forum should not become a political event. Selectman Haarde agreed that the Forum should not be political or become a "shouting match." He stated the discussion should be interactive and not front-ended with lots of reports from Town Departments.

Chairman Drobinski suggested, and the Board concurred, that he and Vice-Chairman Woodard work with Mr. DePompei to establish the process and timing for the Forum.

Selectman O'Brien suggested consideration of the Curtis Middle School Auditorium as a venue.

There being no further business, the meeting adjourned at 9:10 p.m.

Attest:_____
Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
MONDAY, SEPTEMBER 9, 2013

Present: Selectman Lawrence W. O'Brien, Selectman Robert C. Haarde, Selectman Leonard A. Simon and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 10:30 a.m. in the Thompson Conference Room, Flynn Building, 278 Old Sudbury Road.

Public Hearing: 1-Day Wine & Malt License for the Goodnow Library Foundation
Present: Applicant David L. Pettit, Treasurer Goodnow Library Foundation

It was on motion unanimously

VOTED: To approve a 1-day Wine & Malt License to the Goodnow Library Foundation for an event at the Library on Thursday, Sept. 12th subject to receipt of Certificate of Liability naming the Town of Sudbury and Proof of bartender(s) training/certification.

There being no further business, the meeting adjourned at 10:32 a.m.

Attest:_____
Maureen G. Valente

AGENDA REQUEST - Item #10

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *August 8, 2013*

Requestor: *Myke Farricker*

Action requested: **CONSENT CALENDAR**

To grant a special permit for the Ride to Defeat ALS to be held on Sunday, September 29, 2013.

Financial impact expected: *None*

Background information: *This annual event (formerly known as the Positive Spin for ALS) has not been an issue with any of the related departments: Police or Park and Rec*

Recommendations/Suggested Motion/Vote: *Vote to grant a special permit to Myke Farricker, Committee Co-Chair, to hold a "Ride to Defeat ALS" bike ride on Sunday, September 29, 2013, from 9:00 a.m. through approximately 4:00 p.m., following the same route as in previous years, subject to Police Dept. safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race's conclusion.*

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 17, 2013*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? **Yes ( )** **No (X)**

agenda 9/17

Golden, Patricia

From: Myke Farricker <mykefarricker@gmail.com>
Sent: Thursday, August 08, 2013 5:33 PM
To: Golden, Patricia
Subject: Fwd: 2013 Positive Spin for ALS Bike Ride permit applicatioin
Attachments: Map of 3 Routes.jpg; 2013 Town of Sudbury ALS Assoc proof of insurance.pdf; 2012 Cue Sheets.xls

Patricia - Thank you for contacting me today. Mary always did such a great job for us, we will miss her, but we are very happy to be working with you.

I'm not sure if you saw the email below that I sent today at 11:17 am to Mary. I'm assuming that you did, but if you didn't, that email outlines the details of the request for a permit for the 2013 Positive Spin for ALS Bike ride, now known as the Ride to Defeat ALS, that we've been hosting since 2001. Every year Mary was kind enough to shepherd our permit request through the town, and I'm hoping that can continue with you.

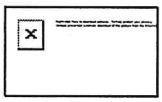
Attached to the below email to Mary are three documents - the map of the rides, the cue sheets for the riders giving them their directions for each ride, and a Certificate of Insurance for the Town of Sudbury, that you already have.

Please let me know if you need anything else, and I look forward to working with you.

Take care,

Myke Farricker
Co-Chair of the 2013 Positive Spin for ALS Bike Ride Committee
aka Ride to Defeat ALS

Myke Farricker
General Manager
The Longfellow Clubs
Wayland & Natick, MA


---------- Forwarded message ----------
From: **Myke Farricker** <mykefarricker@gmail.com>
Date: Thu, Aug 8, 2013 at 11:17 AM

Subject: 2013 Positive Spin for ALS Bike Ride permit applicatioin
To: "McCormack, Mary" <McCormackM@sudbury.ma.us>

Mary - Hi! Hope all is well with you. I'm writing to officially request a permit for this year's 2013 Positive Spin for ALS bike ride to raise money for research and patient care for those afflicted with ALS, or Lou Gehrig's disease.

Here is the info for the ride - it will take place on Sunday, September 29th. Our ride is sponsored again this year by the Massachusetts Chapter of the National ALS Association. It begins and ends at The Longfellow Club in Wayland, with starting times of 7:00 a.m.(65 miles), 9:00 am (50 miles), 10:00 am (25 miles), and 11:00 am (10 miles). The ride routes are the same as last year. I've attached a cue sheet for all the rides, as well as a map outlining each of the routes. I'm also attaching a copy of the Certificate of Insurance for the Town of Sudbury.

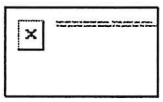
We will be putting up signs again this year as we have done in all the past years. I know that previously I raised the issue of painting arrows on the road, but we have decided not to do that this year. We will be putting the signs up the day before the ride, Saturday, September 28th, and we will take all the signs down at the end of the day of the ride, Sunday, September 29th.

Thank you for your help again this year and in the previous years. Please let me know if you need anything else from me.

Take care,

Myke Farricker
Co-Chair of the 2013 Positive Spin for ALS Bike Ride Committee
aka Ride to Defeat ALS

Myke Farricker
General Manager
The Longfellow Clubs
Wayland & Natick, MA


The Longfellow Clubs - awarded **"Top Places to Work in Massachusetts"** by the Boston Globe in 2012

The Longfellow Clubs - Recipient of the **Outstanding Community Service Award** at the 2011 International Health and Racquet Sports Association's Annual Convention

www.longfellowclubs.com
Find us on FaceBook: www.facebook.com/Longfellowclubs

Positive Spin for ALS - Sept 9, 2012		
10 Mile Route - PINK		
Follow route signs with PINK "10" label only		
On-road assistance available from SAG vehicles with PINK flags on antennae		
In an emergency, or to call a SAG vehicle, Dial 339-225-1008		
Mile	**From Start**	**Town**
0.1	R onto Route 20 - CAUTION - follow cones	Wayland
0.2	R into Papa Gino's parking lot	Wayland
0.3	R onto Old County Road - becomes River Road	Wayland
1.0	L onto Water Row	Wayland
1.3	Cross Rte 27 (Maynard Road-CAUTION - still Water Row	Wayland
1.9	L onto Plympton Road	Sudbury
2.9	R onto Concord Road - CAUTION	Sudbury
3.1	L onto Morse Road	Sudbury
4.4	R onto Marlboro Road at STOP	Sudbury
4.9	R onto Haynes Road at STOP	Sudbury
5.1	R onto Pantry Road at STOP	Sudbury
5.3	Straight - becomes Concord Road	Sudbury
6.2	L onto Lincoln Street at Lincoln Sudbury High School	Sudbury
7.0	R onto Water Row	Sudbury
9.0	Cross Rte 27 (Maynard Road) - CAUTION	Sudbury
9.2	R onto River Road - becomes Old County Road	Wayland
10.0	L into Papa Gino's Parking lot	Wayland
10.1	L onto Route 20 - CAUTION - follow cones	Wayland
10.3	L into Longfellow Entrance	Wayland
10.4	Finish - CONGRATULATIONS!	Wayland

Client#: 42045 AMYOLATE

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 5/24/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER (C) Wharton/Lyon & Lyon 101 S. Livingston Avenue Livingston, NJ 07039 973 992-5775	CONTACT NAME: Mary O'Connor PHONE (A/C, No, Ext): 973 992-5775 FAX (A/C, No): 9739926660 E-MAIL ADDRESS: moconnor@whartoninsurance.com
INSURED Amyotrophic Lateral Sclerosis Assoc. 1275 K Street NW, Suite 1050 Washington, DC 20005	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Hanover Insurance — 22292 INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			ZHY949968800	04/01/2013	04/01/2014	EACH OCCURRENCE	$1,000,000
	[X] COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$100,000
	[ ] CLAIMS-MADE [X] OCCUR						MED EXP (Any one person)	$10,000
							PERSONAL & ADV INJURY	$1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$2,000,000
	[ ] POLICY [ ] PRO-JECT [X] LOC						PRODUCTS - COMP/OP AGG	$2,000,000
								$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	[ ] ANY AUTO						BODILY INJURY (Per person)	$
	[ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	[ ] HIRED AUTOS [ ] NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
A	[X] UMBRELLA LIAB [X] OCCUR			UHY949968400	04/01/2013	04/01/2014	EACH OCCURRENCE	$8,000,000
	[ ] EXCESS LIAB [ ] CLAIMS-MADE						AGGREGATE	$8,000,000
	[ ] DED [X] RETENTION $0							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						[ ] WC STATU-TORY LIMITS [ ] OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ]	N/A					E.L. EACH ACCIDENT	$
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Re: Ride to Defeat ALS Cycle Event at Longfellow Club, Wayland, MA on September 29, 2013 for the ALS Association Massachusetts Chapter

The Town of Sudbury is named as additional insured under General Liability per form # CG2026 07/04.

CERTIFICATE HOLDER

Town of Sudbury
Sudbury Town Hall
322 Concord Road
Sudbury, MA 01776

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Robert L. Wilson

MMM

Golden, Patricia

From: McShea, Nancy
Sent: Tuesday, September 10, 2013 11:21 AM
To: Golden, Patricia
Subject: Re: Positive spin for ALS Bike Ride - 9/17 agenda

This is fine with Recreation. Thanks

Nancy McShea, CPRE, CPSI

On Sep 10, 2013, at 10:19 AM, "Golden, Patricia" <GoldenP@sudbury.ma.us> wrote:

> Good morning,
> Attached is a request for a permit to hold the Annual Ride to Defeat ALS (formerly the Positive Spin for ALS), which goes through Wayland and part of Sudbury and is scheduled for Sunday, Sept. 29th.
>
> Please review the attached documentation and respond with your input by Thursday, 9/12. This is on the 9/17 Selectmen's agenda.
>
> Thank you very much.
>
> Patty Golden
> Senior Admin Asst to the Town Manager
> Town of Sudbury
> Ph: 978-639-3382
> Fax: 978-443-0756
> www.sudbury.ma.us
>
> When writing or responding, please be aware the Secretary of State has determined that e-mail is a public record and thus not confidential
>
>
> <doc02182120130910085804.pdf>

Golden, Patricia

From: Nix, Scott
Sent: Thursday, September 12, 2013 8:36 AM
To: Golden, Patricia; Grady, Robert; McShea, Nancy
Cc: Frank, Leila
Subject: RE: Positive spin for ALS Bike Ride - 9/17 agenda

Patty,

The only concern would be the crossing of RTE 27 at Water Row. Thanks!

Scott

Respectfully,

Scott Nix
Chief of Police
Sudbury Police Department
415 Boston Post Road
Sudbury, MA 01776
(978) 443-1042
nixs@sudbury.ma.us
-----Original Message-----
From: Golden, Patricia
Sent: Tuesday, September 10, 2013 10:20 AM
To: Nix, Scott; Grady, Robert; McShea, Nancy
Cc: Frank, Leila
Subject: FW: Positive spin for ALS Bike Ride - 9/17 agenda

Good morning,
Attached is a request for a permit to hold the Annual Ride to Defeat ALS (formerly the Positive Spin for ALS), which goes through Wayland and part of Sudbury and is scheduled for Sunday, Sept. 29th.

Please review the attached documentation and respond with your input by Thursday, 9/12. This is on the 9/17 Selectmen's agenda.

Thank you very much.

Patty Golden
Senior Admin Asst to the Town Manager
Town of Sudbury
Ph: 978-639-3382
Fax: 978-443-0756
www.sudbury.ma.us

AGENDA REQUEST – Item #11

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *August 18, 2013*

Requestor: *Hal Cutler, Co-Chair*
Sudbury Celebrates 375/Sudbury Day Committee

Action requested (Who, what, when, where and why):
Vote to accept, on behalf of the Town, a gift of $100 for use by the Sudbury Celebrates 375/Sudbury Day Committee celebration

Financial impact expected: **N/A**

Background information (if applicable, please attach if necessary): *Attached*
CONSENT CALENDAR

Recommendations/Suggested Motion/Vote: *Vote to accept, on behalf of the Town, a gift of $100 from the Sudbury Women's Softball League for use by the Town of Sudbury for the purpose of the Sudbury Celebrates 375/Sudbury Day Committee celebration, and may be used for another similar purpose as authorized by the Board of Selectmen in the event that all funds are not expended at the conclusion of the aforementioned celebration.*

Person(s) expected to represent Requestor at Selectmen's Meeting: *none*

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 17, 2013*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? **Yes ( )** **No ( )**

The donor hereby gives the sum of $ 100.00 for use by the Town of Sudbury for the purpose of the Sudbury Celebrates 375/Sudbury Day celebration and may be used for another similar purpose as authorized by the Board of Selectmen in the event that all funds are not expended at the conclusion of the aforementioned celebration.

Elin Neiterman

Donor's signature

Elin Neiterman

Print Donor's name

Sept. 6, 2013

Date

Golden, Patricia

From: Elin Neiterman <eneiterman@verizon.net>
Sent: Thursday, September 12, 2013 11:44 AM
To: Golden, Patricia
Cc: Cutler, Harold
Subject: Re: Processing League Donation to 375th Celebration Fund.

Yes it is.
Elin

On Sep 12, 2013, at 11:40 AM, "Golden, Patricia" <GoldenP@sudbury.ma.us> wrote:

> Hi Elin,
> Is this donation from the Sudbury Women's Softball League? I need the name of the group making the donation to be included on the agenda.
>
> Thank you.
>
> Patty Golden
> Senior Admin Asst to the Town Manager
> Town of Sudbury
> Ph: 978-639-3382
> Fax: 978-443-0756
> www.sudbury.ma.us
>
> *When writing or responding, please be aware the Secretary of State has determined that e-mail is a public record and thus not confidential*

From: Elin Neiterman [mailto:eneiterman@verizon.net]
Sent: Thursday, September 12, 2013 12:16 AM
To: Cutler, Harold; Golden, Patricia
Subject: Fw: Processing League Donation to 375th Celebration Fund.

Patty,
Here is the email from Sheila Boyle giving me permission to sign the form. Let me know if you have any questions.
Elin

----- Original Message -----
From: sdalyboyle@comcast.net
To: Elin
Sent: Sunday, August 18, 2013 9:09 PM
Subject: Re: Processing League Donation to 375th Celebration Fund.

You can sign my name with permission or use your own name
Sheila

Sent from Xfinity Connect Mobile App

----- Original Message -----

Golden, Patricia

From: hcutlercfpe <hcutlercfpe@verizon.net>
Sent: Sunday, August 18, 2013 4:11 PM
To: Elin Neiterman
Cc: Ellen Gitelman; Golden, Patricia
Subject: Processing League Donation to 375th Celebration Fund.
Attachments: DONOR FORM.pdf

Elin,

In accordance with instructions provided by the Selectmen's Office, donations to support the 375th Anniversary Celebration must be processed through the Selectmen's Office. The steps required are summarized by the following:

1) Donors are required to sign and submit he donor form (see attached) and the form must accompany the check(s) being submitted.
2) Monies received must be brought to the Selectmen's Office to be accepted by the Board of Selectmen.

Please have the attached form completed by someone in authority in the Sudbury Women's Softball League and contact me about picking it up. I still have the check and will take the form and check to Patty Golden at the Selectmen's Office for processing.

Thanks.

Hal

Harold R. Cutler
Consulting Fire Protection Engineer

165 Landham Road
Tele. & fax: 978-443-7088
Sudbury, MA 01776-3156

SUDBURY WOMEN'S SOFTBALL
SHEILA D. BOYLE
3 PHILLIPS RD.
SUDBURY, MA 01776

5-7515/110

355

DATE July 9, 2013

PAY TO THE ORDER OF Town of Sudbury $ 100 —

One hundred dollars —— DOLLARS

Security Features Included. Details on Back.

© DELUXE WALLET

Sovereign Bank, N.A.
PART OF THE SANTANDER GROUP

PREMIER BANKING

MEMO Donation 375th Comm. Sheila Boyle.

[redacted]

GRAYSTONE

AGENDA REQUEST- Item #12
BOARD OF SELECTMEN

Requestor's Section:

Date of request: 9/11/13

Requestor: Permanent Building Committee

Action requested (Who, what, when, where and why): See vote.
CONSENT CALENDAR

Financial impact expected: Funded.

Background information (if applicable, please attach if necessary):
The Permanent Building Committee (PBC) in conjunction with the Facilities Director and Fairbank Task Force representatives developed a Request for Qualifications (RFQ) for the Fairbank Community Center Complex Master Plan funded under Art. 17 of the 2013 ATM, by a grant from the Sudbury Foundation, and by donations from the Friends of Senior Citizens, Friends of Park and Recreation, Sudbury Youth Basketball and Sudbury Swim Team. Seven proposals were received pursuant to the Central Register notice and three firms were chosen for interview by the PBC acting in its role as the Town's Designer Selection Committee. Upon completion of the interviews, the PBC's recommendation with the concurrence of the Fairbank Task Force representatives was made to the Town Manager for award of contract.

Recommendations/Suggested Motion/Vote:
Vote: To approve the award of contract by the Town Manager for the development of the Fairbank Community Center Complex Master Plan to Bargmann Hendrie + Archetype, Inc. upon the recommendation of the Permanent Building Committee acting as the Town's Designer Selection Committee.

Person(s) expected to represent Requestor at Selectmen's Meeting:
None

Selectmen's Office Section:

Date of Selectmen's Meeting: 9/17/13

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):
Distribution:

Town Counsel approval needed? **Yes ( )** **No (X)**

ok for agenda mgr

TOWN OF SUDBURY

Sudbury, Massachusetts 01776

September 11, 2013

TO: Maureen G. Valente, Town Manager

FROM: Elaine L. Jones, Co-Chair Permanent Building Committee/Designer Selection Committee

RE: Design Services – Fairbank Community Center Complex Master Plan

As you are aware, the Permanent Building Committee solicited a Request for Qualifications for designer services for development of a Master Plan for the Fairbank Community Center Complex (copy attached). The vote authorizing the Master Plan was funded in the amount of $10,000 under Art. 17 of the 2013 Annual Town Meeting. Additionally a grant from the Sudbury Foundation in the amount of $30,000, and donated funds in the amount of $35,000 have been received for the project to be expended under the direction of the Permanent Building Committee.

In response to the solicitation published in the Central Register on July 24 and July 31, seven firms submitted proposals by the deadline of August 15, 2013.

In the August 20, 2013 review of the seven proposals received in response to Central Register and public advertising, the Permanent Building Committee acting as the Designer Selection Committee in concert with recommendations of the Fairbank Task Force and the Facilities Director chose three firms for final consideration and interview. These firms were (in alphabetical order): Bargmann Hendrie + Archetype, Inc. of Boston, Dore and Whittier of Newburyport, and Reinhardt Associates of Agawam. Subsequently, Dore and Whittier removed its name from consideration due to other project commitments and OMR of Acton, chosen as an alternate on August 20, was invited to attend an interview.

At the conclusion of the September 10, 2013 interviews, the Permanent Building Committee, acting as the Designer Selection Committee, compared each firm's representations and qualifications and determined Bargmann Hendrie + Archetype, Inc. working with Ballard*King as the to be the most suited for this project.

Therefore, the Permanent Building Committee/Designer Selection Committee, with the concurrence of Facilities Director James Kelly and the representatives of the Fairbank Task Force, recommends that the contract for the Fairbank Community Center Complex Master Plan, as set forth in the advertised Request for Qualifications, be awarded to Bargmann Hendrie + Archetype, Inc., 300 A Street, Boston, MA 02110, working with Ballard*King as the operational planning consultant, in the amount of $70,000, for the following reasons:

- Thorough knowledge of the Massachusetts State Building Code and regulations of the Architectural Barriers Board;
- Thorough knowledge of, and familiarity with, requirements of Chapter 579 of the Acts of 1980 (Omnibus Construction Act) for Public Construction and Chapter 193 of the Acts of 2004;
- Recent experience in the area of feasibility studies for senior centers and community recreational facilities including aquatic program elements (within last five years);
- Scope of services offered and their appropriateness to the needs of the Town;
- Recent experience and qualifications in projects similar in scope within the last five years;
- References;
- Ability to work with Town personnel and Committees;
- Ability to meet schedule given current workload;
- Identity and qualifications of the consultants who will work on the project, including the firm to conduct marketing analysis and prepare business plan;
- Qualifications of the key personnel to be assigned to the project;
- Time commitment of those key persons assigned to the project;
- Financial stability of the firm;
- Cost control experience;
- Achievements demonstrating design excellence;
- Demonstrated familiarity with the public bid construction process;
- Experience in green building design and sustainability.

Upon your consideration of this recommendation and the Board of Selectmen approval of award of contract, the PBC will notify BH+A and arrange for signing of the Agreement. Please note that we have not yet assigned the PBC liaison on this project.

If you have any questions, please do not hesitate to advise.

Elaine L. Jones, Co-Chair

AGENDA REQUEST - Item #13

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *September 9, 2013*

Requestor: *Town Clerk*

Action requested: *Appointment of Fletcher Comrie, 26 Amanda Road, a student at LSRHS, as an election officer for a term to expire on August 14, 2014 to work at the polls for community service hours. This student previously served as an election worker at the 2012 Presidential Election.*

Financial impact expected: *None*

Background information: ***CONSENT CALENDAR***
Application attached

Recommendations/Suggested Motion/Vote: *Vote to re-appoint Fletcher Comrie, 26 Amanda Road, a student at LSRHS as an election officer for a term to expire on August 14, 2014 to work at the polls for community service hours.*

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section:

Date of Selectmen's Meeting: *9/17/2013*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? **Yes ( )** **No ( )**

Town of Sudbury

Town Clerk's Office

Town Hall
322Concord Road
Sudbury, MA 01776-1843
978-639-3351
Fax: 978-443-0264
clerk@sudbury.ma.us

Application for Appointment as Election Official

I hereby apply for a position as Election Official in the Town of Sudbury for a one year term between August 15, 2013 and August 14, 2014. I understand that I will be responsible to work at the polling location and in the position as assigned by the Board of Registrars of Voters for the State (Presidential) Election. I swear that I am a resident of the Commonwealth and at least 16 years of age. Students who are already 18 must be registered voters in the Commonwealth.

Students must be responsible for their own transportation to and from the polls.

Name: Fletcher Francis Comrie

Address: 26 Amanda Road, Sudbury MA

Date of Birth: 4/14/1996

Telephone: 508-380-8245 Email fletchercomrie@gmail.com

I swear that the above statements are true:

Fletcher Comrie
Signature

8/26/2013
Date

~~the following shifts:~~

_____ **6:45 a.m. – 2:00 p.m.**

_____ **2:00 p.m. - end (8:30 or 9:00 p.m.)**

✓ **I am not available for an entire shift as listed above, but would be available for a partial shift of at least 4 consecutive hours.** After 3:00 PM.
(Please list available hours here)

Election officials are appointed by the Selectmen and assigned by the Board of Registrars.

You must attend training sessions

13 AUG 26 PM 2:58
TOWN CLERK
SUDBURY, MASS

AGENDA REQUEST - Item #14

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *September 13, 2013*

Requestor: *Maureen Valente*

Action requested:

Question of finalizing the Board's Citizens Comments Procedure.

Financial impact expected: *None*

Background information:

Recommendations/Suggested Motion/Vote:

Question of finalizing the Board's Citizens Comments Procedure.

Person(s) expected to represent Requestor at Selectmen's Meeting: *N/A*

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 17, 2013*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? **Yes ( )** **No (X)**

Town of Sudbury
Town Manager's Office

278 Old Sudbury Road
Sudbury MA 01776
978-639-3385
Maureen G. Valente, Town Manager

Townmanager@sudbury.ma.us
http://www.sudbury.ma.us

Date: September 12, 2013
To: Board of Selectmen
From: Maureen G. Valente, Town Manager
Subject: Revised Citizen's Comment Procedure AND new Office hours program draft
CC: Senior Staff

Attached is a red-line version of the procedure you saw as a draft at your meeting on August 20, 2013.

There are basically five changes here that I have made, subject to your acceptance.

1. I have clarified what was intended about the timing of the Citizen's Comment agenda item. Several folks felt this meant the last item of the evening. What was intended was the last of the timed items, before the Board moves into Consent and Miscellaneous items. The feedback from several residents is that they prefer to see this at the beginning of the meeting, so those making comments don't have to wait for the business of their fellow residents on other timed items to be addressed first. I left your original timing on this draft, awaiting direction from you before making any change to this.
2. Vice-chair Woodard made some suggestions to item 3 and 4 and added a new section 7, which I have incorporated herein.
3. Mr. DePompei made some suggestions that I felt were consistent with your original draft (adding a time for the sign-in and changing will to may in several places), so I did make those edits.
4. I added item 8 for information for a resident but if you would rather not have it or have different wording, that is of course the Board's prerogative.
5. I added item 9 at the suggestion of the Chair, John Drobinski. And I made an effort to briefly describe this proposed new way for the Board to engage with residents.

As noted, I did not make any other changes of substance based on comments from residents, as I believe you will determine if any of those suggestions should be incorporated before you vote a final procedure.

Sudbury Board of Selectmen Citizen's Comment Procedure

The Board will schedule a "Citizen's Comment~~"~~ " timed agenda item for each meeting, generally as the last of the timed items. ~~at each meeting after scheduled agenda items with the following guidelines~~ The Chair of the Board has the discretion to schedule this item earlier on an agenda.

1. In order to facilitate the process, ~~at~~ five minutes before the beginning of each meeting the BOS 's recording secretary will place a sign-up sheet at the rear of the meeting room. Residents are asked to write their names on the sign-up sheet and note the topic on which they wish to address the Board. Residents will be called to speak in the order of sign–up.
2. Upon being called up, the citizen shall approach a microphone and introduce him/herself clearly by name and address. This is intended to ensure that citizen input is fully audible to attendees of the meeting and people viewing the meeting via SudburyTV.
3. As the topic of a "Citizen's Comment" ~~will~~ may not be on the agenda as required by the 48 hour Open Meeting Law, the Board members ~~will~~ may not be able to deliberate or take votes on the topic and may only listen , comment and ask questions during the "Citizen's Comment" time. The Board may, at the Chair's discretion, schedule the topic for a later Board meeting as an agenda item. The citizen who made the comment or suggestion shall be notified of the date of such meeting.
4. The Chair~~man~~ shall be sensitive to the subject matter under discussion and if it involves the performance of an official of the Town who has not previously been advised that a matter may be discussed, the citizen's comments will be noted but further discussion ~~shall~~ may be curtailed. The Board may, at the Chair's discretion, ask follow up questions and/or schedule the topic for a later Board meeting as an agenda item. The citizen who raised the performance issue shall be notified of the date of such meeting.~~schedule the topic for a later Board meeting as an agenda item.~~
5. If the citizen has comments about a Town employee's performance, the citizen's comments will be curtailed and the citizen will be directed to discuss this topic with the Town Manager outside of a Selectmen's meeting.
6. The Chair~~man~~ may, at his/her discretion, because of the lateness of the hour or time spent on a single item, close the Citizen's Comment in order to finish the Board's business meeting.
7. Any citizen may also petition the Board to be given time on a future agenda to discuss a particular issue. Whether the citizen will be given such time and, if given, what information or material will be required to be submitted in advance, shall be at the discretion of the Chair.
8. Citizens have the option of emailing the Board with their questions and comments. The Board's email address is Selectmen@sudbury.ma.us. Please note that the Chair of the Board will endeavor to answer all emails sent to this address within 48 hours of receipt, but may not always be able to do so.
9. Citizens have the option of attending one of the Board's monthly "Office Hours" to discuss items with the Board. Please check the Board's Sudbury webpage to see the next scheduled Office Hours session – http://sudbury.ma.us/departments/BoardOfSelectmen

Sudbury Board of Selectmen's Office Hours

As a new option for Sudbury residents to meet with members of the Board of Selectmen, the Board will begin offering monthly "Office Hours" where no more than two members of the Board will be at different sites in the Town. These office hours are not public meetings with an agenda, but rather a casual, open time for general discussions with Board members.

The Board of Selectmen's Office Hours shall be posted on the Town's web site at least one week before each session.

The Board will begin offering these Office Hours in October 2013 on a trial basis.

Golden, Patricia

From: Ralph Tyler <ralphtyler@MSN.com>
Sent: Tuesday, September 03, 2013 2:57 PM
To: Board of Selectmen; Drobinski, John; O'Brien, Larry; Haarde Bob; Woodard, Chuck
Subject: RE: Draft Citizen's Comment Procedure
Attachments: Letter to Selectmen re Dutton Road Intersections sent August 3, 2011.pdf

Gentlemen

It is extremely disappointing to see what appears to be an effort to suppress public comments instead of expanding public access.

Simply put as written, the policy will not result in a meaningful public comment period.

The draft also highlights what I believe to be Sudbury's core problem, a focus on procedure and paperwork at the expense of getting things done promptly and efficiently.

For years the Selectmen welcomed public comments during the first 10 to 15 minutes of their scheduled meeting. There were no formal procedures and no sign up sheets. When citizens had issues they wished to discus, they showed up and were given a few minutes to express their concerns.

It was simple, quick and efficient for all concerned.

Then came the formality. before anything could be discussed there were forms to fill out, matters were screened by staff or committees etc etc.

For Example: I'm still waiting to be able to discuss the lack of stop signs along Dutton Road (See attached Aug 3, 2011 letter), an issue I unsuccessfully tried for quite some time to get on the Selectmen's agenda .

RE the Draft Policy

The biggest problem I see with the policy is placing public comments at an unspecified time near to or at the end of the meeting.

The result will simply be few if anyone will sit around for 2 to 4 hours on the off chance they may get 2 minutes to express a concern to the Selectmen.

Second, the item could easily be considered to be on the agenda and fully satisfy the 48 hour notice requirement of the open meeting law. To my knowledge this is sufficient notice to everyone that the Public will be making comments to the Selectmen and that the Selectmen will receive and act on those comments as appropriate. Unless there is legal decisions to the contrary, I would suggest that this be the comment sense interpretation of the notice requirement of the open meeting law.

Alternatively, provide a sign up sheet on-line to allow the public to sign up for public comment period and provide them the option of describing the topic to be discussed so it can be included on the agenda if this is what it takes to satisfy the open meeting notice requirement.

Then there is the censorship issue over not letting people discuss their concerns whatever they may be. If it involves an interaction with an employee or a town department, it seems to me this is exactly the type of input the Selectmen need to be receiving from the public. Open unfiltered feedback from citizens on how government is working or isn't working and sometimes, that involves specific acts of town officials whether elected or employed.

My preference would be to schedule public comments right at the beginning of every meeting of the board of selectmen to last for from between 10 to 15 minutes. And do it like it is done at town meeting without signup lists leaving it to the discretion of the Chair to manage the order of those who have come to speak.

And I do not believe there needs to be a written policy about this. A simple vote by the Selectmen to henceforth allow public comments at the beginning of every meeting is all that is necessary.

Thank You.

Regards,

Ralph

Ralph S. Tyler
1 Deacon Lane
Sudbury MA 01776
Home (978) 443-2646
e-mail RalphTyler@MSN.com

Golden, Patricia

From: ddepompei@verizon.net
Sent: Wednesday, September 11, 2013 9:05 PM
To: Selectmen
Subject: Selectmen's "Citizen Comment" Procedure
Attachments: 2013-9-11 SELECTMEN'S CITIZEN'S COMMENT PROCEDURE.docx

To the Selectmen,

My comments to the proposed procedure are attached.

Thank you for the opportunity to comment.

Dan DePompei

SELECTMEN'S CITIZEN'S COMMENT PROCEDURE

The Board will schedule a minimum 15 minutes for ~~a~~ "Citizen's Comments" at the beginning of each meeting. ~~after scheduled agenda items with the following guidelines:~~ Additional time, as necessary, will also be scheduled for "Citizen Comments" at the end of each meeting.

i. In order to facilitate the process, five minutes before ~~at~~ the beginning of each meeting the BOS will place a sign-up sheet at the rear of the meeting room. Residents are asked to write their names on the sign-up sheet and note the topic on which they wish to address the Board. Residents will be called to speak in the order of sign–up.

ii. Upon being called up, the citizen shall approach a microphone and introduce him/herself clearly by name and address. This is intended to ensure that citizen input is fully audible to attendees of the meeting and people viewing the meeting via SudburyTV.

iii. As the topic of a "Citizen's Comment" ~~will~~ may not be on the agenda as required by the 48 hour Open Meeting Law, the Board members ~~will~~ may not be able to deliberate or take votes on the topic and may only listen and ask questions during the "Citizen's Comment" time. The Board may, at the Chair's discretion, schedule the topic for a later Board meeting as an agenda item.

iv. The Chairman shall be sensitive to the subject matter under discussion and if it involves the performance of an official of the Town who has not previously been advised that a matter may be discussed, the citizen's comments will be noted but further discussion shall be curtailed. The Board may, at the Chair's discretion, schedule the topic for a later Board meeting as an agenda item.

v. If the citizen has comments about a Town employee's performance, the citizen's comments will be curtailed and the citizen will be directed to discuss this topic with the Town Manager outside of a Selectmen's meeting.

vi. Residents need not sign up for "Citizen Comments" at the end of the open portion of the meeting. The chairman will ask for a showing of hands and residents invited to speak will follow the above process.

vii. The Chairman may, at his discretion, because of the lateness of the hour or time spent on a single item, close the Citizen's Comment in order to finish the Board's business meeting.

Golden, Patricia

From: YON - Jan C. Hardenbergh <jch@jch.com>
Sent: Monday, August 26, 2013 8:41 PM
To: Selectmen
Subject: Feedback on Draft Citizen's Comment Procedure

This is in response to the item posted on the website:
http://www.sudbury.ma.us/departments/Selectmen/news4384/

First, I am skeptical that these will be useful. The comment sessions I have seen before generated more heat than light.

The procedure should state what the purpose of Citizen Comments. That will give the chair some more leverage to prevent abuse of this privilege.

Will these comments become part of the meeting minutes? If so, how will erroneous information be handled? Even if the comments are clearly marked as Citizen Comments, the fact that they are in the Selectman's minutes will give them credibility.

YON - Jan C. Hardenbergh <> jch.com <> Pixelsmith
Deadlines may impose an artificial thought process, but,
without them there would be no thought process at all.

Golden, Patricia

From: Bryan Semple <bryan.semple@gmail.com>
Sent: Wednesday, August 28, 2013 7:53 AM
To: Selectmen
Subject: Citizens Comments Feedback

The following is feedback on the citizen's comment time proposal.

1. Having comments at the end of the meeting sends the signal that this is not an important item. I would move the comment period up to the front, limit it to 30 minutes max and 5 minutes per speaker. I doubt you will get more than 1 - 2 people per meeting, if that. LSSC, which used to be one of the most difficult committees, is very welcoming to the public to just show up and speak.

2. The policy as written seems very defensive in nature as opposed to welcoming. It seems to be written more to protect comments about town employees as opposed to hearing comments from those in town who pay taxes. If a town citizen, who pays the taxes is unhappy with the performance of a town employee, they should be allowed to voice that.

3. Referring issues about town employees to the town manager does not make sense to me. The BOS works for the citizens and the TM works for the BOS. The BOS should direct the TM, if they see fit, to assist a citizen who has come before the board with a problem. Simply passing them off to a non-elected official when they have come before the elected board doesn't seem right.

4. While I welcome this change, the right of citizen to petition the BOS, have a set block of time on the agenda, submit written comments ahead of time for discussion, and have a brief discussion with the BOS about a topic should be preserved. This process, when carried out in a timely manner by all, is probably most effective at dialogue. I therefore believe this policy is an additional way to communicate with the BOS.

Thank you

Bryan Semple
15 Revere Rd

Golden, Patricia

From: Pat Brown <patbrownian@me.com>
Sent: Monday, September 02, 2013 4:34 PM
To: Selectmen; Town Manager
Subject: Comment on the draft Citizens' Comment procedure

Dear Selectmen:

After reviewing the draft Citizens' Comment procedure posted on the Town website here:
http://sudbury.ma.us/departments/Selectmen/doc9022/CitizensCommentPolicyDRAFT.pdf

I have several thoughts.

1) The sign-up procedure is unnecessarily cumbersome and should be omitted. Citizens must identify themselves for the public record when recognized to speak at Board of Selectmen meetings now. The proposed sign-up requires a citizen to attend the entire meeting in order to speak when the comment period arrives following timed items. The draft document does not state whether citizens may continue to sign up after the meeting has begun, or whether the sign-up sheet will be removed when the meeting starts.
The draft states the sign-up procedure will "facilitate the process"---but the process is what is under consideration here. Other area towns--Acton, Concord, Lincoln, Wayland--do not require sign-up. How will a sign-up procedure "facilitate the process"?

2) As stated in the draft, the Board may, at its discretion, schedule a topic for discussion at a later meeting. If the Board responds to a comment by considering and ultimately scheduling an item for discussion at a later meeting, then the citizen raising the comment should be specifically notified of when this discussion is scheduled prior to the discussion. The citizen shall have the opportunity to provide in writing the contact information where this notification should be sent. The notification will be delivered no later than when the agenda including the item for discussion is posted with the Town Clerk.

3) Should a citizen raise a question during the Citizens' Comment period the Board may defer answering to investigate and formulate a considered and thoughtful response. However, the Board should indicate to the citizen whether the Board undertakes to address the question. If the Board indicates that it will address the question, the citizen shall have the opportunity to provide in writing the contact information where the response shall be sent. Additionally, the Board will have the question and the response posted on the town's web page.

I very much appreciate your willingness to accept public input, and hope that you will find my suggestions useful.

Sincerely,

Pat Brown

Please note I am using the e-mail address shown on the posting here:
http://sudbury.ma.us/departments/Selectmen/news4384/ and this address is not the "boardofselectmen@sudbury.ma.us" shown on the BOS home page.
Please let me know if I need to submit these comments differently.
Thank you.

TO THE BOARD:

THE MATERIAL FOLLOWING THIS PAGE IS THE DRAFT ADDITION TO SELECTMEN'S POLICIES WHICH WAS DISTRIBUTED AT THE AUGUST 20 MEETING.

Town of Sudbury
Town Manager's Office

278 Old Sudbury Road
Sudbury MA 01776
978-639-3385
Maureen G. Valente, Town Manager

Townmanager@sudbury.ma.us
http://www.sudbury.ma.us

Date: August 13, 2013
To: Board of Selectmen
From: Maureen G. Valente, Town Manager
Subject: Draft Addition to Selectmen's Policies and Procedures: Meeting Policy

Attached is a draft of an additional section to the Board's Policy and Procedure regarding the meetings of the Board of Selectmen.

Chairman Drobinski asked me to do research and look into how other towns handle the issue of a "citizen's comment" item on the agenda for the Board, particularly in light of the updated Open Meeting Law requirements regarding discussion of items on an agenda that have not received the proper 48 hour notice requirement.

The attached draft is based generally on that used by the Wellesley Board of Selectmen. It has been reviewed by Town Counsel, who has agreed this approach would comply with the OML.

Note I am suggesting that it be added as item 3 of the Board's current policy and procedure in the topic of Meeting Policy. I would further suggest that the Board's overall policies and procedures in this area be updated, as you have made a number of decisions to change items but those changes have not been made to this document. I have attached the current Meeting Policy for your reference.

Please let me know if you have any questions on this item before the meeting.

Thank you

TOWN OF SUDBURY

Selectmen's Policies and Procedures

MEETING POLICY

Insert the following into the Meeting Policy as item #3

3. The Board of Selectmen welcomes community members to attend our meetings and we place major importance on hearing the views of the public. We acknowledge that a Board meeting is a meeting that is held in public, not a public meeting, and we will make every effort to ensure that the Board meetings are effective and efficient. The procedure below is designed to facilitate both objectives.
    a. The Board of Selectmen's Office will publish the agenda for an upcoming board meeting at the Town Clerk's office and on the Town's website 48 hours before the start of the meeting, in compliance with the Open Meeting Law. To the extent possible, the Board of Selectmen's Office will publish on the Town's website back up materials for the agenda 24 hours before the start of the meeting. (http://sudbury.ma.us/departments/BoardOfSelectmen)
    b. In addressing any agenda item, the Board, through its Chairman, will recognize any citizen who wishes to comment on such item, at such time as the Chairman deems advisable, either before, during or after the Board members discussion of the agenda item.
        i. The Chairman has discretion when and if it becomes necessary to impose time limits on the expression of the public's views. For example, if numerous people wish to be heard, the Chairman is authorized to limit the time for any one person's comments, and also, in cases where many people wish to be heard and the hour is late, to encourage that further comment be voluntarily restricted to the expression of views and facts which have not been presented by prior speakers. The Chairman may also limit citizens to speaking only once on the agenda item at hand.
        ii. Citizens who wish to address the Board, once recognized by the Chairman, are requested to approach a microphone and introduce themselves clearly by name and address. This is intended to ensure that citizen input is fully audible to attendees of the meeting and people viewing the meeting via SudburyTV.
    c. The Board will schedule a "Citizen's Comment" at each meeting after scheduled agenda items with the following guidelines
        i. In order to facilitate the process, at the beginning of each meeting the BOS will place a sign-up sheet at the rear of the meeting room. Residents are asked to write their names on the sign-up sheet and note the topic on which they wish to address the Board. Residents will be called to speak in the order of sign–up.

NOTE: This statement of procedure draws extensively from the procedure used by the Board of Selectmen, Town of Wellesley

ii. Upon being called up, the citizen shall approach a microphone and introduce him/herself clearly by name and address. This is intended to ensure that citizen input is fully audible to attendees of the meeting and people viewing the meeting via SudburyTV.

iii. As the topic of a "Citizen's Comment" will not be on the agenda as required by the 48 hour Open Meeting Law, the Board members will not be able to deliberate or take votes on the topic and may only listen and ask questions during the "Citizen's Comment" time. The Board may, at the Chair's discretion, schedule the topic for a later Board meeting as an agenda item.

iv. The Chairman shall be sensitive to the subject matter under discussion and if it involves the performance of an official of the Town who has not previously been advised that a matter may be discussed, the citizen's comments will be noted but further discussion shall be curtailed. The Board may, at the Chair's discretion, schedule the topic for a later Board meeting as an agenda item.

v. If the citizen has comments about a Town employee's performance, the citizen's comments will be curtailed and the citizen will be directed to discuss this topic with the Town Manager outside of a Selectmen's meeting.

vi. The Chairman may, at his discretion, because of the lateness of the hour or time spent on a single item, close the Citizen's Comment in order to finish the Board's business meeting.

NOTE: This statement of procedure draws extensively from the procedure used by the Board of Selectmen, Town of Wellesley

TOWN OF SUDBURY

SELECTMEN'S POLICIES AND PROCEDURES

A. MEETING POLICY

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

1. An organizational meeting shall be held at the first meeting following Town Meeting.

   a. Elect Chairman.
   The Chairman will approve the agenda for and conduct the Selectmen's meetings; coordinate the affairs of the Board with due concern that all members' views are heard and considered; and act as liaison to the Town Manager and the major departments under the Board of Selectmen.

   b. Elect Vice-Chairman.
   The Vice-Chairman will assume the duties of the Chairman in his absence.

   c. Elect Clerk (Town Manager unless voted otherwise).
   The Clerk will be responsible for (1) preparation for Selectmen's meetings and keeping complete and accurate minutes of Selectmen's meetings; and (2) is authorized to provide attested copies of Selectmen's votes and minutes as necessary.

2. Meetings shall start promptly at 7:30 p.m. on Mondays. Formal business session shall adjourn no later than 12:00 midnight. Unfinished business will be postponed until the next meeting. Meetings will be held twice a month, unless the need for a special meeting arises.

3. In general, business will be scheduled as follows:

   a. Opening statement by Chairman (7:30 p.m.)
   b. Citizen petitions (15 minutes)
   c. Miscellaneous: such as minutes, gifts, grants, consent calendar, licenses, utility petitions (7:45 p.m.)
   d. Public hearings (8:00 - 9:00 p.m.)
   e. Items for Selectmen's consideration (policy issues)
   f. Town Manager's report
   g. Reports from Board members and other business

4. The second meeting each month shall provide for the Town Forum from 8:00 - 9:00 p.m.

5. The Selectmen shall, if possible, conduct at least one meeting with boards and committees to discuss their activities and issues.

6. If practicable, executive sessions, other than a few minutes in duration, shall be scheduled for after 9:00 p.m.

A. Meeting Policy (CONTINUED)

7. Actions and decisions shall be by motion, second and vote. If the vote is not unanimous, the minutes shall reflect the vote of each Selectmen.
8. For the meeting, the Town Manager shall:

   a. Provide Selectmen with pertinent explanatory or review material in brief form with agenda, sent prior to meeting.

   b. Have on hand, all back-up data and files appropriate to a scheduled item of discussion. In addition, he shall provide any data, analyses and recommendations as appropriate.

   c. Draft motions in advance of meeting.

   d. Indicate on correspondence suggested action to be taken.

   e. Report highlights from meeting minutes of other boards and committees.

B. AGENDA PROCEDURE (Amended 05/10/76, 07/08/96)

The Town Manager shall prepare agenda for meetings and:

1. Schedule a realistic time period for each appointment, interview, conference or other scheduled items of business.

2. Confirm all appointments including time allotted.

3. Obtain Chairman approval of the agenda and time allocation prior to publication by the Town Manager on the Friday before the meeting.

4. Distribute copies of the agenda to the Selectmen on Friday with the draft copy of minutes of the previous meeting.

5. Post copies of the agenda, Friday, on Town Hall bulletin board, have copies of the agenda, with back-up material, available to the press representatives and have agenda copies available to the public at all meetings.

6. In order to expedite the business of the Board of Selectmen at their regular meetings, and in order that all subject matter scheduled for discussion by the Selectmen may be given proper attention and due consideration, the following procedure has been adopted for submission of items to appear on the regular meeting agenda of the Board of Selectmen.

    a. Except in emergencies, any item requested to appear on the agenda must be in the office of the Town Manager by 12:00 noon, the Thursday preceding a regular meeting.

    b. All back-up data, pertinent information or an outline for discussion must accompany all subject matters or items to appear on the agenda.

SIGN-IN SHEET FOR CITIZEN'S COMMENTS

DATE: 8/20/13

NAME	ADDRESS	TOPIC YOU WISH TO ADDRESS	INITIAL TO INDICATE YOU AGREE TO THE POLICY BELOW

SELECTMEN'S CITIZEN'S COMMENT PROCEDURE

The Board will schedule a "Citizen's Comment" at each meeting after scheduled agenda items with the following guidelines:

i. In order to facilitate the process, at the beginning of each meeting the BOS will place a sign-up sheet at the rear of the meeting room. Residents are asked to write their names on the sign-up sheet and note the topic on which they wish to address the Board. Residents will be called to speak in the order of sign–up.

ii. Upon being called up, the citizen shall approach a microphone and introduce him/herself clearly by name and address. This is intended to ensure that citizen input is fully audible to attendees of the meeting and people viewing the meeting via SudburyTV.

iii. As the topic of a "Citizen's Comment" will not be on the agenda as required by the 48 hour Open Meeting Law, the Board members will not be able to deliberate or take votes on the topic and may only listen and ask questions during the "Citizen's Comment" time. The Board may, at the Chair's discretion, schedule the topic for a later Board meeting as an agenda item.

iv. The Chairman shall be sensitive to the subject matter under discussion and if it involves the performance of an official of the Town who has not previously been advised that a matter may be discussed, the citizen's comments will be noted but further discussion shall be curtailed. The Board may, at the Chair's discretion, schedule the topic for a later Board meeting as an agenda item.

v. If the citizen has comments about a Town employee's performance, the citizen's comments will be curtailed and the citizen will be directed to discuss this topic with the Town Manager outside of a Selectmen's meeting.

vi. The Chairman may, at his discretion, because of the lateness of the hour or time spent on a single item, close the Citizen's Comment in order to finish the Board's business meeting.

AGENDA REQUEST - Item #15

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *September 13, 2013*

Requestor: *Maureen Valente*

Action requested: *Update from Town Manager on three new committees authorized by the Selectmen: Town Counsel Review Committee, OPEB, and Capital Financing.*

Financial impact expected: *None*

Background information:

Recommendations/Suggested Motion/Vote:

Update from Town Manager on three new committees authorized by the Selectmen: Town Counsel Review Committee, OPEB, and Capital Financing.

Person(s) expected to represent Requestor at Selectmen's Meeting: *N/A*

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 17, 2013*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? **Yes ( )** **No (X)**

Town of Sudbury
Town Manager's Office

278 Old Sudbury Road
Sudbury MA 01776
978-639-3385
Maureen G. Valente, Town Manager
Townmanager@sudbury.ma.us
http://www.sudbury.ma.us

Date: September 12, 2013
To: Board of Selectmen
From: Maureen G. Valente, Town Manager
Subject: Update on new committees approved by Board of Selectmen

I had previously thought that the Board should vote on September 17, 2013 to approve the mission statement for two committees to be created pursuant to the Strategic Financial Planning Report. However, after the Board indicated support of the committee makeup as suggested by the draft, I realized that the members from other entities, such as the Finance Committee, the Capital Improvement Advisory Committee, SPS and L-S would need more time to determine who from their membership will be willing to serve on these important committees.

Thus I think it makes more sense to put votes on these committees on your October 1 agenda, when you can vote the mission statement, approve the membership of the committee, and we can then upload all of the completed information to the Town's website, establish an email list, and all the other tasks associated with establishing a new committee.

On the Town Counsel Review Committee, Maryanne has coordinated a first meeting next week of this committee so that is moving ahead.

In summary, please look for votes to be taken on all three of these committees on the October 1, 2013 Board of Selectmen agenda.

Thank you.