



SUDBURY SELECT BOARD  
 THURSDAY MARCH 16, 2023  
 7:00 PM, ZOOM

Item #	Time	Action	Item
	7:00 PM		CALL TO ORDER
			Opening remarks by Chair
			Reports from Town Manager
			Reports from Select Board
			Public comments on items not on agenda
<b>MISCELLANEOUS</b>			
1.		<i>VOTE</i>	Discussion on 2023 Annual Town Meeting articles: consent calendar; positions on articles; other.
2.		<i>VOTE</i>	Discussion regarding 2023 Annual Town Election logistics, process, calendar, and other topics. Discussion could include Ballot Question 2: Fire Engine/Pumper Replacement.
3.			Public Comments (cont)

*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  
Thursday, March 16, 2023

**MISCELLANEOUS (UNTIMED)**

**1: Discussion on 2023 ATM articles**

REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Discussion on 2023 Annual Town Meeting articles: consent calendar; positions on articles; other.

Recommendations/Suggested Motion/Vote: Discussion on 2023 Annual Town Meeting articles: consent calendar; positions on articles; other.

Background Information:  
attached article spreadsheet, CIAC report, and CPC minutes

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

03/16/2023 7:00 PM

ATM 2023 ARTICLES

	Article Title	Sponsor/ Submitted by	Article Presenter	SB Position	FinCom Position	CIAC Position	CPC Position	Report SB position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar	Presentation in Advance
	<b>IN MEMORIAM RESOLUTION</b>		<b>CR</b>										
	<b>FINANCE/BUDGET</b>												
1	Hear Reports	Select Board	<b>Resident</b>	<b>5-0</b>							Majority		
2	FY23 Budget Adjustments	Select Board	<b>AS</b>	<b>@ ATM</b>							Majority		
3	FY24 Budget	Town Manager	<b>AS</b>								Majority		
4	FY24 Capital Budget	Town Manager	<b>AS</b>							\$728,525	Majority		
5	FY24 Transfer Station Enterprise Fund Budget	Town Manager	<b>AS</b>							\$328,199	Majority		
6	FY24 Pool Enterprise Fund Budget	Town Manager	<b>AS</b>							\$527,280	Majority		
7	FY24 Recreation Field Maintenance Enterprise Fund Budget	Town Manager	<b>AS</b>							\$241,514	Majority		
8	FY23 Snow & Ice Transfer	Town Manager	<b>AS</b>								Majority	Y	
9	Unpaid Bills	Town Accountant	<b>DK</b>							\$14,932	Four-fifths		
10	Chapter 90 Highway Funding	DPW Director	<b>DN</b>								Majority	Y	
11	Stabilization Fund	Select Board	<b>DC</b>							\$144,274	Majority	Y	
12	FY24 Revolving Fund Spending Limits	Finance Director	<b>DK</b>								Majority	Y	
13	Capital Stabilization Fund	Town Manager	<b>AS</b>							\$250,000	Majority	Y	
	<b>MISCELLANEOUS</b>												
14	Funding of GO Sudbury! Taxi and Uber Transportation Programs for FY24	Select Board	<b>DC</b>							\$150,000			
15	Fairbank Community Center A/V Equipment and Associated Funding	Select Board	<b>LK</b>			<b>7-0</b>				\$200,000			
16	Authorize Select Board to Petition the General Court to Adopt Legislation - An Act Authorizing the Town to Establish a Fee for a Checkout Bag Charge	Select Board	<b>JR</b>	<b>5-0</b>								Y	
17	Medicaid reimbursement and additional Chapter 70 Funding Transfer to fund ELA Curriculum update	SPS School Committee								\$279,574			
18	Schools HVAC Repairs and Replacements	SPS School Committee				<b>6-0</b>				\$450,000		Y	
19	Curtis Middle School A/V System Replacement	SPS School Committee				<b>6-0</b>				\$160,000		Y	
20	SPS Surveillance Cameras	SPS School Committee				<b>6-0</b>				\$310,000			
21	LSRHS Camera System Replacement	LSRHS Superintendent				<b>6-0</b>				\$206,652			

Attachment1.a: 2023 ATM\_Articles\_3\_9\_23\_LSF\_AJS\_3.15.23 (5778 : Discussion on 2023 ATM articles)

ATM 2023 ARTICLES

	Article Title	Sponsor/ Submitted by	Article Presenter	SB Position	FinCom Position	CIAC Position	CPC Position	Report SB position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar	Presentation in Advance
22	Purchase of Storage Building	Fire Chief				5-0 (1 abstain)				\$200,000		Y	
23	Purchase of Fire Engine	Fire Chief				6-0				\$1,020,000			
24	Americans with Disabilities Act Transition Plan Recommendations	Combined Facilities Director				6-0				\$200,000			
25	DPW Roofing Project Funding	Combined Facilities Director				6-0				\$400,000			
26	DPW Building Office Renovation	Combined Facilities Director				6-0				\$125,000			
27	Space Use and Facility Condition Study	Combined Facilities Director				5-1				\$300,000			
28	Atkinson Pool Dehumidification Equipment Replacement	Combined Facilities Director				7-0				\$600,000			
29	Atkinson Pool Maintenance and Repair Fund	Combined Facilities Director				7-0				\$480,000			
30	Amend Solar Energy Revolving Fund	Energy and Sustainability Committee									Majority		
31	Authorization to Proceed with the Fairbank Community Center Solar Project	Energy and Sustainability Committee											
32	Pickup Truck with Plow		<b>WITHDRAWN</b>										
33	Swap Body Truck (replaces pickup truck)	Public Works Director				6-0				\$185,000	Majority	Y	
34	Swap Body Truck (replaces spreader truck with wings)	Public Works Director				6-0				\$210,000	Majority	Y	
35	Sports Field Mower	Public Works Director				6-0				\$160,000	Majority	Y	
36	Multi-Purpose Tractor	Public Works Director				6-0				\$215,000	Majority	Y	

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ATM 2023 ARTICLES

	Article Title	Sponsor/ Submitted by	Article Presenter	SB Position	FinCom Position	CIAC Position	CPC Position	Report SB position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar	Presentation in Advance
37	Front End Loader	Public Works Director				6-0				\$345,000	Majority	Y	
38	Amend General Bylaws, Article IX, Section 4200, Water Resource Protection Overlay Districts	Planning Board									Two-thirds		
39	Amend General Bylaws - Affordable Housing trust bylaw	Select Board	AS	5-0									
40	General Bylaw for the Placement of Small Wireless Facilities in the Public Ways	Select Board	AS	5-0									
<b>CPC ARTICLES</b>													
41	Community Preservation Act Fund - 67-73 Nobscot Road Acquisition, Design, and Construction	CPC					9-0		CPA Category: Community Housing	\$438,000	Majority		
42	Community Preservation Act Fund - Accessible Pathways on Town Properties	CPC				6-0	5-4		CPA Category: Open Space & Rec	\$187,744	Majority	Y	
43	Community Preservation Act Fund - Bruce Freeman Rail Trail CSX Extension	CPC				6-0	9-0		CPA Category: Open Space & Rec	\$300,000	Majority	Y	
44	Community Preservation Act Fund - Curtis Outdoor Health and Wellness Space	CPC				7-0	9-0		CPA Category: Open Space & Rec	\$480,000	Majority	Y	
45	Community Preservation Act Fund - Frank Feeley Fields Improvements Phase II	CPC				6-0	9-0		CPA Category: Open Space & Rec	\$799,668	Majority		
46	Community Preservation Act Fund - Fence and Lights for Fairbank Multisport Court	CPC				7-0	9-0		CPA Category: Open Space & Rec	\$100,000	Majority	Y	
47	Community Preservation Act Fund - Historic Resource Inventory Surveys Phase V	CPC					9-0		CPA Category: Historic Resources	\$23,000	Majority	Y	

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48	Community Preservation Act Fund - Watershed Based Plan, Restoring Water Quality in Hop Brook	CPC					9-0		CPA Category: Open Space & Rec	\$78,600	Majority	Y	
49	Community Preservation Act Fund - Hosmer House Historic Structure, Cultural Landscape, and Collection Study	CPC					9-0		CPA Category: Historic Resources	\$130,000	Majority	Y	
50	Community Preservation Act Fund - Housing Trust Allocation	CPC					9-0		CPA Category: Community Housing	\$282,000	Majority	Y	
51	Community Preservation Act Fund - Indigenous Cultural Landscape Study	CPC		5-0			9-0		CPA Category: Historic Resources	\$35,000	Majority	Y	
52	Community Preservation Act Fund - Regional Housing Services Office (RHSO) Membership Fee	CPC		5-0			9-0		CPA Category: Community Housing	\$33,000	Majority	Y	
53	Community Preservation Act Fund - Return of Unspent Funds	CPC									Majority	Y	
54	Community Preservation Act Fund - General Budget and Appropriations	CPC									Majority	Y	
<b>PETITION ARTICLE</b>													
55	Control of Firearms Zoning	Citizen Frank Riepe											

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TO: The Sudbury Select Board and Finance Committee

FROM: Capital Improvement Advisory Committee (CIAC)

RE: FY24 Town Warrant Capital Article recommendations

DATE: March 8, 2023

This memo provides the CIAC's recommendations to the Finance Committee and the Board of Selectmen on the proposed capital projects for FY24. Section I provides an overview of the process. Section II provides the specific recommendations. Section III provides process recommendations and observations that the committee feels need addressing by town management and the Select Board.

## I. Overview of Process

The CIAC mission is to review all capital project requests to be presented at Sudbury Annual Town Meeting that are **over** \$100,000 in one year or **over** \$200,000 in multiple years (“Capital Projects”).

The CIAC received a description of each project on a CIP Form, where available, and in certain instances, additional information in other formats such as reports and PowerPoint presentations. During the CIAC meetings held in February 2023, the committee discussed the projects and requested additional information of the sponsoring departments (e.g. DPW, Park and Rec, Fire LSRHS, Fire Department) as needed.

The CIAC did not review projects with a cost of \$100,000 or less that are to be funded within the Town Manager’s capital operating budget because they do not fall under its review and recommendation mandate.

## II. Summary of CIAC Recommendations

*Note: The CIAC’s recommendations and support for the articles are based on the estimates provided. Any material changes in cost from the estimates could potentially have an impact on the CIAC’s recommendation for the applicable articles.*

### Article 15

**Fairbank AV Equipment    Cost: \$200,000 (Estimate)**

The \$200,000 will provide the highest and best use of the building, as well as provide universal access. The AV equipment will be on carts so that it can be used in all rooms. The article provides the necessary conduits so that the systems can be connected to the wiring. An engineering study is needed to determine the best way to hook up the equipment to the conduits; the necessary study has previously been approved by the Select Board.

**CIAC recommends approval by a vote of 7-0**

### **Article 18**

#### **SPS HVAC and Air Conditioning Cost: \$455,000 (Estimate)**

This is a continuation of a program started in FY23. Not all the appropriated funds from FY23 have been expended. The HVAC units at Curtis are over 21 years old; they have exceeded their life expectancy. Director Duran's plan is to combine the remainder of last year's funds with this year's appropriation and upgrading all the units at one time which will be more efficient and cost effective. The project plan includes 3 units at Haynes and 6 units at Curtis to be replaced. Three of the units at Curtis would be paid out of last year's appropriation. CIAC suggests an updated cost estimate be obtained prior to Town Meeting.

**CIAC recommends approval by a vote of 6-0**

### **Article 19**

#### **Curtis AV & Assisted Listening Equipment Replacement Cost: \$160,000 (Estimate)**

The current equipment is the original equipment installed in the building and is old. Repairs have been costly and replacement parts are hard to find. The new equipment would meet current ADA standards for both visual and audio needs of people with disabilities. This is a high priority for the Curtis community for their programs. CIAC suggests an updated cost estimate be obtained prior to Town Meeting.

**CIAC recommends approval by a vote of 6-0**

### **Article 20**

#### **SPS Internal Surveillance (cameras) Cost: \$310,000 (Estimate)**

The \$310,000 represents the design cost and the equipment quote to install the security cameras in internal corridors, stairs, and the gym to enhance school safety. The cameras will not be in classrooms. The security camera systems will be accessible by the police department in case of emergency, as needed. The schools can monitor 24/7, but the cameras will not be monitored live full time. There will be retention and archiving of the video data to investigate incidents, but periodically the video data will be taped over. There will be abundant notifications to staff and the public about the use of these internal cameras. Signage is already up in the buildings and the school handbooks include information about camera surveillance. CIAC suggests an updated cost estimate be obtained prior to Town Meeting.

**CIAC recommends approval by a vote of 6-0**

#### **Article 21**

##### **LSRHS Internal Surveillance/Camera Replacement Cost: \$206,652 (Quote)**

This article requests funds to allow LSRHS to upgrade their existing camera system and add new cameras in new common areas and around stairwells. The camera security system is used mostly for thefts and the safety of property. The tapes are on a 30 day cycle and parts can be captured and archived, if needed, for ongoing investigations. This cost represents Sudbury's 87.44% portion of the total estimate of \$236,336

**CIAC recommends approval by a vote of 6-0**

#### **Article 22**

##### **Fire Department Storage Building Cost: \$200,000 (Estimate)**

This request would create a storage building similar to the one behind the police department to house fire equipment that is currently housed in various places around town. Having it in a central location behind station 1 would be more efficient for deployment. The estimated cost is based on a \$150,000 cost estimate from several years ago. Since the building would need heat, the suggestion of a metal building would not be appropriate. Since the Fire Department is in the historic district any building will have to be reviewed and approved by the Historic District Commission. As mentioned previously, the CIAC suggests an updated cost estimate be obtained prior to Town Meeting.

**CIAC recommends approval by a vote of 5-0 with one (1) abstention**

#### **Article 23**

##### **Fire Engine/Pumper Cost: \$1,020,000 (Quote with Update)**

This request is to replace the 2005 Pumper as part of a rotation and replacement system for the Fire Department. Currently, it takes 24 – 36 months for delivery once an order for a fire truck has been placed. The quote is for \$850,000 but the vendor has advised that by the anticipated delivery date the cost would be increased by approximately 22%. The CIAC recognizes and supports that it is essential to have reliable firefighting trucks and equipment to protect the safety of our community.

**CIAC recommends approval by a vote of 6-0**

#### **Article 24**

##### **ADA Transition Plan Cost: \$200,000 (Estimate)**

This article is proposed to continue the work appropriated in the FY23 warrant. FY 23 is the first year of a long term plan to meet the ADA needs in the town identified by the FY 22 ADA compliance study. FY '23 appropriated \$200,000 for actual work. Some projects were completed in FY 23, but not all the appropriation was spent. The plan is to use the remaining funds FY23 dollars for FY24 projects. These additional funds are requested to continue the work under the long term plan. Ongoing maintenance that will be performed by in house staff.

The CIAC continues to support this initiative. The specific projects to be addressed in FY24 include high/low water fountains, ADA compliant door handles, reduction of trip hazards, and bathroom accessibility needs. The CIAC supports that Town Committees responsible for ADA compliance, as appropriate, continue to be included in the prioritization of ADA work. CIAC suggests an updated cost estimate and a detailed scope of work be obtained prior to Town Meeting.

**CIAC recommends approval by a vote of 6-0**

#### **Article 25**

##### **DPW Roof Project Cost: \$400,000 (Estimate)**

The DPW roof is the original roof from the 2003 construction. The roof leaks and needs replacement. While the Town is doing this work the town is exploring a solar project on the roof area. A new roof is required as part of the solar project. Through the use of solar panels, there is an opportunity to generate double the electricity that the building is currently using. The electricity rate will drop to 7 cents per KWH from the current 10 cents. We currently have an interconnectivity agreement with Eversource. Not doing the project will bump us out of line to complete the project and impact long term electricity savings. CIAC suggests an updated cost estimate be obtained prior to Town Meeting.

**CIAC recommends approval by a vote 6-0**

#### **Article 26**

##### **DPW Space Renovation Cost: \$125,000 (Estimate)**

This article addresses the need for the reconfiguration of space for the Board of Health and Town Social worker, as well as new hires for the conservation commission and the facilities department. The conference room will be reconfigured into a smaller conference room and two offices. CIAC explored whether this project should wait until after the overall space study (Article 27) is completed. Combined Facilities Director Duran said there is an urgent immediate need for the space in order to give everyone a place to work. This seems reasonable given the sometimes sensitive conversations that can be conducted in these offices. CIAC suggests an updated cost estimate be obtained prior to Town Meeting.

**CIAC recommends approval by a vote of 6-0**

**Article 27****Space Use and Facilities Assessment Cost: \$300,000 (Estimate)**

The goal of the study is to update and evaluate the function, condition and capacity of all facilities and provide a space needs study to determine the Town's long term needs. The plan is to use the many prior facility studies and update them to put together a comprehensive plan related to facilities and space needs. There is a need for this study and there is concern that the estimated amount is inadequate to provide the desired results. CIAC suggests an updated cost estimate with a detailed defined scope of work be obtained prior to Town Meeting.

**CIAC recommends approval by a vote of 5-1**

**Article 28****Atkinson Pool Indoor Dehumidification Equipment Cost: \$600,000 (Estimate)**

The article is to replace the current failing dehumidification equipment for the pool. We reviewed the possibility of delaying this project until the roof was replaced which could potentially need replacement in the near future. While this could, theoretically be delayed, it will continue to degrade and there are already complaints from swimmers because of the chlorine irritant caused by the equipment and the system has reached the end of its useful life. This is seen as a safety issue.

**CIAC recommends approval by a vote of 7-0**

**Article 29****Atkinson Pool Maintenance and Repair Fund Cost: \$480,000 (Estimate)**

The article is for a general maintenance and repair fund for the pool and would include the immediate replacement of the pool's grouting and repair of leaking pipes. In response to queries about replacing the current surface of the pool it was determined that alternative surfaces would exceed the cost of repairing the grout. The most recent estimate for the pool work is \$560,000. The Select Board has reallocated ARPA funds and will direct \$275,000 to repair the leaking pipes. Total cost for the pool, including \$600,000 from article 28, the \$275,000 from ARPA and the \$480,000 from article 29 will be \$1,355,000. Since the current funds requested do not cover any roof replacement, there was a question of the efficiency of doing the work without considering the roof. The committee recommends that Park and Rec try to do all the repairs at the same time and reconsider the timeline as a more efficient process and more prudent use of funds.

**CIAC recommends approval by a vote of 7-0**

**Articles 33 - 37****DPW Rolling Stock Replacement requests:**

- Swap Body Truck Cost: \$185,000**
- Swap Body Truck Cost: \$210,000**
- Sports Field Mower Cost: \$160,000**
- Multi-Purpose Tractor Cost: \$215,000**
- Front End Mower Cost: \$345,000**

The vehicles described in the warrant are for the planned periodic replacements for current trucks and equipment used by the DPW to provide services to the Town. DPW Director Nason conducted an overview of the vehicles and equipment used and maintained by the DPW. He has established the standards used for vehicle and equipment replacement decisions which are more conservative than the State and National standards. He noted that he is having a hard time finding CDL licensed operators so he is trying to include more vehicles that do not require the operators to have a CDL license. He is also replacing single use equipment with equipment that can perform multi-use functions. This will improve efficiency and allow multiple divisions to have equipment and vehicles available for use. The town is also helping employees get their CDL licenses which will increase staff available to operate the equipment.

**CIAC recommends approval by a vote of 6-0**

**Article 42**

**Accessible Pathways Cost: \$187,744**

**Note: This has been approved by CPC and will be funded by CPA funds.**

This article would create stable accessible pathways surfaces in the following locations: Davis Field, DPW, Featherland Park, Grinnell Park, Haskell Field, Heritage Park, TI Sales, and Willis Lake. Improvements include regrading of path slopes and smoothing of surface transitions to mitigate slip hazards. The CIAC supports this Article along with Article 24 because they address accessibility issues for the town.

**CIAC recommends approval by a vote of 6-0**

**Article 43**

**BFRT/CSX Extension Cost: \$300,000 (Estimate)**

**Note: This has been approved by CPC and will be funded by CPA funds**

This article will be used to advance the design and construction of the project. Tasks will include collecting necessary corridor data, evaluating design options, and advancing the trail extension of the BFRT. Funding will be used for the topographic survey, wetlands delineation, alternatives analysis, and concept development for the expansion of the rail trail into the southern corridor, as well as additional design for this section of the trail. The project includes hiring a consultant to



perform data collection, feasibility study, alternatives analysis, and conceptual planning and cost estimate development to create baseline information, and to design the next phase of this section of the BFRT.

**CIAC recommends approval by a vote of 6-0**

#### **Article 44**

**Curtis Outdoor Health and Wellness Cost: \$480,000 (Estimate)**

**Note: This has been approved by CPC and will be funded by CPA funds**

This article will provide equipment to create a recreational area that can be used by the middle school students during their recess as well as for physical education classes. Currently, the students have no equipment and resources to use during their outside recess break. The area will be available for public use outside of school hours. The CIAC supports this article, however, the CIAC requests that final plans, cost estimates and scope of work be finalized before any work begins.

**CIAC recommends approval by a vote of 7-0**

#### **Article 45**

**Feeley Fields Phase 2 Cost: \$799,668 (Quote and proposal)**

**Note: This has been approved by CPC and will be funded by CPA funds**

This project is for the construction and installation of drainage as well as the installation of fencing and pathways and dug-outs for the softball fields at Feeley. For many years these fields flood during the spring which make them difficult to use during the prime season of use. The installation of the dug-outs, fencing and pathways will provide more safety and efficiency for the users. Irrigation will be installed in order to maintain the fields. The water district will be consulted for all planning and approvals related to irrigation and run-off.

**CIAC recommends approval by a vote of 6-0**

#### **Article 46**

**Fairbanks Fence & Lights Cost: \$100,000 (Estimate)**

**Note: This has been approved by CPC and will be funded by CPA funds**

The fence and lighting for the basketball courts were included in the original Fairbanks project. During the value engineering of the building they were eliminated. The previous Fairbank basketball courts were lit and enabled longer use of the courts during appropriate weather. The fencing and lighting would enable that benefit for the users. The cost of the project is \$200,000, but that total is being offset by a \$100,000 grant from the state.

## CIAC recommends approval by a vote of 7-0

### Section III. Process Recommendations and Observations

During the Capital Night as well as during further deliberations and investigations, the CIAC identified three issues that the committee wanted to highlight about this year’s capital planning process. They are:

- 1) There were a high number of proposed capital warrant articles that included undocumented or unsubstantiated “estimates”. This should be avoided or at least reduced, and
- 2) There appears to be a lack of attention to long term capital projections in the five year capital plan, and
- 3) Although the town commissions studies, designs or engineering solutions for capital projects, it does not implement the solutions either in a timely manner or if timely it only implements solutions in smaller pieces.

A long term (five year) capital plan can be an effective operational and financial tool that can provide a “road map” for present and future capital spending. By planning ahead early in each fiscal year, managers can help reduce the number of capital warrant proposals made without either third party estimates or quotes and associated scopes of work. Managers should be encouraged to solicit quotes in time to include a better cost estimate in their proposed capital items for the current year warrant. This can lead to both overestimating or underestimating the cost of warrant articles and providing surprises or adjustments at Town Meeting. It also could help with the financial approval and planning process by providing better numbers and with a better scope of work for each proposal.

The committee also found that the five year capital plan had many instances where a project or study was being proposed in the current fiscal year, but the five year plan projection did not have any costs associated with the potential project in future years. The Town of Sudbury has a history of doing studies targeted to resolve a capital or deferred maintenance issue, but the cost of the ultimate project solution is not incorporated in the five year capital plan. This is done on both large and small scale items.

We also see that some studies are proposed that could produce “master plan solutions” to address an issue, but the warrant proposal only addresses a piece of the solution rather than the complete solution. If feasible, we encourage addressing the entire project at one time rather than in smaller pieces. This can reduce costs, it can avoid multiple mobilization and startup costs which potentially will lower general conditions on those projects when they are approved and executed.

In addition to examining the present process for the review and approval of warrant capital proposals the CIAC recommends that town management make the long term capital planning a higher priority. By doing this, the long term capital planning process would provide a “road

map” to long term capital planning rather than focusing on capital planning for only one year at a time.

The CIAC would like to thank all the Sudbury’s employees and department managers who participated in the FY 24 capital process for their time and support.

Respectfully submitted by:

Capital Improvement Advisory Committee

Susan Abrams, Clerk

Susan Asbedian-Ciaffi, Chair

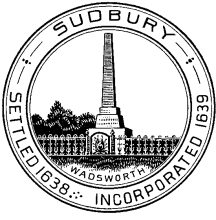
Michael Cooper

Matt Dallas, Vice-chair

Pete Iovanella

Lisa Saklad

Thomas S. Travers



# Town of Sudbury

## Community Preservation Committee

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### MINUTES

JANUARY 4, 2023

### VIRTUAL MEETING

**Members Present:** Chair Sherrill Cline, Vice Chair Kirsten Roopenian, Jan Costa, Dave Henkels, John Hincks, Mara Huston, Lynne Remington, Jennifer Roberts, and Colin Wang

**Members Absent:** None

**Others Present:** Director of Planning and Community Development Adam Duchesneau and Community Preservation Coordinator Ryan Poteat

At 7:02 PM, Ms. Cline called the meeting to order.

#### Deliberation and Potential Vote on Applications Submitted for May 2023 Annual Town Meeting

Ms. Cline read into the record that Mr. Wang had been absent from the November 16, 2022 meeting, but had viewed the meeting recording and submitted a Mullin Rule Form. Ms. Cline read into the record that Ms. Roberts had been absent from the December 7, 2022 meeting, but had viewed the meeting recording and submitted a Mullin Rule Form.

#### Housing Trust Allocation

Ms. Cline requested this project be held for further discussion.

#### Indigenous Cultural Landscape Study

Ms. Remington requested this project be held for further discussion.

#### Regional Housing Services Office Membership Fee

Ms. Roopenian made a motion to bring forth the Regional Housing Services Office Membership Fee CPC application to the May 2023 Annual Town Meeting to seek \$33,000 of funding for the proposed project. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

#### Bruce Freeman Rail Trail CSX Extension to Route 20

Ms. Huston stated she would like to table discussion regarding the Bruce Freeman Rail Trail CSX Extension to Route 20 application.

#### SudburyTV Video Digitization and Archival Project

Ms. Cline stated an opinion had been received from Town Counsel regarding whether this project qualified for funding under the Community Preservation Act.

Ms. Roberts made a motion to release the option of Town Counsel to the public. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, Ms. Costa – Aye, and Mr. Wang – Aye.

Ms. Cline stated the opinion of Town Counsel was that this project did not qualify for funding because, in part, the TV videos had not been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of the town as required by the Community Preservation Act. Ms. Costa stated the Historical Commission had not discussed this topic. Ms. Costa stated the Historical Commission would discuss this at their next meeting which would be held one day prior to the next Community Preservation Committee meeting.

Hop Brook Watershed Based Plan

Ms. Huston requested this project be held for further discussion.

Broadacres Community Garden

Mr. Henkels requested this project be held for further discussion.

Frank Feeley Field Park Improvements Phase II

Ms. Remington requested this project be held for further discussion.

Hosmer House Cultural Landscape, Building, and Collections Study

\*After discussion the Community Preservation Committee decided to change the intended meeting format and discuss each project.

Ms. Cline suggested weighing each project on their merit instead of their cost or category.

Housing Trust Allocation

Ms. Cline suggested breaking this project into two pieces. The first would be a 10% allocation to the Housing Trust to continue with their normal operations and the second to be used only for 67-73 Nobscot Road research, acquisition and development.

The request of \$730,000 submitted by the Sudbury Housing Trust will be moved forward but as two (2) separate warrant articles. The first will be for \$292,000 for normal operation. The second warrant article will be for \$438,000 to be used only for 67-73 Nobscot Road. There will be a grant agreement with the Sudbury Housing Trust for both allocations.

There was discussion by the Community Preservation Committee regarding exceeding their past precedent of not exceeding the annual income received from the Community Preservation Act surcharge.

Ms. Huston made a motion to bring forth the Housing Trust Allocation CPC application to the May 2023 Annual Town Meeting to seek a \$292,000 allocation of funding to be used to for the creation and support of affordable of housing. Mr. Hincks seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, Ms. Costa – Aye, and Mr. Wang – Aye.

Mr. Henkels made a motion to bring forth the Housing Trust Allocation CPC application to the May 2023 Annual Town Meeting to seek a \$438,000 allocation of funding to be used to for the development, creation, and support of affordable of housing at 67-73 Nobscot Road. Ms. Remington seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Mr.

Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, Ms. Costa – Aye, and Mr. Wang – Aye.

### Indigenous Cultural Landscape Study

Ms. Remington expressed concern about the amount of research and studies being brought forward and whether the information would be overwhelming. Ms. Costa spoke to the plan and vision and that part of the request was for an expert who is skilled and trained in recording and documenting all information. Ms. Roberts asked about staffing and the load put on both the Historical Commission and Town Planning Department.

Mr. Hincks made a motion to bring forth the Indigenous Cultural Landscape Study CPC application to the May 2023 Annual Town Meeting to seek \$35,000 of funding for the proposed project. Ms. Roopenian seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

### Hop Brook Watershed Based Plan

Ms. Huston stated the Park and Recreation Commission was interested in this project due to the possible recreational opportunities on the Stearns Mill Pond.

Ms. Roopenian made a motion to bring forth the Hop Brook Watershed Based Plan CPC application to the May 2023 Annual Town Meeting to seek \$78,600 of funding for the proposed project. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

### Broadacres Community Garden

Ms. Roopenian expressed concern about the management of this project. She thought the project needed to be under the control and responsibility of a town department. Ms. Roberts stated she was generally supportive of community gardens, but had concerns about management, the parcel itself, costs, and requested further discussion with the Conservation Commission and Town Departments. Mr. Henkels expressed concern about future costs and who would be responsible for them. Ms. Cline stated she did not believe the application should be moved forward.

Ms. Huston made a motion to bring forth the Broadacres Community Garden CPC application made by a Sudbury resident to the May 2023 Annual Town Meeting to seek \$50,000 of funding for the proposed project. Ms. Roberts seconded the motion. Roll Call Vote: Ms. Cline – Nay, Ms. Roopenian – Nay, Ms. Costa – Nay, Mr. Henkels – Nay, Mr. Hincks – Nay, Ms. Huston – Nay, Ms. Remington – Nay, Ms. Roberts – Nay, and Mr. Wang – Nay.

### Frank Feeley Field Park Improvements Phase II

Ms. Huston indicated the Park and Recreation Commission had voted to spend \$100,000 from their Meadow Walk mitigation funds allocation for irrigation, but that they did not have the budget to fund the entire irrigation project. Ms. Cline pointed out the Community Preservation Committee could approve the project in its entirety or approve it without the irrigation regardless of alternative funding from the Park and Recreation Commission. The inground irrigation system was estimated to be \$210,000 of the project cost requested. If the inground irrigation system was removed from the project, the project would need a portable irrigation system at a cost of \$30,000. Mr. Hincks expressed concern about the irrigation and its cost. Ms. Costa spoke to the benefits of an automated system. Ms. Roberts expressed concern about not

installing irrigation now and what the future repercussions could be. Ms. Huston stated that Feeley Fields need to be brought up to the same quality as other fields in town. She clarified that this is the center for the softball community and spoke to the importance of women and girls' sports. Mr. Hincks asked if it were more feasible to move softball to another field; Ms. Huston stated Featherland field was the other place that had one softball field and that softball cannot be played on a baseball diamond as softball requires a diamond specific to the sport.

Ms. Huston made a motion to bring forth the Frank Feeley Field Park Improvements Phase II CPC application to the May 2023 Annual Town Meeting to seek \$799,668 of funding for the proposed project. Ms. Roberts seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

### Hosmer House Cultural Landscape, Building, and Collection Study

Ms. Huston pointed out that the project cost is below the 10% Historical Resources allocation. Mr. Wang stated he did not believe this project was time sensitive and that it could possibly be delayed. Ms. Roberts expressed her support for this application. In response to the time sensitivity for the project, it was noted the Hosmer House had not had significant or comprehensive work completed that would address existing problems.

Ms. Roberts made a motion to bring forth the Hosmer House Cultural Landscape, Building, and Collection Study CPC application to the May 2023 Annual Town Meeting to seek \$130,000 of funding for the proposed project. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

### 2022 Annual Report

There were no questions or edits to the draft 2022 Annual Report.

Mr. Hincks made a motion to approve the 2022 Community Preservation Committee Annual Report. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

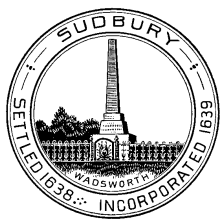
### Administrative Report

There was no administrative report presented at the meeting.

Ms. Roopenian made a motion to adjourn. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

The meeting was adjourned at 9:30 PM.





# Town of Sudbury

## Community Preservation Committee

cpc@sudbury.ma.us

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### MINUTES

JANUARY 18, 2023

### VIRTUAL MEETING

**Members Present:** Chair Sherrill Cline, Vice Chair Kirsten Roopenian, Jan Costa, Dave Henkels, John Hincks, Mara Huston, Lynne Remington, Jennifer Roberts, and Colin Wang

**Members Absent:** None

**Others Present:** Director of Planning and Community Development Adam Duchesneau, Community Preservation Coordinator Ryan Poteat

At 7:02 PM, Ms. Cline called the meeting to order.

Ms. Cline reminded the members that they all need to sign the annual report which is located in the vestibule at the Town Clerks Office.

#### **Deliberation and Potential Vote on Applications Submitted for May 2023 Annual Town Meeting**

##### **Bruce Freeman Rail Trail CSX Extension to Route 20**

There were no questions or concerns about this project.

Ms. Roopenian made a motion to bring forth the Bruce Freeman Rail Trail CSX Extension to Route 20 CPC application to the May 2023 Annual Town Meeting to seek \$300,000 of funding for the proposed project. Ms. Remington seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

##### **SudburyTV Video Digitization and Archival Project**

Ms. Cline stated that it was the opinion of Town Council that this project did not qualify for CPA funding. Ms. Costa stated the Historic Commission discussed this project and voted this project did not qualify for CPA funding. Although the Historic Commission believed this application to be a worthwhile and commendable project, its determination was based upon the Sudbury's Town Council's statement, feedback from the Community Preservation Coalition and documentation from the Massachusetts Department of Revenue. Ms. Roberts expressed her disappointment of these opinions and that she believes this project is preservation and suggested reaching out to legislators to have the regulations changed so that project might be able to move forward in the future. Ms. Roopenian also expressed her disappointment with these opinions and believed the project had merit.

Ms. Roopenian made a motion to bring forth the SudburyTV Video Digitization and Archival Project CPC application to the May 2023 Annual Town Meeting to seek \$25,000 of funding for



the proposed project. Mr. Hincks seconded the motion. Roll Call Vote: Ms. Cline – Nay, Ms. Roopenian – Nay, Ms. Costa – Nay, Mr. Henkels – Aye, Mr. Hincks – Nay, Ms. Huston – Nay, Ms. Remington – Nay, Ms. Roberts – Nay, and Mr. Wang – Nay.

### Historic Resource Inventory Surveys Phase V

Ms. Cline asked about the \$5,000 remaining from a previous CPA funded survey. Ms. Costa explained that the Historical Commission planned to use these funds to expand the survey to include barns and agricultural buildings. Mr. Hincks had objection to this and questioned if the funds were being used as they were originally intended. He suggested the funds be reverted and possibly changing the current article to include this work and pointed out that funds cannot be used for anything not included in the original warrant article. Ms. Roopenian agreed that the unused funds should be reverted. There was further discussion about the need to use the \$5000 allocated in 2015 for “home surveys”, Ms. Costa indicated that the term “home surveys” was used colloquially and encompassed all historic properties. There was consensus that the SHC should use a FY24 allocation to potentially include all historic properties in addition to homes, and the 2015 allocation to specifically complete home surveys. Mr. Hincks inquired about adding sunset clauses. Ms. Cline stated these were replaced with annual reports and there was not currently any requirement to spend awarded CPA funds within a set time period.

In response to a question about a matching grant from the State, Ms. Cline explained that this application did not qualify for a matching state grant as there would need to be at least 100 homes to be surveyed and that Sudbury did not have enough left to meet that requirement.

Ms. Costa made a motion to bring forth the Historic Resource Inventory Surveys Phase V CPC application to the May 2023 Annual Town Meeting to seek \$23,000 of funding for the proposed project. Mr. Wang seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

### Accessible Pathways to Athletic Fields

Mr. Hincks and Ms. Roopenian both stated that many questions had been asked and were still unanswered. Ms. Cline commented that the application was based on national cost averages and not locally quoted prices. She also pointed out that Ms. Duran had applied for a grant which was not approved. However, Ms. Duran stated she intended to reapply. Ms. Cline thought the application should be denied this year to give her an opportunity to reapply for the grant. Ms. Roberts expressed her support and spoke to the importance of ADA compliance. Ms. Roopenian had concern about granting CPA funds without having a fully formed plan. Mr. Hincks stated that he believed CPA funds should not be used as sole funding for projects and that the town needs to have the staff support and capacity to complete projects efficiently.

Ms. Huston made a motion to bring forth the Accessible Pathways to Athletic Fields CPC application to the May 2023 Annual Town Meeting to seek \$187,744 of funding for the proposed project. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Nay, Ms. Roopenian – Nay, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Nay, Ms. Huston – Aye, Ms. Remington – Nay, Ms. Roberts – Aye, and Mr. Wang – Aye.

### Curtis Outdoor Health & Wellness Space

Ms. Huston stated that the location of this projects is in close proximity to recreational fields and was concerned about how this would impact the current uses of the fields. Mr. Duchesneau displayed an aerial map showing 379' from the baseball home plate to the wellness space along the first base line and 310' from the softball home plate to the beginning edge of the proposed project along the third base line. Ms. Roberts asked if these were safe distances. Mr. Duchesneau stated he believed the distances were well within what would be considered safe. Ms. Cline stated she was concerned about the lack of a specific cost breakdown, comparable projects, the time sensitivity for this project (or lack thereof) and that other funding sources had not been researched. Ms. Roberts stated that she thought the project was time sensitive due to increased mental health challenges among Sudbury students. Ms. Costa stated that this project had received a lot of public support and seemed like something many of the community members wanted to see move forward.

Ms. Roopenian made a motion to bring forth the Curtis Outdoor Health & Wellness Space CPC application to the May 2023 Annual Town Meeting to seek \$480,000 of funding for the proposed project. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

### Fence & Lights for Fairbank Multisport Court

Ms. Cline stated that this project had been lowered by \$100,000 because of state funding. Mr. Hincks stated that he had previously expressed concern about the chain-link fencing but had since spoken to the Planning Board and no longer had concern. He requested the fence be coated to prevent rusting and be either black or green.

Ms. Roopenian made a motion to bring forth the Fence & Lights for Fairbank Multisport Court CPC application to the May 2023 Annual Town Meeting to seek \$100,000 of funding for the proposed project. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

### Review and Approval of May 2023 Annual Town Meeting Warrant Articles and Reports

The draft warrant articles were reviewed and minor edits were made throughout during the meeting. The warrant articles were approved in the following order. Ms. Huston asked about the wording of funding sources and if the wording should be improved to include using reserves. Mr. Duchesneau stated he would consult with town counsel.

### Feeley Fields Improvements Phase II

Ms. Roberts made a motion to approve the wording of the Feeley Fields Improvements Phase II Warrant Article and Report. Mr. Hincks seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

### 67-73 Nobscot Road

Ms. Roopenian made a motion to approve the wording of the 67-73 Nobscot Road Warrant Article and Report. Mr. Hincks seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms.

Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

*Hosmer House Historic Structure, Cultural Landscape, and Collection Study*

Ms. Costa made a motion to approve the wording of the Hosmer House Historic Structure, Cultural Landscape, and Collection Study Warrant Article and Report. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

*Housing Trust Allocation*

Ms. Roopenian made a motion to approve the wording of the Housing Trust Allocation Warrant Article and Report. Ms. Roberts seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

*Hop Brook Watershed Based Plan*

Ms. Roopenian made a motion to approve the wording of the Hop Brook Watershed Based Plan Warrant Article and Report. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

*Indigenous Cultural Landscape Study*

Ms. Costa made a motion to approve the wording of the Indigenous Cultural Landscape Study Warrant Article and Report. Ms. Roberts seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

*General Budget and Appropriations*

Ms. Costa made a motion to approve the wording of the General Budget and Appropriations Warrant Article and Report. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

*Regional Housing Services Office (RHSO) Membership Fee*

Ms. Roopenian made a motion to approve the wording of the Regional Housing Services Office (RHSO) Membership Fee Warrant Article and Report. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

*Return of Unspent Funds*

Ms. Roopenian made a motion to approve the wording of the Return of Unspent Funds Warrant Article and Report. Mr. Hincks seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

### **Review and Approval Administrative Budgets for FY 2024 and FY 2025**

Ms. Cline stated the budget had not changed significantly from FY23 and that staff had informed her that level funding would be appropriate. Ms. Huston questioned if cost of living increases should be budgeted for the “CPC Administrator” line item; Mr. Duchesneau explained that budgets often change and that this line item has been estimated at a higher than anticipated amount. Ms. Huston asked about the “Project Feasibility” line item. Ms. Cline explained this is used for consultants in varying degrees such as an appraisal. Ms. Roberts asked about the line item “Comm. Pres. Plan Consultant line item. Ms. Cline explained this is budgeted for consultant to create a Community Preservation Plan.

Ms. Roopenian made a motion to approve the Fiscal Year 2024 Administrative Budget in the amount of \$114,500. Mr. Hincks seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

Ms. Cline stated the projects approved by the Community Preservation Committee now total \$2,897,012. The difference between the FY24 revenue remaining for new projects of \$1,814,858 (our self-imposed annual budget) and that figure is further reduced by approximately \$860,000 (the excess state match received in FY22 and FY23).

She added that that she would also like to have the committee approve the FY25 Administrative Budget. Ms. Huston requested the budgeted amount for the “CPC Administrator” line item for fiscal year 2025 be increased by \$5,000 to \$55,000.

Ms. Remington made a motion to approve the Fiscal Year 2025 Administrative Budget in the amount of \$119,500. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

### **2023 Community Preservation Coalition Dues**

Ms. Remington made a motion to approve the 2023 Community Preservation Coalition Dues in the amount of \$4,350. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

### **Approval of Meeting Minutes: December 21, 2022 and January 4, 2023, if presented**

Ms. Remington made a motion to approve the minutes of December 21. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr.

Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

Ms. Huston requested staff add a higher level of information to the Frank Feeley section of the January 4, 2023 minutes which were tabled until the January 25<sup>th</sup> meeting.

### **Future Meeting Schedule:**

Ms. Cline noted the upcoming meeting dates.

### **Administrative Report**

There was no administrative report presented at this meeting.

Ms. Roberts made a motion to adjourn. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Roopenian – Aye, Ms. Costa – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Remington – Aye, Ms. Roberts – Aye, and Mr. Wang – Aye.

The meeting was adjourned at 9:37 PM.

TOWN OF SUDBURY

WARRANT ARTICLE FORM

ARTICLE # 1

Instructions:

- 1) The **ORIGINAL, DOUBLE SPACED, TYPEWRITTEN** article is to be submitted to the Selectmen's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of vote signed by its clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article **must** be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE 1. HEAR REPORTS**

To see if the Town will vote to hear, consider and accept the reports of the Town Boards, Commissions, Officers and Committees as printed in the 2022 Town Report or as otherwise presented; or act on anything relative thereto.

Submitted by the Select Board.

(Majority vote required)

SELECT BOARD POSITION: The Select Board supports this article.

SUBMITTED BY:    Select Board

Mayanne Beaudin

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APPROVED BY: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)



TOWN OF SUDBURY

WARRANT ARTICLE FORM

ARTICLE # 2

Instructions:

- 1) The **ORIGINAL, DOUBLE SPACED, TYPEWRITTEN** article is to be submitted to the Selectmen's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of vote signed by its clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article **must** be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE 2. FY23 BUDGET ADJUSTMENTS

To see if the Town will vote to amend the votes taken under Article 3, FY23 Budget, of the 2022 Annual Town Meeting, by adding to or deleting from line items thereunder, by transfer between or among accounts or by transfer from available funds; or act on anything relative thereto.

SELECT BOARD REPORT: This article will allow flexibility to review all accounts within the FY23 Operating Budget to make adjustments at the Annual Town Meeting as necessary.

*on behalf of Select Board*

SUBMITTED BY: *Marganne Bulodas*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPROVED BY: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

**ARTICLE 3 FY24 BUDGET**

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums, or any other sum or sums, for any or all Town expenses and purposes, including debt and interest, and to provide for a Reserve Fund, all for the Fiscal Year July 1, 2023 through June 30, 2024, inclusive, in accordance with the following schedule, which is incorporated herein by reference; or act on anything relative thereto.

<b>EXPENDITURES</b>	<b>FY24 Recommended</b>	<b>Override Request</b>	<b>FY24 Override</b>
300: Education - Sudbury Public Schools (SPS)	43,230,704	745,459	43,976,163
300: Education - LS Regional High School (LS) <sup>1</sup>	28,936,600	-	28,936,600
300: Education - Vocational	500,000	-	500,000
<b>Total: Schools</b>	<b>72,667,304</b>	<b>745,459</b>	<b>73,412,763</b>
100: General Government	3,598,455	-	3,598,455
200: Public Safety <sup>4</sup>	9,939,791	-	9,939,791
400: Public Works <sup>5</sup>	6,111,600	-	6,111,600
500: Human Services	1,002,310	-	1,002,310
600: Culture & Recreation	1,639,483	-	1,639,483
<b>Total: Town Departments</b>	<b>22,291,639</b>	<b>-</b>	<b>22,291,639</b>
800: Reserve Fund	300,000	-	300,000
800: Town-Wide Operating and Transfers	195,991	-	195,991
700: Town Debt Service	2,569,645	-	2,569,645
900: Employee Benefits (Town and SPS) <sup>2</sup>	15,730,817	-	15,730,817
1000: OPEB Trust Contribution (Town and SPS) <sup>3</sup>	650,000	-	650,000
<b>TOTAL OPERATING BUDGET:</b>	<b>114,405,396</b>	<b>745,459</b>	<b>115,150,855</b>
(not including Capital or Enterprise Funds)			

<sup>1</sup> Includes \$334,991 for OPEB and \$469,465 for Debt Service.

<sup>2</sup> Includes \$6,890,967 for Town and \$8,839,849 for SPS.

<sup>3</sup> Includes \$213,434 for Town and \$436,566 for SPS.

<sup>4</sup> Appropriation is partially funded by \$660,000 of ambulance receipts.

<sup>5</sup> Appropriation is partially funded by \$68,525 of solar revolving fund receipts.

Submitted by the Town Manager

(Majority vote required)



**ARTICLE 4 FY24 CAPITAL BUDGET**

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums for the purchase or acquisition of capital items including but not limited to capital equipment, construction, engineering, and design, including but not limited to renovation to buildings; and to determine whether this sum shall be raised by lease purchase or otherwise; or act on anything relative thereto.

	<b>FY24</b>
	<b><u>Recommended</u></b>
<b>Operating Capital Budget</b>	
Sudbury Public Schools	200,000
LS Regional High School	78,025
Information Systems	165,500
Fire	35,000
Public Works	150,000
Combined Facilities	100,000
<b>Total Operating Capital Budget</b>	<b><u><u>728,525</u></u></b>

Submitted by the Town Manager

(Majority vote required)

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

**ARTICLE . 5      FY24 TRANSFER STATION ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums set forth in the FY24 budget of the Transfer Station Enterprise, to be included in the tax levy and offset by the funds of the enterprise; or act on anything relative thereto.

	FY22 Actual	FY23 Appropriated	FY24 Requested
<b>TRANSFER STATION ENTERPRISE FUND</b>			
Direct Costs	253,789	300,124	310,648
Indirect Costs <sup>1</sup>	17,800	17,551	17,551
<b>Total Expenditures</b>	<b>271,589</b>	<b>317,675</b>	<b>328,199</b>
Enterprise Receipts	290,957	317,675	328,199
<b>Total Revenues</b>	<b>290,957</b>	<b>317,675</b>	<b>328,199</b>

<sup>1</sup> Paid for by Enterprise Revenue Transfer to Unclassified Benefits (General Fund)

Submitted by the Town Manager

(Majority vote required)

**ARTICLE . 6      FY24 POOL ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums set forth in the FY24 budget of the Atkinson Pool Enterprise, to be included in the tax levy and offset by the funds of the enterprise; or act on anything relative thereto.

	FY22 Actual	FY23 Appropriated	FY24 Requested
<b>POOL ENTERPRISE FUND</b>			
Direct Costs	298,010	462,620	482,280
Indirect Costs <sup>1</sup>	25,383	40,733	45,000
<b>Total Expenditures</b>	<b>323,393</b>	<b>503,353</b>	<b>527,280</b>
Enterprise Receipts	479,855	400,000	527,280
Retained Earnings Used	-	103,353	-
<b>Total Revenues</b>	<b>479,855</b>	<b>503,353</b>	<b>527,280</b>

<sup>1</sup> Paid for by Enterprise Revenue Transfer to Unclassified Benefits (General Fund)

Submitted by the Town Manager

(Majority vote required)

**ARTICLE . 7      FY24 RECREATION FIELD MAINTENANCE ENTERPRISE FUND**  
**BUDGET**

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums set forth in the FY24 budget of the Recreation Field Maintenance Enterprise, to be included in the tax levy and offset by the funds of the enterprise; or act on anything relative thereto.

	FY22 Actual	FY23 Appropriated	FY24 Requested
<b>FIELD MAINTENANCE ENTERPRISE FUND</b>			
Direct Costs <sup>1</sup>	171,060	209,796	213,514
Indirect Costs <sup>2</sup>	25,383	26,089	28,000
<b>Total Expenditures</b>	<b>196,443</b>	<b>235,885</b>	<b>241,514</b>
Enterprise Receipts	271,710	235,885	241,514
<b>Total Revenues</b>	<b>271,710</b>	<b>235,885</b>	<b>241,514</b>

<sup>1</sup> Direct costs include \$10,500 of capital expenditures.

<sup>2</sup> Paid for by Enterprise Revenue Transfer to Unclassified Benefits (General Fund)

Submitted by the Town Manager

(Majority vote required)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 8

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE . SNOW AND ICE TRANSFER**

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum or sums of money, to be expended under the direction of the Town Manager, for the purpose of funding the Fiscal Year 23 Snow and Ice deficit; or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required)

TOWN MANAGER REPORT: Due to the nature of this year's winter, the Town was required to deficit spend in the DPW snow and ice accounts. This article will fund that deficit.

By: Town Manager Maryanne Bilodeau

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 9

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE . UNPAID BILLS

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum or sums of money for the payment of certain unpaid bills incurred in previous fiscal years which may be legally unenforceable due to the insufficiency of the appropriation in the years in which such bills were incurred; or act on anything relative thereto.

Submitted by the Town Accountant.

(Four-fifths vote required)

TOWN ACCOUNTANT REPORT: Invoices that are submitted for payment after the accounts are closed at the end of a fiscal year or payables for which there are insufficient funds (and were not submitted for a Reserve Fund Transfer) can only be paid by a vote of the Town Meeting, a Special Act of the Legislature, or a court judgment.

By: Christine Michaud

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY

WARRANT ARTICLE FORM

ARTICLE # 10


Instructions:

- 1) The **ORIGINAL, DOUBLE SPACED, TYPEWRITTEN** article is to be submitted to the Selectmen's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of vote signed by its clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article **must** be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE. CHAPTER 90 HIGHWAY FUNDING (Consent Calendar)

To see if the Town will vote to authorize the Town Manager to accept and to enter into a contract for the expenditure of any funds allotted or to be allotted by the Commonwealth for the construction, reconstruction and maintenance projects of Town ways pursuant to Chapter 90 funding; and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement by the Commonwealth; or act on anything relative thereto.

DIRECTOR OF PUBLIC WORKS REPORT: Each year the Legislature allocates funds to cities and towns for the improvement of their infrastructure, to be expended under the Chapter 90 guidelines. The current plans are to continue the implementation of our pavement management program.

SUBMITTED BY:  \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED BY: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY

WARRANT ARTICLE FORM

ARTICLE 11

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Selectmen’s Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE \_\_\_\_\_

FY24 STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from Free Cash, \$ 144,274, or any other sum, to be added to the Stabilization Fund established under Article 12 of the October 7, 1982 Special Town Meeting, pursuant to General Laws Chapter 40, Section 5B; or act on anything relative thereto.

Submitted by the Select Board.

(Majority vote required)

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

*Mayanne Blodcan,*  
*on behalf of*  
 Submitted by: Select Board

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)



**ARTICLE . XX FY24 REVOLVING FUND SPENDING LIMITS**

To see if the Town will vote to establish the FY2024 spending limits for the use of revolving funds under M.G.L. c.44, s.53E ½, by the following departments of the Town in accordance with each fund set forth in Article XXXIII of the Town of Sudbury General Bylaws or act in any manner related thereto.

Fund	Department	Maximum Amount
Public Health Vaccinations & Tobacco Control	Board of Health	30,000
Plumbing & Gas Inspectional Services	Building Inspector	65,000
Portable Sign Administration & Inspectional Services	Building Inspector	10,000
Conservation (Trail Maintenance)	Conservation Commission	15,000
Conservation (Wetlands)	Conservation Commission	50,000
Forestry Activities	Conservation Commission	10,000
Council on Aging Activities	Council on Aging	65,000
Council on Aging Van Transportation (MWRTA)	Council on Aging	175,000
Cemetery Revolving Fund	Public Works	20,000
Fire Department Permits	Fire	70,000
Goodnow Library Meeting Rooms	Goodnow Library	20,000
Goodnow Library Services	Goodnow Library	25,000
Recreation Programs	Park and Recreation Commission	650,000
Teen Center	Park and Recreation Commission	10,000
Youth Programs	Park and Recreation Commission	200,000
Bus	Sudbury Public Schools	450,000
Instrumental Music	Sudbury Public Schools	100,000
Cable Television	Town Manager	30,000
Rental Property	Town Manager	50,000
Dog	Town Clerk	75,000
Zoning Board of Appeals	Zoning Board of Appeals	50,000
Solar Energy	Combined Facilities	1,000,000

Submitted by the Finance Director.

(Majority vote required)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 13

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE CAPITAL STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from Free Cash \$ 250,000, or any other sum, to be added to the Capital Stabilization Fund established under Article 13 of the 2019 Annual Town Meeting; or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required)

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

By: Manyanne Bilodeau

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 14

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE XX. FUNDING OF GO SUDBURY! TAXI AND UBER TRANSPORTATION PROGRAMS FOR FY2024

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$150,000, or any other sum or sums, for the purposes of the continued operations of the Go Sudbury! Taxi and Uber Transportation Programs, including all incidental and related expenses; or act on anything relative thereto.

SELECT BOARD REPORT: The Go Sudbury! Taxi program started in 2020 and Go Sudbury! Uber in 2021 and has been funded with grants, mitigation fund appropriations, rider co-pays, and an appropriation at 2022 Annual Town Meeting. Through the end of 2022 the program has provided thousands of rides to Sudbury's financially vulnerable, residents with a disability, those aged 60+, essential workers, and active duty military, Reserves, National Guard, and veterans of the armed forces to and from healthcare and social service appointments, shopping, community resources, and places of employment. Approval of this article will provide funds to continue the operation of the Go Sudbury! Taxi and Uber Transportation programs into and through fiscal year 2024.

*subm, Hcd by: Maryanne Boudreau, on behalf of*

By: Select Board \_\_\_\_\_

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

**ARTICLE: MEDICAID REIMBURSEMENT AND ADDITIONAL CHAPTER 70 FUNDING TRANSFER TO FUND ELA CURRICULUM UPDATE**

To see if the Town will vote to transfer from Free Cash a sum of money totaling \$279,574, equal to the state reimbursement amounts received in fiscal years 2019, 2020, 2021 and 2022 by the Town of Sudbury on behalf of Sudbury Public Schools for Reimbursable Education Medicaid expenses for the purpose of an ELA Curriculum Update for the Sudbury Public Schools that includes professional development, instructional materials, student resources to implement recommendations of Elementary English Language Arts Curriculum Review, and any other associated expenses; or take any other action relative thereto.

**Sponsored by the Sudbury School Committee.**

**SCHOOL COMMITTEE REPORT:** This article seeks to reimburse Sudbury Public Schools for Medicaid reimbursements received for fiscal years 2019, 2020, 2021, and 2022 and the additional Chapter 70 funding received for fiscal year 2023 to fund an ELA Curriculum Update that includes Professional development, instructional materials, and student resources to implement recommendations of Elementary English Language Arts Curriculum Review.

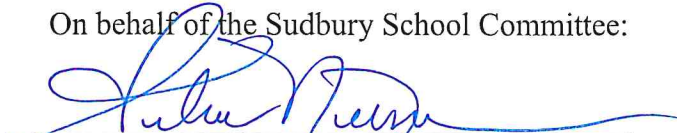
Medicaid reimbursements were received resulting from and directly related to the District providing medically necessary direct services to eligible MassHealth-enrolled children. Sudbury Public Schools provides these services through their operating budget and processes claims for reimbursement. A total of \$204,844 is Medicaid reimbursement funds received for FY2019, FY2020, FY2021, and FY2022 by the Town Treasurer.

On July 28, 2022 Governor Baker signed the FY2023 state budget that authorizes \$5,998,209,887 in Chapter 70 education aid to Massachusetts school districts (7061-0008 and 7061-0009). The resultant Chapter 70 educational aid for Sudbury Public Schools was increased by \$74,730 after the May 2022 annual town meeting, and therefore, Sudbury Public Schools did not receive the increase.



SUBMITTED BY: Donald R. Sawyer – SPS Director of Business & Human Resources

On behalf of the Sudbury School Committee:

  
Silvia Nersessian, Chair

1/27/2023  
Date

APPROVED BY: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)



TOWN OF SUDBURY

WARRANT ARTICLE FORM

ARTICLE # 16

**ARTICLE: FY2023 MEDICAID REIMBURSEMENT TRANSFER**

To see if the Town will vote to transfer to the SPS Medicaid Reimbursement revolving account a sum of money equal to all Fiscal Year 2023 state reimbursement amounts received by the Town of Sudbury on behalf of Sudbury Public Schools for Reimbursable Education Medicaid expenses; or take any other action relative thereto.

**Sponsored by the Sudbury School Committee.**

**SCHOOL COMMITTEE REPORT:** This article seeks to reimburse Sudbury Public Schools for Medicaid reimbursements received in the current 2023 fiscal year by the Town by transferring to the SPS Medicaid Reimbursement revolving account from the General Fund. These Medicaid reimbursements resulted from and directly related to the District providing medically necessary direct services to eligible MassHealth-enrolled children. Sudbury Public Schools provides these services through their operating budget and processes claims for reimbursement. This approved transfer will assist to offset operational costs within Sudbury Public Schools.

The total sum of money in this article would be equal to the total Medicaid reimbursement amounts received for FY2023 by the Town Treasurer.

SUBMITTED BY: Donald R. Sawyer – SPS Director of Business & Human Resources

On behalf of the Sudbury School Committee:

Silvia Nersessian, Chair

1/27/2023  
Date

APPROVED BY: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

**ARTICLE: SCHOOLS HVAC REPAIRS AND REPLACEMENTS**

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$450,000 to be expended under the direction of the Sudbury Public School Department for the purpose of the repair and replacement of individual heating, ventilation and air conditioning items in several schools; and all expenses incidental and related thereto; or take any action relative thereto.

**Sponsored by the Sudbury School Committee.**

**REPORT:** This project will repair and/or replace individual heating, ventilation and air conditioning items in several schools. These items are critical to maintaining minimum required levels of airflow, air exchange and heat that must be maintained in occupied buildings.

The district has continually addressed needed HVAC and heat issues in schools. This effort has been heavily relied upon as building systems have been required to operate during the pandemic period in good working order with extended schedules.

The items below are a combined request and continuation of the ongoing repair and maintenance of this critical building infrastructure. Operational budgets cannot support the level of effort required to repair and replace this equipment as required. It is more cost effective and efficient to combine these projects.

- Haynes Rooftop HVAC Replacements \$110,000
- Curtis RTU #7 AC Unit Replacement \$95,000
- Curtis RTU #9 & #12 AC Unit Replacement \$210,000
- Haynes Dehumidification Control \$15,000
- Loring Art Room Climate Control \$20,000

SUBMITTED BY: Donald R. Sawyer – SPS Director of Business & Human Resources

On behalf of the Sudbury School Committee:

Silvia Nersessian, Chair

1/27/2023  
Date

APPROVED BY: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY

WARRANT ARTICLE FORM

ARTICLE # 18

**ARTICLE: CURTIS MIDDLE SCHOOL AUDIO VISUAL SYSTEM REPLACEMENT**

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$160,000 to be expended under the direction of the Sudbury Public School Department for the purpose of replacing the existing audio visual system at the Curtis Middle School, and all expenses incidental and related thereto; or take any action relative thereto.

**Sponsored by the Sudbury School Committee.**

**SCHOOL COMMITTEE REPORT:** This article seeks funding for the purpose of the replacement and installation of the sound, lighting, and control board that is beyond its useful life and provide new ADA compliant assisted listening capacity in the auditorium at Curtis Middle School. The equipment has needed some costly repairs over the past three years.

SUBMITTED BY: Donald R. Sawyer – SPS Director of Business & Human Resources

On behalf of the Sudbury School Committee:

Silvia Nerssessian, Chair

Date 1/27/2023

APPROVED BY: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

**ARTICLE: SUDBURY PUBLIC SCHOOLS SURVEILLANCE CAMERAS**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$310,000, or any other sum, for the purchase or acquisition and installation of surveillance cameras and associated equipment in the Curtis Middle School, Haynes Elementary School, Loring Elementary School, Nixon Elementary School and Noyes Elementary School, and all incidental and related costs; or act on anything relative thereto.

**Sponsored by the Sudbury School Committee.**

**SCHOOL COMMITTEE REPORT:** This article seeks funding for the purpose of the purchase and installation of surveillance cameras, switches, required licensing, and any necessary supporting hardware in the Curtis Middle School, Haynes Elementary School, Loring Elementary School, Nixon Elementary School and Noyes Elementary School. Interior cameras will improve the safety of students and staff in Sudbury Public Schools. This will ensure an equitable level of safety measures as provided in other Town and School Buildings in Sudbury. It will also assist in reducing probability of vandalism and assist in investigations, thus limiting the risk of damage and loss.



SUBMITTED BY: Donald R. Sawyer – SPS Director of Business & Human Resources

On behalf of the Sudbury School Committee:

  
Silvia Nerssesian, Chair

1/27/2023  
Date

APPROVED BY: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)



20

**TOWN OF SUDBURY WARRANT ARTICLE FORM ARTICLE: TBD**

**Instructions:**

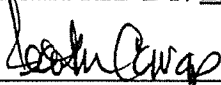
- 1) The **ORIGINAL, TYPED** article is to be submitted to the Selectmen's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE #XXXX \*Lincoln-Sudbury Regional High School Camera System Replacement**

*To see if the Town will vote to raise and appropriate, or transfer from available funds, the Town's 87.44% share of \$206,652 for the total estimated project of \$236,336, whereby, the Regional School District has requested the town of Lincoln for its 12.56% share of \$29,684 as a Capital Request, for the purpose of replacing the Safety Camera System on the property of Lincoln-Sudbury Regional High School; and to determine whether said sum shall be raised by borrowing or otherwise; or to act on anything relative thereto.*

Submitted by: Bella Wong, Superintendent/Principal. (Majority vote required)

SUBMITTED BY: LS School Committee

  
 \_\_\_\_\_  
 LS SC Chair, Heather Cowap

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

## WARRANT REPORT

### LS REGIONAL HIGH SCHOOL CAMERA SYSTEM REPLACEMENT-CAPITAL PROJECT

**Purpose:**

The building based cameras were installed in the new high school during 2014. The outdated technology and system maintenance is not sufficient for current safety monitoring within the building. No new cameras are said to be installed except for main space viewing capacity. Project scope is one-to-one replacement with enhanced quality and recording capability to be in line with changing safety and security needs for students and staff.

The project benefits provide more accurate camera viewing within the building to assist local authorities as necessary in emergency situations. Outdated cameras have limited visibility and do not provide accurate viewing for first responders.

**Cost:**

The estimated cost includes a 4% contingency allocation totaling \$236,336 with Sudbury's share of 87.44% at \$206,652 for the Sudbury request. LS is also requesting Lincoln's share of 12.56% totaling \$29,684 that has been approved by the Lincoln Capital Committee as an accepted capital project.

TOWN OF SUDBURY      WARRANT ARTICLE FORM      ARTICLE 21

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Selectmen’s Office in final form.
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- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
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- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE ##.      PURCHASE OF STORAGE BUILDING**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$ 200,000.00 or any other sum, for the purchase or acquisition of a three bay storage building in the Fiscal Year 2024, or an act relative thereto.

Submitted by the Fire Chief.

FIRE CHIEF’S REPORT: This project will construct a three bay storage building at Fire Station #1 to support the operations of the Fire Department. Due to the specialized services that the Department provides there is a desperate need for storage space for emergency equipment. This building will house the departments rescue boat, RTV, brush truck, lighting plant and service vehicle. The current fire apparatus floor at Fire Station #1 is full of fire apparatus and ambulances, this new storage will allow for the proper storage of the Departments specialized resources and will assist in their speedy deployment.

Revision Submitted by: John M. Whalen  
John M. Whalen, Fire Chief

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY      WARRANT ARTICLE FORM      ARTICLE 22

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Selectmen’s Office in final form.
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- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE ##.      PURCHASE OF FIRE ENGINE

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$ 1,020,000 or any other sum or sums, for the purchase or acquisition of one Fire Engine/Pumper and associated equipment in the Fiscal Year 2024, or an act relative thereto.

Submitted by the Fire Chief.

FIRE CHIEF’S REPORT: This request would replace the current Fire Engine #1 which was in front line service from 2006 until 2017, from 2017 to present Engine #1 has been assigned to Station 1. Engine #1 is currently 17 years old with 126,631 miles, by the time a new Engine is constructed and delivered, Engine #1 will be 20 years old.

The Fire Department depends on reliable and well equipped fire apparatus to provide emergency medical services and fire suppression throughout the Town, and to assist other towns when called upon.

*Mayama Bloda*  
*on behalf of*

Revision Submitted by: \_\_\_\_\_  
John M. Whalen, Fire Chief

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

Instructions:

- 1) The **ORIGINAL, DOUBLE SPACED, TYPEWRITTEN** article is to be submitted to the Selectmen’s Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of vote signed by its clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article **must** be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE AMERICANS WITH DISABILITIES ACT TRANSITION PLAN  
RECOMMENDATIONS

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$200,000 or any other sum or sums, to be expended under the direction of the Combined Facilities Director for the purpose of addressing recommendations identified in the Town Wide Americans with Disabilities Act Self Evaluation and Transition Plan including incidental and related expenses connected therewith; or act on anything relative thereto.

Submitted by the Combined Facilities Director.

COMBINED FACILITIES DIRECTOR REPORT: In 2021 as part of the on-going effort to assess the current level of Americans with Disabilities Act (ADA) compliance in programs, services and activities and town-owned facilities, The Institute for Human Centered Design was contracted to prepare an ADA Self Evaluation and Transition Plan on the Town’s behalf to identify deficiencies, compile a prioritized list of recommendations for corrective actions and provide associated costs. The Self Evaluation found many key facilities are generally usable by people with disabilities but are not in full compliance with current accessibility requirements. This article would provide funding to continue addressing identified recommendations in schools, Town buildings and public spaces.

SUBMITTED BY: Sandra R. Duran, Combined Facilities Director

*Sandra R Duran* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPROVED BY: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 24

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE DPW ROOFING PROJECT FUNDING

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$400,000, or any other sum or sums, to be expended under the direction of the Town Manager for the purpose of the repair and or replacement of the roof and appurtenances thereto at the Department of Public Works main building located at 275 Old Lancaster Road, together with all costs and expenses associated therewith; or act on anything relative thereto.

Submitted by the Combined Facilities Director.

COMBINED FACILITIES DIRECTOR REPORT: This project will materially extend the useful life of the building and allow for -solar panel installation on the roof of the building, both a money and energy saving project.

By: Margaret Bolger on behalf of

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

Instructions:

- 1) The **ORIGINAL, DOUBLE SPACED, TYPEWRITTEN** article is to be submitted to the Selectmen’s Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of vote signed by its clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article **must** be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE DPW Building Office Renovation

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$125,000, or any other sum or sums, to be expended under the direction of the Combined Facilities Director for the purpose of renovating the Department of Public Works Office Building to increase office space; or act on anything relative thereto.

Submitted by the Facilities Director.

FACILITIES DIRECTOR REPORT: Passage of this article would enable the renovation of existing office space for the creation of one small conference room, one team meeting room, three offices and storage space for the Board of Health and Facilities Department staff as the existing configuration is inadequate for present day functions. This request for funding includes the cost of design and renovation.

*Maryanne Beloda on behalf of*

SUBMITTED BY: Sandra Duran, Combined Facilities Director

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APPROVED BY: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

Instructions:

- 1) The **ORIGINAL, DOUBLE SPACED, TYPEWRITTEN** article is to be submitted to the Selectmen's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of vote signed by its clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article **must** be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE SPACE USE AND FACILITY CONDITION STUDY

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$300,000 or any other sum or sums, to be expended under the direction of the Combined Facilities Director for the purpose of hiring a consultant to conduct a Space Use and Facility Condition Assessment of Town and PreK-8 School Buildings; or act on anything relative thereto.

Submitted by the Facilities Director.

FACILITIES DIRECTOR REPORT: This request will fund a space utilization study to understand the function and efficiency of Town and PreK-8 School buildings with the end goal of having high utilization regardless of occupancy. In conjunction with the space utilization study, a facility condition assessment will be conducted to measure the condition and functionality of these same buildings and their infrastructure as suitable and appropriate for the intended functions.



SUBMITTED BY: Sandra Duran, Combined Facilities Director

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APPROVED BY: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)



Instructions:

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- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of vote signed by its clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article **must** be attached.
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- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE     ATKINSON POOL DEHUMIDIFICATION EQUIPMENT REPLACEMENT

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$600,000, or any other sum or sums, to be expended under the direction of the Combined Facilities Director for the purpose of replacing the existing Atkinson Pool Dehumidification Equipment including the installation of destratification fans and associated roof work, including incidental and related expenses connected therewith; or act on anything relative thereto.

Submitted by the Facilities Director.

FACILITIES DIRECTOR REPORT: Natatoriums require a large, high capacity dehumidification to control condensate formation from pool water evaporation. They require ventilation to meet safe building requirements. The existing high capacity dehumidification equipment located on the roof has reached its end of life and is experiencing costly repairs and reliability concerns. During the process enhanced roof support may be required. Adding interior destratification fans and air conditioning will enhance the current design and provide a safe interior air quality for users and the property.

SUBMITTED BY: Sandra Duran, Combined Facilities Director

*Sandra Duran* \_\_\_\_\_  
 \_\_\_\_\_  
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APPROVED BY: \_\_\_\_\_  
 Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

Instructions:

- 1) The **ORIGINAL, DOUBLE SPACED, TYPEWRITTEN** article is to be submitted to the Selectmen's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of vote signed by its clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article **must** be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE     ATKINSON POOL MAINTENANCE AND REPAIR FUND

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$480,000, or any other sum or sums, to be expended under the direction of the Combined Facilities Director, for the costs and expenses relative to maintenance and repair of the Atkinson Pool, or act on anything relative thereto.

FACILITIES DIRECTOR REPORT: The Atkinson Pools' existing piping, valves, fittings and grout are original to the pool and are in various states of deterioration and failure. Currently, the pools are experiencing notable leaking. Repair and maintenance of the piping systems and pool surface are required to prevent further leakage and deterioration.

SUBMITTED BY: Sandra Duran, Combined Facilities Director

*Sandra Duran* \_\_\_\_\_

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APPROVED BY: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

**TOWN OF SUDBURY WARRANT ARTICLE FORM****ARTICLE 29**

## Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE TITLE: AMEND SOLAR ENERGY REVOLVING FUND****PURPOSE**

To see if the Town will vote to amend Article 11 of the 2016 Annual Town Meeting entitled "Establish Energy Revolving Fund" which allows the Facilities Director to utilize a revolving fund to pay Town electrical costs and to fund energy and sustainability initiatives by the Sudbury Energy and Sustainability Committee, to be funded by receipts from renewables, solar arrays or similar equipment installed on land, buildings, or other property owned by the Town of Sudbury, excluding land, buildings, or other property at Lincoln-Sudbury High School; or act on anything relative thereto.

Submitted by the Energy and Sustainability Committee.

Majority vote required.

**ENERGY AND SUSTAINABILITY COMMITTEE REPORT:** Article 11 of the 2016 Annual Town Meeting directed receipts only derived from the solar field at the Landfill to the Solar Energy Revolving Fund. Since that time, the Energy and Sustainability Committee has been planning for expanded use of renewables, solar arrays to be placed on various Town and School buildings in addition to placement on land for production of solar energy. Passage of this article will allow expansion of the areas permitted to direct receipts derived from renewables and solar energy.

The original article passed by well over a majority at the May 2, 2016 Annual Town Meeting is follows:

**ARTICLE 11 – ESTABLISH SOLAR ENERGY SAVINGS REVOLVING FUND**

To establish and authorize for Fiscal Year 2017, the use of a revolving fund by the Facilities Director for paying town electrical costs, and to fund energy saving initiatives by the Energy Committee; to be funded by receipts from the solar field at the landfill; said fund to be maintained as a separate account, in accordance with MGL. Chapter 44, Section 53E 1/2 ' the amount to be expended therefrom shall not exceed the amount of \$330,000.

The amount of the Revolving Fund has since been expanded to allow use of \$550,000.

By: Sudbury Energy and Sustainability Committee

Rami Alwan

Olga Faktorovich Allen

Ken Nathanson

Jim Cummings

Joe Martino

Venk Gopal

Vote - 6-0

Approved by: Lee Smith

Town Counsel

**TOWN OF SUDBURY WARRANT ARTICLE FORM****ARTICLE 30**

## Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE TITLE: AUTHORIZATION TO PROCEED WITH THE FAIRBANK  
COMMUNITY CENTER SOLAR PROJECT**

To see if the Town will vote to transfer the care, custody, management and control of a portion or portions of the Fairbank Community Center property located at 40 Fairbank Road and identified as Assessor Parcel ID number F06-0001 to the Select Board for general municipal purposes and for recreational purposes and also for the purpose of leasing the same to one or more solar energy electricity production entities for the installation of a solar energy facility or facilities, and to authorize the Select Board to enter into a lease or leases for such portion or portions for a term of at least 20 years from the date of commencement of commercial operations of the solar energy facility or facilities and such additional term as the Select Board shall deem appropriate, all on such terms and conditions, and for such consideration, as the Select Board deems appropriate including a power purchase agreement for electricity and/or solar energy credits; and to authorize the Select Board to grant such access, utility, and other easements in, on, and under said property as may be necessary or convenient to construct, operate, maintain, and replace such solar energy facility or facilities; to authorize the Select Board to take all actions necessary in connection therewith; and to authorize the Select Board, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, or any other enabling authority, to enter into an agreement for payments in lieu of taxes (PILOT Agreement) on account of such facility or facilities for a term of 20 years and such additional term as the Select Board shall deem appropriate, upon such terms and conditions as the Select Board shall deem to be in the best interest of the Town and further, to authorize the Select Board to take such actions as may be necessary to implement such agreements; or act on anything relative thereto.

**ENERGY AND SUSTAINABILITY REPORT:** A 270 kW solar generating facility is proposed to be constructed on the roof of the Fairbanks Community Center under a Power Purchase Agreement (PPA) with a third party developer yet to be identified. Under this agreement the Developer installs, owns, operates, maintains, and decommissions the facility at its sole expense. Sudbury purchases electricity from the Developer at pre-set rates, and receives Net Metering Credits from Eversource (the local distribution company) for supplying the purchased electricity to the grid. There is no cost to the Town associated with the construction, operation, maintenance or removal of the facility. At present, solar generating facilities on municipal property that are owned and operated by a taxable entity

are considered by DOER to be subject to personal property tax under M.G.L. c. 59, §2B, even if their operation is for municipal purposes. In this situation, the municipality is in effect taxing itself because any ongoing payments by the facility owner to the host municipality are typically recovered in the price of the electricity supplied. According to DOER guidance, a PILOT (Payment In Lieu of Taxes) can be negotiated by a municipality as an alternative to personal property tax with approval of its governing body. The benefits of a PILOT are:

1. A known and constant expense to the facility owner
2. Lower electricity prices for the host municipality
3. Simplified administration

The goal of this project was to generate electricity cost savings rather than tax revenue. To meet that end and comply with present Massachusetts General Laws on taxation, a PILOT will be negotiated, subject to approval by Town Meeting. The financial value to the Town from the sale of the electricity produced to the grid far exceeds any prospective tax revenue. The PILOT does not add to the pre-tax electricity price, and so provides a small additional benefit to the Town from this use of an otherwise non-producing property.

By: Sudbury Energy and Sustainability Committee  
Rami Alwan  
Olga Faktorovich Allen  
Ken Nathanson  
Jim Cummings  
Joe Martino  
Venk Gopal

Vote - 6-0

Approved by: Lee Smith  
Town Counsel

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 31

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board’s Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
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- 5) Article wording must be approved and article signed by Town Counsel before submission.

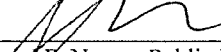
**ARTICLE TITLE: PICKUP TRUCK WITH PLOW**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum on \$100,000, or any other sum, for the purchase or acquisition of one (1) new vehicle for public works; or take any other action relative thereto.

Submitted by the Public Works Director

(Majority vote required)

PUBLIC WORKS DIRECTOR REPORT: Approval of this article will provide funds to purchase one (1) new pickup truck with appurtenances to replace an older model. It is a goal of the Public Works to focus on standardizing vehicles and specifying vehicles to better suit our multi-disciplinary needs. Pick-up trucks are one of the most used equipment in the fleet. The Public Works employees use these vehicles to perform their everyday tasks including moving materials and equipment that is carried and towed by these vehicles. These trucks also accompany larger equipment to perform snow removal.

By:   
Daniel F. Nason, Public Works Director

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 32

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board’s Office in final form.
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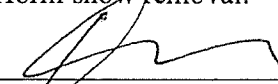
**ARTICLE TITLE: SWAP BODY TRUCK**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum on \$185,000, or any other sum, for the purchase or acquisition of one (1) new vehicle for public works; or take any other action relative thereto.

Submitted by the Public Works Director

(Majority vote required)

PUBLIC WORKS DIRECTOR REPORT: Approval of this article will provide funds to purchase one (1) new swap body truck with appurtenances to replace an older model pickup truck. It is a goal of the Public Works to focus on standardizing vehicles and specifying vehicles to better suit our multi-disciplinary needs. The Public Works employees use these vehicles to perform their everyday tasks including moving materials and equipment that is carried and towed by these vehicles. These trucks also perform snow removal.

By:  \_\_\_\_\_  
Daniel F. Nason, Public Works Director

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 33

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board’s Office in final form.
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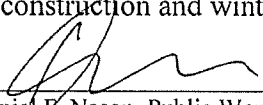
**ARTICLE TITLE: SWAP BODY TRUCK**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum on \$210,000, or any other sum, for the purchase or acquisition of one (1) new vehicle for public works; or take any other action relative thereto.

Submitted by the Public Works Director

(Majority vote required)

PUBLIC WORKS DIRECTOR REPORT: Approval of this article will provide funds to purchase one (1) new swap body truck with appurtenances to replace an older model 6-wheel dedicated spreader truck with wing. It is a goal of the Public Works to focus on standardizing vehicles and specifying vehicles to better suit our multi-disciplinary needs. These trucks are used to perform various tasks including construction and winter snow/ice operations.

By:   
Daniel F. Nason, Public Works Director

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)



TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 34

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board’s Office in final form.
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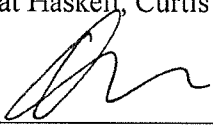
**ARTICLE TITLE: SPORTS FIELD MOWER**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum on \$160,000, or any other sum, for the purchase or acquisition of one (1) new vehicle for public works; or take any other action relative thereto.

Submitted by the Public Works Director

(Majority vote required)

PUBLIC WORKS DIRECTOR REPORT: Approval of this article will provide funds to purchase one (1) new sports field mower with appurtenances to replace an older model mower. This mower performs routine maintenance for various sports fields throughout Town including, but not limited to, the fields at Haskell, Curtis Middle School, Ti-Sales, Peter Noyes School, Davis, Feeley and the Crime Lab.

By:   
Daniel F. Nason, Public Works Director

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 35

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
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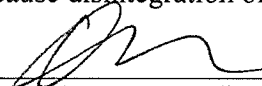
**ARTICLE TITLE: MULTI-PURPOSE TRACTOR**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum on \$215,000, or any other sum, for the purchase or acquisition of one (1) new vehicle for public works; or take any other action relative thereto.

Submitted by the Public Works Director

(Majority vote required)

**PUBLIC WORKS DIRECTOR REPORT:** Approval of this article will provide funds to purchase one (1) new multi-purpose tractor with appurtenances to replace an older model. This equipment, with its various attachments, is critical for its ability to clear the snow and debris from various walkways throughout Town. It also supplements the roadside mowing with the boom flail mower and is outfitted with a sweeper to clean the walks in the spring. The multi-purpose tractor is exposed to many different environments including damaging branches, stone walls, hidden castings and corrosive materials (salt) which cause disintegration of the Public Works equipment.

By:   
Daniel F. Nason, Public Works Director

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 36

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board’s Office in final form.
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- 5) Article wording must be approved and article signed by Town Counsel before submission.

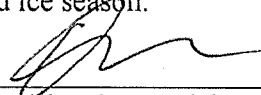
**ARTICLE TITLE: FRONT END LOADER**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum on \$345,000, or any other sum, for the purchase or acquisition of one (1) new vehicle for public works; or take any other action relative thereto.

Submitted by the Public Works Director

(Majority vote required)

PUBLIC WORKS DIRECTOR REPORT: Approval of this article will provide funds to purchase one (1) new front end loader with appurtenances to replace an older model. The Department currently uses four (4) Front End Loaders, however the oldest one is over 13 years old and is beyond its useful life expectancy as a front-line, emergency response machine. This article requests funds to purchase a new loader, which will be safe, reliable, efficient, and capable of meeting the needs of the Department during the construction season. This equipment ensures the plowing operations remain efficient, and ultimately provide the staff with the proper equipment to clear the roads and parking lots during the snow and ice season.

By:   
Daniel F. Nason, Public Works Director

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 37

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
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- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE    . FAIRBANK COMMUNITY CENTER AUDIO-VISUAL EQUIPMENT AND ASSOCIATED FUNDING

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$200,000, or any other sum or sums, to be expended under the direction of the Town Manager, for the purchase of audio-visual and related equipment, and associated design services, and installation services for the Fairbank Community Center project to address needs and associated costs therefor; or to act on anything relative thereto.

*Maryann Bilodan on behalf of*

By: Select Board \_\_\_\_\_

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

## TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 38

## Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
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**ARTICLE XX. AMEND ZONING BYLAW, ARTICLE IX, SECTION 4200. WATER RESOURCE PROTECTION OVERLAY DISTRICTS: INSERT SECTIONS 4243.N. AND 4253.K.**

To see if the Town will vote to amend the Zoning Bylaw, Article IX, Section 4200, entitled Water Resource Protection Overlay Districts, a copy of which is available for viewing in the Office of the Town Clerk and on the municipal website, by inserting new Sections 4243.n. and 4253.k., as displayed as underlined text as follows:

4243. The following uses and activities may be allowed by special permit within the Water Resource Protection Overlay Districts - Zone II, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to Section 4242:

...

n. Uses allowed as of right or by Special Permit in the underlying zoning district which are not listed in Sections 4241 or 4242.

4253. The following uses are permitted by special permit within Water Resource Protection Overlay Districts - Zone III, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to section 4252.

...

k. Uses allowed as of right or by Special Permit in the underlying zoning district which are not listed in Sections 4251 or 4252.

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

Submitted by the Planning Board. (Two-thirds vote required)

PLANNING BOARD REPORT: The Water Resource Protection Overlay Districts Zoning Bylaw currently lists all of the uses which are allowed as of right, prohibited, and allowed by Special Permit in the overlay districts (Zone II and Zone III). Over the last few years, there have been a number of instances where uses which are allowed as of right or by Special Permit in the underlying or base zoning district (ex. Business District, Village Business District, Limited Business District, etc.) are not



spoken to in any way as to their permissibility in the Water Resource Protection Overlay Districts. Typically, if particular uses are not specifically mentioned in the Water Resource Protection Overlay Districts Zoning Bylaw, then those uses are prohibited from the overlay district. This is a somewhat peculiar aspect of the overlay district Zoning Bylaw because there are a number of uses which are allowed as of right or by Special Permit in the underlying zoning districts, such business or professional offices, dance studios, banks, medical centers or clinics, and others, but they are not discussed in the Water Resource Protection Overlay Districts Zoning Bylaw. As such, these uses are prohibited uses in the overlay district. Many of these uses would have little, if any, impact on the water resources of the area which the overlay district bylaw is intended to protect.

At the same time, under the current language of the Zoning Bylaw, an Applicant could apply to obtain a Special Permit in the Water Resource Protection Overlay Districts to operate uses that could have far greater negative impacts on the water supply and resources the overlay district is intending to protect. For example, uses which involve the storage of large quantities of animal manure, commercial fertilizers, road salt, de-icing chemicals, and hazardous or toxic materials can all be established by obtaining a Special Permit from the Planning Board, who is the Special Permit Granting Authority in the Water Resource Protection Overlay Districts. Conversely, the only way a professional office could operate in the Water Resource Protection Overlay Districts is by finding a space which most recently previously contained another non-conforming use and then obtaining a Special Permit from the Zoning Board of Appeals to switch from one non-conforming use to another.

Town staff would prefer all Special Permits in the Water Resource Protection Overlay Districts be handled by the Planning Board. The Planning Board is the Special Permit Granting Authority in the overlay districts and has a bit more expertise in these particular matters. However, the only way for these less noxious uses (such as retail stores, professional offices, banks, etc.), which are not discussed in the Water Resource Protection Overlay Districts Zoning Bylaw, to locate in the overlay district is via a Special Permit process with the Zoning Board of Appeals (again, assuming the use could find a space which previously had another non-conforming use within it). With the above stated, the Planning Board is extremely aware of the sensitivity of the Water Resource Protection Overlay District areas. Therefore, this is why the Planning Board is proposing these uses which are allowed as of right and by Special Permit in the underlying zoning districts all still require Special Permits in order to establish themselves in the overlay district.

In summary, these proposed amendments to the Water Resource Protection Overlay Districts Zoning Bylaw will provide a clearer permitting path for uses which are allowed as of right or by Special Permit in the underlying zoning districts. The proposed amendments will also put the permitting authority for the overlay district fully in the hands of a Town board which is more well equipped to handle the considerations needed to permit these uses in areas where there are sensitive water supplies and resources.

By: Adam L. Duchesneau on behalf of the Planning Board

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 39

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

Amend General Bylaws -

**ARTICLE TITLE:** A Affordable Housing Trust Bylaw

(insert text here)

By: on behalf of Select Board  
Maryanne Blodica

1/5/23

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

**ARTICLE [ ].      AMEND GENERAL BYLAWS –  
AFFORDABLE HOUSING TRUST BYLAW**

To see if the Town will vote to amend the Town of Sudbury General Bylaws to adopt the Sudbury Housing Trust Bylaw by inserting a new article XXXVIII therein, as follows, or act on anything relative thereto.

**SUDBURY HOUSING TRUST BYLAW**

Pursuant to a vote on Article 33 of the 2006 Annual Town Meeting, the Town accepted the provisions of Massachusetts General Laws Chapter 44, Section 55C and authorized the establishment of a Housing Trust pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 55C.

**SECTION 1. PURPOSE OF TRUST**

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Sudbury for the benefit of low and moderate income households.

**SECTION 2. POWERS OF TRUSTEES**

The Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of M.G.L. Chapter 44, Section 55C (Municipal Affordable Housing Trust Fund) as outlined below except that the Trustees shall have no ability to borrow money, or mortgage or pledge Trust assets, purchase, sell, lease, exchange, transfer or convey any interest in real property without prior approval of the Select Board:

- 1) to accept and receive real property, personal property, or money, by gift, grant, contributions, devise, or transfer from any person, firm, corporation or other public entity or organization or tendered to the Trust in connection with provisions of any ordinance or by-law or any General Law or Special Act of the Commonwealth or any other source including money from M.G.L. Chapter 44B (Community Preservation Act);
- 2) with Select Board approval from Trustee recommendation, to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract;
- 3) to execute, acknowledge, and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust;



- 4) with Select Board approval from Trustee recommendation, to borrow money on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge Trust assets as collateral to the extent of the Trust's assets, and subject to 2/3 vote at any Annual or Special Town Meeting for greater than the extent of the Trust's assets;
- 5) to construct, manage or improve real property; and to abandon any property which the Trustees determine not to be worth retaining;
- 6) with Select Board approval from Trustee recommendation, to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- 7) to hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate;
- 8) to become the lottery and monitoring agent for affordable housing and accept compensation for those services into the Fund;
- 9) to monitor the expiring use of any affordable housing in Sudbury;
- 10) to compensate Town employees for services provided as authorized by the Town Manager, including but not limited to dedicated staff to Trustees, engineering support for project specific activities, and other Town services, as requested by the Trustees to the Town Manager;
- 11) to employ advisors and agents, including but not limited to accountants, appraisers and lawyers as the Trustees deem necessary;
- 12) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;
- 13) to participate or join or form a partnership, corporation or any other legally organized entity to accomplish the purposes of this Trust and to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation, and any other corporation, person or entity;
- 14) to apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- 15) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;
- 16) to carry property for accounting purposes other than acquisition date values;
- 17) to make distributions or divisions of principal in kind;

- 18) to extend the time for payment of any obligation to the Trust;
- 19) to establish criteria and/or qualifications for recipients and expenditures in accordance with Trust's stated purposes;
- 20) to compromise, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Trustees may deem appropriate;

Notwithstanding anything to the contrary herein, Select Board approval shall be required for any of the following actions:

- a) to purchase real or personal property;
- a) to sell, lease, exchange, transfer or convey any personal, mixed, or real property; and
- b) to borrow money, or to mortgage or pledge Trust assets as collateral to the extent of the Trust's assets.

Notwithstanding anything to the contrary herein, the Trustees may not borrow, mortgage or pledge greater than the current Trust assets unless approved by the Select Board and by a 2/3 vote at any Annual or Special Town Meeting.

The Trustees shall have full power and authority, at any time and from time to time and without the necessity of applying to any court for leave to do so, to expend the 100% of the Trust funds, both principal and interest, to the extent that all funds hereunder may be expended if the Trustees deem such expenditure appropriate. All expenditures shall be made in conformance with the terms of this Trust and M.G.L. Chapter 44, Section 55C.

### SECTION 3. ACTS OF TRUSTEES

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

### SECTION 4. TREASURER/COLLECTOR AS CUSTODIAN

The Town of Sudbury Treasurer/Collector shall be the custodian of the Trust's funds and shall maintain separate accounts and records for said funds.

The Town Treasurer/Collector shall invest the funds in the manner authorized by M.G.L. Chapter 44, Section 55 (Public Funds on Deposit; Limitations; Investments,) Section 55A, (Liability of Depositor for Losses Due to Bankruptcy), Section 55B (Investment of Public Funds).

Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

Expenditures by the Trust shall be processed through the warrant but shall be controlled by the provisions of M.G.L. Chapter 44, Section 55C. The yearly approved budget, and any approved budget revisions will be recorded by the Town Treasurer/Collector.

As custodian, the Treasurer/Collector shall issue checks as directed by the Trustees.

In accordance with M.G.L. Chapter 44, Section 55C (Municipal Affordable Housing Trust Fund), the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices. The Trust shall be audited as part of the Town audit.

#### SECTION 5. DURATION OF THE TRUST

This Trust shall continue so long as authorized under the Laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, The Trust may be terminated by a majority vote of the Town Meeting in accordance with M.G.L. Chapter 4, Section 4B, provided that an instrument of termination together with a certified copy of the Town Meeting vote are duly recorded with the Middlesex South District Registry of Deeds and the Land Court. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

#### SECTION 6. RECORDING

A Declaration of Trust and any amendments thereto shall be recorded with the Middlesex South District Registry of Deeds and the Land Court.

#### SECTION 7. AMENDMENTS

The Declaration of Trust may be amended from time to time except as to those provisions specifically required under M.G.L. Chapter 44, Section 55C, by an instrument in writing signed by all of the Trustees and approved at a meeting called for that purpose, and approved by the Select Board provided that in each case, a certificate of amendment has been recorded with the Middlesex South District Registry of Deeds and the Land Court.

#### SECTION 8. RECORD TO BE CONCLUSIVE, CERTIFICATE AS TO FACTS

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees as appears from instruments or certificates recorded with the Registry of Deeds and Land Registration Office to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that instruments of amendment pursuant to Section 7 and an instrument of termination pursuant to Section 5 hereof shall be conclusive only if it appears that the delegations, amendments or termination have been executed by all of the Trustees. Any

person dealing with the Trust property or the Trustees may always rely on a certificate signed by any person appearing from instruments or certificates so recorded to be Trustee hereunder as to the identity of the then current Trustees or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

**ARTICLE                    GENERAL BYLAW FOR THE PLACEMENT OF SMALL  
WIRELESS FACILITIES IN THE PUBLIC WAYS**

To see if the Town will vote to amend the Town of Sudbury General Bylaws by inserting a new article, to be numbered by the Town Clerk, for the placement of Small Wireless Facilities in the public ways as set forth below:

1. **Purpose.** The purpose and intent of this Article of the General Bylaws of the Town of Sudbury (the “Article”) is to provide a uniform and comprehensive set of requirements and standards for the permitting, development, siting, installation, design, operation and maintenance of small wireless facilities (“SWF”) as defined in 47 C.F.R s.1.6002 in public ways of the Town of Sudbury. The Town’s authority for this Article, includes, among others, 47 USC s.332 et seq. (“Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities”). In addition, and importantly, because of the cumulative impact of incremental decisions regarding SWFs, this Section instructs the permit applicant as to the Town’s minimally acceptable standards for SWFs and directs the applicant to the Town’s preferences for the design and installation of these facilities.
2. **SWFs (including antennas, transceivers, mounting structures and enclosures, if any)** may be installed in the public ways of the Town of Sudbury, subject to the limitations established herein.

3. **Definitions**

**New Pole:** A Substitution Pole or any pole or other structure that is installed without the removal of an existing pole.

**Replacement Pole:** To enable the installation of a SWF, a utility pole that takes the place of an existing utility pole, provided the resulting pole with attachments is no more than 5 feet higher than the existing pole with attachments.

**Small Wireless Facilities (SWFs)** are facilities that meet each of the following conditions as established by the FCC:

- (1) The facilities:
  - a) Are mounted on structures 50 feet or less in height including their antennas as defined in 47 CFR § 1.1320(d); or
  - b) Are mounted on structures no more than 10 percent taller than other adjacent structures; or
  - c) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR § 1.1320(d)), is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (4) The facilities do not require antenna structure registration under part 17 of 47 CFR;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

**Substitution Pole:** To enable the installation of a SWF, a utility pole that takes the place of an existing utility pole, wherein the resulting pole with attachments is more than 5 feet higher than the existing pole with attachments.

- 4. **Goals.** The goals of this Section are to:
  - A. Preserve and promote harmonious land uses within the Town, including its public rights-of-way;
  - B. Promote and protect public health and safety, community welfare, visual resources, and the aesthetic quality of the Town;
  - C. Provide for the orderly, managed, and efficient development of SWFs in accordance with federal and state laws, rules, and regulations and within defined locations within the Town; and
  - D. Encourage new and more efficient technology in the provision of SWFs.
- 5. **Intent.** This Article is not intended to apply to, nor shall it be interpreted to apply to:
  - A. Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
  - B. Prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulation for rights-of-way management;
  - C. Unreasonably discriminate among providers of functionally equivalent services;
  - D. Deny any request for authorization to place, construct or modify personal wireless service facilities based on environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions;



- E. Otherwise authorize the Town to preempt any applicable federal or state law or
- F. To conflict with 42 USC s.332 et seq.

**6. Application procedures.**

- A. **Fees.** The dollar amounts of all fees that are established pursuant to this Article shall be recorded in the Town of Sudbury Select Board Fee Schedule.
- B. **Filing.** Applications shall be submitted to the Select Board by filing with the Town Clerk's office in accordance with this Article, accompanied by an SWF Application Fee. The SWF Application Fee will cover up to five locations per application. Each application for more than five installations is subject to an SWF Supplemental Application Fee per additional installation. Each New Pole (including Substitution Poles as established herein) is subject to a SWF New Pole Application Fee per New Pole applied for.
- C. **Public hearing notices.** Pursuant to G.L. c.166 s. 22, the Select Board shall hold a public hearing on all applications for SWFs pursuant to G.L. c.166, s.22 and the costs of the legal notices shall be paid by the applicant, including the costs of mailing notice of the public hearing to property owners within a radius of five (500) hundred feet from the location where the pole for the proposed SWF is or is proposed to be.
- D. **Application completeness verification by the Department of Public Works ("DPW").** No application will be deemed complete unless and until the DPW shall have first verified that the applicant has assembled all the application contents listed in Section 5 below; the same shall constitute a "complete application". To protect the Town's rights under the federal SWF shot clock, the DPW should make a determination of completeness in such time that the Town can inform the applicant of an incomplete application within ten days of original filing.
- E. **Payment of application filing fees and number of application copies.** The applicant shall pay all application filing fees to the Town Clerk's office and shall file the following number of sets of application materials at the offices set forth below:

<u>Number of Sets</u>	<u>Office</u>
1	Town Clerk's office
5	Select Board office

One electronic original copy shall be submitted to the Select Board office. It shall be a PDF document of the original material, with text copy capability, no scanned pages and in color.

- F. **Contents of a Complete Application.** Applications shall include the following information:

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- (1) Applicant's name, address, telephone number and e-mail address.
- (2) Names, addresses, telephone numbers, and e-mail addresses of anyone acting on behalf of the applicant with respect to the application.
- (3) Detailed drawings and descriptions of the equipment to be mounted on the pole(s), including:
  - i. Type of equipment;
  - ii. Specifications of equipment (including but not limited to dimensions and weight);
  - iii. Equipment mount type and material;
  - iv. Power source or sources for equipment, including necessary wires, cables, and conduit;
  - v. Expected life of equipment;
  - vi. Configuration of the antenna equipment, including:
    1. Number of antennas.
    2. Antenna model.
    3. Antenna length.
    4. Antenna height.
    5. Antenna mounting scheme
  - vii. Hardening, including:
    1. If there is a battery backup;
    2. If there is a generator backup;
    3. Proposed measures to prevent vandalism and accidental damage.
- (4) Renderings/photo simulations and elevation drawing of the equipment installation.
- (5) A detailed explanation comparing the characteristics of each proposed SWF with the criteria in the FCC definition of an SWF demonstrating the application is for bona fide SWFs, including without limitation, totals of equipment volumes, antenna volumes, and antenna heights, based on the information above
- (6) A radio frequency emissions analysis consistent with FCC OET Bulletin 65 procedures demonstrating compliance of each proposed SWF with FCC requirements limiting human exposure to radio frequency energy.
- (7) A noise assessment by a competent party demonstrating compliance with Massachusetts Department of Environmental Protection guidelines for noise pollution and with any Sudbury noise regulations. If the proposed SWF has no noise-generating apparatus, the applicant shall certify the

same with supporting evidence in the application materials and may provide such certification in lieu of a noise assessment.

- (8) Detailed map with locations of the poles on which equipment is to be located, including specific pole identification number, if applicable, and the geographic areas the equipment will service.
- (9) Detailed map showing existing and proposed small cell installations within 500 feet of the application site.
- (10) Certification by a registered professional engineer that the pole will safely support the proposed equipment.
- (11) Written consent by the pole owner to the proposed installation. If the proposal is for a New Pole that will be owned by a utility, the SWF application shall be accompanied by an application for construction approval per the Select Board regulation contained in its Policies and Procedures.
- (12) Affidavit from a radio frequency engineer outlining the network/network service requirements in Sudbury and how each installation addresses that need in Sudbury. Such affidavit should characterize, through or with coverage maps, the current level of coverage and how the desired installation(s) will change the current level of coverage, including current and proposed coverage, and include any information the applicant considers relevant to the need, such as evidence supporting any capacity claims regarding the need for the SWF.
- (13) Liability insurance certificate, naming the Town of Sudbury as an additional insured.
- (14) Description as to why the desired location is superior to other similar locations, from a community perspective, including but not limited to:
  - i. Visual aspects;
  - ii. Proximity to single-family residences.
  - iii. Impact on public safety, including without limitation, pedestrian or vehicular traffic during operation and during construction/maintenance activity
- (15) Description of efforts to locate the equipment on existing poles which currently exist or are under construction. A good faith effort to locate on such poles is required and evidence of such efforts must be included within the application.
- (16) An affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC standards and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.

G. **Public Hearing.** Placement of application on agenda. Once a complete application has been submitted and all filing fees required herein or elsewhere

have been paid, the Select Board will schedule and hold a public hearing and thereafter, render a decision on the application.

7. **Time for Rendering a Decision (“shot clock”).** Pursuant to federal regulation, the Select Board shall have sixty (60) days from the filing of a complete application for collocation of a SWF using an existing pole, and 90 days for attachment of a SWF proposing a New Pole (see definitions). The “shot clock” may be extended by mutual written agreement of the Select Board and the applicant.
8. **Select Board decision.** The Select Board may grant, grant with conditions, or deny the application based on inadequate capacity of the pole or mounting structure, safety concerns, reliability concerns, failure to meet applicable engineering standards, and/or failure to meet applicable design and aesthetic requirements all as set forth in this Article.
9. **Annual recertification and affidavit.** Each year on July 1, the SWF owner shall submit an affidavit which shall list, by location, all SWF installations it owns within the Town of Sudbury and shall certify:
  - A. each such installation that remains in use,
  - B. that such in-use installations remain covered by liability insurance naming the Town as an additional insured, and
  - C. the dates of disuse and removal of any disused equipment.

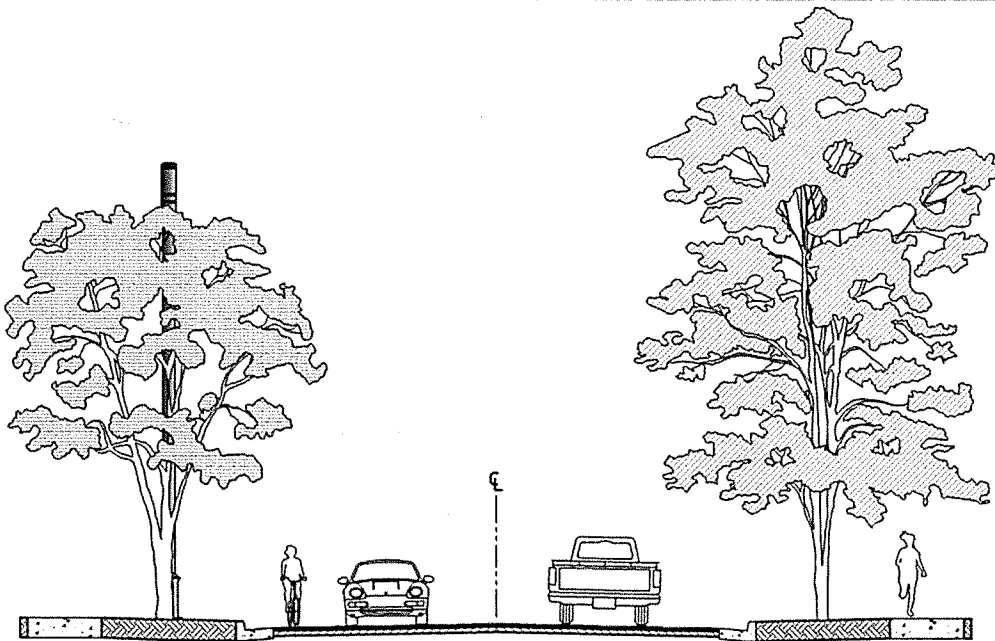
The equipment owner shall pay to the Town of Sudbury an SWF Annual Recertification Fee per installation which remains in place, whether in use or not.

10. **Disuse.** Any SWF which is no longer in use shall be removed by the owner, at the owner's expense, within 60 days of disuse.
  - A. *Nonremoval of SWF no longer in use.* Any SWF installation which is not removed by the owner, at the owner's expense, within sixty (60) days of disuse shall be subject to an SWF Abandonment Fee (fine) for each day after being listed in the annual recertification affidavit as no longer in use until such installation is removed by the owner.
  - B. *Prohibition on new applications.* Where such annual recertification has not been timely submitted, or equipment no longer in use has not been removed within the sixty-day (60) period, no further applications for small cell wireless installations will be accepted by the Town Clerk's office until such time as the annual recertification has been submitted and all fees and fines have been paid.

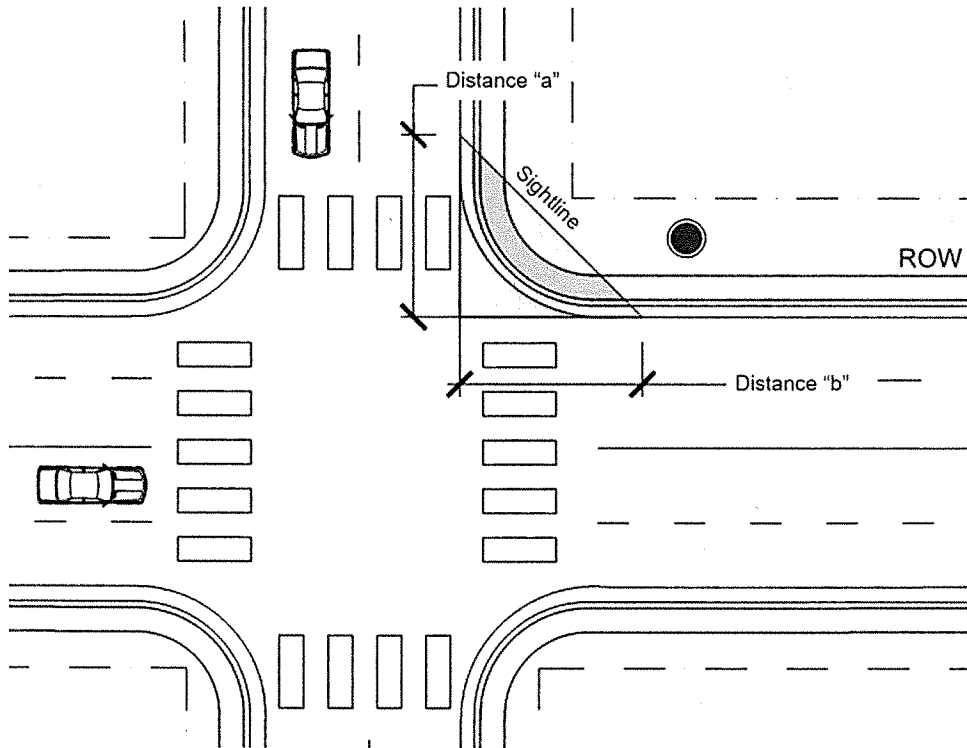
## 11. Design Guidelines and Aesthetic Requirements.

- A. No SWF equipment shall be installed at locations with double poles, provided that the doubling of poles is permitted for Replacement and Substitution Poles only for the reasonable time necessary to move utilities to the Replacement or Substitution Pole, which time shall not exceed 120 days. If a double-pole condition remains more than 120 days after such an installation, the SWF must cease operation until the double-pole is removed.
- B. Within the public right-of-way, only pole-mounted antennas shall be permitted, provided that at its sole discretion the Select Board may consider other street furniture, such as decorative lamp posts, to provide an appearance that may be more compatible with the location. The Select Board may require new structures in the public way to be of a concealed design that is compatible with the locus of the proposed installation (e.g. a concealed SWF lamp post).
- C. Absent Select Board permission and compliance with this Article, no New Poles are permitted within the public right-of-way that are not Substitution Poles. If an applicant proposes to replace a pole in order to accommodate the SWF, the pole shall match the appearance of the original pole to the extent feasible, including size, height, color, materials and style, unless another design better accomplishes the objectives of this Article as determined by the Select Board.
- D. If a New Pole is permitted by the Select Board to be placed within the public right-of-way, including a Substitution Pole, the New Pole shall be designed to resemble existing poles in the right-of-way, including size, height, color, materials and style, unless another design better accomplishes the objectives of this section as determined by the Select Board. Such New Poles that are not Replacement Poles or Substitution Poles shall be located no closer than 90 feet to an existing pole on the same side of the street. A Substitution Pole shall be placed within 3 feet of the pole that it is substituting for.
- E. SWF installation equipment (meters, enclosures, etc.) shall be mounted on the pole in a manner that preserves pedestrian and vehicular traffic safety and flow.
- F. No SWF installation equipment shall be replaced or altered on a pole without a reapplication, hearing and approval from the Select Board, unless the equipment is being replaced with the same or substantially similar equipment and there is no increase in total equipment volume or antenna volume from that which was previously approved.
- G. Not more than one SWF shall be mounted per pole unless it is a neutral host installation with shared antennas and all equipment meets the standard volume for a single SWF.
- H. The owner of a SWF shall remove all graffiti and repair any other damage on any portion of the SWF and any related equipment no later than ten (10) days from the date the owner receives notice from the Select Board or the Select Board's agent(s).
- I. Each component part of a SWF shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to the public's use of the right-of-way, or safety hazards to pedestrians and motorists.

- J. A SWF shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital public health and safety infrastructure.
- K. Unless collocated to the satisfaction of the Select Board, each pole-mounted SWF must be separated from other SWFs in the public way in such a manner as to prevent blight or other undesirable conditions resulting from closely spaced SWFs.
- L. All wires and cables needed to service the SWF must be installed in a neat and workmanlike manner and to prevent substantially increasing the visual mass and clutter of the pole. Any existing attachments that will remain or be restored after construction of the SWF shall be improved in appearance to the extent practicable, in consideration of the additional cables and equipment required for the new SWF.
- M. *Americans with Disabilities Act Compliance.* All SWF installations shall be built and maintained in compliance with the Americans with Disabilities Act (ADA).
- N. The SWF shall be color coordinated to best minimize the visual impact of the facility. To the extent practicable, cabling shall be enclosed in conduit or covers, and exposed cabling shall be neat and workmanlike.
- O. *New Poles - Screening.* New Poles shall be located so as to be well screened and hidden to the maximum extent practicable from public and residential view such as depicted below:



- P. *New Poles – Intersections.* New Poles shall be located to comply with the minimum sight line requirements pursuant to state highway regulations such as in the manner depicted below (see Mass DOT Highway Division development and design guidelines, referring to AASHTO policy on geometric design):



- Q. *SWF Orientation with Residential Buildings.* SWFs, whether on New Poles or not, shall be located to prevent cluttering residential views, including but not limited to views up driveways and walkways and views to/from residence windows, doors, porches, etc.
- R. If an applicant seeks to place a SWF in a residentially zoned neighborhood, a neighborhood that contains residential structures or otherwise adjacent to an area of Sudbury that contains residential structures the applicant:
- (1) Shall avoid attaching to poles that are within 20 feet of an existing driveway to enable the property owner to take advantage of trees or other screening that could shield the wireless equipment from view; and
  - (2) Shall avoid attaching to poles where the installation and/or ongoing maintenance will require
    - (a) significant tree trimming that could expose the SWF to view, or
    - (b) obstructing access to driveways or walkways
- S. In the following locations, SWFs are subject to additional criteria:



- (1) SWFs located on public ways within or abutting an Historic District must be reviewed and approved by the Historic District Commission and such SWFs shall conform to any federal, state and local requirements regarding the impacts of the SWF on such districts.
  - (2) At locations where utilities are required to be underground in the public way, no poles or other structures may be added for mounting an SWF unless the applicant has demonstrated to the Select Board that the service objective cannot be provided by any other means. Such demonstration may include coverage maps, drive/walk tests of potential coverage from the proposed and alternative locations and other technical information as necessary to support the claim of need for the SWF as proposed.
  - (3) SWFs proposed for designated Scenic Roads must, singly and in the aggregate, be of limited visibility to people using the Scenic Road, using such techniques as streamlining equipment to the maximum extent practicable, painting all equipment a single color, and selecting existing pole locations that limit such visibility such as in a manner consistent with the requirements for new poles as described in paragraph O. above. To be approved for installation on a Scenic Road, the applicant shall demonstrate to the Select Board that the service objective cannot be provided by any other means. Such demonstration may include coverage maps, drive/walk tests of potential coverage from the proposed and alternative locations and other technical information as necessary to support the claim of need for the SWF as proposed.
12. **Public health, safety and welfare.** The SWF shall be of such material and construction, and all installation and maintenance work shall be done in such manner, as to be satisfactory to the Select Board. No SWF shall be approved if the Select Board determines that such material, construction and/or work is or will:
- A. pose an actual risk to the public health, safety, and welfare,
  - B. interfere with pedestrian and/or vehicular traffic,
  - C. be difficult to maintain a neat and workmanlike appearance for the life of the facility, and/or cause damage to the public right-of-way or any property adjacent to the location of the pole.
13. **Indemnification.** The applicant shall indemnify and hold harmless the Town against all damages, injuries, costs, expenses, and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of the applicant, its employees, agents and servants, in any manner arising out of the rights and privileges granted herein to the applicant for its SWF. Such indemnification shall not be limited by the amount of the applicant's liability insurance naming the Town as an additional insured.



14. **Town streets and/or sidewalks.** The board may determine on a case-by-case basis whether any new horizontal cable runs or other installations shall be overhead or underground, taking into account aesthetics, reliability and safety. All cutting of and/or digging into Town ways, including pavement and sidewalks, by or on behalf of an applicant in conjunction with its SWF shall be limited to that which is necessary and approved, provided:
- A. The installation minimizes the area of disturbance; and
  - B. The applicant restores any paved and unpaved surfaces to the satisfaction of the DPW.
15. **Repair of damage.** The applicant shall repair, at its sole cost and expense, any damage, including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to Town streets, sidewalks, walks, curbs, gutters, trees, parkways, streetlights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation or maintenance of an SWF in the public right-of-way. The applicant shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs.
16. **Side of pole on which to mount equipment.** The SWF's equipment, including cabinets, electrical and telecommunication panels, meter and the like, shall be mounted on the side of the pole facing away from the roadway, unless a result more appealing to the Select Board is obtained by a different configuration.
17. **Future road reconstruction repair.** Any future road reconstruction or repair project by the Town and/or the Commonwealth requiring the relocation of the pole shall result in the applicant's moving its SWF to another pole in a timely fashion after any necessary electric and telecommunications wiring/infrastructure has been moved to the new location; provided, however, that any such relocation shall require further Select Board approval.
18. **Construction and/or installation schedule.** Prior to the commencement of construction and/or installation of the SWF, the applicant shall provide the Select Board with a written construction and/or installation schedule satisfactory to Select Board. The applicant shall provide all notice and obtain all necessary permissions for working in the public way.
19. **Removal bond.** Prior to the commencement of construction and/or installation of its SWF or an SWF on a new pole, the applicant shall provide the Select Board with a bond from a surety authorized to do business in Massachusetts and satisfactory to the Select

Board in an amount equal to the cost of removal of the SWF from the pole in question, and/or new pole, and for the repair and/or restoration of the public way, in the vicinity of the pole in question, to the condition the public way was in as of the date when the relevant application was submitted to the Town Clerk's office. Said amount of the bond shall be determined by the Select Board. The amount of the bond shall be the total of the estimate by DPW plus an annual increase of 3% for the operating life of the SWF. The applicant shall notify the DPW of any cancellation of, or change in the terms or conditions in, the bond.

- 20. **Failure to comply with conditions.** An applicant's failure to comply with any of the conditions imposed as a condition of approving an application filed pursuant to this Article shall at the Select Board's discretion, require the removal of the facility and appurtenances within the time period set forth by the Select Board.
- 21. **Fees.** The schedule of fees to be charged under this section shall be those established by the Select Board after a public hearing. A copy of the schedule of fees so adopted shall be available in the office of the Select Board and in the office of the Town Clerk.
- 22. **Conflict.** Notwithstanding any conflicting provisions between this bylaw and any other section of the general bylaw or the zoning bylaws, the provisions of this bylaw shall apply.

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

*Maryanne Bilodeaux on behalf of*

Submitted by the Select Board.

(Majority vote required)

*Report Note: Consider including the initial proposed fees in the warrant article information materials.*

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 41

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board’s Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – 67-73 NOBSCOT ROAD ACQUISITION, DESIGN, AND CONSTRUCTION**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$438,000 from the Community Housing category of Community Preservation Act Funds, funded from FY24 revenue and then from General Reserve Funds, if needed, to the Housing Trust for the site feasibility analysis, property acquisition, project design, construction, and creation of ownership and/or rental affordable housing units at 67-73 Nobscot Road; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: This article requests an appropriation to the Housing Trust for the site feasibility analysis, property acquisition, project design, construction, and development of ownership and/or rental affordable housing units on an approximately 5.4 acre piece of land at 67-73 Nobscot Road. In 2021, the Mayflower Council, Inc./Boy Scouts of America approached the Town of Sudbury with an offer to sell land within the Boy Scouts Reservation located off Nobscot Road. The entire property is approximately 29 acres and spans from Sudbury to Framingham. An approximately 5.4 acre portion of the entire property, which is surrounded by a conservation restriction, private residential property, and Nobscot Road, has been offered for purchase to the Town. The Housing Trust and Sudbury Housing Authority have engaged Beals + Thomas and the Cambridge Housing Authority to assist them in conducting a development feasibility analysis of the approximately 5.4 acre piece of land to potentially use for the development of affordable housing.

Beals + Thomas has prepared a development feasibility report for the property, including possible proposed layouts. The Cambridge Housing Authority has been coordinating with Beals + Thomas and is now working to develop a more refined understanding of the exact development possibilities at the property and associated permitting requirements. A more complete understanding of the limitations of the property will better inform the Housing Trust and Sudbury Housing Authority if this is a viable housing development project site. If it turns out a significant housing development project is feasible at the property, the Housing Trust and Sudbury Housing Authority would likely advance their discussions with the Mayflower Council, Inc./Boy Scouts of America to investigate purchasing the approximately 5.4 acre piece of land. These Community Preservation Act funds would be used to finish the site feasibility analysis components (if any) and possibly acquire the parcel. After acquisition, if there were remaining funds available, they would be used toward the design, construction, and development of affordable housing units on the property.

SUBMITTED BY: R Poteat Ryan Poteat *on behalf of the Community Preservation Committee*

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

## TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 42

## Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – ACCESSIBLE PATHWAYS ON TOWN PROPERTIES**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$187,744 from the Open Space and Recreation category of Community Preservation Act Funds, funded from FY24 revenue and then from General Reserve Funds, if needed, to install Americans with Disabilities Act (ADA) compliant pathways and accessible picnic/bench seating areas at designated town properties; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: The Town of Sudbury through its Facilities Department is requesting Community Preservation Act funds to rehabilitate and restore pathways and picnic areas by installing a combination of decomposed granite surface (fine gravel/stone dust and stabilizer) and asphalt paving. These funds would be used at the following locations:

- Davis Field
- Department of Public Works Offices and Garage
- Featherland Park
- Grinnell Park
- Haskell Field
- Heritage Park
- Ti-Sales Field
- Willis Lake Access

The current outdoor athletic fields are limited in their ability to serve and engage individuals of all abilities. Sudbury's population of individuals with physical challenges are not able to fully enjoy these outdoor spaces. Creating universal access to our athletic fields and outdoor seating areas will promote healthier lifestyles, allow families to enjoy recreation opportunities close to home, and enable those who were otherwise unable to attend events and fully participate. This project advances district and Town equity goals, and aligns with the Americans with Disabilities Act as well as Sudbury's ADA Self-Assessment and Transition Plan.

There is a significant desire from the community to provide universal access to the users of the Town's grounds. The Town's park and recreation areas have limited accessible pathways to athletic fields and accessible picnic and bench seating areas. The Town is committed to providing opportunities for all its residents to engage in physical and social activities. This project request aims to provide safe, accessible, and updated outdoor space for all residents while meeting the needs of over 1,800 people with disabilities.

ON behalf of the Common  
Preservation Committee

SUBMITTED BY: RPoteat Ryan Poteat

Approved by: \_\_\_\_\_  
Town Counsel

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TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 43

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board’s Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – BRUCE FREEMAN RAIL TRAIL CSX EXTENSION**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$300,000 from the Open Space and Recreation category of Community Preservation Act Funds, funded from FY24 revenue and then from General Reserve Funds, if needed, for the purpose of creating the Bruce Freeman Rail Trail extension south of the intersection with the Mass Central Rail Trail; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: The Town of Sudbury seeks Community Preservation Act funds to advance the design and construction of the Bruce Freeman Rail Trail (BFRT) south of the intersection with the Mass Central Rail Trail. The construction of the BFRT north of this intersection, known as Phase 2D, commenced in January of 2023. The Town reached a monumental milestone in 2020 with the acquisition of the 1.4-mile-long CSX corridor (proposed as BFRT Phase 3A). The Town proposes to build on the success of the corridor acquisition, collect necessary corridor data, evaluate its design options, and advance the trail extension of the BFRT. The request is for funding a \$300,000 project which will be used to advance the design and/or construction of the BFRT into the southern (former CSX) corridor. The funds will be used for the topographic survey, wetlands delineation, alternatives analysis, and concept development for the expansion of the rail trail into the southern corridor, as well as additional design for this section of the trail. This could involve the first quarter mile section to connect the BFRT to Route 20/Boston Post Road, or the project could also involve a much larger section of the corridor as far down to the City of Framingham municipal boundary. The project includes hiring a consultant to perform data collection, feasibility study, alternatives analysis, and conceptual planning and cost estimate development to create baseline information, and to design the next phase of this section of the BFRT. Public engagement will be facilitated to solicit input on the concept that will be advanced. Additionally, depending upon the scale of the next segment of the BFRT as decided upon by the Town, the Community Preservation Act funds may also be used to advance the construction of this next phase of the project. The Town will also seek additional funds through grants to support this work.

SUBMITTED BY: R. Poteat *On behalf of the Community Preservation Committee* Ryan Poteat

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 44

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board’s Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – CURTIS OUTDOOR HEALTH AND WELLNESS SPACE**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$480,000 from the Open Space and Recreation category of Community Preservation Act Funds, funded from FY24 revenue and then from General Reserve Funds, if needed, for the purpose of creating an outdoor recreation area at the Curtis Middle School; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: This project aims to create an outdoor recreation area at the Curtis Middle School to enhance the outdoor opportunities for students and the general community, while improving the areas to comply with Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB) regulations, and Sudbury’s ADA Self-Assessment and Transition Plan.

This newly proposed safe and accessible outdoor space would promote social connection and address the emotional and physical needs of 850 middle school students, as well as the broader community. The current outdoor space at Curtis Middle School does not serve the needs of all students. The space has basketball hoops, fields, and limited seating. The project proposes to enhance the space with equipment to provide opportunities for more student engagement and physical challenge.

The design will incorporate additional tables and benches to promote social connection and allow friends to gather. This project advances district and Town equity goals, and aligns with the ADA as well as Sudbury's ADA Self-Assessment and Transition Plan.

Providing a safe, inclusive, and welcoming outdoor space to benefit the health and wellness of the community at Curtis Middle School is a priority of the Sudbury Public Schools. Over the past five years, the Sudbury Public Schools have provided these important, accessible opportunities and resources at the four elementary schools with its new playgrounds. This is an opportunity to bring equity and parity across the district for all students.

SUBMITTED BY: R Poterat Ryan Poterat *On behalf of the Community Preservation Committee*

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)



## TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 45

## Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – FRANK FEELEY  
FIELDS IMPROVEMENTS PHASE II**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$799,668 from the Open Space and Recreation category of Community Preservation Act Funds, funded from FY24 revenue and then from General Reserve Funds, if needed, for the purpose of designing and constructing improvements to the Frank Feeley Fields located at 200 Raymond Road which will rehabilitate and restore these fields, including, but not limited to, playing field upgrades, installing dugouts, erecting bleachers, handicap accessibility enhancements, drainage improvements, irrigation, and any incidental and related costs; or act on anything relative 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; six tennis courts; and two pickleball 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. Sudbury youth girls' softball and adult softball operate their programs on all three fields at Frank Feeley Fields. These fields are in need of improvements and have safety concerns which need to be addressed. Some of these improvements are already underway and are being addressed in the previously approved Phase I portion of the project.

These Community Preservation Act funds would be used to complete key repairs to bring all three of the Feeley Fields softball diamonds up to the standards of other Town fields. Sudbury Girls Softball (SGS) feels it is critical to address the swamp-like conditions at the Feeley #1 and #2 softball diamonds. Due to Upper Feeley and parking lot run-off, combined with generally wet conditions in lower Feeley, large parts of the outfield, third base line, and bench area at Feeley # 1, and the first base line and bench area at Feeley #2 are unusable for weeks at a time due to swamp-like conditions. There have been wet springs were SGS could not use all of their fields until the middle of June when the season is almost over. The puddles create hazards for the players and coaches, and are a breeding ground for insects and mosquitos due to the stagnant water. Stagnant water increases the threat of mosquitoes who may carry diseases such as Eastern

Equine Encephalitis (EEE), West Nile, etc. It is critical to minimize areas of stagnant water at these softball fields.

Phase II is extremely critical, but the most disruptive phase of SGS's request is the water remediation work that is needed on both lower Feeley diamonds #1 and #2. Installing interceptor drains to capture the Upper Feeley water run-off combined with a network of field drainage piping would enable SGS and other interested groups and families the ability to enjoy fully functioning softball fields all year round, including the wet season.

SGS has seen a continued growth in girl/family participation. As such, SGS has expanded its age groups and has programs throughout the year ranging from kindergarten to high school. In addition, the work over the past decade that SGS has done building interest and participation in town is showing results at the high school level. The improvements above will bring all three Feeley Fields softball diamonds available and fully operational during all three seasons: spring, summer, and fall.

SUBMITTED BY: R Poteat Ryan Poteat *on behalf of the community*  
Preservation Committee

Approved by: \_\_\_\_\_  
Town Counsel

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TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 46

Instructions:

- 1) The ORIGINAL, TYPED article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) WARRANT REPORT, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – FENCE AND LIGHTS FOR FAIRBANK MULTISPORT COURT

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$100,000 from the Open Space and Recreation category of Community Preservation Act Funds, funded from FY24 revenue and then from General Reserve Funds, if needed, to install fencing and lighting at the Fairbank Multisport Court; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: The new multisport court at Fairbank will include basketball and pickleball courts. Due to rising escalation and budget constraints, the fencing and lights for this court are not included in the Fairbank Community Center project. Lights and fencing will expand the use of this court for residents of all ages.

Prior to the Fairbank Community Center construction project, there were two full court basketball courts with lights at Fairbank. They were the only outside full-court courts in town and were used regularly by youth and adults. With shorter days in the fall and spring, the court lights were used daily as kids came there after school, evenings, and on weekends for pickup games. The only other outside courts that are available are half-court nets at Featherland Park, which are unlit. Due to the location of the basketball/pickleball court, it is essential to have this court fenced as the court is between the parking lot and the slope to a lower grass area. The fencing will keep balls in play and players out of danger.

Research has shown that easy access to recreational assets is important for everyone's mental and physical health. Expanding outdoor recreational opportunities in the form of a safe and enjoyable basketball/pickleball court is a response to the community's desire for a healthier lifestyle.

SUBMITTED BY: R Poter Ryan Poter *On behalf of the Community Preservation Committee*

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

## TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 47

## Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – HISTORIC RESOURCE INVENTORY SURVEYS PHASE V**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$23,000 from the Historic Resources category of Community Preservation Act Funds, funded from Historic Resources Reserves, for the purpose of funding additional historic resource inventory surveys to be added to Sudbury's Historic Resource Inventory; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

**COMMUNITY PRESERVATION COMMITTEE REPORT:** The Historical Commission is requesting Community Preservation Act funds to allow for the surveying of approximately forty individual buildings and one area. This project will focus on historic resources that are not documented, that are presently under-documented, historic resources recommended by the Phase IV Historic Property Survey Update 2020-2021 Final Report; and properties which could not be included as part of the scope of the previous Phase IV project.

Historic resource surveys are important as a tool for the preservation of historic resources by identifying properties eligible, either individually or as an area, for listing in the Massachusetts State Register of Historic Places, the National Register of Historic Places, and/or inclusion in a local historic district. These survey forms provide the legal basis for review by both the Historical Commission (Demolition Delay Bylaw) and the Historic Districts Commission (Certificate of Appropriateness). They are also frequently the only comprehensive documentation of a building or structure after it is lost. Many of the current Sudbury Historic Resource Inventory forms, completed in the 1960's and 1970's, require updating to meet current historic preservation survey documentation standards.

All surveys will follow Massachusetts Historical Commission (MHC) standards and methodology, be completed on MHC survey forms, and will be submitted for inclusion on the Massachusetts Cultural Resource Information System (MACRIS) database. MHC forms record architectural and historic significance – architectural description, photographs, key features, and information about the use, people, activities, and events associated with the resource over time.

Previous requests for historic preservation efforts, and specifically historic resources survey funding, have been supported by Town Meeting and by the Community Preservation Committee as noted as follows:

- Phase I – Completed prior to adoption of the Community Preservation Act in Sudbury
- Phase II – 2005, \$9,800
- Phase III – 2015, \$5,000
- Phase IV – 2020, \$30,000

The Sudbury Historic Resource Inventory aids in protecting and preserving Sudbury’s historical, cultural, and archaeological resources of significance, especially those that are threatened. Thorough professional documentation on MHC inventory forms is the first step in the preservation planning process which assists in identifying areas for additional protection.

SUBMITTED BY: R Poteat *ON behalf of the Community Preservation Committee*

Approved by: \_\_\_\_\_  
Town Counsel

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## TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 48

## Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – WATERSHED  
BASED PLAN, RESTORING WATER QUALITY IN HOP BROOK**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$78,600 from the Open Space and Recreation category of Community Preservation Act Funds, funded from FY24 revenue and then from General Reserve Funds, if needed, for the purpose of preserving open space known as the Hop Brook by creating a watershed based plan for the Hop Brook waterway and associated ponds; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: Hop Brook is the largest tributary of the Sudbury River and drains more than half of the land area of Sudbury. Dozens of homes, recreational and historical areas, town wells, and Town property are along this waterway and associated ponds. Until the 1970s, Hop Brook was a major recreational and natural asset - with multiple locations for swimming, fishing, ice skating, and canoeing, and supported a diverse ecosystem with many species of birds and fish. Recorded Sudbury history features activities along Hop Brook since the 1700s, including fishing, saw and grain mills, canoeing, and swimming. However, nutrient pollution – primarily from the Marlborough Easterly wastewater treatment plant – has caused severe degradation of water quality, and overgrowth of invasive plants and toxic algae. As a result, the Hop Brook waterway and associated ponds have become very unpleasant in the summer, are no longer attractive for recreational use, and require increasingly intensive management to reduce unwanted plants.

The goal of this project is to restore water quality in the Hop Brook watershed, and thus reclaim an important recreational and historical asset for all Sudbury citizens. The Hop Brook Protection Association has collected extensive data on sources and variations in pollutant levels throughout Hop Brook, and have collaborated extensively with scientists at the Organization for the Assabet, Sudbury and Concord Rivers (OARS) to better understand how these pollutants, especially phosphorus, created the current situation. OARS has completed an in-depth evaluation using this data.

A watershed-based plan (WBP) is the first step in assembling and evaluating the existing data with the purpose of determining what approaches are most likely to successfully restore acceptable water quality. A well developed WBP is also necessary to obtain Federal (Section 319) and state grant funding for specific remediation strategies (such as the ones recommended



by the WBP). Framingham, Westboro, Andover, and other communities have used their WBPs to successfully obtain government funding that ultimately led to pollution reduction and improved water quality.

The Hop Brook Protection Association, in partnership with the Sudbury Conservation Coordinator and OARS, is well-prepared to successfully manage the process to produce an optimal WBP. Over the past three years, the Hop Brook Protection Association has developed and managed a successful program to reduce invasive water chestnut plants, and have partnered with OARS and the Town's Conservation Commission to obtain two grants that supported water quality sampling and community education. However, the Hop Brook Protection Association's research shows there are many other options for the next steps, each with varying return on investment. To ensure the Hop Brook Protection Association takes the right actions, they need expert consultation to develop a concrete plan which they and their community partners can execute with high confidence of good results.

*on behalf of the Community  
Preservation Committee*

SUBMITTED BY: R Poteat Ryan Poteat  
\_\_\_\_\_  
\_\_\_\_\_

Approved by: \_\_\_\_\_  
Town Counsel

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## TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 49

## Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – HOSMER HOUSE HISTORIC STRUCTURE, CULTURAL LANDSCAPE, AND COLLECTION STUDY**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$130,000 from the Historic Resources category of Community Preservation Act Funds, funded from Historic Resources Reserves, for the purpose of preserving historic resources by conducting a professional study to assess the current conditions, and to advise and recommend treatments, and preservation strategies for the management of the Hosmer House structure at 299 Old Sudbury Road, its collections, objects, and art, and its grounds; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: The historic c. 1793 Hosmer House was gifted to the Town of Sudbury by its last owner, Artist Florence Hosmer in 1978. Like the preservation non-profit Historic New England's Codman House in Lincoln, Massachusetts, the Hosmer House is a unique historic resource in one unique respect because the house is not empty, but contains a family's possessions and varied house contents that represent the family's presence over time. The Hosmer House reflects a Sudbury family's life in Sudbury and provides an opportunity for a historic interpretation of Sudbury. Ms. Hosmer also bequeathed a collection of her paintings with the property as well.

Since the Town's acquisition of the Hosmer House, no complete evaluation of the structure, landscape, and its varied house collections has been conducted for their treatment, care, oversight, and management.

The Historical Commission seeks Community Preservation Act funding for a such a comprehensive evaluation – a Hosmer House Historic Structure, Cultural Landscape, and Collection Study – modeled in part after the American Institute of Conservation's (AIC) Conservation Assessment Program and the National Park Service model structure and cultural landscape study reports. These combined studies are critical for preservation planning for appropriate actions to preserve this historic property.

This project will be comprised of two parts, but not in a phased manner as Part I and Part II will likely be conducted simultaneously. Part I would consist of a Historic Structure and Cultural

Landscape (combined) Study conducted by a historical architectural consultant/firm with a landscape architect as part of the team. Part II would be a Collection Study conducted by a professional with expertise in collections and conservation assessment, operations, and management with assistance from specialists such as experts on art, textile, and archival materials assessment and conservation.

The Hosmer House is a prominent, key anchor, and unique contributing historical asset in the National Register of Historic Places Town Center Historic District (NRHD) established in 1973 and local Town Center Historic District (LHD). The structure, its contents, and the property warrant a professional comprehensive level of study in order for it to be preserved for the benefit, use, and enjoyment of the community and residents of Sudbury, now and for the future.

SUBMITTED BY: R Poteat Ryan Poteat *ON behalf of the Community Preservation Committee*

Approved by: \_\_\_\_\_  
Town Counsel

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2023 JAN 31 A 11: 22

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

## TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 50

## Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – HOUSING TRUST ALLOCATION**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$292,000 from the Community Housing category of Community Preservation Act Funds, funded from FY24 revenue, to the Housing Trust for the acquisition, creation, preservation, and support of community housing as allowed by the Community Preservation Act; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

**COMMUNITY PRESERVATION COMMITTEE REPORT:** This article requests an appropriation to the Housing Trust for the creation of new affordable housing units and continued support for residents struggling to pay their rent due to impacts from COVID or other matters. The Housing Trust last requested Community Preservation Act funds in 2021 for Fiscal Year 2022 and has not created any new units since then, as the Housing Trust relies on Community Preservation Act funds for unit creation.

This funding allocation would assist in creating affordable housing through the Housing Trust's Home Preservation Program which converts existing smaller market homes to affordable homes and provides affordable homeownership opportunities to income eligible households. The Housing Trust is the main, if not the only, entity with plans to create affordable homeownership in Sudbury. Through its program, the Housing Trust has seen tenants of the Sudbury Housing Authority become owners for their families, and owners of deed restricted properties in Sudbury purchase market rate homes in town. These items demonstrate first-hand the benefits of a homeownership program. Sudbury has had 37 ownership units in its affordable housing portfolio since 2016. The Home Preservation Program conforms to the Town's Housing Production Plan, contributes long-term affordability towards the MGL Chapter 40B 10% affordable housing threshold, converts market rate to affordable units, and promotes a socioeconomic environment that encourages a diversity of income.

Additionally, the Housing Trust aims to build upon its Sudbury Rent Relief Program (SRRP) which serves low income level households in town by providing rental assistance. The Housing Trust has successfully implemented and administered the Sudbury Rent Relief Program and looks to continue the concept. This program would have the effect of deepening the affordability

of rental units in Sudbury and would serve low income households. The Sudbury Rent Relief Program commits six months of rental assistance for apartments with low income tenants. The Rent Relief Program conforms to the Town's Housing Production Plan, assists in intermingling affordable and market rate housing at levels that exceed state requirements for percentage of affordable units, and promotes a socioeconomic environment that encourages a diversity of income.

SUBMITTED BY: R Poteat Ryan Poteat *ON behalf of the Common Preservation Committee*

Approved by: \_\_\_\_\_  
Town Counsel

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA

2023 JAN 31 A 11:22

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)



**TOWN OF SUDBURY WARRANT ARTICLE FORM**ARTICLE 51

## Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – INDIGENOUS  
CULTRAL LANDSCAPE STUDY**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$35,000 from the Historic Resources category of Community Preservation Act Funds, funded from Historic Resources Reserves, for a town-wide Indigenous Cultural Landscape Study, for the preservation of historic resources, including all costs incidental and related thereto; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: The Historical Commission is seeking Community Preservation Act funding to complete a town-wide Indigenous Cultural Landscape Study. This study would fulfill a matrix action recommendation of the town-wide 2022 Historic Preservation Plan (HPP), which was a project prescribed by Sudbury's 2021 Master Plan.

Protection of all of Sudbury's historic and cultural resources, including archaeological, is an important tenet of both plans. Such resources have unique characteristics and requirements for their identification and management, including the need for intact patterning within undisturbed terrain and also an understanding of any continued cultural ties. Protection and preservation of these resources often falls outside of state and federal regulatory tools, but these items are especially vulnerable to local land-use decisions resulting in ground-disturbance.

Under MGL Chapter 40, Section 8D, the Historical Commission is charged to "protect, preserve and develop the historical and archaeological resources of the town." Above-ground historical resources have for the most part been well identified and surveyed at the initiation of the Historical Commission. However, archaeological below-ground resources and Indigenous cultural landscapes have not and there is an urgent need to fill in the gap in knowledge about these historical resources.

As recommended within the HPP, the proposed study will include a town-wide archaeological sensitivity assessment (i.e., reconnaissance survey or overview) and, if and when found, identify Indigenous site locations called Traditional Cultural Properties (i.e. locations associated with



ceremonial, sacred, or other occupational connections). It is envisioned this study will be comprised of the following four phases:

- Phase I. Preliminary baseline study, environmental conditions, preliminary sensitivity assessment, and preliminary sensitivity map.
- Phase II. Specialized analyses if appropriate and can be accomplished within budget. This may entail coordinating with other interested parties and funding.
- Phase III. Documentation of new sites through public events, targeted field site visits, and discussions with interested groups.
- Phase IV. Preparation of predictive model, final sensitivity map, and report.

This proposed Indigenous Cultural Landscape Study will provide Sudbury with the identification of and planning tools necessary to protect and manage these resources. This study will supplement the Master Plan’s Baseline Report, which concentrated on the post-contact historic resources. Pertinent to the Master Plan’s Action Item Matrix, the current proposed study will address certain Action Items, two of which are short-term (within 5-years) actions and one of which is a Critical Path Action.

SUBMITTED BY: R. Poteat Ryan Poteat *ON behalf of the Community Preservation Committee*

Approved by: \_\_\_\_\_  
Town Counsel

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA

2023 JAN 31 A 11:22

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 52

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board’s Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – REGIONAL HOUSING SERVICES OFFICE (RHSO) MEMBERSHIP FEE**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$33,000 from the Community Housing category of Community Preservation Act Funds, funded from FY24 revenue and then from General Reserve Funds, if needed, for the purpose of supporting and creating community housing by funding of the Town’s portion of the FY24 Regional Housing Services Office (RHSO) membership fee; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: In recent years, Sudbury has made great strides towards satisfying the requirements of the State’s Comprehensive Permit Act (Chapter 40B). This Act requires cities and towns to provide certification that the number of dwelling units in the municipality which qualify as “affordable” by statute, meets or exceeds ten percent (10%) of the municipality’s total number of dwelling units. Falling short of that number, as Sudbury had in the past, allows developers to both site and design partially affordable developments with extreme limitations on the Town’s zoning and development requirements, and design oversights. There are a great number of administrative requirements to monitor and certify this approved inventory and to maintain those certifications going forward.

Since 2011, the Town has contracted with the Regional Housing Services Office (RHSO) to provide services to the Town including affordable housing inventory monitoring; supervising lotteries to determine who qualifies for affordable housing; monitoring the Incentive Senior Developments at Frost Farm and Grouse Hill to ensure compliance with eligibility requirements; monitoring all deed restricted properties; providing valuations for deed restricted properties to the Town Assessor; reviewing compliance with Regulatory Agreements and certification to the Department of Housing and Community Development (DHCD) for Local Initiative Program (LIP) rental units; maintaining the affordable housing inventory and providing estimates for 2030 SHI projections; and other administrative work, including annual action plans, 5 year consolidated plans, fair housing reports and programs, and related housing questions which arise during the year. This Article requests funding to continue to contract with the RHSO for these services.

*on behalf of the Community Preservation Committee*

SUBMITTED BY: R Poterat Ryan Poterat

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

TOWN OF SUDBURY WARRANT ARTICLE FORM

ARTICLE 53

Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board’s Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – RETURN OF UNSPENT FUNDS**

To see if the Town will vote to return the unused funds from appropriations voted at prior Town Meetings, for projects that have been completed and for which no liabilities remain outstanding or unpaid, into the Community Preservation Act general account as follows:

2014 ATM, Article 32 Bruce Freeman Rail Trail Design to be returned to the category of Open Space and Recreation	\$604.49
2019 ATM, Article 29 Playground Modernization for Sudbury Public Schools to be returned to the category of Open Space and Recreation	\$25,059.40
2021 ATM, Article 31 Historic Preservation Plan to be returned to the category of Historic Resources Reserves	\$16,000.00
	=====
Total:	\$41,663.89;

or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: All projects are completed at this time or will not proceed further. In order to return the funds to the Community Preservation Act general account, an affirmative vote of Town Meeting on this article is necessary.

SUBMITTED BY: R Poteat Ryan Poteat *on behalf of the Community Preservation Committee*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Approved by: \_\_\_\_\_  
Town Counsel

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

**TOWN OF SUDBURY WARRANT ARTICLE FORM**ARTICLE 54

## Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Select Board's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ARTICLE XX. COMMUNITY PRESERVATION ACT FUND – GENERAL BUDGET AND APPROPRIATIONS**

To see if the Town will vote to appropriate a sum or sums of money from Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the FY24 Community Preservation Act budget, including the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for FY24, amounts for payment of debt service on the Community Preservation Act projects previously appropriated by Town Meeting, and as may be needed to comply with General Laws Chapter 44B, Section 6 to reserve for future appropriation, amounts for open space, including land for recreational use, historic resources, and community housing; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: This article sets forth the entire FY2024 Community Preservation Act budget, including appropriations and reservations as required in connection with the administration of the Community Preservation Act funds. The estimated annual revenue for FY2024 is \$2,920,000. The article appropriates funds for FY2024 debt service obligations totaling \$990,643. These obligations arise from prior Town Meeting approval for the bonding of six projects:

- 1) Purchase of the Dickson property utilizing the Open Space and Recreation category (\$26,316) and Historic Resources category (\$17,544);
- 2) Purchase of land and development rights as well as construction of a sports field on the Cutting property utilizing the Open Space and Recreation category (\$175,440);
- 3) Purchase of the Libby property utilizing the Open Space and Recreation category (\$124,700);
- 4) Purchase of development rights on the Nobscot Boy Scout Reservation Phases I and II utilizing the Open Space and Recreation category (\$392,475)
- 5) Purchase of development rights on Pantry Brook Farm utilizing the Open Space and Recreation category (\$184,043); and
- 6) Purchase of the Johnson Farm Property utilizing the Open Space and Recreation category (\$70,125)



The article also appropriates funds for administrative and operational expenses of the Community Preservation Committee in the amount of \$114,500. The administrative fund can be used by the Community Preservation Committee to pay for technical staffing and expertise, consulting services (e.g. land surveys and engineering), property appraisals, legal advertisements, publication fees, and other administrative expenses. By statute, the Community Preservation Committee may budget up to five percent (5%) of its annual budget for these administrative and operational expenses, or \$146,000 based upon the projected FY2024 revenue of \$2,920,000. Any funds remaining in the administrative account at the fiscal year's end revert to the Community Preservation Act Fund Balance, and need to be re-appropriated for administrative use in subsequent years. The Community Preservation Committee believes having access to administrative funds is critically important as it allows the Committee to conduct business on a time-sensitive basis, a vital component of the Community Preservation Act.

The Community Preservation Act requires 10% of the estimated annual income be allocated to current projects or reserved for future expenditures in each of the three core categories: Community Housing, Historic Resources, and Open Space and Recreation. The actual amount reserved each year depends upon whether or not Town Meeting has appropriated money totaling less than 10%, or not appropriated any money at all in any of these three core categories. If there is a balance of unspent Community Preservation Act funds from that fiscal year after such reservations and after Town Meeting has voted the Community Preservation Act articles, it is budgeted in the unrestricted reserve account for future Community Preservation Act projects in all three categories.

SUBMITTED BY: R Poteat Ryan Poteat *On behalf of the Community Preservation Committee*

Approved by: \_\_\_\_\_  
Town Counsel

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2023 JAN 31 A 11:22

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

**ARTICLE . AUTHORIZE SELECT BOARD TO PETITION THE GENERAL COURT TO ADOPT LEGISLATION – AN ACT AUTHORIZING THE TOWN TO ESTABLISH A FEE FOR A CHECKOUT BAG CHARGE**

ITo see if the Town will vote to authorize the Select Board to petition the General Court to adopt legislation, as set forth below, to implement a minimum charge of \$0.10 for all new checkout bags distributed in the Town of Sudbury, which legislation would have the underlying purposes of 1) incentivizing consumers to reuse checkout bags, the most environmentally sustainable and economical option, 2) allowing consumers to have the choice of not paying for unwanted or unneeded new checkout bags, 3) allowing collected money to be retained by the retailer so as to help businesses defray the costs of switching to more environmentally sustainable checkout bag options, and 4) reducing the generation of waste and associated costs of disposal and recycling that must be borne by the Town and its residents; provided, however, that the General Court may make clerical and editorial changes of form only to said bill, unless the Select Board approves amendments to the bill prior to enactment by the General Court; and provided further that the Select Board shall be authorized to approve any such amendments which shall be within the scope of the general public purposes of this petition; or to take any other action relative thereto.

**AN ACT AUTHORIZING THE TOWN OF SUDBURY TO ESTABLISH A FEE FOR CHECKOUT BAGS**

SECTION 1. The following words, unless the context clearly requires otherwise, shall have the following meanings:

“Checkout Bag” shall mean a bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

“Retail Establishment” shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, and seasonal and temporary businesses.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, any retail establishment which makes available checkout bags in the Town of Sudbury shall charge for each such bag equal to or greater than \$0.10 per checkout bag, as established by regulations to be duly promulgated by the Sudbury Board of Health.

(b) All monies collected pursuant to this section shall be retained by the retail establishment.

(c) Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the “checkout bag charge” thereon.

SECTION 3. (a) The Health Agent for the Sudbury Board of Health or his/her designee shall have authority to enforce this law and any regulations promulgated thereunder. This law may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the Town of Sudbury General Bylaws.

(b) The Sudbury Board of Health may adopt and amend rules and regulations to effectuate the purposes of this law.

SECTION 4. If any provision of this law is declared to be invalid or unenforceable, the other provisions shall be severable and shall not be affected thereby.

SECTION 5. This act shall take effect three months after its passage.

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)



Submitted by Petition.

(Majority vote required)

PETITIONERS' REPORT: The 2020 Annual Town Meeting held on September 12, 2020, approved Article 56 which was the same as this article which was submitted to the legislature but the bill was not enacted into law. This article would authorize the Select Board to again petition the state legislature for a special act requiring that retail establishments in Sudbury charge a minimum of \$0.10 for each new checkout bag distributed.

Any money collected for bags would be retained by the retailer.

The special act must be passed by the state legislature and signed by the governor to go into effect.

SELECT BOARD POSITION: The Select Board supports this article.

Submitted by: *Maryanne Blodieu*  
on behalf of *Select Board.*



**TOWN OF SUDBURY**

Office of Selectmen  
www.sudbury.ma.us

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

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

**Petition for Town Meeting Article Submission**

Date Received: 1-25-2023

Petition Name: CONTROL OF FIREARMS ZONING

Contact Name: FRANK RIEPE

Contact Address: 54 NEWBRIDGE RD. - 01776

Contact Phone: 978-443-4775

Contact Email: FRANK@FRKRS.COM

# Pages Submitted: 2

Attachment1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)

# TOWN OF SUDBURY FORM OF PETITION – ANNUAL TOWN MEETING ARTICLE

## INSTRUCTIONS

BOARD OF REGISTERARS  
SUDBURY, MA  
2023 JAN 25 P 2:20

**SIGNATURE REQUIREMENTS:** Annual Town Meeting: 10 valid signatures

**NOTE:** 1. Before obtaining signatures, submit a draft to the Selectmen’s office for Town Counsel review. Email to [bosadmin@sudbury.ma.us](mailto:bosadmin@sudbury.ma.us) or provide hard copy to Selectmen’s Office, 278 Old Sudbury Road, Sudbury.

2. The signatures must be certified by the Board of Registrars after submission to the Selectmen. In case any signatures must be rejected, it is suggested that you obtain more than the minimum stated above in order to have the required number certified.

3. All signatures must appear on a page containing or attached to the article wording.

4. A report, briefly explaining the intent and scope of the article, must be attached and will be printed in the Warrant.

5. Return signed original petition forms to Selectmen’s Office, 278 Old Sudbury Road, Sudbury.

**TO:** Board of Selectmen, Sudbury, MA 01776

We, the undersigned, being registered voters of the Town of Sudbury, hereby petition that the following article be included in the Warrant for the 2023, Annual Town Meeting  
(DATE)

**To see if the Town will vote to**

In Section 2230, Appendix A, Table of Principal Use Regulations, add a line after “Marijuana Establishment” in Part C of the table which shows “N” all the way across the table and call it “Sales, Assembly, and/or Manufacturing of Firearms and/or Components thereof, Ammunition, and Explosives”. This amendment would make the Sales, Assembly, and/or Manufacturing of Firearms and/or Components thereof, Ammunition, and Explosives a prohibited use in all zoning district in the Town of Sudbury.

N = prohibited use

PRINCIPAL USE	A-RES	C-RES	WI	BD	LBD	VBD	ID	LID	IP	RD
C. COMMERCIAL										
29. Sales, Assembly, and/or Manufacturing of Firearms and/or Components thereof, Ammunition, and Explosives	N	N	N	N	N	N	N	N	N	N

or act on anything relative thereto.

**SIGNATURES to be made in person with name substantially as registered**

Signature	Printed Name	Address Where Registered
<i>Frank W. Riepe</i>	FRANK W. RIEPE	54 NEWBRIDGE RD.
2 <i>Tatiana Vitvitsky</i>	TATIANA VITVITSKY	55 HUDSON APT. 8A
3 <i>Jennifer K. PinCUS</i>	Jennifer K. PinCUS	25 Blueberry Hill Ln
4 <i>Michael S. PinCUS</i>	MICHAEL PINCUS	25 BLUEBERRY HILL LN.
5 <i>Marilyn Unger-Riepe</i>	Marilyn Unger-Riepe	54 Newbridge Rd.
6 <i>Jamie Gossels</i>	Jamie Gossels	11 Spiller Circle
7 <i>Tamara Gossels</i>	TAMARA GOSSELS	11 Spiller Circle
8 <i>Debra Bernstein</i>	Debra Bernstein	321 Old Lancaster Rd
9 <i>Christopher Morely</i>	Christopher Morely	321 Old Lancaster Rd
10 <i>Ravi Simon</i>	Ravi Simon	437 Cold Brook Drive 1-314
11 <i>John Baranowski</i>	JOHN BARANOWSKI	103 Pelcher Drive
12 <i>Susan Rushfirtt</i>	SUSAN RUSHFIRTT	415 Harold Dr.
13 <i>Kathleen F Bell</i>	KATHLEEN F BELL	345 OLD LANCASTER RD
14 <i>Kevin Lattaise</i>	Kevin Lattaise	195 Horse Pond
15		

Attachment 1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)



# TOWN OF SUDBURY FORM OF PETITION – ANNUAL TOWN MEETING ARTICLE

## INSTRUCTIONS

**SIGNATURE REQUIREMENTS:** *Annual Town Meeting:* 10 valid signatures

**NOTE:** 1. Before obtaining signatures, submit a draft to the Selectmen’s office for Town Counsel review. Email to [bosadmin@sudbury.ma.us](mailto:bosadmin@sudbury.ma.us) or provide hard copy to Selectmen’s Office, 278 Old Sudbury Road, Sudbury.

2. The signatures must be certified by the Board of Registrars after submission to the Selectmen. In case any signatures must be rejected, it is suggested that you obtain more than the minimum stated above in order to have the required number certified.

3. All signatures must appear on a page containing or attached to the article wording.

4. A report, briefly explaining the intent and scope of the article, must be attached and will be printed in the Warrant.

5. Return signed original petition forms to Selectmen’s Office, 278 Old Sudbury Road, Sudbury.

**TO:** Board of Selectmen, Sudbury, MA 01776

We, the undersigned, being registered voters of the Town of Sudbury, hereby petition that the following article be included in the Warrant for the 2023, Annual Town Meeting  
(DATE)

**To see if the Town will vote to**

In Section 2230, Appendix A, Table of Principal Use Regulations, add a line after “Marijuana Establishment” in Part C of the table which shows “N” all the way across the table and call it “Sales, Assembly, and/or Manufacturing of Firearms and/or Components thereof, Ammunition, and Explosives”. This amendment would make the Sales, Assembly, and/or Manufacturing of Firearms and/or Components thereof, Ammunition, and Explosives a prohibited use in all zoning district in the Town of Sudbury.

N = prohibited use

PRINCIPAL USE	A-RES	C-RES	WI	BD	LBD	VBD	ID	LID	IP	RD
C. COMMERCIAL										
29. Sales, Assembly, and/or Manufacturing of Firearms and/or Components thereof, Ammunition, and Explosives	N	N	N	N	N	N	N	N	N	N

or act on anything relative thereto.

**SIGNATURES to be made in person with name substantially as registered**

Signature	Printed Name	Address Where Registered
	Lisa V. Kouchakdjian	
	John D. Riordan	12 Pendleton Road
	NANCY G RUBENSTEN	57 WINSOR RD
	Thomas P. McGowan	84 Concord Rd.
	Sherrill Cline	84 Concord Rd.
<del>6</del>	<del></del>	<del></del>
<del>7</del>	<del></del>	<del></del>
<del>8</del>	<del></del>	<del></del>
<del>9</del>	<del></del>	<del></del>
<del>10</del>	<del></del>	<del></del>
<del>11</del>	<del></del>	<del></del>
<del>12</del>	<del></del>	<del></del>
<del>13</del>	<del></del>	<del></del>
<del>14</del>	<del></del>	<del></del>
<del>15</del>	<del></del>	<del></del>

Attachment 1.e: ATM Articles Submitted\_complete (5778 : Discussion on 2023 ATM articles)



SUDBURY SELECT BOARD  
Thursday, March 16, 2023

**MISCELLANEOUS (UNTIMED)**

**2: Discussion on 2023 ATE logistics and ballot questions**

REQUESTOR SECTION

Date of request:

Requestor: Chair Russo

Formal Title: Discussion regarding 2023 Annual Town Election logistics, process, calendar, and other topics. Discussion could include Ballot Question 2: Fire Engine/Pumper Replacement.

Recommendations/Suggested Motion/Vote: Discussion regarding 2023 Annual Town Election logistics, process, calendar, and other topics. Discussion could include Ballot Question 2: Fire Engine/Pumper Replacement.

Background Information:

Financial impact expected:

Approximate agenda time requested:

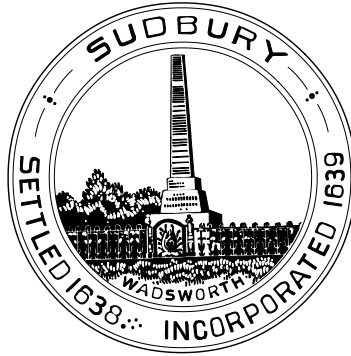
Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

03/16/2023 7:00 PM

# Town of Sudbury Massachusetts



## 2023 OFFICIAL WARRANT ANNUAL TOWN ELECTION

Including Regional District School Committee

**Monday, March 27, 2023**

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

Precincts 1, 2, 3 & 5 - Fairbank Community Center, 40 Fairbank Road

Precincts 4 & 6 - Sudbury Town Hall, 322 Concord Road

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The Warrant for the 2023 Annual Town Meeting, to be held  
Monday, May 1, 2023 will be issued and mailed separately.

Select Board  
Sudbury, MA 01776

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ANNUAL TOWN ELECTION  
Monday, March 27, 2023



**\*\*NEW PRECINCTS IN SUDBURY–CHECK YOUR CENSUS\*\***



Commonwealth of Massachusetts  
Middlesex, ss.

To the Constable of the Town of Sudbury:

**GREETING:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury, qualified to vote in Town Elections, that voters residing in Precincts 1, 2, 3 and 5 should meet at the Fairbank Community Center and voters residing in Precincts 4 and 6 should meet at the Town Hall in said Town on Monday, March 27, 2023, between the hours of seven o'clock in the forenoon and eight o'clock in the evening then and there to choose by official ballot in accordance with law, one member of the Select Board, one member of the Board of Assessors, two Goodnow Library Trustees, one member of the Board of Health, one member of the Park and Recreation Commission, one member of the Planning Board, and two members of the Sudbury School Committee all for three years. One member of the Sudbury School Committee for one year and one member of the Sudbury Housing Authority for five years. Included as part of the Annual Town Election will be an election of two members for three years each to the Lincoln-Sudbury Regional District School Committee and to cast their votes on the following ballot questions:

***BALLOT QUESTION NO. 1***

*Shall the Town of Sudbury be allowed to assess an additional \$745,460 in real estate and personal property taxes for the purposes of funding the operating budget for the Sudbury Public Schools, for the fiscal year beginning July 1, 2023?*

YES \_\_\_\_\_ NO \_\_\_\_\_

**SUMMARY:** Article 3 of the 2023 Annual Town Meeting proposes a \$745,460 Proposition 2 ½ override for the Sudbury Public Schools (PreK-8) in FY2024. It is estimated by the Town that the impact of the override on the tax rate will be \$0.11 per \$1,000 assessed value. It is estimated further that the tax impact on the 2023 average home valuation of \$956,957 is \$114.

A “yes” vote on this question, and appropriation at the May 1, 2023 Annual Town Meeting of the full amount requested by the Sudbury Public Schools, will increase the amount of money the Town may raise by taxation by \$745,460 and result in a permanent increase in the levy limit.

A “no” vote on this question means that the levy limit will not be increased at this time and the Town will not be able to raise the additional funds requested by the School for the FY2024 budget at this time.

**ARGUMENT IN FAVOR:**

The Sudbury Public Schools’ (“SPS”) override budget provides an additional \$745,460 of funding and resources to address post-pandemic academic recovery and the critical mental health needs of the students, while maintaining staffing levels and current transportation offerings.

Attachment2.a: 2023 ATE Warrant (5787 : Discussion on 2023 ATE logistics and ballot questions)

To meet these increased academic and mental health needs, SPS reallocated funding within the budget, increased reliance on reimbursable funds, and exhausted one-time funding sources. In addition, the District absorbed a 25% increase (\$275,000) in transportation costs since FY22 which continues to rise each year at a rate of 5%. Also, SPS is facing a 14% increase in Out-Of-District tuition rates which are set by the State (\$200,000) and approximately \$300,000 in increased utility expenses.

Without the override, SPS will cut more than 7 teachers and increase class-sizes by 3 students in each class. This will impact 28 classrooms, resulting in class-sizes of 23 students in Grades K-1, 24 students in Grade 2, and 27 students in Grades 3-8. Additionally, SPS will need to reduce transportation costs by eliminating service for students in Grades 7-8 and only providing buses to students in K-6, who live 2 or more miles from school. This meets the minimum State requirement for transportation. The override funding will allow SPS to retain teachers and maintain current class-size guidelines and transportation options for all families, while meeting the critical post-pandemic needs of all students.

**ARGUMENT IN OPPOSITION:**

Voting against the Sudbury Public Schools’ override budget will constrain the rising costs of municipal government and the tax rate in the Town of Sudbury because it will not result in the assessment of an additional \$745,460 in real estate and personal property taxes to fund the Sudbury Public Schools’ budget. Because this ballot question constitutes an override, it would result in a permanent increase in the levy limit for the Town, which, as part of the levy limit base, already increases at the rate of two and one half percent each year. Otherwise put, this will have a permanent impact on the Town’s authority to tax residents as it will become part of the base for calculating future years’ levy limits. Therefore, voting against this ballot question will not cause the taxpayers to incur additional financial impacts or economic hardships.

**BALLOT QUESTION NO. 2**

*Shall the Town of Sudbury be allowed to assess an additional \$1,020,000 in real estate and personal property taxes for the purposes of purchasing and equipping one Fire Engine for the fiscal year beginning July 1, 2023?*

YES \_\_\_\_\_ NO \_\_\_\_\_

**SUMMARY:** The 2023 Annual Town Meeting will act on an article proposing the purchase and equipping of a Fire Engine/Pumper pertinent to the operations of the Fire Department. This question proposes a one-year increase for FY2024 (July 1, 2023-June 30, 2024) in the amount to be raised by taxation under the provisions of Proposition 2 ½, with such funds to be used specifically for the purchase. The estimated impact of increasing the FY24 taxes an additional \$1,020,000 is \$0.16 per \$1,000 assessed value. The tax impact on the 2023 average home value of \$956,957 is estimated at \$155.

A “yes” vote on this question, and an appropriation by the May 1, 2023 Town Meeting, would authorize an increase in the amounts that can be raised by taxation for one year only, FY2024, to pay for the purchase and equipping of a Fire Engine/Pumper.

A “no” vote on this question will mean the purchase of a Fire Engine/Pumper cannot go forward at this time.

**ARGUMENT IN FAVOR:** The requested Fire Engine/Pumper is to replace the Fire Department’s current Engine 1, a 2005 E-One Engine/Pumper with 126,128 miles. Engine 1 was a front line piece of apparatus, responding from Station #2, from 2006 to 2017 (11 Years) and has served at Station #1 for the past six years.

Currently, design and build times for a new apparatus is between 24 and 36 months. Engine 1 will be approaching 20 years old at that time. The typical service life of the apparatus is 10 years of front-line

service and 10 years of secondary service. The Fire Department depends on a reliable and well-equipped fire apparatus to provide emergency medical services and fire suppression throughout the Town, and to assist other towns when called upon. These funds will allow the Department to replace the 2005 Fire Engine/Pumper with an updated piece of equipment with additional safety features that benefit both the fire personnel and the citizens of Sudbury.

**ARGUMENT IN OPPOSITION:** Approval of the ballot question will allow the Town to impose additional taxes on residents to purchase an expensive piece of equipment for the Fire department. Conservative fiscal policy dictates that the Town raise taxes within the statutory limit imposed by Proposition 2 ½, and approval of the ballot question will allow the Town to exceed that limit. If the equipment is needed, the Town should pay for it by reducing current fiscal year expenses, or transferring funds from available funding sources such as previous appropriations, reserve, or stabilization funds, and not by increasing the real estate and personal property taxes of the residents of the Town.

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

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

Given under our hands this 28th day of February, 2023.

#### SUDBURY SELECT BOARD

\_\_\_\_\_  
Charles G. Russo

\_\_\_\_\_  
Janie W. Dretler

\_\_\_\_\_  
Daniel E. Carty

\_\_\_\_\_  
Jennifer S. Roberts

\_\_\_\_\_  
Lisa V. Kouchakdjian

YOUR PRECINCT and or POLLING PLACE IN SUDBURY MAY HAVE CHANGED FOLLOWING THE 2020 FEDERAL CENSUS. Voters are encouraged to see their Annual Census or visit [www.sec.state.ma.us/wheredoivotema](http://www.sec.state.ma.us/wheredoivotema) to verify current precinct information.

**For SPECIMEN BALLOT, VOTE-BY-MAIL and other election information, please visit <https://sudbury.ma.us/TownElection>.**



SUDBURY SELECT BOARD  
Thursday, March 16, 2023

**MISCELLANEOUS (UNTIMED)**

**3: Public Comments (cont)**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Public Comments (cont)

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

03/16/2023 7:00 PM