

SUDBURY BOARD OF SELECTMEN  
TUESDAY JUNE 9, 2020  
6:00 PM, TOWN HALL - LOWER LEVEL

Item #	Time	Action	Item
	6:00 PM		CALL TO ORDER
<b>EXECUTIVE SESSION</b>			
1.	6:00 PM	<i>VOTE</i>	Open in regular session and immediately vote to enter Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, pursuant to General Laws chapter 30A, §21(a)(exception 6) with respect to the CSX rail corridor.
2.		<i>VOTE</i>	Also to review executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) "[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements" ("Purpose 7"), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).
3.		<i>VOTE</i>	Vote to close Executive Session and resume Open Session.
	7:00 PM		Opening remarks by Chairman
			Reports from Town Manager
			Reports from Selectmen
			Citizen's comments on items not on agenda
<b>MISCELLANEOUS</b>			
4.		<i>VOTE</i>	Discussion and vote to authorize execution by the Town Manager of the Fee Agreement for Legal Services of LampkeLaw LLC for services inclusive of negotiation in connection with the Regional Agreement between the Town of Lincoln and the Town of Sudbury relating to the Lincoln-Sudbury Regional High School District.
5.			Discussion on current events related to George Floyd death and subsequent activities in Sudbury
6.			Discussion on outdoor restaurant seating
7.			Health Director Bill Murphy to provide an update on COVID-19 (15 min).

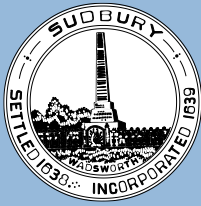
*These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*

Item #	Time	Action	Item
8.			Discussion on Sewataro camp guidance and applicability to Sudbury Park & Rec programs. Scott Brody and Dennis Mannone to attend.
9.		<i>VOTE</i>	Discussion on Camp Sewataro Bond. Dennis Keohane, Finance Director, to attend.
10.		<i>VOTE</i>	Town Manager discussion on 1/12 budget
11.			Discussion on financials/revenue update as requested by Selectman Dretler
12.		<i>VOTE</i>	Discussion on Board policies
13.		<i>VOTE</i>	Discussion on submission of Ballot questions for the Nov. 3 state election, and potentially provide ballot questions at the June 22 meeting.
14.			Discussion on timing of Annual Town Meeting
15.			Discussion on the Fairbank Community Center/Town Forum, and possible discussion on presentation.
16.		<i>VOTE</i>	Discussion on Key Performance Indicators (KPI) as requested by Selectman Schineller.
17.		<i>VOTE</i>	Review Town Meeting articles, possibly take positions on articles, and assign motions and presentations.
18.		<i>VOTE</i>	Update Transportation Committee membership and mission statement.
19.		<i>VOTE</i>	Review regular session minutes of 5/5/20 and 5/12/20, and possibly vote to approve minutes.
20.			Citizen's Comments
21.			Upcoming Agenda Items
<b>CONSENT CALENDAR</b>			
22.		<i>VOTE</i>	Accept resignation of Kaffee Kang from the Sudbury Housing Trust at the expiration of her term on 4/30/20, and send a letter of thanks for her service to the Town.
23.		<i>VOTE</i>	Vote to extend the Town of Sudbury's participation in the CrossTown Connect Intermunicipal Agreement (IMA) for three months to September 30, 2020 as requested by Debra Galloway, Senior Center Director.
24.		<i>VOTE</i>	VOTE: Pursuant to the provisions of G.L. c. 83, §1 and 4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORMWATER MANAGEMENT SYSTEM" granted by Stephen A. Maimone and Pauline S. Maimone for stormwater system maintenance purposes upon the property shown as Lot C on "Plan

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

Item #	Time	Action	Item
			of Land in Sudbury, Mass.”, dated July 26, 1985, prepared by Schofield Brothers, Inc., that is recorded with the Middlesex South Registry of Deeds as Plan No. 626 of 1986
25.		<i>VOTE</i>	Vote to approve execution by the Town Manager on behalf of the Board of Selectmen of a Memorandum of Understanding with the Sudbury Water District which provides for cost sharing of roadway improvements along Horse Pond Road resulting from a water line replacement project and the Department of Public Works’ roadway resurfacing project.
26.		<i>VOTE</i>	Vote to adjourn meeting

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

**SUDBURY BOARD OF SELECTMEN**

Tuesday, June 9, 2020

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

Date of request:

Requested by: Patty Golden

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

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

Background Information:

Financial impact expected:

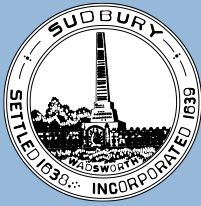
Approximate agenda time requested: 60 minutes

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

## Review:

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

06/09/2020 6:00 PM

**SUDBURY BOARD OF SELECTMEN**

Tuesday, June 9, 2020

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

Date of request:

Requested by: Patty Golden

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

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

Background Information:

Attached draft executive minutes of 3/12/19 and 3/21/19.

Financial impact expected:

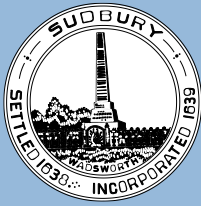
Approximate agenda time requested: 20 minutes

Representative(s) expected to attend meeting:

Review:

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

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SUDBURY BOARD OF SELECTMEN  
Tuesday, June 9, 2020

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## EXECUTIVE SESSION

### 3: Close Executive session

#### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

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

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

Background Information:

Financial impact expected:

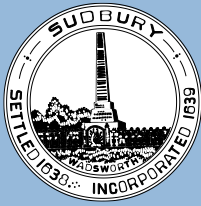
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

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**SUDBURY BOARD OF SELECTMEN**

Tuesday, June 9, 2020

**MISCELLANEOUS (UNTIMED)****4: Vote on agreement with LampkeLaw LLC re: LSRHS****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and vote to authorize execution by the Town Manager of the Fee Agreement for Legal Services of LampkeLaw LLC for services inclusive of negotiation in connection with the Regional Agreement between the Town of Lincoln and the Town of Sudbury relating to the Lincoln-Sudbury Regional High School District.

Recommendations/Suggested Motion/Vote: Discussion and vote whether to authorize execution by the Town Manager of the Fee Agreement for Legal Services of LampkeLaw LLC for services inclusive of negotiation in connection with the Regional Agreement between the Town of Lincoln and the Town of Sudbury relating to the Lincoln-Sudbury Regional High School District.

Background Information:  
attached agreement

Financial impact expected:

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

## Review:

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

06/09/2020 6:00 PM

**LAMPKELAW LLC**  
ATTORNEYS AT LAW

**JAMES B. LAMPKE, ESQ., OF COUNSEL**  
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james.lampke@lampkelaw.com

**DANIEL I. LAMPKE, ESQ.**  
100 STATE STREET, SUITE 900  
BOSTON, MA 02109  
617-412-4099  
daniel.lampke@lampkelaw.com

## FEE AGREEMENT FOR LEGAL SERVICES OF LAMPKELAW LLC

Thank you for the opportunity for LampkeLaw LLC to serve as your counsel to perform the legal services mentioned herein. This fee agreement ("Agreement") confirms the terms of the engagement, services we will perform, and our respective responsibilities and obligations. Please review this letter carefully and let us know if you have any questions or concerns. We are not retained until this Agreement is executed and any corresponding retainer is paid. If you agree to the terms of this letter, place your initials at the specific sections where indicated, sign the last page, and return it.

**I. PARTIES.** This fee agreement ("Agreement") is made between the law firm(s) LampkeLaw LLC ("Firm" or "LampkeLaw" or "we") and the Town of Sudbury ("Client(s)" or "You") of 278 Old Sudbury Road, Sudbury, MA, 01776 (collectively, "Parties"), only for the legal services and Client(s) herein, effective . Client is retaining the Firm, not a designated attorney, and legal services will not necessarily be performed by a designated attorney, but the attorney will be noted on invoices.

**II. SCOPE OF REPRESENTATION:** Client has engaged the Firm for the purpose of conducting an initial review and analysis of The Regional Agreement between The Town of Lincoln and The Town of Sudbury with respect to the formation of a Regional School District, as amended, to determine the relevant obligations and authority of each party, review the findings with Client, discuss the options and recommendations towards obtaining Client's objectives, and such other work related thereto as Client requests. Client authorizes Firm to appear in any lawsuit which has been or may be filed in this matter and to enter into discussions toward settlement or compromise of the matter as we deem advisable. Firm will not agree to any settlement of your matter without your knowledge and consent. Client agrees to and shall truthfully cooperate with the Firm as the Firm determines is necessary in its professional judgment to competently render the services herein. The Firm may withdraw at any time that there is a lack of cooperation of Client's part, refusal to follow our advice, or refusal to provide us necessary information. The Firm retains control over decisions affecting our reputation and professionalism, including but not limited to, legal approach and actions to be taken, extending deadlines for opposing counsel; cooperating with opposing counsel; and how matters should be argued. While the Firm will use its best efforts in its representation of the Client, no assurance of a particular outcome can be or is made.

**A. Representation Limited to Only Legal Advice on this Matter.** Client hereby acknowledges and agrees that the scope of the Firm's representation and services are limited to the aforementioned legal services herein, and **shall not include any of the following unless otherwise stated herein or the Parties modify this Agreement in writing:** counterclaims or cross-claims made against Client; appeals from any order or other determination or finding; proceedings related to the Defendant(s) filing for bankruptcy protection; or other disputes between



Client and Parties not explicitly set forth above; collections activities in connection with any judgment or order rendered against the Defendant(s); or anything not specifically listed in this paragraph as being included within the scope of the Representation.

The Firm's representation also does not include nor does Client rely upon advice or services regarding non-legal matters and advice, including but not limited to accounting, tax, personal financial matters, business management, responsibility for investigating the character or credit of persons with whom you may be dealing, and related.

Client represents it does not know of any related legal matters that would require the Firm's legal services under this agreement. If such matters arise later, Client agrees that this Agreement does not apply to any related legal matters. All Parties must amend this agreement in writing describing the new scope of representation prior to the Firm initiating those services if the Client desires to engage the Firm for other services or to expand the scope of representation herein on this matter.

**1. Real Estate.** Unless otherwise agreed, the scope of our representation does not include title searches, surveys, inspections, and other non-legal work relating to real estate. You may wish to engage a title insurance company, abstractor, surveyor, or other licensed professional to provide you with these services.

**2. Insurance Policy.** We do not undertake any responsibility to advise you as to the existence, applicability, or availability of insurance coverage for the matter[s] in which we are representing you, unless you have provided us with copies of your insurance policy or policies and expressly requested our advice as to potential coverage under such a policy or policies. If any insurance company undertakes the payment of any portion of our billing statements, you will remain responsible for any amounts not paid by the insurance company. If you believe that there may be insurance coverage for the matter we are being engaged for, you are urged to consult with your insurance carriers and advisors. If you want the Firm to advise you regarding insurance coverage, please provide us with copies of your insurance policy or policies and expressly request our advice as to potential coverage under such a policy or policies; otherwise we are not expected to advise you as to the existence, applicability, or availability of insurance coverage for the matter[s] in which we are representing you. If any insurance company undertakes the payment of any portion of our billing statements, it is understood that you will remain responsible for any amounts not paid by the insurance company.

**III. FEES & COSTS/EXPENSES.** Client hereby agrees to be responsible for and will pay the Firm's legal fees, retainers, deposits, costs/expenses, transactions, as incurred in performing the Firm's services, all of which not previously paid by Client to be deducted from any gross amount recovered after deducting for the Firm's legal fees in accordance with this Agreement's Sections below. The Firm may withdraw at any time you fail to make monthly payment or replenish the retainer account.

**\*C. Hourly Fee.** Client agrees to and shall pay to the Firm the Firm's hourly fee rate for the legal services herein as equivalent to the hourly rate that Client pays its regular town counsel of \$210 per hour for the services of such attorneys ("Hourly Fee"); and \$60.00 per hour for the services of any other support staff and/or law clerks, all to be billed at a minimum of 0.1-hour \*(six-minute) time increments. The Firm's rates are subject to increase during the engagement, but before any increase, the Firm will notify the Client at least 14 days in advance.

**\*E. Costs and Expenses.** Client hereby acknowledges it has been notified and informed of, and gives its informed consent to be responsible for paying the costs and expenses to the Firm and/or outside or associated counsel for all out-of-pocket costs/expenses incurred, including, but

not limited to, pre-litigation expenses, filing fees, expert witness fees, travel, research, investigation expenses, court, arbitration or mediation, litigation, telephone toll charges, photocopies, pleadings, correspondence, court papers, and work product material, and all other expenses associated with rendering the services herein. Client agrees to advance out of pocket expenses upon request.

**F. Dates of Billing & Payment.** Client agrees to and shall deliver Client's payment for the full amount owed of Client's invoice within 14 days of billing, unless other arrangements are approved in advance by the Firm. The Firm will submit an invoice to Client comprised of all billable amounts to be charged herein. We will maintain a lien on all files in our possession and their content until we have received payment in full on all amounts due. In litigation matters in which a money judgment or settlement is rendered in your favor, we will maintain a lien on all proceeds thereof to the extent of any unpaid billed amounts.

**G. Referral/Shared Fee & Division of Fees to Outside Counsel:** By executing this Agreement and marking Client's initials below, Client hereby acknowledges it has been notified and informed of, and gives informed consent to the Firm utilizing the legal services of at the Firm's same billing rate and/or dividing a portion of the Firm's legal fees with and/or paying a referral fee by the Firm alone not billed to Client to the following attorneys outside the Firm ("Outside Counsel"): James B. Lampke, Esq.

**IV. TERMINATION OF REPRESENTATION; WITHDRAWAL; DISCHARGE.** The Firm's services for and representation of Client continues until the sooner of the concluding or closing of the Client's matter or the termination or withdrawal or discharge as stated herein. Client may discharge the Firm at any time, and the Firm may withdraw from providing services at any time (subject to Court approval if Client disagrees and a suit has commenced). Client will timely take all steps reasonably necessary and will cooperate as reasonably required to relieve the Firm and/or Outside Counsel of any further obligation to perform legal services, including the execution of any documents necessary to complete withdrawal from representation.

The Firm may also discontinue the attorney-client relationship and withdraw its representation and appearance in any pending lawsuit without being in breach of this Agreement if Firm determines, in Firm's sole discretion, that it is infeasible to continue the Representation on account of the Client's failure to reasonably cooperate or timely pay, or the insufficiency of the case based upon facts discovered subsequent to the initiation of the engagement or attorney-client relationship. In the event that either Client or Firm terminate the Representation, Client will be entitled to a copy of Client's file that is in the possession and control of Firm but shall not be entitled to any work product therefrom.

**A. Client Payments to Firm & Termination.** Client will be responsible for paying all billable amounts, expenses, and costs incurred on Client's behalf in this matter until written notice of termination is received by our firm.

**V. FILE RETENTION/DESTRUCTION; ELECTRONIC COMMUNICATION.** At the conclusion or termination of your matter, this matter will be closed, and the Firm will retain a client file in a paper or digital for a period of up to six years. Client recognizes and accepts that we have no control over the unauthorized interception or breach of any communications or data once it has been sent or has been subject to unauthorized access, notwithstanding all reasonable security measures employed by us or our third-party vendors. You consent to our use of these

electronic devices and applications and submission of confidential client information to third-party service providers during this engagement.

**VI. BINDING AGREEMENT, DISPUTE RESOLUTION.** This Agreement represents the entire agreement between the parties, and no party is relying or is entitled to rely on any representations not expressly contained herein. If any provision of this Agreement or the application thereof is held invalid or unenforceable, the invalidity or unenforceability shall not affect other provisions or applications of this Agreement, which can be given effect without such provisions or application, and, to this end, the provisions of this Agreement are declared to be severable.

The Parties agree that any disputes over this Agreement shall first be attempted to be resolved by good faith negotiation of the parties, and agree to give actual notice if there is a dispute and 7 days to cure the dispute. The unresolved dispute will be exclusively governed by the laws of the Commonwealth of Massachusetts and adjudicated exclusively in its state courts without regard to choice or conflict of law principles. The Parties waive objection and consent to its personal jurisdiction in the Commonwealth of Massachusetts, and service by email. The Firm shall be entitled to recover his costs and expenses, including reasonable attorneys' fees, incurred in connection with a Fee Dispute.

**VII. SIGNATURE AND EXECUTION OF AGREEMENT.** By marking Client's initials on the relevant provisions herein and signing this Agreement, Client confirms it has read this Agreement, understands its provisions, agrees to abide by its terms, the signatory is authorized to sign same on behalf of the Client, acknowledges its assent and intent to be bound, and it has been notified and informed of, and gives its consent to such provisions herein.

#### **ACKNOWLEDGED AND AGREED TO AS OUR FREE ACT AND DEED:**

#### **CLIENT**

**Client Signature:** \_\_\_\_\_

Client Name: Henry L. Hayes, Jr., on behalf of the Town of

Sudbury Date: 07 / /2020

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

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

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

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

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

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

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

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

Marcia A. Roehr  
Secretary to the School Committee

May 18, 1988

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

WITNESSETH that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

5. Apportionment of Expenses and Other Items

(a) Apportionment of Costs

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

(b) Apportionment of State and Federal Aid

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



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

(c) Miscellaneous Income Defined

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

(d) Excess and Deficiency Fund

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vocational Education, including tuition to State aided Vocational Schools.

Debt Service, including principal and interest payments.

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

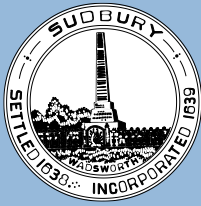
and expenses for that period. Upon the preparation of such tentative budget for any fiscal period and not later than thirty days prior to the date on which the final budget is to be adopted, copies of the tentative budget shall be presented and explained to the Finance Committee in each member Town and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

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

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

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

RECEIVED  
BOARD OF SELECTMEN  
SUBURBAN MASS.  
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## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

**MISCELLANEOUS (UNTIMED)****5: Current events related to George Floyd death**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion on current events related to George Floyd death and subsequent activities in Sudbury

Recommendations/Suggested Motion/Vote: Discussion on current events related to George Floyd death and subsequent activities in Sudbury

Background Information:

Financial impact expected:

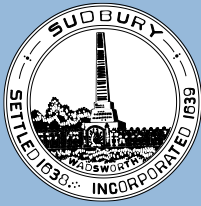
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM

**SUDBURY BOARD OF SELECTMEN**

Tuesday, June 9, 2020

**MISCELLANEOUS (UNTIMED)****6: Discussion on outdoor restaurant seating****REQUESTOR SECTION**

Date of request:

Requestor: Chairman Carty

Formal Title: Discussion on outdoor restaurant seating

Recommendations/Suggested Motion/Vote: Discussion on outdoor restaurant seating

Background Information:

attached: ABCC advisory re: LLA and outdoor seating; ABCC patio guidelines

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden Pending

Henry L Hayes Pending

Jonathan Silverstein Pending

Daniel E Carty Pending

Board of Selectmen Pending

06/09/2020 6:00 PM





**Jean M. Lorizio, Esq.**  
Chairman

*Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*95 Fourth Street, Suite 3*  
*Chelsea, Massachusetts 02150*

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING  
LOCAL LICENSING AUTHORITIES' APPROVAL OF OUTDOOR SEATING**

On June 1, 2020, Governor Charlie Baker issued an Order Clarifying the Progression of the Commonwealth's Phased Workplace Re-Opening Plan and Authorizing Certain Re-Opening Preparations at Phase II Workplaces, which, in part, details the process for reopening establishments for on-premises consumption. The text of the Governor's Order can be found [HERE](#).

When the Governor declares that the Commonwealth has entered Phase II of its reopening plan all licensees for on-premises consumption of alcohol may commence outdoor table service only. Indoor service will remain prohibited until further order from the Governor.

The Governor's Order also grants the local licensing authorities ("LLA") the authority to expand alcohol licensees' licensed premises for outdoor seating in an expedited process.

Pursuant to the Governor's Order, on application from a licensee that serves alcohol for on-premises consumption<sup>1</sup>, the LLA may alter the description of the licensee's licensed premises to expand for outdoor seating that the LLA deems "reasonable and proper." The LLA does not need to comply with M.G.L. c. 138, § 15A, and therefore does not need to provide advance notice to abutters or hold a public hearing on the application. LLAs must continue to follow the ABCC's guidelines issued in 2015 for the approval of outdoor seating, which can be found [HERE](#).

ABCC approval is not required on these applications. Upon approval from the LLA the LLA may issue the amended license forthwith. The LLA must provide notice by mail to the ABCC on all application approvals. For further guidance on the process of approving and issuing these amended licenses LLAs should consult with their counsel.

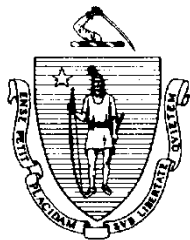
Please be aware that all expanded premises approved pursuant to this Order are only effective through November 1, 2020, or until the Order is rescinded, whichever is sooner, and revert to their original licensed premises on that date.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of

<sup>1</sup> This includes restaurants, bars, hotels, general-on-premises, clubs, war veterans' clubs, continuing care retirement communities, pub-brewers (M.G.L. c. 138, §§ 12 and 19D), farmer-series pouring permits, and manufacturers' pouring permits (M.G.L. c. 138, §§ 19(b), 19B(n), 19C(n), and 19E(o)).

alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to Executive Director Ralph Sacramone at (617) 727-3040 x 731.

(Issued June 1, 2020)



*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114*

**Deborah B. Goldberg**  
*Treasurer and Receiver General*

**Kim S. Gainsboro, Esq**  
*Chairman*

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING  
GUIDELINES FOR EXTENSION OF PREMISES TO PATIO AND OUTDOOR AREAS**

On July 28, 2015, at a public meeting, the Alcoholic Beverages Control Commission approved amendments to its "Guidelines for Extension of Premises to Patio and Outdoor Areas." These amended guidelines supersede the previously issued Guidelines from August 22, 1989. A copy of the amended Guidelines are attached to this Advisory.

As a reminder, all licensees must ensure that they are in compliance with the Laws of the Commonwealth of Massachusetts and that sale of alcoholic beverages take place only as authorized by applicable law. Questions concerning this Advisory can be directed to Ralph Sacramone, Executive Director of the Massachusetts Alcoholic Beverages Control Commission at (617) 727-3040 x 731.

(Issued August 6, 2015)

Attachment6.b: ABCC patio guidelines (3901 : Discusson on outdoor restaurant seating)



**Deborah B. Goldberg**  
*Treasurer and Receiver General*

***Commonwealth of Massachusetts  
 Department of the State Treasurer  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114***

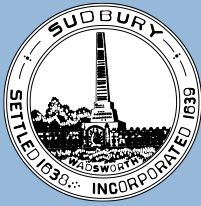
**Kim S. Gainsboro, Esq**  
*Chairman*

**GUIDELINES FOR EXTENSION OF PREMISES TO  
 PATIO AND OUTDOOR AREAS**

1. Alcoholic beverages cannot be served outside of a licensed establishment unless and until an application to extend the licensed premises has been approved.
2. An application to extend the premises must describe the area in detail, including dimensions, seating capacity, and maximum occupancy.
3. The premises must be enclosed by a fence, rope, or other means to prevent access from a public walkway.
4. The outdoor area must be contiguous to the licensed premises with either (a) a clear view of the area from inside the premises, or, alternatively (b) the licensee may commit to providing management personnel dedicated to the area.
5. The applicant must have a lease or documents for the right to occupy the proposed area.
6. The licensing authorities should consider the type of neighborhood and the potential for noise in the environs.
7. Preferred are outdoor areas where alcohol is served to patrons who are seated at the tables and where food is also available.

Attachment 6.b: ABCC patio guidelines (3901 : Discussion on outdoor restaurant seating)

Approved July 28, 2015 (superseding August 22, 1989, Guidelines)



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

7

### MISCELLANEOUS (UNTIMED)

#### 7: COVID-19 update

##### REQUESTOR SECTION

Date of request:

Requestor: Chairman Carty

Formal Title: Health Director Bill Murphy to provide an update on COVID-19 (15 min).

Recommendations/Suggested Motion/Vote: Health Director Bill Murphy to provide an update on COVID-19 (15 min).

Background Information:

Financial impact expected:

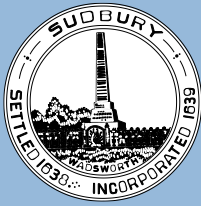
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

8

### MISCELLANEOUS (UNTIMED)

#### 8: Sewataro discussion on camp guidance

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion on Sewataro camp guidance and applicability to Sudbury Park & Rec programs. Scott Brody and Dennis Mannone to attend.

Recommendations/Suggested Motion/Vote: Discussion on Sewataro camp guidance and applicability to Sudbury Park & Rec programs. Scott Brody and Dennis Mannone to attend.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM



To the Sudbury Select Board,

It was our hope that, by this point, most Sudbury residents would have already spent time on the Sewataro property at Liberty Ledge. Our plans for an entry gate, as well as a fence delineating the section of the property residents will be able to enjoy during non-camp hours in the summer months had been approved by Bill Barletta, the town's Facilities Director and the Select Board, and we had contracted a company to do the installation. We had planned a Spring picnic with music, bounce houses, and food trucks, committed to hosting a Drone Piloting class offered by Lincoln Sudbury Adult Education, and donated supervised evenings of campfires, s'mores, and field games to Sudbury Elementary School auctions.

Unfortunately, as with many of the world's plans for 2020, we have had to put these plans on hold. Given the guidance currently in place regarding gatherings, we cancelled group activities and picnics. The installation of gates and fencing were halted, and courses have been rescheduled. However, under Scott Brody's leadership, Camp Sewataro has insured the property, continued regular maintenance, and made its first rent payment to the town, all according to the schedule laid out in our management contract.

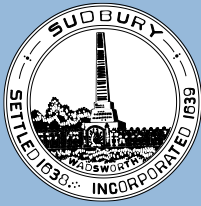
As the country, the State of Massachusetts, and the town of Sudbury have begun to carefully resume some normal activities, we have been working diligently to open the property for resident access. While we cannot, for financial and logistical reasons, have the agreed upon permanent post and rail fence completed in time for this summer, a group of representatives from the town and the camp agreed to the installation of a temporary fence. The fence will be constructed of 4-foot wooden posts and two rows of woven barrier tape and will run along the same path that the permanent fence will eventually take. It is our shared goal that this will allow residents to access the property in the summer of 2020 for small scale family picnics and to enjoy the fishing pond. We will post signage reminding residents of safe social distancing practices, based on recommendations from the town.

Camp staff has been hard at work to meet state guidelines so that we can operate safely this summer. We are looking very forward to providing some sense of 'normal' for our campers and staff this year, and we are very excited to welcome our first Sudbury Resident Scholarship Campers in a few short weeks.

If this new plan for temporary fencing is approved this evening, residents will be able to enjoy the property from 6pm to dusk on weekdays, and from 9am until dusk on weekends and holidays this summer, as agreed upon in the contract between the Town of Sudbury and the Camp Operator, Scott Brody.

We are incredibly grateful to Henry Hayes, Maryanne Bilodeau, Bill Barletta, Bill Murphy, Dan Carty, and the other members of the Select Board for devoting their time and attention over the past months, as well as this evening, to opening up the property. We appreciate that you all share our commitment to building a successful partnership with the town of Sudbury and its residents, and we look forward to welcoming you to Liberty Ledge for a picnic or to throw in a line this summer, and to hosting groups and events as soon as we are safely able to do so.

Respectfully,  
The Camp Sewataro Team



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

9

### MISCELLANEOUS (UNTIMED)

#### 9: Camp Sewataro Bond discussion

##### REQUESTOR SECTION

Date of request:

Requestor: Chairman Carty

Formal Title: Discussion on Camp Sewataro Bond. Dennis Keohane, Finance Director, to attend.

Recommendations/Suggested Motion/Vote:

Background Information:

finance director Dennis Keohane to attend.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
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Henry L Hayes	Pending
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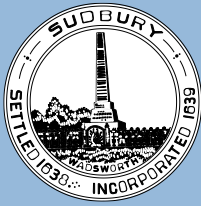
Jonathan Silverstein	Pending
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Daniel E Carty	Pending
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Board of Selectmen	Pending
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06/09/2020 6:00 PM





## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

10

### MISCELLANEOUS (UNTIMED)

#### 10: Town Manager discussion on 1/12 budget

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Town Manager discussion on 1/12 budget

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

##### Review:

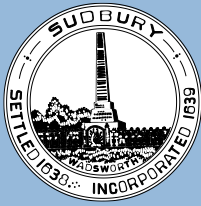
Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

06/09/2020 6:00 PM

<b>EXPENDITURES - GENERAL FUND</b>	<b>FY21 Recommended</b>	<b>FY21 July</b>	<b>FY21 Remaining</b>	<b>Percentage Increase</b>
Education - Sudbury Public Schools (SPS)	39,608,834	1,057,702	38,551,132	2.78%
Education - LS Regional High School (LS)	26,712,280	2,181,897	24,530,383	3.50%
Education - Vocational	550,000	23,178	526,822	-10.57%
General Government	3,175,064	551,783	2,623,281	1.00%
Public Safety	9,199,461	1,143,394	8,056,067	3.08%
Public Works	5,607,520	1,097,188	4,510,332	2.70%
Human Services	906,383	98,155	808,228	4.05%
Culture & Recreation	1,515,936	209,256	1,306,680	6.55%
Town-Wide Operating and Transfers	486,352	18,495	467,857	0.52%
<b>Total Town Departments</b>	<b>87,761,830</b>	<b>6,381,048</b>	<b>81,380,782</b>	<b>2.93%</b>
Town Debt Service	3,603,565	313,935	3,289,630	15.85%
Employee Benefits (Town and SPS)	13,672,255	6,728,564	6,943,691	7.52%
OPEB Trust Contribution (Town and SPS)	625,000	-	625,000	2.42%
<b>Total Operating Budget</b>	<b>105,662,650</b>	<b>13,423,547</b>	<b>92,239,103</b>	<b>3.89%</b>
Capital Operating Budget	672,076	-	672,076	-15.99%
<b>TOTAL EXPENDITURES:</b>	<b>106,334,726</b>	<b>13,423,547</b>	<b>92,911,179</b>	<b>3.74%</b>

<b>EXPENDITURES - CPA</b>	<b>FY21 Recommended</b>	<b>FY21 July</b>	<b>FY21 Remaining</b>
Debt Service	1,111,410	-	1,111,410
Administrative	85,000	-	85,000
Other	791,000	30,000	761,000
Total Expenditures	1,987,410	30,000	1,957,410

The \$30,000 July expenditure is for the Regional Housing Services Office contract.



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

11

### MISCELLANEOUS (UNTIMED)

#### 11: Financials/revenue discussion and update

##### REQUESTOR SECTION

Date of request:

Requestor: Selectman Dretler

Formal Title: Discussion on financials/revenue update as requested by Selectman Dretler

Recommendations/Suggested Motion/Vote: Discussion on financials/revenue update as requested by Selectman Dretler

Background Information:  
attached documents

Financial impact expected:

Approximate agenda time requested: 30 minutes

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM

## Golden, Patricia

**From:** Hayes, Henry  
**Sent:** Friday, June 5, 2020 11:54 AM  
**To:** Golden, Patricia  
**Cc:** Town Manager  
**Subject:** SB Agenda packet - Finance questions from SB member for June 9  
**Attachments:** Budget forms for TM.pdf; Pool Enterprise Fund Multi Year Comparison as of 6-1-20.pdf

Patty: please include this in packet for **Financials/revenue discussion and update**

The following are the questions and responses (**blue text**):

>> I'd like to understand how the Town's current revenue numbers compare against last year at the same time. I'm specifically interested in the following:

>> - What are the current deficits, if any? Enterprise fund balances vs last year.

- **There are currently deficits in the Pool Enterprise Fund and the Field Maintenance Enterprise Fund. The deficits, as of June 1, 2020, were \$66,256 and \$25,646, respectively. These deficits will likely be higher by June 30, 2020.**
- **The Pool Enterprise Fund had a fund balance of \$605 as of June 30, 2019. The fiscal year 2020 loss, as of June 1, 2020, is \$66,861. I've attached the Pool Enterprise Fund Multi-Year Comparison for your reference.**
- **The Field Maintenance Enterprise Fund had a fund balance of \$40,831 as of June 30, 2019. The fiscal year 2020 loss, as of June 1, 2020, is \$66,477. I've attached the Field Maintenance Multi-Year Comparison for your reference.**

>> - Is there an uptick in homeowner refinancing over last year?

- **Town Assessor response. Yes, and that is directly related to record low interest rates.**

>> - How are local receipts doing vs last year?

- **Local receipts are lower by approximately \$1.0 million in FY2020. This will improve as we collect revenue in June. The following chart shows the comparison (FY19 full year vs. FY20 year to date):**

	FY 19 Actual	As of 6/1/2020 Actual	Variance Positive/ (Negative)
<b>REVENUES</b>			
Motor vehicle and other excise taxes	4,130,613	3,635,719	(524,894)
Payments in lieu of taxes	61,351	12,341	(49,010)
Penalties and interest on taxes	393,936	393,933	(3)
Licenses and permits	1,159,563	616,633	(542,930)
Fines and forfeitures	76,419	28,249	(48,170)
Departmental and other	334,143	646,223	312,080
Investment income	146,299	62,262	(84,037)
<b>TOTAL REVENUES</b>	<b>6,349,324</b>	<b>5,390,437</b>	<b>(958,887)</b>

>> - Are there any surpluses to cover deficits in the current fiscal year? Planning fees, etc?

- **We do not anticipate an overall revenue deficit in FY20. As of June 4, 2020 the Town needs \$880,980 to meet the FY20 revenue budget. The anticipated June state aid and MSBA School Construction Reimbursement will be \$971,808. This leaves a requirement of \$91,172 to meet the FY20 budget. I**

expect that all other June receipts will greatly exceed \$9,172. I've attached the report title FY20 General Fund Revenues for your reference.

- Pool Enterprise Fund document is attached

## Planning Department

- Here is some information from our Planning Department which may be useful.
  - There are only two boards that our department collects application fees for, the Planning Board and the Zoning Board of Appeals. The Historic Districts Commission only collects a public hearing fee, there is no application fee. Many of the other boards, commissions, or committees our department staffs, such as the Design Review Board, Community Preservation Committee, Master Plan Steering Committee, etc., do not have any application fees.
  - Below is a list of the application fees collected by our department broken down by year dating back to FY17 to give you a sense of the trends:
- Planning Board:
  - FY17 \$8,214.02
  - FY18 \$5,067.46
  - FY19 \$13,362.07
  - FY20 \$17,552.79 (as of 6/2/20. Please note a large chunk of these fees was from the Cold Brook Crossing/Quarry North project)
- Zoning Board of Appeals:
  - FY17 \$10,275
  - FY18 \$3,750
  - FY19 \$3,300
  - FY20 \$2,075 (as of 6/2/20)

## Zoning Enforcement Agent

- FY 20 revenue deposits are \$507,733.00 through May 2020. We have a permit application for 560 Boston Post Rd with a fee of \$89,625.00 which is due now.
- FY 19 revenue deposits through May 2019 were \$996,443.00.
- FY 21 is expected to bring Cold Brook Crossing, a 274 unit housing development, which should keep our permit revenues well above FY20. After Cold Brook Crossing, our last foreseeable large development project is over, I expect our permit revenues to sharply drop as they have been unusually high due to large commercial and residential projects over the last 7 or 8 years. We have added 430 new housing units since 2015.
- Attached are prior years estimated and actual revenues for reference.
- We have cut all spending down to necessary department functions. We have spent \$3,057.13 for direct Covid-19 related costs not including 1 more laptop I plan on for the Assistant Building Inspector at approximately \$800.00. We will likely have a carry forward of \$3,000.00 for Weights and Measures contract to the State of MA.

>> - Based on the types of businesses in Sudbury, does the Town have a sense of the economic impact to businesses due to the pandemic?

- Assessor's response. I have yet to hear back from the Sudbury Chamber. I think specific projections may be a bit premature at this time. I believe commercial property owners are facing emerging vacancies, by what percentage I can't say. We will be monitoring the situation in the upcoming months.

- The commercial property sales that have occurred in Town during calendar year 2019 through May of 2020, overall seem to indicate a trend of selling prices that are greater than our current assessed values. Whether that will continue as we move through this evolving situation is yet to be determined.

>> - How much revenue is still needed to collect to meet budget for this year?

- Currently the amount is \$880,980, excluding project MSBA and State Aid payments in June. The adjusted estimate is \$9,172. See previous answer and attached revenue summary for additional detail.

>> - What was the tax revenue collection percentage in 2008, 2009, 2010? (added FY20 for current year comparison)

- FY08 Real Estate & Property Tax Collection percentage – 98.67%
- FY09 Real Estate & Property Tax Collection percentage – 98.43%
- FY10 Real Estate & Property Tax Collection percentage – 98.23%
- FY20 Real Estate & Property Tax Collection percentage (as of 6/3/2020) – 98.56%

>> - Motor vehicle excise taxes vs last year?

- FY19 Motor Vehicle Excise Taxes (Full Year) - \$3,840,441
- FY20 Motor Vehicle Excise Taxes (as of 6/3/2020) - \$3,360,924

>> - What issues do you anticipate in 2021 and 2021? Are you planning for 2022? How so?

- Having been engaged with various Town Managers and Administrators, there are several scenarios that could play out, which is difficult to attempt to navigate in advance. With regard to the potential health impacts, I suspect that federal and state assistance will not be sustained in the same way if there is no medical mitigation available. That said, it is my goal to continue to explore and invest in longer term assets for cleaning and disinfecting, as opposed to consumed upon use methods only. 2022 for some communities will still be sensitive. The way Sudbury is structured for property tax versus an abundance of business related taxes, gives us more stability in times like now, therefore, it is estimated that managing expenses is more of the way forward than fear of sustainment of collections. Reviews of financial management are ongoing, and the DLS Report serves as a way to balance principles.

>> - Is the Town proactively cutting the budget and freezing funds now?

- We have limited expenditures from nearly the onset of the major part of the pandemic. Freezing funds was and is not necessary, without any direct impacts to service delivery. Functional and health related expenses are ongoing in order to provide what the Town needs on a daily basis.

Respectfully submitted, Henry

Henry L. Hayes, Jr.  
Town Manager  
Town of Sudbury  
278 Old Sudbury Road  
Sudbury MA 01776

Phone: (978) 639-3381  
Fax: (978) 443-0756

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

				FY19 Actual	As of 6/4/2020 Actual	Variance Positive/ (Negative)
<b>REVENUES</b>						
			Motor vehicle and other excise taxes.....	4,130,610	3,605,719	(524,891)
			Payments in lieu of taxes.....	61,537	12,347	(49,190)
			Penalties and interest on taxes.....	280,806	338,083	57,277
			Licenses and permits.....	1,159,863	616,605	(543,258)
			Fines and forfeitures.....	36,418	25,248	(11,170)
			Departmental and other.....	534,140	646,223	112,083
			Investment income.....	146,208	62,262	(83,946)
			TOTAL REVENUES.....	6,349,582	5,306,487	(1,043,095)



**TOWN OF SUDBURY  
FY18 BUDGET  
FORM 7. SPECIAL REVENUES (OUTSIDE GENERAL FUND)**

OTHER REVENUES	ACTUAL FY16	ESTIMATED FY17	ESTIMATED FY18	CHNG. FY18/ FY17
STATE/FEDERAL AID OR GRANTS				-
CASH DONATIONS				-
REVOLVING FUNDS (List each below)				-
Plumbing and Gas	\$ 90,695	\$ 96,695	\$ 102,695	6%
Portable Signs	\$ 47,325	\$ 42,574	\$ 41,074	-4%
OTHER (List each below)				-
General Fund Revenue	\$ 123	\$ 123	\$ 123	
Building and Periodical Fees	\$ 526,959	\$ 730,000	\$ 530,000	
Wiring	\$ 96,684	\$ 110,000	\$ 98,000	
Sheet Metal	\$ 10,780	\$ 12,000	\$ 11,000	-8%
Weights / Measures	\$ 2,220			-
<b>TOTAL:</b>	<b>\$ 774,785</b>	<b>\$ 991,392</b>	<b>\$ 782,892</b>	<b>-21%</b>

Below explain any changes equal or greater +/- 10%

NOTES:

FY 17 Serge in the economy and National Devolpement/ Ratheon project.

DEPARTMENT:

Building

SUBMITTED BY:

\_\_\_\_\_

Attachment11.c: Budget forms for TM (3897 : Financials/revenue discussion and update)

**TOWN OF SUDBURY  
FY19 BUDGET  
FORM 7. SPECIAL REVENUES (OUTSIDE GENERAL FUND)**

OTHER REVENUES	ACTUAL FY17	ESTIMATED FY18	ESTIMATED FY19	CHNG. FY19/ FY18
STATE/FEDERAL AID OR GRANTS				- -
CASH DONATIONS				- -
REVOLVING FUNDS (List each below)				- -
Plumbing and Gas	\$ 50,840	\$ 52,000	\$ 54,000	4%
Portable Signs	\$ 19,583	\$ 22,000	\$ 24,000	9%
				- -
				- -
				- -
				- -
OTHER (List each below)				- -
General fund Revenue	\$ 69	\$ 69	\$ 69	
Building & Periodical Fees	\$ 871,708	\$ 900,000	\$ 550,000	-39%
Wiring	\$ 125,724	\$ 110,000	\$ 100,000	-9%
Sheet Metal	\$ 9,305	\$ 11,000	\$ 8,500	-23%
Weights & Measures	\$ 2,650	\$ 2,850	\$ 2,850	
<b>TOTAL:</b>	<b>\$ 1,079,879</b>	<b>\$ 1,097,919</b>	<b>\$ 739,419</b>	<b>-33%</b>

Below explain any changes equal or greater +/- 10%

**FY 18 Serge in permitted from National development project.**

FY 19 No Large developments planed. Economy may level out.

DEPARTMENT: Building

SUBMITTED BY: Mark Herweck

Attachment11.c: Budget forms for TM (3897 : Financials/revenue discussion and update)

**TOWN OF SUDBURY**  
**FY20 BUDGET**  
**FORM 4. SPECIAL REVENUES (OUTSIDE GENERAL FUND)**

OTHER REVENUES	ACTUAL FY17	ACTUAL FY18	ESTIMATED FY19	CHNG. FY19/ FY18
STATE/FEDERAL AID OR GRANTS				-
CASH DONATIONS				-
REVOLVING FUNDS (List each below)				-
Plumbing & Gas	\$ 50,840	\$ 86,474	\$ 61,000	-29%
Portable Signs	\$ 12,000	\$ 3,125	\$ 7,500	140%
OTHER (List each below)				-
General Fund Revenue	\$ 69	\$ 111	\$ 120	8%
Building & Periodical Fees	\$ 871,708	\$ 1,170,884	\$ 791,800	-32%
Electrical Fees	\$ 125,724	\$ 206,216	\$ 175,000	-15%
Sheet Metal	\$ 9,305	\$ 25,518	\$ 30,000	18%
Weights & Measures	\$ 2,650	\$ 3,130	\$ 3,200	2%
<b>TOTAL:</b>	<b>\$ 1,072,296</b>	<b>\$ 1,495,458</b>	<b>\$ 1,068,620</b>	<b>-29%</b>

Below explain any changes equal or greater +/- 10%

NOTES:

Meadow Walk Development  
Sign deposit year prior

DEPARTMENT:

Building

SUBMITTED BY:

Mark Herweck Building Inspector

Attachment 11.c: Budget forms for TM (3897 : Financials/revenue discussion and update)

**TOWN OF SUDBURY**  
**FY21 BUDGET**  
**FORM 4. SPECIAL REVENUES (OUTSIDE GENERAL FUND)**

OTHER REVENUES	ACTUAL FY19	ESTIMATED FY20	ESTIMATED FY21	CHNG. FY21/ FY20
STATE/FEDERAL AID OR GRANTS				-
CASH DONATIONS				-
REVOLVING FUNDS (List each below)				-
Plumbing & Gas	\$ 57,576	\$ 57,773	\$ 58,000	0%
Portable Signs	\$ 7,812	\$ 7,800	\$ 8,000	3%
OTHER (List each below)				-
General Fund Revenue	\$ 94	\$ 80	\$ 80	
Building & Periodical Fees	\$ 781,183	\$ 384,192	\$ 400,000	4%
Electrical Fees	\$ 181,339	\$ 204,706	\$ 200,000	-2%
Sheet Metal	\$ 27,869	\$ 17,824	\$ 18,000	1%
Weights & Measures	\$ 3,140	\$ 3,140	\$ 3,140	
<b>TOTAL:</b>	<b>\$ 1,059,013</b>	<b>\$ 675,515</b>	<b>\$ 687,220</b>	<b>2%</b>

Below explain any changes equal or greater +/- 10%

NOTES:

Meadow Walk Commercial space is nearly completed. FY20 and FY21 estimates do not include the anticipated Quarry North Development. Based on the Avalon Bay Community permit fees, the estimated total permit fees for Quarry North are \$700,000.00

DEPARTMENT:

Building

SUBMITTED BY:

Andrew Lewis, Building Inspector

Attachment11.c: Budget forms for TM (3897 : Financials/revenue discussion and update)

**POOL ENTERPRISE  
BALANCE SHEET**

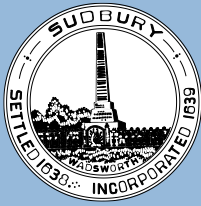
FOR THE FISCAL YEARS ENDED JUNE 30, 2011 - 2020

	Actual 2011	Actual 2012	Actual 2013	Actual 2014	Actual 2015	Actual 2016	Actual 2017	Actual 2018	Actual 2019	As of 6/1/2020 Actual 2020
<b>ASSETS</b>										
Cash	\$ 116,352	\$ 113,508	\$ 129,608	\$ 130,152	\$ 93,613	\$ 135,470	\$ 104,977	\$ 55,807	\$ 14,150	\$ (66,256)
TOTAL ASSETS.....	116,352	113,508	129,608	130,152	93,613	135,470	104,977	55,807	14,150	(66,256)
<b>LIABILITIES</b>										
Warrants Payable	10,810	13,199	6,847	15,913	-	17,208	9,015	6,409	13,545	-
Accrued Payroll	-	-	-	-	-	-	8,604	10,564	-	-
Deferred Revenues	-	9,286	9,128	8,902	-	-	-	-	-	-
TOTAL LIABILITIES.....	10,810	22,485	15,975	24,815	-	17,208	17,619	16,973	13,545	-
<b>FUND BALANCE</b>										
Unreserved.....	105,542	91,024	113,633	105,337	93,613	118,261	87,358	38,834	605	(66,256)
TOTAL FUND BALANCE.....	\$ 105,542	\$ 91,024	\$ 113,633	\$ 105,337	\$ 93,613	\$ 118,261	\$ 87,358	\$ 38,834	\$ 605	\$ (66,256)

**POOL ENTERPRISE**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE**

FOR THE FISCAL YEARS ENDED JUNE 30, 2011 - 2020

	Actual 2011	Actual 2012	Actual 2013	Actual 2014	Actual 2015	Actual 2016	Actual 2017	Actual 2018	Actual 2019	As of 6/1/2020 Actual 2020
<b>REVENUES</b>										
Memberships/Swim Passes.....	\$ 373,081	\$ 221,476	\$ 260,848	\$ 240,033	\$ 249,191	\$ 265,116	\$ 258,892	\$ 215,647	\$ 196,616	\$ 137,140
Program Revenue.....	54,149	148,544	160,264	169,810	124,948	121,176	155,640	110,750	152,473	52,084
Pool Rental.....	17,345	46,381	44,890	37,021	110,113	108,198	24,370	81,067	25,447	56,269
Miscellaneous.....	5,053	12,497	12,060	9,934	10,672	8,672	3,544	5,098	3,695	(10,276)
Swim Team Rentals.....	37,540	46,876	46,846	35,736	10,271	32,105	43,863	65,839	64,855	62,524
Investment Income.....	339	186	214	-	-	206	327	265	23	-
Transfers In.....	-	-	10,253	-	23,950	-	-	-	-	-
<b>TOTAL REVENUES.....</b>	<b>487,506</b>	<b>475,960</b>	<b>535,376</b>	<b>492,533</b>	<b>529,145</b>	<b>535,473</b>	<b>486,635</b>	<b>478,666</b>	<b>443,107</b>	<b>297,740</b>
<b>EXPENDITURES</b>										
Salaries.....	313,619	325,668	338,179	323,473	328,078	345,519	327,941	349,076	295,989	234,478
Pool Expense.....	21,443	37,217	55,093	37,937	50,992	50,208	61,405	46,287	44,461	25,739
Utilities.....	97,651	94,581	95,122	96,021	95,746	65,200	91,918	91,938	81,403	60,237
Building and Equipment Maintenance.....	50,999	30,055	20,624	31,766	54,378	37,493	31,525	37,335	22,682	23,403
Programs.....	1,797	2,958	1,987	2,791	4,566	12,405	4,749	2,553	574	1,787
Equipment.....	4,636	-	1,761	8,840	7,108	-	-	-	-	-
Indirect Costs.....	-	-	-	-	-	-	-	-	36,227	18,956
<b>TOTAL EXPENDITURES.....</b>	<b>490,145</b>	<b>490,478</b>	<b>512,766</b>	<b>500,829</b>	<b>540,868</b>	<b>510,825</b>	<b>517,538</b>	<b>527,190</b>	<b>481,336</b>	<b>364,600</b>
<b>EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES.....</b>	<b>(2,638)</b>	<b>(14,518)</b>	<b>22,609</b>	<b>(8,296)</b>	<b>(11,723)</b>	<b>24,648</b>	<b>(30,903)</b>	<b>(48,524)</b>	<b>(38,229)</b>	<b>(66,861)</b>
<b>NET CHANGE IN FUND BALANCE.....</b>	<b>(2,638)</b>	<b>(14,518)</b>	<b>22,609</b>	<b>(8,296)</b>	<b>(11,723)</b>	<b>24,648</b>	<b>(30,903)</b>	<b>(48,524)</b>	<b>(38,229)</b>	<b>(66,861)</b>
<b>FUND BALANCE AT BEGINNING OF YEAR.....</b>	<b>108,181</b>	<b>105,542</b>	<b>91,024</b>	<b>113,633</b>	<b>105,337</b>	<b>93,614</b>	<b>118,262</b>	<b>87,358</b>	<b>38,834</b>	<b>605</b>
<b>FUND BALANCE AT END OF YEAR.....</b>	<b>\$ 105,542</b>	<b>\$ 91,024</b>	<b>\$ 113,633</b>	<b>\$ 105,337</b>	<b>\$ 93,614</b>	<b>\$ 118,262</b>	<b>\$ 87,358</b>	<b>\$ 38,834</b>	<b>\$ 605</b>	<b>\$ (66,255)</b>



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

12

### MISCELLANEOUS (UNTIMED)

#### 12: Discussion on Board policies

##### REQUESTOR SECTION

Date of request:

Requestor: Vice Chair Brown

Formal Title: Discussion on Board policies

Recommendations/Suggested Motion/Vote:

Background Information:  
attached documents

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM

## Meeting Policy

1. An organizational meeting shall be held at the first meeting following Town Meeting.
  - a. Elect Chairman.  
The Chairman will approve the agenda for and conduct the Selectmen's meeting; coordinate the affairs of the Board with due concern that all members' views are heard and considered; and act as liaison to the Town Manager and the major departments under the Board of Selectmen.
  - b. Elect Vice-Chairman.  
The Vice-Chairman will assume the duties of the Chairman in his absence. The Vice-Chairman is tasked with organizing office hours, the town forum and the Board of Selectmen newsletter.
  - c. Elect Clerk (Town Manager unless voted otherwise).  
The Clerk will be responsible for (1) preparation for Selectmen's meetings and keeping complete and accurate minutes of Selectmen's meetings and ; and (2) is authorized to provide attested copies of Selectmen's votes and minutes as necessary.
2. Meetings shall start promptly at 7:00 p.m. on Tuesdays. No new business will be introduced later than 10:00 PM unless the Board votes to continue the meeting. Unfinished business will be postponed until the next meeting unless the Board votes to extend the meeting. Meetings will be held twice a month, unless the need for a special meeting arises or the Board votes to hold fewer meetings.
3. Actions and decisions shall be by motion, second and vote. If the vote is not unanimous, the minutes shall reflect the vote of each Selectmen.
4. For the meeting, the Town Manager should:
  - a. Provide Selectmen with pertinent explanatory or review material prior to the meeting. Public materials will be posted by the day of the meeting when applicable.
  - b. Have on hand all back-up data and files appropriate to a scheduled item of discussion. In addition, he shall provide any data, analyses and recommendations as appropriate.
  - c. Draft motions in advance of meeting.
  - d. Provide comments relative to current events and issues in town

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

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### **Section 1. Procedural** ¶

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

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

Realize that his or her basic function is to make policy, v administration delegated to the Town Manager. ¶  
Realize that he or she is one of a team and should abide and carry out, all Board decisions. ¶

Be well informed concerning the duties of a Board mem on both local and state levels. ¶  
Remember that he or she represents the entire commu at all times. ¶

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

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

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

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

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

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

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

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

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## Town Counsel Policy

It is the intent of this policy to set forth general guidelines and expectations on the accessibility of Town Counsel to Town boards, commissions and committees, and employees, consistent with the Town of Sudbury general bylaws, the Town charter (the Board of Selectmen-Town Manager Act) and state law. It is not the intent of this policy to explicitly or implicitly deny anyone access to Town Counsel but rather to control and monitor accessibility to Town Counsel, thereby understanding and controlling the cost of legal services.

### A. Boards, commissions and committees of the Town of Sudbury

1. Chairs of all boards, commissions or committees, other than the Board of Selectmen, shall have direct access to Town Counsel to obtain legal advice, including a request for a written opinion, or to request Town Counsel to attend a meeting of such board, committee or commission. Any member of a board, commission or committee may request a written opinion from Town Counsel, provided that said member obtains a majority vote of said board, committee or commission at a public meeting authorizing the request of such opinion. After obtaining a majority vote as set forth in the preceding sentence, said request shall be submitted to Town Counsel with a copy to the Town Manager for notification purposes.
2. Town Counsel will refer all requests for opinions received from individual members of boards, commissions or committee to the chair of said committee, who will schedule the request for a vote of the board, commission or committee on the matter of approving such a request at the next meeting of said committee, when feasible. Town Counsel will copy the Town Manager on all such requests.
3. Boards, commissions or committees may vote to authorize one member of the board, commission or committee to communicate directly with Town Counsel on a specific matter they have explicitly voted for that member to have responsibility for. For example, if a board appoints one member of the board to work on a policy item to be considered by the board, the board may include in their designation that this includes the ability to seek an opinion from Town Counsel as part of the work to be undertaken by that board member. Such vote of the board, commission, or committee must clearly reflect an authorization for the Town Counsel to speak directly with less than a quorum of the board, commission or committee on the specific matter. Such a vote must be filed with the Town Counsel and the Town Manager.
4. The chairs or vice-chairs of all boards, committees and commission shall have direct access to Town Counsel to request advice or assistance in preparation of the agenda for an upcoming meeting or for advice regarding chairing an upcoming meeting. They do not need to copy the Town Manager on such inquiries.
5. The chairs or vice-chairs of boards, committees or commission with the Town shall have direct access prospectively to Town Counsel to request opinions, advice or information concerning the **Open Meeting Law** codified at G.L. c. 39, section 23B or to receive guidance with respect to the rules governing responses to public records requests. They do not need to copy the Town Manager on such inquiries.
6. Officers of the Town, including all members of boards, commissions and committee requesting Ethics Opinions (Conflict of Interest Law) shall have direct access to Town Counsel. They do not need to copy the Town Manager on such inquiries.

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7. The Moderator shall have direct access to Town Counsel to obtain legal advice, including a request for a written opinion, in relation to her/his duties as Moderator.

**B. Board of Selectmen**

1. The chair of the Board of Selectmen shall have direct access to Town Counsel to obtain legal advice, including a request for a written opinion, or to request Town Counsel to attend a meeting of the board. Any member of the Board of Selectmen shall have direct access to Town Counsel to obtain legal advice or request a written opinion. Such requests shall be submitted in writing to Town Counsel with a copy to the Town Manager and the chair of the Board of Selectmen for notification purposes. The chair of the Board shall ensure that other Board members are informed of such requests.
2. The chair of the Board of Selectmen shall have direct access to Town Counsel to request advice or assistance in preparation of the agenda for an upcoming meeting or for advice regarding chairing an upcoming meeting. The chair does not need to copy the Town Manager on such inquiries.
3. The chair or vice-chair of the Board of Selectmen shall have direct access prospectively to Town Counsel to request opinions, advice or information concerning the **Open Meeting Law** codified at G.L. c. 39, section 23B or to receive guidance with respect to the rules governing responses to public records requests. They do not need to copy the Town Manager on such inquiries.
4. All members of the Board of Selectmen requesting **Ethics Opinions** (Conflict of Interest Law) shall have direct access to Town Counsel. They do not need to copy the Town Manager on such inquiries.

**C. Town Manager and Town Employees**

1. The Town Manager shall have direct access to Town Counsel at all times in relation to her/his duties as Town Manager.
2. Department heads and division heads are encouraged to set up meetings with Town Counsel during regularly established Town Counsel office hours, via an email to Town Counsel with a cc to the Town Manager.
3. Department heads, division heads and other employees shall have email or phone access to Town Counsel as needed for general advice on issues concerning the operation of their offices, but must copy the Town Manager on the request to Town Counsel. If the request involves generation of a written opinion from Town Counsel, Town Manager shall be notified of that request before the opinion is written.
4. Employees of the Town requesting **Ethics Opinions** (Conflict of Interest Law) shall have direct access to Town Counsel. They do not need to copy the Town Manager on such inquiries.

**D. Town Meeting Issues**

1. Warrant articles for the Annual Town Meeting or Special Town Meetings sponsored by Town boards, committees, commissions or employees shall be drafted by the Town Counsel's office.

Sponsors of warrant article(s), excluding petition articles, shall submit draft wording for articles or general background information that Town Counsel will use to write the article, and send it back to the sponsor for signature before submission to the Board of Selectmen's Office.

2. Sponsors of petition articles for Annual or Special Town Meeting may submit draft articles to Town Counsel for legal review and guidance. Town Counsel will not draft articles for petitioners, but will be available for legal review and guidance. To obtain such legal review, draft petition articles must be submitted to the Board of Selectmen's office at least five days before the January 31 due date for article submission. Staff in the Board of Selectmen's office shall forward the draft petition article to Town Counsel for review.
3. Town Counsel's office will write all motions for all articles for Annual or Special Town Meeting, working with the sponsors of all articles as needed in the judgment of Town Counsel.

**E. Confidentiality of Attorney-Client Communications**

The attorney-client privilege shields from the view of third parties all confidential communications between a client and its attorney undertaken for the purpose of obtaining legal advice. As a matter of policy, the Board of Selectmen hereby requires that the confidentiality of communications between town officials, departments, boards, and committees, and Town Counsel and Special Town Counsel be maintained and preserved. The scope of privileged communications includes communications from Town officials, departments, boards or employees seeking legal advice, as well as opinions and advice received from Town Counsel or Special Town Counsel, whether in formal written opinions, email, in person, or by telephone. The attorney-client privilege belongs to the Town of Sudbury, acting through its Board of Selectmen. The Board of Selectmen is the chief policy making body of the Town and is responsible, in conjunction with Town Counsel, for managing the legal affairs of the Town. Accordingly, only the Board of Selectmen, acting as a Board at a duly noticed meeting, is authorized to waive the attorney-client privilege on behalf of the Town. Should any town official, department, board, or committee believe that it is in the best interests of the Town to waive the attorney-client privilege with respect to any privileged attorney-client communication received from Town Counsel or Special Town Counsel, they should request to discuss the matter with the Board of Selectmen in executive session to obtain a vote by the Board of Selectmen as to whether or not said privileged communication may be released. No town official, department, board or committee is permitted on his or her or its own volition to release any confidential attorney-client communications to third parties or otherwise purport to waive the Town's attorney-client privilege.

( Approved 9/8/2015)

## Policy on Remote Participation

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### PURPOSE STATEMENT

The Office of the Attorney General amended the Open Meeting Law regulations at 940 CMR 29.00 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town Boards and Committees should try to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when certain specific circumstances prevent them from being physically present.

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town Boards and Committees under the Open Meeting Law, M.G.L. c.30A, §§18-25.

### ENABLING AUTHORITY- 940 CMR 29.10(8)

A municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

### ADOPTION OF REMOTE PARTICIPATION

In accordance with 940 CMR 29.10(2)(a), the Board of Selectmen, on December 15, 2015, voted to authorize the adoption of 940 CMR 29.10 so that remote participation is permitted in the Town. In accordance with 940 CMR 29.10(3), the Board of Selectmen may revoke its adoption of 940 CMR 29.10 by simple majority vote at any time.

This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, sub-committees and other public bodies regardless of whether such public bodies are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

### MINIMUM REQUIREMENTS FOR REMOTE PARTICIPATION

Members of the public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other.

A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c.30A, §20(d).

Members of the public body who participate remotely must have access to the same materials being used at the meeting location.

Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of Article III, Section 8 of the Town General By-laws and M.G.L. c. 39, §23D.

*Section 23D (a): Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing.*

*Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.*

#### **PERMISSIBLE REASONS FOR REMOTE PARTICIPATION**

It is the express desire of the Board of Selectmen that remote participation in meetings be an infrequent event, for both individual board members and Town Boards and Committees as a whole. Chairs of public bodies are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A Board member may attend a meeting through electronic conferencing if his or her physical presence at the meeting is prevented due to one of the following extenuating circumstances: personal illness or disability; a family or other emergency; military service; geographic distance.

Due consideration should be given regarding associate members on Boards and Committees, Associate members should be utilized in the absence of members of Boards and Committees when deemed appropriate by the Chair. Any determination by the person chairing the meeting to allow or not to allow remote participation shall be final and shall not be appealable.

The commission on disability may by majority vote of the commissioners at a regular meeting authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If the commission on disability utilizes remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law and this policy.

#### **ACCEPTABLE METHODS OF REMOTE PARTICIPATION**

The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive communications.

- i. Telephone, internet, or satellite enabled audio or video conferencing.
- ii. Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible and, if possible, clearly visible to all persons present at the meeting location.
- iii. If technical difficulties arise as a result of utilizing remote participation, the Chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with remote participant's ability to hear or be heard clearly by all persons at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred and subsequent reconnection if achieved shall be noted in the meeting minutes. If a public hearing occurs after disconnection, the member shall be noted as absent.

Deleted: ¶

#### **PROCEDURES FOR REMOTE PARTICIPATION**

Any member of a public body who wishes to participate remotely shall, at least 48 hours or as soon as reasonably possible prior to the meeting, notify the chair or person chairing the meeting of his or her desire to do so and the reason for and facts supporting his or her request.

- i. If the Chair approves the request for remote participation, he or she shall make any necessary arrangements with appropriate Town personnel to ensure that the required equipment is available and, to the greatest extent practical, provide access to all meeting materials. THE TOWN DOES NOT GUARANTEE AVAILABILITY OF REQUIRED EQUIPMENT AT ANY PARTICULAR TIME OR LOCATION.
- ii. At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason for his or her remote participation. This information shall also be recorded in the meeting minutes.
- iii. All votes taken during any meeting in which a member participates remotely shall be by roll call vote. Members may participate remotely even if they are not qualified to vote.
- iv. Remote participants shall preserve the confidentiality of the executive session (where applicable). The remote participant shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by simple majority vote of the public body, and that the session is not being remotely recorded by any device.
- v. The Town shall not be responsible for the reimbursement of any out-of-pocket costs associated with the remote participation of Board members.
- vi. Members participating remotely are cautioned that the same obligations of consideration apply as in any physical meeting. Remote participants should direct all their attention to the meeting, and should make their decisions based upon the same information as is available to all the other participants in the meeting. The remote participant shall also state at the beginning of any meeting that no other person is in proximity who could exert undue influence on the participant, in either executive or public session, and shall inform the chair if that situation changes.
- vii. The chair of any committee which has agreed to allow remote participation shall provide to the Board of Selectmen, no later than June 30 and December 31 of each year, a report that indicates the date(s) of any meetings for which remote participation was requested, the name(s) of individuals making the request, the determination of the chair for each request, and a summary of any logistical, technical and compliance issues related to remote participation.
- viii. Remote participation shall be limited to one member per scheduled meeting.
- ix. Remote participants shall not operate a motor vehicle or otherwise jeopardize personal or public safety while participating in a meeting.

***(Approved 12/15/2015)***

## APPOINTMENT POLICY

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

1. Expiration date for appointments is May 31st, or until his successor is appointed and qualified, with the exception of the following:
    - a. Historic Districts Commission, which, under G.L.Ch.40C, expire January 1st.
    - b. Election Officers are appointed annually between July 15th and August 15th, in accordance with G.L.Ch. 54, s.12.
    - c. Sudbury Cultural Council appointments may expire at varying times, depending upon date of appointment.
  2. The Town Manager shall:
    - a. Present, at the first regular meeting following Town Election, a list of appointments to be made by the Board.
    - b. Notify incumbents and request their statement of availability regarding reappointment.
    - c. Notify the chairman of the appropriate board or committee requesting recommendation for reappointment or filling vacancies.
    - d. Actively seek volunteers for boards and committees and maintain a "Talent File" of same.
    - e. Provide Chairmen of boards and committees with names of candidates from the Talent File and request recommendations from pertinent boards or committees to fill vacancies.
  3. Interviews for potential new appointees.
    - a. Copies of applications shall be provided to the Selectmen and chairman of respective board or committee prior to interview.
    - b. Invite chairman to join Selectmen in conducting the interview relating to his board.
  4. Annual appointments shall be completed as soon as possible.
  5. Updated lists of members will be provided to the office.
  6. Retiring members will receive letters of thanks from the Town for their service.
- (Amended 5/10/76, 8/23/99)

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Attachment12.a: Selectmen Policiesfinal\_May26 (3889 : Discussion on Board policies)



# Policy

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

Template:Distinguish-otheruses2

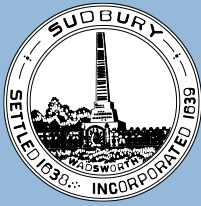
A **policy** is a deliberate system of principles to guide decisions and achieve rational outcomes. policy is a statement of intent, and is implemented as a procedure or protocol. Policies are generally adopted by a governance body within an organization. Policies can assist in both *subjective* and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

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

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

**Retrieved June 2, 2020**

Attachment12.b: Policy - Wikipedia (3889 : Discussion on Board policies)



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

**MISCELLANEOUS (UNTIMED)****13: Ballot question discussion****REQUESTOR SECTION**

Date of request:

Requestor: Town Clerk Beth Klein

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

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

**Background Information:**

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

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

See attached from Town Clerk Beth Klein.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

**Review:**

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

06/09/2020 6:00 PM

**Golden, Patricia**

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

Hi Henry,

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

Let me know if you have any questions.

Thanks,

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

UPDATED ELECTION INFORMATION

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

Absentee Ballot and Early Voting Applications

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

Attachment13.a: Klein\_memo (3892 : Ballot question discussion)



## TOWN OF SUDBURY

*Office of Selectmen*

[www.sudbury.ma.us](http://www.sudbury.ma.us)

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

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

July 16, 2018

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

IN BOARD OF SUDBURY SELECTMEN

Meeting Date: July 10, 2018

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

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

It was on motion unanimously

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

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

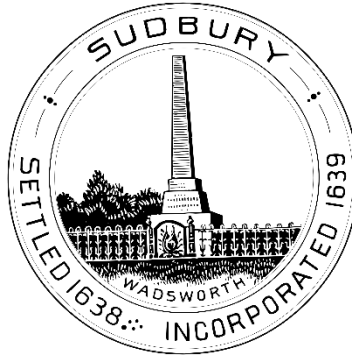
A True Copy Attest:

Melissa Murphy-Rodrigues, Esq.  
Melissa Murphy-Rodrigues, Esq.

Town Manager – Clerk

cc: Town Clerk

# Town of Sudbury Massachusetts



## INFORMATION FOR VOTERS

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

Polls Open 7:00 A.M. to 8:00 P.M.

Precincts 1, 1A, 2 & 5 - Fairbank Community Center, 40 Fairbank Road  
Precincts 3 & 4 - Sudbury Town Hall, 322 Concord Road

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## INFORMATION FOR VOTERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **BALLOT QUESTION NO. 5**

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

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

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

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

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

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





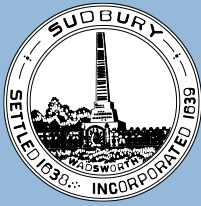
Board of Selectmen  
Sudbury, MA 01776

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Sudbury, MA 01776  
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SUDBURY  
MASSACHUSETTS 01776

**INFORMATION FOR VOTERS**

State Election  
Tuesday, November 6, 2018



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

14

### MISCELLANEOUS (UNTIMED)

#### 14: Discussion on timing of Annual Town Meeting

##### REQUESTOR SECTION

Date of request:

Requestor: Chairman Carty

Formal Title: Discussion on timing of Annual Town Meeting

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

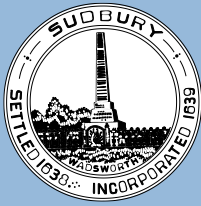
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

15

### MISCELLANEOUS (UNTIMED)

#### 15: Fairbank update

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

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

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

Background Information:

Financial impact expected:

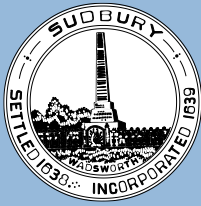
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

**MISCELLANEOUS (UNTIMED)****16: Discussion on Key Performance Indicators****REQUESTOR SECTION**

Date of request:

Requestor: Selectman Schineller

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

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

Background Information:

Financial impact expected:

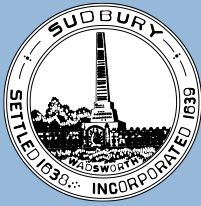
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM

**SUDBURY BOARD OF SELECTMEN**

Tuesday, June 9, 2020

**MISCELLANEOUS (UNTIMED)****17: Town Meeting action****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

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

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

Background Information:

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

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM

ATM 2020 Articles

17.a

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

Attachment 17.a: Copy of Articles list ATM 2020 05-26-20 (3898 : Town Meeting action)

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

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ATM 2020 Articles

17.a

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

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ATM 2020 Articles

17.a

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

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ATM 2020 Articles

17.a

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

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**ARTICLE 11. STABILIZATION FUND**

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

Submitted by the Board of Selectmen.

(Majority vote required)

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

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

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

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

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

; or act on anything relative thereto.

Submitted by the Town Finance Director.

(Majority vote required)

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

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

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

**ARTICLE 14. CAPITAL STABILIZATION FUND**

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

Submitted by the Town Manager.

(Majority vote required)

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

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

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

Submitted by the Town Manager.

(Majority vote required)

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

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

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

Submitted by the Town Manager.

(Majority vote required)

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

**ARTICLE 17. CSX CORRIDOR**

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

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

Submitted by the Board of Selectmen.

(Two-thirds vote required, if borrowed)

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

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

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

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

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

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

Submitted by the Board of Selectmen  
borrowed)

(Two-thirds vote required, if

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

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

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

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

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

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

Submitted by the Fire Chief.  
borrowed)

(Two-thirds vote required, if

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

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

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

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

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

Submitted by the Department of Public Works Director

(Majority vote required)

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

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

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



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

Submitted by the Department of Public Works Director

(Majority vote required)

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

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

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

Submitted by the Department of Public Works Director.

(Majority vote required)

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

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

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

Submitted by the Department of Public Works Director

(Majority vote required)

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

**ARTICLE 28. DUMP TRUCK WITH PLOW**

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

Submitted by the Department of Public Works Director.

(Majority vote required)

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

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

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

Submitted by the Department of Public Works Director

(Majority vote required)

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

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

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

Submitted by Department of Public Works Director  
required)

(Majority vote required)

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

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

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

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

Submitted by the Sudbury Public Schools School Committee.

(Majority vote required)

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

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

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

Submitted by the Sudbury Public Schools School Committee.

(Majority vote required)

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

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

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

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

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

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

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

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

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

**4800. SOLAR ENERGY SYSTEMS**

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

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

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

structures shall conform to the following provisions.

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

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

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

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



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

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

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

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

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

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

- b. The Board of Appeals shall have the authority to waive specific provisions of this section upon a determination the waiver is not inconsistent with the purpose and intent of this section.
- c. The Board of Appeals shall conduct its review, hold a public hearing, and file its decision with the Town Clerk as required by MGL Chapter 40A, Section 9.
- d. Approval Criteria. Before the Board of Appeals may issue a special permit, it shall determine each of the following:
  - (1) The Ground Mounted Solar Energy System conforms to the provisions of this section.
  - (2) The Ground Mounted Solar Energy System will not be detrimental to the neighborhood or the Town.
  - (3) Environmental features of the site and surrounding areas are protected, and the surrounding area will be protected from the proposed use by provision of adequate surface water drainage.
  - (4) The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.
  - (5) The Ground Mounted Solar Energy System meets the special permit criteria of Section 6220.
- e. Any special permit shall be subject to such conditions and safeguards as the Board of Appeals may prescribe.
- f. In reviewing any application for a special permit, the Board of Appeals shall give due consideration to promoting the public health, safety, convenience, and welfare; shall encourage the most appropriate use of land; and shall permit no building or use that is detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or other visual nuisances.

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

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

## **ARTICLE 7000. DEFINITIONS**

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

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



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

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

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

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

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

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

vii. See Section 4800.

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

Submitted by the Planning Board.

(Two-thirds vote required)

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

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

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

**5600. INCLUSION OF AFFORDABLE HOUSING**

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

**5620. Applicability**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE 7000. DEFINITIONS

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

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

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

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

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

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

Submitted by the Planning Board.

(Two-thirds vote required)

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

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

Submitted by the Conservation Commission.  
(required)

(Two-thirds vote)

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

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

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

Submitted by Petition.  
(required)

(Majority vote)



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Submitted by Petition.  
required)

(Majority vote

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

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

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

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

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

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

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

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



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

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

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

Submitted by Petition.

(Majority vote required)

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

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

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

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

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

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

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

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

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

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

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

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

## Golden, Patricia

---

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

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

---

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

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

Thank you.

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

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

---

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

Adam,

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

Attachment17.c: Girish\_Pathak\_email (3898 : Town Meeting action)

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

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

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

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

Thanks for the listen.

With rgds,

Girish  
Mobile: 617 281 1919

DRAFT

# Proposed Cost-Benefit Study Burying Utility Cables

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

Proposed by  
Girish Pathak  
gpathak@comcast.net



# AGENDA

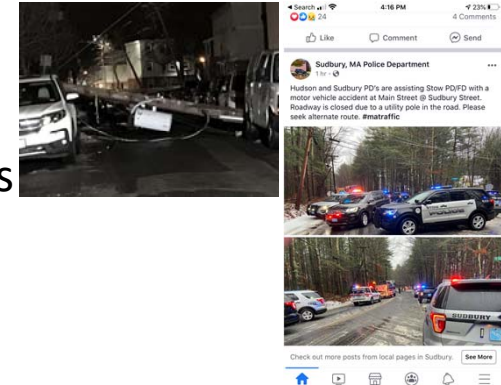
- The Problem, and the Solutions (or Our Choices)
- The Proposed Study Project, and its Deliverables & Timelines
- The Context - the Interested Parties (including MAPC\*) and the Disinterested Parties in this Study
- The Benefits of the Study, if Implemented
- Deliverables from the Study at What Cost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

\*MAPC stands for Metropolitan Area Planning Council



# The Problem, and the Solutions or Our Choices

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



# The Study Project and its Deliverables/Timelines

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





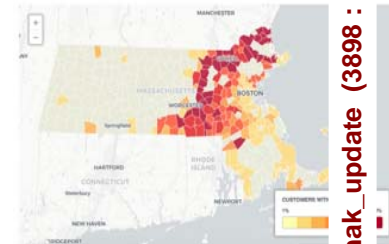
# Context: Presumed Biased-Parties of the Study

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



# The Benefits of the Study, if Implemented

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



# Deliverables from the Study at What Cost?

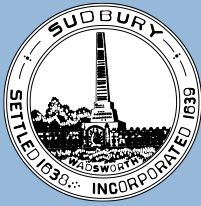
- Small in Size, town staff labor hours only
  - Approximately one (1) FTE months of work or labor cost, mostly from the planning department of the Town of Sudbury and some from other departments



# Any Questions on the proposed Study Project?

## THANK YOU!





## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

**MISCELLANEOUS (UNTIMED)****18: Update Transportation Committee mission statement & membership**REQUESTOR SECTION

Date of request:

Requestor: Chairman Dan Carty

Formal Title: Update Transportation Committee membership and mission statement.

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

Background Information:

Current mission statement attached.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden Pending

Henry L Hayes Pending

Jonathan Silverstein Pending

Daniel E Carty Pending

Board of Selectmen Pending

06/09/2020 6:00 PM



## **SUDBURY TRANSPORTATION COMMITTEE**

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

**Updated October 30, 2018**

**Updated October 24, 2019**

### Mission Statement

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

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

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

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

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

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

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

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

### **Membership and Structure**

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

Quorum consists of a majority of serving Core members.

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

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

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

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

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

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



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

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

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

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

## Members

### Members

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

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

## Sudbury Transportation Committee

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

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

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

## Recent News

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

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

## Search

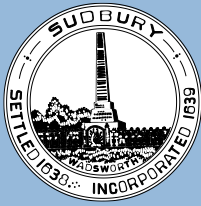
## Contact

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



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



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

**MISCELLANEOUS (UNTIMED)****19: Minutes review/approval**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

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

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

Background Information:  
attached drafts

Financial impact expected:

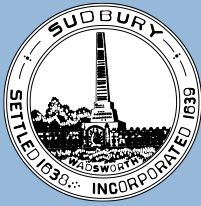
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

20

### MISCELLANEOUS (UNTIMED)

#### 20: Citizen's Comments

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Citizen's Comments

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

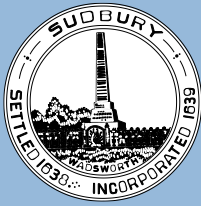
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

21

### MISCELLANEOUS (UNTIMED)

#### 21: Upcoming Agenda Items

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Upcoming Agenda Items

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

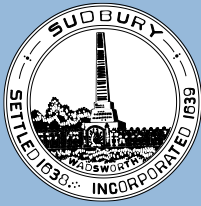
##### Review:

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

06/09/2020 6:00 PM

## POTENTIAL UPCOMING AGENDA ITEMS/MEETINGS

MEETING	DESCRIPTION
June 22	Submit Ballot questions to Town Clerk for Nov. 3 state election
	Spring Board of Selectmen Newsletter approval
	604B Grant Program (Conservation request)
	Town meeting action – continue to review articles, vote on positions
	Discussion on Fairbank Town Forum
Date to be determined	Vote to elect chairman and vice-chairman of the Board of Selectmen (or SelectBoard) after Annual Town Meeting
	Approve annual Town Manager and Selectmen reappointments
	Selectmen's Social Media Policy
	Work Session: Select Board/Town Manager Code of Conduct and other procedural training
	Invite Commission on Disability Chair to discuss Minuteman High School
	Eversource Public Hearing re: Grant of Location ( <i>date TBD</i> )
	Approve BOS submission to 2019 Annual Town Report
	Annual meeting with state legislators (2020)
	Discussion on liaison assignments and Board membership on town committees (for 2020-2021)
	Fall Town Forum discussion (July)
	Update from BOS Policy Subcommittee
	Town meeting recap – year in review
	Transportation Committee extension
	Route 20 empty corner lot – former gas station
	Update on traffic policy (Chief Nix)
	Update on crosswalks (Chief Nix/Dan Nason)
	Citizen Leadership Forum
	Town-wide traffic assessment and improve traffic flow
	Temporary Trailer permit - 150 Boston Post Road
	Wayside Inn Road Bridge
	Eversource double pole discussion
	Future planning of Sewataro
STANDING ITEMS FOR ALL MEETINGS	BOS requests for future agenda items at end of meeting
	Citizens Comments, continued (if necessary)
	Fairbank Community Center update (ongoing)
	Bruce Freeman Rail Trail (BFRT) update (quarterly)
	COVID-19 update (as of 3/18/20)



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

**CONSENT CALENDAR ITEM****22: Accept resignation from Housing Trust**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Accept resignation of Kaffee Kang from the Sudbury Housing Trust at the expiration of her term on 4/30/20, and send a letter of thanks for her service to the Town.

Recommendations/Suggested Motion/Vote: Accept resignation of Kaffee Kang from the Sudbury Housing Trust at the expiration of her term on 4/30/20, and send a letter of thanks for her service to the Town.

Background Information:  
attached resignation email

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

## Review:

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

06/09/2020 6:00 PM



## Golden, Patricia

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**From:** Kaffee Kang <kaffee kang@gmail.com>  
**Sent:** Tuesday, May 12, 2020 2:19 PM  
**To:** Elizabeth Rust  
**Cc:** Golden, Patricia; Duchesneau, Adam  
**Subject:** Re: Sudbury Housing Trust

This email will confirm my intention to resign from the Sudbury Housing Trust at the expiration of my term on 4/30/20. It has been an honor to serve on this committee, as it pursues its worthwhile mission of promoting affordable housing in Sudbury.

Kaffee Kang

On Thu, May 7, 2020 at 11:34 AM Elizabeth Rust <[liz@rhsousing.org](mailto:liz@rhsousing.org)> wrote:

Hi Kaffee,

You have let the Sudbury Housing Trust know that you intend to resign your membership effective 4/30/20.

The Trust is different from other town committees in that the terms end 4/30, the terms are only two-years, and resignation requires written notice.

I think an email confirming your intent to resign can formalize everything.

Thanks for all your service,

Liz Rust, assistant for the Trust

Elizabeth Rust

Director

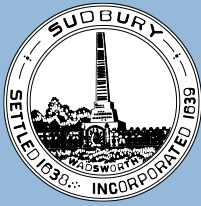
Regional Housing Services Office

37 Knox Trail, Acton, MA 01720

Website: [www.RHSOhousing.org](http://www.RHSOhousing.org)

Email: [Liz@RHSOhousing.org](mailto:Liz@RHSOhousing.org), Tel: (978) 287-1090

Attachment22.a: Kang\_resignation (3879 : Accept resignation from Housing Trust)



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

**CONSENT CALENDAR ITEM****23: Cross town connect - IMA extension**REQUESTOR SECTION

Date of request:

Requestor: Debra Galloway, Senior Center Director

Formal Title: Vote to extend the Town of Sudbury's participation in the CrossTown Connect Intermunicipal Agreement (IMA) for three months to September 30, 2020 as requested by Debra Galloway, Senior Center Director.

Recommendations/Suggested Motion/Vote: Vote to extend the Town of Sudbury's participation in the CrossTown Connect Intermunicipal Agreement (IMA) for three months to September 30, 2020, as requested by Debra Galloway, Senior Center Director.

Background Information:  
attached memo from Deb Galloway

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM



# Sudbury Senior Center

## Council on Aging

### Town of Sudbury, Massachusetts

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

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June 3, 2020

#### MEMORANDUM

TO: Town of Sudbury Select Board

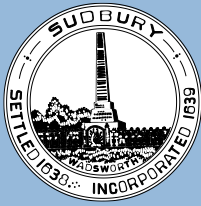
CC: Henry Hayes, Town Manager  
 Maryanne Bilodeau, Asst. Town Manager/HR Director  
 Beth Suedmeyer, Asst. Town Planner

FROM: Sudbury Senior Center Director Debra Galloway and  
 Member of the Town Transportation Committee  
 Co-Representative to the CrossTown Connect Advisory Board

At the CrossTown Connect meeting on Tuesday, May 26, the advisory board decided to request a three-month extension to the CrossTown Connect Intermunicipal Agreement that expires on June 30, 2020. The extension gives the member towns time to understand the impact of the COVID-19 pandemic on town budgets before renewing the agreement for another term. The Sudbury Select Board is requested to extend the Town of Sudbury participation in the CrossTown Connect Intermunicipal Agreement for three months to September 30, 2020.

f:\bos\memo to bos re CrossTown connect extension.doc

Attachment23.a: memo to BOS re CrossTown connect extension (3894 : Cross town connect - IMA extension)



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

**CONSENT CALENDAR ITEM****24: Easement approval****REQUESTOR SECTION**

Date of request:

Requestor: Beth Suedmeyer, Environmental Planner

Formal Title: VOTE: Pursuant to the provisions of G.L. c. 83, §1 and 4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORMWATER MANAGEMENT SYSTEM" granted by Stephen A. Maimone and Pauline S. Maimone for stormwater system maintenance purposes upon the property shown as Lot C on "Plan of Land in Sudbury, Mass.", dated July 26, 1985, prepared by Schofield Brothers, Inc., that is recorded with the Middlesex South Registry of Deeds as Plan No. 626 of 1986

Recommendations/Suggested Motion/Vote: VOTE: Pursuant to the provisions of G.L. c. 83, §1 and 4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORMWATER MANAGEMENT SYSTEM" granted by Stephen A. Maimone and Pauline S. Maimone for stormwater system maintenance purposes upon the property shown as Lot C on "Plan of Land in Sudbury, Mass.", dated July 26, 1985, prepared by Schofield Brothers, Inc., that is recorded with the Middlesex South Registry of Deeds as Plan No. 626 of 1986.

Background Information:  
attached

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

## Review:

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

06/09/2020 6:00 PM

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

This Declaration of Restrictive Covenants and Grant of Easement (this “Restriction”) is made as of May 28, 2020 by Stephen A. Maimone and Pauline S. Maimone (the “Owner”) of 52 Goodman’s Hill Road, Sudbury, MA 01776 (the “Property”) in favor of the Town of Sudbury (the “Town”), a Massachusetts municipal corporation, by and through its Board of Selectmen, having an address of 278 Old Sudbury Road, Sudbury, MA 01776.

Whereas, on December 27, 2018 the Owner applied to the Sudbury Planning Board for approval of a Stormwater Management Permit for the Property (the “Project”) and the Planning Board, on February 13, 2019 issued a “Decision Stormwater Management Permit” (the “Permit”) upon the Property shown as Map K10, Parcel 207 as shown as Lot C on a Plan entitled “Plan of Land in Sudbury, Mass.”, dated July 26, 1985, prepared by Schofield Brothers, Inc., which plan is recorded with the Middlesex South Registry of Deeds as Plan No. 626 of 1986, to which plan reference may be made for a more particular description of said Property.

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

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

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

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

1. The Owner, and/or its successors and assigns, shall be responsible, at its sole cost and expense, for constructing, installing, maintaining, operating, repairing, and

replacing, the Stormwater System located on the Property for the purpose of allowing for the proper and efficient flow of stormwater as described in the Best Management Practices and the Operation and Maintenance Plan and the Stormwater Operations and Maintenance Manual entitled "Operation and Maintenance Plan for 52 Goodman's Hill Road, Sudbury, MA, Stormwater Management Permit #19-01 prepared by Sullivan, Connors and Associates, dated May 28, 2020, on file with the Town, as the same may be amended or renewed from time to time with the prior written consent of the Town such consent not to be unreasonably withheld, delayed or conditioned.

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

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

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

Prior to exercising any right to enter the Property under this Restriction, or, in the case of emergency, as soon as is practicable, the Town agrees to carry and keep in effect, at the Town's sole cost and expense, comprehensive general liability insurance covering the Property in commercially reasonable amount in light of the nature of the

work to be undertaken which may be included under the Town's so-called blanket or master insurance policy covering other property or insureds in addition to those required hereunder. The Town shall also cause any party performing work on the Town's behalf on the Property and/or the Stormwater System in accordance with the terms of this Restriction to obtain and keep such insurance prior to entering upon the Property. Any insurance provided for above shall name the Owner as additional insured and certificate holder, provided however, that the coverage amounts set forth in the Town's policy of insurance naming the Owner as an additional insured shall be limited \$100,000 as set forth in M.G.L. c. 258.

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

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

7. No amendment, release or rescission of this Restriction shall be effective without the written approval of the Town.

8. This Restriction shall run with the Property and shall bind and inure to the benefit of the owners of the Property and their respective successors and assigns.

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

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

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

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

13. The Owner agrees to obtain from any mortgagee having a mortgage on the Property as of the date hereof a subordination to this Restriction, stating that such mortgages shall be subject to this Restriction. Such subordinations shall be obtained and recorded promptly.

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

[End of text. Signatures on next page.]



Executed under seal as of this \_\_\_\_ day of \_\_\_\_\_, 2020.

PROPERTY OWNER:

\_\_\_\_\_  
Stephen A. Maimone

PROPERTY OWNER:

\_\_\_\_\_  
Pauline S. Maimone

### COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned notary public, \_\_\_\_\_, the above-named Stephen A. Maimone and Pauline S. Maimone personally appeared and proved to me through satisfactory evidence of identification, which were current Massachusetts drivers' licenses to be the persons whose names are signed on the preceding document and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Attachment 24.a: 52 Goodmans Hill Rd-Covenant Easement (3895 : Easement approval)

### ACCEPTANCE OF EASEMENT

On this     day of                      , 2020, the Town of Sudbury, acting by and through its Board of Selectmen pursuant to the provisions of G.L. c. 83, §§1 and 3, and any other enabling authority, hereby accepts the foregoing Grant of Easement for drainage purposes.

TOWN OF SUDBURY,  
By Its Board of Selectmen

\_\_\_\_\_  
Daniel E. Carty, Chairman

\_\_\_\_\_  
Patricia Brown, Member

\_\_\_\_\_  
Janie W. Dretler, Member

\_\_\_\_\_  
Jennifer Roberts, Member

\_\_\_\_\_  
William Schineller, Member

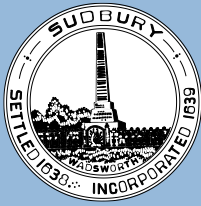
### COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

On this     day of                      , 2020, before me, the undersigned notary public, \_\_\_\_\_, the above-named member of the Board of Selectmen for the Town of Sudbury, personally appeared and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding document and acknowledged to me that s/he signed it voluntarily for its stated purpose as a member of the Board of Selectmen of the Town of Sudbury.

\_\_\_\_\_  
Notary Public  
My Commission Expires:





## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

**CONSENT CALENDAR ITEM****25: Water District MOU - Horse Pond Road**REQUESTOR SECTION

Date of request:

Requestor: Dan Nason DPW Director

Formal Title: Vote to approve execution by the Town Manager on behalf of the Board of Selectmen of a Memorandum of Understanding with the Sudbury Water District which provides for cost sharing of roadway improvements along Horse Pond Road resulting from a water line replacement project and the Department of Public Works' roadway resurfacing project.

Recommendations/Suggested Motion/Vote: Vote to approve execution by the Town Manager on behalf of the Board of Selectmen of a Memorandum of Understanding with the Sudbury Water District which provides for cost sharing of roadway improvements along Horse Pond Road resulting from a water line replacement project and the Department of Public Works' roadway resurfacing project.

## Background Information:

As a result of a water main upgrade project in Horse Pond Road by the Sudbury Water District (SWD), the District and former Town Manager Melissa Rodrigues came to an agreement that the District would pay for half of the resurfacing of Horse Pond Road. A Memorandum of Understanding was drafted and subsequently reviewed by SWD, their Counsel, the DPW and Town Counsel. The SWD is responsible only for costs associated with the milling, paving and striping of the roadway surface. All other costs associated with the ADA ramps, walkways, resident engineering services and police details are being covered by the Town. This is under Chapter 90.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

## Review:

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

06/09/2020 6:00 PM

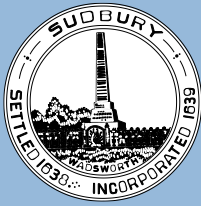
**2020 Contract Prices - Second Year of Three Year Renewable:**

<b>HORSE POND ROAD</b>					
<b>ITEM #</b>	<b>QTY.</b>	<b>UNIT</b>	<b>DESCRIPTION OF ITEM</b>	<b>UNIT PRICE</b>	<b>AMOUNT</b>
				<b>\$</b>	<b>\$</b>
120.1 - UNCLASSIFIED EXCAVATION	25.00	CY	Unclassified Excavation	\$80.00	\$ 2,000.00
151 - GRAVEL BORROW (TYPE B)	100.00	CY	Gravel Borrow (Type B)	\$25.00	\$ 2,500.00
170.- FINE GRADING AND COMPACTING	-	SY	Fine Grading and Compacting	\$16.00	\$ -
220.- ADJUSTMENT OF EXISTING STRUCTURES (F&G/C)	25.00	EA	Adjustment of Existing Structures	\$220.00	\$ 5,500.00
220.2 - STRUCTURE REBUILT	5.00	VF	Structure Rebuilt	\$230.00	\$ 1,150.00
222.3 - FRAME AND GRATE (OR COVER )MUNICIPAL STANDARD	-	EA	Frame & Grate (or cover) Municipal Standard	\$460.00	\$ -
358.- GATE BOX ADJUSTED	35.00	EA	Gate Box Adjusted	\$155.00	\$ 5,425.00
381.3 - SERVICE BOX ADJUSTED	-	EA	Service Box Adjusted	\$130.00	\$ -
399.01 - PROTECTOR RING 10 INCHES	-	EA	Protector Ring 10"	\$50.00	\$ -
399.02 - PROTECTOR RING 28 INCHES OR 31 INCHES	-	EA	Protector Ring 28" to 31"	\$50.00	\$ -
399.03 - RETRIEVE & DEPLOY PROTECTOR RING	-	EA	Retrieve & deploy Protector Ring	\$10.00	\$ -
415.- PAVEMENT MICRO MILLING	18,600.00	SY	Pavement Micro Milling	\$2.40	\$ 44,640.00
451.5.- FULL DEPTH PATCH REPAIR	100.00	SY	Full Depth Patch Repair	\$115.00	\$ 11,500.00
455.23 SUPERPAVE SURFACE COURSE - 12.5 (SSC - 12.5)	2,100.00	TN	Superpave Surface Course - 12.5 (SSC-12.5)	\$73.00	\$ 153,300.00
464.- ASPHALT EMULSION FOR TACK COAT	950.00	GAL	Asphalt Emulsion for Tack Coat	\$3.00	\$ 2,850.00
464.5.- HOT POURED RUBBERIZED ASPHALT SEALANT	7,000.00	FT	Hot Poured Rubberized Asphalt Sealant	\$0.01	\$ 70.00
470.2 HOT MIX ASPHALT BERM	1,500.00	FT	Hot Mix Asphalt	\$3.00	\$ 4,500.00
472.- HOT MIX ASPHALT FOR MISCELLANEOUS WORK	30.00	TON	Hot Mix Asphalt for Miscellaneous Work	\$115.00	\$ 3,450.00
697.1 - SILT SACK	25.00	EA	Silt Sack	\$90.00	\$ 2,250.00
701 - CEMENT CONCRETE WHEELCHAIR RAMP	180.00	SY	Cement Concrete Wheelchair Ramp	\$115.00	\$ 20,700.00
702.- HOT MIX ASPHALT WALK SURFACE	55.00	TON	Hot Mix Asphalt Walk Surface	\$180.00	\$ 9,900.00
703.- HOT MIX ASPHALT DRIVEWAY	10.00	TON	Hot Mix Asphalt Driveway	\$180.00	\$ 1,800.00
706.01 - REMOVE & RESET MISC. SIDEWALK & DRIVEWAY TREATMEN	20.00	SY	Remove & Reset Misc. Sidewalk & Driveway Treatments	\$125.00	\$ 2,500.00
751.- LOAM BORROW	30.00	CY	Loam Borrow	\$42.00	\$ 1,260.00
765.- SEEDING	2,275.00	SY	Seeding	\$2.00	\$ 4,550.00
767.12 - COMPOST FILTER	-	FT	Compost Filter	\$7.00	\$ -
852.01 - TEMPORARY TRAFFIC CONTROL	0.50	LS	Temporary Traffic Control	\$4,000.00	\$ 2,000.00
854.2 - PAVEMENT MARKING REMOVAL	-	SF	Pavement Marking Removal	\$1.00	\$ -
866.104 - 4 INCH REFLECTORIZED WHITE LINE - THERMOPLASTIC	13000	FT	4" ReflectORIZED White Line - Thermoplastic	\$0.55	\$ 7,150.00
866.112 - 12 INCH REFLECTORIZED WHITE LINE - THERMOPLASTIC	1000	FT	12" ReflectORIZED White Line - Thermoplastic	\$2.00	\$ 2,000.00
867.104 - 4 INCH REFLECTORIZED YELLOW LINE - THERMOPLASTIC	13000	FT	4" ReflectORIZED Yellow Line - Thermoplastic	\$0.55	\$ 7,150.00
				<b>\$</b>	<b>\$ 298,145.00</b>

Remove

Hot Mix Asphalt Walk Surface		\$9,900
Cement Concrete Wheelchair Ramp		\$20,700.00
Project cost without Sidewalk work		\$ 267,545.00

**SUDBURY WATER DISTRICT CONTRIBUTION****\$ 133,772.50**



## SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2020

26

### MISCELLANEOUS (UNTIMED)

#### 26: Vote to adjourn meeting

##### REQUESTOR SECTION

Date of request:

Requestor: Dan Carty

Formal Title: Vote to adjourn meeting

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

06/09/2020 6:00 PM