

SUDBURY SELECT BOARD
TUESDAY NOVEMBER 30, 2021
6:30 PM, ZOOM

Item #	Time	Action	Item
	6:30 PM		CALL TO ORDER
EXECUTIVE SESSION			
1.	6:30 PM	<i>VOTE</i>	Open in regular session and immediately vote to enter executive session to review, approve and possibly release 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).
2.		<i>VOTE</i>	Continue Executive Session pursuant to Exemption 3 (G.L. c. 30A, §21(a)(3)) - To discuss and possibly vote on strategy with respect to litigation (National Prescription Opioids Litigation Consortium).
3.		<i>VOTE</i>	Vote to close Executive Session and resume Open Session.
			Opening remarks by Chair
			Reports from Town Manager
			Reports from Select Board
			Citizen's comments on items not on agenda
PUBLIC HEARING			
4.	7:15 PM	<i>VOTE</i>	Tax Classification hearing - In accordance with General Laws Ch. 40, sec. 56, as amended, to determine the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2022 tax rate. In attendance will be the Board of Assessors (Joshua M. Fox, Esq. Chair, Trevor A. Haydon, Liam J. Vesely), Cynthia Gerry, Director of Assessing, and presenting will be Harald Scheid and Wil Coelho, Principal Regional Assessors. (~60 min.)
5.		<i>VOTE</i>	Vote to close Tax Classification hearing and resume Select Board meeting.
MISCELLANEOUS			
6.		<i>VOTE</i>	Discussion and possible vote on finalization of Financial Policies draft document (~45 min.)

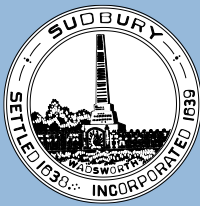
These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. Some items may be taken out of order or not be taken up at all. The Chair will strive to honor timed items as best as possible, however, the estimated timing may occasionally be inaccurate.

Item #	Time	Action	Item
7.		<i>VOTE</i>	Discussion on whether to take up for consideration resident petition to reduce N. Peakham Road speed limit to 25 mph; also possible vote to release related Town Counsel opinion requested by Police Chief Scott Nix (~15 min.)
8.		<i>VOTE</i>	Review Open Meeting Law (OML) complaint of resident Patricia Brown dated 11/9/21, discuss and potentially vote regarding the proposed response. (~15 min.)
9.			Discussion on American Rescue Plan Act (ARPA) project review and decision process. (~40 min.)
10.		<i>VOTE</i>	Sewataro Discussion on Public Access and Contract Renewal/Property next steps: ·Update on outstanding Sewataro questions list ·Update on public education document to be drafted by Subcommittee Update on swimming/fishing ponds and ongoing MA Department of Public Health/MA Department of Environmental Protection meetings ·Sewataro Use Policy discussion ·Other Outstanding Sewataro items (~45 min.)
11.		<i>VOTE</i>	Review open session minutes of 10/19/21 and 11/2/21 and possibly vote to approve minutes.
12.			Citizen's Comments (cont)
13.			Upcoming Agenda Items
CONSENT CALENDAR			
14.		<i>VOTE</i>	Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 Aruna Pundit, owner, for stormwater system maintenance purposes upon the property at 8 Stone Road.
15.		<i>VOTE</i>	Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 Gary Artie Bennos and Laura Lea Bennos, owners, for stormwater system maintenance purposes upon the property at Lot 42 Fox Hill Drive.
16.		<i>VOTE</i>	Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 RRA Construction Management LLC, owner, for stormwater system maintenance purposes upon the property at Lot 38 Fox Hill Drive.
17.		<i>VOTE / SIGN</i>	Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 3, of the Sudbury General Bylaws, and any other enabling authority,

These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. Some items may be taken out of order or not be taken up at all. The Chair will strive to honor timed items as best as possible, however, the estimated timing may occasionally be inaccurate.

Item #	Time	Action	Item
			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 554 BPR LLC, owner, for stormwater system maintenance purposes upon the property at 554 Boston Post Road.
18.		<i>VOTE</i>	Vote to approve award by the Town Manager of all contracts required to facilitate Article 30 of the 2021 Annual Town Meeting, Community Preservation Fund – Frank Feeley Field Improvements, as described in the article wording and report, and further to execute any documents relative thereto upon recommendation of the Parks and Recreation Director.
19.		<i>VOTE</i>	Vote to approve award by the Town Manager of all contracts required to facilitate Article 29 of the 2021 Annual Town Meeting, Community Preservation Fund – Dr. Bill Adelson Playground Improvements, as described in the article wording and report, and further to execute any documents relative thereto upon recommendation of the Parks and Recreation Director.
20.		<i>VOTE</i>	Vote to accept the resignation of Patricia Guthy, 24 Pinewood Ave., from the Commission on Disability (COD) effective 11/12/21, and to send a letter of thanks for her service to the Town.

These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. Some items may be taken out of order or not be taken up at all. The Chair will strive to honor timed items as best as possible, however, the estimated timing may occasionally be inaccurate.



SUDBURY SELECT BOARD

Tuesday, November 30, 2021

EXECUTIVE SESSION

1: Executive session to review/release minutes

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Open in regular session and immediately vote to enter executive session to review, approve and possibly release 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: Open in regular session and immediately vote to enter executive session to review, approve and possibly release 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:

Also vote to possibly release approved minutes of 7/13/21 re: Police Station fencing.
Police Chief OK with release.

Financial impact expected:

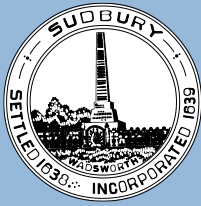
Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

EXECUTIVE SESSION

2: Discussion on opioid litigation

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Continue Executive Session pursuant to Exemption 3 (G.L. c. 30A, §21(a)(3)) - To discuss and possibly vote on strategy with respect to litigation (National Prescription Opioids Litigation Consortium).

Recommendations/Suggested Motion/Vote: Continue Executive Session pursuant to Exemption 3 (G.L. c. 30A, §21(a)(3)) - To discuss and possibly vote on strategy with respect to litigation (National Prescription Opioids Litigation Consortium).

Background Information:

Financial impact expected:

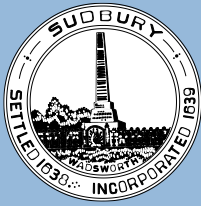
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

EXECUTIVE SESSION

3: Close Executive Session and resume Open 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:

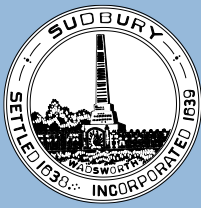
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM



SUDBURY SELECT BOARD

Tuesday, November 30, 2021

PUBLIC HEARING

4: Tax Classification hearing

REQUESTOR SECTION

Date of request:

Requestor: Board of Assessors/Cynthia Gerry

Formal Title: Tax Classification hearing - In accordance with General Laws Ch. 40, sec. 56, as amended, to determine the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2022 tax rate. In attendance will be the Board of Assessors (Joshua M. Fox, Esq. Chair, Trevor A. Haydon, Liam J. Vesely), Cynthia Gerry, Director of Assessing, and presenting will be Harald Scheid and Wil Coelho, Principal Regional Assessors. (~60 min.)

Recommendations/Suggested Motion/Vote: Tax Classification Hearing - In accordance with General Laws Ch. 40, sec. 56, as amended, to determine the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2022 tax rate. In attendance will be the Board of Assessors (Joshua M. Fox, Esq. Chair, Trevor A. Haydon, Liam J. Vesely), Cynthia Gerry, Director of Assessing, and presenting will be Harald Scheid and Wil Coelho, Principal Regional Assessors. (~60 min.)

Background Information:
attached document provided 11/29.

Financial impact expected:

Approximate agenda time requested: 60 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM



**FISCAL YEAR 2022
CLASSIFICATION HEARING**

November 30, 2021

Select Board

*Jennifer Roberts, Chair
Charles Russo, Vice Chair*

Members

*Daniel E. Carty
Janie W. Dretler
William Schineller*

Board of Assessors

*Trevor Haydon, Chair
Joshua M. Fox
Liam J. Vesely*

*Harald Scheid Consulting Assessor & Jonathan H. Frank, MAI
Cynthia Gerry, Director of Assessing*

Introduction

Each year, prior to the mailing of 3rd quarter tax bills, a public hearing is held by the Select Board in conjunction with the Board of Assessors. The public hearing known as the Classification Hearing provides an opportunity for the Select Board to discuss and decide on the distribution of the tax burden to be allocated among the major classes of property. Chapter 40, Section 56 of the Massachusetts General Laws, dictates the hearing procedure.

Prior to the Hearing, all properties must be assessed at their full and fair cash value as of the January 1st assessment date. The Fiscal Year 2022 assessment date is January 1, 2021.

The steps necessary to complete the Classification Hearing and Tax Rate Setting process are defined below:

Pre-classification Hearing Steps

- Step 1: Determination of the property tax levy (Budget Process)
- Step 2: Determine assessed valuations (Assessors)
- Step 3: Tabulate assessed valuations by class (Assessors)
- Step 4: Obtain DOR value certification (Assessors)
- Step 5: Obtain certification of new growth revenues (Assessors)

Classification Hearing Steps

- Step 6: Classification hearing presentation (Assessors & Select Board)
- Step 7: Review and discuss tax shift options (Select Board)
- Step 8: Voting a tax shift factor (Select Board)

Post Classification Hearing Steps

- Step 9: Sign the LA-5 Classification Form (Select Board)
- Step 10: Send annual recap to DOR for tax rate approval (Assessors)
- Step 11: Obtain DOR approval of tax rates (DOR)

Terminology

The following represents frequently used tax discussion terminology:

Levy: The tax levy (or levy) is the amount of property taxes to be raised. The levy amount is determined by the budget process. The total amount of the approved budget less revenues from other sources like motor vehicle excise, municipal fees, and state aid is the amount to be raised through property taxation. In Sudbury, for Fiscal Year 2022, the levy to be raised is \$95,994,040. This represents a 3.8% increase over last year's levy of \$92,441,614.

Levy Ceiling: The levy ceiling is 2.5 percent of the full value of the town and represents the maximum property tax revenue that can be raised under Proposition 2 ½. Based on Sudbury's

Fiscal Year 2022 total valuation of \$5,198,464,866 the town cannot levy taxes in excess of \$129,961,622.

New Growth Revenue: Property taxes derived from newly taxable properties like new construction, additions, subdivisions, and personal property. The Department of Revenue has certified Sudbury’s new growth for fiscal year 2022 at \$656,137.

Levy Limit: Also referred to as the “maximum allowable levy”, the levy limit is calculated by adding 2.5 percent of the previous year’s levy limit, plus new growth revenue, and proposition 2 ½ overrides, capital expenditure exclusions, and debt exclusions. The certified maximum allowable levy for fiscal year 2022 is \$96,503,371.

Excess Levy Capacity: Excess levy capacity is the difference between the levy and the levy limit. Sudbury’s excess levy capacity is an estimated \$509,331.

The Fiscal Year 2022 Levy Limit and Amount to be Raised

The following is a calculation of Sudbury’s estimated levy for Fiscal Year 2022.

Fiscal year 2021 levy limit	\$90,842,088
Levy increase allowed under Prop. 2 ½	2,271,052
New growth revenue	656,137
Debt excluded under Prop. 2 ½	2,734,094
Fiscal year 2022 Maximum Allowable Levy	96,503,371
Levy to be raised (rounded by tax rate)	\$95,994,040
Excess levy capacity	\$509,331

Valuations by Class Before Tax Shift

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	4,804,601,288	92.4235%	92.4235%
Commercial	215,023,558	4.1363%	
Industrial	34,203,500	0.6579%	7.5765%
Personal Property	144,636,520	2.7823%	
TOTAL	5,198,464,866	100.0000%	

Assessed Valuations

Sudbury’s valuations are adjusted annually to reflect changes in the real estate market. An assessment-to-sale ratio study comparing calendar year 2020 sales with fiscal year 2022 assessments indicates that most residential property valuations were assessed below fair market

value. Certain residential properties experienced significant increases in valuation, while some saw more modest increases. As a group single-family residential valuation rose approximately 7.5%. Other residential property classes, including condominium and multi-family apartment buildings, have also experienced market appreciation.

A similar study of assessments and sale prices for commercial and industrial properties indicated that property valuations for these property classes were assessed below fair market value.

Property Class	21Valuation	22Valuation	Change(apx.)
Single-family	4,055,677,200	4,361,661,902	7.5%
Condominiums	243,520,000	253,617,977	4.1%
2 Family	9,937,400	10,421,900	4.9%
Multi-family	91,350,600	98,074,000	7.4%
Commercial	183,923,300	204,988,100	11.5%
Industrial	32,737,300	34,203,500	4.5%
Personal Property *	109,526,080	144,636,520	32%

*The increase in Personal Property valuation is by and large attributable to a change in the valuation methodology of Public Utilities Class 504 personal property. The FY 2022 valuation of Sudbury’s two Class 504 utilities reflects the change in approved valuation policy. Previously the default for valuing utility assets was based solely on net book value. The accepted method now gives equal weight to the property’s net book value and its reproduction cost new less depreciation.

Shifting the Tax Burden

Municipalities with a large commercial/industrial tax base often see fit to shift the tax burden to help maintain lower residential taxes. Sudbury, though having a relatively small commercial tax base, has historically chosen to adopt a split tax rate.

In recent years, the Select Board has adopted a shift factor that has yielded relatively uniform tax rate increases in both the residential and commercial sectors. Though the commercial, industrial and personal property (CIP) sector makes up approximately 7 percent of the taxable valuation base, adoption of the classification shift factor (see below) has resulted in this sector paying about 9 percent of Sudbury’s property taxes.

A review of community data for the 102 municipalities which have already established their FY2022 tax policy indicates little change in policy from the previous year with the following exceptions:

The City of Cambridge, and the Town of Mansfield each lowered their shifts, Cambridge from 1.51 to 1.45, and Mansfield from 1.34 to 1.18. The following communities increased their shifts

this year: Adams, Attleboro, Avon, Berlin, Chicopee, Fall River, Hadley, Lincoln, Lynnfield, Newton, North Andover, North Attleborough, Reading, Rowe, Seekonk and West Bridgewater.
See Addendum E for full list.

Tax Rates and Options

Sudbury's uniform, single tax rate, without applying shift factors, is estimated at \$18.47 per thousand.

There are any number of tax rate options the Select Board might chose. Several that might be considered are as follows:

Option	CIP Shift	Res. Shift	CIP Tax Rate	Res. Tax Rate
Single Tax Rate	1.0000	1.0000	18.47	18.47
10% Shift	1.1000	0.9918	20.31	18.31
20% Shift	1.2000	0.9836	22.16	18.16
30% Shift	1.3000	0.9734	24.01	18.01
33% Shift (balanced impact)	1.3300	0.9729	24.56	17.97
40% Shift	1.4000	0.9672	25.85	17.86
50% Shift (maximum allowed)	1.5000	0.9590	27.70	17.71

See Addendum B for additional tax rate options.

Based on the balanced CIP/Res. increase scenario above, the Board of Assessors has calculated the following tax rates. The following FY2022 rates do not account for the means-tested exemption.

<u>Property Class</u>	<u>FY2021</u>	<u>FY2022</u>
Residential	18.83	17.97
Commercial	25.55	24.56
Industrial	25.55	24.56
Personal Property	25.55	24.56

Tax Impacts

The average residential tax bill calculation would change as follows if a CIP shift factor of 1.33 were adopted:

	Average Single-Family Value	Median Single-Family Value
Fiscal Year 2021	\$745,255	\$682,450
FY21 Tax Rate	\$18.83	\$18.83
RE Tax Payable	\$14,033	\$12,851
Fiscal Year 2022	\$802,676	\$740,500
FY22 Tax Rate	\$17.97	\$17.97
RE Tax Payable	\$14,424	\$13,307
Avg. SF Home Value Incr.	7.70%	8.51%
Avg. Dollar Tax Increase	\$391	\$456
% Tax Increase	2.79%	3.55%

Note – the above estimates *exclude* a likely additional residential tax rate increase of approximately 9-10 cents to fund Sudbury’s means-tested exemption.

The Board of Assessors point out that a CIP shift factor of 1.33 with a corresponding residential shift factor of 0.9729 would result in a “relatively” uniform tax rate increase in both sectors.

Sudbury’s Tax Shift Votes (15 Year History)

Fiscal Year	CIP Value	Total Value	R/O % of Total Value	CIP % of Total Value	Lowest Residential Factor Allowed	Max CIP Shift Allowed	Residential Factor Selected	CIP Shift
2008	270,083,278	4,162,959,799	93.5122	6.4878	0.965310	1.500000	0.981268	1.26999
2009	278,781,214	4,064,434,979	93.1410	6.8590	0.963179	1.500000	0.982326	1.24000
2010	284,018,864	4,003,661,467	92.9060	7.0940	0.961822	1.500000	0.982438	1.23000
2011	274,711,172	3,874,281,828	92.9094	7.0906	0.961841	1.500000	0.978631	1.28000
2012	271,556,419	3,838,335,540	92.9251	7.0749	0.961932	1.500000	0.978938	1.27664
2013	273,337,212	3,864,083,107	92.9262	7.0738	0.961939	1.500000	0.978714	1.27963
2014	265,094,234	3,960,584,137	93.3067	6.6933	0.964132	1.500000	0.974606	1.35400
2015	263,058,002	4,088,915,905	93.5666	6.4334	0.965621	1.500000	0.973663	1.38304
2016	277,216,608	4,230,884,307	93.4478	6.5522	0.964942	1.500000	0.973356	1.38000
2017	280,876,280	4,408,953,695	93.6294	6.3706	0.965980	1.500000	0.974145	1.37999
2018	308,262,538	4,560,675,215	93.2409	6.7591	0.963754	1.500000	0.976078	1.33000
2019	331,554,958	4,728,363,583	92.9880	7.0120	0.962296	1.500000	0.975100	1.33021
2020	321,263,656	4,773,073,156	93.2692	6.7308	.963917	1.500000	0.976300	1.32842
2021	335,996,650	4,812,305,728	93.0180	6.982	96.2470	1.500000	0.975230	1.33001
2022	393,863,578	5,198,464,866	92.4235	7.5765	.959012	1.500000	0.972900	1.33000

Voting a Tax Shift Factor

If the Select Board were to balance the impact of the tax increase equally between CIP and Residential, the Board would vote as follows: The Select Board of Sudbury votes in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2022 tax rates and sets the Residential Factor at 0.9729, (or other selected Factor) with a corresponding CIP shift of 1.33 (or other corresponding CIP shift), pending certification of the Town's annual tax recap by the Massachusetts Department of Revenue.

Optional Exemptions:

Residential Exemption:

Adopting the Residential Exemption (conferred pursuant to M.G.L. c. 59, § 5C) would allow the Select Board to exempt from qualified residential properties a percentage of the average assessed value for the class. The intent of this exemption is to promote owner occupancy. The residential exemption has the effect of shifting the tax burden from the lower valued properties to higher valued properties, and those, which are not owner-occupied.

An exemption of up to 35% of the average assessed value for Class I (Residential) properties is possible. If adopted a flat, uniform valuation reduction is applied to all qualifying owner-occupied residential home valuations. The tax levy in the community does not change based on adoption of this exemption. However, to compensate for the loss in residential valuation associated with this exemption, the residential tax rate increases. The exemption will reduce property taxes on the lower valued owner-occupied residential properties, while increasing property taxes on higher valued properties, and those residential properties, which are not owner-occupied.

In FY 2021, fifteen Massachusetts cities and towns adopted the Residential Exemption. Historically, the exemption has been adopted in those communities with a high percentage of apartments and other investment property or seasonal homes. In general terms, the exemption shifts real estate taxes onto Class I properties that are not occupied as the owner's principal residence and those which may be held for investment.

Residential Exemption Communities	
Boston	35%
Somerville	35%
Waltham	35%
Cambridge	30%
Chelsea	35%
Malden	30%
Everett	25%
Nantucket	25%
Provincetown	25%
Watertown	23%
Brookline	21%
Barnstable	20%
Truro	25%
Wellfleet	25%
Tisbury	18%

Sudbury's fiscal year 2022 data suggests 88% of Sudbury's homeowners could potentially meet the basic criteria for exemption this year.

Residential Exemption Eligible and Ineligible Accounts

Residential Taxable		Number of	Residential Taxable	Eligible	Ineligible
Property by Use	Use Code	Accounts	Assessments by Use	Accounts	Accounts
Single Family	101	5441	4361661902	4788	653
Condominium	102	420	253617977	390	30
Two Homes on One Lot	109	19	24568100	0	19
Two Family	104	16	10421900	2	14
Three Family	105	2	1466900	1	1
Apartments	111-125	8	98074000	0	8
Vacant Land	130-132	385	31902900	0	385
Mixed use/Farm Homes	012-043	8	22887609	0	8
Totals		6299	4,476,309,078	5181	1118

Although many owner-occupied properties could receive a valuation exemption of up to \$266,965, the tax rate for the entire residential class would increase dramatically. One scenario

suggests a residential tax rate of \$25.93. As a result, while many residential properties would receive a tax break under the Residential Exemption option, all residential vacant land parcels, all non-owner-occupied residential properties, all properties assessed over the breakeven point of \$927,350 as well as certain properties owned in trust will be subject to a higher tax bill than without the exemption.

The following table displays a possible tax impact scenario if the maximum Residential exemption percentage of 35% were to be adopted in Sudbury.

Tax Impact of a 35% Residential Exemption

A	B	C	D	E	F
Assessed Value	Residential Tax Rate \$18.47	Residential Exempt. Value Adjustment	Adjusted Assessed Value	Adj Residential Tax (at \$25.93)	Tax Impact of Residential Exemption
300,000	5,541	266,965	330,350	\$857	-\$4,684
400,000	7,388	266,965	433,035	\$3,450	-\$3,938
500,000	9,235	266,965	533,035	\$6,043	-\$3,192
600,000	11,082	266,965	633,035	\$8,636	-\$2,446
700,000	12,929	266,965	733,035	\$11,229	-\$1,700
800,000	14,776	266,965	833,035	\$13,822	-\$954
900,000	16,623	266,965	933,035	\$16,415	-\$208
927,350	17,128	266,965	660,385	\$17,124	-\$4
1,000,000	18,470	266,965	733,035	\$19,008	\$538
1,200,000	22,164	266,965	933,035	\$24,194	\$2,030
1,300,000	24,011	266,965	1,033,035	\$26,787	\$2,776
1,400,000	25,858	266,965	1,133,035	\$29,380	\$3,522
1,500,000	27,705	266,965	1,233,035	\$31,973	\$4,268
1,600,000	29,552	266,965	1,333,035	\$34,566	\$5,014
1,700,000	31,399	266,965	1,433,035	\$37,159	\$5,760
1,800,000	33,246	266,965	1,533,035	\$39,752	\$6,506
1,900,000	35,093	266,965	1,633,035	\$42,345	\$7,252
2,000,000	36,940	266,965	1,733,035	\$44,938	\$7,998
3,000,000	55,410	266,965	2,733,035	\$70,868	\$15,458
4,000,000	73,880	266,965	3,733,035	\$96,798	\$22,918

Please note; the Res tax displayed is for the purpose of illustration only. In addition, the tax rate increase associated with the Sudbury Senior Means Exemption Program is not included in this scenario.

Small Commercial Exemption

An exemption (conferred pursuant to M.G.L. c. 59, § 5I) of up to 10% of the property valuation can be granted to commercial properties (not industrial) having one or more businesses employing 10 or fewer employees in total, and an assessed value of less than \$1,000,000. Implementing this exemption requires increasing the CIP tax rate to offset lost revenues from qualifying properties.

For fiscal year 2022, 48 properties in the Town have been identified as meeting qualifying standards. Sudbury's nominal commercial class for fiscal year 2022 hosts 188 accounts. In addition, there are 8-mixed use/part commercial, 40-chapter land, and 19 industrial properties all of which would be subject to an increased tax rate generated by the adoption of a small commercial exemption. The class 3 value reduction for those qualifying properties if a 10% small commercial exemption is adopted \$ 2,316,670 approximated. The average tax savings for the 48 accounts is approximately \$982/ account.

Considerations:

The qualifying 48 taxpayers will receive a tax benefit. Other small businesses (not qualifying) will bear the increased burden along with larger commercial and industrial properties. Many of the small businesses appearing on the Department of Unemployment Assistance (DET) list as qualifying will not benefit from the exemption, as they are tenants in larger commercial properties with assessed values exceeding the allowable \$1,000,000 cap. The vast majority of Sudbury's small businesses will not stand to benefit by adoption of this exemption, as they are tenants in strip malls, and other large commercial buildings. They in fact will be penalized with an increased tax rate.

Small Commercial Exemption Communities	
Auburn	10%
Avon	10%
Bellingham	10%
Berlin	10%
Braintree	10%
Chelmsford	10%
Dartmouth	10%
Erving	10%
New Ashford	10%
Seekonk	10%
Swampscott	10%
Westford	10%
Wrentham	10%
North Attleborough	5%

Attachment4.a: FY 2022 Classification Hearing Document (4839 : Tax Classification hearing)

Open Space Exemption

In addition to the above-mentioned options, there is one more option, to discuss briefly, since this exemption is not applicable in Sudbury at this time. It is known as the Open Space Exemption.

In order for a municipality to utilize an open space exemption, the community must first have adopted the Open Space Class. While most residential land is Class 1, there is an additional classification which may be created for some vacant land (Class 2). The definition of open space in this context is: *land which is not otherwise classified and which is not taxable under provisions of chapters 61, 61A or 61B, or taxable under a permanent conservation restriction, and which land is not held for the production of income but is maintained in an open or natural condition and which contributes significantly to the benefit and enjoyment of the public.*

The Open Space Class was developed to provide a tax break to land owners, as incentive to preserve open land or at least slow development. Adopting this classification would result in a discount of the residential tax obligation of up to 25% for those parcels classified as open space. Any tax savings awarded to open space property owners will be subsidized by all other residential property owners. Commercial, Industrial, and Personal Property will not be affected. Sudbury currently has 62 parcels of land enrolled in the various chapter land programs. Chapter land enrollment carries certain program withdrawal restrictions which are described below. If a community were to adopt this open space classification, any property classified as open space (*not enrolled in chapter land programs*) would receive the benefit of the favorable tax structure without any of the restrictions associated with the existing chapter land programs. Implementation of the Open Space Classification would take up to a year following written request of the Select Board.

Classified Land - Chapters 61, 61A and 61B

There are three “Chapter Land” programs available: Forestry (M.G.L. Chapter 61), Agriculture / Horticulture (M.G.L. Chapter 61A), and Recreation (M.G.L. Chapter 61B).

Chapter 61 - Forestry Land is designed to encourage the preservation and enhancement of the Commonwealth’s forests. A parcel must consist of at least 10 contiguous acres of land under the same ownership and be managed under a 10-year management plan approved and certified by the State Forester in order to qualify for and retain classification as forest land under Chapter 61.

Chapter 61A - Agricultural and Horticultural Land is designed to encourage the preservation of the Commonwealth's valuable farmland and promote active agricultural and horticultural land use. The property must consist of at least 5 contiguous acres of land under the same ownership and be "actively devoted" to agricultural or horticultural use in order to qualify for and retain classification as agricultural or horticultural land under Chapter 61A. An equal amount of contiguous non-productive land may also qualify for classification.

For the land to be considered "actively devoted" to a farm use, it must have been farmed for the two years prior to the year of classification and must have produced a certain amount of sales. The minimum gross sales requirement is \$500 for the first 5 acres of productive land being classified.

Chapter 61B - Recreational Land is designed to encourage the preservation of the Commonwealth’s open space and promote recreational land uses. Property must consist of at least 5 contiguous acres of land under the same ownership in order to qualify for and retain classification as recreational land under Chapter 61B. The land must fall into **one** of the following two categories to qualify:

It must be maintained in a substantially natural, wild or open condition or must be maintained in a landscaped condition permitting the preservation of wildlife and natural resources. It does not have to be open to the public, but can be held as private, undeveloped, open space land.

Liens

Once an initial application for classification has been approved, the local assessors will record a statement at the Registry of Deeds indicating that the land has been classified as forestry under Chapter 61, agricultural / horticultural land under Chapter 61A or recreational land under Chapter 61B. The statement will constitute a lien on the land for all taxes due under the respective chapters.

Municipal Option to Purchase

The city or town has an option to purchase any classified land whenever the owner plans to sell or convert it to a residential, commercial, or industrial use. The owner must notify by certified mail the selectmen, assessors, planning board and conservation commission of the town of any intention to sell or convert the land to those uses. If the owner plans to sell the land, the town has the right to match a bona fide offer to purchase it. If the owner plans to convert it, the city or town has the right to purchase it at its fair market value, which is determined by an impartial appraisal. The city or town may also assign its option to a non-profit, conservation organization. The owner cannot sell or convert the land until at least 120 days have passed since the mailing of the required notices or until the owner has been notified in writing that the option will not be exercised, whichever is earlier.

Withdrawal Tax

With each of these programs, there is a conveyance tax penalty for withdrawing land. Whenever land which is valued, assessed and taxed under this chapter no longer meets the definition of forest land, agricultural /horticultural land, or recreational land it shall be subject to additional taxes, called roll-back taxes, in the tax year in which it is disqualified and in each of the four immediately preceding tax years in which the land was so valued, assessed and taxed. For each tax year, the roll-back tax shall be an amount equal to the difference, if any, between the taxes paid or payable for that tax year in accordance with this chapter and the taxes that would have been paid or payable in that tax year had the land been valued, assessed and taxed without regard to these provisions.

A summary of Sudbury’s use of the Chapter Land programs follows.

Program	Number of Properties	Total No. of Acres Enrolled	Average Acres P Property
Agriculture/Horticulture	47	714	15.2
Forestry	6	49	8.2
Recreation	9	225	30.8
Totals	62	988	18.07

Bedford, which was the sole community in Massachusetts to utilize the Open Space Classification, discontinued that Classification in 2017. They attribute their decision to the fact that a very small number of parcels representing a small fraction of the Town’s value qualified for this classification.

In Sudbury, the vast majority of the Town’s taxable large land tracts are currently enrolled in at least one of the Special Chapter Land Programs conferred under M.G.L. Chapter 61, 61A and 61B.

As shown above, we currently have 62 parcels of land enrolled in the Special Chapter land programs representing just under 1000 acres.

Although there is a tax benefit associated with Chapter land program enrollment, there are also associated program withdrawal implications. One of the associated implications is the municipality’s right to purchase the property should it become available for sale. In addition, there is a property tax recapture period when the property is withdrawn from its special classification whereby the municipality can recoup some of the lowered taxes.

There are no such restrictions or implications associated with the Open Space Classification designation. An owner is not restricted in developing or selling the property; the open space tax benefit would simply end.

By comparison with the chapter land programs, summarized below is the vacant land NOT in a chapter land program.

Vacant Land Summary						
Land Type	Land Use Code	Number	Acres	Assessed	Average Assessed Value	
				Value	Per Property	Per Acre
Residential Land	130	42	105	17,160,700	\$408,588	\$163,400
Residential Land (Secondary)	131	9	20.5	2,470,400	\$274,488	\$123,400
Residential Land (Unusable)	132	316	659	5,070,700	\$16,046	\$7,600
Totals		367	784.5	24,701,800		

The town’s current wetlands pricing of \$500/acre and residual land pricing of \$20,000/acre are also significant when considering adoption of the Open Space classification. Implementation of the Classification takes up to a year following written request of the Select Board.

Attachment 4.a: FY 2022 Classification Hearing Document (4839 : Tax Classification hearing)

VOTING THE EXEMPTIONS

Example Motions/Vote(s): Residential and Small Commercial Exemption Options:

This language including negative and affirmative options speaks to the Residential Exemption:

Motion: [Not] to adopt a Residential Exemption for Fiscal Year 2022, or

Motion: [To] adopt a Residential Exemption for Fiscal Year 2022 of ____% of the Average of all Residential Value for those eligible residential properties, which will shift the burden within the Residential Class.

This language including negative and affirmative options speaks to the Small Commercial:

Motion: [Not] adopt the Small Commercial Exemption for Fiscal Year 2022, or

Motion: [To] adopt the Small Commercial Exemption for Fiscal Year 2022 business (as) on the DET list valued at less than \$1 million, which will shift the burden within the Commercial & Industrial Classes.

The Open Space exemption cannot presently be implemented, and therefore, no vote need be taken by the Select Board with respect to this exemption.

ADDENDUM A

SUDBURY'S MEANS TESTED SENIOR TAX EXEMPTION

Finally, we are asking this evening that the Board vote on the cap to be used to fund the Sudbury Senior Means Tested Exemption Program for Fiscal year 2022. Section 3 of Chapter 169 of the Acts of 2012, specifies that the total cap on the exemptions granted by the act shall be set annually by the Select Board, within a range of .5 to 1 per cent of the residential property tax levy for the town of Sudbury. The vote is traditionally taken following the mandatory Classification Hearing votes.

Massachusetts Chapter 169 of the Acts of 2012 established, and Chapter 10 of the Acts of 2016 renewed a pilot program in Sudbury for granting certain qualified senior residents a measure property tax relief. Fiscal year 2021 is the eighth year of the program. The exemption is similar to the Residential Tax Exemption in that it shifts the tax burden from qualified residential property owners to other residential property owners. For Fiscal year 2014, the statute limited the total exemptions granted under the pilot program to a dollar cap equal to 0.5% of the residential levy (after any CIP shift). For Fiscal year 2021, the Select Board voted to increase the cap to 0.5189%.

For fiscal year 2022, Select Board have the option, if needed, to increase this percentage up to and including 1.0%.

Applications are required, and the Assessors administer this program for all applicants deemed qualified by the Board of Assessors. For fiscal year 2022, the Assessors received 95 applications and the Board of Assessors identified 94 applicants tentatively qualified to receive the exemption. In order for the Assessors to complete the necessary calculations, Select Board must first vote the Residential Factor and CIP shift values for fiscal year 2022 at the Classification Hearing. That vote will determine a tentative residential tax rate, which will then be used in the calculations and result in an increase in the tentative residential tax rate.

For fiscal year 2022, the indicated need seems to point to a cap on the percentage of residential tax levy required to fund the program may be approximately the same as last year. Our calculations indicate the cap on the exemption percentage of the residential tax levy of .5 ___% should be sufficient to fund the program for Fiscal year 2022. The exact percentage will be based upon the voted residential factor.

The Act also provides an alternative to increasing the cap, whereby the income threshold may be adjusted above the nominal 10.0% until the need is reduced to fall within the cap.

Suggested Motion:

Vote in accordance with Chapter 169 of the Acts of 2012, the total FY2022 cap on the exemptions granted by the Means Tested Senior Tax Exemption shall be. ___% of the residential property tax levy.

Addendum B - More Tax Rate Options

CIP Shift	Res Factor	Res ET	Comm ET
1.0000	1.0000	18.47	18.47
1.0100	0.9992	18.45	18.65
1.0200	0.9984	18.44	18.84
1.0300	0.9975	18.42	19.02
1.0400	0.9967	18.41	19.20
1.0500	0.9959	18.39	19.39
1.0600	0.9951	18.38	19.57
1.0700	0.9943	18.36	19.76
1.0800	0.9934	18.34	19.94
1.0900	0.9926	18.33	20.13

1.1000	0.9918	18.31	20.31
1.1100	0.9910	18.30	20.50
1.1200	0.9902	18.28	20.68
1.1300	0.9893	18.27	20.87
1.1400	0.9885	18.25	21.05
1.1500	0.9877	18.24	21.24
1.1600	0.9869	18.22	21.42
1.1700	0.9861	18.21	21.61
1.1800	0.9852	18.19	21.79
1.1900	0.9844	18.18	21.97
1.2000	0.9836	18.16	22.16
1.2100	0.9828	18.15	22.34
1.2200	0.9820	18.13	22.53
1.2300	0.9811	18.12	22.71
1.2400	0.9803	18.10	22.90
1.2500	0.9795	18.09	23.08
1.2600	0.9787	18.07	23.27
1.2700	0.9779	18.06	23.45
1.2800	0.9770	18.04	23.64
1.2900	0.9762	18.03	23.82
1.3000	0.9754	18.01	24.01
1.3100	0.9746	18.00	24.19
1.3200	0.9738	17.98	24.37
1.3300	0.9729	17.97	24.56
1.3400	0.9721	17.95	24.74
1.3500	0.9713	17.94	24.93
1.3600	0.9705	17.92	25.11
1.3700	0.9697	17.91	25.30
1.3800	0.9688	17.89	25.48
1.3900	0.9680	17.88	25.67
1.4000	0.9672	17.86	25.85
1.4100	0.9664	17.85	26.04
1.4200	0.9656	17.83	26.22
1.4300	0.9648	17.81	26.41
1.4400	0.9639	17.80	26.59
1.4500	0.9631	17.78	26.78
1.4600	0.9623	17.77	26.96
1.4700	0.9615	17.75	27.14
1.4800	0.9607	17.74	27.33
1.4900	0.9598	17.72	27.51
1.5000	0.9590	17.71	27.70

ADDENDUM C

COMMERCIAL TAX HISTORY

9 Year Commercial Tax History

	2021	2020	2019	2018	2017	2016	2015	2014
Residential Factor (Vote)	0.9752	0.9763	0.9751	0.9761	0.9741	0.9734	0.9737	0.9746
CIP Shift (Vote)	1.33	1.33	1.33	1.33	1.38	1.38	1.38	1.35
Single Tax Rate (Calculate)	19.21	18.8	18.27	18.27	18.12	18.19	17.99	18.42
CIP Tax Rate following Shift (Vote)	25.55	24.97	24.3	24.3	25.01	25.11	24.88	24.94
Residential Tax Rate following Shift including Senior Means	18.83	18.45	17.91	17.93	17.74	17.8	17.6	18.03
Small Commercial Exemption (Vote)	No	No	No	No	No	No	No	No
Residential Exemption (Vote)	No	No	No	No	No	No	No	No
Open Space Classification (Vote)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Average All Residential (not just SFR)	710,074	708,436	703,602	679,625	660,704	634,923	616,378	598,557
Average Nominal Commercial Value	968,017	906,245	951,245	862,037	817,572	773,195	746,102	743,816
Nominal Commercial Value	183,923,300	170,374,100	179,785,300	163,787,100	152,885,900	145,360,600	138,774,900	138,349,700
Nominal Commercial Property Count	190	188	189	190	187	188	186	186
*SMTE Program utilizes the traditional residential exemption module to calculate the tax impact due to the exemption								

ADDENDUM D

OVERLAY

Approximate (not certified) Overlay balance \$1,195,416.

ADDENDUM E

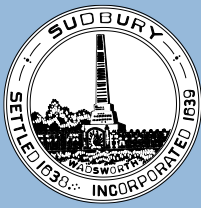
Massachusetts Communities Tax Shift Changes from FY 2021 to FY 2022

Municipality	CIP Value	Total Value	R/O % of Total Value	CIP % of Total Value	Lowest Residential Factor Allowed	Max CIP Shift Allowed	Residential Factor Selected	CIP Shift	Comments
Abington	303,686,850	2,614,513,400	88.3846	11.6154	0.934291	1.500000	1.000000	1.00000	no change in shift from prior year
Adams	98,972,527	571,094,197	82.6697	17.3303	0.895183	1.500000	0.958100	1.19987	increased shift from 1.15 to 1.9
Alford	6,931,254	300,136,431	97.6906	2.3094	0.988180	1.500000	1.000000	1.00000	no change in shift from prior year
Athol	143,171,875	988,215,741	85.5121	14.4879	0.915287	1.500000	1.000000	1.00000	no change in shift from prior year
Attleboro	928,919,368	5,703,672,389	83.7137	16.2863	0.902726	1.500000	0.929964	1.35999	increased shift slightly from 1.34 to 1.35
Auburn	667,306,382	2,573,095,889	74.0660	25.9340	0.824926	1.500000	0.947478	1.15000	no change in shift from prior year
Avon	423,374,019	1,019,626,085	58.4775	41.5225	0.650000	1.500000	0.730200	1.37997	increased shift from 1.35 to 1.37
Barre	65,078,950	549,418,409	88.1549	11.8451	0.932816	1.500000	1.000000	1.00000	no change in shift from prior year
Berlin	156,380,814	711,821,227	78.0309	21.9691	0.803064	1.699487	0.862000	1.48208	increased shift from 1.42 to 1.48
Blackstone	224,714,591	1,164,864,930	80.7090	19.2910	0.880490	1.500000	1.000000	1.00000	no change in shift from prior year
Boylston	138,676,650	965,706,055	85.6399	14.3601	0.916159	1.500000	1.000000	1.00000	no change in shift from prior year
Brewster	266,786,588	4,839,754,960	94.4876	5.5124	0.970830	1.500000	1.000000	1.00000	no change in shift from prior year

Brimfield	55,463,263	504,062,923	88.9968	11.0032	0.938182	1.500000	1.000000	1.000000	no change in shift from prior year
Brookfield	25,353,799	357,403,194	92.9061	7.0939	0.961822	1.500000	1.000000	1.000000	no change in shift from prior year
Cambridge	28,834,891,962	63,952,953,737	54.9123	45.0877	0.629395	1.451360	0.629395	1.45136	decreased shift from 1.51 to 1.4
Chatham	487,332,031	8,235,003,930	94.0822	5.9178	0.968550	1.500000	1.000000	1.000000	no change in shift from prior year
Cheshire	41,728,901	354,712,087	88.2358	11.7642	0.933337	1.500000	1.000000	1.000000	no change in shift from prior year
Chicopee	956,254,101	4,454,810,888	78.5343	21.4657	0.795503	1.750000	0.795503	1.750000	increased shift from 1.645 to 1.7
Colrain	30,258,005	192,137,765	84.2519	15.7481	0.906541	1.500000	1.000000	1.000000	no change in shift from prior year
Conway	39,876,935	295,694,398	86.5141	13.4859	0.922059	1.500000	1.000000	1.000000	no change in shift from prior year
Deerfield	201,492,503	840,501,163	76.0271	23.9729	0.842339	1.500000	1.000000	1.000000	no change in shift from prior year
Dennis	574,887,722	8,586,044,220	93.3044	6.6956	0.964120	1.500000	1.000000	1.000000	no change in shift from prior year
Douglas	75,234,908	1,227,581,773	93.8713	6.1287	0.967355	1.500000	1.000000	1.000000	no change in shift from prior year
Dracut	370,618,481	4,517,831,317	91.7966	8.2034	0.955318	1.500000	1.000000	1.000000	no change in shift from prior year
Duxbury	215,964,232	5,235,211,330	95.8748	4.1252	0.978487	1.500000	1.000000	1.000000	no change in shift from prior year
East Bridgewater	223,690,405	2,122,184,330	89.4594	10.5406	0.941087	1.500000	1.000000	1.000000	no change in shift from prior year
Eastham	116,649,937	3,400,301,770	96.5694	3.4306	0.982238	1.500000	1.000000	1.000000	no change in shift from prior year
Easton	482,724,433	4,141,660,135	88.3447	11.6553	0.934035	1.500000	1.000000	1.000000	no change in shift from prior year
Fall River	1,495,888,841	7,626,349,348	80.3853	19.6147	0.816994	1.750000	0.817000	1.74997	decreased shift from 1.75 to 1.7
Fitchburg	726,025,183	3,421,819,154	78.9052	21.0948	0.866328	1.500000	1.000000	1.000000	no change in shift from prior year
Georgetown	158,176,333	1,632,094,267	90.3084	9.6916	0.946342	1.500000	1.000000	1.000000	no change in shift from prior year
Goshen	13,043,972	177,115,802	92.6353	7.3647	0.960248	1.500000	1.000000	1.000000	no change in shift from prior year
Grafton	294,404,399	2,993,833,681	90.1663	9.8337	0.945469	1.500000	1.000000	1.000000	no change in shift from prior year
Granville	43,165,379	226,145,830	80.9126	19.0874	0.882049	1.500000	1.000000	1.000000	no change in shift from prior year
Great Barrington	342,364,701	1,691,449,482	79.7591	20.2409	0.873112	1.500000	1.000000	1.000000	no change in shift from prior year
Hadley	323,302,989	1,054,033,489	69.3271	30.6729	0.778781	1.500000	0.969000	1.07007	increased shift from 1.0 to 1.07
Halifax	111,461,458	1,162,990,740	90.4160	9.5840	0.947001	1.500000	1.000000	1.000000	no change in shift from prior year
Hancock	139,373,942	324,405,952	57.0372	42.9628	0.650000	1.500000	1.000000	1.000000	no change in shift from prior year
Hanson	126,126,688	1,663,625,200	92.4186	7.5814	0.958983	1.500000	1.000000	1.000000	no change in shift from prior year
Hatfield	146,337,399	618,448,988	76.3380	23.6620	0.845018	1.500000	1.000000	1.000000	no change in shift from prior year
Hawley	5,579,211	52,014,862	89.2738	10.7262	0.939925	1.500000	1.000000	1.000000	no change in shift from prior year
Hinsdale	70,698,265	338,329,297	79.1037	20.8963	0.867918	1.500000	1.000000	1.000000	no change in shift from prior year
Holland	14,995,216	351,439,253	95.7332	4.2668	0.977715	1.500000	1.000000	1.000000	no change in shift from prior year
Hubbardston	33,492,644	550,403,366	93.9149	6.0851	0.967603	1.500000	1.000000	1.000000	no change in shift from prior year
Ipswich	365,062,152	3,442,818,109	89.3964	10.6036	0.940693	1.500000	1.000000	1.000000	no change in shift from prior year
Lee	340,417,837	1,070,641,592	68.2043	31.7957	0.766908	1.500000	1.000000	1.000000	no change in shift from prior year
Lincoln	87,469,438	2,342,333,276	96.2657	3.7343	0.980604	1.500000	0.985600	1.37121	increased shift from 1.30 to 1.37
Lynnfield	481,467,568	3,933,955,812	87.7612	12.2388	0.928509	1.512643	0.930400	1.49908	increased shift from 1.50 to 1.51
Manchester By The Sea	185,703,096	2,835,464,676	93.4507	6.5493	0.964958	1.500000	1.000000	1.000000	no change in shift from prior year
Mansfield	1,015,524,011	4,525,570,080	77.5603	22.4397	0.855340	1.500000	0.947900	1.18008	decreased shift from 1.34 to 1.1
Merrimac	41,391,948	1,005,803,375	95.8847	4.1153	0.978540	1.500000	1.000000	1.000000	no change in shift from prior year
Middleborough	606,556,554	3,313,463,144	81.6942	18.3058	0.887961	1.500000	0.988796	1.05000	no change in shift from prior year
Milford	829821267	4149626856	80.0025	19.9975	0.81253	1.75	0.855	1.5801	no change in shift from prior year
Millis	125,285,697	1,537,653,046	91.8521	8.1479	0.955646	1.500000	1.000000	1.000000	no change in shift from prior year
Montgomery	11,865,933	119,294,533	90.0533	9.9467	0.944773	1.500000	1.000000	1.000000	no change in shift from prior year
Mount Washington	3,242,181	97,076,881	96.6602	3.3398	0.982724	1.500000	1.000000	1.000000	no change in shift from prior year
Nahant	45,888,071	1,142,089,941	95.9821	4.0179	0.979069	1.500000	1.000000	1.000000	no change in shift from prior year
New Ashford	6,506,219	42,088,719	84.5416	15.4584	0.908575	1.500000	1.000000	1.000000	no change in shift from prior year
Newbury	90,399,929	1,913,160,327	95.2748	4.7252	0.975202	1.500000	1.000000	1.000000	no change in shift from prior year
Newton	3,275,468,155	34,354,375,500	90.4656	9.5344	0.920956	1.750000	0.921272	1.74700	increased shift from 1.719 to 1.7
Norfolk	148,671,878	2,038,053,400	92.7052	7.2948	0.960656	1.500000	1.000000	1.000000	no change in shift from prior year
North Andover	745,172,651	5,885,640,841	87.3392	12.6608	0.927519	1.500000	0.953600	1.32009	increased shift from 1.30 to 1.32
North Attleborough	743,605,745	4,539,738,670	83.6201	16.3799	0.920257	1.500000	0.964700	1.18021	increased shift from 1.179 to 1.1
Northampton	741,077,755	3,918,772,894	81.0890	18.9110	0.883394	1.500000	1.000000	1.000000	no change in shift from prior year
Norton	546,501,650	3,013,665,520	81.8659	18.1341	0.889244	1.500000	1.000000	1.000000	no change in shift from prior year
Oakham	20,078,687	255,424,882	92.1391	7.8609	0.957342	1.500000	1.000000	1.000000	no change in shift from prior year
Orleans	335,414,078	4,682,305,020	92.8366	7.1634	0.961419	1.500000	1.000000	1.000000	no change in shift from prior year
Oxford	320,245,581	1,629,494,675	80.3469	19.6531	0.877698	1.500000	1.000000	1.000000	no change in shift from prior year
Pembroke	399,940,356	3,243,782,429	87.6706	12.3294	0.929683	1.500000	1.000000	1.000000	no change in shift from prior year
Pepperell	86,481,781	1,536,815,297	94.3727	5.6273	0.970185	1.500000	1.000000	1.000000	no change in shift from prior year
Provincetown	543,616,424	3,833,774,130	85.8203	14.1797	0.917387	1.500000	1.000000	1.000000	no change in shift from prior year
Reading	436,714,980	6,199,751,799	92.9560	7.0440	0.962111	1.500000	0.998484	1.02001	increased shift from 1.019 to 1.0
Rochester	157,752,849	1,188,414,003	86.7258	13.2742	0.923470	1.500000	1.000000	1.000000	no change in shift from prior year
Rockland	479,407,686	2,549,183,970	81.1937	18.8063	0.884188	1.500000	1.000000	1.000000	no change in shift from prior year
Rockport	136,500,776	2,607,135,756	94.7644	5.2356	0.972376	1.500000	1.000000	1.000000	no change in shift from prior year
Rowe	461,668,335	525,826,765	12.2014	87.7986	0.500000	1.500000	0.643800	1.04950	increased shift from 1.042 to 1.0
Sandisfield	36,547,088	255,466,098	85.6940	14.3060	0.916529	1.500000	1.000000	1.000000	no change in shift from prior year
Savoy	6,404,035	76,941,700	91.6768	8.3232	0.954606	1.500000	1.000000	1.000000	no change in shift from prior year
Seekonk	643,934,218	2,820,690,772	77.1710	22.8290	0.778132	1.750000	0.784058	1.72997	increased shift from 1.70 to 1.72
Shrewsbury	825,492,889	6,984,210,550	88.1806	11.8194	0.932982	1.500000	1.000000	1.000000	no change in shift from prior year
Southborough	538,976,412	2,855,528,048	81.1252	18.8748	0.883669	1.500000	1.000000	1.000000	no change in shift from prior year
Southwick	160,006,769	1,241,527,875	87.1121	12.8879	0.960262	1.500000	1.000000	1.000000	no change in shift from prior year
Sterling	163,751,810	1,340,617,251	87.7853	12.2147	0.930428	1.500000	1.000000	1.000000	no change in shift from prior year
Stockbridge	106,750,282	990,285,602	89.2203	10.7797	0.939589	1.500000	1.000000	1.000000	no change in shift from prior year
Stow	104,149,679	1,511,258,311	93.1084	6.8916	0.962992	1.500000	1.000000	1.000000	no change in shift from prior year
Sturbridge	226,360,746	1,448,453,940	84.3722	15.6278	0.907388	1.500000	1.000000	1.000000	no change in shift from prior year
Templeton	71,373,599	836,015,739	91.4626	8.5374	0.953328	1.500000	1.000000	1.000000	no change in shift from prior year
Tolland	27,843,302	209,990,896	86.7407	13.2593	0.923569	1.500000	1.000000	1.000000	no change in shift from prior year
Topsfield	118,004,677	1,622,796,155	92.7283	7.2717	0.960790	1.500000	1.000000	1.000000	no change in shift from prior year
Truro	131,942,817	2,472,444,160	94.6635	5.3365	0.971813	1.500000	1.000000	1.000000	no change in shift from prior year
Upton	78,189,308	1,361,562,381	94.2574	5.7426	0.969538	1.500000	1.000000	1.000000	no change in shift from prior year

Attachment 4.a: FY 2022 Classification Hearing Document (4839 : Tax Classification hearing)

Wakefield	699,131,269	6,148,310,749	88.6289	11.3711	0.903775	1.750000	0.903775	1.750000	no change in shift from prior year
Washington	5,086,826	83,868,593	93.9348	6.0652	0.967716	1.500000	1.000000	1.000000	no change in shift from prior year
Wellfleet	118,341,305	2,795,267,360	95.7664	4.2336	0.977896	1.500000	1.000000	1.000000	no change in shift from prior year
West Bridgewater	420,894,221	1,365,476,578	69.1760	30.8240	0.777206	1.500000	0.803900	1.440009	increased shift from 1.369 to 1.4
West Newbury	33,836,488	1,149,422,851	97.0562	2.9438	0.984835	1.500000	1.000000	1.000000	no change in shift from prior year
Westford	621,386,433	5,466,247,494	88.6323	11.3677	0.935871	1.500000	1.000000	1.000000	no change in shift from prior year
Williamstown	123,665,812	1,102,420,124	88.7824	11.2176	0.936825	1.500000	1.000000	1.000000	no change in shift from prior year
Worthington	13,954,759	191,893,350	92.7279	7.2721	0.960787	1.500000	1.000000	1.000000	no change in shift from prior year
Yarmouth	659,053,867	7,547,543,775	91.2680	8.7320	0.952163	1.500000	1.000000	1.000000	no change in shift from prior year



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

MISCELLANEOUS (UNTIMED)
5: Vote to close Tax Classification hearing

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to close Tax Classification hearing and resume Select Board meeting.

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

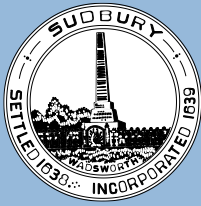
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

MISCELLANEOUS (UNTIMED)

6: Discussion and possible vote on finalization of Financial Policy

REQUESTOR SECTION

Date of request:

Requestor: Chair Roberts

Formal Title: Discussion and possible vote on finalization of Financial Policies draft document (~45 min.)

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
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

Town of Sudbury, Massachusetts
Financial Policies Manual
DRAFT **November 19, 2021**



DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

Introduction

The Town of Sudbury is committed to safeguarding public funds, protecting local assets, and complying with financial standards and regulations. To that end, this manual of financial policies provides guidance for local planning and decision making. The policies as a whole are intended to outline objectives, provide formal direction, and define authority to help ensure sound fiscal stewardship and management practices. Each is a living document that should be reviewed periodically and updated as necessary.

With these policies, the Town of Sudbury, through its Select Board, Town Manager, and employees, commits to the following objectives:

- Sustaining a consistent level of service and value for residents and enhancing as needed and able
- Safeguarding financial integrity and minimizing risk through a system of internal controls
- Ensuring the quality and maintenance of capital assets.
- Conforming to general law, uniform professional standards, and municipal best practices
- Protecting and enhancing the town's credit rating
- Promoting transparency and public disclosure
- Revisiting and reviewing the policies every three years to assess thresholds and targets.

Commented [1]: Suggest appending the follow this sentence -- "and enhancing as needed and

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

Town of Sudbury, Massachusetts

Financial Policies Manual

Table of Contents

Financial Reserves	4
Forecasting	7
Overlay	10
Debt Management	12
Investments	15
Capital Assets	16
Other Postemployment Benefits Liability (OPEB)	19

FINANCIAL RESERVES

PURPOSE

To help the Town stabilize finances and maintain operations during difficult economic periods, this policy establishes prudent practices for appropriating to and expending reserve funds. With well-planned sustainability, Sudbury can use its reserves to finance emergencies and other unforeseen needs, to hold money for specific future purposes, or in limited instances, to serve as revenue sources for the annual budget. Reserve balances and policies can also positively impact the Town's credit rating and consequently its long-term cost to fund major projects.

APPLICABILITY

This policy pertains to short- and long-range budget decision making and applies to the Select Board, Sudbury Public School Committee, and Town Manager in those duties. It also applies to the related job duties of the Finance Director, the Town Accountant, the Board of Assessors, and the Finance Committee.

POLICY

The Town of Sudbury commits to building and maintaining its reserves so as to have budgetary flexibility for unexpected events and significant disruptions in revenue-expenditure patterns and to provide a source of available funds for future capital expenditures. **The Town will strive to maintain overall reserves in the level of 10-12% of the prior year General Fund budget.** These reserves are comprised of the general stabilization fund, special purpose stabilization funds and free cash target. Adherence to this policy will help the Town withstand periods of decreased revenues and control spending during periods of increased revenues. Other types of reserves include retained earnings and overlay surplus.

A. Protection of Credit Rating

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

Maintenance of the highest-level credit rating possible is important to the continued financial health of Sudbury as it reduces the costs of issuing debt. Credit rating firms consider management practices to be very important factors. Poor management practices can inadvertently jeopardize the financial health of a local government. To be proactive in assuring the Town of Sudbury does not engage in these practices, the Select Board of the Town of Sudbury has adopted the following credit rating protection policies. The Town will not rely on reserves to sustain operating budgets. Use of such reserves will be limited to helping the Town deal with short-term or emerging financial stress. In the subsequent year, the Town will either reduce spending to within the limits of recurring revenues or seek approval for additional revenues from the voters of the Town. The Town will not defer current costs, such as pension or benefit costs, to a future date.

B. Free Cash

The Division of Local Services (DLS) defines free cash as “the remaining, unrestricted funds from operations of the previous fiscal year, including unexpended free cash from the previous year.” DLS must certify free cash before the Town can appropriate it in the new year.

By September 15th each year, the Town Accountant shall submit to DLS a year-end balance sheet, free cash checklist, and year-end reporting checklist. Once DLS certifies free cash, the Town Accountant will provide copies of the certified balance to the Select Board, Town Manager, and Finance Director.

Each spring, the Town Manager shall include the Town’s free cash balance in the proposed budget submitted to the Select Board and Finance Committee for the ensuing fiscal year, along with details on the proposed uses of and/or retention level of free cash. Any proposed use of free cash for capital equipment or improvements shall be consistent with needs identified in the Town’s capital improvement program.

The Town shall set a year-to-year goal of maintaining its free cash in the range of **3-5% of the prior year’s General Fund budget**. To achieve this, the Finance Director shall assist the Town Manager in proposing budgets with conservative revenue projections, and department heads shall carefully manage their appropriations to produce excess income and budget turn backs. Further, budget decision makers will avoid fully depleting the Town’s free cash in any year, so that the succeeding year’s calculation can begin with a positive balance. Moreover, as much as practicable, the Town will limit its use of free cash to funding one-time expenditures (like capital projects or emergencies and other unanticipated expenditures) and should appropriate any free cash excess above **5%** of the General Fund budget to reserves, to offset unfunded liabilities, or to set aside for existing debt.

C. Stabilization Funds

Commented [BS2]: Staff said August 15 too early to submit. August 15 is a generally unrealistic date to submit free cash for approval to DOR. This year’s free cash was submitted on Sept. 13, which is still somewhat on the early side. I believe Dennis intends to address this in the next year. Free Cash can’t be submitted before the year is closed. There are many responsibilities that may make 8/15 unsustainable as an attainable annual goal.

Deleted: August

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

A stabilization fund is a reserve account allowed by state law to set aside monies to be available for future spending purposes, including emergencies or capital expenditures, although it may be appropriated for any lawful purpose. Prior to the adoption of this policy, the Town established and appropriated to a general stabilization fund and special purpose stabilization funds for capital projects.

General Stabilization: The Town will endeavor to maintain a minimum balance of **5% of the prior year's General Fund budget** in its general stabilization fund. Withdrawals from general stabilization should only be used to mitigate emergencies or other unanticipated events that cannot be supported by current General Fund appropriations. When possible, withdrawals of funds should be limited to the amount available above the 5% minimum reserve target level. If any necessary withdrawal drives the balance below the minimum level, the withdrawal should be limited to **one-third of the general stabilization fund balance** at a time, endeavoring to never fully deplete it. Replenishment of the funds should be made annually at the Fall Town Meeting, or the earliest available meeting after free cash has been certified.

Special Purpose Stabilization Funds

Capital Stabilization: The Town will appropriate annually to the capital stabilization fund so that over time it achieves a target balance sufficient to cover the Town's cash outlay for capital. Doing so enables the Town to pay outright for moderate-range (**under \$1M**) capital expenditures and thereby preserve debt capacity for major, higher-dollar purchases or projects. This approach balances debt with pay-as-you-go practices and protects against unforeseen costs. **The Town should endeavor to achieve and maintain a combined target balance for all capital-related special purpose stabilization funds equal to 2% of prior year General Fund budget.**

Withdrawals from the Capital Stabilization Fund should be avoided until the target balance has been achieved. Once achieved, funds should be replenished annually at the Fall Town Meeting, or the earliest available meeting after free cash has been certified (subject to free cash availability). **WHAT'S THE PRIORITY OF FILLING THIS FUND... ALWAYS TAG THE FUND WITH A PROJECT (PICK A PROJECT ~3 YRS OUT... IN \$1-3M RANGE... THEN SAVE TOWARDS THAT... WITH WHATEVER PRIORITY THAT PARTICULAR PROJECT HAS...**

--- another thought... in the year if/when we have unexpectedly LOWWW Free Cash, in that year wouldn't we want the "Stabilization" fund to stabilize/smooth this valley... as opposed to neglecting that year's capital needs, or taking on debt...

Turf Stabilization: The Town maintains a special purpose fund to offset the cost of periodic replacement of designated town-owned turf fields **[AND SUDBURY PORTION OF LS FIELD]**. As originally created, this fund applies to the Cutting Field but could be expanded to other fields in the future. **[CIAC SUGGESTS WE STATE FUNDING SOURCES (FEES?) AND GOAL (OFFSET REPLACEMENT?)]**

Commented [3]: This paragraph elicits several questions:

- 1) "Funds should be replenished annually...or a earliest available meeting after free cash has been certified" -- Is the assumption that the first priority free cash is to replenish this fund?
- 2) This seems like a slow/medium timeline for growth fund. So, while free cash could be a source for replenishment, this fund shouldn't necessarily be top priority for free cash.
- 3) This Fund could be used for projects that fall \$1-3 million dollar range - too small for debt exc too big for annual spend. Perhaps a project should be associated with this Fund. And then the replenishment of the Fund would be determined by the priority project in the CIP process.
- 4) For example: A new school roof could be in the \$1-3 million dollar range. So, for the next couple of years we know that money going into this Fund will be for a new roof. So, allocation into the fund should be determined by the priority of that roof project in the prioritization list.

Commented [BS4]: FROM CIAC: The Capital and Special Purpose Stabilization Funds are good vehicles to fund capital projects. However, it is necessary to clearly define how and when these funds are to be funded, whether through the collection of fees or from the Town or a combination of both. The Turf Stabilization Fund should include the Town of Sudbury portion of the LS fields. The structure should be well defined and have clear funding goals to meet the needs of turf field replacements, without having to go to the Town for additional funds. The present LS turf field agreement should be reviewed and the responsible parties should be well defined to meet the needs of the field.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

D. Overlay Surplus

The overlay is a reserve the Town uses to offset unrealized revenues resulting from property tax abatements and exemptions. Sudbury officials will prudently manage the overlay in accordance with the Town's Overlay policy to avoid the need to raise overlay deficits in the tax levy. At the conclusion of each fiscal year, the Board of Assessors shall submit to the Town Manager and Finance Director an update of the overlay reserve with data that includes, but is not limited to, the gross balance, potential abatement liabilities, and any transfers to surplus. If the balance exceeds the amount of potential liabilities, the Town Manager may request that the Board of Assessors vote to declare those balances surplus, available for one-time expenditures (as with free cash).

DRAFT

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

FORECASTING

PURPOSE

To assess the range of choices available to budget decision makers when determining how to allocate resources, this policy establishes guidelines for evaluating revenue sources and the requirement to determine an expenditure strategy as part of the annual budget process and longer-range fiscal planning. Forecasting helps local officials understand the long-range implications of pending near-term decisions.

APPLICABILITY

This policy applies to the Town Manager as the Town's chief budget decision maker. It also applies to the job responsibilities of the Finance Director, Sudbury Public Schools Superintendent, Sudbury Public Schools Business Manager, Select Board, Sudbury Public Schools Committee, and Finance Committee.

POLICY

A. Revenue Guidelines

The Town will continually seek to diversify its revenue to improve the equity and stability of sources. Each year and whenever appropriate, the Town will reexamine existing revenues and explore potential new sources. A balance will be sought between elastic and inelastic revenues to minimize any adverse effects caused by inflation or other economic changes. Additionally, intergovernmental revenues (e.g., local aid, grants) will be reviewed annually to determine their short- and long-term stability in order to minimize detrimental impacts.

The Town will generally avoid using one-time revenues to fund ongoing or recurring operating expenditures. These one-time revenue sources can include, but are not limited to, free cash, bond premiums, overlay surplus, sale of municipal equipment, legal settlements, insurance proceeds, and gifts. Additionally, the Town hereby establishes the following priority order when appropriating one-time revenues:

- General Stabilization Fund (maintenance **of 5% of prior year's General Fund budget**)
- Annual Capital Spending (non-debt; target of 3% of prior year's General Fund budget) notional priority ranks of 1,2,3,4,6 ←- don't pull in 6 until you fund '5' (in next bullet)
- Capital Stabilization Fund (target of 2% of prior year's General Fund budget) - IF WE HAVE 'TAGGED' THE CAPSTABFUND WITH A SPECIFIC PROJECT, THEN THE PRIORITY OF THE CAPSTABFUND SLIDES IN '5'
- OPEB Trust Fund
- Existing debt

New growth (residential or commercial) permanently adds to the tax base. The Town should endeavor to contribute any new growth in excess of 1% of prior year's General Fund budget to capital expenditures or reserves. ARGUMENT THAT THIS SHOULD BE A FUNCTION OF

Commented [5]: The prioritization of these could be further discussed. Depending on the usage guidelines for the Capital Stabilization Fund, some might argue that these 2 should be swapped in priority. However, it's dependent on a clear definition of the usage of the Capital Stabilization Fund.

Commented [6]: The Finance Committee discussed this concept of "new growth in excess of 1%...shifted towards capital or reserves." There was a general agreement that this was perhaps too general of a statement. The cause of the new growth should be a factor in the usage of the funds.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

WHETHER THIS BIG NEW GROWTH IS RESIDENTIAL (REQUIRING TOWN SERVICES) VS. LOW IMPACT / COMMERCIAL.

Economic downturns or unanticipated fiscal stresses may compel reasonable exceptions to the use of one-time revenue. In such cases, the Town Manager, in consultation with the Finance Director, can recommend its use for operational appropriations. Such use will trigger the Town Manager to develop a plan to avoid continued reliance on one-time revenues.

State laws impose further restrictions on how certain types of one-time revenues may be used. The Town will consult the following General Laws when the revenue source is:

- Sale of real estate: M.G.L. c. 44, §63 and M.G.L. c. 44, §63A
- Gifts and grants: M.G.L. c. 44, §53A and M.G.L. c. 53A½
- Bond proceeds: M.G.L. c. 44, §20
- Sale of moveable property: M.G.L. c. 44, § 53

This policy further entails the following expectations regarding revenues:

- The Assessing Department will maintain property assessments for the purpose of taxation at full and fair market value as prescribed by state law.
- Town departments that charge fees (Enterprise Funds and recreation programs, for example) shall annually review their fee schedules and propose adjustments when needed to ensure coverage of [ALL?] service costs [CLARITY ABOUT WHAT'S INCLUDED... CONCERN ABOUT SHIFTING 'FRACTIONAL' PEOPLE?... AT LEAST CLARITY IN REPORTING] and endeavor to generate retained earnings of 3-5% of prior year's enterprise fund budgets towards asset maintenance / replacement.
- The Building Department will notify the Finance Director of any moderate-to-large developments that could impact building permit volume.
- Department heads will strive to be informed of all available grants and other aid and will carefully consider any related restrictive covenants or matching requirements (both dollar and level-of-effort) to determine the cost-benefit of pursuing them.
- Revenue estimates will be adjusted throughout the budget cycle as more information becomes available.

Commented [BS7]: Discussion about separating around 'Enterprise Funds' and around recreation pr...

Commented [8]: A clear definition of "service c... would be helpful.

B. Expenditure Guidelines

Annually, the Town will determine a particular budget approach for forecasting expenditures, either maintenance (level service), level funded, or one that adjusts expenditures by specified increase or decrease percentages (either across the board or by department). A maintenance budget projects the costs needed to maintain the current staffing level and mix of services into the future. A level funded budget appropriates the same amount of money to each municipal department as in the prior year and is tantamount to a budget cut because inflation in mandated costs and other fixed expenses still must be covered.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

C. Financial Forecast Guidelines

To determine the Town's operating capacity for each forthcoming fiscal year, the Finance Director will annually create and provide the Town Manager with a detailed budget forecast. The Finance Director shall also annually prepare a three-year financial projection of revenues and expenditures for all operating funds.

These forecasts shall be used as planning tools in developing the following year's operating budget as well as the five-year capital improvement plan.

To ensure the Town's revenues are balanced and capable of supporting desired levels of services, forecasts for property taxes, local receipts, and state aid shall be conservative based on historical trend analyses and shall use generally accepted forecasting techniques and appropriate data. To avoid potential revenue deficits, estimates for local receipts (e.g., inspection fees, investment income, license fees) should generally not exceed 90% of the prior year's actual collections without firm evidence that higher revenues are achievable.

Additionally, the forecast model should assume that:

- The Town will maintain its current level of services.
- Property taxes (absent overrides) will grow within the limits of Proposition 2½.
- New growth will be projected conservatively, considering the Town's three-year average by property class.
- The Town will annually meet or exceed the state's net school spending requirements.
- Local receipts and state aid will reflect economic cycles.
- The Town will pay the service on existing debt and adhere to its Debt Management policy.
- The Town will make its annual pension contributions and continue appropriating to its other postemployment benefits trust fund.
- The Town will build and maintain reserves in compliance with its Financial Reserves policy.

D. Reporting

Under Consideration: The Town financial results vs. forecast (REVENUES, AND EXPENSES) shall be reported out quarterly for the Select Board and public. (to investigate: how much work, what would we do with it?)

Commented [9]: How does this help to ensure operating budget captures all known/necessary maintenance/replacement items vs. CIP?

Commented [BS10R9]: FINCOM COMMENT COM ENSURING THAT DEPARTMENTS DON'T NEGLECT FORECASTING/INCLUDING MAINTENANCE INTO THE OP BUDGETS, AND PERFORMING THE MAINTENANCE

Note: Police cars (purchase/replace) are in Police Department operating budget. But other departments not know include 'capital' in their budgets.

Commented [11]: Town Financial Policies should to establish increased transparency and timely communications among all stakeholders as a minimum threshold. FinCom is often hurried through their mandatory process by delays in presenting information. If even in draft form, early distribution to the Finance and others would alleviate bottlenecks and contribute to future avoidance of incomplete information to Town and Warrant as has happened the last several years.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

OVERLAY

PURPOSE

To set guidelines for determining the annual overlay amount in the Town's budget and for deciding whether any overlay balance can be certified as surplus.

The allowance for abatements and exemptions, commonly referred to as the overlay, is an account whose purpose is to offset anticipated abatements and exemptions of committed real and personal property taxes. Effective December 7, 2016, the Municipal Modernization Act ([Chapter 218 of the Acts of 2016](#)) provides for a single overlay account. Previously, a community had to maintain separate overlay reserves for each fiscal year and could not use the surplus from one year to cover another year's deficit without a multistep process involving the assessors, accounting officer, and local legislative body. However, the Act allows all existing overlay balances to be transferred to a single account. Although this policy treats overlay as a single account, to continue historical information and facilitate reconciliations, the Town may elect to maintain subsidiary ledgers by levy year for overlay balances.

APPLICABILITY

This policy applies to the job duties of the Board of Assessors, Director of Assessing, Town Manager, and Finance Director.

POLICY

A. Annual Overlay

Each year, the Board of Assessors shall vote in an open meeting to authorize a contribution to the overlay account as part of the budget process and to raise it without appropriation on the Town's Tax Recap Sheet. The Principal Assessor will propose this annual overlay amount to the Board of Assessors based on the following:

- Current balance in the overlay account
- Five-year average of granted abatements and exemptions
- Potential abatement liability in cases pending before, or on appeal from, the Appellate Tax Board (ATB)
- Timing of the next certification review by the Division of Local Services (scheduled every five years under the Municipal Modernization Act) The Board of Assessors shall notify the Finance Director of the amount of overlay voted

B. Excess Overlay

Annually, the Finance Director and Director of Assessing will conduct an analysis to see if there is any excess in the overlay account by factoring the following:

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

- Current balance in the overlay account after reconciling with the Town Accountant's records
- Balance of the property tax receivables, which represents the total real and personal property taxes still outstanding for all levy years
- Estimated amount of potential abatements, including any cases subject to ATB hearings or other litigation

Upon determining any excess in the overlay account, the Principal Assessor shall present the analysis to the Board of Assessors for its review.

C. Overlay Surplus

If there is an excess balance in the overlay account, the Board of Assessors shall formally vote in an open meeting to certify the amount to transfer to overlay surplus and shall notify the Town Manager and Finance Director in writing of its vote. If the Town Manager makes a written request for a determination of overlay surplus, the Board of Assessors shall vote on the matter within the next 10 days and notify the Town Manager and Finance Director of the result in writing. 30 days in advance of the annual Tax Classification Hearing, the Select Board shall request an update from the Board of Assessors on the balance of the overlay account.

Commented [12]: A specification of "XX days before the Tax Classification Hearing" for reporting of the balance would help to clarify the process.

After being certified, Town Meeting may appropriate overlay surplus for any lawful purpose until the end of the fiscal year. However, the appropriation should be as prescribed in the Town's Forecasting policy (re: treatment of one-time revenues) and its Financial Reserves policy (re: overlay surplus). Overlay surplus not appropriated by year-end closes to the General Fund's undesignated fund balance.

Commented [13]: We would just like to emphasize here that the balance of the overlay account should be reported annually. This is a slow/med growth account so it should not be a "surprise" when the balance grows to a significant amount.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

DEBT MANAGEMENT

PURPOSE

To provide for the appropriate issuance and responsible use of debt, this policy defines the parameters and provisions governing debt management. Policy adherence will help the Town to responsibly address capital needs, provide flexibility in current and future operating budgets, control borrowing, and maintain capital investment capacity. This policy is also intended to maintain and enhance the town's bond rating so as to achieve long-term interest savings.

APPLICABILITY

This policy applies to the Town Manager, Select Board, Sudbury Public School Committee, and Finance Committee in their budget decision making and in the Finance Director's debt reporting. It also applies to the Finance Director's budget analysis duties and statutory responsibilities associated with debt management, in their role as Treasurer/Collector.

Commented [14]: Incomplete sentence?

POLICY

Under the requirements of federal and state laws, the Town may periodically issue debt obligations to finance the construction, reconstruction, or acquisition of infrastructure and other assets or to refinance existing debt. The Town will issue and manage debt obligations in such a manner as to obtain the best long-term financial advantage and will limit the amount of debt to minimize the impact on taxpayers. Debt obligations, which include general obligation bonds, revenue bonds, bond anticipation notes, lease/purchase agreements, and any other debt obligations permitted to be issued under Massachusetts law, shall only be issued to construct, reconstruct, or purchase capital assets that cannot be acquired with current revenues.

A. Debt Financing

Debt may be financed either within the levy, or beyond the levy (a debt exclusion which requires a Proposition 2 ½ voter referendum).

In financing with debt, the Town will:

1. Issue long-term debt only for objects or purposes authorized by state law and only when the financing sources have been clearly identified.
2. **Use available funds as appropriate to reduce the amount of borrowing on all debt-financed projects.**
3. Confine long-term borrowing to capital improvements and projects that cost at least \$100,000 and that have useful lifespans of at least ten years or whose lifespans will be prolonged by at least ten years.
4. Restrict debt exclusion borrowing to proposals which meet all three of these criteria:
 - (1) useful life of 20 years or more
 - (2) estimated cost of the principal payment in the first year of the debt issuance **greater than 0.5%** of the prior year's General Fund revenue. This criterion

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

applies after target level for in-levy debt of 3% is initially achieved, as per Section B. Debt Limits and Targets Item 3.

(3) the expenditure is either for town-owned land, buildings, or infrastructure or for a LSRHS capital assessment.

5. Refrain from using debt to fund any recurring purpose, such as current operating and maintenance expenditures.
6. The policy of the Select Board shall be to include sufficient debt capacity within the levy, such that capital items can be more predictably funded.
7. As debt within the levy decreases annually, this amount shall be used for capital, future debt, or set aside for future capital.

Commented [BS15]: From DPW: I would like to see if there is a method of including some dollar amount for vehicle replacement as an operating capital line item in the DPW budget. Therefore eliminating the need to always bring items to Town meeting particularly for replacement of an existing vehicle

B. Debt Limits and Targets

The Town will adhere to these debt parameters:

1. Total annual debt service, including debt exclusions and any self-supporting debt, shall be limited to 10% of General Fund revenues, with a reasonable range of 5-7%.
2. As dictated by state statute MGL ch 44 section 10, the Town's debt limit shall be 5% of its most recent equalized valuation.
3. The Town shall endeavor to gradually and consistently pursue future debt issuances financed by within-levy dollars with a target of 3% of prior year's General Fund budget.

C. Structure and Term of Debt

The following shall be the Town's guidelines on debt terms and structure:

1. The term of any debt shall not exceed the expected useful life of the capital asset being financed and in no case shall it exceed the maximum allowed by law.
2. The Town will limit bond maturities to no more than 10 years, except for major buildings, water and water facility projects, land acquisitions, and other purposes in accordance with the useful life borrowing limit guidelines published by the Division of Local Services (DLS).
3. For non-excluded debt the Town will generally choose terms less than 20 years and structure as level principal payments, so that over time the annual debt payment goes down, opening up capacity for future capital.
4. Any vote to authorize borrowing will include authorization to reduce the amount of the borrowing by the amount of the net premium and accrued interest.
5. The Town will work closely with its financial advisor to follow federal regulations and set time frames for spending borrowed funds to avoid committing arbitrage, paying rebates, fines and penalties to the federal government, and jeopardizing any debt issuance's tax-exempt status.

D. Bond Refunding

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

To achieve potential debt service savings on long-term debt through bond refunding, the Town will:

1. Issue debt with optional call dates no later than 10 years from issue.
2. Analyze potential refunding opportunities on outstanding debt as interest rates change.
3. Use any net premium and accrued interest to reduce the amount of the refunding.
4. Work with the Town's financial advisor to determine the optimal time and structure for bond refunding.

E. Protection of Bond Rating

To protect its bond rating, the Town will:

1. Maintain good communications with bond rating agencies, bond counsel, banks, financial advisors, and others involved in debt issuance and management.
2. Follow a policy of full disclosure on every financial report and bond prospectus, including data on total outstanding debt per capita, as a percentage of per capita personal income, and as a percentage of total assessed property value.
3. The Town will not rely on reserves to sustain operating deficits. Use of such reserves will be limited to helping the Town deal with short-term or emerging financial stress, but then the Town will either reduce spending to within the limits of recurring revenues, or seek approval for additional revenues from the voters of the Town.
4. The Town will not defer current costs to a future date. This includes costs such as pension costs or benefits costs. From time to time, the State offers municipalities the option of deferring payments to their pension system, or other costs, as a short-term way of balancing a fiscal year's budget. However, it is the intention of the Town of Sudbury not to rely on these options.
5. The Town will follow the policies as outlined in this policy statement.

F. Reporting

1. The Town's Annual Town Report, Town Manager's Budget Request and Annual Town Meeting Warrant will give comprehensive summaries of the debt obligations of the Town.
2. The Finance Director will include an indebtedness summary as part of a report on receipts and expenditures in Sudbury's Annual Town Report.
3. The Finance Director, with the Town's financial advisor, will file the annual audit and official disclosure statement within 270 days of the end of the fiscal year.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

INVESTMENTS

PURPOSE

To ensure the Town's public funds achieve the highest possible, reasonably available rates of return while following prudent standards associated with safety, liquidity, and yield, this policy establishes investment guidelines and responsibilities. It is further designed to comply with the Governmental Accounting Standards Board's recommendation that each community disclose its key policies affecting cash deposits and other long-term investments to ensure they are managed prudently and not subject to extraordinary risk.

Commented [16]: Is there an Investments Adv group?

Commented [BS17R16]: The Town has a Financi Advisor. We think (confirm) See POLICY section edit below...

APPLICABILITY

This policy pertains to short-term operating funds, including general funds, special revenue funds, bond proceeds, capital project funds, and to all accounts designated as long-term (e.g., trusts, stabilization funds, other postemployment benefits trust fund (OPEB), and others the Town may set aside for long-term use, including scholarship and perpetual care funds). It does not pertain to the Town's retirement fund, which is managed by the Middlesex County Retirement Board. This policy applies to the Finance Director, in the role as Treasurer, his or her designee(s), and any advisors or other professionals in their responsibilities for investing and managing Town funds.

POLICY

In consultation with the Town's Financial Advisor, the Finance Director shall invest funds in a manner that meets the Town's daily operating cash flow requirements and conforms to state statutes governing public funds while also adhering to generally accepted diversification, collateralization, and the prudent investment principles regarding safety, liquidity, and yield. The Finance Director will report investment performance to the Select Board each August. Additionally, they will report any deviation from the investment policy to the Select Board. (Other language from JD?)

Commented [BS18]: Note: we have proposed a s on Reporting, in the Forecasting policy...

See additional details in the Town of Sudbury Investment Policy (TODO: ADD DOC TO WEBSITE AND LINK) document as well as the [Town of Sudbury CPA Investment Policy](#) document.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

CAPITAL ASSETS

PURPOSE

To ensure Sudbury's capital assets can cost-effectively sustain the town's desired service levels into the future.

APPLICABILITY

This policy applies to the Town Manager as the Town's chief budget decision maker. It also applies to the job responsibilities of the Finance Director, School Superintendent, School Business Manager, Select Board, Sudbury Public School Committee, Finance Committee and Capital Improvement Advisory Committee (CIAC).

Capital Assets are defined as the community-owned collection of significant, long-lasting, and expensive real and personal property used in the operation of government, including land and land improvements; infrastructure, such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and equipment. In order to be included in Sudbury's Capital Improvement Program, Capital Assets must cost \$20,000 or more and have a useful life of 5 or more years. Items or improvements that do not meet this threshold should be included within the Town's operating budget.

POLICY

A. Capital Improvement Plan

The Town Manager shall maintain an inventory of all Town 'capital assets'. The Town Manager will update and adopt annually a five-year capital improvement plan ("CIP"), including the upcoming annual capital improvement budget ("CIB") and a four-year projection of capital needs and expenditures, which details the estimated cost, description and anticipated funding sources for capital projects. The CIP should govern projects undertaken either to build, buy, expand or replace a long-life asset or to an asset's condition beyond its original state of quality, efficiency, or useful life expectation.

Annually, the minimum level of capital spending the town should target year to year should be equivalent to 6% of the prior year's General Fund budget, endeavoring to draw equally from within-levy debt and cash capital sources. The chosen ratio of cash capital vs. in-levy debt used to fund capital may vary based on available cash capital, interest rates, and other factors.

The 6% target shall guide how much capital spending can be planned in each year of the CIP.

1. The Town Manager shall establish criteria to determine capital asset prioritization, including but not limited to:
 - mitigation of safety hazards
 - legal compliance

Commented [BS19]: from FINCOM:

The MA Municipal Association suggests maintain information-rich, comprehensive, integrated, and readily accessible asset inventory to use in planning. The MMA Finance Committee Handbook suggests a good set of asset attributes to include following:

- i. Location
- ii. Age
- iii. Useful life
- iv. Condition
- v. Original cost
- vi. Current value
- vii. Maintenance and operating costs
- viii. Type and extent of use
- ix. Depreciation – method and balance
- x. Estimated replacement costs
- xi. Any proposed date for rehabilitation or replacement

Commented [20]: There seems to be some confusion on the 6%.

Is this implying that 3% must be within-levy and must be from cash capital sources?

What if there isn't a project(s) to support 3% within-levy debt?

Specifying that the 6% must be "drawn equally" from cash and debt sources seems too specific and not necessarily feasible.

Furthermore, why set the "minimum level" to 6% if there aren't projects to do, then why would we require ourselves to spend money? Wouldn't a 6% "target" be a better choice?

Clarify (list) definitions for terms used, i.e., Cash Capital - perhaps add a Glossary appendix

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

- ADA compliance (Americans with Disabilities Act)
 - operating cost reduction
 - service or efficiency improvement
 - availability of outside funding sources
 - conformance to asset replacement schedule
 - contributing to execution of Master Plan
 - enhancement of quality of life
2. Annually, the Town Manager shall request 5 and 15 year capital plans from Town Department Heads, SPS, and LSRHS. The Town's obligation per the LSRHS agreement shall be factored into the Town CIP.
 3. The Town Manager in consultation with Department Heads, SPS, and LSRHS, shall annually update the composition and prioritization of the 5 and 15 year capital plans and create an ordered list sorted by urgency score, with appropriate justification (identifying criteria and which department it supports).
 4. A Capital Project Submission Sheet shall be required for every item listed on the five-year CIP.
 5. The CIP shall not include items that cost less than \$20,000 or have a useful life of less than 5 years. Items that do not meet this threshold should be included within the Town's operating budget.
 6. Alongside the CIP prioritization, potential Funding Sources shall be identified. Wherever possible, funding sources should be derived from 'cash capital' and within levy debt funding options. Funding sources for capital may include:
 - Community Preservation Act (CPA) funds (if eligible; Open Space, Recreation, Historic)
 - Town Manager's Capital Budget (items less than \$100,000 in one year; less than \$200,000 over multiple years; and last more than 5 years)
 - New growth dedicated to capital
 - Capital Stabilization Fund
 - Special-purpose stabilization funds
 - Free Cash
 - In-levy Debt
 - Dedicated revenue sources (i.e. Sewataro revenue share).
 - Capital Exclusion
 - Debt Exclusion
 - Grants
 7. Capital Items which are CPA-eligible and prioritized for the upcoming budget year (i.e. to be included in the CIB) must be locked down and presented to the CPC according to their application/evaluation timeline. [EXAMPLE... LS FIELD NOT PRESENTED TO CPC IN FALL 2019 OR FALL 2020. TOWN HAD NO CHOICE BUT TO USE FREE CASH]
 8. The Town will emphasize preventive maintenance as a cost-effective approach to infrastructure maintenance. Exhausted capital goods will be replaced as necessary.
 9. The CIP shall not include items deemed to be departmental maintenance. Rather, such smaller, shorter life maintenance items should be included in departmental budgets.

Commented [21]: Is this consistent in approach Do we look at 10 years (vs. 15) elsewhere? Are there limiting factors here to consider i.e., the LSRHS RMA agreement? Are we using the same template for capturing a Capital across the 3 cost centers and all departments? If now, why? How do we know that we have a complete picture of Capital needs; that Dept. maintenance/replacement dollars and small spend plus the CIP captures 100% of our needs?

We have inconsistencies and limited data presented regarding amortization/depreciation of assets to inform budget and CIP spend requirements. This should be corrected and sustained via the new policy.

Commented [22]: What is the origin of the \$20 limit?

Commented [BS23R22]: From conversation and into how to define 'capital'

Commented [24]: Can the approach be defined how funding sources are sought for various projects?

i.e., Project A seeks source 1a, if available then 1b ...? If not avail then what's the next source (2)?

In particular consider CPC and other significant sources.

Deleted: items <\$100K

Commented [25]: What is the impact of this change? Is there an acknowledgement that operating budgets need to increase in order to achieve this? How will any increases be determined?

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

- 10. The Police Department and the Department of Public Works shall maintain a capital line item in their departmental operating budget for vehicle replacement.

Commented [BS26]: DPW Staff Feedback: I would like to see if there is a method of including a dollar amount for vehicle replacement as an operational capital line item in the DPW budget. Therefore eliminating the need to always bring items to Town meeting for replacement of an existing vehicle

B. Risk Management

- 1. The Town will maintain an effective risk management program that provides adequate coverage, minimizes losses, and reduces costs.
- 2. The Town will annually work with the Town's insurance carrier to update all listings of Town owned assets and the value and condition of such covered assets.

C. Reporting and Process

- 1. Annually by December 31st, the 5 year capital improvement plan shall be posted and accessible for public view on town website for public review at all times, reflecting updates for any changes made. The Capital Project Submission Sheet for each project on the 5 year CIP shall be posted and linked from the CIP.
- 2. The Town Manager will submit CPA-eligible projects under consideration for the CIB to the the Community Preservation Committee by October 15.
- 3. The Town Manager and departments shall submit to the CIAC a summary for evaluation of projects over \$100,000 for a single year, or \$200,000 over multiple years, by . The CIAC also requests progress summary reports for prior years capital items approved by the town.
- 4. The Town Manager shall submit Town Meeting articles for the CIB by January 31st.
- 5. The Select Board shall report all requests for capital appropriations to the Finance Committee on or before February 5. (Bylaws Article IV Section 5).
- 6. The Town Manager shall coordinate, by February 5, the timely distribution of the CIB, CIP, and associated Capital Project Submission Sheets to the Select Board, CIAC, and Finance Committee and other stakeholders These materials will detail each capital project, the estimated cost, description and funding.
- 7. The Town Manager shall organize on or before February 15 a joint meeting of the Select Board, CIAC, Finance Committee, CPC representatives, and department heads. They will solicit and coordinate receipt of questions in advance of this joint meeting. At this joint meeting, the CIAC will present its opinions on capital projects within its scope. [DO WE ADD FURTHER COLOR TO THE FORMAT OF THE JOINT MEETING?]
- 8. The Town Manager will present components of the CIB, in the form of Town Meeting Articles, for approval at the Annual Town Meeting (generally the 1st Monday in May).

Commented [27]: Quarterly reporting of status capital projects is suggested. Furthermore, for inclusion of the KPI process would be recommended as well.

Commented [BS28]: Have an honest discussion, work? Intention is that the result of prioritizations a rough 5 (FIVE) year plan is updated by Dec 31. Ref of the 1 (ONE) year CIB (budget) continues into Jan

Commented [29]: A clear definition of "timely distribution" would be helpful. A date would help

Commented [30]: Clarification -- What is the for the approval? As it is now, the TM Capital Bud town meeting article. And others are separate articles. Is this statement meant to change that

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

OTHER POSTEMPLOYMENT BENEFITS LIABILITY (OPEB)

PURPOSE

To provide the basis for a responsible plan for meeting the Town's obligation to provide other postemployment benefits (OPEBs) to eligible current and future retirees. This policy provides guidelines designed to ensure OPEB sustainability and achieve generational equity among those called upon to financially support OPEBs, thereby avoiding transferring costs into the future.

APPLICABILITY

This policy encompasses OPEB-related budget decisions, accounting, financial reporting, and investment.

BACKGROUND

In addition to salaries, the Town of Sudbury compensates employees in a variety of other forms. Many earn benefits over their years of service that they will not receive until after retirement. A pension is one such earned benefit. Another is a set of retirement insurance plans for health and life. These are collectively referred to as other postemployment benefits or OPEBs.

Commented [BS31]: Per Staff feedback, not dent

Deleted: dental

OPEBs represent a significant liability for the Town that must be properly measured, reported, and planned for financially. As part of a long-range plan to fund this obligation, the Town established an OPEB Trust Fund, which allows for long-term asset investment at higher rates of return than those realized by general operating funds.

POLICY

The Town of Sudbury is committed to funding the long-term cost of the benefits promised its employees. To do so, the Town will accumulate resources for future benefit payments in a disciplined, methodical manner during the active service life of employees. The Town will also periodically assess strategies to mitigate its OPEB liability. This involves evaluating the structure of offered benefits and their cost drivers while at the same time avoiding benefit reductions that would place undue burdens on employees or risk making the Town an uncompetitive employer.

A. Accounting and Reporting

The Finance Director will obtain actuarial analyses of the Town's OPEB liability every two years and will annually report the Town's OPEB obligations in financial statements that comply with the current guidelines of the Governmental Accounting Standards Board.

The Town Auditor shall ensure that the Town's independent audit firm reviews compliance with the provisions of this policy as part of its annual audits.

B. Mitigation

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom, CIAC, and Town Staff

On an ongoing basis, the Town will assess healthcare cost containment measures and evaluate strategies to mitigate its OPEB liability. The Finance Director shall monitor proposed laws affecting OPEBs and Medicare and analyze their impacts. The Human Resources Director shall regularly audit the group insurance and retiree rolls and drop any participants found to be ineligible based on work hours, active Medicare status, or other factors.

C. Funding

To address the OPEB liability, decision makers shall analyze a variety of funding strategies and subsequently implement them as appropriate with the intention of fully funding the obligation. The Town shall derive funding to invest in the OPEB trust from taxation, free cash, and any other legal form.

DRAFT

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, [then incorporating feedback from Fincom](#)

Town of Sudbury, Massachusetts
Financial Policies Manual
DRAFT [October 27](#)[August 9](#), 2021



DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom

Introduction

The Town of Sudbury is committed to safeguarding public funds, protecting local assets, and complying with financial standards and regulations. To that end, this manual of financial policies provides guidance for local planning and decision making. The policies as a whole are intended to outline objectives, provide formal direction, and define authority to help ensure sound fiscal stewardship and management practices. Each is a living document that should be reviewed periodically and updated as necessary.

With these policies, the Town of Sudbury, through its Select Board, Town Manager, and employees, commits to the following objectives:

- Sustaining a consistent level of service and value for residents and enhancing as needed and able
- Safeguarding financial integrity and minimizing risk through a system of internal controls
- Ensuring the quality and maintenance of capital assets.
- Conforming to general law, uniform professional standards, and municipal best practices
- Protecting and enhancing the town's credit rating
- Promoting transparency and public disclosure
- Revisiting and reviewing the policies every three years to assess thresholds and targets.

Commented [1]: Suggest appending the follow this sentence -- "and enhancing as needed and

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, [then incorporating feedback from Fincom](#)

Town of Sudbury, Massachusetts

Financial Policies Manual

Table of Contents

Financial Reserves	4
Forecasting	7
Overlay	10
Debt Management	12
Investments	15
Capital Assets	16
Other Postemployment Benefits Liability (OPEB)	19

FINANCIAL RESERVES

PURPOSE

To help the Town stabilize finances and maintain operations during difficult economic periods, this policy establishes prudent practices for appropriating to and expending reserve funds. With well-planned sustainability, Sudbury can use its reserves to finance emergencies and other unforeseen needs, to hold money for specific future purposes, or in limited instances, to serve as revenue sources for the annual budget. Reserve balances and policies can also positively impact the Town's credit rating and consequently its long-term cost to fund major projects.

APPLICABILITY

This policy pertains to short- and long-range budget decision making and applies to the Select Board, Sudbury Public School Committee, and Town Manager in those duties. It also applies to the related job duties of the Finance Director, the Town Accountant, the Board of Assessors, and the Finance Committee.

POLICY

The Town of Sudbury commits to building and maintaining its reserves so as to have budgetary flexibility for unexpected events and significant disruptions in revenue-expenditure patterns and to provide a source of available funds for future capital expenditures. **The Town will strive to maintain overall reserves in the level of 10-12% of the prior year General Fund budget.** These reserves are comprised of the general stabilization fund, special purpose stabilization funds and free cash target. Adherence to this policy will help the Town withstand periods of decreased revenues and control spending during periods of increased revenues. Other types of reserves include retained earnings and overlay surplus.

A. Protection of Credit Rating

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom

Maintenance of the highest-level credit rating possible is important to the continued financial health of Sudbury as it reduces the costs of issuing debt. Credit rating firms consider management practices to be very important factors. Poor management practices can inadvertently jeopardize the financial health of a local government. To be proactive in assuring the Town of Sudbury does not engage in these practices, the Select Board of the Town of Sudbury has adopted the following credit rating protection policies. The Town will not rely on reserves to sustain operating budgets. Use of such reserves will be limited to helping the Town deal with short-term or emerging financial stress. In the subsequent year, the Town will either reduce spending to within the limits of recurring revenues or seek approval for additional revenues from the voters of the Town. The Town will not defer current costs, such as pension or benefit costs, to a future date.

B. Free Cash

The Division of Local Services (DLS) defines free cash as “the remaining, unrestricted funds from operations of the previous fiscal year, including unexpended free cash from the previous year.” DLS must certify free cash before the Town can appropriate it in the new year.

By August 15th each year, the Town Accountant shall submit to DLS a year-end balance sheet, free cash checklist, and year-end reporting checklist. Once DLS certifies free cash, the Town Accountant will provide copies of the certified balance to the Select Board, Town Manager, and Finance Director.

Each spring, the Town Manager shall include the Town’s free cash balance in the proposed budget submitted to the Select Board and Finance Committee for the ensuing fiscal year, along with details on the proposed uses of and/or retention level of free cash. Any proposed use of free cash for capital equipment or improvements shall be consistent with needs identified in the Town’s capital improvement program.

The Town shall set a year-to-year goal of maintaining its free cash in the range of **3-5% of the prior year’s General Fund budget**. To achieve this, the Finance Director shall assist the Town Manager in proposing budgets with conservative revenue projections, and department heads shall carefully manage their appropriations to produce excess income and budget turn backs. Further, budget decision makers will avoid fully depleting the Town’s free cash in any year, so that the succeeding year’s calculation can begin with a positive balance. Moreover, as much as practicable, the Town will limit its use of free cash to funding one-time expenditures (like capital projects or emergencies and other unanticipated expenditures) and should appropriate any free cash excess above **5%** of the General Fund budget to reserves, to offset unfunded liabilities, or to set aside for existing debt.

C. Stabilization Funds

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, [then incorporating feedback from Fincom](#)

A stabilization fund is a reserve account allowed by state law to set aside monies to be available for future spending purposes, including emergencies or capital expenditures, although it may be appropriated for any lawful purpose. Prior to the adoption of this policy, the Town established and appropriated to a general stabilization fund and special purpose stabilization funds for capital projects.

General Stabilization: The Town will endeavor to maintain a minimum balance of **5% of the prior year's General Fund budget** in its general stabilization fund. Withdrawals from general stabilization should only be used to mitigate emergencies or other unanticipated events that cannot be supported by current General Fund appropriations. When possible, withdrawals of funds should be limited to the amount available above the 5% minimum reserve target level. If any necessary withdrawal drives the balance below the minimum level, the withdrawal should be limited to **one-third of the general stabilization fund balance** at a time, endeavoring to never fully deplete it. Replenishment of the funds should be made annually at the Fall Town Meeting, or the earliest available meeting after free cash has been certified.

Special Purpose Stabilization Funds

Capital Stabilization: The Town will appropriate annually to the capital stabilization fund so that over time it achieves a target balance sufficient to cover the Town's cash outlay for capital. Doing so enables the Town to pay outright for moderate-range (**under \$1M**) capital expenditures and thereby preserve debt capacity for major, higher-dollar purchases or projects. This approach balances debt with pay-as-you-go practices and protects against unforeseen costs. **The Town should endeavor to achieve and maintain a combined target balance for all capital-related special purpose stabilization funds equal to 2% of prior year General Fund budget.**

Withdrawals from the Capital Stabilization Fund should be avoided until the target balance has been achieved. Once achieved, funds should be replenished annually at the Fall Town Meeting, or the earliest available meeting after free cash has been certified (subject to free cash availability). **WHAT'S THE PRIORITY OF FILLING THIS FUND... ALWAYS TAG THE FUND WITH A PROJECT (PICK A PROJECT ~3 YRS OUT... IN \$1-3M RANGE... THEN SAVE TOWARDS THAT... WITH WHATEVER PRIORITY THAT PARTICULAR PROJECT HAS... --- another thought... in the year if/when we have unexpectedly LOWWW Free Cash, in that year wouldn't we want the "Stabilization" fund to stabilize/smooth this valley... as opposed to neglecting that year's capital needs, or taking on debt...**

Turf Stabilization: The Town maintains a special purpose fund to offset the cost of periodic replacement of designated town-owned turf fields. As originally created, this fund applies to the Cutting Field but could be expanded to other fields in the future.

Commented [2]: This paragraph elicits several questions:

1) "Funds should be replenished annually...or a earliest available meeting after free cash has been certified" -- Is the assumption that the first prior free cash is to replenish this fund?

2) This seems like a slow/medium timeline for growth fund. So, while free cash could be a source of replenishment, this fund shouldn't necessarily be top priority for free cash.

3) This Fund could be used for projects that fall \$1-3 million dollar range - too small for debt exc too big for annual spend. Perhaps a project should be associated with this Fund. And then the replenishment of the Fund would be determined by the priority project in the CIP process.

4) For example: A new school roof could be in the million dollar range. So, for the next couple of years we know that money going into this Fund will be for a new roof. So, allocation into the fund should be determined by the priority of that roof project in the prioritization list.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, [then incorporating feedback from Fincom](#)

D. Overlay Surplus

The overlay is a reserve the Town uses to offset unrealized revenues resulting from property tax abatements and exemptions. Sudbury officials will prudently manage the overlay in accordance with the Town's Overlay policy to avoid the need to raise overlay deficits in the tax levy. At the conclusion of each fiscal year, the Board of Assessors shall submit to the Town Manager and Finance Director an update of the overlay reserve with data that includes, but is not limited to, the gross balance, potential abatement liabilities, and any transfers to surplus. If the balance exceeds the amount of potential liabilities, the Town Manager may request that the Board of Assessors vote to declare those balances surplus, available for one-time expenditures (as with free cash).

DRAFT

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom

FORECASTING

PURPOSE

To assess the range of choices available to budget decision makers when determining how to allocate resources, this policy establishes guidelines for evaluating revenue sources and the requirement to determine an expenditure strategy as part of the annual budget process and longer-range fiscal planning. Forecasting helps local officials understand the long-range implications of pending near-term decisions.

APPLICABILITY

This policy applies to the Town Manager as the Town's chief budget decision maker. It also applies to the job responsibilities of the Finance Director, Sudbury Public Schools Superintendent, Sudbury Public Schools Business Manager, Select Board, Sudbury Public Schools Committee, and Finance Committee.

POLICY

A. Revenue Guidelines

The Town will continually seek to diversify its revenue to improve the equity and stability of sources. Each year and whenever appropriate, the Town will reexamine existing revenues and explore potential new sources. A balance will be sought between elastic and inelastic revenues to minimize any adverse effects caused by inflation or other economic changes. Additionally, intergovernmental revenues (e.g., local aid, grants) will be reviewed annually to determine their short- and long-term stability in order to minimize detrimental impacts.

The Town will generally avoid using one-time revenues to fund ongoing or recurring operating expenditures. These one-time revenue sources can include, but are not limited to, free cash, bond premiums, overlay surplus, sale of municipal equipment, legal settlements, insurance proceeds, and gifts. Additionally, the Town hereby establishes the following priority order when appropriating one-time revenues:

- General Stabilization Fund (maintenance of 5% of prior year's General Fund budget)
- Annual Capital Spending (non-debt; target of 3% of prior year's General Fund budget) notional priority ranks of 1,2,3,4,6 ← - don't pull in 6 until you fund '5' (in next bullet)
- Capital Stabilization Fund (target of 2% of prior year's General Fund budget) - IF WE HAVE 'TAGGED' THE CAPSTABFUND WITH A SPECIFIC PROJECT, THEN THE PRIORITY OF THE CAPSTABFUND SLIDES IN '5'
- OPEB Trust Fund
- Existing debt

New growth (residential or commercial) permanently adds to the tax base. The Town should endeavor to contribute any new growth in excess of 1% of prior year's General Fund budget to capital expenditures or reserves. ARGUMENT THAT THIS SHOULD BE A FUNCTION OF

Commented [3]: The prioritization of these could be further discussed. Depending on the usage guidelines for the Capital Stabilization Fund, some might argue that these 2 should be swapped in priority. However, it's dependent on a clear definition of the usage of the Capital Stabilization Fund.

Commented [4]: The Finance Committee discussed this concept of "new growth in excess of 1%...shifting towards capital or reserves." There was a general agreement that this was perhaps too general of a statement. The cause of the new growth should be a factor in the usage of the funds.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom

WHETHER THIS BIG NEW GROWTH IS RESIDENTIAL (REQUIRING TOWN SERVICES) VS. LOW IMPACT / COMMERCIAL.

Economic downturns or unanticipated fiscal stresses may compel reasonable exceptions to the use of one-time revenue. In such cases, the Town Manager, in consultation with the Finance Director, can recommend its use for operational appropriations. Such use will trigger the Town Manager to develop a plan to avoid continued reliance on one-time revenues.

State laws impose further restrictions on how certain types of one-time revenues may be used. The Town will consult the following General Laws when the revenue source is:

- Sale of real estate: M.G.L. c. 44, §63 and M.G.L. c. 44, §63A
- Gifts and grants: M.G.L. c. 44, §53A and M.G.L. c. 53A½
- Bond proceeds: M.G.L. c. 44, §20
- Sale of moveable property: M.G.L. c. 44, § 53

This policy further entails the following expectations regarding revenues:

- The Assessing Department will maintain property assessments for the purpose of taxation at full and fair market value as prescribed by state law.
- Town departments that charge fees (Enterprise Funds and recreation programs, for example) shall annually review their fee schedules and propose adjustments when needed to ensure coverage of [ALL?] service costs [CLARITY ABOUT WHAT'S INCLUDED... CONCERN ABOUT SHIFTING 'FRACTIONAL' PEOPLE?... AT LEAST CLARITY IN REPORTING] and endeavor to generate retained earnings of 3-5% of prior year's enterprise fund budgets for towards asset maintenance / replacement.
- The Building Department will notify the Finance Director of any moderate-to-large developments that could impact building permit volume.
- Department heads will strive to be informed of all available grants and other aid and will carefully consider any related restrictive covenants or matching requirements (both dollar and level-of-effort) to determine the cost-benefit of pursuing them.
- Revenue estimates will be adjusted throughout the budget cycle as more information becomes available.

Commented [BS5]: Discussion about separating p around 'Enterprise Funds' and around recreation pr s.

Commented [6]: A clear definition of "service c would be helpful.

B. Expenditure Guidelines

Annually, the Town will determine a particular budget approach for forecasting expenditures, either maintenance (level service), level funded, or one that adjusts expenditures by specified increase or decrease percentages (either across the board or by department). A maintenance budget projects the costs needed to maintain the current staffing level and mix of services into the future. A level funded budget appropriates the same amount of money to each municipal department as in the prior year and is tantamount to a budget cut because inflation in mandated costs and other fixed expenses still must be covered.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom

C. Financial Forecast Guidelines

To determine the Town's operating capacity for each forthcoming fiscal year, the Finance Director will annually create and provide the Town Manager with a detailed budget forecast. The Finance Director shall also annually prepare a three-year financial projection of revenues and expenditures for all operating funds.

These forecasts shall be used as planning tools in developing the following year's operating budget as well as the five-year capital improvement plan.

To ensure the Town's revenues are balanced and capable of supporting desired levels of services, forecasts for property taxes, local receipts, and state aid shall be conservative based on historical trend analyses and shall use generally accepted forecasting techniques and appropriate data. To avoid potential revenue deficits, estimates for local receipts (e.g., inspection fees, investment income, license fees) should generally not exceed 90% of the prior year's actual collections without firm evidence that higher revenues are achievable.

Additionally, the forecast model should assume that:

- The Town will maintain its current level of services.
- Property taxes (absent overrides) will grow within the limits of Proposition 2½.
- New growth will be projected conservatively, considering the Town's three-year average by property class.
- The Town will annually meet or exceed the state's net school spending requirements.
- Local receipts and state aid will reflect economic cycles.
- The Town will pay the service on existing debt and adhere to its Debt Management policy.
- The Town will make its annual pension contributions and continue appropriating to its other postemployment benefits trust fund.
- The Town will build and maintain reserves in compliance with its Financial Reserves policy.

D. Reporting

Under Consideration: The Town financial results vs. forecast (REVENUES, AND EXPENSES) shall be reported out quarterly for the Select Board and public. (to investigate: how much work, what would we do with it?)

Commented [7]: How does this help to ensure operating budget captures all known/necessary maintenance/replacement items vs. CIP?

Commented [BS8R7]: FINCOM COMMENT CONC ENSURING THAT DEPARTMENTS DON'T NEGLECT FORECASTING/INCLUDING MAINTENANCE INTO THE OP BUDGETS, AND PERFORMING THE MAINTENANC

Note: Police cars (purchase/replace) are in Police D operating budget. But other departments not know include 'capital' in their budgets.

Commented [9]: Town Financial Policies should establish increased transparency and timely communications among all stakeholders as a m threshold. FinCom is often hurried through their mandatory process by delays in presenting info If even in draft form, early distribution to the Fin and others would alleviate bottlenecks and cont to future avoidance of incomplete information to Town and Warrant as has happened the last se years.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, [then incorporating feedback from Fincom](#)

OVERLAY

PURPOSE

To set guidelines for determining the annual overlay amount in the Town's budget and for deciding whether any overlay balance can be certified as surplus.

The allowance for abatements and exemptions, commonly referred to as the overlay, is an account whose purpose is to offset anticipated abatements and exemptions of committed real and personal property taxes. Effective December 7, 2016, the Municipal Modernization Act ([Chapter 218 of the Acts of 2016](#)) provides for a single overlay account. Previously, a community had to maintain separate overlay reserves for each fiscal year and could not use the surplus from one year to cover another year's deficit without a multistep process involving the assessors, accounting officer, and local legislative body. However, the Act allows all existing overlay balances to be transferred to a single account. Although this policy treats overlay as a single account, to continue historical information and facilitate reconciliations, the Town may elect to maintain subsidiary ledgers by levy year for overlay balances.

APPLICABILITY

This policy applies to the job duties of the Board of Assessors, Director of Assessing, Town Manager, and Finance Director.

POLICY

A. Annual Overlay

Each year, the Board of Assessors shall vote in an open meeting to authorize a contribution to the overlay account as part of the budget process and to raise it without appropriation on the Town's Tax Recap Sheet. The Principal Assessor will propose this annual overlay amount to the Board of Assessors based on the following:

- Current balance in the overlay account
- Five-year average of granted abatements and exemptions
- Potential abatement liability in cases pending before, or on appeal from, the Appellate Tax Board (ATB)
- Timing of the next certification review by the Division of Local Services (scheduled every five years under the Municipal Modernization Act) The Board of Assessors shall notify the Finance Director of the amount of overlay voted

B. Excess Overlay

Annually, the Finance Director and Director of Assessing will conduct an analysis to see if there is any excess in the overlay account by factoring the following:

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom

- Current balance in the overlay account after reconciling with the Town Accountant's records
- Balance of the property tax receivables, which represents the total real and personal property taxes still outstanding for all levy years
- Estimated amount of potential abatements, including any cases subject to ATB hearings or other litigation

Upon determining any excess in the overlay account, the Principal Assessor shall present the analysis to the Board of Assessors for its review.

C. Overlay Surplus

If there is an excess balance in the overlay account, the Board of Assessors shall formally vote in an open meeting to certify the amount to transfer to overlay surplus and shall notify the Town Manager and Finance Director in writing of its vote. If the Town Manager makes a written request for a determination of overlay surplus, the Board of Assessors shall vote on the matter within the next 10 days and notify the Town Manager and Finance Director of the result in writing. 30 days In advance of the annual Tax Classification Hearing, the Select Board shall request an update from the Board of Assessors on the balance of the overlay account.

Commented [10]: A specification of "XX days before the Tax Classification Hearing" for reporting of the balance would help to clarify the process.

After being certified, Town Meeting may appropriate overlay surplus for any lawful purpose until the end of the fiscal year. However, the appropriation should be as prescribed in the Town's Forecasting policy (re: treatment of one-time revenues) and its Financial Reserves policy (re: overlay surplus). Overlay surplus not appropriated by year-end closes to the General Fund's undesignated fund balance.

Commented [11]: We would just like to emphasize here that the balance of the overlay account should be reported annually. This is a slow/med growth area so it should not be a "surprise" when the balance grows to a significant amount.

DRAFT

Attachment6.b: 2021-10-27-incorporateFinCom Feedback - Select Board Financial Policies (4890 : Discussion and possible vote on finalization

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom

DEBT MANAGEMENT

PURPOSE

To provide for the appropriate issuance and responsible use of debt, this policy defines the parameters and provisions governing debt management. Policy adherence will help the Town to responsibly address capital needs, provide flexibility in current and future operating budgets, control borrowing, and maintain capital investment capacity. This policy is also intended to maintain and enhance the town's bond rating so as to achieve long-term interest savings.

APPLICABILITY

This policy applies to the Town Manager, Select Board, Sudbury Public School Committee, and Finance Committee in their budget decision making and in the Finance Director's debt reporting. It also applies to the Finance Director's budget analysis duties and statutory responsibilities associated with debt management, in their. ~~Additionally, in the~~ role as Treasurer/Collector, the ~~statutory responsibilities associated with debt management.~~

Commented [12]: Incomplete sentence?

POLICY

Under the requirements of federal and state laws, the Town may periodically issue debt obligations to finance the construction, reconstruction, or acquisition of infrastructure and other assets or to refinance existing debt. The Town will issue and manage debt obligations in such a manner as to obtain the best long-term financial advantage and will limit the amount of debt to minimize the impact on taxpayers. Debt obligations, which include general obligation bonds, revenue bonds, bond anticipation notes, lease/purchase agreements, and any other debt obligations permitted to be issued under Massachusetts law, shall only be issued to construct, reconstruct, or purchase capital assets that cannot be acquired with current revenues.

A. Debt Financing

Debt may be financed either within the levy, or beyond the levy (a debt exclusion which requires a Proposition 2 ½ voter referendum).

In financing with debt, the Town will:

1. Issue long-term debt only for objects or purposes authorized by state law and only when the financing sources have been clearly identified.
2. Use available funds as appropriate to reduce the amount of borrowing on all debt-financed projects.
3. Confine long-term borrowing to capital improvements and projects that cost at least \$100,000 and that have useful lifespans of at least ten years or whose lifespans will be prolonged by at least ten years.
4. Restrict debt exclusion borrowing to proposals which meet all three of these criteria:
 - (1) useful life of 20 years or more
 - (2) estimated cost of the principal payment in the first year of the debt issuance greater than 0.5% of the prior year's General Fund revenue. This criterion

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, [then incorporating feedback from Fincom](#)

applies after target level for in-levy debt of 3% is initially achieved, as per Section B. Debt Limits and Targets Item 3.

(3) the expenditure is either for town-owned land, buildings, or infrastructure or for a LSRHS capital assessment.

5. Refrain from using debt to fund any recurring purpose, such as current operating and maintenance expenditures.
6. The policy of the Select Board shall be to include sufficient debt capacity within the levy, such that capital items can be more predictably funded.
7. As debt within the levy decreases annually, this amount shall be used for capital, future debt, or set aside for future capital.

B. Debt Limits and Targets

The Town will adhere to these debt parameters:

1. Total annual debt service, including debt exclusions and any self-supporting debt, shall be limited to 10% of General Fund revenues, with a reasonable range of 5-7%.
2. As dictated by state statute MGL ch 44 section 10, the Town's debt limit shall be 5% of its most recent equalized valuation.
3. The Town shall endeavor to gradually and consistently pursue future debt issuances financed by within-levy dollars with a target of 3% of prior year's General Fund budget.

C. Structure and Term of Debt

The following shall be the Town's guidelines on debt terms and structure:

1. The term of any debt shall not exceed the expected useful life of the capital asset being financed and in no case shall it exceed the maximum allowed by law.
2. The Town will limit bond maturities to no more than 10 years, except for major buildings, water and water facility projects, land acquisitions, and other purposes in accordance with the useful life borrowing limit guidelines published by the Division of Local Services (DLS).
3. For non-excluded debt the Town will generally choose terms less than 20 years and structure as level principal payments, so that over time the annual debt payment goes down, opening up capacity for future capital.
4. Any vote to authorize borrowing will include authorization to reduce the amount of the borrowing by the amount of the net premium and accrued interest.
5. The Town will work closely with its financial advisor to follow federal regulations and set time frames for spending borrowed funds to avoid committing arbitrage, paying rebates, fines and penalties to the federal government, and jeopardizing any debt issuance's tax-exempt status.

D. Bond Refunding

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, [then incorporating feedback from Fincom](#)

To achieve potential debt service savings on long-term debt through bond refunding, the Town will:

1. Issue debt with optional call dates no later than 10 years from issue.
2. Analyze potential refunding opportunities on outstanding debt as interest rates change.
3. Use any net premium and accrued interest to reduce the amount of the refunding.
4. Work with the Town's financial advisor to determine the optimal time and structure for bond refunding.

E. Protection of Bond Rating

To protect its bond rating, the Town will:

1. Maintain good communications with bond rating agencies, bond counsel, banks, financial advisors, and others involved in debt issuance and management.
2. Follow a policy of full disclosure on every financial report and bond prospectus, including data on total outstanding debt per capita, as a percentage of per capita personal income, and as a percentage of total assessed property value.
3. The Town will not rely on reserves to sustain operating deficits. Use of such reserves will be limited to helping the Town deal with short-term or emerging financial stress, but then the Town will either reduce spending to within the limits of recurring revenues, or seek approval for additional revenues from the voters of the Town.
4. The Town will not defer current costs to a future date. This includes costs such as pension costs or benefits costs. From time to time, the State offers municipalities the option of deferring payments to their pension system, or other costs, as a short-term way of balancing a fiscal year's budget. However, it is the intention of the Town of Sudbury not to rely on these options.
5. The Town will follow the policies as outlined in this policy statement.

F. Reporting

1. The Town's Annual Town Report, Town Manager's Budget Request and Annual Town Meeting Warrant will give comprehensive summaries of the debt obligations of the Town.
2. The Finance Director will include an indebtedness summary as part of a report on receipts and expenditures in Sudbury's Annual Town Report.
3. The Finance Director, with the Town's financial advisor, will file the annual audit and official disclosure statement within 270 days of the end of the fiscal year.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, [then incorporating feedback from Fincom](#)

INVESTMENTS

PURPOSE

To ensure the Town's public funds achieve the highest possible, reasonably available rates of return while following prudent standards associated with safety, liquidity, and yield, this policy establishes investment guidelines and responsibilities. It is further designed to comply with the Governmental Accounting Standards Board's recommendation that each community disclose its key policies affecting cash deposits and other long-term investments to ensure they are managed prudently and not subject to extraordinary risk.

APPLICABILITY

This policy pertains to short-term operating funds, including general funds, special revenue funds, bond proceeds, capital project funds, and to all accounts designated as long-term (e.g., trusts, stabilization funds, other postemployment benefits trust fund (OPEB), and others the Town may set aside for long-term use, including scholarship and perpetual care funds). It does not pertain to the Town's retirement fund, which is managed by the Middlesex County Retirement Board. This policy applies to the Finance Director, in the role as Treasurer, his or her designee(s), and any advisors or other professionals in their responsibilities for investing and managing Town funds.

POLICY

[In consultation with the Town's Financial Advisor,](#) The Finance Director shall invest funds in a manner that meets the Town's daily operating cash flow requirements and conforms to state statutes governing public funds while also adhering to generally accepted diversification, collateralization, and the prudent investment principles regarding safety, liquidity, and yield. The Finance Director will report investment performance to the Select Board each August. Additionally, they will report any deviation from the investment policy to the Select Board. [\(Other language from JD?\)](#)

See additional details in the Town of Sudbury Investment Policy (TODO: ADD DOC TO WEBSITE AND LINK) document as well as the [Town of Sudbury CPA Investment Policy](#) document.

Commented [13]: Is there an Investments Adv group?

Commented [BS14R13]: The Town has a Financial Advisor. We think (confirm) See POLICY section edit below...

Commented [BS15]: Note: we have proposed a s on Reporting, in the Forecasting policy...

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom

CAPITAL ASSETS

PURPOSE

To ensure Sudbury's capital assets can cost-effectively sustain the town's desired service levels into the future.

APPLICABILITY

This policy applies to the Town Manager as the Town's chief budget decision maker. It also applies to the job responsibilities of the Finance Director, School Superintendent, School Business Manager, Select Board, Sudbury Public School Committee, and Finance Committee.

Capital Assets are defined as the community-owned collection of significant, long-lasting, and expensive real and personal property used in the operation of government, including land and land improvements; infrastructure, such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and equipment. In order to be included in Sudbury's Capital Improvement Program, Capital Assets must cost \$20,000 or more and have a useful life of 5 or more years. Items or improvements that do not meet this threshold should be included within the Town's operating budget.

POLICY

A. Capital Improvement Plan

The Town Manager shall maintain an inventory of all Town 'capital assets'. The Town Manager will update and adopt annually a five-year capital improvement plan ("CIP"), including the upcoming annual capital improvement budget ("CIB") and a four-year projection of capital needs and expenditures, which details the estimated cost, description and anticipated funding sources for capital projects. The CIP should govern projects undertaken either to build, buy, expand or replace a long-life asset or to an asset's condition beyond its original state of quality, efficiency, or useful life expectation.

Annually, the minimum level of capital spending the town should target year to year should be equivalent to 6% of the prior year's General Fund budget, endeavoring to draw equally equally from within-levy debt and cash capital sources. The chosen ratio of cash capital vs. in-levy debt used to fund capital may vary based on available cash capital, interest rates, and other factors.

The 6% target shall guide how much capital spending can be planned in each year of the CIP.

1. The Town Manager shall establish criteria to determine capital asset prioritization, including but not limited to:
 - mitigation of safety hazards
 - legal compliance

Commented [BS16]: from FINCOM: The MA Municipal Association suggests maintain information-rich, comprehensive, integrated, and readily accessible asset inventory to use in planning. The MMA Finance Committee Handt suggests a good set of asset attributes to include following:

- i. Location
- ii. Age
- iii. Useful life
- iv. Condition
- v. Original cost
- vi. Current value
- vii. Maintenance and operating costs
- viii. Type and extent of use
- ix. Depreciation – method and balance
- x. Estimated replacement costs
- xi. Any proposed date for rehabilitation or replacement

Commented [17]: There seems to be some confusion on the 6%.

Is this implying that 3% must be within-levy and must be from cash capital sources?

What if there isn't a project(s) to support 3% within-levy debt?

Specifying that the 6% must be "drawn equally" from sources seems too specific and not necessarily feasible.

Furthermore, why set the "minimum level" to 6% if there aren't projects to do, then why would we require ourselves to spend money? Wouldn't a 6% "target" be a better choice?

Clarify (list) definitions for terms used, i.e., Cash Capital - perhaps add a Glossary appendix

Attachment 6.b: 2021-10-27-incorporateFinCom Feedback - Select Board Financial Policies (4890) : Discussion and possible vote on finalization

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom

- ADA compliance (Americans with Disabilities Act)
- operating cost reduction
- service or efficiency improvement
- availability of outside funding sources
- conformance to asset replacement schedule
- contributing to execution of Master Plan
- enhancement of quality of life

2. Annually, the Town Manager shall request 5 and 15 year capital plans from Town Department Heads, SPS, and LSRHS. The Town's obligation per the LSRHS agreement shall be factored into the Town CIP.

3. The Town Manager shall consult in consultation with Department Heads, SPS, and LSRHS, shall annually regarding update the composition and prioritization of the 5 and 15 year capital plans and create an ordered list sorted by urgency score, with appropriate justification (identifying criteria and which department it supports).

3.4. A Capital Project Submission Sheet shall be required for every item listed on the five-year CIP.

4.5. The CIP shall not include items that cost less than \$20,000 or have a useful life of less than 5 years. Items that do not meet this threshold should be included within the Town's operating budget.

5.6. Alongside the CIP prioritization, potential Funding Sources shall be identified. Wherever possible, funding sources should be derived from 'cash capital' and within levy debt funding options. Funding sources for capital may include:

- Community Preservation Act (CPA) funds (if eligible; Open Space, Recreation, Historic)
- Town Manager's Capital Budget (items <\$100K)
- New growth dedicated to capital
- Capital Stabilization Fund
- Special-purpose stabilization funds
- Free Cash
- In-levy Debt
- Dedicated revenue sources (i.e. Sewataro revenue share).
- Capital Exclusion
- Debt Exclusion
- Grants

-7. Capital Items which are CPA-eligible and prioritized for the upcoming budget year (i.e. to be included in the CIB) must be locked down and presented to the CPC according to their application/evaluation timeline. [EXAMPLE... LS FIELD NOT PRESENTED TO CPC IN FALL 2019 OR FALL 2020. TOWN HAD NO CHOICE BUT TO USE FREE CASH].

6.8. The Town will emphasize preventive maintenance as a cost-effective approach to infrastructure maintenance. Exhausted capital goods will be replaced as necessary.

Commented [18]: Is this consistent in approach Do we look at 10 years (vs. 15) elsewhere? Are there limiting factors here to consider i.e., the LSRHS RMA agreement? Are we using the same template for capturing a Capital across the 3 cost centers and all depart If now, why? How do we know that we have a complete picture of Capital needs; that Dept. maintenance/replacement dollars and small spend plus the CIP captures 100% of our needs?

We have inconsistencies and limited data present regarding amortization/depreciation of assets to inform budget and CIP spend requirements. This should be corrected and sustained via the new

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Arial, Font color: Black

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0.5" + Indent at: 0.75"

Commented [19]: What is the origin of the \$20 limit?

Commented [BS20R19]: From conversation and into how to define 'capital'

Commented [21]: Can the approach be defined: how funding sources are sought for various projects

i.e., Project A seeks source 1a, if available then 1b ...? If not avail then what's the next source (2)

In particular consider CPC and other significant sources.

Formatted: Font: (Default) Calibri

Formatted: List Paragraph, Border: Top: (No border), Bottom: (No border), Left: (No border), Right: (No border), Between : (No border)

Formatted: Font: (Default) Arial, Font color: Black

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECCOMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom

7-9. The CIP shall not include items deemed to be departmental maintenance. Rather, such smaller, shorter life maintenance items should be included in departmental budgets.

8. ~~Annually, the Town shall request LSRHS's 5 and 15 year capital plans. The Town's obligation per the LSRHS agreement shall be factored into the Town CIP.~~

B. Risk Management

- 1. The Town will maintain an effective risk management program that provides adequate coverage, minimizes losses, and reduces costs.
- 2. The Town will annually work with the Town's insurance carrier to update all listings of Town owned assets and the value and condition of such covered assets.

C. Reporting

- 1. Annually by December 31st, the 5 year capital improvement plan shall be posted and accessible for public view on town website for public review at all times, reflecting updates for any changes made. The Capital Project Submission Sheet for each project on the 5 year CIP shall be posted and linked from the CIP.
- 2. ~~The Town Manager will submit a capital program annually to the Capital Improvement Advisory Committee (CIAC). The proposed program will detail each capital project, the estimated cost, description and funding. The Town Manager will submit CPA-eligible projects under consideration for the CIB to the the Community Preservation Committee by October 15.~~
- 3. The Town Manager shall submit Town Meeting articles for the CIB by January 31st.
- 4. The Select Board shall report all requests for capital appropriations to the Finance Committee on or before February 5. (Bylaws Article IV Section 5).
- 5. The Town Manager shall coordinate, by February 5, the timely distribution of the CIB, CIP, and associated Capital Project Submission Sheets to the Select Board, CIAC, and Finance Committee and other stakeholders. ~~The proposed program will detail each capital project, the estimated cost, description and funding .~~ They will also solicit and coordinate receipt of questions in advance of a joint meeting of the above-mentioned boards, committees, and commissions. This joint meeting shall occur on or before ~~March 4~~ February 15.
- 6. The Town Manager will present ~~the components of the CIB, in the form of Town Meeting Articles,~~ for approval at the Annual Town Meeting (generally the 1st Monday in May).

Commented [22]: What is the impact of this change? Is there an acknowledgement that op budgets need to increase in order to achieve this? How will any increases be determined?

Commented [23]: Is this consistent in approach Do we look at 10 years (vs. 15) elsewhere? Are there limiting factors here to consider i.e., th LSRHS RMA agreement? Are we using the same template for capturing a Capital across the 3 cost centers and all depart If now, why? How do we know that we have a complete pictu Capital needs; that Dept. maintenance/replacel dollars and small spend plus the CIP captures 1 our needs?

We have inconsistencies and limited data prese regarding amorization/depreciation of assets to inform budget and CIP spend requirements. Th should be corrected and sustained via the new

Commented [24]: Quarterly reporting of status capital projects is suggested. Furthermore, for inclusion of the KPI process would be recomme as well.

Commented [BS25]: Have an honest discussion, work? Intention is that the result of prioritizations rough 5 (FIVE) year plan is updated by Dec 31. Ref of the 1 (ONE) year CIB (budget) continues into Jan

Commented [26]: Should the TM also submit t capital program to the Finance Committee? Th is only concerned with larger cost projects. The Finance Committee takes a comprehensive loo projects.

Commented [27]: A clear definition of "timely distribution" would be helpful. A date would hel

Formatted: Not Highlight

Commented [28]: Clarification -- What is the fo the approval? As it is now, the TM Capital Bud town meeting article. And others are separate articles. Is this statement meant to change that

Attachment6.b: 2021-10-27-incorporateFinCom Feedback - Select Board Financial Policies (4890) : Discussion and possible vote on finalization

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, [then incorporating feedback from Fincom](#)

OTHER POSTEMPLOYMENT BENEFITS LIABILITY (OPEB)

PURPOSE

To provide the basis for a responsible plan for meeting the Town's obligation to provide other postemployment benefits (OPEBs) to eligible current and future retirees. This policy provides guidelines designed to ensure OPEB sustainability and achieve generational equity among those called upon to financially support OPEBs, thereby avoiding transferring costs into the future.

APPLICABILITY

This policy encompasses OPEB-related budget decisions, accounting, financial reporting, and investment.

BACKGROUND

In addition to salaries, the Town of Sudbury compensates employees in a variety of other forms. Many earn benefits over their years of service that they will not receive until after retirement. A pension is one such earned benefit. Another is a set of retirement insurance plans for health, dental, and life. These are collectively referred to as other postemployment benefits or OPEBs.

OPEBs represent a significant liability for the Town that must be properly measured, reported, and planned for financially. As part of a long-range plan to fund this obligation, the Town established an OPEB Trust Fund, which allows for long-term asset investment at higher rates of return than those realized by general operating funds.

POLICY

The Town of Sudbury is committed to funding the long-term cost of the benefits promised its employees. To do so, the Town will accumulate resources for future benefit payments in a disciplined, methodical manner during the active service life of employees. The Town will also periodically assess strategies to mitigate its OPEB liability. This involves evaluating the structure of offered benefits and their cost drivers while at the same time avoiding benefit reductions that would place undue burdens on employees or risk making the Town an uncompetitive employer.

A. Accounting and Reporting

The Finance Director will obtain actuarial analyses of the Town's OPEB liability every two years and will annually report the Town's OPEB obligations in financial statements that comply with the current guidelines of the Governmental Accounting Standards Board.

The Town Auditor shall ensure that the Town's independent audit firm reviews compliance with the provisions of this policy as part of its annual audits.

B. Mitigation

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF AUGUST 2, 2021, then incorporating feedback from Fincom

On an ongoing basis, the Town will assess healthcare cost containment measures and evaluate strategies to mitigate its OPEB liability. The Finance Director shall monitor proposed laws affecting OPEBs and Medicare and analyze their impacts. The Human Resources Director shall regularly audit the group insurance and retiree rolls and drop any participants found to be ineligible based on work hours, active Medicare status, or other factors.

C. Funding

To address the OPEB liability, decision makers shall analyze a variety of funding strategies and subsequently implement them as appropriate with the intention of fully funding the obligation. The Town shall derive funding to invest in the OPEB trust from taxation, free cash, and any other legal form.

DRAFT

Attachment6.b: 2021-10-27-incorporateFinCom Feedback - Select Board Financial Policies (4890 : Discussion and possible vote on finalization

Select Board members: Your efforts, along with Dennis, have produced a very solid product, thank you!

I solicited input from the Department Heads and have this for your consideration and follow-up with Dennis, regarding the Draft Financial Policies review.

REQUESTED CHANGES

Page 4-5: Free Cash. 8/15 is too early to submit. August 15 is a generally unrealistic date to submit free cash for approval to DOR. This year free cash was submitted on Sept. 13, which is still somewhat on the early side. I believe Dennis intends to address this with you. Free Cash can't be submitted before the year is closed, and there are many responsibilities that may make 8/15 unsustainable as an attainable annual goal.

Page 17: Town Manager's Capital Budget should be: items less than \$100,000 in one year; less than \$200,000 over multiple years; and last more than 5 years.

- Town Manager's Capital Budget (**items less than \$100,000 in one year; less than \$200,000 over multiple years; and last more than 5 years**) → expand the description as indicated

Page 19: OPEB Paragraph 3: we do not pay towards dental in retirement. Retirees can keep the plan but they pay 100%

BACKGROUND

In addition to salaries, the Town of Sudbury compensates employees in a variety of other forms. Many earn benefits over their years of service that they will not receive until after retirement. A pension is one such earned benefit. Another is a set of retirement insurance plans for health, **dental**, and life. These are collectively referred to as other postemployment benefits or OPEBs.

- Remove reference to dental.

COMMENT

DPW: "I would like to see if there is a method of including some dollar amount for vehicle replacement as an operating capital line item in the DPW budget. Therefore eliminating the need to always bring items to Town meeting particularly for replacement of an existing vehicle."

- **Dennis is equipped to speak to you on this**, however, there is a marked difference in DPW vehicles and Police, primarily the service/use life. Police vehicles are typically 3-year assets, so the approach for them is different. DPW vehicles last more than 5 years.

I greatly appreciate the opportunity for the professional staff to review and contribute comments/enhancements to the Policy draft.

Respectfully, Henry

Memo to Select Board regarding DLS report and Financial Policies Manual
Notes from CIAC meetings 8/30/21, 9/21/21

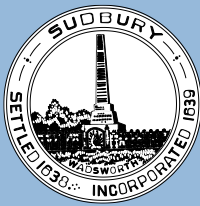
Items to be expanded on or included in Policies:

The purpose of the CIAC is to vet and research the capital items presented by the Departments.

- To better serve the Town of Sudbury, the CIAC requests that all departments submit a summary of projects brought to the committee for evaluation. This allows the group to apply lessons learned from similar projects and have a historic project information to make more informed evaluations. Each department should be responsible for providing a “subsequent year(s)” summary as to the progress of capital items that have been approved by the Town. The format should be a presentation and/or a written report on the follow-up on status of items purchased, project completion, etc. If something is delayed, that should also be noted.
- The efficiency of the joint Select Board/CIAC/Finance Committee needs to be addressed. Prior to this meeting, the CIAC will have heard presentations from the Department Heads and will have reviewed and opined on the capital items and projects. The CIAC should present its report at a joint meeting to the Select Board and Finance Committee, where the Department Heads and CPC representatives will also be present. Questions can be asked of the CIAC and/or the Department Heads. This will prevent redundancy in presentation time and will utilize the expertise and research done by the CIAC. At the same meeting, the Town Manager can present his Capital Budget.
- The Capital and Turf Stabilization Funds are good vehicles to fund capital projects. However, it is necessary to clearly define how and when these funds are to be funded, whether through the collection of fees or from the Town or a combination of both. The Turf Stabilization Fund should include the Town of Sudbury portion of the LS fields. Its fee structure should be well defined and have clear funding goals to meet the needs of turf replacements, without having to go to the Town for additional funds. The present LS turf field agreement should be reviewed and the responsible parties should be well defined to meet this goal.
- The CIAC supports the recommended policy that Sudbury should target a minimum capital project funding of 6% of the budget. We agree the funding should be a combination of free cash, using debt service within the levy, fees, the Capital Stabilization Fund and appropriations within the levy; we should avoid using capital exclusions and debt exemptions whenever possible.

We thank the Policies and Procedures Review Subcommittee, and the Select Board, for their time and effort in creating this document.

Respectfully submitted,
Capital Improvement Advisory Committee



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

MISCELLANEOUS (UNTIMED)

7: Peakham Road speed limits

REQUESTOR SECTION

Date of request:

Requestor: Chair Roberts

Formal Title: Discussion on whether to take up for consideration resident petition to reduce N. Peakham Road speed limit to 25 mph; also possible vote to release related Town Counsel opinion requested by Police Chief Scott Nix (~15 min.)

Recommendations/Suggested Motion/Vote:

Background Information:

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
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM

Re: Reducing the Posted Speed Limit of 35 mph zone on Peakham Rd. to 25 mph

To: SUDBURY SELECT BOARD

C/O Patty Golden, Sr. Admin. Assistant to Town Manager

Via email: selectboard@sudbury.ma.us

Sudbury, MA 01776

Relief Requested

In the interests of public safety, I ask the Select Board of the Town of Sudbury to move to:

- A) Amend the 2008 Traffic Rules and Regulations, Article IX – Special Speed Regulation No. 7471 (copy attached) so that the posted speed limit of 35 miles per hour zone on that certain portion of Peakham Road, Sudbury, MA be changed by reducing the posted speed limit to 25 miles per hour;
- B) Authorize and direct the applicable authority or authorities having jurisdiction over such matters to cause the street speed limit signs on Peakham Road to be changed to reflect a posted speed limit of 25 miles per hour; and
- C) What other and further relief as may be necessary and appropriate to effectuate the matters in paragraphs A and B above.

Summary of Grounds For Relief Requested

Currently, there are two (2) speed limit zones on Peakham Road (a public way of approximately 3 miles in length):

- 25 mph for approximately 2.16 miles beginning at Peakham Rd. and Route 20, thense northerly on Peakham to the vicinity of Brooks Road (Private Way) and Blueberry Hill Road;
- 35 mph for approximately 0.74 miles continuing on Peakham Rd and ending at Route 27.

I have attached a GIS map depicting Peakham Road and roughly showing the two speed limit zones along its length.

For reasons which I would like to elaborate on at a public hearing before the Select Board, I believe motor vehicle traffic safety on Peakham Rd. has deteriorated in the thirteen (13) years since the Special Speed Regulation was approved by the Select Board. Reasons include:

1. **Increased courier deliveries by UPS, Amazon, FedEx; which in my opinion wrongly park their large delivery vans in the streets, near stop signs, bends in the road, etc. all of which creates line of sight hazards with oncoming traffic and pedestrians.**

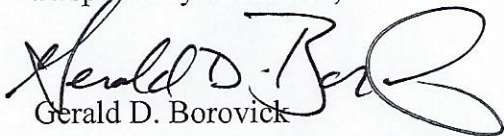
2. **Children walking/biking along Peakham to come and go from Noyes Elementary School and Curtis Middle School.**
3. **Increased population of elderly in town – walking/biking along Peakham. A Sudbury Transportation Committee Report dated 2018 shows the demographic change reflecting an increase in Town population including a 33% increase in residents 60 years and older from 2010 to 2017.**
4. **Peakham is a cut-through roadway during commuting hours to bypass US Route 20.**
5. **That segment of Peakham is subject to dangerous solar glare in the Spring and Fall at times when there is a confluence of heavy commuter traffic and children walking to school.**
6. **Distracted driving: Too many motor vehicle operators apparently oblivious to the prohibition of holding a mobile electronic device while driving – a serious automobile law violation.**

I suggest that the Town agrees with the import of this request because the Town has recently installed removable speed warning signs for the protection of pedestrians in cross walks crossing Peakham at Forrest Street and the intersection of Peakham and Old Lancaster.

Support of Residents Subject to the 35 MPH Zone on Peakham Rd.

I would like to include with my petition for consideration by the Select Board, letters of support from inhabitants of the Town of Sudbury residing along that segment of Peakham Road which is currently posted the 35 mph zone. I anticipate receiving the letters of support in the coming weeks which I would include to supplement this petition. I believe, in addition to the arguments here and at any public hearing with the supports establish by substantial evidence that this petition should be allowed as it is consistent with the public interest and public safety.

Respectfully submitted,


Gerald D. Borovick

Residing at: 384 Peakham Rd., Sudbury, MA

Dated: Sept. 1, 2021

TOWN OF SUDBURY

SPECIAL SPEED REGULATION NO. 7471

Highway Location: SUDBURY
Authority in Control: TOWN OF SUDBURY
Name of Highway: LANDHAM ROAD - PEAKHAM ROAD
HORSE POND ROAD - DUTTON ROAD

In accordance with the provisions of Chapter 90, Section 18, of the General Laws (Ter. Ed.) as amended, the following Special Speed Regulation is

hereby ~~Adopted~~
by the Board of Selectmen
of the Town of Sudbury

That the following speed limits are established at which motor vehicles may be operated in the areas described:

LANDHAM ROAD - NORTHBOUND

Beginning at the Framingham Town Line thence northerly on Landham Road
1.29 miles at 35 miles per hour
0.08 miles at 25 miles per hour ending at Route 20;
the total distance being 1.37 miles.

LANDHAM ROAD - SOUTHBOUND

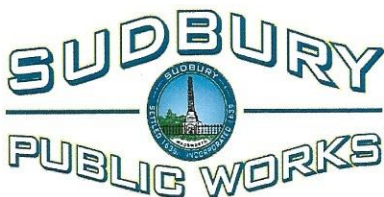
Beginning at a point 130' from Route 20 thence southerly on Landham Road
1.35 miles at 35 miles per hour ending at the Framingham Town Line; the total distance being 1.35 miles.

PEAKHAM ROAD - NORTHBOUND

Beginning at a point 60' from Route 20 thence northerly on Peakham Road
2.16 miles at 25 miles per hour
0.74 miles at 35 miles per hour
0.06 miles at 25 miles per hour ending at Route 27;
the total distance being 2.96 miles.

PEAKHAM ROAD - SOUTHBOUND

Beginning at Route 27 thence southerly on Peakham Road
0.80 miles at 35 miles per hour
2.17 miles at 25 miles per hour ending at Route 20;
the total distance being 2.97 miles.



ENGINEERING • HIGHWAY • PARKS & GROUNDS • TRANSFER STATION • TREES & CEMETERY

275 Old Lancaster Road, Sudbury, MA 01776 T: (978) 440-5421 F: (978) 440-5404
Daniel F. Nason, Director

May 25, 2021

Mr. Gerald Borovick
384 Peakham Road
Sudbury, MA 01776

Re: Speed Limit Signage on Peakham Road.

Dear Mr. Borovick:

Thank you for your inquiry regarding speed limit signs on Peakham Road in the vicinity of Brooks Road (Private Way) and Blueberry Hill Road.

Upon review of the Town's 2008 Traffic Rules and Regulations, Article IX – Special Speed Regulations, Peakham Road contains a 35 mph zone between Hudson Road and Blueberry Hill Road. The remainder of Peakham Road is a 25 mph zone between Blueberry Hill Road and Boston Post Road (Route 20).

While this document is not currently posted on the Town's website I would be happy to email it to you. You can reach me at orourke@sudbury.ma.us. Page 25 of this document contains the information justifying the current signage on Peakham Road. I have attached it to this letter for your information.

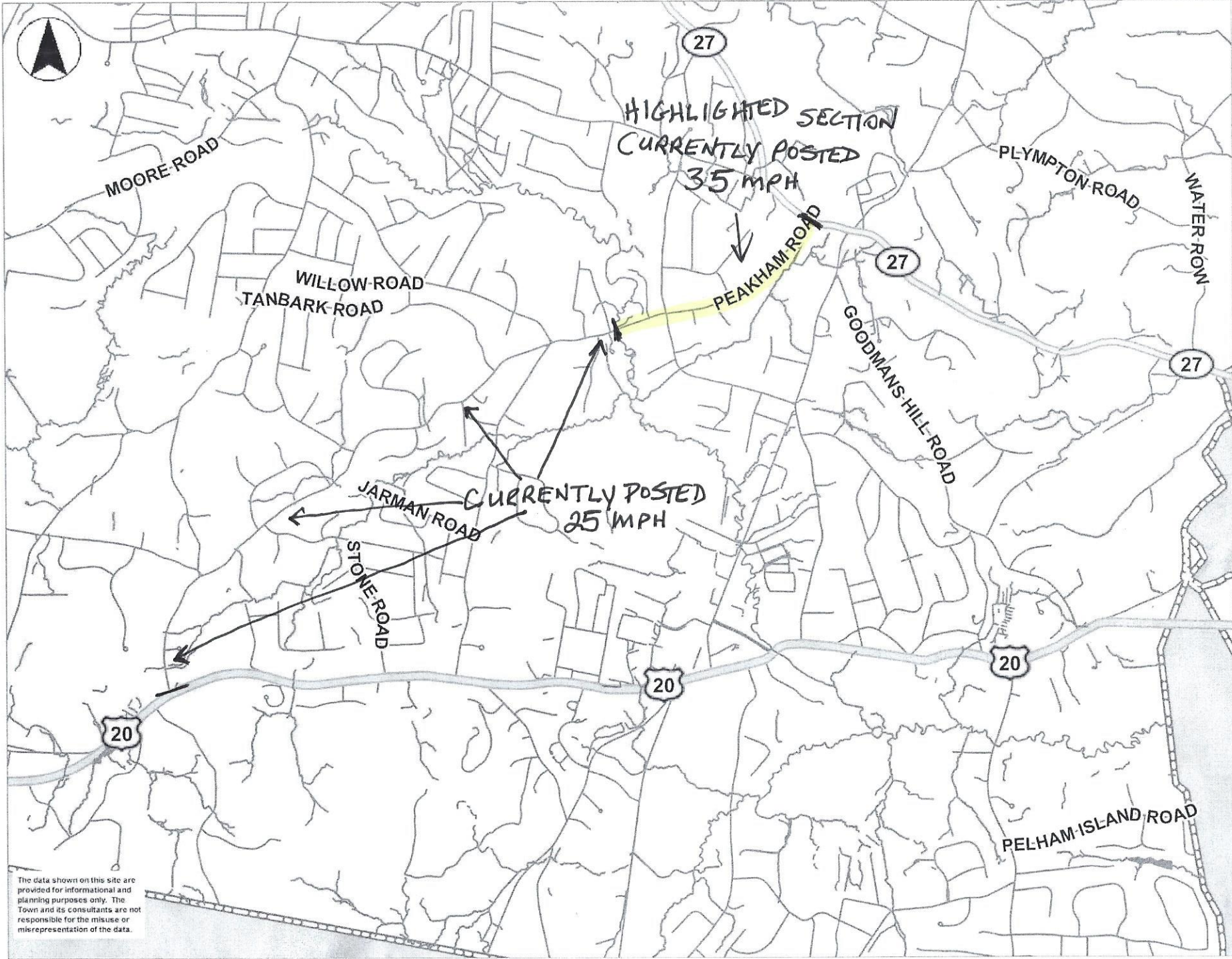
At this time we will be maintaining the speed limit signs in placed along Peakham Road with no changes.

Sincerely,

William F. O'Rourke, P.E.
Town Engineer/DPW Deputy Director

Attachment:

Attachment 7.a: Sudbury Select Board Petition to reduce Peakham Rd 35 MPH speed zone (4925 : Peakham Road speed limits)



- Bridges
- Driveways
- Parking Lots
- Medians
- Sidewalks
- Curbs
- Roads
 - Paved Roads
 - UnPaved Ro.
- Parcels
- Streams Ortho
- Streams CIR
- Lake/Reservoir
- Buildings
- MA Highways
 - Interstate
 - US Highway
 - Numbered R
- Town Boundary
- Streets

Attachment 7.a: Sudbury Select Board Petition to reduce Peakham Rd 35 MPH speed zone (4925 :

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 3200 6400 ft

Printed on 08/31/2021 at 11:50 AM

To: Sudbury Select Board

Fr: Gerry Borovick, Peakham Rd., Sudbury

Re: Letters supporting petition to reduce posted speed limit of 35 mph zone on Peakham Rd. to 25 mph

Name Address Comments

Scott, Frederick	489	
West, Maria	490	Peakham Rd. is a Speedway.
Faecher, Alison	510	
Hale, Thomas	511	
Otano, Liza & Molina, Juan	521	
Santomenna, Beth	527	
Harrington, Karla	531	
Auerbach, Lee & Chamberlain, Ken	534	
Blake, Zack & Cate	546	
Weisman, Alisha	554	
Doerr, Andrew & Brianna	559	
Carey, Matthew & Taryn	560 560	As parents of a 3 year old on the bend of this high speed section . . . With limited distance sight [thanks] to protect daughter and others. We regularly watch vehicles speed around the blind bend significantly over the posted, already too high, speed limit and put everyone at risk.
Shuckerow, Nichole	564	
Gillis, Shirley	568	
Zurn, Derek	574	In part: Peakham is high volume a pass through and has tons of walkers to and from Curtis.
Huston, Arthur & Mara	578	Also ask for speed bumps.
Bond, John	586	

Attachment 7.b: Gerry_Borovick_Peakham_Rd_speed_limit_redact (4925 : Peakham Road speed limits)

Ensley, Michael & Laurie	598	
Bookas, Debrah	602	
Newman, Nichole & Nusinow, David	610	
Muri, Linda	623	

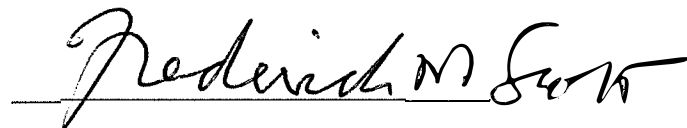
Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed

Print name and address:

Frederick M. Scott
489 Peakham Road
Sudbury, MA 01776

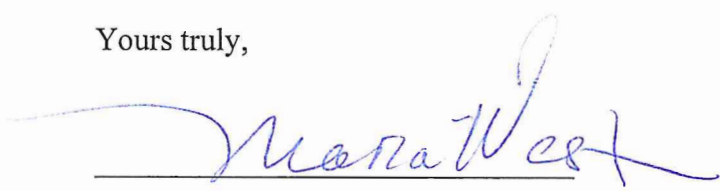
Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed

Print name and address:

MARIA WEST
490 Peakham Rd.
Sudbury, MA

Peakham Rd is a SPEEDWAY

Thank you, Gerry!

Attachment7.b: Gerry_Borovick_Peakham_Rd_speed_limit_redact (4925 : Peakham Road speed limits)

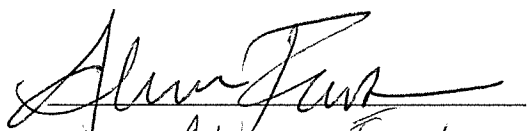
Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed Alison Faecher

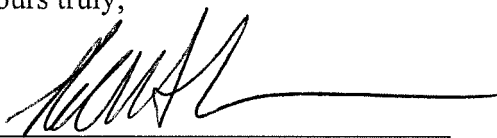
510 Peakham Road, Sudbury Ma 01776

Print name and address:

Letter of Support
Selectboard
Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed

Print name and address:

Thomas Hale
511 Peakham Rd.

Attachment7.b: Gerry_Borovick_Peakham_Rd_speed_limit_redact (4925 : Peakham Road speed limits)


Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed

Print name and address:

Beth Santomenna
527 Peakham Rd
Sudbury

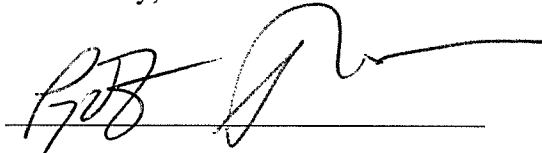
Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed

Print name and address:

Liza Otano + Juan C. Molina
521 Peakham Rd
Sudbury, MA 01776

Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed

L.J. Harrington + Karla Harrington

Print name and address:

531 Peakham Rd

Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,

Lee Regal Auerbach

Signed

Lee Regal Auerbach

Print name and address:

534 Peakham Rd
Sudbury, Mass.

Ken Chamberlain

Kennard A. Chamberlain

Letter of Support
Selectboard
Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed 

Print name and address:

Zack Blake
Cate Blake
546 Peakham Rd

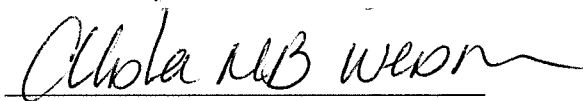
Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed

Print name and address:

Alisha Weisman
554 Peakham Rd
Sudbury, MA
01774

Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed

Print name and address:

Andrew and Brianna Daerr
559 Peakham Rd.

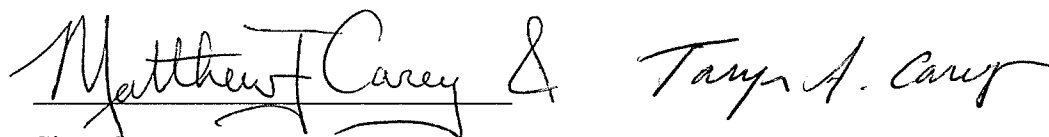
Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,


Signed

Print name and address: MATTHEW & TARYN CAREY
560 PEAKHAM RD
SUDBURY, MA 01776

AS PARENTS OF A THREE-YEAR-OLD ON THE BEND IN THIS HIGH-SPEED SECTION OF PEAKHAM RD. WITH LIMITED DISTANCE SIGHT, WE THANK YOU FOR THE CONSIDERATION TO PROTECT OUR DAUGHTER & ALL OTHER TOWN RESIDENTS. WE REGULARLY WATCH VEHICLES SPEED AROUND THE BLIND BEND SIGNIFICANTLY OVER THE POSTED, ALREADY TOO HIGH, SPEED LIMIT AND PUT EVERYONE AT RISK.

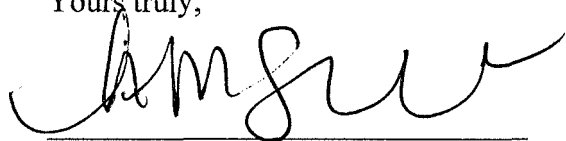
Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed

Print name and address:

Nicole Shuckerman
564 Peakham rd
Sudbury MA 01776

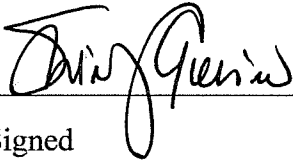
Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed

Print name and address:

Shirley Gillies
568 Peakham Road
Sudbury, MA

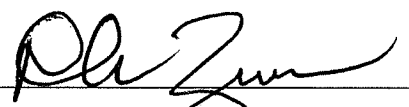

Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX - Special Speed Regulation No. 7471 currently posted at 35 miles per hour.


Yours truly,


Signed 

Print name and address:

Derek Zurn
574 Peakham Rd.

My ex-wife and I tried to do this about 8-9 years ago, attempting to reduce the speed limit from Old Lancaster to Hudson Rd. Even after gathering ~25 names, we were told that it was "determined by the state", that they "need to set up radar guns to assess the average traveled speed" and that the speed limit was determined by how fast drivers actually traveled. We were flabbergasted by this absurd response, basically being told that the town does not set the speed limit... which is absolute BS. There are plenty of other roads that are less frequently traveled w/ lower speed limits. Peakham is high volume a pass through and has tons of walkers to and from Curtis. There is zero rationale for the posted 35 MPH speed limit. I will be happy to appear in person if need be. Thanks for doing this.


214-564-6474
jedidentist@yahoo.com

Attachment 7.b: Gerry Borovick Peakham Rd speed limit redact (4925 : Peakham Road speed limits)

Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,

Arthur Huston *Maureen Huston*

Signed

Print name and address:

Arthur Huston
Maureen Huston
578 Peakham Road
Sudbury MA 01776

Please also ask for speed humps - 25 mph humps.
Speed bumps have been rejected in the past due to the
EMS traffic. Will they put speed humps in?

Thanks
Maureen

Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,

John T. Bond

Signed

Print name and address:

John Bond
586 Peakham Rd.
Sudbury, MA 01776

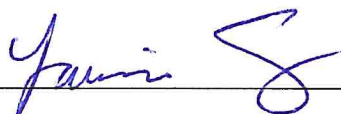
Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed



Print name and address:

Laurie Ensley
598 Peakham Rd
Sudbury, MA

MICHAEL ENSLEY
558 PEAKHAM ROAD
SUDBURY MA 01776

Thank you for taking this on!

Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed

Print name and address:

Debrah Bookas
602 Peakham Rd
Sudbury MA 01776

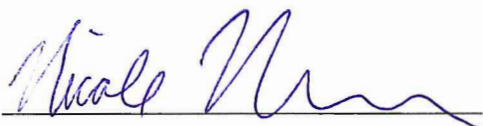
Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed



Print name and address:

Nicole Neuman
610 Peakham Rd.
Sudbury, MA

David Nysinow
610 Peakham Rd.
Sudbury, MA

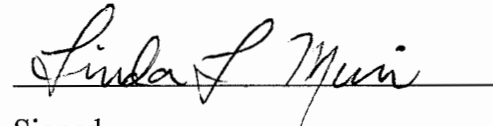
Letter of Support

Selectboard

Town of Sudbury

I submit this letter of support in favor of Gerry Borovick's petition to reduce the posted speed limit on Peakham Road, Sudbury, from 35 miles per hour to 25 miles per hour on that portion of said roadway appearing in the Sudbury Traffic Rules and Regulations 2008, Article IX – Special Speed Regulation No. 7471 currently posted at 35 miles per hour.

Yours truly,



Signed

Print name and address:

Linda L. Muri
623 Peakham Rd.
Sudbury, Ma.
01776

From: Nix, Scott
Sent: Friday, November 26, 2021 1:01 PM
To: Roberts, Jennifer <RobertsJ@sudbury.ma.us>
Cc: Hayes, Henry <HayesH@sudbury.ma.us>; Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Subject: RE: Peakham Rd Speed Limit

Good afternoon,

Per your request, here is some information for the Select Board's Review. Below is an excerpt from an email which outlines my opinion following the correspondence from Town Counsel.

Thank you for the information; very much appreciated! I plan to digest further this evening. In providing additional insight, we indeed conducted a traffic study for both directions of travel in the area which would be considered thickly settled. The 85th percentile was 39 MPH in one direction and 40 MPH in the other direction. The average or 50th percentile is 35.65 MPH in one direction and 35.98 MPH in the other direction. Therefore, if the 85th percentile were to be applied we would run the risk of increasing the speed limit to 40 MPH which I do not feel is prudent. Given the traffic study and the minimal number of accidents in the last 5 years, except for at two specific intersections that have nothing to do with speed, I would say, in my opinion, the speed limit is appropriate.

As we spoke about, I am concerned this will create others coming forward looking for us to avert what is legally required and/or those in the commuting realm to request for an increase in the speed limit.

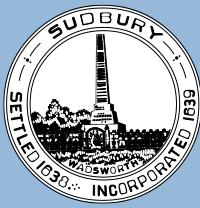
Thank you and Happy Friday!

Scott

Respectfully,

Scott Nix
Chief of Police
Sudbury Police Department
75 Hudson Road
Sudbury, MA 01776
(978) 443-1042
nix@sudbury.ma.us

Attachment7.c: Nix_email (4925 : Peakham Road speed limits)



SUDBURY SELECT BOARD

Tuesday, November 30, 2021

MISCELLANEOUS (UNTIMED)

8: Open Meeting Law (OML) discussion

REQUESTOR SECTION

Date of request:

Requestor: Chair Roberts

Formal Title: Review Open Meeting Law (OML) complaint of resident Patricia Brown dated 11/9/21, discuss and potentially vote regarding the proposed response. (~15 min.)

Recommendations/Suggested Motion/Vote: Review Open Meeting Law (OML) complaint of resident Patricia Brown dated 11/9/21, discuss and potentially vote regarding the proposed response. (~15 min.)

Background Information:

Financial impact expected:

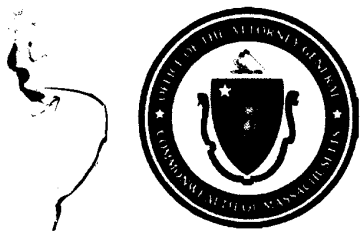
Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patricia Last Name: Brown

Address: 34 Whispering Pine Road

City: Sudbury State: MA Zip Code: 01776

Phone Number: [REDACTED] Ext. _____

Email: [REDACTED]

Organization or Media Affiliation (if any): none

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Sudbury Select Board

Specific person(s), if any, you allege committed the violation: Chair Jennifer Roberts

Date of alleged violation: October 26, 2021 and November 3, 2021

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Two pages headed
COMPLAINT - SUDBURY SELECT BOARD
appended to this form.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

One page headed
ACTION - SUDBURY SELECT BOARD
appended to this form.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Patricia A Brown

Date: November 9, 2021

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

COMPLAINT – SUDBURY SELECT BOARD

940 CMR 29.03 (1)(b) states:

*Meeting notices shall be printed or displayed in a legible, easily understandable format and shall contain the date, time and place of such meeting, and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. **The list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.***

The Sudbury Select Board has not posted notices with sufficient detail to provide members of the public with sufficient information to understand what business is being transacted by the public body so they may attend and observe deliberations in which they are interested.

Complaint #1 -- On October 26, 2021, the Sudbury Select Board held a meeting at 7 pm by Zoom, citing two executive session items conducted in private, and then resuming at 9:30 pm in Open Session. In open session the Board heard “Citizen’s comments on items not on agenda.” During this item a citizen asked about a current town construction project, the Fairbank Community Center, undergoing “value engineering” and asked at what point the Select Board and Town Manager would draw the line, and “at what point are we not getting what we’re voting for?” The Select Board Chair then asked whether the Town Manager or other Board members had any thoughts, and the discussion continued among four of five Board members for ten minutes (from 4 minutes to 14 minutes into the recording) posted here: <https://sudbury.vod.castus.tv/vod/?video=6bc42191-f83e-4ad7-99cc-22a0a5121341>

Agenda here: https://sudbury.ma.us/selectboard/sb_agenda_10-26-21/

The deliberation concerning the Fairbank project, which has come and will come before the Select Board for decision, is not something that a reasonable person would infer from an agenda item “Citizen’s comments on items not on the agenda.” **The Chair, having allowed the citizen to speak as listed on the agenda, then both encouraged and permitted deliberation by the Board in violation of the Open Meeting Law. The Select Board members participating in this discussion may also be in violation of the Open Meeting Law.**

COMPLAINT – SUDBURY SELECT BOARD

Complaint #2 – On November 3, 2021, the Sudbury Select Board held a meeting by Zoom listing two agenda items:

3) Discussion on Sewataro Property resident survey.

<https://sudbury.vod.castus.tv/vod/?video=3839c939-22d9-4585-90c4-7198d9a5385a> starting at about 39 minutes into the recording

4) Discussion on Sewataro Use Policy Document and discussion on other Sewataro goals. <https://sudbury.vod.castus.tv/vod/?video=3839c939-22d9-4585-90c4-7198d9a5385a> starting at about 1 hour 33 minutes into the recording.

During almost one hour of discussion devoted to agenda item 3, posted as a discussion of a survey of town residents concerning the Sewataro property, the topics which dominated included camp financials, whether the Board should extend the lease to the current camp operator, and what further information the Board requires to make the decision to extend the lease. The matter of the survey was set aside, and no detailed discussion of the proposed survey occurred at all.

A citizen could not determine from the posted topic for item 3 what would be discussed. The Chair’s assertion that these topics were properly discussed as part of “discussion on other Sewataro goals” (agenda item 4), even if that item were properly precise, would not lead a citizen to infer they would be discussed as part of the Sewataro Property resident survey (agenda item 3).

The deliberations concerning the Sewataro lease agreement and related items concerning the property are not what a reasonable person would infer from the agenda item #3 “Discussion on Sewataro Property resident survey.” **The Chair permitted and encouraged this discussion by the Board in violation of the Open Meeting Law.**

Agenda: https://sudbury.ma.us/selectboard/sb_agenda_11-03-21/

OML Regulations: <https://www.mass.gov/doc/940-cmr-29-open-meetings/download>

ACTION – SUDBURY SELECT BOARD

I would like several actions in response to the Board's violation of the Open Meeting Law (OML).

- 1) I request the Sudbury Select Board discuss in open meeting the items I have described in my complaint above. I understand this must occur in response to my complaint, but I specifically want to hear the Board's explanation why citizens were not informed of these particular discussions, to have the Chair acknowledge that they need to improve transparency when preparing the meeting posting, and to inform citizens who may have missed the original unnoticed discussions of the gist of those proceedings.
- 2) I request the Board undergo remedial training in the Open Meeting Law in one or more public training sessions to inform both the Board and citizens of the requirements of the OML.
- 3) I request the Attorney General's Office retain a record of this complaint and any related determinations for future reference.
- 4) I request the Board craft agenda items with sufficient specificity that a member of the public can participate during the discussion as the Chair accepts public input.
- 5) I request the Chair curtail discussion which exceeds the topic specified in the agenda at future meetings.

November 24, 2021

Brian W. Riley
 briley@k-plaw.com

BY ELECTRONIC MAIL ONLY (openmeeting@state.ma.us)

Carrie Benedon, Esq.
 Director, Division of Open Government
 Office of the Attorney General
 One Ashburton Place
 Boston, MA 02108

Re: Town of Sudbury – Select Board
Open Meeting Law Complaint from Patricia Brown, received November 9, 2021

Dear Attorney Benedon:

Please be advised that this office serves as Town Counsel to the Town of Sudbury. The Town's Select Board ("Board") is in receipt of an Open Meeting Law Complaint received November 9, 2021 from Ms. Patricia Brown ("Complaint"). A copy of the Complaint is enclosed. Ms. Brown includes two alleged violations in her Complaint. First, she claims that at the Board's October 26, 2021 meeting, an audience member (the meeting was held via Zoom) asked a question regarding a current Town construction project, the Fairbank Community Center, and the status of said project. This item was not on the Board's agenda, but Board members and other attendees spent approximately 10 minutes addressing the audience member's questions and concerns. Ms. Brown's second allegation concerns the Board's November 3, 2021 meeting. As stated in the Complaint, the Board's agenda had two items regarding the Camp Sewataro property, a 44-acre parcel that the Town recently acquired. The allegation appears to be that the agenda had two items for discussion regarding the Sewataro property – a resident survey and a Use Policy and related goals for the property – and that the Board did not clearly separate its deliberations on the two agenda items to those described topics.

The Board denies that it committed any violations of the Open Meeting Law as alleged in the Complaint. As to the first allegation, the Board acknowledges that the Fairbank Community Center was not a listed item on the agenda, and the Chair did not anticipate that it would be brought up for discussion. The Division has long held, however, that there is no violation when a board discusses a topic not on the agenda, provided that the Chair did not anticipate the topic coming up. *See* OML 2015-183; *see also* OML 2021-131 ("A public body may discuss a truly unanticipated topic at a meeting even if that topic was not included on the notice for the meeting."). In this case, the Community Center project was not on the agenda, but the Chair chose to allow some discussion in order to respond to a resident's questions about it. I further note that the Division typically



Carrie Benedon, Esq.
November 24, 2021
Page 2

encourages boards to place such unanticipated matters on a future agenda. In fact, at the end of the 10-minute discussion (the Complaint includes the video link to the meeting), the Chair asked the Town Manager to consider scheduling future public information sessions on the same project, so the Board has already acted consistent with the Division's advice.

The Complaint's second allegation concerns the Board's November 3, 2021 meeting and two agenda items concerning the Sewataro property. The Board submits that to the extent that the deliberations on these two consecutive agenda items "blended" and went back and forth between the two topics, this is clearly not a violation. The resident survey sought feedback on various issues regarding the property, including its future use, so deliberating these topics together was not inconsistent with the agenda. *See, e.g.*, OML 2014-35 ("The Law requires only that a meeting start on or after the time indicated on its posted notice. Once the meeting begins, the public body controls its own agenda. We find therefore that the Board's failure to adhere to the indicated times on the notice for the discussion of individual agenda items did not violate the Open Meeting Law."). In addition, the background materials posted to the Town website prior to the Board's November 3, 2021 meeting included extensive documentation related to the resident survey, use policy and other related property issues, so the public had detailed information about all of these related topics. The records are at pages 19 – 53 of the following link:

https://s3-us-west-2.amazonaws.com/cdn.sudbury.ma.us/wp-content/uploads/sites/260/2021/11/SelectBoard_2021_Nov_03_supporting_materials.pdf?version=173fea4f7b56ceefb77d279343986f59

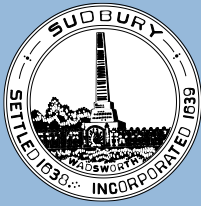
In summary, none of the allegations in the Complaint demonstrate a violation of the Open Meeting Law, and the Board denies that there were any violations regarding its October 26 and November 3, 2021 meetings. No further remedial action is required.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Brian W. Riley".

Brian W. Riley

BWR/
788999/SUDB/0001



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

MISCELLANEOUS (UNTIMED)

9: ARPA funds and project request/prioritization discussion

REQUESTOR SECTION

Date of request:

Requestor: Chair Roberts

Formal Title: Discussion on American Rescue Plan Act (ARPA) project review and decision process.
(~40 min.)

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

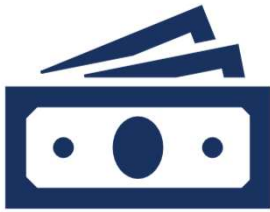
Approximate agenda time requested: 45 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM



AMERICAN RESCUE PLAN ACT (ARPA) PROGRAM DISCUSSION

SELECT BOARD MEETING - SEPTEMBER 28, 2021

SLIDES PREPARED BY SELECT BOARD MEMBER JANIE DRETLE FOR CONSIDERATION BY THE BOARD

1

ELIGIBLE USES OF LOCAL FISCAL RECOVERY FUNDS

- The Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, and more equitable economy as the country recovers. Recipients may use these funds to:
- Support public health expenditures, by, for example, funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff
- Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic
- Provide premium pay for essential workers, offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet
- Within these overall categories, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities.

Source: <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>

2

INELIGIBLE USES

Coronavirus State and Local Fiscal Recovery Funds provide substantial resources to help eligible state, local, territorial, and Tribal governments manage the public health and economic consequences of COVID-19. Recipients have considerable flexibility to use these funds to address the diverse needs of their communities.

To ensure that these funds are used for their intended purposes, the American Rescue Plan Act also specifies two ineligible uses of funds:

- States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue due to a change in law from March 3, 2021 through the last day of the fiscal year in which the funds provided have been spent. The American Rescue Plan ensures that funds needed to provide vital services and support public employees, small businesses, and families struggling to make it through the pandemic are not used to fund reductions in net tax revenue. Treasury's Interim Final Rule implements this requirement. If a state or territory cuts taxes, they must demonstrate how they paid for the tax cuts from sources other than Coronavirus State Fiscal Recovery Funds—by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be paid back to the Treasury.
- No recipient may use this funding to make a deposit to a pension fund. Treasury's Interim Final Rule defines a "deposit" as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions for employees whose wages and salaries are an eligible use of funds.

Treasury's Interim Final Rule identifies several other ineligible uses, including funding debt service, legal settlements or judgments, and deposits to rainy day funds or financial reserves. Further, general infrastructure spending is not covered as an eligible use outside of water, sewer, and broadband investments or above the amount allocated under the revenue loss provision. While the program offers broad flexibility to recipients to address local conditions, these restrictions will help ensure that funds are used to augment existing activities and address pressing needs.

Source: <https://home.treasury.gov/system/files/136/SLFRP-Fact-Sheet-FINAL1-508A.pdf>

3

KEY DATES RELATED TO THE RECOVERY FUND

- **March 3, 2021: Beginning of the Recovery Fund "covered period"**
- March 11, 2021: American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2
- May 11, 2021: U.S. Treasury issues Interim Final Rule
- July 16, 2021: Deadline to submit comments on U.S. Treasury's [Interim Final Rule](#)
- August 31, 2021: Deadline for counties to submit first Interim Report to U.S. Treasury
- October 31, 2021: Deadline for counties to submit first Quarterly Project and Expenditure Report
- **December 31, 2024: Funds must be incurred and obligated**
- **December 31, 2026: Funds must be expended to cover obligations and all work must be completed**

Source: <https://www.naco.org/resources/featured/us-treasury-interim-final-rule-guidance-state-and-local-fiscal>

4

SUDBURY'S FUNDING ALLOCATION AND POTENTIAL PROCESS

5

FUNDING ALLOCATION FOR SUDBURY

Municipal Allocation	\$2,057,260
County Allocation	\$3,817,753
Total Funding:	\$5,785,013

ARPA Coronavirus Local Fiscal Recovery Fund Allocations by Municipality

Municipality	Population	County	Functional County?	CD1	CD2	US Treasury Classification	DH/ Hardest Hit Community	Municipal Allocation	Municipal Per Capita Amount	County Reallocation Per Capita	County Total Amount	Total Per Capita	Total Paid to Date	Share of Total Paid	FY21 Operating Budget	CLRF as Share of Budget	County Amount	County Amt per Capita	Implied Total Amount with County	Implied Total Amount Per Capita	
Sudbury	19,655	Middlesex	N	3rd	5th	Nonentitlement Unit	N	2,057,260	105	3,817,753	194	5,875,013	1,028,630	17.5%	108,817,836	5.4%	0	0	5,875,013	299	
Sunderland	3,629	Franklin	N	2nd		Nonentitlement Unit	N	379,842	105	704,891	194	1,084,733	299	189,921	17.5%	9,696,785	11.2%	0	0	1,084,733	299
Sutton	9,582	Worcester	N	2nd		Nonentitlement Unit	N	1,002,394	105	1,861,191	194	2,864,125	299	501,467	17.5%	36,144,043	7.9%	0	0	2,864,125	299
Swampscott	15,298	Essex	N	6th		Nonentitlement Unit	N	1,601,203	105	2,973,457	194	4,572,672	299	800,610	17.5%	62,930,223	7.3%	0	0	4,572,672	299

Source: <https://www.mass.gov/doc/coronavirus-local-fiscal-recovery-fund-clrf-funding-allocations-by-municipality-0/download>

6

Attachment9.a: Dretler_ARPA Slides for Select Board 092821 (updated) (4932 : ARPA funds and project request/prioritization discussion)

FUNDING ALLOCATION AND SCHEDULE

Funding Allocation	Amount
Non-Entitlement Community Allocation	\$2,057,260
<ul style="list-style-type: none"> • 50% (\$1,028,630.22) received on June 30, 2021 • 2nd 50% to be received in 2022 	
Non-Functional County Redistribution Amount	\$3,817,753
<ul style="list-style-type: none"> • 50% received (\$1,908,876.67) on August 17, 2021 and 50% to be received in 2022 	
Total Funding	\$5,785,013
<ul style="list-style-type: none"> • Town may not deficit spend these funds • Annual spending reports submitted on October 15th each year • Funds must be allocated by December 31, 2024 and spent by December 31, 2026 	
Total Available Funding as of August 17, 2021	\$2,937,506.89

7

KEY INFORMATION

- Select Board must vote to formally accept ARPA funding
- ARPA is a federal grant under G.L. 44 § 53A and, as such, may be expended without town meeting appropriation.
 - <https://malegislature.gov/laws/generallaws/parti/titlevii/chapter44/section53a>
- Federal grant money is held outside the General Fund in a Special Revenue Fund
- ARPA and CARES Act funding do not roll into free cash; use it or lose it

8

POTENTIAL ARPA PROCESS FOR SUDBURY

- Internal staff to identify preliminary needs by XX/XX/XX
- Conduct needs assessment from stakeholders and create outline of draft investment priorities
- Select Board Presentation on XX/XX/XX
- Select Board consider and vote final ARPA investment priorities on XX/XX/XX
- Other considerations...

DRAFT

9

IDENTIFY KEY STAKEHOLDERS

Stakeholder Engagement

- Town staff
- Select Board
- Town Boards/Committees/Commissions
- Residents

10

ARPA FUNDING REQUESTS

Request (description)	Category	1) COVID-19 mitigation 2) CIP	Amount * ongoing funding needed?

DRAFT

11

RESOURCES

- Congress
 - <https://www.congress.gov/117/bills/hr/1319/BILLS-117hr1319enr.pdf>
 - <https://www.congress.gov/bill/117th-congress/house-bill/1319/text>
- U.S. Department of the Treasury
 - <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>
 - <https://home.treasury.gov/system/files/136/FRF-Interim-Final-Rule.pdf>
 - <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>
- National League of Cities
 - <https://www.nlc.org/topic/arpa/>
- National Association of Counties
 - <https://www.naco.org/resources/featured/us-treasury-interim-final-rule-guidance-state-and-local-fiscal>

12

RESOURCES

- State of Massachusetts
 - <https://www.mass.gov/info-details/about-covid-19-federal-funds>
 - <https://www.mass.gov/doc/coronavirus-local-fiscal-recovery-fund-clfrf-funding-allocations-by-municipality-0/download>
- Division of Local Services
 - <https://www.mass.gov/lists/guidelines-opinions-and-advisories#2021-bulletins->
- Massachusetts Municipal Association
 - <https://www.mma.org/resources/federal-funds-resources/>



TOWN OF SUDBURY
Office of the Town Manager
 www.sudbury.ma.us

Henry L. Hayes, Jr.
 Town Manager

278 Old Sudbury Road
 Sudbury, Massachusetts 01776
 Tel: (978) 639-3381
 Fax: 978-443-0756
 Email: townmanager@sudbury.ma.us

September 23, 2021

Subject: American Rescue plan Act Funding (ARPA) Thoughts and Ideas

Honorable Select Board Members,

In effort to expose the Board to some of the thoughts from the professional staff, below is a list for your consideration. This is not intended to be considered all-inclusive or exhaustive. I expect to continue to refine and add to this list, and subsequently include cost estimates.

Process is really important to consider:

- Select Board members' and community: priorities, plans and interests
- Professional Staff: service delivery and functional needs
- Town boards, committees and commissions
- General public

Avoid:

- Duplicating support to areas that are funded in other special sources.
- A sustained program that requires a revenue stream to keep it going, these funds will end!
- If we have something we are trying to do in the future, and we are only 1-2 years out, could we approach this as a bridge to get us there faster, without creating a systemic/structural deficit at the onset?

Staff feedback and thoughts:

1. **DPW:**

- a. **Wastewater project** offset? This total project may be in the \$20M range
- b. **Stormwater project** offset? Rehabilitation of all the stormwater in Platts Mill Road and Goodmans Hill Road

2. **Fire Dept Items:**

- a. Purchase of a **new stretcher, new stair chairs, and new CPR machine**, this equipment is not included in our new ambulance purchase and is directly related to the "American Rescue Plan"
- b. **Opioid impacts** offset info: From the public safety aspect both the Fire and Police Departments could start a naloxone leave behind program. We have not done this in the program in the past due to the high cost, each leave behind kit is about \$125.00 each in addition the cost of training our personnel and putting together an outreach program. **(Need to be mindful that there may be some funds that come from opioid litigation – no guarantee on timing or amount)**

- c. Purchase of **portable two-way radios**, many of the units that we are using were purchased in 2001 and are at end of life with no replacement parts available. The cost of each unit is about \$4,000.00. We recommend the purchase of 15 units at a total cost of \$60,000.00.
 - d. **New record management system (RMS)** for the Fire Department. I received notification from our current program provider (FireHouse) that our system will no longer be supported in the future. The current RMS is 21 years old and has been replaced by a web-based platform which will cost five times what we currently pay each year.
3. **Police Dept:** Training
 4. **Broadband items:** Info Systems, Planning
 5. **Planning:** Offset to the long-term funding source for the Go Sudbury! Transportation Program. The program subsidizes taxi and Uber rides to take people where they need to go within 25 miles of Sudbury. Here is a link with more information about this on-going program which is currently being paid for by a grant from MAPC and MassDevelopment:
<https://sudbury.ma.us/transportation/2021/05/12/low-cost-transportation-options-for-sudbury/>
 (Note: the Sudbury Connection Van Service is not part of the Go Sudbury! Program)
 - a. Between September 2020 and January 2021, we offered 100% subsidized taxi rides to people 50 years of age or older, 18 years of age or older with a disability that limits driving, active duty military or veteran of the armed forces, residents with a financial need, and essential workers requiring transportation for work; for trips to work, medical appointments, grocery shopping, or other trips; we expended over \$22,000 in the 5 months.
 6. **Senior Center:**
 - a. **Transportation funding** would be very valuable – transportation needs are clear from the data in two pilots that we are offering for older residents, veterans, residents with disabilities, and persons with financial need.
 - b. **Innovation:** Costs of operating in new ways due to the pandemic, such as new microphones for instructors doing hybrid classes.
 - c. Update the “accessible” **outdoor fitness equipment** at Haskell Field
 - d. Updated equipment and design of the **Haskell Field adult fitness area** (corner of Hudson and Fairbank Roads), as well as the updates and improvements to the walking path around the field, so that the path could become a fitness trail appropriate for all ages.
 7. **Sudbury Water District:** PFAS mitigation? Discussion pending...
 8. **School program enhancements?** (avoid any structural deficit establishment, what would be: single payment items, programs, training...)
 - a. **Equity Focus:** Addressing educational disparities including expanded early learning services, providing resources to high-poverty districts, tutoring, afterschool programs, childcare, social, emotional and mental health needs, under-resourced families and foster youth.
 - b. Schools also will get **ESSER-III funds**
 9. **Infrastructure for electric vehicle charging stations?** Long-term asset that supports reduction of pollution and encourages future e-vehicle purchases/use.
 10. **Solar panels:** Can we purchase more with these funds?
 11. How does **ADA infrastructure/enhancements** align with ARPA fund use?
 12. **Town Clerk:** General Code to update Town Code: Codification project - I believe that this project could be eligible for ARPA funding. Estimated to be \$10,000 over 2 years.
 13. **Social Services and Support:**



TOWN OF SUDBURY
Office of the Town Manager
 www.sudbury.ma.us

Henry L. Hayes, Jr.
 Town Manager

278 Old Sudbury Road
 Sudbury, Massachusetts 01776
 Tel: (978) 639-3381
 Fax: 978-443-0756
 Email: townmanager@sudbury.ma.us

- a. **Vulnerable Residents** support – Rental Asst Prog, Social Worker hours, Senior Center, brain-based and other disabilities, low-income resident
 - b. **501(c)3s** in Sudbury?
 - c. **Social programs:** training, seminars, financial literacy, entrepreneurial guidance
14. **Rejuvenation of the economy:** Would require clear transparency, amounts to be earmarked, risk mitigation
15. **Chamber of Commerce:** Ideas?
16. Any ideas regarding benefits to: election staff, childcare workers, grocery workers?
17. **Losses of revenue:** Are there any applications related to Sudbury? Strict guidance.

Respectfully submitted,

Henry L. Hayes, Jr.
 Town Manager

American Rescue Plan Act ARPA

Coronavirus State and Local Fiscal Recovery Funds CFSLRF

Henry L. Hayes, Jr., Town Manager

16 November 2021

<https://www.federalregister.gov/documents/2021/05/17/2021-10283/coronavirus-state-and-local-fiscal-recovery-funds>

American Rescue Plan Act (ARPA)

➤ Summary:

The American Rescue Plan Act of 2021, signed into law on March 11, 2021 (ARPA) authorized \$1.8 trillion in federal resources to respond to the Coronavirus Disease 2019 (COVID-19). ARPA allocated \$350 billion in direct aid to state and local governments through the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF). Local governments in Massachusetts, including counties, cities, and towns, will receive approximately \$3.4 billion from this fund.

Main Categories of Funding for Municipalities

- ▶ Coronavirus State and Local Fiscal Recovery Fund (CSLFRF) = \$350B
- **\$3.4B provided to MA**, for municipalities & counties through direct (entitlement) or indirect awards (non-entitlement/ NEU)

Sudbury Allocation

- **Total provided to Sudbury \$5,875,013.78**
- \$2,057,260.44 Municipal Allocation (NEU)
- \$3,817,753.34 County Allocation

A recipient must **RETURN** any funds not obligated by **December 31, 2024**, and any funds not expended to cover such obligations by **December 31, 2026**.

Eligible Uses of local fiscal recovery funds

- **Support public health expenditures**, by, for example, funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff
- **Address negative economic impacts** caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector
- **Provide premium pay for essential workers**, offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet

Ineligible Uses of local fiscal recovery funds

Recipients have considerable flexibility to use Fiscal Recovery Funds to address the diverse needs of their communities. To ensure that payments from the Fiscal Recovery Funds are used for these congressionally permitted purposes, the ARPA includes the following provisions for ineligible uses:

- **Deposit to a pension fund**
- **Directly or indirectly offset a reduction in net tax revenue**
- **Funding debt service, legal settlements or judgments, and deposits to rainy day funds or financial reserves (i.e. reserve funds or free cash).**
- **General infrastructure** not covered as an eligible use

Suggested CSLFRF Allocation for discussion purposes

- Lost revenue, using FY19 actual as base
- Infrastructure
 - Broadband expansion connections in business districts
 - Targeted infrastructure improvements
- Business assistance programs
- Contingency
 - Unknown or unforeseen needs
 - Flexibility to meet changing priorities

Outreach and Input

Town Professional Staff

School Superintendents

Boards, Committees, Commissions

Sudbury Water District

Sudbury Chamber of Commerce

Sudbury Residents

FlashVote Survey (closed)

Website submissions (thru 30 Nov)

Funds Available

	Total Allocated	Total Received	Total Expended
Sudbury	\$2,057,260.44	\$1,028,630.22	\$0
County Allocation	\$3,817,753.34	\$1,908,876.67	\$0
Total	\$5,875,013.78	\$2,937,506.89	\$0
		1/2 received	

American Rescue Plan Act - ARPA



9.c

Attachment 9.c: American Rescue Plan Act - 2021 Nov 16 (4932 : ARPA funds and project

Update: 2021-11-05

Goal: Utilize funding in accordance within the Federal guidelines		
Risk		Controls (Options)
Not utilizing the funds in timeline authorized	Low	<ul style="list-style-type: none"> The requests that come in will exceed the amount available to the Town
Funding items that an auditor deems inappropriate	Low	<ul style="list-style-type: none"> We will continue to watch the guidance and compare to the requested support

Select Board

Original Target	Current Target
2024-2026	2026

Original Plan	Current Budget
\$5,875,013	\$5,875,013

Milestone	Original	Current (Actual)	Notes
Conduct Community FlashVote Survey	2021 OCT 26-28	Completed	815 of 1321 potential participants. ARPA Flashvote Results
Web page establishment with survey for the public	2021 NOV	Completed 2021 Nov 3	Town will be utilize a website to track and post relevant data associated with ARPA.
Town Survey	2021 NOV	... Nov 30 ...	
Project completion	2026		

Funding Source	Allocated	Unspent	Expenditures
Town Allocation	\$2,057,260.44	\$2,057,260.44	
County Allocation	\$3,817,753.34	\$3,817,753.34	
	\$		
	\$	\$	
	\$	\$0	
	\$	\$	
TOTAL	\$5,875,013.78	\$5,875,013.78	

ICMA Fact Sheet: American Rescue Plan

- 84% of local governments projected a decrease in revenue for their first budget adopted since the pandemic: 45% projected up to a 10 percent decline in overall revenue; nearly a third projected revenue losses between 11-20%; and 10% projected losses of more than 20%.
- About half of local governments have delayed improvements in public recreation spaces or in government facilities (other than public safety).
- 40% have delayed improvements to road or sidewalk infrastructure
- Hiring freezes were put in place by 52% of all local governments.
- Furloughs were reported by 19% of local governments; 12% reported layoffs.

American Rescue Plan Key Provisions

American Rescue Plan Act of 2021: Summary

The U.S. House of Representatives on March 10, 2021, passed the Senate-amended H.R. 1319, the American Rescue Plan (ARP). The ARP provides \$1.9 trillion in additional relief to respond to the novel coronavirus (COVID-19). This follows the enactment of nearly \$4 trillion in COVID relief in 2020. President Joe Biden called for Congress to enact the ARP to provide relief for individuals and business struggling due to COVID-19, as well as to achieve other priorities of the Biden Administration and Congress. ARP includes provisions on aid to state and local governments, hard-hit industries and communities, tax changes affecting individuals and business, and other provisions.

The latest COVID relief legislation was enacted as part of Congress' fiscal year (FY) 2021 budget, and includes provisions impacting a wide variety of stakeholders. The following chart highlights some noteworthy provisions.

Key Provisions of American Rescue Plan	
Agriculture	<p><u>Food supply chain and agriculture pandemic response</u></p> <ul style="list-style-type: none"> Provides \$4 billion for the U.S. Department of Agriculture (USDA) Secretary to: <ul style="list-style-type: none"> Purchase food and agricultural commodities Purchase and distribute agricultural commodities (including fresh produce, dairy, seafood, eggs and meat) to individuals in need Make grants and loans for small or mid-sized food processors or distributors, producers or other organizations to respond to COVID Make loans and grants to maintain and improve food and agricultural supply chain resiliency Provides \$300 million to monitor and survey susceptible animals for incidents of COVID Provides \$100 million to reduce the amount of overtime inspection costs of federally inspected small establishments and very small establishments engaged in meat processing
	<p><u>Emergency rural development grants for rural healthcare</u></p> <ul style="list-style-type: none"> Provides \$500 million to establish an emergency pilot program within 150 days after the enactment of ARP to increase capacity for vaccine distribution, purchase medical supplies, reimburse lost revenue, increase telehealth capabilities, construct temporary or permanent structures to provide healthcare services, support staffing needs for vaccine administration and testing, and engage in other efforts to support rural

➔ Law firm Holland and Knight, a frequent partner with ICMA on the National Brownfields Conference, has developed a summary and key provisions of the American Rescue Plan. (March 2021)

ICMA Summary Of Spending Priorities Survey Results - October 2021

In which of the following categories of eligible expenses is your local government actively considering spending its allocation of funding?

Treasury-defined Eligible Expense	MP	MW	NE	SE	WC
Investing in water, sewer, and broadband infrastructure	93%	80%	79%	89%	70%
Replacing lost public sector revenue	38%	55%	52%	50%	70%
Addressing negative	31%	30%	38%	37%	58%
Supporting public health expenditures	32%	21%	33%	27%	23%
Providing premium pay for essential workers	20%	17%	19%	37%	14%
None of these at this time	2%	2%	6%	3%	1%
n	121	148	90	153	77

<https://icma.org/documents/icma-survey-research-american-rescue-plan-act-local-fiscal-recovery-fund-spending-priorities>

MP, Mountain Plains
MW, Midwest
NE, Northeast
SE, Southeast
WC, West Coast

Sudbury FlashVote Results

815 Total Participants

775 of 1321 initially invited (59%)

40 others

Margin of error: $\pm 4\%$

Started: **Oct 26, 2021 11:32am EDT**

Ended: **Oct 28, 2021 11:32am EDT**

Target Participants: **All Sudbury**

<https://www.flashvote.com/sudbury-ma/surveys/community-priorities-10-21?filter=all>

Which of the following things do you think are a **STRENGTH** of Sudbury, if any?

Options	Votes 790
Local recreation/culture	42.9% (33)
Historical preservation and environmental conservation	71.8% (56)
Ease of getting around town	11.8% (9)
Physical safety and security	70.8% (55)
Range and cost of available housing options	5.2% (4)
Sense of community and inclusion	30.1% (23)
Local businesses and jobs	12.2% (9)
Quality of schools	82.3% (65)
Other:	5.2% (4)

Attachment 9.c: American Rescue Plan Act - 2021 Nov 16 (4932 : ARPA funds and project

Which of the following aspects of Sudbury are most **IMPORTANT** to you, if any?

Options	Votes 782
Local recreation/culture	49.5% (38)
Historical preservation and environmental conservation	50.4% (39)
Ease of getting around town	28.1% (22)
Physical safety and security	67.5% (52)
Range and cost of available housing options	13.6% (10)
Sense of community and inclusion	44.5% (34)
Local businesses and jobs	20.3% (15)
Quality of schools	75.4% (59)
Other:	5.17% (4)

Attachment 9.c: American Rescue Plan Act - 2021 Nov 16 (4932 : ARPA funds and project

Importance vs. Satisfaction Comparison

Options	Votes 782	
	Importance	Satisfaction
Local recreation/culture	49.5% (387)	42.9% (336)
Historical preservation and environmental conservation	50.4% (394)	71.8% (563)
Ease of getting around town	28.1% (220)	11.8% (92)
Physical safety and security	67.5% (528)	70.8% (555)
Range and cost of available housing options	13.6% (106)	5.2% (41)
Sense of community and inclusion	44.5% (348)	30.1% (236)
Local businesses and jobs	20.3% (159)	12.2% (95)
Quality of schools	75.4% (590)	82.3% (645)
Other:	5.1% (40)	10.5% (82)

Attachment 9.c: American Rescue Plan Act - 2021 Nov 16 (4932 : ARPA funds and project

ARPA money can only be spent on the following five categories

9.c

Which of these are most important to you?

Options	Votes 780
Support public health	53.6% (41)
Address COVID-19 economic impacts	55.9% (43)
Replace lost government revenue	34.2% (26)
Provide premium pay for essential workers	35.5% (27)
Invest in water, sewer, and broadband infrastructure for underserved communities	44.4% (34)
None of these	6.2% (4)
Not Sure	6.3% (5)

Attachment 9.c: American Rescue Plan Act - 2021 Nov 16 (4932 : ARPA funds and project

How would you allocate \$100 across this sample list of projects?

Options	Average 667
Improve town facilities and conservation land (restoration, repair, ADA compliance)	\$12.38
Economic development (shopping center vacancies, infrastructure in business districts)	\$12.10
Roadway infrastructure (roads, bridges, sidewalks, traffic signals)	\$19.88
Water, sewer and flood control infrastructure (pipes, quality monitoring, drainage)	\$15.03
Support local businesses and non-profits (grants/loans for businesses affected by pandemic)	\$12.13
Support essential workers and residents who have had financial difficulties caused by COVID-19	\$12.45
Expand PreK-12 educational programs (virtual learning, mental health, equity)	\$14.77
None of these	\$1.20

Attachment9.c: American Rescue Plan Act - 2021 Nov 16 (4932 : ARPA funds and project

Sudbury Website Survey Inputs

36 Comments as of 12 Nov 2021 / 9 AM

- 17 and under: 0
- 18-25: 0
- 26-35: 1
- 36-45: 5
- 46-55: 14
- 56-65: 5
- 66+: 11

Resident Response was most prominent
2 Business Owner Responses noted

Sudbury Website Survey Inputs

ARPA Category

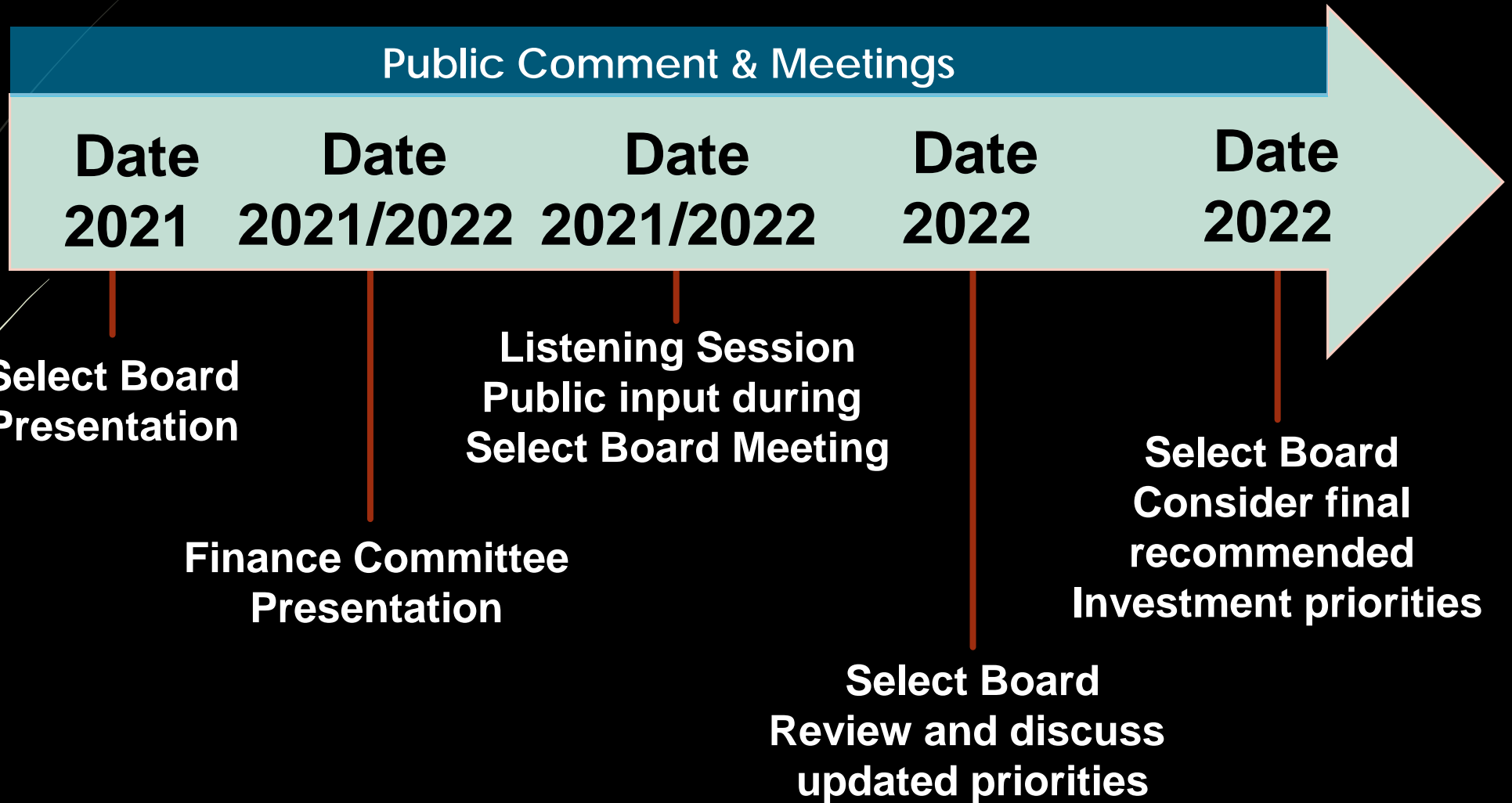
Answer Choice	Response Count	Response Percentage
Support public health	25	67%
Address COVID-19 economic impacts	9	24%
Replace lost public sector revenue	4	10%
Provide premium pay for essential workers	7	18%
Invest in water, sewer, and broadband infrastructure for underserved communities	11	29%
Total Responses	37	

Sudbury Website Survey Inputs

Total Cost Estimate

Answer Choice	Response Count	Response Percentage
Under \$50,000	5	13%
\$50,000 - \$100,000	5	13%
\$100,001 - \$1M	15	40%
\$1M - \$3M	4	10%
\$3M+	8	21%
Total Responses	37	

ARPA Public Meetings



Should we consider?

- ▶ Administration of funds: up to \$315,000
 - ▶ **Grant Administrator/Procurement Officer:** support management of ARPA Funds and other federal and state grant programs for three (3) years...
\$275,000 (grant funded, temporary position)
 - ▶ **Financial Consultant and Audit Services:** ensure compliance **\$25,000-\$40,000**

References

Congress

<https://www.congress.gov/117/bills/hr1319/BILLS-117hr1319enr.pdf>

<https://www.congress.gov/bill/117th-congress/house-bill/1319/text>

U.S. Department of the Treasury

<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recoveryfunds>

<https://home.treasury.gov/system/files/136/FRF-Interim-Final-Rule.pdf>

<https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

National League of Cities

<https://www.nlc.org/topic/arpa/>

National Association of Counties

<https://www.naco.org/resources/featured/us-treasury-interim-final-rule-guidance-state-and-local-fiscal>



References

State of Massachusetts

<https://www.mass.gov/info-details/about-covid-19-federal-funds>

<https://www.mass.gov/doc/coronavirus-local-fiscal-recovery-fund-clfrf-funding-allocations-by-municipality-0/download>

Division of Local Services

<https://www.mass.gov/lists/guidelines-opinions-and-advisories#2021-bulletins->

Massachusetts Municipal Association

<https://www.mma.org/resources/federal-funds-resources/>

References

U.S. Bureau of Labor Statistics

https://www.bls.gov/oes/2020/may/oes_ma.htm

<https://www.bls.gov/oes/current/oesrcst.htm>

International City / County Management Association

<https://icma.org/documents/icma-fact-sheet-american-rescue-plan>

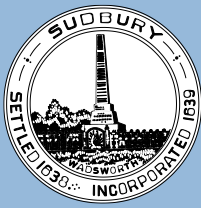
<https://icma.org/documents/american-rescue-plan-key-provisions>

<https://icma.org/documents/icma-survey-research-american-rescue-plan-act-local-fiscal-recovery-fund-spending-priorities>

Sudbury

<https://www.flashvote.com/sudbury-ma/surveys/community-priorities-10-21?filter=all>

<https://sudbury.ma.us/ARPA>



MISCELLANEOUS (UNTIMED)

10: Sewataro discussion on Public Access and Contract Renewal

REQUESTOR SECTION

Date of request:

Requestor: Chair Roberts

Formal Title: Sewataro Discussion on Public Access and Contract Renewal/Property next steps: ·Update on outstanding Sewataro questions list ·Update on public education document to be drafted by Subcommittee Update on swimming/fishing ponds and ongoing MA Department of Public Health/MA Department of Environmental Protection meetings ·Sewataro Use Policy discussion ·Other Outstanding Sewataro items (~45 min.)

Recommendations/Suggested Motion/Vote: Sewataro Discussion on Public Access and Contract Renewal/Property next steps:

- Update on outstanding Sewataro questions list
- Update on public education document to be drafted by Subcommittee
- Update on swimming/fishing ponds and ongoing MA Department of Public Health/MA Department of Environmental Protection meetings
- Sewataro Use Policy discussion
- Other Outstanding Sewataro items (~45 min.)

Background Information:
attached documents (continued from 11/16 meeting)

Financial impact expected:

Approximate agenda time requested: 45 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM

From: Town Manager

Sent: Tuesday, November 9, 2021 6:20 PM

Subject: SB/TM Note - Sewataro update regarding Public Bathing Beach discussion

Do not reply all

Select Board: Good day to all. Below are some notes regarding the conversations held recently, some questions and concepts are being explored.

Sewataro discussion: Health and Conservation, Scott Brody & Emmy Niinimaki, Town Manager & Assistant Town Manager

- Modified Pool vs bathing beach... **state does not call it a pool**, based on the water not being filtered or circulated, among the total definition.
 - **Registration required as a Public Bathing Beach**
 - Camp Operator will register the Bathing Beach
 - Small body of water: not the same size as a lake, better for maintenance and mitigation efforts
- Environmental:
 - **Need to know the pre-chlorine water quality**
 - Develop an Operations and Management Plan and water quality testing program for facility
 - **No further use of chlorine**
 - Historically, the amount used in the past was not measurable in previous testing
 - Primarily to maintain clarity down to 4 ft
 - Can the water be dechlorinated prior to going back into the water bodies or surrounding areas?
 - Carbonization use as an option, or other technology?
 - Chlorine reduces with sunlight, a natural mitigation to test and confirm levels
 - Remove water when draining pool instead of draining to water bodies?
 - Bathing beaches are not treated by chlorine in MA
 - **Algaecide will need to be permitted in advance of use**, and only used to treat a bloom, not to prevent a bloom
 - **NOI filing: Algaecide and changes to the spillway**
 - Primarily used to reduce slick surfaces
 - 8-10 week process

- **There is confidence that there is a way to satisfy the DEP and DPH requirements**
 - The mitigation efforts are under consideration and have been anticipated by the Camp Operator and team
 - Can the upper pond be separated from the lower pond and be a stand-alone system, without feeding the lower pond and eco-system?
 - We anticipate that there is a healthy eco-system is in place now, based on the wildlife not being adversely impacted to date.
 - Consider changes to the spillway routing in order to control the water that is utilized in that body of water
 - Water discharge distance, will measure to ensure the regulations are met
- Accountability is welcomed, in effort to be good stewards
 - Safe water for bathers, wildlife and authorities of concern
 - Scott Brody is the person that reached out to DPH and DEP, in effort to deepen the understanding and anticipated actions
 - Will explore other acceptable methods
 - Wetlands and Waterways team has not provided input to the Town yet

Respectfully, Henry

Henry L. Hayes, Jr. (he, him)
 Town Manager
 Town of Sudbury
 278 Old Sudbury Road
 Sudbury MA 01776

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

Sustaining a SAFE, SECURE, SERVICED & STRONG SUDBURY!

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.

DRAFT**Discussed by Sewataro Assessment and Recommendations Subcommittee 2021-11-23**

Sudbury residents voted to acquire Camp Sewataro June 2019 for \$11.27M and the Town took ownership on October 28, 2019. The Town immediately issued a Request for Proposals, selected a private camp operator Sewataro LLC (Manager Scott Brady) to manage & maintain the property year round, continue the day camp on summer weekdays, and facilitate public access during non-camp hours. The town granted Sewataro LLC the same special permit to operate the camp as a business on the residentially zoned land as it has for past decades, and increased the number of camper slots by 50 per session which the operator offers as 'scholarships' to Sudbury families in need through the Town Social Worker. The camp operated successfully in 2020 (at state-mandated 1/2-2/3 capacity due to Covid, with 1:10 staff:camper ratio and increased Covid protocol costs. Max 400 campers permitted 10 per group) and 2021 (full capacity), and has sold out for summer 2022.

Per negotiated Day Camp Operator and Management of Real Property contract with Camp Sewataro, LLC, the LLC covers all expenses, and pays the town a fixed \$120K plus a profit share each year. In 2020 (Covid year), the Town received \$120K + \$3136 = \$123,136. In 2021 (at normal 650 camp capacity), the Town received \$120K + \$338,940 (\$176,866 profit share + \$162,073 Covid PPP revenue share) = \$458,940. The Town Finance Director had estimated annual revenues of \$349K / year. (For reference, this is comparable to, exceeds the commercial tax which Sudbury Farms plaza paid the Town in 2021 of \$144K. Another point of comparison, Bosse paid town \$182K taxes in 2021.)

Additionally, Sewataro LLC's community liaison facilitated two large town-wide events each year, free use of facilities by over 30 groups, including scouts, HOPE Sudbury fundraisers, Food Pantry drives. LS Adult Education classes and several local businesses have used the property for outdoor performances and classes at no charge with the Town's permission. A public calendar of Sewataro reservations is maintained on the town's website. The Town is considering a nominal fee schedule for reservations going forward.

From Fall 2019 to present, Sewataro has provided:

- 3 town events (2 scarecrow events and 1 summer concert)
- Successful partnerships with local charitable organizations
 - o Site of sorting for SPS Sudbury Community Food Pantry drives 9/20 - present
 - o HOPEsudbury fishing derbies 8/20 and 8/21 and other fundraiser
 - o Annual Sponsor and donor to HOPEsudbury auction
 - o SMILE Mass classes last fall/winter
- Meeting space for over 30 other local groups and organizations including Scouts, Sudbury Family Network, and Sudbury Villagers (seniors)
- Work with Town Social Worker Bethany Hadvab to identify and place dozens of Sudbury residents in scholarship program summers of 2020 and 2021
- Working with SPS to expand the scholarship program to Middle Schoolers enrolled in the Extended School Year Program
- Camp Drive for the Sudbury Care Pantry & Gifts of Hope Unlimited

Commented [BS1]: 201K property tax that Libert owners were paying in 2019. Zoned for 33 parcels f future development.

Prior to town's acquisition, the Camp operation paid to the property owners to rent the property.

Commented [BS2R1]: Community Liaison Krister Drummey notes that the prior owner's internal acc should be further reviewed to ensure not misrepres

Commented [BS3]: source Dennis K's estimate.

- Prompt response whenever an issue is presented
 - o Opening up the back gate for ease of access to Liberty Lodge and tennis courts
 - o Installed toilet facilities on both ends of the property year round (port-a-potties)
 - o Purchase (installation Spring 2022) of ADA compliant benches when the Girl Scout Memorial Bench discussion pointed to a need

Sewataro has proposed facilitating public outdoor swimming starting 2022.

The Town's debt obligations average \$667K/year through the year 2041 after which the property will be fully paid off. Under the current arrangement, the Town incurs zero operating costs, as Sewataro LLC maintains and makes improvements to the property year round.

The Day Camp Operator and Management of Real Property contract covered an initial 3 year term from Fall 2019 through September 2022, with option for two 5 year renewals. The Town and the Operator must notify each other of agreement to renew by June 30, 2022.

Renewing the existing contract for next 5 year term would mean that Sewataro LLC would continue to manage the property, and the Town budget would not incur operating costs in upcoming Fiscal Year 2023 and through September, 2027.

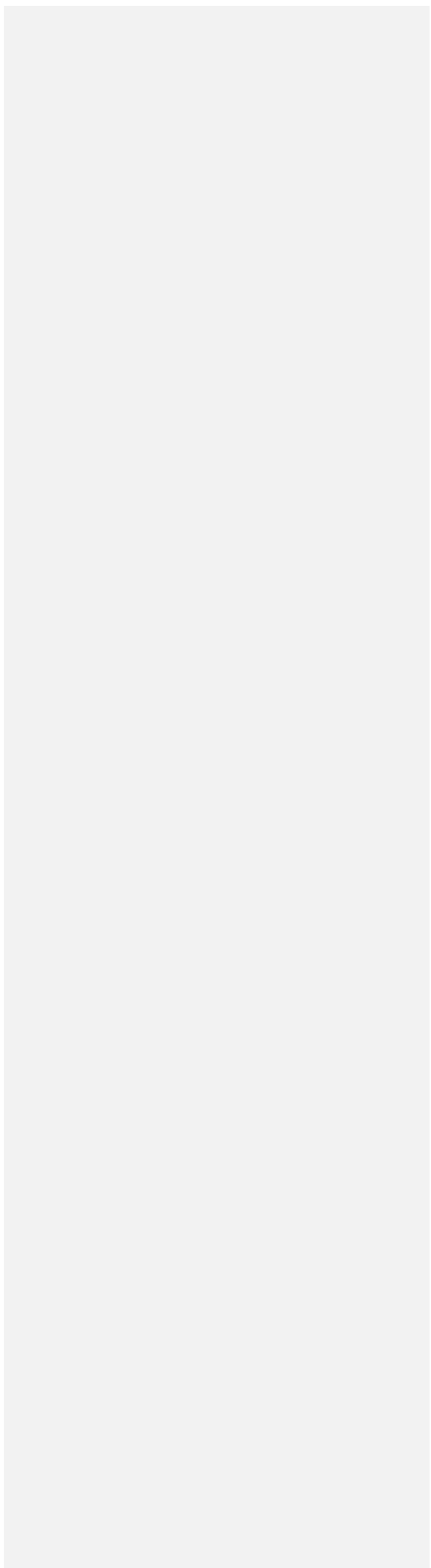
An early decision to renew for the next 5 years would give lead time to Sewataro LLC to make investments in the property to facilitate enhanced public access in 2022 as outlined in their proposal. The Select Board makes the decision to renew the contract.

- 2019 real-estate appraisal determined The highest and best use for the site under the current zoning is single family residential \$10,370,000
- Select Board, Fin Com, others have opined that increasing non-residential tax revenue (revenues other than residential property taxes) is a desire. Currently Sudbury revenues are 93% residential taxes.
- 2019 community flashvote survey
- Town-wide ADA accessibility report by IHCD to recommend accessibility improvements
- Interest from Council on Aging and Parks and Rec Commission in an external consultant to recommend the best use of the property
- Council on Aging highlighted slope of property and temperature of Liberty Lodge as accessibility issues for seniors; advocate for accessibility improvements
- Parks and Recreation concern about fee structure impacting Parks and Recreation operations
- Parks and Recreation indicated they do not currently have sufficient resources to run programming at Sewataro
- Discussions about updating water treatment practices on the site (swimming pond (gunite-lined pool) that flows to fishing pond
- Comparison of what property taxes per household are for various properties, and public use of those properties, and costs to maintain properties (see slide 9 of <http://documents.sudburyma.s3.amazonaws.com/Presentation/TM-2019%20Article%2025%20Rodrigues%2C%20Melissa.pdf?1557334778257> update for current)

Property	Resident payment*	Usage of Property	Acquisition Warrant purpose
Sewataro	168 -> 98 over 20 yrs @4% *actual interest rate and payment lower	Summer camp, programming, events (currently facilitated by Sewataro LLC). Swimming proposal.	
Broadacres	\$53 -> \$20 @4% (plus the \$1.86M CPA investment) *actual interest rate and payment lower	Per charrette, rail trail parking, athletic fields, other municipal. Pending funding. Conservation	
Johnson Farm	Avg \$22/yr over 20 yrs. (plus \$1M CPA and private SVT)	Open space (block 40B at time of acquisitions)	
Town Center	Exchange for Melone		

DRAFT

DRAFT



Attachment 10.b: DRAFT Sewataro Info for Public 2021-11-23 (4929 : Sewataro discussion on Public Access and Contract Renewal)

Town of Sudbury

Sewataro Use Policy

V2.1 Updated November 3, 2021 (reviewed & lightly edited 11.23)

1. Intent

It is the Town of Sudbury's desire that all residents of Sudbury enjoy safe and appropriate use of Town property, including Sewataro. This use should take place with proper regard to accessibility for all residents, safety of participants, and with respect for the preservation of the property for future Town use. The intent of this document is to be consistent with the Contract for Day Camp Operator and Management of Real Property agreement, dated Sept. 10, 2019, and its subsequent Amendments between the Town and the camp Operator and with existing Town policies regarding Town facilities.

2. Public Access Times

While Camp Sewataro is operating, public access of the grounds is allowed for recreational purposes only during designated times in order to avoid conflicts. These designated public access times are:

Camp Season Public Access (June 1 – August 31)

- Monday-Friday: 6pm-Dusk in the front section of the property
- Saturdays, Sundays and Federal holidays: 9am-Dusk in the front section of the property

Note: During camp season, public access is available only to the front section of the property to ensure the security of Town, Camp, and camper property.

"Off" season Public Access (September 1 – May 31)

- Monday-Sunday: 9am – Dusk

3. Permitting Authority

Users shall obtain all necessary permits for Town activities, as required by law or Town bylaws, rules, or regulations. Larger events involving food trucks, electrical equipment, or stage work may require additional inspections, approvals, or fees from the Town Manager, Health Department, Building Department, or other Town departments.

First-time reservations for exclusive use of property facilities (e.g., lodges and pavilions as listed below) by organized groups is not allowed without permission from the Town Manager or his/her delegate, which may be the Sewataro Community Liaison. In certain circumstances Town Manager may seek input from the Select Board in its role as policy-making body in Town. No applicant is guaranteed to receive permission.

4. Facility Reservations

For organized events and meetings, specific spaces can be reserved during designated times.

The scheduling of reservations shall be the responsibility of the Camp Sewataro community liaison.

Reservations can be made with the Camp Sewataro Community liaison at Reservations@sewataro.com. A calendar depicting Sewataro reservations is available here:

<https://sudbury.ma.us/townmanager/2021/03/15/sewataro-resident-event-calendar/>

Reservations should be made at least forty-eight (48) hours, excluding Saturdays, Sundays and legal holidays, in advance prior to the event. In the event of extenuating circumstances, the 48-hour advance notice requirement may be waived by the Town Manager. Larger events involving food trucks, electrical equipment, or stage work may require additional inspections and several weeks' notice is recommended.

Written reservations must include:

- Name of the group requesting the reservation
- The primary contact person for the group, along with their phone number and email address
- Additional information as required by the Sewataro Reservation Form.

5. Group Reservation Responsibilities

A group's primary contact person is responsible for coordinating the event and shall be responsible for ensuring:

- That the space, facility, and/or general location used is kept in clean condition and proper order following the conclusion of the meeting, including removal of all garbage or waste materials, removal of all decorations, and return of any furniture or equipment to their original locations at the conclusion of the event.
- All restrictions are adhered to.
- Completion of the Sewataro Reservation Form in advance of the event.

6. Reservation Priority

Reservations shall be made on a first-come, first-served basis. However, when in conflict, priority shall be given to local government organizations, then local residents, then local groups, and then non-Sudbury organizations or individuals.

There may be times when a site plan and additional equipment may be required, this coordination will begin with the reservation process. If additional toilets are needed to complement the event, at least one shall be in compliance with Americans with Disabilities Act (ADA) requirements.

7. Available spaces and Fees

The spaces available to reserve include:

Facility	Maximum Occupancy	Attributes	Municipal Committees and Depts. and Sudbury-based 501(c)3	Sudbury Groups	Non-Resident / Corporate / Private Groups
Liberty Lodge	150	4000 sq. ft. Covered roof	0	\$25/hr	\$50/hr
Meeting Hall	50	1200 sq. ft. Covered Roof	0	\$15/hr	\$30/hr
Tree House	40	Covered roof	0	\$10/hr	\$20/hr
Craft Deck	50	1400 sq ft Tented Roof (usually seasonally available in the summer)	0	\$10/hr	\$20/hr
Tennis Courts*	4 players	two available	\$18.40/hr	\$18.40/hr	\$24.15/hr
Basketball Court*	10 players		\$18.40/hr	\$18.40/hr	\$24.15/hr

* Court fees to be kept consistent with Park & Rec Tennis Court Field Request Form fees.

Groups that leave garbage will be charged double the normal fee.

Additional permit application fees may apply (example, food permit, building inspection (structural/electrical)).

Deposits / Cancellations: At this time, any deposits are fully refundable upon event cancellation.

The Select Board shall set the amount of the fee so as to recover a reasonable approximation of the costs to the Town in processing the requested item, and to recoup reasonable maintenance and repair costs of the property. Fees shall be paid to the Town in the same account as the Management Fee per Article 3 of Contract for Day Camp Operator and Management of Real Property agreement, dated Sept. 10, 2019.

- (1) Facilities may be reserved without a rental fee by the following groups:
 - a. Town departments and committees.
 - b. 501(c)3 registered organizations based or with members residing in Sudbury.
- (2) Facilities may be reserved with rental fee by:
 - a. Sudbury groups and any Non-Resident, Corporate, or Private group.
- (3) Rental fee Schedule – per hour: Shall be in accordance with the Fee Schedule in Section 7.

Commented [CR1]: Maybe clarify deposit – must front? Deposit? OR delete sentence?

Any revenue from fees charged for use of programming/meetings held at the Sewataro property during “public access hours” shall remain with the Town. Any revenues generated from Town-organized programming/meetings shall remain with the Town.

8. Insurance Requirements

Insurance requirements shall be in accordance with Town Park & Recreation Department policies (<https://sudbury.ma.us/recreation/wp-content/uploads/sites/335/2014/08/TownofSudburyFacilityusepolicyJune12012update.pdf>). Proof of insurance coverage may be required of any organized group requesting reservations at Sewataro and requested at any time. Groups and/or individuals that carry liability insurance should add the property to their policies and share a copy with the camp operator for file.

The Town or its representative shall request an event’s group’s primary contact person should obtain a special event policy listing the camp and the town as additional insured. In the event this special event policy cannot be obtained, a liability waiver or deposit will suffice.



Liability Waiver
Town of Sudbury.pc

9. Acceptable Use

Any use of the Sewataro property shall adhere to acceptable use guidelines as put forth by the Town Park & Recreation Department. Refreshments shall be allowed, but all garbage must be cleaned up and disposed of in appropriate receptacles.

10. Maximum Occupancy

Maximum Occupancy of each structure shall be in accordance with Town Fire Department regulations. Maximum occupancy is listed in the table above.

11. Restrictions

- All use of facilities is at your own risk.
- Residents are required to “carry in and carry out” anything brought onto the property, including trash.
- Smoking or vaping is not permitted in Sewataro.
- Vehicles are prohibited from driving on interior roadway, walkways, and any grassed area without express permission.
- Parking is permitted only in the designated lower and upper parking lots.
- No alcoholic beverages are allowed at Sewataro without express permission from the licensing authority.
- Sledding: Sledding is at your own risk. It is recommended that any sledding be done on the hill towards the fields.
- No dogs or large pets allowed, leashed or otherwise.
- No ice skating on the ponds in the winter.
- No swimming in the ponds.

- No firearms are allowed on the property.
- Any fishing in the ponds should be catch-and-release. These fish should not be eaten.
- No open fires or grills without a special permit issued by the Select Board, with review by the Fire Department required.

12. Exclusive Use

Under no circumstances will exclusive use of the Sewataro property be granted to one group during the public access hours as described in Section 2.0 Public Access Hours.

13. Emergency Contact

In case of an emergency, user is to call 911.

14. Postings

Any posting at the Sewataro property shall be consistent with the Town's policy on Advertising and Directional Signs; no "signs of an advertising nature" on behalf of for-profit organizations shall be allowed. Public postings shall be allowed only at the informational kiosks located at the front and back entrances to Sewataro.

16. Restrooms

There are two (2) Port-a-Potties available, an ADA-accessible one located near Liberty Lodge and a general use one available near the lower parking lot, available for use as restrooms during public access times.

For events with 100+ people, the user will be required to contract for its own port-a-pottie services.

17. Traffic Management

Should the event be large enough, the Police Department may require a police detail or other arrangements to appropriately direct traffic.

18. Parking Spaces

Parking is permitted only in the designated lower and upper parking lots. There are 10 parking spaces in the upper lot with 90 parking spaces in the lower lot, and approximately 30 additional overflow parking spaces in the front field. Event organizers shall consider the number of required parking spaces when making reservations.

Lower parking lot has more spaces available but requires travel up an uphill slope to reach most activity areas. The upper lot has fewer spaces available but is closer to and level with Liberty Lodge. Some path areas are not entirely smooth but are navigable. Accommodations are available upon request.

19. Park and Recreation Coordination

Sewataro event organizers shall confer with the Park and Recreation and other Town departments as appropriate to ensure there are no similar events scheduled for conflicting dates (e.g., the two contract community events per year). In the event of a conflict, the Town-organized event shall take precedence.

20. Hold Harmless Individual User Agreements

On behalf of myself and/or my minor child, (User), I understand that part of the facility and experience involves activities and group interactions that may be new to us, and that they come with uncertainties beyond what we may be used to dealing with at home, including but not limited to uneven terrain, collisions, being struck by thrown objects, insects, wild and domestic animals, inclement weather, remote locations, communicable diseases including but not limited to COVID-19, and other risks, including use of the facility by members of the public. I am aware of these risks and am assuming them on behalf of me and my child. We realize that no environment is risk-free, and understand and, if applicable, have instructed my child on the importance of abiding by the facility's rules, and we agree that we are familiar with these rules and will obey them.

To the fullest extent permissible by law, user agrees to save and hold harmless Camp Sewataro, LLC and the Town of Sudbury, including its owners, employees, trustees, agents or officers from and against any claim, suit, cause of action settlement or judgment brought against it by any party arising out of user's breach of its duty of reasonable care or intentional act arising out of user's use of the property or facilities, including attorneys' fees and other costs of suit, and further to waive any and all claims or causes of action against Camp Sewataro, LLC and the Town of Sudbury, except those that are the result of their gross negligence or intentional acts.

21. Hold Harmless Group User Agreements

User understands that part of the facility and experience involves activities and group interactions that may be new to our participants, and that they come with uncertainties beyond what our participants may be used to dealing with at home, including but not limited to uneven terrain, collisions, being struck by thrown objects, insects, domestic and wild animals, inclement weather, remote locations, communicable diseases including but not limited to COVID-19, and other risks, including use of the facility by members of the public. We are aware of these risks, and we are assuming them on behalf of our participants. We realize that no environment is risk-free, and so we have instructed our participants on the importance of abiding by the facility's rules, and we agree that they are familiar with these rules and will obey them.

To the fullest extent permissible by law, user agrees to save and hold harmless Camp Sewataro, LLC and the Town of Sudbury, including its owners, employees, trustees, agents or officers from and against any claim, suit, cause of action settlement or judgment brought against it by any party arising out of user's breach of its duty of reasonable care or intentional act arising out of user's use of the property or facilities, including attorneys' fees and other costs of suit, and further to waive any and all claims or causes of action against Camp Sewataro, LLC and the Town of Sudbury, except those that are the result of their gross negligence or intentional acts.

The undersigned represents that they are authorized to execute this agreement and to bind the group.

22. Accessibility

To the greatest extent practicable, event organizers shall work with the Camp Operator and Town, as appropriate, to implement temporary adjustments that will offer access to the widest population use during the planned event. This may require coordination with the fire, building, and combined facilities departments. This may also include things like ADA compliant ramp use, potable restrooms, protective surface enhancements, or other appropriate considerations.

23. Reportable

It is imperative to report to the Camp Sewataro Community liaison at Reservations@sewataro.com any additional service or logistical items required by an event. These include:

- Food
- Electricity
- Noise
- Stage

November 18, 2021

Lee S. Smith
 lsmith@k-plaw.com

Mr. Henry Hayes
 Town Manager
 Flynn Building
 278 Old Sudbury Road
 Sudbury, MA 01776

Re: Operating a Public Swimming Facility at the Sewataro Property located at 1 Liberty Ledge

Dear Mr. Hayes:

You have asked a series of questions regarding operating a public swimming facility at the Sewataro property located at 1 Liberty Ledge (“Sewataro” or the “Property”). My responses are as follows.

1. Does the Town have the ability to operate a public swimming facility at Sewataro?

In my opinion, at present, the Town does not have the ability to operate a public swimming facility at Sewataro. As you know, Sewataro is owned by the Town and is the subject of that certain “Contract for Day Camp Operator and Management of Real Property” dated as of September 10, 2019 (the “Contract”), by and between the Town and Camp Sewataro, LLC (the “Manager”). Under the Contract, Sewataro is under the care and control of the Town by and through the Select Board, and is managed by the Manager during the term of the Contract (initial Term expires September 10, 2022).

Pursuant to the Contract, the Manager operates a day camp at Sewataro each year between approximately June 1 and August 31 (the “Camp Season”). During the Camp Season, unless otherwise agreed in writing, use of the property by the Town and/or residents of the Town is limited to the defined “Camp Season Public Access Area” as shown in Exhibit 3 to the Contract (see Contract, Section 1.2.2.) It is my understanding that Sewataro presently has 4 small in-ground swimming pools, a swimming pond, and a recreational pond. At present, the swimming areas are not included within the Camp Season Public Access Area, however, such area may be modified by mutual written agreement of the parties.

Under Section 1.2.3 of the Contract, outside of the Camp Season, the Town and/or residents of the Town may use portions of the Property which is presently limited to “all open field areas, basketball courts, tennis courts and wooded areas. Use of the swimming areas is not presently permitted under the Contract outside of the Camp Season. The scope of the defined areas that may be used by the Town and/or residents outside of the Camp Season may also be modified by mutual



Mr. Henry Hayes
 Town Manager
 September 10, 2021
 Page 2

written agreement of the parties to include additional areas of the Property including the swimming areas.

Accordingly, the Town would need to seek to amend the terms of the Contract with the Manager in order to address future use of the swimming areas. In my opinion, as part of that process, the Manager could seek to negotiate other Contract amendments that may or may not be favorable to or in the best interests of the Town.

2. What additional liability might the Town incur by operating public swimming facilities at Sewataro if (a) the Town runs the program or (b) if the Manager runs the program?

In my opinion, the Town could be exposed to additional liability for operating public swimming facilities at Sewataro under both scenarios- if the Town runs the program or if the Manager runs the program.

Pursuant to Section 9.5 of the Contract, the Manager provides a broad indemnification to the Town for both day camp and non-camp operations at the Property other than that which is undertaken by the Town including its employees, contractors, agents or representatives. Thus, in my opinion, if the Town were to operate a swimming program at Sewataro with its own employees, contractors, agents or representatives, the Town would likely not have the benefit of the Manager's indemnification set forth in Section 9.5 of the Contract and therefore be potentially exposed to additional liability than if it does not operate a swimming program on the Property.

Further, under Section 9.6(i) of the Contract, the Town provides a similar indemnification to the Manager for "all operations, programs or activities at the Property managed, operated or coordinated by or for the benefit of the Town" and (ii) for "any use of, or access to, the Property by the Town, residents of the Town or the general public...." As such, in my opinion, even if the Manager operated a swimming program on the Property on behalf of the Town and with its own employees, contractors, agents or representatives, the Town could be exposed to additional liability related to operating a swimming program at Sewataro.

However, depending on the facts and circumstances of a particular claim, the Town's liability may be limited.

The Recreational Use Statute, G.L. c. 21, § 17C, grants an exemption from liability for any negligence claims where a prospective plaintiff was injured when engaged in a recreational activity on the Town's land, and the Town did not "impos[e] a charge or fee" for the injured plaintiff's use of that land. G.L. c. 21, §17C; Patterson v. Christ Church in Boston, 85 Mass. App. Ct. 157, 160 (2014), review denied, 468 Mass. 1104 (2014). Specifically, the Recreational Use Statute states that



Mr. Henry Hayes
 Town Manager
 September 10, 2021
 Page 3

any person who “lawfully permits the public to use such land for recreational ... purposes without imposing a charge or fee therefor, ... shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of willful, wanton, or reckless conduct by such person.”

In evaluating the application of the Recreational Use Statute, courts will look to “the objective circumstances surrounding [the injured plaintiff’s] entry and subsequent activities” to determine whether a plaintiff is a recreational user. Dunn v. City Of Boston, 75 Mass. App. Ct. 556, 559 (2009). When determining a defendant-town’s protection under the statute, “the issue is whether the landowner charges a fee for the particular use to which the plaintiff puts the land.” Marcus v. Newton, 462 Mass. 148, 155 (2012). The Supreme Judicial Court, however, clarified in Marcus that a town, as landowner, may impose a charge or fee “intended solely to reimburse it for marginal costs directly attributable to a specific user’s recreational use of the property” and remain exempt from ordinary negligence claims under the statute, but in general, a Town may not charge a general fee for the use of the swimming area in order to have the protections afforded by the Recreational Use Statute. See also Seich v. Town of Canton, 426 Mass. 84, 84 (1997) (even though plaintiff’s daughter paid basketball registration fee, plaintiff was not charged an “entrance fee for members of the public to use the property” and recreational use immunity thus applied).

Therefore, in my opinion, assuming that the swimming area(s) is made open to members of the public for recreational use, and the Town does not charge any fees for use of the swimming area(s), the Town could be exempt from liability for injuries or property damage to anyone who uses the swimming area(s).

The Town also may be immune from liability under the Massachusetts Tort Claims Act (“MTCA”), G.L. c. 258, if there is negligence on the part of a public employee or official. Section 10 of the MTCA provides a set of enumerated circumstances under which the Town would not be liable. Specifically, it states that a Town is not liable for any claims involving:

(a) acts of employees acting with care in implementing a statute or by-law; (b) discretionary or individual decisions made by employees that involve policy or planning; (c) intentional torts, including, among others, assault and battery; (d) collecting taxes; (e) licensing and permitting decisions; (f) failure to inspect property to determine whether the property complies with or violates any law, regulation, ordinance or code, or contains a hazard to health or safety; (g) failure to establish a fire protection service; (h) failure to establish a police service; (i) actions by released or escaped prisoners; and (j) failure to act or prevent harm to a party.



Mr. Henry Hayes
 Town Manager
 September 10, 2021
 Page 4

Notably, however, the MTCA does not protect a Town from the negligent maintenance of public property. G.L. c. 258, §2 10(j)(3). A Town is not, however, required to maintain public property in ways so as to prevent every type of possible injury that may occur from the use of the property. See., e.g., Moore v. Town of Billerica, 83 Mass. App. Ct. 729, 733 (2013) (failure to post warning signs or erect barriers on playground not negligent maintenance, and as such, Town was immune from liability under § 10(j)). This analysis further implicates the provisions of the Contract discussed above as, at present, the Manager is responsible for maintaining the Property, however, the Manager’s indemnification of the Town is limited where the Property is open to residents pursuant to a Town program.

Note further that G.L. c. 140, s. 206 imposes certain requirements for “every public and semipublic outdoor inground swimming pool” including fencing, gates, and rescue equipment including a life ring and rescue hook. And, the state Board of Health Regulations (see 105 CMR 435) impose a broad range of minimum standards for swimming pools relating to public health and safety.

In addition to statutory limitations on liability that may be available, the Town can seek to limit its exposure to financial liability for claims by obtaining sufficient insurance coverage for the use in question. I recommend consulting with the Town’s insurance representatives on this topic to determine whether offering the use of the swimming areas for residents is insurable, what risks they determine need to be addressed and the types and costs of insurance coverage may be available.

3. What are the issues associated with the Town charging fees to use the facilities at Sewataro?

In my opinion, the Town may charge fees (as distinguished from an impermissible tax), if it can be demonstrated that a three part test set forth in the case of Emerson College v. City of Boston, 391 Mass. 415 (1984) has been met.

First, the fee must be charged in exchange for a particular governmental service which benefits the party paying the fee in a manner not shared by other members of the community. Second, the service must not be compulsory, meaning that the person paying the fee must utilize the service as a matter of choice. And third, the fee must not be used to raise revenue, but instead is intended to offset the cost of governmental services.

Thus, in my opinion, provided that that the Town is able to ensure that the fees to use facilities at Sewataro are particularized, avoidable, and reasonably reflect the costs to the Town for providing the services at issue, fees may be imposed for the use of the Property.



Mr. Henry Hayes
 Town Manager
 September 10, 2021
 Page 5

However, as is described above, if the Town imposes lawful fees for use of the Property, the Town may lose the benefit of the limitations on liability afforded by the Recreational Use Statute, G.L. c. 21, § 17C.

4. Per section 1.2.6 of the Contract, when not in conflict with the operation of the Camp at the Property (e.g. summer weekends and after last camp session through Labor Day weekend) can the Manager facilitate public swimming at Sewataro?

Context: the Manager has indicated a willingness to facilitate public swimming in the swimming pond (not necessarily the 4 teaching pools) at such non camp hours, in response to the attached request. This is a separate and distinct approach from the Town (e.g. Parks & Rec) facilitating swimming.

Section 1.2.6 of the Contract states:

“Programmatic Activities. The Manager has proposed, and the Town supports, the scheduling of programmatic activities on the Property from time to time, utilizing the Property and selected facilities thereon when not in conflict with the operation of the Camp at the Property. Such activities may include access by residents of the Town, and other invited members of the general public. Such events may be planned by the Manager, or shall be planned and coordinated with the Town, by and through its Parks and Recreation Department, or such other delegates as the Town Manager may designate. The cost of programmatic events planned with the Town, if any, shall be allocated by mutual agreement of the Parties.”

In my opinion, pursuant to Section 1.2.6, the Manager may facilitate public swimming at Sewataro when not in conflict with the operation of the Camp at the Property for residents of the Town and other invited members of the general public.

However, as set forth above, the Town could be exposed to additional liability for the public swimming because under the scenario presented above, under Section 9.6(i) of the Contract, the Town provides an indemnification to the Manager for “all operations, programs or activities at the Property managed, operated or coordinated by or for the benefit of the Town” and (ii) for “any use of, or access to, the Property by the Town, residents of the Town or the general public....”

In my further opinion, the Recreational Use statute would still apply, subject to its limitations described above, thus consideration should be given to whether fees are charged to users of the Property because if fees are charged, exemption from liability may not apply.



Mr. Henry Hayes
Town Manager
September 10, 2021
Page 6

Please let me know if you have any questions or if I can be of further assistance.

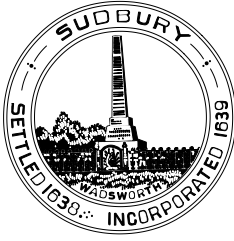
Very truly yours,

A handwritten signature in blue ink, appearing to read "Lee S. Smith".

Lee S. Smith

LSS/kes

779139/SUDB/0001



Sewataro Reservation Form

Applicant Information

Applicant Name: _____
 Person preparing form: _____
 Address: _____
 City/State/Zip: _____
 Phone: _____ Alt Phone: _____
 Email: _____

Use Request Information

Desired Date of Use: _____
 Starting Time: _____ Ending Time: _____
 Purpose of Use: _____
 # of Attendees** : _____
 Admission Charged? No: Yes: If yes, \$ Per Person: _____

Group Type:

Municipal Local Non-Profit/Sudbury 501(c)(3)* Other

Use:

One-time Recurring

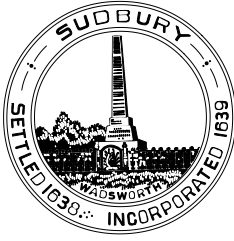
Facility Request Information

Site Requested:

Full Site Liberty Lodge Meeting House
 Tree House Crafts Deck Fishing Pond
 Tennis Courts Basketball Courts
 Other: _____

*Proof of 501c3 status may be requested.

**To qualify as a Sudbury-based group, a minimum of 50% of attendees must be Sudbury residents.



Sewataro Reservation Form

Insurance Requirements

Insurance requirements shall be in accordance with Town Park & Recreation Department policies (<https://sudbury.ma.us/recreation/wp-content/uploads/sites/335/2014/08/TownofSudburyFacilityusepolicyJune12012update.pdf>).

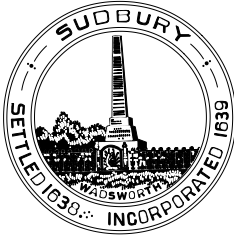
Proof of insurance coverage may be required of any organized group requesting reservations at Sewataro and requested at any time. Groups and/or individuals that carry liability insurance shall add the property to their policies and share a copy with the camp operator for file.

The Town or its representative shall request an event's group's primary contact person should obtain a special event policy listing the camp and the town as additional insured. In the event this special event policy cannot be obtained, a liability waiver or deposit will suffice.

Hold Harmless Individual User Agreements

On behalf of myself and/or my minor child, (User), I understand that part of the facility and experience involves activities and group interactions that may be new to us, and that they come with uncertainties beyond what we may be used to dealing with at home, including but not limited to uneven terrain, collisions, being struck by thrown objects, insects, wild and domestic animals, inclement weather, remote locations, communicable diseases including but not limited to COVID-19, and other risks, including use of the facility by members of the public. I am aware of these risks and am assuming them on behalf of me and my child. We realize that no environment is risk-free, and understand and, if applicable, have instructed my child on the importance of abiding by the facility's rules, and we agree that we are familiar with these rules and will obey them.

To the fullest extent permissible by law, user agrees to save and hold harmless Camp Sewataro, LLC and the Town of Sudbury, including its owners, employees, trustees, agents or officers from and against any claim, suit, cause of action settlement or judgment brought against it by any party arising out of user's breach of its duty of reasonable care or intentional act arising out of user's use of the property or facilities, including attorneys' fees and other costs of suit, and further to waive any and all claims or causes of action against Camp Sewataro, LLC and the Town of Sudbury, except those that are the result of their gross negligence or intentional acts.



Sewataro Reservation Form

Hold Harmless Group User Agreements

User understands that part of the facility and experience involves activities and group interactions that may be new to our participants, and that they come with uncertainties beyond what our participants may be used to dealing with at home, including but not limited to uneven terrain, collisions, being struck by thrown objects, insects, domestic and wild animals, inclement weather, remote locations, communicable diseases including but not limited to COVID-19, and other risks, including use of the facility by members of the public. We are aware of these risks, and we are assuming them on behalf of our participants. We realize that no environment is risk-free, and so we have instructed our participants on the importance of abiding by the facility’s rules, and we agree that they are familiar with these rules and will obey them.

To the fullest extent permissible by law, user agrees to save and hold harmless Camp Sewataro, LLC and the Town of Sudbury, including its owners, employees, trustees, agents or officers from and against any claim, suit, cause of action settlement or judgment brought against it by any party arising out of user’s breach of its duty of reasonable care or intentional act arising out of user’s use of the property or facilities, including attorneys’ fees and other costs of suit, and further to waive any and all claims or causes of action against Camp Sewataro, LLC and the Town of Sudbury, except those that are the result of their gross negligence or intentional acts.

The undersigned represents that they are authorized to execute this agreement and to bind the group.

Agreement

If said permission is granted, I hereby agree to comply with the rules and regulations of the Town of Sudbury, Sewataro Use Policy document, insurance requirements, and all other applicable Town rules and regulations governing the use of the Sewataro property, and to take proper care of the grounds and to make good any damage to, or loss of, Town Property arising from the use of the property.

Signature: _____ Date: _____

TO: Select Board (*By Electronic Mail Only*)

CC: Town Manager

FROM: Janelle M. Austin, Esq.
 Lee Smith, Esq.

RE: Sewataro Property – Legal Inquiries

DATE: November 16, 2021

The Town has asked Town Counsel a series of questions regarding the use and operation of the Sewataro property (“Sewataro” or the “Property”), including operating a public swimming facility at the Property located at 1 Liberty Ledge. The consolidated responses to the recent inquiries are contained in this memorandum.

1. Is it an issue to have different fee for resident versus non-resident?

In our opinion, the Town may charge a different fee for residents versus non-residents, but it must have a rational basis for charging a different fee. Generally, any regulation that differentiates between residents and non-residents is subject to the limitations of the State and Federal Constitutions prohibiting discrimination in violation of a non-resident’s right to equal protection of the laws. LCM Enterprises, Inc. v. Town of Dartmouth, 14 F.3d 675, 679 (1st Cir. 1994) (analyzing constitutional challenge to Town system of charging higher harbor usage fees to nonresidents than to residents). Therefore, the local law or regulation must bear a “reasonable relation to a permissible legislative objective.” Id. According to the United States Supreme Court, it is reasonable to charge non-residents a higher user fee when residents assist in the operation and maintenance of the service through the payment of taxes and non-residents do not. Baldwin v. Fish and Game Commission of Montana, 436 U.S. 371, 389-390 (1978). In this regard, use of the property by non-residents may lead to the exclusion of residents, increased operation and maintenance costs, and increased burdens on the Town’s departments, including, for example, fire, police and public works. Property taxes alone may not fully cover these increased costs, which are born solely by Town residents. Therefore, it is our opinion that charging non-residents a higher fee for use of the Property would not violate the Equal Protection Clause of the United States Constitution, provided that the different fee structure is reasonably related to the increased Town costs associated with use of the property by non-residents.

2. In the case of a group of people, is it sufficient that the applicant/point of contact/responsible person for the reservation be a Sudbury resident to qualify as a resident group, and further, is there an issue with setting a minimum percentage of participating group members being residents to establish the group as a Resident group? (Responsible applicant attests to this)

With respect to these inquiries, in our opinion, as a matter of policy, the Town may identify what criteria will need to be satisfied to establish the resident criteria, including that the applicant or the group is located in Sudbury. In my experience in other communities, towns will establish residency criteria based on the primary address and/or organization of the group in a particular community or a particular percentage of individuals in a group or sponsored activity who are residents (e.g. 80% or 60%), as a matter of policy.

3. If there are no anticipated incremental custodial or related expenses (i.e., because of small size of event (e.g., < X participants) and because maintenance person performs daily tasks anyway) is there an issue with not requiring per use fee?

In our opinion, the Town can determine whether based on the nature or size of a particular event that no fee is needed. As you know, any fee imposed by the Town must comply with the provisions of the Massachusetts Constitution with respect to the authority of municipalities to charge fees. In Emerson College v. City of Boston, 391 Mass. 415 (1984), the Supreme Judicial Court set forth three factors to determine whether a charge is a fee that can be assessed on a case-by-case basis, or whether it is a tax that must be levied upon all residents equally. First, the fee must be levied in exchange for a particular governmental service, which benefits the party paying the fee in a manner not shared by other members of the community. Second, the service must not be compulsory, meaning that the person paying the fee must utilize the service as a matter of choice. Finally, the fee must not be used to raise revenue, and must instead be used to offset the cost of governmental services.

4. Can the definition of non-profit be tightened up to be a registered 501(c)(3) organization? Further, can the definition of Sudbury non-profit group be tightened up to combine:
 - a. the applicant/responsible person is a Sudbury resident
 - b. that resident applicant/responsible person is a member of the non-profit organization
 - c. the event is an activity for/of that nonprofit organization
 - d. the individuals participating in the event are Sudbury residents

In our opinion with respect to the above inquiries, the Town can if it chooses to, clarify the definition of non-profit to include only organizations that have 501(c)(3) status. If the Town wishes to modify such definition, the Town may require a non-profit to submit current documentation of 501(c)(3) status for its records. For example, please see breakdown of priority groups in this policy for consideration: https://www.wayland.ma.us/sites/g/files/vyhlf4016/f/news/2020_field_facility_user_packet.pdf, pp. 4-5, which sets percentage of resident criteria and discusses 501(c)(3) status. Please let us know if you want me to review or draft such language.

5. Can definition of ‘Sudbury group besides non-profits’ be: applicant/responsible person is a Sudbury resident and the event is not an activity for/of a 501(c)(3) organization of which the applicant is a member?

In our opinion, the Town can make such a determination as matter of policy to further clarify such group classifications and eligibility for organizations that do not have 501(c)(3) status. We recommend that any such criteria be designated in the use policy.

6. Can the Town regulate the use of the Property by non-governmental entities?

In our opinion, the Town has the discretion to permit or prohibit the use of municipal facilities by non-governmental entities. Lamb’s Chapel v. Center Moriches Sch. Dist., 508 U.S. 384, 390 (1993). In Lamb’s Chapel, the United States Supreme Court held that a school district may preserve its municipal property for its dedicated purpose. Id., at 390. However, once the Town makes its property available to a non-municipal entity, constitutional principles require that Town facilities be made available to such groups in an even-handed and content-neutral manner that does not discriminate between groups based on race, political philosophy, religion, or message. In our further opinion, in making public facilities available to private groups, the same basic restrictions are applicable to municipalities as applied to other governmental action. As always, the Town should not discriminate among different groups, but should evenhandedly provide access to its facilities. Under applicable constitutional principles, a municipality should not support or align itself with any particular group or position. Limiting access to certain types of groups could raise issues as to whether a variety of different nonprofit or religious groups or even political groups should fall within the term “non-profit organizations.”

Accordingly, in our opinion, is important that the Town not appear to be favoring one group over another group because of the content of the ideas or beliefs of any particular group. Distinctions based on content could raise First Amendment, free speech and other constitutional objections to choices made in behalf of the Town. When choices are made solely within the discretion of a Town officer or employee and such choices have the potential to be based upon distinctions of ideas, beliefs, race, creed, color, or religion, the ability to exercise such discretion, without guidelines designed to guarantee equal access, may be subject to a facial constitutional challenge. A facial constitutional challenge is a challenge to the way a policy or regulation reads “on its face” without regard to how fairly the policy may actually be applied in practice. Facial challenges are allowed by the courts in First Amendment matters because of the sanctity with which courts view First Amendment rights.

Accordingly, to minimize potential liability, in our opinion, the Town’s Use Policy for Sewataro should neutral and objective conditions for the grant and for use of public space. Such Policy should: (1) establish conditions on such grant and use so that grants of use are given when neutral criteria are met without undue exercise of Town discretion and so that the full responsibility for supervision of such events is that of the private organization; the presence of Town employees is certainly allowed, but care should be taken not to create the appearance that the Town is endorsing or sponsoring the ideas of any particular private group; (2) charge a fee for custodial and related costs; and (3) regulate private use so that all groups have equal and

adequate access to such public facilities. The goal of such Policy is to satisfy the Town’s legal duty to administer the use of public facilities by private groups consistently and evenhandedly so that no group is favored or excluded in fact or in appearance.

In addition to legal matters related to equal access to public facilities, in our opinion, there can be potential liability from injury suffered by a participant or from injury resulting from the conduct of a participant in such use, either by way of personal injury to another participant or to a Town employee or by property damage to personal property or the public facility. A number of options are available to limit the Town’s liability, including obtaining waivers as the Town does in other programs, as noted in the attached draft, and indemnification agreements from participants or requiring insurance by a group to cover its use of the property. The Policy in its current form contemplates that all users will execute a waiver form.

Further, in our opinion, the Town will want to confirm with its insurer whether the form of waiver is sufficient and whether any of the intended uses would affect the Town’s premium or require additional insurance coverage.

7. Please provide an outline of the imposition of fees for the Property.

In our opinion, if the Town has accepted G.L. c.40, §22F, the Town Manager may set the fees if the Board so chooses as a matter of policy, which can be included in the policy or as a separate document referenced therein, with approval by the Select Board to cover the administrative costs. Please note that G.L. c.40, §22F, if accepted, authorizes any municipal board or officer “empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons,” to establish fees for any board or officer that is appointed by an elected board, however, the appointing board must vote to approve the fees. Town Counsel understands that the Town has previously accepted this provision, but you may wish to confirm with the Town Clerk that the Town has accepted Section 22F. As in the case of any fee setting, the fee set by a board of officer pursuant to §22F must be “reasonable,” in order to not become an impermissible tax. Therefore, Section 22F cannot and does not authorize the imposition of fees that exceed the amount necessary to compensate the Town for providing the services for its expenses.

As noted above, to the meaning of the term “reasonable” in the context of local fees, the Supreme Judicial Court in Emerson College v. The City of Boston, 391 Mass. 415 (1984), established a three-part test to determine whether fees charged by municipalities would be lawful. If a fee imposed by the Town does not meet all three of the criteria, it is subject to challenge as being unreasonable charge. As such, as noted in the above comments, any fee set for the use of the Property must therefore meet Emerson College standards of reasonableness.

With respect to your questions regarding differentiating between the Town collecting user fees and the Property Manager collecting user fees, in our opinion, the terms of Section 1.2.6 of the Contract (defined below) control. Programmatic activities may be planned by the Property Manager and/or the Town and “The cost of programmatic events planned with the Town, if any, shall be allocated by mutual agreement of the parties.” In our further opinion, the allocation of fees collected would depend on costs associated with the use and which parties

incur such costs. Further, by mutual agreement of the parties, either the Town or the Property Manager could collect and process the fees and then account for them in a manner consistent with the agreement regarding the allocation of fees. The limitation in the last paragraph of Section 3.1.1 of the Contract requiring that “Camp Sewataro, LLC shall be the only entity to receive revenues and receipts and to pay expenses in any way related to the camp and the Property and that no individual, natural person or other legal entity shall be utilized to receive revenues or to pay expenses in any way related to the Property” is intended to prevent the Property Manager from utilizing multiple legal entities to act in a way to frustrate the intent of the Contract with respect to the Management Fee as set forth in Article 3. In the event that a mutual agreement regarding programmatic events would result in a conflict with respect to this clause, such language could be modified as an amendment to the Contract.

8. How should the permitting authority be defined in the Policy Document for Sewataro?

In our opinion, the Town may consider using the following language to define the permitting authority in the policy document: “Users shall obtain all necessary permits for Town activities, as required by law or Town bylaws, rules or regulations.”

Part III, Section 5(b) of the Town Charter provides “The [Select Board] shall be the chief policy making board of the town and shall act by the issuance of policy statements and guidelines to be followed and implemented by all town agencies serving under the board.” Section 11(g) states that the Town Manager is “to be responsible for the efficient use, maintenance and repair of all town facilities, except those under the jurisdiction of the school committee.” In our opinion, the Select Board has the authority to establish policies with respect to the use of the Sewataro property, including establishing the Town Manager as the permitting authority.

With respect to your question regarding requiring Town Manager permission to allow use of the property by “for-profit, religious, or lobbying purposes”, such determinations are policy decisions, however, consistency should be maintained throughout the policy with respect to any specific requirements such as 501(c)(3) corporations, as addressed above.

9. Does the Town have the ability to operate a public swimming facility at Sewataro?

In our opinion, at present, the Town does not have the ability to operate a public swimming facility at Sewataro. As you know, Sewataro is owned by the Town and is the subject of that certain “Contract for Day Camp Operator and Management of Real Property” dated as of September 10, 2019 (the “Contract”), by and between the Town and Camp Sewataro, LLC (the “Manager”). Under the Contract, Sewataro is under the care and control of the Town by and through the Select Board, and is managed by the Manager during the term of the Contract (initial Term expires September 10, 2022).

Pursuant to the Contract, the Manager operates a day camp at Sewataro each year between approximately June 1 and August 31 (the “Camp Season”). During the Camp Season,

Attachment 10.f: KP-#787874-v3-SUDB-Consolidated_Memo-_Sewatro (4929 : Sewataro discussion on Public Access and Contract Renewal)

unless otherwise agreed in writing, use of the property by the Town and/or residents of the Town is limited to the defined “Camp Season Public Access Area” as shown in Exhibit 3 to the Contract (see Contract, Section 1.2.2.) It is our understanding that Sewataro presently has four small in-ground swimming pools, a swimming pond, and a recreational pond. At present, the swimming areas are not included within the Camp Season Public Access Area, however, such area may be modified by mutual written agreement of the parties.

Under Section 1.2.3 of the Contract, outside of the Camp Season, the Town and/or residents of the Town may use portions of the Property, which is presently limited to “all open field areas, basketball courts, tennis courts and wooded areas. Use of the swimming areas is not presently permitted under the Contract outside of the Camp Season. The scope of the defined areas that may be used by the Town and/or residents outside of the Camp Season may also be modified by mutual written agreement of the parties to include additional areas of the Property including the swimming areas.

Accordingly, the Town would need to seek to amend the terms of the Contract with the Manager in order to address future use of the swimming areas. In our opinion, as part of that process, the Manager could seek to negotiate other Contract amendments that may or may not be favorable to or in the best interests of the Town.

10. What additional liability might the Town incur by operating public swimming facilities at Sewataro if (a) the Town runs the program or (b) if the Manager runs the program?

In our opinion, the Town could be exposed to additional liability for operating public swimming facilities at Sewataro under both scenarios- if the Town runs the program or if the Manager runs the program.

Pursuant to Section 9.5 of the Contract, the Manager provides a broad indemnification to the Town for both day camp and non-camp operations at the Property other than that which is undertaken by the Town including its employees, contractors, agents or representatives. Thus, in our opinion, if the Town were to operate a swimming program at Sewataro with its own employees, contractors, agents or representatives, the Town would likely not have the benefit of the Manager’s indemnification set forth in Section 9.5 of the Contract and therefore be potentially exposed to additional liability than if it does not operate a swimming program on the Property.

Further, under Section 9.6(i) of the Contract, the Town provides a similar indemnification to the Manager for “all operations, programs or activities at the Property managed, operated or coordinated by or for the benefit of the Town” and (ii) for “any use of, or access to, the Property by the Town, residents of the Town or the general public....” As such, in our opinion, even if the Manager operated a swimming program on the Property on behalf of the Town and with its own employees, contractors, agents or representatives, the Town could be exposed to additional liability related to operating a swimming program at Sewataro.

However, depending on the facts and circumstances of a particular claim, the Town’s liability may be limited.

Attachment 10.f: KP-#787874-v3-SUDB- Consolidated_Memo- Sewatro (4929 : Sewataro discussion on Public Access and Contract Renewal)

The Recreational Use Statute, G.L. c. 21, § 17C, grants an exemption from liability for any negligence claims where a prospective plaintiff was injured when engaged in a recreational activity on the Town’s land, and the Town did not “impos[e] a charge or fee” for the injured plaintiff’s use of that land. G.L. c. 21, §17C; Patterson v. Christ Church in Boston, 85 Mass. App. Ct. 157, 160 (2014), review denied, 468 Mass. 1104 (2014). Specifically, the Recreational Use Statute states that any person who “lawfully permits the public to use such land for recreational ... purposes without imposing a charge or fee therefor, ... shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of willful, wanton, or reckless conduct by such person.”

In evaluating the application of the Recreational Use Statute, courts will look to “the objective circumstances surrounding [the injured plaintiff’s] entry and subsequent activities” to determine whether a plaintiff is a recreational user. Dunn v. City Of Boston, 75 Mass. App. Ct. 556, 559 (2009). When determining a defendant-town’s protection under the statute, “the issue is whether the landowner charges a fee for the particular use to which the plaintiff puts the land.” Marcus v. Newton, 462 Mass. 148, 155 (2012). The Supreme Judicial Court, however, clarified in Marcus that a town, as landowner, may impose a charge or fee “intended solely to reimburse it for marginal costs directly attributable to a specific user’s recreational use of the property” and remain exempt from ordinary negligence claims under the statute, but in general, a Town may not charge a general fee for the use of the swimming area in order to have the protections afforded by the Recreational Use Statute. See also Seich v. Town of Canton, 426 Mass. 84, 84 (1997) (even though plaintiff’s daughter paid basketball registration fee, plaintiff was not charged an “entrance fee for members of the public to use the property” and recreational use immunity thus applied).

Therefore, in our opinion, assuming that the swimming area(s) is made open to members of the public for recreational use, and the Town does not charge any fees for use of the swimming area(s), the Town could be exempt from liability for injuries or property damage to anyone who uses the swimming area(s).

The Town also may be immune from liability under the Massachusetts Tort Claims Act (“MTCA”), G.L. c. 258, if there is negligence on the part of a public employee or official. Section 10 of the MTCA provides a set of enumerated circumstances under which the Town would not be liable. Specifically, it states that a Town is not liable for any claims involving:

- (a) acts of employees acting with care in implementing a statute or by-law; (b) discretionary or individual decisions made by employees that involve policy or planning; (c) intentional torts, including, among others, assault and battery; (d) collecting taxes; (e) licensing and permitting decisions; (f) failure to inspect property to determine whether the property complies with or violates any law, regulation, ordinance or code, or contains a hazard to health or safety; (g) failure to establish a fire protection service; (h) failure to establish a police service; (i) actions by released or escaped prisoners; and (j) failure to act or prevent harm to a party.

Attachment10.f: KP-#787874-v3-SUDB- Consolidated_Memo- Sewatro (4929 : Sewataro discussion on Public Access and Contract Renewal)

Notably, however, the MTCA does not protect a Town from the negligent maintenance of public property. G.L. c. 258, §10(j)(3). A Town is not, however, required to maintain public property in ways to prevent every type of possible injury that may occur from the use of the property. See, e.g., Moore v. Town of Billerica, 83 Mass. App. Ct. 729, 733 (2013) (failure to post warning signs or erect barriers on playground not negligent maintenance, and as such, Town was immune from liability under § 10(j)). This analysis further implicates the provisions of the Contract discussed above as, at present, the Manager is responsible for maintaining the Property, however, the Manager’s indemnification of the Town is limited where the Property is open to residents pursuant to a Town program.

Note further that G.L. c. 140, §206 imposes certain requirements for “every public and semipublic outdoor inground swimming pool” including fencing, gates, and rescue equipment including a life ring and rescue hook. And, the state Board of Health Regulations (see 105 CMR 435), impose a broad range of minimum standards for swimming pools relating to public health and safety.

In addition to statutory limitations on liability that may be available, the Town can seek to limit its exposure to financial liability for claims by obtaining sufficient insurance coverage for the use in question. Town Counsel recommends consulting with the Town’s insurance representatives on this topic to determine whether offering the use of the swimming areas for residents is insurable, what risks they determine need to be addressed and the types and costs of insurance coverage may be available.

11. What are the issues associated with the Town charging fees to use the facilities at Sewataro?

In our opinion, as noted in the fee analysis above, the Town may charge fees (as distinguished from an impermissible tax), if it can be demonstrated that a three part test set forth in the case of Emerson College v. City of Boston, 391 Mass. 415 (1984) has been met. The three-party analysis contained in Emerson is referenced above. Thus, in our opinion, provided that that the Town is able to ensure that the fees to use facilities at Sewataro are particularized, avoidable, and reasonably reflect the costs to the Town for providing the services at issue, fees may be imposed for the use of the Property. However, as is described above, if the Town imposes lawful fees for use of the Property, the Town may lose the benefit of the limitations on liability afforded by the Recreational Use Statute, G.L. c. 21, § 17C.

12. Per section 1.2.6 of the Contract, when not in conflict with the operation of the Camp at the Property (e.g. summer weekends and after last camp session through Labor Day weekend) can the Manager facilitate public swimming at Sewataro?

Context: the Manager has indicated a willingness to facilitate public swimming in the swimming pond (not necessarily the 4 teaching pools) at such non-camp hours, in response to the attached request. This is a separate and distinct approach from the Town (e.g. Parks & Rec) facilitating swimming.

Section 1.2.6 of the Contract states:

Attachment 10.f: KP-#787874-v3-SUDB- Consolidated_Memo- Sewatro (4929 : Sewataro discussion on Public Access and Contract Renewal)

“Programmatic Activities. The Manager has proposed, and the Town supports, the scheduling of programmatic activities on the Property from time to time, utilizing the Property and selected facilities thereon when not in conflict with the operation of the Camp at the Property. Such activities may include access by residents of the Town, and other invited members of the general public. Such events may be planned by the Manager, or shall be planned and coordinated with the Town, by and through its Parks and Recreation Department, or such other delegates as the Town Manager may designate. The cost of programmatic events planned with the Town, if any, shall be allocated by mutual agreement of the Parties.”

In our opinion, pursuant to Section 1.2.6, the Manager may facilitate public swimming at Sewataro when not in conflict with the operation of the Camp at the Property for residents of the Town and other invited members of the general public.

However, as set forth above, the Town could be exposed to additional liability for the public swimming because under the scenario presented above, under Section 9.6(i) of the Contract, the Town provides an indemnification to the Manager for “all operations, programs or activities at the Property managed, operated or coordinated by or for the benefit of the Town” and (ii) for “any use of, or access to, the Property by the Town, residents of the Town or the general public....”

In our further opinion, the Recreational Use statute would still apply, subject to its limitations described above, thus consideration should be given to whether fees are charged to users of the Property because if fees are charged, exemption from liability may not apply.

13. Can the Select Board modify or add anything new to the contract (extension), or would changes beyond what is already in the original contract/amendments require a need for a new bid/RFP process?

In our opinion, the analysis as to whether modifications (amendments) to the current contract would require a new bid/RFP process will depend on the particular proposed modification and whether it is consistent with the Request for Proposals for Management of Camp Sewataro dated July 24, 2019 (the “RFP”). The guiding principle is whether the subject of the modification is within or outside of the “four corners” of the RFP and whether the modification would create a competitive disadvantage to a party responding to the RFP. For example, as was set forth in the RFP, the current contract term is for three years and the Town has the option at its sole discretion to extend the agreement for two additional five year terms. In our opinion, the Town could extend the current contract by one year rather than five, assuming the other party to the contract agrees to do so (i.e. by mutual agreement). However, if there is a subsequent extension, it is our opinion that the term could not be for more than 4 years so as to remain consistent with the five year extension term specified in the RFP. In contrast, if the Town sought to extend the contract term beyond the two additional five-year terms, a new request for proposals would be necessary.

Attachment 10.f: KP-#787874-v3-SUDB- Consolidated_Memo- Sewatro (4929 : Sewataro discussion on Public Access and Contract Renewal)

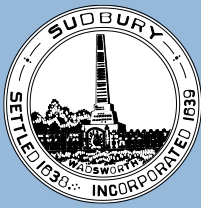
As always, please contact us with any questions.

Attachment10.f: KP-#787874-v3-SUDB- Consolidated_Memo- Sewatro (4929 : Sewataro discussion on Public Access and Contract Renewal)

ITEM	STATUS	ACTION	Assigned To	Select Board Coments
<p>Short Term</p> <p>Increase public use (swimming summer weekends)</p>	<p>Not currently planned</p>	<ul style="list-style-type: none"> • FlashVote to gauge interest? <ul style="list-style-type: none"> ○ \$100 annual fee? ○ \$10 per visit fee? ○ \$25 per family per visit fee? • Check with Dennis M. • Check with Bill Murphy on BoH concerns • Get update – would this interfere with camp activities? 	<p>Charlie R. Check with Dennis M.</p> <p>Bill S. dialog with Scott Brody</p>	<p>Accelerate questions to Board of Health</p> <p>Request via Henry for 1. Town Counsel opinion re: whether Town has the ability to operate a public swimming facility in off hours at Sewataro 2. what additional liability might this incur (changes to insurance requirements? In two scenarios: 1. As Town 2. As Camp Operator)</p> <p>Henry feedback: P&R workload is high. Challenge to accomplish with Town staff.</p>
<p>Increase documentation of activities and uses</p>	<p>Incorporate into third party use agreement?</p>	<p>Review documentation being submitted by Sewataro. Is this data we can track?</p>	<p>First November update. March 5 request put in for monthly update. 2 newsletter/reports to date (March and April). To be submitted on the 15th of each month.</p> <p>Calendar has been posted on Town</p>	<p>IN PROGRESS / COMPLETE</p>

			website. Latest one on July 13 -Sept. 14	
Safeguard property	Is this an issue? At least one full-time property manager lives on site to provide safeguarding services.	Fencing has been added. No action necessary at this time. Check with Bill Barletta		COMPLETE
Add policy addendum regarding user fees	In process. Compare with Park & Rec, Police Community Room, Goodnow Library, School spaces - Consistency across town		-	<u>Closing the back gate at 5 p.m.? and during holidays?</u> <u>Desire to understand when/why gate is closed?</u> <u>Comments from Drummey: back gate not part of the initial agreement, based on resident feedback, got agreement with Henry to keep open until 5 p.m. (i.e., dusk). Holidays was that staff were unavailable to open/close gates.</u>
Prior To June 2022				
Update Agreement	In process.			
Consider tax exempt debt	Seek input from Dennis K., consider in advance			

option (lease vs management agreement)	of agreement update.			
Longer Term:				
Formulate evaluation team	Form a citizens committee on Sewataro?			
Define strategic vision, options and next steps	Sewataro as a Town forum?			
Compare data from other communities	Make a list: NARA Park, Acton Walden Pond area, Concord Everwood, Sharon Rec Park, Andover Stevens Estate, North Andover			
Examine / evaluate best uses for the property	Unsure what additional information has come in since taking ownership? What information do we need?			



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

MISCELLANEOUS (UNTIMED)

11: Minutes review

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Review open session minutes of 10/19/21 and 11/2/21 and possibly vote to approve minutes.

Recommendations/Suggested Motion/Vote: Review open session minutes of 10/19/21 and 11/2/21, and possibly vote to approve minutes.

Background Information:
attached drafts.

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
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM

SUDBURY SELECT BOARD

TUESDAY, OCTOBER 19, 2021

(Meeting can be viewed at www.sudburytv.org)

Present: Chair Jennifer Roberts, Vice-Chair Charles Russo, Select Board Member Daniel Carty, Select Board Member William Schineller, Select Board Member Janie Dretler, Town Manager Henry Hayes

The statutory requirements as to notice having been complied with, the meeting was convened at 7:01 p.m. via Zoom telecommunication mode.

Chair Roberts announced the recording of the meeting and other procedural aspects included in the meeting.

Call to Order/Roll Call

Select Board Roll Call: Dretler-present, Russo-present, Schineller-present, Carty-present, Roberts-present

Opening remarks by Chair:

- CPC (Conservation Preservation Committee) will open the season tomorrow; new projects to be reviewed for the upcoming year
- Remote Annual Town Forum to take place Thursday, October 21 at 7:00 p.m. The topic is “Implementation of the Master Plan”
- Event sponsored by the Commission on Disability (COD) on November 10 at 7:00 p.m. - “Creating a Welcoming Community” for people with brain-based conditions presented by the IHCD (Institute for Human Centered Design)
- Personal property and Real Estate taxes due November 1, 2021
- Town-wide flu clinic October 23 at the Curtis Middle School from 9:00 a.m. to 3:00 p.m.
- Big thanks to Board of Health and everyone helping with the flu clinic
- The Finance Committee recently appointed a new member, Andrew Bettinelli, who works for a MA Senator

Reports from Town Manager Hayes:

- Welcomed all to the Town website, which includes new highlights and a new Town Manager Municipal Minute on SudburyTV, and another being edited for production
- Translation service on the Town website is being examined in order to offer various language choices

Reports from Select Board Members:

Board Member Carty:

- Worked at the 2021 Boston Marathon; Sudbury native Katharine Yenky ran her first marathon in support of defeating Alzheimer’s Disease for members of her family
- Town Forum on Thursday, October 21 at 7:00 p.m.
- Received Halloween and Trick or Treat emails
- COVID numbers continuing to decrease; State at 1.6%, and Sudbury at 1%

- Flags at half-staff across the state in honor of former Secretary of State Colin Powell

Vice-Chair Russo:

- A reminder about the 2021 virtual Town Forum on Thursday, October 21 at 7:00 p.m., to discuss the recently-completed Master Plan. Encouraged all residents to bring questions to the Town Forum
- Attended several recent committee meetings, sitting in at various times on the Historical Commission meeting with the Army Corps of Engineers about Section 106 permitting, and the Bruce Freeman Rail Trail Advisory Task Force meeting, among other recent meetings

Board Member Dretler:

- Attended the Historical Commission meeting with the Army Corps of Engineers regarding the Eversource rail trail project
- Attended BFRT Advisory Task Force meeting, as well as the consultant meeting; happy to see Town website updates regarding BFRT
- Attended the Energy Committee meeting last week regarding proposed solar projects in Town
- Attended an ARPA session today regarding transportation in the State
- Thanked BOH (Board of Health) for keeping residents safe during the COVID pandemic; the mask mandate has helped
- Town Center looks amazing with purple lights which reminds everyone of Domestic Violence Awareness Month. She thanked the Sudbury-Wayland-Lincoln Domestic Violence Roundtable and other organizations displaying the purple lights

Board Member Schineller:

- Spoke to the BFRT Advisory Task Force about an accident on the Central Rail Trail at a crossing in Wayland; recommended implementation of necessary safety devices on the BFRT
- He and Vice-Chair Russo, members of the Sewataro Subcommittee met and will provide additional feedback
- Letter composed by the Board to Gov. Baker and the Eversource CEO to further describe the rail trail Eversource project is now on the Town website
- Echoed Board respect for Colin Powell

Citizen's Comments on items not on agenda

No citizen's comments

Discussion and question of voting to accept Sudbury Access Corp (SAC) FY21 Financial and Operating Reports as required by their contract. In attendance will be Lynn Puorro, SudburyTV Executive Director, and SudburyTV Board of Directors: Jeff Winston, Terry Lockhart, Marty Greenstein, Nancy Brumback, and Donna Fayad.

Present: Lynn Puorro, Jeff Winston, Marty Greenstein, Terry Lockhart, Nancy Brumback, Donna Fayad

Mr. Winston outlined additional SudburyTV programming during the past year, in addition to remote meetings and Town Manager Municipal Minute episodes. He noted that viewership increased from 30% to 40%.

Ms. Puorro commented that SudburyTV was working on the hybrid meeting concept, and indicated that such hybrid programming was likely to remain.

Board Members expressed gratitude for SAC efforts over the past year.

Mr. Winston confirmed SAC was in good shape.

Chair Roberts read in the words of the motion. Board Member Dretler moved in the words of the Chair. Board Member Schineller seconded the motion.

It was on motion 5-0; Russo-aye, Carty-aye, Dretler-aye, Schineller-aye, Roberts-aye

VOTED: To accept Sudbury Access Corp (SAC) FY21 Financial and Operating Reports, as required by their contract.

Update from Transportation Committee members on progress and future potential. Should a quorum of Transportation Committee members be present, the Select Board will vote to open a joint meeting.

Present: Transportation Committee Members: Chair Dan Carty, Sandy Lasky, Alice Sapienza, Adam Duchesneau, Debra Galloway, Daniel Nason

Chair Carty moved in the words of the motion. Ms. Sapienza moved in the words of the Chair. Ms. Lasky seconded the motion.

It was on motion 6-0; Carty-present, Lasky-present, Sapienza-present, Duchesneau-present, Galloway-present, Nason-present

VOTED: To enter into joint session with the Select Board

Chair Roberts moved in the words of the motion. Board Member Dretler moved in the words of the Chair. Board Member Schineller seconded the motion.

It was on motion 5-0; Russo-present, Carty-present, Schineller-aye, Dretler-aye, Roberts-aye

VOTED: To enter into joint session with the Transportation Committee

Chair Carty and Ms. Sapienza presented the “GoSudbury! Transportation Programs” PowerPoint slides, including topics of:

- Livable Sudbury Transportation implementations
- Chronology of the Sudbury Transportation Commission origins
- Reference to transportation focus groups – increases in the senior population, the disabled population, and the financially vulnerable
- Several Transportation Initiatives Underway: Sudbury-only funding, Community Compact Cabinet Grant Shared funding, and the COVID-19 Emergency Taxi Grant
- Transportation focus on healthcare, social services, shopping, community resources, and employment; with consideration of increased housing for the elderly such as Cold Brook Crossing.

Ms. Sapienza stated that currently 200 residents are registered for the GoSudbury! Program, and more than 2,000 rides have been provided by taxis and Uber rides.

Chair Carty detailed that most riders are traveling on Rte. 20 to grocery stores, pharmacies, and medical appointments (especially to dialysis centers), with a smaller number of rides to Boston for medical appointments.

Ms. Galloway detailed transportation program requirements including grant writing/management, helping residents with applications, taxi company relations, creation of online application and database. She stated that the senior van program provided for some 50 to 60 rides per week.

Ms. Sapienza queried if the Town was committed to providing a transportation plan, and how that might be done. She emphasized that copays had not been collected up to this point, but sliding copays; and/or other options might be considered.

Director of Planning and Community Development, Adam Duchesneau, stated that in March the Uber program ceased due to budget concerns, and has resumed with limited service for medical appointments only. Board Member Carty noted that wheelchair rides are very expensive. Ms. Sapienza noted that Beth Perry of the Planning Department helped coordinate the Uber rides program.

Ms. Sapienza spoke of related budgeting measures implemented by other towns.

Chair Roberts expressed her interest in exploring the transportation program for those most vulnerable in the Town.

Chair Carty said the first step involved receiving support from the Select Board and then the Transportation Committee would provide a basic plan, outlining associated costs and benefits.

Chair Roberts inquired about timing and transportation plans inclusion in the FY23 budget. Chair Carty responded in the affirmative, adding that the Committee would need several months to prepare such plans.

Town Manager Hayes inquired about transportation needs for those under 50 years of age. Chair Carty responded that the younger population, such as those with disabilities, would be considered. Town Manager Hayes stated that budgeting discussions would begin in November. Chair Roberts suggested a placeholder for \$65,000 with continued budget discussions to take place.

Board Members agreed that the Transportation Committee should proceed with a transportation planning proposal for consideration by the Board, and possible Town Meeting funding.

Resident Peg Espinola, 224 Goodman's Hill Road, stated that the Transportation Committee presentation was excellent, and hoped the Board would seriously consider enhancing and continuing the transportation program.

Resident Linda Faust, 189 Boston Post Road, asked Board Member Schineller to repeat his comments about maintaining travel accessibility for those residents fifty or older, people with disabilities, the economically challenged, and Veterans. Board Member Schineller repeated that when mobility becomes more of an issue, programs are needed.

Resident Vladimir Pevunov, 37 Eddy Street, asked about transportation program eligibility qualifications. Chair Carty provided detail regarding the requirements.

Chair Carty motioned to adjourn the joint meeting with the Select Board. Ms. Sapienza seconded the motion.

It was on motion 6-0; Carty-aye, Lasky-aye, Sapienza-aye, Duchesneau-aye, Galloway-aye, Nason-aye

VOTED: To adjourn the joint meeting with the Select Board.

Chair Roberts moved in the words of the motion. Vice-Chair Russo moved in the words of the Chair. Board Member Schineller seconded the motion.

It was on motion 5-0; Russo-aye, Schineller-aye, Dretler-aye, Carty-aye, Roberts-aye

VOTED: To adjourn the joint meeting with the Transportation Committee

Discussion on solar power options for the future at several Town locations and possible vote to authorize the Town Manager to sign Letter of Intent to express the desire to enter into a Power Purchase Agreement (PPA) and Lease Agreement or grant of Easement (“Site Control”) for electricity to be produced by a solar power electric generating project, potentially including energy storage.

Present: Facilities Director Bill Barletta, Energy and Sustainability Member Rami Alwan

Mr. Barletta presented follow-up detail as requested at the last Board meeting. He added that the School Committee Members decided not to move ahead with the Letter of Intent (LOI) at this time, and requested additional information.

Mr. Barletta explained that solar contracts could be entered on an individual basis, and explained the solar roofing process. He stressed that the DPW building would be a good candidate for solar installation at this time.

Mr. Alwan stated that without a Letter of Intent, the Town could not move forward with any solar installations.

Board Member Dretler acknowledged that the School Committee had many questions, and indicated that they wanted to discuss the proposed solar installations with Town Manager Hayes.

Town Manager Hayes stated that he favored the proposed DPW solar roofing contract, which would help to advance sustainability measures as mentioned in the Master Plan.

Chair Roberts asked if the DPW roofing project would have to be brought before CIAC. Mr. Barletta replied not.

Vice-Chair Russo asked about roofing specifications, and inquired about the related vote by the Energy and Sustainability Committee members. Mr. Alwan responded that the vote was unanimous.

Chair Roberts asked if another bid was needed. Mr. Barletta responded the State endorses this company, which has the best combination of price and product. Town Manager Hayes expressed his support for the solar company being considered.

Resident Manish Sharma, 77 Colonial Road, asked the Board to consider further alternatives, and to explore other solar vendors.

Chair Roberts moved in the words of motion. Board Member Dretler moved in the words of the Chair. Vice-Chair Russo seconded the motion.

It was on motion 5-0; Schineller-aye, Dretler-aye, Russo-aye, Carty-aye, Roberts-aye

VOTED: To move forward with the LOI for the DPW building at 275 Old Lancaster Road

Bruce Freeman Rail Trail (BFRT) update by Beth Suedmeyer, Environmental Planner

Present: Environmental Planner Beth Suedmeyer, Fuss & O'Neill Consultants Nicholas Lapointe and Kevin Johnson

Ms. Suedmeyer provided updates and confirmed that the advertising date was scheduled for the end of June, and the related TIP (Transportation Improvement Process) was in place. She detailed that MassDOT indicated that the State might not be able to fund certain proposed project features such as piers, mile markers, display boards/interpretative features regarding historical aspects. Ms. Suedmeyer acknowledged that Fuss & O'Neill representatives were currently discussing such aspects with MassDOT; also including the topics of the proposed hydration stations, pavilion, and rest stations.

Ms. Suedmeyer stated that if MassDOT chooses not to provide funding for the proposed features, such funding could be submitted as a CPA application for Town Meeting consideration.

Board Member Schineller stated he had discussion with Ms. Suedmeyer regarding the safety of trail crossings; he suggested that such safety measures be given priority. Mr. Lapointe mentioned that the traffic signal aspect would be given priority.

Mr. Lapointe stated that the design process would not delay the project process, and that title work, and the associated lease regarding the right of way aspects, was of great importance.

Board Member Dretler inquired about the scheduling of a Special Town Meeting. She stressed the importance of including the CSX portion of the Trail.

Chair Roberts asked about the lease and the utility clause. Mr. Lapointe commented that once the lease was executed, private property easements could be addressed likely by the end of November.

Resident Pat Brown, 34 Whispering Pine Road, commented about the BFRT lease for Action, noting there was documented evidence that remuneration was the responsibility of MassDOT. She suggested the Town further examine the environmental aspects.

Ms. Brown asked if the Confirmatory Taking information was included on the Town website. Ms. Suedmeyer responded that additional title work was underway, as well as confirmatory takings; and more information would be available on the Town website when completed. Ms. Suedmeyer indicated the CSX portion could not be included in the process.

Resident Len Simon, 40 Meadowbrook Circle, suggested that a Special Town Meeting be scheduled as soon as possible in consideration of private easements.

Discussion and possible vote on mitigation funds for Route 117 intersection of Mossman and Dakin Roads

Present: Department of Public Works (DPW) Director Daniel Nason

Mr. Nason stated the Cold Brook Crossing mitigation funds could now be released. He explained that the cost estimate for design of the two intersections would be \$155,000, if design for Mossman and Dakin Road intersections were combined, reflective of a \$20,000 savings.

Chair Roberts asked if mitigation funding would cover the cost associated with the project. Mr. Nason responded in the affirmative.

Board member Schineller stressed the importance of the timing of traffic lights. He stated he was supportive of getting the project started. Mr. Nason confirmed that light signal synchronization was possible. Board Member Carty reiterated that synchronization was of great importance when considering the project.

Board Member Dretler inquired about Compete Streets and associated funding. Mr. Nason said he would be reviewing that aspect.

Vice-Chair Russo inquired about current road conditions, auto accident rates, and site line improvements. Mr. Nason commented that a neighbor had also agreed to remove some of overgrowth on their property.

Chair Roberts asked about timing of the project. Mr. Nason responded the project could be started within the next month.

Chair Roberts moved in the words of the motion. Board Member Dretler moved in the words of the Chair. Vice-Chair Russo seconded the motion.

It was on motion 5-0; Carty-aye, Schineller-aye, Dretler-aye, Russo-aye, Roberts-aye

VOTED: To support the use of mitigation funds for Route 117 intersections at Mossman and Dakin Roads.

Vote to accept the 2020 Re-Precincting Plan for the Town of Sudbury, including the Official Precinct map, Block Report and Precinct descriptions

Present: Town Clerk Beth Klein

Ms. Klein shared the PowerPoint presentation “2021 Town of Sudbury Precinct Plan,” and confirmed that the Sudbury population had increased, which generated the need for an additional precinct. She explained the process, and stated the deadline for such approval was October 30, 2021.

Chair Roberts moved in the words of the motion. Board Member Schineller moved in the words of the Chair. Board Member Dretler seconded the motion.

It was on motion 5-0; Carty-aye, Schineller-aye, Dretler-aye, Russo-aye, Roberts-aye

VOTED: To accept the 2020 Re-Precincting Plan for the Town of Sudbury, including the Official Precinct map, Block Report and Precinct descriptions, as requested by Town Clerk Klein.

Chair Roberts motioned that the Board recess for five minutes. Vice-Chair Russo moved in the words of the Chair. Board Member Schineller seconded the motion.

It was on motion 5-0; Carty-aye, Schineller-aye, Dretler-aye, Russo-aye, Roberts-aye

VOTED: That the Board recess for five minutes and resume the meeting at 11:09 p.m.

Vote whether to support signing MAPC/MAGIC letter to State requesting that State cover COVID-related expenses

Board Member Dretler asked that the Board approve the MAPC/MAGIC letter to the State, requested that the state cover COVID-related expenses.

Board Member Carty indicated he was uncomfortable about supporting an unsigned letter.

Chair Roberts suggested the Board vote to conditionally support.

Board Member Carty commented that the first draft of the letter was preferable, and was not in favor of additions numbered 1 and 2.

Board Member Schineller commented that he did not have the opportunity to review the second version of the letter, but would have liked to see an actual listing of COVID-related expenses that the State would accept.

Board Member Carty stressed that any funding received should be used on health-related projects.

Board Members further discussed the proposed letter.

Chair Roberts moved in the words of the motion. Board Member Dretler moved in the words of the Chair. Vice Chair Russo seconded the motion.

It was on motion 4-0-1; Schineller-aye, Dretler-aye, Russo-aye, Carty-no, Roberts-aye.

VOTED: To approve the MAPC/MAGIC letter, with the condition that Town Manager Hayes distribute the finalized letter, and allow the Board to consider any substantive changes to the letter.

Board Member Dretler confirmed that she would forward the finalized letter to Town Manager Hayes.

Housing Trust discussion related to Town Counsel opinion dated July 7, 2021

Board Member Dretler provided a related update. She confirmed that the Sudbury Housing Trust met October 19, 2021, and Trust members indicated that if any changes were made by the Select Board, they would be notified and given the opportunity to review any such changes.

Board Member Carty stressed that the Board was trying to amend the situation as presented at the 2006 Town Meeting.

Board Member Dretler confirmed that if the Select Board decided to go forward with such bylaw for upcoming Town Meeting, Staff should draft a bylaw. Board Member Carty recommended going forward with a bylaw to comply with housekeeping aspects. Board Members Schineller and Russo were in agreement.

Town Manager Hayes stated that related discussion would start with Director of Planning and Community Development Adam Duchesneau.

Chair Roberts stated that a vote would be taken at a future meeting.

Discussion and possible vote to accept donation of 1930 Model A Fire Truck by the estate of former resident Keith Porter

Chair Roberts commented that she did not recall the truck donation topic being presented to the Board until recently, and in the interim the owner's estate arranged to donate the fire truck to a community in Maine.

Chair Roberts inquired about an intake form regarding donations, etc. Town Manager Hayes confirmed he would find out about such an intake form.

Board Member Dretler inquired about associated costs if the Town did accept the donation, and opined that the Sudbury Historical Society might consider this possible opportunity.

Town Manager Hayes stated that the Fire Chief expressed some interest, and he also contemplated associated repair/maintenance expenses.

Board Member Schineller suggested the Board to agree to send a thank you letter to the estate in order to keep the door open in case the truck donation might be considered.

Chair Roberts moved in the words of the motion. Board Member Schineller moved in the words of the Chair. Board Member Carty seconded the motion.

It was on motion 4-0-1; Russo-aye, Dretler-no, Carty-aye, Schineller-aye, Roberts-aye

VOTED: To support the donation of the 1930 Model A Fire Truck by the estate of former resident Keith Porter, if the opportunity becomes available; contingent on sufficient due diligence.

Board Member Dretler indicated that associated maintenance expense might be excessive.

Chair Roberts stated she would check with related parties.

Town Hall update from Town Manager Hayes

Town Manager Hayes provided a Town Hall update, and opined about potential Town office space on the upper level at Town Hall.

Board Member Carty mentioned it would be wise to assess where the Town is now.

Board Member Dretler suggested that further discussions include the Select Board and the Permanent Building Committee (PBC).

Vice-Chair Russo acknowledged that the Town Hall Blue Ribbon Report did not recommend office space, but boarder input might be considered.

Chair Roberts indicated she was open to discussing potential Town Hall usages.

Board Members agreed to explore this aspect further. Chair Roberts recommended that a joint meeting with PBC and other interested groups take place.

Discussion with Town Manager regarding potential attendance at International City/County Management Association (ICMA) High Performance Leadership Academy

Board Members Carty, Russo, and Schineller supported Town Manager's registration and attendance at the International City/County Management Association (ICMA) High Performance Leadership Academy.

Board Member Dretler inquired about the time commitment involved. Town Manager Hayes detailed that attendance was online, and would involve attendance once or twice per week.

Board Member Dretler indicated her preference for Town Manager's registration for one of the seminars related to Town finances, as was recommended by the Board. Town Manager Hayes detailed that the ICMA seminar focused on municipal government, and would be more relevant to the Town Manager position.

Chair Roberts expressed mixed feelings, and shared some concern about day-to-day duties.

Town Manager Hayes reiterated that during the first year of his employment, he had fulfilled the education aspects and completed those courses during the COVID epidemic, in addition to the nine-month certification program.

Board Member Carty motioned to approve Town Manager Hayes enrollment in the International City/County Management Association (ICMA) High Performance Leadership Academy. Board Member Schineller seconded the motion.

It was on motion 3-2-0; Russo-aye, Carty-aye, Schineller-aye, Dretler-abstain, Roberts-abstain

VOTED: To approve Town Manager Hayes enrollment in the International City/County Management Association (ICMA) High Performance Leadership Academy.

Review open session minutes of 9/14/21 and possibly vote to approve minutes

Chair Roberts noted that the minutes would be on the agenda at the next Board meeting in consideration of the late hour.

Citizen's Comments

There were no citizen's comments.

Upcoming Agenda Items

November 3 items:

- Sewataro survey and use policy
- Financial Policies finalization
- Remote participation
- Broadacre Update – Building structures

November 16 items:

- ARPA Funding

Consent Calendar

Vote to correct the appointment term of Council on Aging (COA) member Sandy Lasky to expire 5/31/23, as requested by Debra Galloway, Senior Center Director

Chair Roberts moved in the words of motion. Board Member Dretler moved in the words of the Chair. Vice-Chair Russo seconded the motion.

It was on motion 5-0; Schineller-aye, Carty-aye, Russo-aye, Dretler-aye, Roberts-aye

VOTED: To correct the appointment term of Council on Aging (COA) member Sandy Lasky to expire 5/31/23, as requested by Debra Galloway, Senior Center Director

Adjourn:

Chair Roberts motioned in the words of the motion. Board Member Dretler moved in the words of the Chair. Board Member Schineller seconded the motion.

It was on motion 5-0; to adjourn the meeting. Schineller-aye, Carty-aye, Russo-aye, Dretler-aye, Roberts-aye

VOTED: To adjourn the meeting

There being no further business, the meeting adjourned at 12:32 a.m. on Wednesday, October 20, 2021.

DRAFT

SUDBURY SELECT BOARD

TUESDAY, NOVEMBER 2, 2021

(Meeting can be viewed at www.sudburytv.org)

Present: Chair Jennifer Roberts, Vice-Chair Charles Russo, Select Board Member Daniel Carty, Select Board Member William Schineller, Select Board Member Janie Dretler, Leila Frank - Office Supervisor/Information Officer for Town Manager/Select Board Office, Town Manager Henry Hayes, Jr.

The statutory requirements as to notice having been complied with, the meeting was convened at 6:34 PM, via Zoom telecommunication mode.

Chair Roberts announced the recording of the meeting and other procedural aspects included in the meeting.

Call to Order/Roll Call

Select Board Roll Call: Dretler-present, Russo-aye, Schineller-present, Carty-present, Roberts-present

Opening remarks by Chair

Chair Roberts had no comments.

Reports from Town Manager

Town Manager Hayes had no comments at this time.

Reports from Select Board

Vice-Chair Russo had no comments.

Board Member Carty had no comments.

Board Member Schineller thanked Town Manager Hayes, Staff, Deb Takacs, and Mr. Lyons of FlashVote for their availability at tonight's meeting.

Board Member Dretler had no comments.

Citizen comments on items not on agenda

There were no citizen comments.

Chair Roberts commented that Sudbury has been using FlashVote for a number of years, and was recently implemented to assess possible usage for ARPA (American Rescue Plan Act) funds. She added that consideration is being given to using the FlashVote survey method to access next steps regarding the Sewataro property.

Chair Roberts confirmed the Town was seeing if FlashVote services/capabilities could be expanded in some way.

Meet with Kevin Lyons, CEO and Co-founder of FlashVote regarding the science of community input and how FlashVote enables reliable data collection for Sudbury. Presentation followed by Q&A.

Present: Kevin Lyons, CEO and Co-founder of FlashVote

Town Manager Hayes referred to a recorded introduction made by Ms. Frank introducing Mr. Lyons and his company, FlashVote.

Ms. Frank introduced Mr. Lyons. He has been working with the Town of Sudbury since 2018 when the Town joined FlashVote. Ms. Frank maintained that FlashVote has advanced resident involvement and engagement via FlashVote Town-wide surveys. She added there were 815 resident responses to the last FlashVote survey, conducted recently.

Board Members asked several FlashVote-related questions, which Mr. Lyons addressed and showed examples during his presentation.

Mr. Lyons presented his PowerPoint presentation, titled “Surprising Science of Public Input: Basic Intro/Training” which was presented in five parts:

- Science of Public Input
- Public input Needs
- Public Decisions
- Using Input and FlashVote
- Discussion and Conclusion

Citizens Comments

There were no citizens comments.

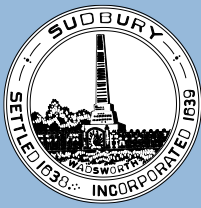
Adjourn

Chair Roberts moved in the words of the motion. Board Member Schineller moved in the words of the Chair. Board Member Dretler seconded the motion.

It was on motion 5-0; Carty-aye, Schineller-aye, Russo-aye, Dretler-aye, Roberts-aye

VOTED: To adjourn the meeting of the Select Board.

There being no further business, the meeting adjourned at 7:57 PM.



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

MISCELLANEOUS (UNTIMED)

12: Citizen's Comments (cont)

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Citizen's Comments (cont)

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

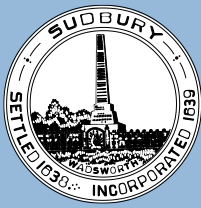
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

MISCELLANEOUS (UNTIMED)

13: 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:

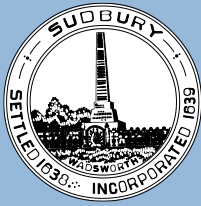
Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM

POTENTIAL UPCOMING AGENDA ITEMS/MEETINGS

MEETING	DESCRIPTION
December 7	Open 2022 Annual Town Meeting Warrant and announce ATM for Monday, May 2, 2022 at LSRHS
	Annual License renewals
	BFRT update by Environmental Planner Beth Suedmeyer
	Discussion on Fire Station
Date to be Determined	By-law items to examine - Special Events & Demonstration Permits; Common Victualler License Holders (Related to Farm Act exemptions, citizen request); Nuisance / Blight Bylaw; Removal Authority of members from appointments
	Citizen Leadership Forum
	Fairbank Community Center update (ongoing)
	FinCom joint meeting re: Financial policy review
	Health/COVID-19 update (as of 3/18/20)
	Housing Choice discussion
	Invite Commission on Disability Chair to discuss Minuteman High School
	Local receipts – fee schedule review (Vice-chair Russo)
	Quarterly update from Diversity, Equity and Inclusion Commission (DEI) (November, February, May, August)
	Quarterly update on Key Performance Indicators (KPIs) projects to track (August, November, February, May)
	Quarterly review of approved Executive Session Minutes for possible release (February, May, August and November). Consider separate meeting solely for this purpose.
	Quarterly update on Bruce Freeman Rail Trail (BFRT) (March, June, September, December)
	Quarterly update on CSX (January, April, July, October)
	Route 20 empty corner lot – former gas station
	Sewataro Financial Statement review
	Sewataro Future planning - \$ for negotiations, insurance, contract
	Sidewalks discussion
	Town Manager Goals and Evaluation process
	Town meeting recap – year in review
	Town-wide traffic assessment and improve traffic flow
	Update from SB Policy Subcommittee
	Update on crosswalks (Chief Nix/Dan Nason)
	Update on traffic policy (Chief Nix)
	Work Session with Town Counsel: Select Board/Town Manager Code of Conduct and other procedural training
Standing Items for All Meetings	Select Board requests for future agenda items at end of meeting
	Citizens Comments, continued (if necessary)



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

CONSENT CALENDAR ITEM

14: Stormwater Easement Stone Road

REQUESTOR SECTION

Date of request:

Requestor: Beth Suedmeyer

Formal Title: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 Aruna Pundit, owner, for stormwater system maintenance purposes upon the property at 8 Stone Road.

Recommendations/Suggested Motion/Vote: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 Aruna Pundit, owner, for stormwater system maintenance purposes upon the property at 8 Stone Road.

Background Information:

Financial impact expected:

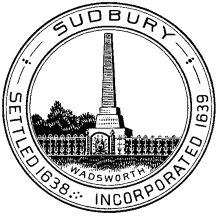
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM



Town of Sudbury

Planning & Community Development Department

pcd@sudbury.ma.us

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

www.sudbury.ma.us/pcd

TO: Select Board
FROM: Beth Suedmeyer, Environmental Planner, Planning and Community Development
RE: Request for Acceptance of Easements for Four Projects Subject to Stormwater Management Permits
DATE: November 23, 2021

The Planning Board issued Decisions to grant Stormwater Management Permits for the following four properties. Conditions within the Permits specify:

A restrictive covenant requiring construction of the stormwater system in accordance with the Plan, and maintenance of the stormwater management system in accordance with the Operation and Maintenance Plan shall be recorded on the Premises. This covenant shall allow for the placement of municipal liens on the Premises if the owner fails to fully construct the system or fails to maintain the system and the Town needs to do so. The Applicant shall submit the covenant for review and approval of the Board or its representative prior to recording at the Middlesex South District Registry of Deeds.

As such, through stormwater covenants, the Owners identified agree to provide such perpetual maintenance of the stormwater system by imposing restrictive and protective covenants on the respective properties. In the event that the Owner fails to do so, an easement over the property is created to allow the Town, through its Department of Public Works, to perform such maintenance and charge and assess the Owner for the cost. The grant of easement provides the explicit right of the Town to enter upon private property to conduct inspections and to perform any required work.

Town Counsel is conducting a final review of the Covenant and Easement documents to be considered at the meeting on Tuesday, November 30, 2021.

1. 8 Stone Road

Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 Aruna Pundit, owner, for stormwater system maintenance purposes upon the property at 8 Stone Road.

2. Lot 42 Fox Hill Drive

Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 Gary Artie Bennos and Laura Lea Bennos, owners, for stormwater system maintenance purposes upon the property at Lot 42 Fox Hill Drive.

3. 554 Boston Post Road

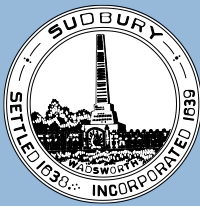
Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 3, of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled “DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORMWATER MANAGEMENT SYSTEM” granted by 554 BPR LLC, owner, for stormwater system maintenance purposes upon the property at 554 Boston Post Road.

4. Lot 38 Fox Hill Drive

Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 RRA Construction Management LLC, owner, for stormwater system maintenance purposes upon the property at Lot 38 Fox Hill Drive.

I respectfully ask for the Board’s acceptance of the easements.

Cc: Dan Nason, DPW Director



SUDBURY SELECT BOARD

Tuesday, November 30, 2021

CONSENT CALENDAR ITEM

15: Stormwater Easement 42 Fox Hill Drive

REQUESTOR SECTION

Date of request:

Requestor: Beth Suedmeyer

Formal Title: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 Gary Artie Bennos and Laura Lea Bennos, owners, for stormwater system maintenance purposes upon the property at Lot 42 Fox Hill Drive.

Recommendations/Suggested Motion/Vote: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 Gary Artie Bennos and Laura Lea Bennos, owners, for stormwater system maintenance purposes upon the property at Lot 42 Fox Hill Drive.

Background Information:

Financial impact expected:

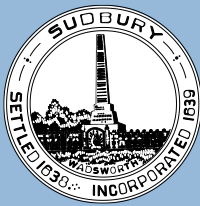
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM



SUDBURY SELECT BOARD

Tuesday, November 30, 2021

CONSENT CALENDAR ITEM

16: Stormwater Easement 38 Fox Hill Drive

REQUESTOR SECTION

Date of request:

Requestor: Beth Suedmeyer

Formal Title: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 RRA Construction Management LLC, owner, for stormwater system maintenance purposes upon the property at Lot 38 Fox Hill Drive.

Recommendations/Suggested Motion/Vote: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 RRA Construction Management LLC, owner, for stormwater system maintenance purposes upon the property at Lot 38 Fox Hill Drive.

Background Information:

Financial impact expected:

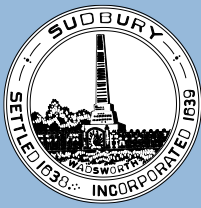
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

CONSENT CALENDAR ITEM

17: Stormwater Easement 554 Boston Post Road

REQUESTOR SECTION

Date of request:

Requestor: Beth Suedmeyer

Formal Title: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 554 BPR LLC, owner, for stormwater system maintenance purposes upon the property at 554 Boston Post Road.

Recommendations/Suggested Motion/Vote: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 1 and 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 554 BPR LLC, owner, for stormwater system maintenance purposes upon the property at 554 Boston Post Road.

Background Information:
attached easement

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 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 _____, 2021 by 554 BPR LLC (the “Owner”) of 554 Boston Post Road, Sudbury, MA 01776 (the “Property”), as more specifically described in that certain deed dated April 24, 2020 recorded with Middlesex South District Registry of Deeds at Book 74546, Page 433, 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, 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 September 11, 2019, issued a “Decision Stormwater Management Permit” (the “Permit”, which permit is recorded with said Deeds at Book 73818, Page 540) upon the Property shown as Assessors Map K06, Parcel 602 on a plan entitled “Plan of Land of 554 Boston Post Road, in Sudbury MA”, prepared by Sullivan Connors and Associates, dated February 12, 2020 and recorded with the Middlesex South District Registry of Deeds as Plan No. 210 of 2020, to which plan reference is made for a more particular description of said the Property.

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

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

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

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

1. The Owner, and/or its successors and assigns, shall be responsible, at its sole cost and expense, for constructing, installing, maintaining, operating, repairing, and replacing, the Stormwater System located on the Property for the purpose of allowing for the proper and efficient flow of stormwater as described in the Best Management Practices and the Operation and Maintenance Plan and the Stormwater Operations and Maintenance Manual entitled “Stormwater Operation and Maintenance Plan ” prepared by Sullivan, Connors & Associates, Inc. dated May 31, 2019), on file with the Town, as the same may be amended or renewed from time to time with the prior written consent of the Town such consent not to be unreasonably withheld, delayed or conditioned.

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

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

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

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

covering the Property in commercially reasonable amount in light of the nature of the work to be undertaken which may be included under the Town's so-called blanket or master insurance policy covering other property or insureds in addition to those required hereunder. The Town shall also cause any party performing work on the Town's behalf on the Property and/or the Stormwater System in accordance with the terms of this Restriction to obtain and keep such insurance prior to entering upon the Property. Any insurance provided for above shall name the Owner as an additional insured. The Town's liability shall be limited pursuant to M.G.L. c. 258 and any all other applicable provisions of law.

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

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

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

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

9. The covenants and obligations contained herein are for the benefit of and enforceable by the Town 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 _____, 2021.

PROPERTY OWNER:
554 BPR LLC

Name: Quentin A. Nowland
Title: Manager
Duly Authorized

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, Quentin A. Nowland, Manager as aforesaid, 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 he signed it voluntarily on behalf of 554 BPR LLC for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE OF EASEMENT

On this day of , 2021, the Town of Sudbury, acting by and through its Select Board pursuant to the provisions of G.L. c. 83, §§1 and 3, and any other enabling authority, hereby accepts the foregoing Grant of Easement for drainage purposes.

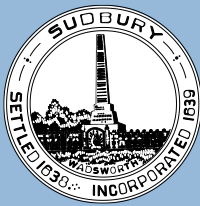
TOWN OF SUDBURY,
By Its Select Board

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

On this day of , 2021, before me, the undersigned notary public, _____, the above-named member of the Select Board 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 Select Board of the Town of Sudbury.

Notary Public
My Commission Expires:



SUDBURY SELECT BOARD

Tuesday, November 30, 2021

CONSENT CALENDAR ITEM

18: Feeley Field improvements - ATM 2021 Article 30

REQUESTOR SECTION

Date of request:

Requestor: Dennis Mannone, Park & Rec Director

Formal Title: Vote to approve award by the Town Manager of all contracts required to facilitate Article 30 of the 2021 Annual Town Meeting, Community Preservation Fund – Frank Feeley Field Improvements, as described in the article wording and report, and further to execute any documents relative thereto upon recommendation of the Parks and Recreation Director.

Recommendations/Suggested Motion/Vote: Vote to approve award by the Town Manager of all contracts required to facilitate Article 30 of the 2021 Annual Town Meeting, Community Preservation Fund - Frank Feeley Field Improvements, as described in the article wording and report, and further to execute any documents relative thereto upon recommendation of the Parks and Recreation Director.

Background Information:
See attached ATM 2021 article 30 voted favorably

Financial impact expected:funds appropriated under Town Meeting Article

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM

ARTICLE 30. COMMUNITY PRESERVATION FUND – FRANK FEELEY FIELDS IMPROVEMENTS

(Consent Calendar)

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$386,000 from the Open Space and Recreation category of Community Preservation Act Funds, funded from the FY22 revenue for purpose of designing improvements to the Frank Feeley Fields located at 200 Raymond Rd. and to the construction of improvements including, but not limited to, installing dugouts, constructing a protective guardrail for the batting cage, installing protective netting, and drainage improvements, and any incidental and related cost; or act on anything related thereto.

Submitted by the Community Preservation Committee.

(Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: The Frank Feeley Fields are home to the Town tennis courts, several softball fields, and a baseball field. There is one 90-foot, lighted baseball diamond with a press box, bleachers, concession area, and restrooms; three 60-foot softball diamonds on two field levels; and six tennis courts. The softball diamonds have several safety issues regarding lack of protection from foul balls and the sun. Further, the swamp-like conditions on the two lower fields limit utilization during the key playing season.

The Sudbury Girls Softball (SGS) is requesting funds in two phases. This article is the first phase representing design improvements for all the fields. Design costs will include mitigating for significant water issues at the Lower Feeley Fields. The implementation of outfield water management will be in the second phase.

The first phase, funded by this request, also focuses on the safety of the participants and spectators. The girls' softball fields in Sudbury do not have protective dugouts, which are common at all other ball fields in Sudbury, to shield players from foul balls, overthrows, and peak sun. SGS is requesting funds for the construction of dugouts for the Upper Feeley and Feeley #1 softball diamonds.

Due to the close proximity of the tennis courts to the field at Upper Feeley, foul balls are frequently hit onto the tennis courts or the area where children, spectators, and families are sitting or standing during games. The lack of protection from foul balls is creating a dangerous environment. SGS is requesting funding to construct protective netting on the first base side of the Upper Feeley softball diamond to provide spectator and tennis player protection. It should be noted that when citizens of Sudbury are playing tennis, their backs are to the softball field and there is little warning when a hard-hit foul ball flies into the courts.

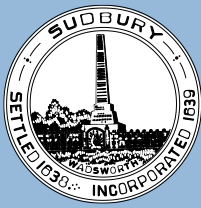
The SGS batting cage sits in the Feeley Fields parking lot which has a steady flow of cars coming and going from the area. SGS is requesting funding to build a timber guardrail to provide a safety barrier between the batting cage and the parking lot for the SGS players who practice frequently in the batting cage.

This funding request will provide substantial safety improvements to two primary softball diamonds, Upper Feeley and Feeley #1, as well as the key practice area around the batting cage. Without these much needed improvements, SGS will continue to underutilize Feeley Fields due to the unsafe and wet conditions. The Frank Feeley Fields improvements would increase use of these recreational areas, serve the general public (available to all residents), and expand the use to allow access to all areas of the fields. The goal is to have a similar structure as the boys' baseball fields providing safety and shelter from stray balls. This request for funding is to keep this vibrant softball community strong with quality fields that may be equal or similar to the fields used by the baseball community.

In addition to this Community Preservation Act allocation, Sudbury Girls Softball has pledged \$7,000 to this project and the Park and Recreation Commission has pledged \$25,000 for design purposes.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

CONSENT CALENDAR ITEM

19: Adelson playground improvements - ATM 2021 Article 29

REQUESTOR SECTION

Date of request:

Requestor: Dennis Mannone, Park & Rec Director

Formal Title: Vote to approve award by the Town Manager of all contracts required to facilitate Article 29 of the 2021 Annual Town Meeting, Community Preservation Fund – Dr. Bill Adelson Playground Improvements, as described in the article wording and report, and further to execute any documents relative thereto upon recommendation of the Parks and Recreation Director.

Recommendations/Suggested Motion/Vote: Vote to approve award by the Town Manager of all contracts required to facilitate Article 29 of the 2021 Annual Town Meeting, Community Preservation Fund - Dr. Bill Adelson Playground Improvements, as described in the article wording and report, and further to execute any documents relative thereto upon recommendation of the Parks and Recreation Director.

Background Information:
see attached ATM 2021 Article 29 voted favorably

Financial impact expected:funds appropriated under Town Meeting Article

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM

**ARTICLE 29. COMMUNITY PRESERVATION FUND – DR. BILL ADELSON
PLAYGROUND IMPROVEMENTS** *(Consent Calendar)*

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$285,000 from the Open Space and Recreation category of Community Preservation Act Funds, funded from FY22 revenue, for the purpose of making improvements to the Dr. Adelson Playground at Haskell Field including removing and replacing poured-in-place surfaces, replacing equipment, preserving or planting new trees, and other site work, and including all incidental and related costs; or act on anything relative thereto.

Submitted by the Community Preservation Committee.

(Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: The Dr. Adelson Playground (aka the SMILE Playground) improvement project will rehabilitate the surface of an outdoor recreational facility on property dedicated to outdoor activity. The Dr. Adelson Playground supports recreational uses, serves the general public (available to all residents), and expands the use to allow access to all areas of the playground without tripping hazards.

The Dr. Adelson Playground is the most heavily-used public playground in Sudbury and is used during all seasons of the year. Areas of the poured-in-place (PIP) rubberized surface need to be replaced due to age and subsurface root intrusion. Tree roots are causing the surface of the PIP to undulate. This undulation is a tripping concern for all users and spectators of the playground. As of March 2011, play areas need to be compliant with Americans with Disabilities Act (ADA) standards. This project will enhance the Dr. Adelson Playground by bringing the surfaces up to current standards and allowing full participation on the playground for all children with disabilities.

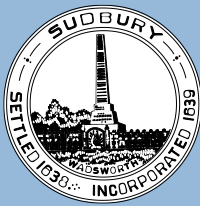
There are areas within the playground which contain wood safety fiber material. These wood chips do not meet the requirements for full accessibility as they impede wheelchair movements and leave an uneven surface which requires constant raking-out. However, some of these areas must remain as they are needed to allow access to the underground clean outs for the septic system.

The current PIP has ripped and cracked, and has been pushed up by the roots of the large tree in the park as well as trees which border the park on the outside of the fence. These uneven surfaces do not allow for wheelchairs to move easily throughout the playground and pose a tripping hazard. The tree in the center of the playground will be removed and replaced with a shade structure. The Park and Recreation Department will investigate the preservation of the trees outside the fence but adjacent to the playground. These trees will either be preserved or replaced by a more suitable variety.

Playground equipment that is not ADA compliant and unsupported by the manufacturer for replacement parts will be removed and replaced with modern equipment with appropriate shade structures.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.



SUDBURY SELECT BOARD
Tuesday, November 30, 2021

CONSENT CALENDAR ITEM
20: Accept COD resignation Pat Guthy

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to accept the resignation of Patricia Guthy, 24 Pinewood Ave., from the Commission on Disability (COD) effective 11/12/21, and to send a letter of thanks for her service to the Town.

Recommendations/Suggested Motion/Vote: Vote to accept the resignation of Patricia Guthy, 24 Pinewood Ave., from the Commission on Disability (COD) effective 11/12/21, and to send a letter of thanks for her service to the Town.

Background Information:
attached resignation email

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Jennifer Roberts	Pending
Select Board	Pending

11/30/2021 6:30 PM

From: CHAS GUTHY <c.guthy@verizon.net>
Sent: Thursday, November 11, 2021 11:23 AM
To: Hayes, Henry <HayesH@sudbury.ma.us>
Cc: kaybell@mail.com; Doug Frey <freytwins@aol.com>; Randi Korn <rkorn@lesley.edu>; Caroline Santangelo <c_santangelo@verizon.net>; lisa kouchakdjian <lisa.kouchakdjian@gmail.com>; Jane Kline <janekline@gmail.com>; Roberts, Jennifer <RobertsJ@sudbury.ma.us>
Subject: Commission on Disability - resignation

November 11, 2021

Dear Henry,

Due to family medical issues, I find that I no longer am able to serve on the Commission on Disability as either a member or as the Chair. Regrettably this resignation is effect today November 11, 2021.

I appreciate the opportunity I have had to serve the Town for nearly four years and regret that I can no longer do so. In the future, if and when there maybe other opportunities where I can contribute and other circumstances permit, I hope I would selected to do so.

Again I regret this, especially due to the short notice, but know that there are others on the Commission who are able and prepared to lead., The Commission has become a contributing organization in and to the Town and I know that it will continue to be so.

Please let me know how I should disperse the Commission materials that I have.

Sincerely,

Patricia Guthy

Attachment20.a: Guthy_COD_resignation (4916 : Accept COD resignation Pat Guthy)