



# BOARD OF SELECTMEN NEWSLETTER

TOWN OF SUDBURY

## THE NEW MASSACHUSETTS MARIJUANA LAW

By Vice-Chairman Len Simon

Last November the voters of Massachusetts legalized the use, growing and possession of marijuana by adults for non-medical purposes, that is recreational use. Although the ballot question was approved by a majority of voters statewide, 52% to 45% (3% blank) it was rejected by Sudbury voters, 5518 voting 'No' and 5219 voting 'Yes'.

In July 2017 the legislature enacted a law that made several significant changes to the law approved by voters statewide last November. These changes for municipalities were in the areas of the licensing process, an optional local tax surcharge, and local restrictions or prohibitions that might be considered. The state's 2012 law regarding use of marijuana for humanitarian medical uses will be incorporated in the newly adopted marijuana act.

The new law provides for a 5 member Cannabis Control Commission, whose members were appointed in September

2017, to be assisted by a 25 member Cannabis Advisory Board. Together they will have the authority to adopt regulations and issue licenses for the commercial production and sale of marijuana. The new regulations are to be issued by March 15, 2018. By April 2018 the Cannabis Control Commission (CCC) can accept applications for recreational marijuana licenses. Any license application must conform to local zoning bylaws in effect as of the time of application. If Sudbury has a bylaw in effect at the time of license application, it must so inform the CCC.

Currently, Sudbury has no marijuana bylaw in effect and the regulations have not yet been issued by the CCC. There are important policy and planning issues to be considered regarding production and sale of marijuana in town. Sudbury can follow the lead of other communities and enact a zoning moratorium which

would impose a temporary limit on the ability of an applicant to locate a recreational marijuana establishment in Sudbury. Such a moratorium, if enacted, could extend to at least December 31, 2018. This would provide the town with the opportunity to review the as yet unpublished regulations and to consider a prohibition, or other limitations, on a marijuana establishment.

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Marijuana sales will carry a state sales tax of 6.25% and an excise tax of 10.75%, for a total of 17% in state taxes. Individual communities will be permitted to add an additional local tax of up to 3%, bringing the total tax to as high as 20%.

Restrictions on the personal use of recreational marijuana:

- The minimum age to purchase marijuana products is 21 years.
- Personal possession, up to 2 ounces.
- Cultivation of up to 6 marijuana plants per person in a primary residence, with maximum of 12 plants.
- A person may give away or transfer up to one ounce of marijuana, or 5 grams of

concentrate, to another person 21 or older, provided such transfer is not advertised or promoted to the public.

- Cultivation and processing of



**Marijuana plant**

marijuana plants may not be visible from a public place.

- Marijuana or marijuana products over 1 ounce within a

residence must be secured by a lock.

- Smoking marijuana in a public place carries the same limitations as tobacco.
  - Open containers of marijuana in a motor vehicle are prohibited.
- Proving a person is 'driving under the influence' (DUI) may be difficult because no field sobriety test for marijuana has been established. Also, no laboratory test exists to determine a legal limit for 'driving under'.

The Board of Selectmen will use the Town Forum in March 2018 to further discuss, educate, and answer questions about the new marijuana law.

## UPDATE ON FAIRBANK COMMUNITY CENTER PROJECT

### *We Need to Hear From You!*

By Selectman Pat Brown

The goal of this project is to present Annual Town Meeting in May of 2018 with a concept for the Fairbank Community Center which we can support as a town. Only when we have a clear concept of what we want to create can we request funds for detailed design to bring that concept to fruition.

Following the Annual Town Forum in January of 2017, Town Staff worked diligently to recommend a design for the

Fairbank Community Center. The report :

<https://sudbury.ma.us/boardofselectmen/2017/04/25/fairbank-community-center-internal-working-group-report/>

recommends renovating the existing space, reassigning the space currently occupied by the Sudbury Public Schools Administration to accommodate some of the requirements of both the Senior Center and Park & Recreation programs, and

adding a new addition to the Community Center.

Additionally, the Fairbank Study Task Force requested further study to understand the level of capital and of operating expense required by the renovated community center, and the level of compensating revenue we could realistically expect given the competitive environment. The Task Force approved an RFP to hire a consultant to provide these

services, and the Town Manager appointed an executive team composed of town staff and members of the Task Force to evaluate the responses to that RFP. The Town has engaged PROs Consulting to build a shared vision within the Task Force and the community of what the Fairbank Community Center should provide while remaining realistic about the costs, both capital and operating, that we can undertake. Previous studies we have conducted for this project provide a basis for their work. The team from PROs came to Sudbury for an initial visit several days during the week of October 2 to visit the building and to interview town staff and

various user communities - including meeting with the Fairbank Study Task Force on October 4 - to be sure they understand our priorities and our expectations.

The observation that resonates with me is, "The project is only feasible if we can agree to build it." The Task Force is attempting to come to consensus on that project: a community center that serves our needs efficiently and economically. Help us envision it.

As one next step, the consultant will develop a community survey sometime in the next several weeks to be offered both on-line and also in hard-copy in various locations

throughout town. We'll announce it as postings on the town website, the town Facebook page, in the Senior Center, the Goodnow Library, and various town buildings. When we do, please take a few minutes to fill out the survey, and please spread the word! The more people who weigh in, the more useful the survey will be.

The Community Center Survey can be accessed here:

<https://www.surveymonkey.com/r/sudburycommunity>

The Senior Center Survey can be accessed here:

<https://www.surveymonkey.com/r/seniorcommunitysurvey>

Thank you.

## SUDBURY AND TRANSPORTATION NEEDS

By Selectman Dan Carty

In the U.S., more than 1 in 7 Americans are "senior" (ages 65 or older). But in Sudbury, seniors account for slightly more than 1 in 5 residents. Between the 2010 census and today, the town's overall population grew by 5%, yet residents 60 years and older jumped by more than six times that, and such growth is expected to continue. In fact, researchers at the Center for Social and Demographic Research on Aging (CSDRA, part of the UMass McCormack graduate school) predict that by the year 2030 – 13 short years away – Sudbury residents 60

years and up will likely account for 35% of the town population. Planning has begun, starting with the Council on Aging (COA) and now involving other town leaders and departments that are involved and will be impacted.

The COA has known for some time that transportation is a crucial need for residents of all ages in Sudbury but particularly for seniors. As age increases, the desire and/or ability to drive often decreases; without transportation options, seniors face isolation and other challenges. Isolation, in fact, is so serious that the AARP Foundation

termed it a health epidemic: the risks of prolonged isolation on mental and physical well-being are equivalent to smoking 15 cigarettes a day.

In 2014, a MetroWest Regional Coordinating Council survey identified Sudbury as one of the top area communities with "unmet transportation needs" of seniors and those with disabilities. The most frequently cited "transportation challenges" were lack of night service, lack of weekend service, and few or no services available. A recent survey conducted by the Sudbury Senior Center provided similar

results – without transportation, residents fear isolation and are concerned about loss of autonomy.

Sudbury has no public transportation and no ready access to commuter rail and “The Ride.” The MetroWest Regional Transit Authority (MWRTA) supports two Council on Aging vans that operate between 8:30 a.m. and 4 p.m. on weekdays and are managed by the Senior Center.

However, these vans can barely keep up with current demand, let alone that which is

expected to grow.

How is the town addressing these challenges?

Recently, the Board of Selectmen authorized the Town Manager to join CrossTown Connect (CTC), a regional transit association that operates in Concord, Acton, Maynard, Stow, Boxborough, Littleton, and Westford. We allocated \$15,000 of the COA earmarked National Development mitigation funds for a one-year CTC pilot program. The goal is to expand services for employment, child care, social services (work hours, weekdays); to provide weekday short-notice, accessible options for unscheduled needs of any resident without available transportation; and to offer

evening (until 8 PM) accessible service, for seniors, disabled, and families without transportation, who would like to socialize, attend town cultural and other activities, or run errands. The Senior Center has just leased a third van from the MWRTA and is exploring, with CTC, ways to offer such services as soon as possible.

The prior services are made possible because the Senior Center has also secured a Title III-

Another initiative is regional exploration of short-notice transportation (possibly using existing taxi companies) to fill in the options offered by current van services. Because of our membership in CTC, we are able to take advantage of other communities' services as well as design Sudbury and multi-town options.

Finally, thanks to a \$15,000 grant from the Sudbury



Foundation, \$10,000 from Friends of Sudbury Seniors, and a matching \$10,000 from the town, a

B grant to extend its van services, with a fixed-route shuttle two days/week along Route 20 from the MWRTA fixed route bus terminus at Wayside Country Store to Wayland Town Center. There will be two morning and afternoon route diversions to pick up and drop off residents in north, mid and south Sudbury. On Mondays riders will have the opportunity to go to Emerson Medical on Baker Avenue or Emerson Hospital; on Wednesdays riders will be able to shop and do errands along Route 20. Residents 55 years and older, or with disabilities, will receive first priority for seats on the 12-person shuttle. We expect a late fall start.

Livable Sudbury assessment will be conducted by the UMass-Boston Center for Social and Demographic Research on Aging. Public forums to present initial demographic findings to the community and to explore the strengths, weaknesses, and suggestions with respect to the livability of Sudbury are planned for November 8th, both during the day and in the evening. Sessions will be held at 3-4PM at Hawes Hall, United Methodist Church, and 7-8PM at the Goodnow Library.

[Special thanks to Alice Sapienza, Council on Aging]

# EVERSOURCE SUDBURY TO HUDSON TRANSMISSION RELIABILITY PROJECT UPDATE

By Selectman Susan Iuliano

Eversource has proposed building a high-voltage transmission line running from the Sudbury Eversource Substation to the Hudson Light & Power Substation. Seeking required state approvals, Eversource has filed a Petition with the Energy Facilities Siting Board (EFSB) and related requests with the Department of Public Utilities. Eversource also has filed an Environmental Notification Form for the project proposal with the state under the Massachusetts Environmental Protection Act (MEPA). The EFSB Petition proposes a Preferred Project of an underground transmission line along an unused rail line owned by the MBTA (the right-of-way or ROW), a Noticed Variation project of overhead lines on the MBTA ROW, and a Noticed Alternative project buried under the streets of Sudbury.

The Town of Sudbury, seeking to prevent the harms to our community that would result from the proposed project, sought and was granted Intervenor status to act as a party in the EFSB proceedings. The Selectmen and Town staff have been working diligently with Special

Counsel to prepare testimony and to pursue various legal motions, including efforts to compel Eversource to provide proof of its claims (among others) that this project is necessary, that its construction cost estimates are reasonable, and that it will not harm protected natural resources and habitats, our drinking water supply, and our residents.

The tight schedule imposed by the EFSB has required concentrated efforts to prepare our case. We have hired several expert witnesses and have filed pre-hearing testimony on critical matters including the asserted reliability needs, the environmental impacts, and construction challenges. Three weeks of hearings on this matter will commence on October 31. We will have the opportunity to challenge Eversource witnesses and to present evidence.

The Town also has filed a Complaint in Land Court, asserting that the MBTA did not have the authority to enter into a lease option agreement allowing Eversource to use the ROW for a transmission line. Under the prior public use

doctrine, public land acquired for a particular public use may not be diverted to another inconsistent use without explicit legislation authorizing the diverted use. The MBTA acquired the ROW, some of it by eminent domain, for transportation purposes, and not for the unrelated use of a transmission line. Further, the Town has moved to stay the EFSB proceedings until the Land Court matter has been resolved, because Eversource must establish site control as part of the EFSB process.

Finally, the Town has submitted comments in the MEPA process in an effort to avoid or mitigate damage to our environment.

Fighting this battle on multiple fronts is costly. The Selectmen appreciate the town's support for additional funding for this litigation at our October 16 Special Town Meeting, especially as we enter this critical phase of the proceedings. Our investment now is aimed at protecting our resources to benefit many generations of Sudbury residents in the future.

Click here for the latest [Eversource](#) updates.



# UNDERSTANDING SUDBURY'S CPA FINANCES

By Selectman Pat Brown

The Community Preservation Act (CPA) allows communities to create a local community preservation fund for open space protection, historic preservation, affordable housing and outdoor recreation. Community preservation funds are raised locally by imposing a surcharge of not more than 3% of the tax levy against real property and matched by the state. The fund must be spent for the approved purposes, and cannot be used for other municipal or school expenses. Sudbury adopted the CPA with a 3% local surcharge in 2002.

Here's the Sudbury CPA budget for FY18 from the Annual Town Meeting Warrant for 2017, page "FC-40" in the Finance Committee Report. What does it mean?

Looking at Revenues, "CPA Surcharge & Fees" is primarily the 3% local property tax surcharge ("local receipts"), "Intergovernmental" is the state match and "Investment Income" is whatever return is realized on the current fund balance.

The state match is distributed from the CPA Trust Fund every fall. It matches the previous year's local receipts at a rate determined by the Massachusetts Department of

Revenue (DOR). The \$534,729 for Intergovernmental receipts for FY16 is based upon the local receipts of \$1,668,643 for FY15 (ending June 30, 2015) and the state match of 32%. The state match has declined as more communities adopt

This fall when the Community Preservation Committee (CPC) estimates its reserves prior to 2018 Annual Town Meeting, it includes the certified local receipts for "last year" (FY17) and the state match for those receipts.

Warrant for the 2017 Sudbury Annual Town Meeting, page FC-40  
[https://sudbury.ma.us/townmeeting/2017/04/27/2017-annual-town-meetingspecial-town-election-warrant/altr-ste-warrant-4-6-17\\_1.nai](https://sudbury.ma.us/townmeeting/2017/04/27/2017-annual-town-meetingspecial-town-election-warrant/altr-ste-warrant-4-6-17_1.nai)

**FY18 CPA FUNDS BUDGET**

The CPC has submitted several articles for consideration, only some of which have been approved by the Finance Committee as of the printing of this document. However, a complete budget for FY18 has been provided below.

	FY16 Actual	FY17 Appropriated	FY18 Recommended
<b>CPA FUNDS #2044 &amp; #3400</b>			
Beginning Fund Balance	5,134,450	5,423,002	5,200,204
<b>Revenues</b>			
CPA Surcharge & Fees	1,756,562	1,700,000	1,800,000
Intergovernmental	534,729	306,000	306,000
Investment Income	27,465	20,000	20,000
<b>Total Revenues</b>	<b>2,318,757</b>	<b>2,026,000</b>	<b>2,126,000</b>
<b>Expenditures</b>			
Major Land Purchases			
Debt Service	1,279,739	1,266,198	1,289,779
Administrative	64,167	90,000	87,500
Other	483,709	690,000	920,973
<b>Total Expenditures</b>	<b>1,827,615</b>	<b>2,046,198</b>	<b>2,298,252</b>
Excess / (Deficiency)	491,152	(20,198)	(112,254)
Transfers In/Out	(202,600)	(202,600)	(212,600)
<b>Ending CPA Operating Fund Balance</b>	<b>5,423,002</b>	<b>5,200,204</b>	<b>4,875,350</b>
<b>ENDING FUNDS BALANCE</b>			
Projects (in-use)	790,623	1,600,000	1,447,556
Unassigned	4,632,379	3,535,443	3,427,794
	<b>5,423,002</b>	<b>5,200,204</b>	<b>4,875,350</b>

FC-40

the CPA and trust fund revenues have not kept pace. DOR has estimated a 15% "first round" match of the FY17 local receipts this fall. Sudbury's match, given our 3% surcharge, is slightly higher.

The major expense is debt service (principal and interest) on previous land purchases. CPC Administrative Funds may be used to characterize proposed CPA projects (property appraisal, for

example). The mysterious "Other" category is the cost of the CPA projects approved by Town Meeting. Truly. For the FY18 Recommended budget, the \$920,975 "Other" is the total cost of all the CPA items presented at 2017 Annual Town Meeting: \$70,975 for Haskell playground resurfacing (Article 28), \$220,000 for Featherland Court reconstruction (Article 29), \$600,000 for the Town Hall reconstruction design (Article 31) and \$30,000 for the

Regional Housing Services Office (Article 32).

At 2017 Annual Town Meeting, Article 28 was Indefinitely Postponed. All other CPA articles were approved. Therefore, the FY18 deficiency is \$70,975 smaller: that is, the deficiency really is \$41,300 rather than the \$112,254 shown.

Total Revenues minus Total Expenditures should yield the amount to be returned to the total CPA reserves. However, the \$212,600 "Transfer Out" is

the CPA funds Town Meeting appropriated for the support of affordable housing by the Sudbury Housing Authority (Article 33). The odd "Transfer Out" item is an artifact of Sudbury's accounting software.

In summary, Town Meeting has appropriated all of CPC's FY18 revenues, and \$41,300 of reserves. The state match continues to decline. CPC is committed to prudent management of our funds.

## FIRE STATION #2

By Chairman Bob Haarde

At the October 16 Town Meeting, Sudbury Legislators in attendance voted by well more than two-thirds to support a new Fire Station 2. The presentation given by Fire Chief Miles can be found here: <http://documents.sudburyma.s3.amazonaws.com/Presentation/STM-2017-Oct%20Article%2008%20MilesB.pdf?1508252110954>

Station 2 was built in 1961 and creates challenges for modern firefighting. The primary need for updating this fire station is that it simply does not fit current fire trucks, which are longer, wider and taller. The bays are too narrow for today's firefighting and ambulance vehicles, and create difficult paths for



**Rendering of the proposed Fire Station #2**

firefighters and vehicles to maneuver. Firefighters are on duty 24 hours a day for multiple day shifts and the current station does not support the housing of firefighters of both genders.

The new station is estimated to cost \$7,100,000. The average tax payer will pay \$100 per year for twenty years.

Over the past 25 years, Sudbury has grown in population and development. Emergency calls have increased significantly and the Fire Department has added additional personnel, vehicles and equipment to handle those calls. With the new developments proposed, the Fire Department estimates an additional 348 calls per year, a

15 percent increase. Even before those developments, the Fire Department was unable to provide ambulance transports and needed mutual aid from neighboring communities 95 times in Fiscal Year 2016. This meant that 95 people had to wait for ambulances to arrive from another community.

Through the negotiations with the Raytheon developer, National Development, the Town received land, design funds and an agreement for the developer to treat all the station's stormwater and wastewater in perpetuity. The Town negotiated \$80,000 for design fees for the station. The Town negotiated many other

benefits for the community, including funds for school technology, fields, seniors and public safety. The public safety funds were used to purchase police radios and toward the purchase of a ladder truck.

The election for the ballot question for Fire Station 2 will be held on December 11, 2017.

## SELECTMEN'S OFFICE HOURS

TUESDAY, OCTOBER 31, 2017

9AM - 10AM

FLYNN BUILDING (278 OLD SUDBURY RD), SILVA ROOM



*CHAIRMAN HAARDE and SELECTMAN BROWN will be available to discuss topics of interest and hear from residents any questions, concerns or ideas they may have about town topics.*