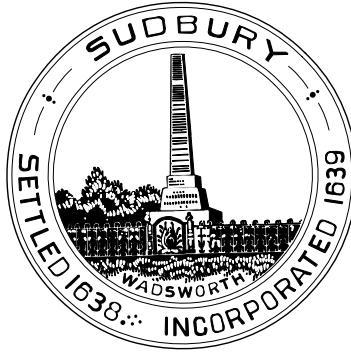


**Town of Sudbury
Massachusetts**



OFFICIAL WARRANTS
SPECIAL TOWN MEETING

WEDNESDAY, DECEMBER 3, 2014 7:30 P.M.
Lincoln-Sudbury Regional High School Auditorium

If you are not a registered voter in the Town of Sudbury, the Town Clerk will have extended voter registration hours from 9 a.m. – 8 p.m. on November 21, 2014 (deadline for registering to vote at the Special Town Meeting).

SPECIAL TOWN ELECTION

TUESDAY, DECEMBER 9, 2014
Polls Open 7:00 A.M. to 8:00 P.M.

Precincts 1, 1A, 2 & 5
Fairbank Community Center, Fairbank Road

Precincts 3 & 4
Sudbury Town Hall, Concord Road

If you are not a registered voter in the Town of Sudbury, the Town Clerk will have extended voter registration hours from 9 a.m. – 8 p.m. on November 19, 2014 (deadline for registering to vote at the Special Town Election).

TOWN OF SUDBURY
SPECIAL TOWN MEETING WARRANT
Commonwealth of Massachusetts
Middlesex, ss.

To the Constable of the Town of Sudbury:

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, to meet at the Lincoln-Sudbury Regional High School Auditorium in said Town on Wednesday, December 3, 2014, at 7:30 o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. **NIXON SCHOOL – PARTIAL ROOF, WINDOW AND DOOR**
REPLACEMENTS, ENVELOPE REPAIR PROJECT

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Permanent Building Committee/School Building Committee for the purpose of partial roof replacement, window and door replacement, and envelope repair at the General John Nixon Elementary School, 472 Concord Road, and all expenses connected therewith, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 36.89 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

Submitted by the School Committee, Sudbury Public Schools
(Two-thirds vote required, if borrowed.)

FACILITIES DIRECTOR REPORT: The Sudbury Public Schools (SPS) are committed to replacing the aging and deteriorated shingle roof on the cafetorium of the General John Nixon Elementary School, and replacing the 54 year old inefficient single pane glass windows and selected older deteriorated exterior doors. The sealants at the envelope control joints and on the newer aluminum windows, particularly at the brick masonry interface, have failed or are failing. These will be removed and replaced as part of the project, before water infiltration issues occur.

The cafetorium roof is at the end of its useful life expectancy and is in poor condition, requiring significant maintenance. This portion of the roof is 5,000 square feet and the shingles are beginning to fail. The roof insulation does not meet present standards and will be increased to meet the current stretch energy code and provide greater energy efficiency.

Some windows and doors have also exceeded their useful life expectancy and are in poor condition. Many rubber gaskets on these older windows are missing or falling out, leading to air and water infiltration. Most are difficult to operate and do not lock properly.

Upon the anticipated acceptance of the project into the MSBA Accelerated Repair Program, the state will reimburse approximately 36% of qualified costs. These repairs and updates are

necessary to maintain the life and utility of an important element of the town's infrastructure, and we should take advantage of this opportunity to do the needed work.

BOARD OF SELECTMEN POSITION: The Board will report at the Special Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at the Special Town Meeting.

ARTICLE 2. PURCHASE JOHNSON FARM PROPERTY, 189 LANDHAM ROAD

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, for the acquisition of fee title or other land interest in a portion of the land commonly known as the Johnson Farm property, located at 189 Landham Road, Sudbury, MA, and identified on the Town of Sudbury Assessor Map No. L10, Parcel 0500, containing approximately 33 +/- acres for conservation and passive recreation purposes, and all expenses in connection therewith, inclusive of bond and note issuance expense; and to determine whether said sum shall be raised by a combination of an appropriation from Community Preservation Act funds, and/or by borrowing, or otherwise; and further to authorize the Board of Selectmen to grant a Conservation Restriction pursuant to M.G.L. c.184, s. 31-32 on said property. Borrowing outside the amount of community preservation funds shall be subject to a Proposition 2 ½ override; or act on anything relative thereto.

BOARD OF SELECTMEN REPORT: This article seeks to purchase in fee simple for conservation and passive recreation purposes a portion of the Johnson Farm property located at 189 Landham Road for \$2,900,000. Funding is intended to be split between a debt exemption (Proposition 2 ½ override) for \$1,900,000, and \$1,000,000 in Community Preservation Act funds, plus bond and note issuance costs. Private fundraising is also possible, and funds raised in advance of the bond sale for the project will be applied towards the debt exemption payment. The Johnson Farm property contains approximately 35 acres. The intent is to purchase the rear 33 +/- acres of land, and to reduce the overall cost of this purchase by allowing limited development of 2 one-acre building lots along the Landham Road frontage. Access to the rear of the parcel will be permitted over a 20-foot wide area of land along the northern property boundary. Purchase and preservation of this property will eliminate the threat of development as previously proposed, and will end all litigation between the Town and the developer on the property. Eventually a conservation restriction will be placed on the land pursuant to the requirements of the Community Preservation Act as added protection against any construction or use that will impair the property in perpetuity. The property is listed as a priority parcel for preservation in the 2009 Open Space and Recreation Plan, abuts other permanently protected lands to the west, and forms a large wildlife corridor of over 200 acres.

Submitted by Board of Selectmen. (Two-thirds vote required, if borrowed.)

BOARD OF SELECTMEN POSITION: The Board will report at the Special Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at the Special Town Meeting.

ARTICLE 3. MASS CENTRAL RAIL TRAIL, PHASE 1, ENGINEERING

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, for the purpose of creating engineering design specifications and construction bid documents for Phase 1 of the Mass Central Rail Trail, running from Union Avenue to Dutton Road, or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

BOARD OF SELECTMEN REPORT: This article seeks to begin the process of creating a rail trail along the Mass Central railroad corridor, which runs for 23 miles from Waltham to Berlin, MA. Discussions regarding this rail trail surfaced in 2013 with the lease of the corridor from the MBTA to the MA Department of Conservation and Recreation (DCR). DCR's vision is to construct a rail trail along the entire length of the corridor in partnership with the towns that it crosses, however no funding has been secured to date. Proponents of this rail trail estimate that Phase 1 of this project, a 1.8 mile segment from Union Ave. to Dutton Road in Sudbury, can be constructed for approximately \$300,000, and have persuaded the Board of Selectmen to seek Community Preservation funds for its design and construction at the 2015 Annual Town Meeting. Funds from this transfer will be used to prepare design specifications for construction of the trail so it can be put out to bid. The project will also benefit from privately raised funds which will be used for wetland delineation and preliminary wetland permitting.

This project contemplates the design and construction of a 10 foot wide multi-use recreational trail consisting of a stone dust (or similar) surface, compliant with ADA requirements for access, and including safe road crossings, wetland protection, bridge improvements, guardrails/fencing on elevated sections of the trail and signage. Additionally, the concept of steel rail removal and salvage in exchange for trail improvements by an independent contractor is contemplated, and is the basis for the cost estimate. This will reduce the cost of construction significantly.

If FY16 funds are approved, the Town will go out for competitive bid to qualified design/build firms, which could result in commencement of construction through the fall and winter of 2015, and completion of the trail by summer of 2016.

The Town has been supportive of creating a rail trail within this corridor. It is both a goal of the Board of Selectmen and a priority in the Open Space and Recreation Plan. Non-binding resolutions at the September 2014 Special Town Meeting also indicated strong support for this project, both Phase 1 and the full trail. The phased approach for this project reduces the FY16 funding need. Additional phases are contemplated in order to eventually complete the entire 4.6 miles of the trail in Sudbury.

BOARD OF SELECTMEN POSITION: The Board will report at the Special Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at the Special Town Meeting.

ARTICLE 4. MASS CENTRAL RAIL TRAIL, NON-BINDING RESOLUTION

To see if the Town will vote to advise the Board of Selectmen to support a paved travel surface on the Mass Central Rail Trail.

Submitted by Petition.

(Majority vote required)

PETITIONER'S REPORT: The Massachusetts Department of Conservation and Recreation (DCR) wants to build a hard surface, that is, a paved rail trail, on the east-west rail corridor known as the Mass Central Rail Trail. DCR has said that it will cover 100% of the cost of design and construction of this rail trail. The Mass Central Rail Trail will intersect with the Bruce Freeman Rail Trail, which runs north-south, near the intersection of Union Ave. and Route 20. Both the Bruce Freeman and the Mass Central rail trails are known as 'greenways' because they are for pedestrians and bicyclists, among others. They do not allow motorized vehicles.

The purpose of this resolution is to let our senators and representatives know that Sudbury supports this goal, and to ask them to make all reasonable efforts to secure funding for the

Mass Central Rail Trail. The state Transportation Bond Bill has already authorized \$36,000,000 for the Mass Central Rail Trail. The next step is having the legislature appropriate funding, and we need to work with our legislators to accomplish that. Sudbury will work with other towns along the route of the Mass Central in a concerted effort to get that funding.

There is nothing to be lost in this approach, and everything to be gained. The only mistake we would make is if we did not try.

Seniors, bicycle riders, and the handicapped will benefit from the stability and predictability of a paved travel surface. There will be no cost to Sudbury for this valuable amenity, that many call a linear park. It will be used for recreation, exercise, and transportation. The rail trails will connect Sudbury's neighborhoods, schools, parks, athletic facilities, Town Center, and the commercial district. They will encourage green transportation, and bring us closer to the nature of Sudbury.

The Mass Central Rail Trail is on the state's list of highest priority rail trails. It should be our priority, too.

And you are required to serve this Warrant by posting an attested copy thereof at the Town Hall at least fourteen days before the time appointed for said meeting.

Hereof fail not and make due return by your doing thereon to the Town Clerk at or before the time of meeting aforesaid.

Given under our hands this twelfth day of November, two thousand and fourteen.

SELECTMEN OF SUDBURY:

Charles C. Woodard

Patricia A. Brown

Robert C. Haarde

Lawrence W. O'Brien

Leonard A. Simon

TOWN OF SUDBURY
SPECIAL TOWN ELECTION WARRANT

Commonwealth of Massachusetts
Middlesex, ss.

To the Constable of the Town of Sudbury:

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury qualified to vote in Town Elections, that voters residing in Precincts 1, 1A, 2 and 5 should meet at the Fairbank Community Center and voters residing in Precincts 3 and 4 should meet at the Town Hall in said Town on Tuesday, December 9, 2014 between the hours of seven o'clock in the forenoon and eight o'clock in the evening, to cast their votes on the following question:

BALLOT QUESTION NO. 1

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds issued in order to remodel, reconstruct, or make extraordinary repairs consisting of partial roof replacement, window and door replacement, and envelope repair at the General John Nixon Elementary School at 472 Concord Road, including the payment of all costs incidental or related thereto?

YES ___

NO ___

SUMMARY: Under Article 1, of the December 3, 2014 Special Town Meeting, the Town will be asked to vote to appropriate \$1,121,000, inclusive of issuance costs for debt, to perform partial roof replacement, window and door replacement, and envelope repair and pay all expenses connected therewith at the General John Nixon School, 472 Concord Rd., which project may be eligible for grant funding under the Massachusetts School Building Authority's (MSBA) Accelerated Repair Program with the exception of bonding costs. This ballot question seeks to exclude the principal and interest to pay for the Town's portion of this project from the Proposition 2 ½ levy limit. Funding approval at the Special Town Meeting together with a favorable vote on this Ballot Question is a prerequisite of the MSBA grant.

As usual, the Town's share of the project would be temporarily funded during the course of construction through the issuance of Bond Anticipation Notes. The amount of the bond issued at the completion of the project would be net of MSBA grant funding received, if approved, and would be based upon the actual approved costs incurred on the project. As an example, if the amount of the bond issued for the Town's portion of the project assuming a MSBA grant approval of 36.89% would be \$700,000, the estimated annual debt service impact on the tax rate beginning in FY16 would be \$0.02 per \$1,000 of property assessment. In this example, the tax impact on a \$640,277 average home valuation is estimated at \$13 per year over the ten-year bond period.

A "yes" vote on this question will authorize the Town to fund this project outside of the Town's levy limit and therefore allow the project to proceed; a "no" vote will mean the project cannot proceed.

ARGUMENT FOR PASSAGE: General John Nixon Elementary School, originally built during 1960, was renovated and reopened during 1991. A 28,000 sq. ft. addition was constructed during 1994 due to growing school enrollment. Sudbury Public Schools are committed to replacing the aging and deteriorated shingle roof on the cafetorium, replacing the 54-year old single pane glass windows and selected older deteriorated exterior doors, and the removal and replacement of caulking in masonry joints on the 1990 portions of the school. The new doors

and windows will be significantly more energy efficient with improved glazing and weatherstripping. The roof shingles over the original cafetorium are 24 years old; they are undergoing cracking and wind failure, and should be replaced. Insulation to comply with the present energy code will be added.

This project has been reviewed by the Sudbury Permanent Building Committee [PBC], consulting engineering and architectural firms, the Facilities Director and the Massachusetts School Building Authority [MSBA]. Upon acceptance of the project into its Accelerated Repair Program, MSBA will fund up to 36.89% of eligible costs.

Sudbury should replace this roof before its failure disrupts school operations and necessitates more costly repairs due to water infiltration. The existing 1960 windows are energy inefficient, mostly inoperable and create a drafty and uncomfortable learning environment. The energy benefits of a newly-insulated roof and weather tight windows and doors, reduction of future repair costs and a 37% reimbursement of project costs by the State make this project a sound investment.

ARGUMENT IN OPPOSITION: Any increase in the Town's debt, which is now in decline, will cause hardship to many residents because of the real estate tax revenue needed to pay debt service. Exempting the debt from the limits of Proposition 2 ½ undermines the efforts of those seeking to control costs by limiting spending. The Town should not be lured by state contributions into construction projects that add to the debt load, and should find ways to fund large maintenance and repair projects without raising taxes beyond the limits of Proposition 2 ½.

BALLOT QUESTION NO. 2

Shall the Town of Sudbury be allowed to exempt from the provisions of Proposition two-and-on-half, so called, the amounts required to pay the bonds issued in order to purchase in fee simple, including the payment of all cost incidental or related thereto, a portion of the land known as the Johnson Farm located at 189 Landham Road, containing 33 acres more or less, for conservation and passive recreation purposes.

Yes _____ No _____

SUMMARY: Under Article 2, of the December 3, 2014 special Town Meeting, the Town will be asked to vote \$2,925,000, including borrowing expense, to purchase for conservation and passive recreation purposes, 33 of 35 acres of the Johnson Farm property located at 189 Landham Road. The funding is intended to be split between a debt exemption of \$1,925,000, and \$1,000,000 in Community Preservation Act (CPA) funds or as designated or authorized by the vote at Town Meeting. The Johnson Farm property contains approximately 35 acres. The intent is to purchase and preserve the rear 33 +/- acres of land with access to the rear of the parcel over a 20-foot wide area of land with frontage on Landham Road. Private fundraising is also possible, and funds raised in advance of the bond sale for the project will be applied towards the debt exemption portion.

This ballot question seeks to exclude the principal and interest to pay for the non-CPA purchase funding from the Proposition 2 ½ levy limit. The estimated annual debt service impact on the tax rate beginning in FY16 on \$1,925,000 would be \$0.02 per \$1,000 of property assessment. In this example, the tax impact on a \$640,277 average home valuation is estimated at \$23 in year one, declining to a low of \$16 over the twenty-year bond period.

A yes vote would allow the purchase to go forward. A no vote would prevent the borrowing of funds to supplement CPA funds.

ARGUMENT FOR PASSAGE: The Johnson Farm's environmental sensitivity and connection to significant protected open space in South Sudbury make it an ideal property for conservation use, and a poor choice for development. The property contains forest, meadows, wetlands, vernal pools, streams and a unique and varied habitat. Development on this property would have an irreversible and detrimental impact on these natural resources and would require filling of wetlands and replication. Its connectivity to other open lands creates a pristine wildlife corridor stretching from the Sudbury River to Nobscot Reservation, and supports many types of wildlife species. The purchase will allow public access to nearby trail systems. Sudbury will place a conservation restriction on the land as an added protection, preserving it as open space in perpetuity. Purchase and preservation of this property will eliminate the threat of intense development and end litigation between the Town and the developer. Development of the property could potentially exacerbate flooding concerns and impact drinking water supplies; increase traffic on Landham Road; and add significantly to the population of the Loring School, which already experiences overcrowding. Because of the potential significant increase in school expenditures related to the development, the purchase and preservation of the property is likely to save taxpayers money since the costs to finance the purchase over 20 years will be less than the net costs of providing municipal services over the lifetime of the development. For all above reasons and more, Johnson Farm is a priority parcel for preservation.

ARGUMENT IN OPPOSITION: The Town has expended a significant amount of money over the last two years. We are now asked to expend a substantial additional sum for a marginal piece of property containing a large percentage of wetlands making the purchase price exorbitant. We are also asked again to ignore the proposition 2 ½ limitations for the third time this year with an additional request on this ballot. The other requests were and are necessary for the Town's infrastructure, while this question seeks to fund a luxury at the expense of the taxpayers. Additionally, the approved development plan for the property would add much needed rental and affordable housing to Sudbury's housing stock, bringing Sudbury closer to the state mandated goal of 10%. The development plan is tightly clustered to avoid significant disturbance to the natural resources on the property, and a significant portion of the property may be preserved in perpetuity under a conservation restriction even with development. A no vote is urged for the protection of taxpayers.

And you are required to serve this Warrant by posting an attested copy thereof at the Town Hall at least seven days before the time appointed for said election.

Hereof fail not and make due return by your doing thereon to the Town Clerk at or before the time of meeting aforesaid.

Given under our hands this twelfth day of November, two thousand and fourteen.

SELECTMEN OF SUDBURY:

Charles C. Woodard

Patricia A. Brown

Robert C. Haarde

Lawrence W. O'Brien

Leonard A. Simon



**Board of Selectmen
Sudbury, MA 01776**

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