

SUDBURY SELECT BOARD
TUESDAY SEPTEMBER 26, 2023
7:00 PM, LOWER TOWN HALL

HYBRID MEETING

Please click the link below to join the Select Board meeting via Zoom:
<https://us02web.zoom.us/j/360217080>
 For audio only, call the number below and enter the meeting ID on your telephone keypad.
 Dial-in number: 978-639-3366 or 470-250-9358

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
CONSENT CALENDAR ITEMS			
1.		<i>VOTE</i>	Vote to recognize October 2023 as the 78th anniversary of National Disability Employment Awareness Month, and sign a proclamation in that regard.
2.		<i>VOTE</i>	Vote to approve award of contract by the Town Manager to Kim Lundgren Associates, Inc. at 10 Post Office Square, 8th Floor, Boston, MA 02109 as requested by the Town's Sustainability Coordinator, to provide a Community-Scale Greenhouse Gas and Consumption-Based Emissions Inventory in the amount of \$65,780.00; and further to execute any documents relative to said contract.
MISCELLANEOUS (UNTIMED)			
3.			DEI Commission update on Lived Experiences Project.
4.		<i>VOTE</i>	Vote to approve/sign the Special Town Meeting Warrant for Monday, October 23, 2023, which must be delivered to residents by October 6, 2023. Also, vote positions on warrant articles.
5.		<i>VOTE</i>	Goal Setting - follow up and review of deliverables.

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. The Chair reserves the right to accept public comment on any item and may establish time limits.

Item #	Time	Action	Item
6.			Discussion on potential Firearms bylaw. See July 11, 2023 Select Board Meeting packet at https://sudbury.ma.us/selectboard/?p=9884 for related documents.
7.		<i>VOTE</i>	Discussion on Select Board Fraud, Procurement and Gifts and Grants Policies.
8.		<i>VOTE</i>	Acknowledge and discuss Open Meeting Law Complaint against the Select Board filed by resident Manish Sharma and dated September 19, 2023; review and discuss response to complaint.

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. The Chair reserves the right to accept public comment on any item and may establish time limits.



SUDBURY SELECT BOARD
Tuesday, September 26, 2023

CONSENT CALENDAR ITEM

1: Proclamation request

REQUESTOR SECTION

Date of request:

Requestor: Resident Kay Bell

Formal Title: Vote to recognize October 2023 as the 78th anniversary of National Disability Employment Awareness Month, and sign a proclamation in that regard.

Recommendations/Suggested Motion/Vote: Vote to recognize October 2023 as the 78th anniversary of National Disability Employment Awareness Month, and sign a proclamation in that regard.

Background Information:
attached proclamation

Financial impact expected:

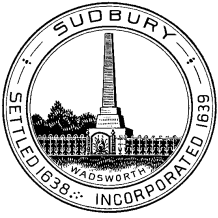
Approximate agenda time requested:

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

09/26/2023 7:00 PM



TOWN OF SUDBURY

Office of Select Board

www.sudbury.ma.us

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

Email: SBadmin@sudbury.ma.us

PROCLAMATION REQUEST

Proclamations may be made on behalf of the Town of Sudbury by majority vote of the Select Board in accordance with the following guidelines (Click [here](#) to view [Citations & Proclamations Policy](#)).

Proclamations are ceremonial documents signed by the Select Board and issued for:
Public awareness, Charitable fundraising campaigns, Arts and cultural celebrations or Special honors

Proclamations will not be issued for:
Matters of political controversy, ideological or religious beliefs, or individual conviction; Events or organizations with no direct relationship to the Town of Sudbury

The Select Board reserves the right to modify or deny any proclamation request. More than one cause can be proclaimed simultaneously. A person/organization does not have exclusive rights to the day, week or month of their proclamation. A citation is an alternative where proclamation criteria are not met. Request must be made by a Town of Sudbury resident to the Office of the Select Board.

Please complete the following form and return to the Select Board's Office to request a proclamation.

Name of contact person _____

Contact Address _____

Telephone Number(s) of contact _____ (cell) _____

Email address _____

Organization/Event Name _____

Background/Summary of Organization/Event _____

Proclamation date/duration:

Day _____ OR Week _____ OR

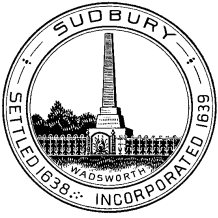
Month _____ OR Event _____

Will the Proclamation be picked up or should it be mailed? _____

When is the Proclamation needed? (Please allow at least 45 days after request submittal) _____

Signature of Applicant _____

Date _____



TOWN OF SUDBURY

Office of Select Board

www.sudbury.ma.us

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

Email: SBadmin@sudbury.ma.us

Proclamation

WHEREAS: [Statement 1]

WHEREAS: [Statement 2]

WHEREAS: [Statement 3]

WHEREAS: [Statement 4]

WHEREAS: [Statement 5 - optional]

WHEREAS: [Statement 6 - optional]

NOW, THEREFORE, BE IT RESOLVED:

[Resolution Statement]

Signed this []th day of [] in the year two thousand and [].

Attachment 1.1.a: NDEAM 2023 Proclamation-Request-Form (5996 : Proclamation request)

78th Anniversary of National Disability Employment Awareness Month

The purpose of National Disability Employment Awareness Month is to raise awareness of disability employment issues and celebrate the many and varied contributions of America's workers with disabilities.

Held annually, National Disability Employment Awareness Month is led by the U.S. Department of Labor's Office of Disability Employment Policy, and its true spirit lies in the many observances held at the grassroots level across the nation every year.

I hereby request that the following proclamation be adopted by the Select Board and that the scope of employment under consideration include the many appointed and elected public servants who also work for the Town as special employees in a quintessential grassroots spirit.

Kathleen F Bell

Old Lancaster Road

September 8, 2023

WHEREAS, October 2023 marks the 78th anniversary of National Disability Employment Awareness Month; and

WHEREAS, The purpose of National Disability Employment Awareness Month is to raise awareness of disability employment issues and celebrate the many and varied contributions of America's workers with disabilities; and

WHEREAS, The history of National Disability Employment Awareness Month traces back to 1945 when Congress enacted a law declaring the first week in October each year "National Employ the Physically Handicapped Week;" and

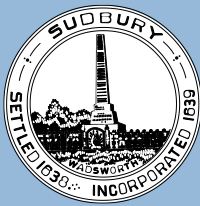
WHEREAS, In 1962, the word "physically" was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities and in 1988, Congress expanded the week to a month and changed the name to National Disability Employment Awareness Month and in 1988, Congress expanded the week to a month and changed the name to National Disability Employment Awareness Month; and

WHEREAS, Workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy; and

WHEREAS, This recognition of the value and talent people with disabilities have to offer affirms commitment of the Town of Sudbury to an inclusive community that increases access and opportunities to all, including individuals with disabilities, to work and to contribute to community life

Therefore, be it RESOLVED,

That the Town of Sudbury recognize and commemorate the 78th anniversary of National Disability Employment Awareness Month and pledge to continue to take steps throughout the year to recruit, hire, appoint, retain, and advance individuals with disabilities, whether regular or special employees, and work to pursue the goals of opportunity, full participation, economic self-sufficiency, and independent living for people with disabilities.



SUDBURY SELECT BOARD
Tuesday, September 26, 2023

CONSENT CALENDAR ITEM

2: Approve Contract for Emissions Inventory

REQUESTOR SECTION

Date of request:

Requestor: Dani Marini-King, Sustainability Coordinator

Formal Title: Vote to approve award of contract by the Town Manager to Kim Lundgren Associates, Inc. at 10 Post Office Square, 8th Floor, Boston, MA 02109 as requested by the Town’s Sustainability Coordinator, to provide a Community-Scale Greenhouse Gas and Consumption-Based Emissions Inventory in the amount of \$65,780.00; and further to execute any documents relative to said contract.

Recommendations/Suggested Motion/Vote: Vote to approve award of contract by the Town Manager to Kim Lundgren Associates, Inc. at 10 Post Office Square, 8th Floor, Boston, MA 02109 as requested by the Town’s Sustainability Coordinator, to provide a Community-Scale Greenhouse Gas and Consumption-Based Emissions Inventory in the amount of \$65,780.00; and further to execute any documents relative to said contract.

Background Information:

Financial impact expected:\$65,780.00 to be allocated from the Contracted Services – Sustainability Fund

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

09/26/2023 7:00 PM



Town of Sudbury

Non-Price Proposal - Consultant Services to Provide a Community-Scale Greenhouse Gas and Consumption-Based Emissions Inventory

Submitted by: Kim Lundgren Associates, Inc. and EcoDataLab

August 3rd, 2023





Town Manager
Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776

August 3, 2023

RE: CONSULTANT SERVICES TO PROVIDE A COMMUNITY-SCALE GREENHOUSE GAS AND CONSUMPTION BASED EMISSIONS INVENTORY

On behalf of the Kim Lundgren Associates, Inc. (KLA) Team, I am pleased to provide this proposal to support the Town of Sudbury's efforts to update the Town's Climate Mobilization Plan with quantitative baseline data and tangible benchmarks that will guide the Town onto a pathway to net zero emissions. KLA is an award-winning, woman-owned, benefits corporation that focuses exclusively on local climate action and resilience planning. For this opportunity we have partnered with the leading-edge firm on delivering Consumption Based Emissions Inventories, EcoDataLab, who have literally been defining the practice. KLA and EcoDataLab, have previously worked together on similar projects, most recently on King County, WA.

KLA's mission is to build capacity for local governments to implement aggressive, equitable climate solutions. In the nearly eight years our firm has been in existence we have partnered with more than 50 US local governments to address climate change, whether through climate action planning, greenhouse gas accounting and analysis, equitable community engagement, communications, and training. Over thirty of our past and current clients have been with Massachusetts communities. With this experience and our collective Team's unique expertise, I am confident my Team and I can build the capacity within Sudbury to take a data-driven approach to drive climate action.

For Sudbury, KLA and partner EcoDataLab will be working in parallel on our respective areas of expertise, but will be presenting final results in way that describes how the different perspectives on GHG accounting complement each other to ensure Sudbury's approach to climate action is comprehensive and impactful.

Sincerely,

Kim Lundgren, CEO

Additional Notes:

- On behalf of KLA, I acknowledge that this offer is effective for ninety (90) calendar days from the opening date of the proposals, until a contract is executed or until this bid is cancelled, whichever occurs first.
- Kim Lundgren, CEO is the authorized representative of KLA. Her contact information is: 10 Post Office Square, 8th Floor, Boston, MA 02109, 617.820.8038, kim@kimlundgrenassociates.com



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FIRM PROFILES:**Kim Lundgren Associates (KLA)**

KLA is a qualified, woman-owned, benefit corporation that partners with local governments to build their capacity to implement aggressive, equitable climate solutions. We do this by delivering affordable tools and services to assess, plan, implement, evaluate, and communicate climate and sustainability goals and programs. KLA excels in the local climate & sustainability arena because it's all we do. Led by an early municipal sustainability pioneer, the KLA team delivers excellence through agile project management, continuous innovation, and high caliber performance.



KLA is renowned for our equitable and interactive engagement and communications work. From videos to online dashboards, infographics, and toolkits, KLA delivers easy to understand tools and resources that focus on bringing all community members into the discussion. Our approach prioritizes reaching marginalized audiences and creating accessible materials that are key to grow climate literacy and enhance exposure to equitable climate solutions.

EcoDataLab

Carbon Consulting LLC, d/b/a EcoDataLab, is a California LLC launched in 2020 with the mission to address climate change by massively scaling data science solutions. We offer cutting-edge research and technology to provide policymakers with reliable, actionable data and strategies.



EcoDataLab is the world's leading provider of consumption-based emissions inventories (CBEIs). We have prepared CBEIs and related analyses for over a dozen cities and counties in the U.S., Canada, and the U.K., using an approach built upon the best-in-class methodology developed by the CoolClimate Network at UC Berkeley.

EcoDataLab is wholly owned and operated by its two officers: Ben Gould, MS, MPP serves as President of EcoDataLab, while Chris Jones, PhD and Director of the CoolClimate Network at UC Berkeley, serves as Chief Science Officer. EcoDataLab is headquartered in Berkeley, CA.

Both Ben and Chris are anticipated to work on the Sudbury Greenhouse Gas and Consumption-Based Emissions Inventory project. Ben Gould will serve as the CBEI lead, at up to 20% FTE, and Chris Jones will serve in an advisory capacity, at up to 5% FTE.

QUALIFICATIONS

The KLA Team has extensive experience delivering the scope of services the Town of Sudbury is seeking through its Request for Proposals. Local climate action and resilience planning is literally all KLA does. Specifically, KLA has successfully completed Climate Action Plans which included detailed GHG analysis with Beverly & Salem, Concord, Danvers, Dedham, Devens, Harvard, New Bedford, Swampscott, Watertown, Wellesley, and Weston. Additionally, we are in various phases of the climate action planning process with Lexington, Shrewsbury, and Somerville. KLA's GHG analysis work is led by local GHG expert, Mike Steinhoff. Mike and the KLA Climate Analysis Team have led the development of more than a dozen GHG inventories for MA municipalities alone. This experience has allowed the KLA Team to clearly understand and know how to apply MA specific data sources, projections, and necessary assumptions. Having recently completed work on the King County, WA consumption based emissions inventory with EcoDataLab, we are very excited to partner with them on this opportunity with Sudbury.

EcoDataLab has literally defined the practice for consumption-based inventories and has unparalleled experience working with the required data to perform the analysis as well as the most advanced understanding of how the results can be applied in local the policy context.

Throughout this section, you will find information on relevant projects we have completed or are currently working on with reference information as well as details of our staff expertise in this space.

Staffing

Project Leads

Kim Lundgren will be the Project Director for Sudbury. Kim brings over 20 years' experience working directly with local governments on climate and sustainability planning and implementation projects, including working directly for the City of Medford, where she created the City's Energy & Environment Office and developed the first climate action plan in the Commonwealth. As the CEO of KLA and long-time industry leader, Kim brings unparalleled experience to advise the project strategy and tee up Sudbury for success in joining other communities in the Commonwealth taking action. Mike Steinhoff will lead all the climate analysis work the Town is seeking. Mike brings over 12 years' experience working specifically with local governments on greenhouse gas (GHG) accounting and analysis. Mike worked directly on the development of both the US and Global protocols for community inventories and works with his team to ensure the results of their analyses are community specific actionable outcomes. Kim and Mike will be supported by additional members of the KLA Team that bring a variety of skills and expertise relevant to Sudbury's Climate Mobilization Plan.

Consumption-based portions of the analysis will be led by Ben Gould, President of EcoDataLab. Ben brings an extensive background in local government sustainability and climate action planning. As a graduate student working under Chris Jones, he developed a web-based climate policy analysis tool for local governments. As President of EcoDataLab, Ben has led development of EcoDataLab's consumption-based emissions inventories for clients across the country. He also leads development on EcoDataLab's software tools, including the EcoDataLab Dashboard. Ben will be supported by Chris Jones, PhD and EcoDataLab Chief Science Officer. As Director of the CoolClimate Network at UC Berkeley, Chris is a leading expert in carbon footprint analysis. For the past 15 years, he has led research efforts on consumption-based emissions for individuals, businesses, and cities. His research informs local and state-level climate policy across the country and is widely cited in academic and popular publications.



KIM LUNDGREN


CAREER HIGHLIGHTS

- Developed first climate action plan in the Commonwealth of Massachusetts in 2001
- Hired as one of the first municipal sustainability directors in the country in 2001
- Wrote one of the first municipal climate adaptation plans in the US from 2006-2007
- More than two decades of experience working directly with hundreds of local governments across the country on climate change mitigation and adaptation planning, disaster resilience and hazard mitigation, communication, implementation, and tool development and evaluation
- Facilitated dozens of successful workshops, meetings, events, and activities with diverse stakeholders from various governmental departments and throughout the community, with an emphasis on vulnerable, disadvantaged, and environmental justice communities

EXPERIENCE

Cities of Beverly & Salem, MA: Climate Action & Resilience Plan

KLA was the lead consultant on the project with the Cities of Beverly and Salem, MA to develop a joint climate action and resilience plan. KLA developed the Resilient Together brand and facilitated the entire planning process including the design and implementation of an equitable community engagement process; the facilitation of stakeholder meetings and workshops; review of impacts of climate hazards such as sea level rise, storm surge, intense storms, and extreme heat; goal setting and action identification and evaluation; implementation blueprint and final plan development. Through this process KLA also developed a video and an online dashboard. Kim was the Project Director.

Town of Concord, MA: Climate Action & Resilience Plan

As part of a Municipal Vulnerability Preparedness (MVP) action grant, KLA worked with the Town of Concord to deliver a Climate Action and Resilience Plan. KLA created a brand for the project and brought equitable public engagement to the center of the process. Working with the Climate Action Advisory Board and a team of municipal staff, KLA delivered a robust, actionable final plan through implementing the following tasks: facilitation of stakeholder meetings; development of goals, actions, and metrics; technical analysis of actions; development of a Sustainable Concord framework; and communications and marketing support. Kim was the Project Director.

City of New Bedford, MA: Climate Action & Sustainability Planning Services

KLA continues to work with the City of New Bedford, MA to deliver Climate Action & Sustainability Planning Services. This continuing contract has allowed KLA to support the City in various ways as they drive toward a more resilient and sustainable future. This



work started with the design and branding of a comprehensive program to showcase existing and promote future climate and sustainability initiatives. Tasks include, delivery of the Massachusetts Vulnerability Preparedness (MVP) process, including a climate vulnerability assessment; completion of a Global Protocol for Community Scale Greenhouse Gas (GHG) Emissions Inventory; a GHG Reduction Plan; a Community Climate Adaptation Plan; an ongoing and equitable public engagement dialogue; an online community dashboard; and a marketing and branding strategy. Through this contract, KLA has also supported the development of two Resilience Hubs in New Bedford and the development of a Business Resilience Resources list, along with the companion Maritime Business Resilience Toolkit.

City of Watertown, MA: Climate and Energy Plan

KLA was hired by Watertown, MA to develop a Climate and Energy Plan to shape the City's current and future sustainability and energy policies, goals, and actions. This work built off the work KLA previously completed for the City to enhance their Hazard Mitigation Plan, develop a community engagement strategy and various communication materials, and deliver a climate resilience framework through the Massachusetts Municipal Vulnerability Preparedness (MVP) program. Tasks included facilitation of accessible stakeholder meetings; development of goals, actions, and metrics; technical analysis of actions; community engagement; and communications and marketing support. The final plan was delivered in March 2022. Kim was the Project Director.

City of Indianapolis, IN: Sustainability & Resilience Action Plan

In 2018, KLA led the development of a Sustainability & Resilience Action Plan for the City of Indianapolis and Marion County. As Project Director, Kim oversaw a seven-member consultant team to deliver an equity- driven process that is deeply rooted in building local social capital and capacity. Tasks associated with this 12-month project included, development of a brand, public and stakeholder engagement strategy and process; greenhouse gas emissions inventory; climate vulnerability assessment; a multi-hazard mitigation plan; an online community dashboard; a marketing and communications strategy; and a sustainability and resilience action plan. The final plan was approved by the City-County Council in 2019.

EDUCATION

- Master of Arts in Urban and Environmental Policy and Planning, Tufts University, Medford, MA
- Bachelor of Science in Environmental Science, University of Massachusetts, Amherst, MA

AFFILIATIONS AND ACCREDITATIONS

- American Public Works Association (APWA) Member, 2012-present; APWA Center for Sustainability, Leader: 2012-2018, Chair: 2015-2017
- American Planning Association (APA) Member, 2009-present; Sustainable Communities Division Member 2013-present

**MIKE STEINHOFF****CAREER HIGHLIGHTS**

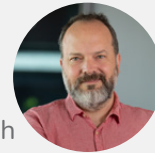
- Twelve years of experience providing technical support to hundreds of US local governments on GHG accounting, resilience planning, and reporting
- Coordination of community-scale GHG accounting standards as author, editor, and Steering Committee facilitator of the ICLEI US Community Protocol and advisor to the Global Protocol for Community Scale Emissions Inventories (GPC)
- Developed and delivered comprehensive training programs to dozens of local government staff in GHG accounting and climate action planning
- Advisor and committee member for leadership campaigns and city sustainability rating systems including Global Covenant of Mayors, STAR Communities/LEED for Cities, Earth Hour City Challenge and others

EXPERIENCE**Cities of Beverly & Salem, MA: Climate Action & Resilience Plan**

KLA partnered with the Cities of Beverly and Salem, MA to develop a joint Climate Action & Resilience Plan, Resilient Together. This unique, integrated approach to climate action planning has built a bridge of collaboration between the two cities that will persist throughout implementation of the Plan. For this plan, Mike led development of a two-community greenhouse gas inventory, business-as-usual forecast and pathways analysis to achieving rapid reductions in GHGs through the cities' community choice aggregation programs and local reduction actions designed to align with the State of Massachusetts Decarbonization Roadmap.

King County, WA: Government Operations Consumption-Based Inventory

As part of a team lead led by Cascadia Consulting and including The Stockholm Environment Institute and Eco Data Lab; KLA is supporting the development of updated geographic and consumption-based emissions inventories and related mitigation pathways analysis. In addition to advising across all project tasks, Mike has led strategy to apply the EPA US Environmentally Extended Input-Output (US-EEIO) model to the \$12 billion purchasing budget for one of the nation's largest counties. The analysis will determine total GHGs as well as 'hot spots' within departments and spending categories to help the County leverage its procurement practices for driving emissions reductions beyond its operations. In addition to the analysis done in the project, Mike and the KLA Team are developing a flexible open spreadsheet tool that will allow the County and other regional partners to continually update their results over time and incorporate future updates to the US-EEIO model by EPA.



Town of Wellesley, MA: GHG Analysis and Climate Action Plan Support

KLA provided technical assistance to the Town of Wellesley for the development of their climate action plan. Mike led the climate analysis work for the project which included a review of all previous GHG work completed by the Town, data collection to fill any gaps, development of a business-as-usual forecast and a GHG Pathways Analysis.

City of Watertown, MA: Climate and Energy Plan

KLA was hired by Watertown, MA to develop an inventory and climate action plan. Mike led technical analysis for both aspects of the planning process. The Watertown GHG inventory had some unique innovations to support local action planning such as considering resident and in-bound commuter VMT as distinct items and preliminary estimates of HFCs from distributed sources in the community. The mitigation pathways analysis is being developed to align with the State of Massachusetts Decarbonization Roadmap, and create tangible targets for the number of retrofits, EV uptake and other metrics that will achieve those milestones.

Clark County, NV: Pathways Analysis and Roadshow

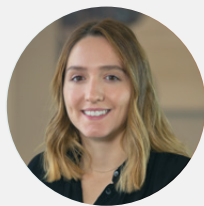
KLA partnered with Clark County to complete a regional greenhouse gas inventory and community climate action plan as part of their All-In Clark County initiative. As public and stakeholder engagement progressed, decision-makers and their constituents had questions about where to focus resources and how to achieve reduction goals. GHG reduction pathways were developed to estimate the emissions reduction potentials of the highest impact potential strategies, as well as to illustrate the level of investment required for Clark County to meet its GHG reduction targets and align with the State's Nevada Climate Initiative. Summary findings were presented in a series of meetings to ensure awareness and early support by regional decision makers. Mike was the Technical Director for this work.

EDUCATION

- Master of Science in Environmental Science & Master of Public Affairs, Indiana University, Bloomington
- Bachelor of Science in Plant and Soil Science, University of Tennessee, Knoxville

AFFILIATIONS AND ACCREDITATIONS

- GBCI Certified City Climate Planner Urban Greenhouse Gas Inventory Specialist
- American Society of Adaptation Professionals, Member



KATE GALBO


CAREER HIGHLIGHTS

- Brings six years of experience supporting, analyzing, and implementing climate-related programs and policies at the state and local government level.
- Specializes in sustainability and resilience metrics and is skilled in both data and spatial analysis and data visualization/graphic design.
- Convened a task force of 50 organizations to collaboratively develop a strategic roadmap to better manage and protect the urban forest in New York City.
- Developed an interactive GIS dashboard prototype for the San Francisco Planning Department's Sustainable Neighborhood Program.
- Spearheaded a new grant program in Massachusetts to provide funding to startup accelerator programs and cleantech startups.
- Has worked with small businesses across Massachusetts to track sustainability metrics and institute sustainability and resilience operational measures.

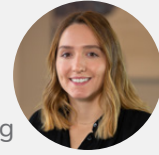
EXPERIENCE

New Bedford, MA: Ongoing Climate Action Planning Services

The City of New Bedford, MA continues to partner with KLA for climate action planning and implementation support. KLA is currently supporting the City through an update of its greenhouse gas (GHG) emissions inventory, a GHG pathway analysis, and an update to its All-Hazard Mitigation Plan. Kate is Project Manager.

North Suffolk Office of Resilience and Sustainability, MA: Social Vulnerability and Equity Assessment

KLA was hired by the North Suffolk Office of Resilience and Sustainability, a collaboration between the cities of Revere and Chelsea and the town of Winthrop, to identify demographic groups in the region who will be particularly at risk from local climate change impacts and to develop a framework to measure the equity of municipal climate projects and prioritize those that will benefit vulnerable populations. Kate currently serves as Project Manager and is leading development of a social vulnerability and equity assessment, equitable community engagement, and development of a framework for prioritizing the Office's resilience work.



Clark County, NV Climate Vulnerability Assessment

KLA is working with Clark County, NV to develop a climate vulnerability assessment for southern Nevada. Through this project, the KLA Team is identifying risks and implications associated with a changing climate and opportunities to enhance resilience and ensure that Clark County remains an attractive and livable environment for residents, businesses, and visitors. As part of the All-In Clark County initiative, there is a strong focus on building regional cooperation and consensus on how to best enhance the resilience of the region and its people. Through this process, the KLA Team facilitated a technical stakeholder working group through three workshops to confirm the critical/highly valued assets within each of the system areas; discuss potential impacts from climate change to assets; rank the sensitivity and adaptive capacity across the assets within each system area; and identify the highest priorities for adaptation planning and potential actions for reducing those vulnerabilities. Kate is the Project Manager.

Rochester, NY: Heat Emergency Plan

KLA is partnering with Hewitt Sustainability Strategies, Climate Advisory, and Highland Planning to develop a heat emergency plan (HEP) to outline what the community of Rochester will do in the event of a designate heat emergency. Th HEP includes strategies to increase heat safety awareness, reduce the number of mortalities and hospitalizations during heat events, and provide resources for residential, particularly vulnerable populations. As Project Manager, Kate is leading geospatial analysis to identify and map vulnerable populations and identify priority locations for expansion of cooling centers, as well as supporting stakeholder engagement and facilitation with City agencies.

Town of Watertown, MA: Climate & Energy Plan

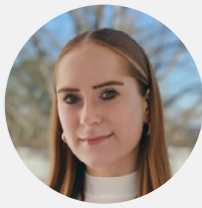
KLA was hired by Watertown, MA to develop a Climate and Energy Plan that will directly shape the Town's current and future sustainability and energy policies, goals, and actions. This work built off the work KLA previously completed for the Town to enhance their Hazard Mitigation Plan, develop a community engagement strategy and various communication materials, and deliver a climate resilience framework through the Massachusetts Municipal Vulnerability Preparedness (MVP) program. Kate supported the project by providing facilitation support for stakeholder meetings and plan development by working with the client to develop their goals, actions, and implementation blueprints.

EDUCATION

- Master of Science in Urban Planning, Columbia University, New York, NY
- Bachelor of Arts in Environmental Analysis and Policy, Boston University, Boston, MA
- Bachelor of Arts in International Relations, Boston University, Boston, MA

AFFILIATIONS AND ACCREDITATIONS

- LEED Green Associate, 2020 - Present
- American Society of Adaptation Professionals, Member, 2021 - Present
- American Planning Association, Member, 2018 - Present



SARAH CARISTA**CAREER HIGHLIGHTS**

- Calculated greenhouse gas inventories and emissions reduction analyses for KLA's clients. Brings specific knowledge and experience in regards to nitrogen footprints.
- Assessed existing conditions, identified opportunities and barriers, and determined strategies to increase sustainability and community resiliency.
- Collaborated with local governments, higher education institutions, communities, and third-party stakeholders in the climate action planning process.

RELEVANT PROJECT EXPERIENCE**Cary, NC: Climate Action Plan and Municipal Pathways Analysis**

KLA is partnering with the Town of Cary to facilitate a climate action planning process including the design and implementation of an equitable community engagement process, facilitation of stakeholder meetings and workshops, baseline assessment of greenhouse gas emissions and climate vulnerabilities, goal setting and action identification and evaluation, and implementation blueprint and final plan development. KLA is also leading development of a Municipal Pathways Analysis to determine the path the municipal government must take to meet emissions reduction targets and to inform operational practices. Sarah supports the Town's climate analysis work.

New Bedford MA: Ongoing Climate Action Services

KLA continues to work with the City of New Bedford, MA to deliver Climate Action & Sustainability Planning Services. This continuing contract has allowed KLA to support the City in various ways as they drive toward a more resilient and sustainable future. This work started with the design and branding of a comprehensive program to showcase existing and promote future climate and sustainability initiatives. Tasks include, delivery of the Massachusetts Vulnerability Preparedness (MVP) process, including acclimate vulnerability assessment; completion of a Global Protocol for Community Scale Greenhouse Gas (GHG) Emissions Inventory; a GHG Reduction Plan; a Community Climate Adaptation Plan; an ongoing and equitable public engagement dialogue; an online community dashboard; and a marketing and branding strategy. Sarah provides GHG accounting and analysis support for the City.

Needham, MA: Climate Action Plan and GHG Assessment

KLA is working with the Town of Needham, MA to develop an actionable roadmap that will drive aggressive reductions in greenhouse gas (GHG) emissions while enhancing resilience to climate impacts. Throughout this climate action planning process, KLA will review and update the existing community GHG emissions inventory, conduct a GHG Emissions Forecast and a GHG Reduction Pathways Analysis, lead the development of a robust Equitable Community Engagement & Communications Strategy, and develop an Executive Summary Style Climate Action Plan. Sarah provides GHG accounting and analysis support for the Town.

EDUCATION

- Bachelor of Arts in Environmental Science. University of Virginia, Charlottesville.

EcoDataLab

**Ben Gould | President**

ben@ecodatalab.com | (510) 725-9176

Ben brings an extensive background in local government sustainability and climate action planning. As a graduate student working under Chris Jones, he developed a web-based climate policy analysis tool for local governments. As President of EcoDataLab, Ben has led development of EcoDataLab's consumption-based emissions inventories for clients across the country. He also leads development on EcoDataLab's software tools, including the EcoDataLab Dashboard.

Prior to EcoDataLab, Ben worked for San Francisco International Airport, the International Council for Clean Transportation, and Lawrence Berkeley National Laboratory. Ben has served on the City of Berkeley's Environmental Commission since 2014 and was the first to recommend that Berkeley phase out natural gas in new construction, ultimately resulting in a first-in-the-nation law banning new gas hookups in 2019. He earned his Master of Public Policy and MS in Environmental Engineering from UC Berkeley.

**Chris Jones, PhD | Chief Science Officer**

chris@ecodatalab.com | (530) 650-9493

As Director of the CoolClimate Network at UC Berkeley and Chief Science Officer for EcoDataLab, Chris is a leading expert in carbon footprint analysis. For the past 15 years, he has led research efforts on consumption-based emissions for individuals, businesses, and cities.

His research informs local and state-level climate policy across the country and is widely cited in academic and popular publications. Chris earned his PhD and MS degrees in Energy & Resources, as well as a MA in Latin American Studies, all from UC Berkeley.

Ben Gould

(510) 725-9176 | ben@ecodatalab.com | [linkedin.com/in/bgouldberkeley](https://www.linkedin.com/in/bgouldberkeley) | Berkeley, CA

POLICY & TECHNICAL EXPERIENCE

President July 2020 – Present
EcoDataLab Berkeley, CA

- Providing greenhouse gas inventory development and climate policy analysis consulting services to nonprofits and local jurisdictions in CA, WA, TX, MA, CO, NY, and Canada.
- Developed and built consumption-based emissions modeling software applicable for any US community. Created a customizable jurisdiction-specific dashboard and automated policy analysis program to provide best practice recommendations for local jurisdictions.

Sustainability Analyst January 2018 – February 2020
San Francisco International Airport San Francisco, CA

- Maintained and streamlined the Airport's greenhouse gas emissions model, and prepared the 2019 Departmental Climate Action Plan.

Legislative Aide January 2017 – May 2017
Office of Berkeley City Councilmember Lori Droste Berkeley, CA

- Worked with the Councilmember to write legislation. Tracked, analyzed, and recommended votes on ongoing legislation.

Graduate Student Researcher January 2016 – May 2017
CoolClimate Network, Energy and Resources Group, UC Berkeley Berkeley, CA

- Built an interactive web simulator for 21 policy variables to model their impact on household carbon footprints across all 58 counties and 700+ cities in California. Analyzed model outputs and provided recommendations for refinement.

Research Intern May 2015 – August 2015
The International Council on Clean Transportation San Francisco, CA

- Built an interactive web tool to visualize and model global transportation emissions and of associated health impacts under different policy scenarios.

Commissioner, Chair (2016, 2019-20, 2022) September 2014 – present
City of Berkeley Community Environmental Advisory Commission Berkeley, CA

- First to recommend banning natural gas in new construction in 2016, leading to first-in-the-nation law in 2019.

EDUCATION

Master of Public Policy (MPP); M.S. in Environmental Engineering December 2017
University of California, Berkeley Berkeley, CA

Thesis: *Analysis of a Consumption-Based Model for State & Local Climate Action Policies*

Bachelor of Science, General Biology June 2013
University of California, San Diego San Diego, CA

Christopher M. Jones, Ph.D.

Director, CoolClimate Network
 Energy and Resources Group
 University of California, Berkeley, CA 94720
cmjones@berkeley.edu 530-650-9493

(a) Professional Preparation

2010 – 2014	Ph.D. Energy and Resources Group, University of California, Berkeley
2002 – 2005	M.S. Energy and Resources Group, University of California, Berkeley
2002 – 2005	M.A. Latin American Studies, University of California, Berkeley
1989 – 1995	B.A. Politics, University of California, Santa Cruz

(b) Appointments

10/2009 –	Program Director / Research Associate Energy and Resources Group, University of California, Berkeley
1/2006 – 9/2009	Staff Research Associate Berkeley Institute of the Environment, University of California, Berkeley
1/2005 – 12/2005	Graduate Student Researcher University of California, Berkeley
8/2003 – 12/2004	Graduate Student Instructor Sociology / College of Natural Resources, University of California, Berkeley

(c) Publications (5 most relevant publications)

1. Christopher M. Jones (2020). Consumption Based Greenhouse Gas Inventory of San Francisco from 1990 to 2015. *UC Berkeley: Berkeley Energy and Climate Institute*. Retrieved from <https://escholarship.org/uc/item/4k19r6z7>
2. Jones, C. M., & Kammen, D. M. (2015). A Consumption-Based Greenhouse Gas Inventory of San Francisco Bay Area Neighborhoods, Cities and Counties: Prioritizing Climate Action for Different Locations. *UC Berkeley*. Retrieved from <https://escholarship.org/uc/item/2sn7m83z>
3. Jones, C., Wheeler, S., & Kammen, D. (2018). [Carbon Footprint Planning: Quantifying Local and State Mitigation Opportunities for 700 California Cities](#). *Urban Planning*, 3(2), 35-51. doi:<http://dx.doi.org/10.17645/up.v3i2.1218>
4. Christopher M. Jones and Daniel M. Kammen. [Spatial Distribution of U.S. Household Carbon Footprints Reveals Suburbanization Undermines Greenhouse Gas Benefits of Urban Population Density](#). *Environ. Sci. Technol.*, 2014, 48 (2), pp 895–902. Google Scholar Citations: 232; Altmetric Score 274 (99th percentile)
5. Christopher M. Jones and Daniel M. Kammen. [Quantifying Carbon Footprint Reduction Opportunities for U.S. Households and Communities](#), *Environ. Sci. Technol.*, 2011, 45 (9), pp 4088–4095. Google Scholar Citations: 285; Altmetric Score 97 (98th percentile)

Synergistic Activities (most relevant)

1. Co-Chair, [Behavior, Energy and Climate Change Conference](#), 2011 – present (11 years)
2. Lead developer: [CoolClimate Calculator](#); [CoolClimate Calculator for Business](#); [CoolClimate Policy Tool](#); California Local Government Decision-Support Tool; [GreenPoint Rated Carbon Calculator V2](#); [Cool Campus Challenge](#).
3. Reviewer: 32 manuscripts in 24 academic journals
4. Member of technical advisory committees or judge: NYU Entrepreneurs Challenge, 2016, 2017; Nurture Nature Center, 2016; PG&E Commercial Behavioral Advisory Committee, 2015; ICLEI Community Greenhouse Gas Protocol, 2011, 2012; Environmental Defense Fund Climate Justice project, 2009,



Project Experience **Sheets**

Over the last three years, KLA led or supported the completion of twelve climate action plans.

- Beverly & Salem, MA (KLA led)
- Chapel Hill, NC
- Clark County, NV (KLA led)
- Concord, MA (KLA led)
- Danvers, MA (KLA led)
- State of Delaware
- Devens, MA (KLA led)
- Harvard, MA (KLA led)
- Portland & South Portland, ME
- Watertown, MA (KLA led)
- Wellesley, MA (KLA led)
- Weston, MA (KLA led)

Likewise, EcoDataLab has built extensive experience in Consumption Based Emissions Inventory and Planning Projects. A full list of clients includes:

- San Francisco, CA
- Seattle, WA
- Austin, TX
- New York City, NY
- Toronto, ON
- Somerville, MA
- El Cerrito, CA*
- City of Boulder, CO*
- King County, WA
- Kitsap County, WA
- Pierce County, WA
- Snohomish County, WA
- Clallam County, WA
- San Juan County, WA
- Boulder County, CO
- Los Alamos County, NM*

**ongoing projects*

As the prime consultant on this project, KLA will take the lead on finalizing and designing the narrative report and communications materials. The following experience sheets illustrate the our breadth of skills to merge technical analysis with highly engaging and accessible project results.



King County, WA

Government Operations Consumption Inventory

Project Summary

As part of a team developing a comprehensive, multi-county climate action plan and strategy, KLA led the development of a consumption-based GHG inventory for county operations. This inventory provided important data in King County's pursuit of carbon neutrality by addressing significant sources of upstream GHGs from all County activities. This project involved analysis of over 680,000 transactions covering \$1.6 billion in expenditures across 22 departments and 116 divisions. To perform a comprehensive analysis of all expenses, [the US Environmentally Extended Input Output \(USEEIO\) model](#) was used as the basis for calculating climate impacts. Following success of the analysis for King County operations, the project was extended to provide an analysis for City of Seattle Public Utilities as well.

September 2021 – September 2022

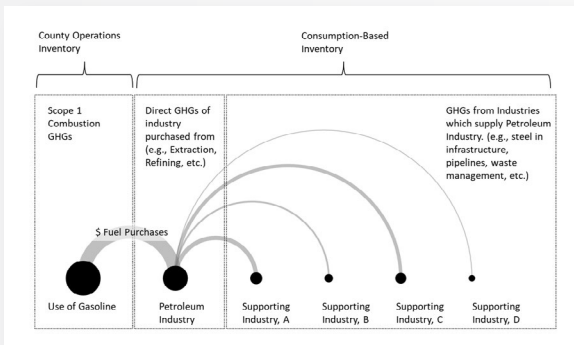
Budget: \$25

Project Highlight

The analysis confirmed that the highest sources of upstream emissions were related to infrastructure development. This knowledge validates existing efforts to track and quantify the impact of specific materials such as concrete through the use of environmental product declarations.

New findings include the unanticipated large impact of contracted services, particularly around health and human services. This knowledge can help engage those suppliers on reducing the carbon intensity of their services.

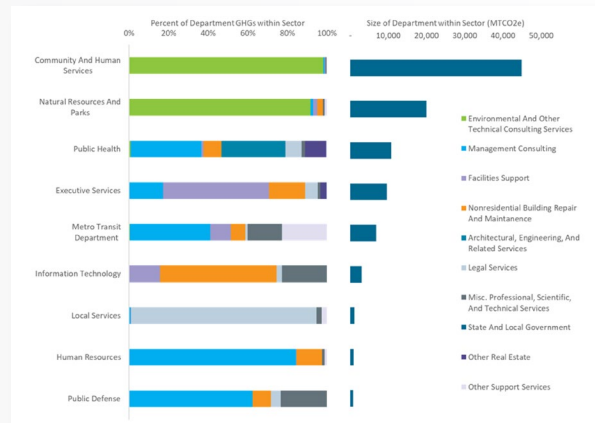
Graphical representation of the relationship between GHGs assessed for fossil fuels in a traditional operations inventory vs. consumption based.



Activities & Outcomes

- Analyzed King County's spending to map to the 389 product and industry types in the USEEIO model.
- Developed a summary report to communicate results to purchasing staff throughout the County in approachable language.
- Development of a flexible tool that allows the client to perform their own updates as internal data improves or change are made to the USEEIO Model.
- Delivery of an instruction guide and recommendations for purchasing data management to build additional capacity for future analyses.

New approaches to data visualization were required to communicate the many new sources of GHG assessed in a consumption inventory and the wide range of magnitude of GHGs across departments.



REFERENCE

Matt Kuharic

Senior Climate Program Manager
King County, WA

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Email: matt.kuharic@kingcounty.gov

Emily Coleman

Circular Organics Program Manager
King County, WA

Office: (206) 477-0249
Email: ecoleman@kingcounty.gov



Clark County, NV

All-In Clark County Pathways Analysis & "Roadshow"

Project Summary

KLA partnered with Clark County, NV to complete a regional greenhouse gas inventory and community climate action plan as part of their All-In Clark County initiative. As public and stakeholder engagement progressed and the planning process gained visibility, communicating more intentionally with decision-makers in the region became a clear need. Clark County Nevada covers an area the size of New Jersey and ranges from small rural outposts to the 24/7 activity of the Las Vegas Strip, including six incorporated municipalities. The county's size, diversity, unique economy and energy profile, and large share of the statewide sources of greenhouse gases (GHGs) raised questions for decision-makers and their constituents about where to focus resources and how to achieve reduction goals. GHG reduction pathways were developed to estimate the emissions reduction potentials of the highest-impact potential strategies, as well as to illustrate the level of investment required for Clark County to meet its GHG reduction targets and align with the State's Nevada Climate Initiative. Summary findings were presented in a series of meetings to ensure awareness and early support by regional decision makers.

January 2022 – June 2022

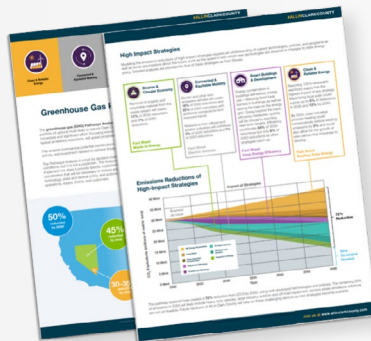
Budget: \$11

Project Highlight

This pathways analysis delivered data on the GHG reduction potential of the highest-impact strategies. It also provided a high-level overview of implementation and benefits.

Roadshow meetings provided considerations (e.g., equity, jurisdiction, cost) that were incorporated into the development of action implementation blueprints in the final All-In Plan. For example, digging deep into the necessity of scaling up energy efficiency programs led to a better understanding of policy and structural limitations as well as opportunities to ramp up programs already available to reduce energy use. Conversations also identified concerns around increased energy costs, equality in program access, and questions about grid reliability.

Custom infographics illustrate the results of the pathways analysis, demonstrating how the All-In Plan fits into national and state targets. Accessible messaging highlighting key data points and concepts were used throughout.



Activities & Outcomes

- Identification of high-impact strategies and actions from results of GHG inventory.
- Analysis of contribution of each strategy to emissions reductions and quantification of the level of action (e.g. number of new EVs, number of existing homes retrofitted) needed to achieve those reductions.
- Delivery of "Roadshow" presentations to bring key findings to elected leaders and government staff within Clark County and municipalities to explain the necessary scale of action and to ensure alignment and support across local governments.
- Development of fact sheets for strategy areas that summarized key barriers and opportunities for each high-impact strategy to focus discussion on fast-tracking implementation.

Fact sheets provided local officials with a succinct and highly visual summary of critical calculations and information for the highest-impact strategies.



REFERENCE

Jodi Bechtel

Assistant Director
Clark County Department of Environment and Sustainability
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Las Vegas, Nevada 89118

Office: (702) 455-1601
Email: jbechtel@clarkcountynv.gov



Town of Danvers, MA

Climate Action Plan

Project Summary

KLA is leading a project with the Town of Danvers to develop a climate action plan. Through this process, KLA has developed a brand, website, and communication materials; a greenhouse gas (GHG) emissions inventory for municipal operations and community-wide emissions; a GHG Reduction Pathways Analysis; an equitable community engagement strategy; and goals, strategies, and actions for the final plan. KLA is also designing and implementing an outreach program to encourage the adoption of residential heat pumps.

Timeline: March 2022-February 2023

Budget: \$190,000

Project Highlight

As residential electric heat pumps significantly reduce greenhouse gases, Danvers Electric wanted to help homeowners convert their oil and natural gas systems, with help from utility and state incentives.

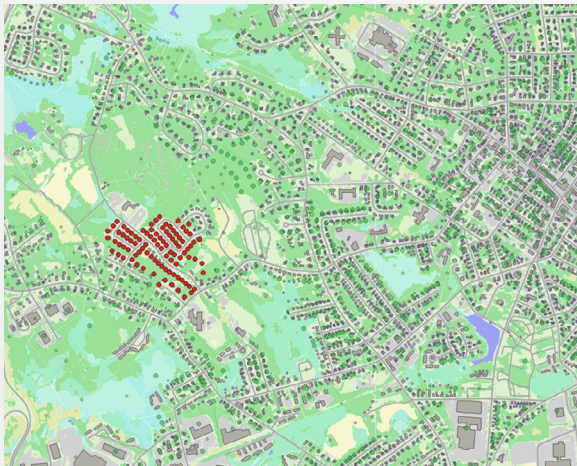
Targeting homes most likely to benefit from a heat pump will help stretch the utility's outreach and incentive dollars. KLA analyzed local economic, geospatial, and building profile data to identify neighborhoods in Danvers with the best opportunity to make the switch.

Activities & Outcomes

- Creation of a brand, [website](#), and communication materials.
- Development of a greenhouse gas (GHG) emissions inventory for municipal operations and for the broader community.
- Analysis of GHG reduction pathways.
- Implementation of a community engagement strategy designed to reach a broad cross-section of the community. Design of a data-informed residential heat pump education initiative.
- Identification of goals, strategies, and actions for a final plan.

Danvers Plan Overview Fact Sheet

GIS map of potential households to receive targeted heat pump outreach and education



REFERENCE

Clint Allen

Assistant Utility Director
Town of Danvers, MA

Office: 978-774-0005 ext. 3663
Email: callen@danversma.gov

Jeffrey Elie

Energy Resource Manager
Town of Danvers, MA

Office: (978)-774-0005 ext. 3651
Email: jelie@danversma.gov



Town of Wellesley, MA

GHG Analysis and Climate Action Plan Support

Project Summary

KLA developed a greenhouse gas (GHG) reduction pathways analysis and provided strategic guidance and support for the Town of Wellesley to develop a climate action plan. As part of this project, KLA reviewed all previous GHG work completed by the Town, filled in the gaps, and then developed a business-as-usual forecast and a GHG Pathways Analysis.

Timeline: March – December 2021

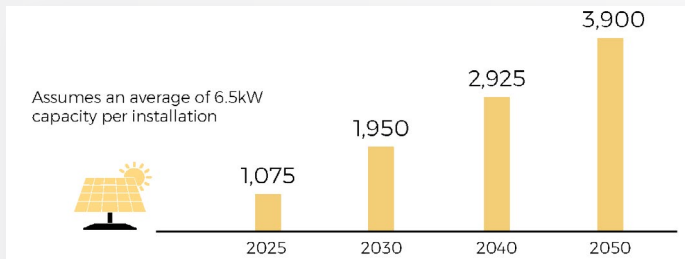
Budget: \$50

Project Highlight

A Pathways Analysis helps illustrate how each GHG reduction strategy contributes to reaching an emissions target over time. The Pathways Analysis is also an implementation tool – estimating the scale and timeline of activities necessary to provide the needed reduction along each pathway.

Wellesley wanted a climate action plan designed to achieve the Town’s goal of net zero emissions by 2050. KLA developed pathways to net zero starting with the GHG Inventory, then building a model using key metrics such as building area and electric vehicle registrations; influences such as expected population growth; and the impact of state and federal energy policies. Four pathways in energy, waste, buildings, and transportation provide the how-to guide for achieving Wellesley’s emissions goals.

Graphic illustrating the number of annual solar installations necessary to fulfil the Energy Pathway’s contributions to the Net Zero target



Activities & Outcomes

- Development of greenhouse gas (GHG) forecasts and analysis of reduction pathways.
- Creation of tools and templates to help the Town select actions and prepare for implementation.
- Facilitation of topical working groups.
- Evaluation of actions selected by the Town for their potential impacts in the areas of the Plan’s guiding principles.
- Support for development of a readable, actionable final climate action plan.

Implementation blueprint templates for use by the Town and its stakeholders



REFERENCE

Marybeth Martello

Sustainable Energy Director | Office: 781-654-5004
Town of Wellesley, MA | Email: mmartello@wellesleyma.gov



City of New Bedford, MA

Climate Action & Sustainability Planning Services

Project Summary

Since 2018, KLA has provided Climate Action & Sustainability Planning Services to the City of New Bedford, MA. Through this multi-year contract, KLA has helped the City further its commitment to climate action by designing, delivering, and implementing the **NB Resilient** Climate Action & Resilience Plan. From technical and design work to communications and engagement support to innovative Resilience Hubs implementation, KLA is working alongside this historic, coastal community as it strives to meet its greenhouse gas emissions reduction target of 35% by 2030 and update its trajectory to meet more aggressive targets.

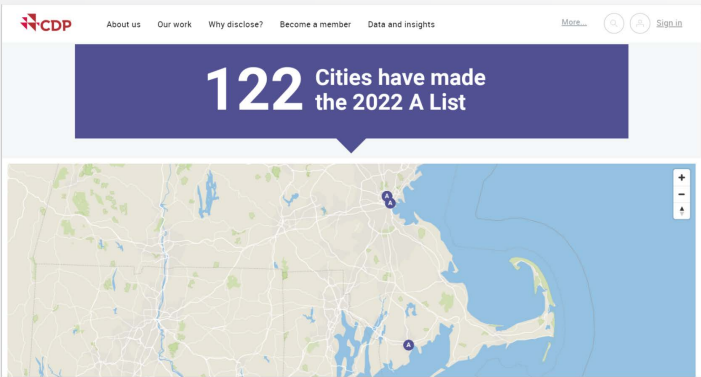
Timeline: 2018 - Present

Budget: \$50

Project Highlight

KLA has worked with the City of New Bedford to continuously update and manage data related to GHG generating sources and activities. This work has support New Bedford to be among the top cities in the US for data disclosure.

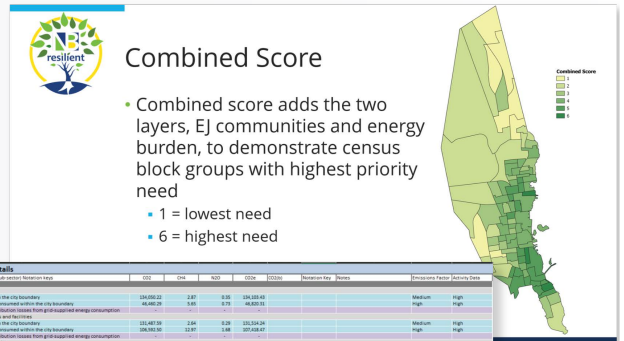
New Bedford Recognized among CDP A-List cities



Activities & Outcomes

- Provided periodic updates to inventories for calendar year 2017 and 2019.
- Improved methodologies and aligned data with newly available inputs from Mass DOT for resident VMT.
- Sourced difficult-to-find data for marine vessels from a combination of state and federal datasets, weighing options for local detail and consistency of data availability.
- Provided support for CDP reporting requirements, helping New Bedford achieve an 'A' rating in 2022.
- Developed reduction pathways and scenarios consistent with Science-Based Targets with benchmarks for the share of electrified and high efficient buildings and transport necessary to achieve them.
- Utilized combination of the local tax assessor database and census data to prioritize decarbonization target areas with the largest opportunity to advance equity.

Example of equity prioritization map and results of inventory in GPC format



Method	Scope	Category	CO2	CH4	N2O	CO2e	CO2e/100k	Transport Key	Notes	Exclusion Factor	Activity Data
1.1.1	1	Residential buildings	134,892.25	2.87	0.16	134,915.28	154		Included in 1.1.1 Domestic Energy		High
1.1.2	2	Buildings from grid-supplied energy consumed within the city boundary	44,462.29	5.65	0.75	45,228.43	52		Included in 1.1.2 Domestic Energy		High
1.2.1	1	Commercial and institutional buildings	25,441.10	2.94	0.20	25,738.24	30		Included in 1.2.1 Commercial Energy		High
1.2.2	2	Buildings from grid-supplied energy consumed within the city boundary	286,920.56	32.67	3.66	291,244.47	345		Included in 1.2.2 Commercial Energy		High
1.3.1	1	Manufacturing, transport and other		-	-	-	-	NO	Excluded in 1.3.1		Medium
1.3.2	2	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.3.2		Medium
1.4.1	1	Energy intensity		-	-	-	-	NO	Excluded in 1.4.1		Medium
1.4.2	2	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.4.2		Medium
1.4.3	3	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.4.3		Medium
1.4.4	4	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.4.4		Medium
1.5.1	1	Agriculture, forestry and other land use		-	-	-	-	NO	Excluded in 1.5.1		Medium
1.5.2	2	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.5.2		Medium
1.6.1	1	Electricity from waste-to-energy, biomass, and other low-carbon sources		-	-	-	-	NO	Excluded in 1.6.1		Medium
1.6.2	2	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.6.2		Medium
1.7.1	1	Electricity from waste-to-energy, biomass, and other low-carbon sources		-	-	-	-	NO	Excluded in 1.7.1		Medium
1.7.2	2	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.7.2		Medium
1.8.1	1	Land use change and forestry		-	-	-	-	NO	Excluded in 1.8.1		Medium
1.8.2	2	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.8.2		Medium
1.9.1	1	Air travel		-	-	-	-	NO	Excluded in 1.9.1		Medium
1.9.2	2	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.9.2		Medium
1.10.1	1	International aviation and shipping		-	-	-	-	NO	Excluded in 1.10.1		Medium
1.10.2	2	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.10.2		Medium
1.11.1	1	Domestic aviation		-	-	-	-	NO	Excluded in 1.11.1		Medium
1.11.2	2	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.11.2		Medium
1.12.1	1	Domestic aviation		-	-	-	-	NO	Excluded in 1.12.1		Medium
1.12.2	2	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.12.2		Medium
1.13.1	1	Domestic aviation		-	-	-	-	NO	Excluded in 1.13.1		Medium
1.13.2	2	Buildings from grid-supplied energy consumed within the city boundary	-	-	-	-	-	NO	Excluded in 1.13.2		Medium

REFERENCE

Michele Paul
Director of Resilience & Environmental Stewardship
City of New Bedford, MA |
133 William Street, New Bedford, MA 02740

Office: (508) 979-1487
Email: michele.paul@newbedford-ma.gov



Metropolitan Washington Council of Governments

Climate & Sustainability Planning Services

Project Summary

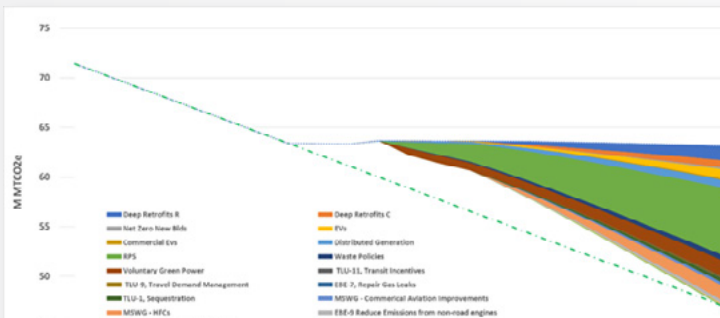
Metro-Washington Council of Governments (MWCOG) is the hub of local climate planning in the National Capital Region. In 2009, MWCOG established its Climate, Energy, Environment, and Policy Committee to coordinate climate planning among municipal, county, state, and federal agencies operating in the region. In 2019 and 2020, updated its 2030 Climate Action Plan following commitments made as one of the first regional entities to sign onto the Global Covenant of Mayors. In this project, KLA worked as part of a team with the specific tasks of performing business-as-usual projections and mitigation “wedge” analyses for the region. This project involved working at multiple scales and required organization of emissions and activity data across multiple state contexts and ‘nested’ data from municipalities and the counties that contain them. Through the update process, KLA worked closely with MWCOG Staff to understand and incorporate the plans that were already underway from participating jurisdictions and build on their momentum with coordinated regional targets with roles and levels of implementation identified for each community.

2019-2020

Budget: \$31,0

Project Highlight

KLA built an **integrated scenario** that was able to represent the collective efforts of climate action in the National Capital Region to date and illustrate the potential of coordinated regional action to create deep reductions in GHGs.



Wedge chart of integrated GHG scenario

Activities & Outcomes

- Integrated GHG Inventories spanning ten counties and 9 individual cities into a regional GHG projection model
- Modeled GHG reduction potential of federal, state, and local strategies across 19 areas of climate action.
- Illustrated potential of regional housing strategies that require coordinated efforts to achieve.
- Lead presentations of analysis results and breakout group discussions with CEEPC committee members at in-person and virtual meetings.
- Coordinated with project partners on assessment of costs and co-benefit identification for strategies.
- Worked to ensure calculation approaches aligned with standards and best practices of the Global Covenant of Mayo

[Final Metropolitan Washington 2030 Climate & Energy Action Plan](#)



REFERENCE

Maia A. Davis

Senior Environmental Planner
MWCOG | 777 N Capitol Street NE, Suite 300

Office: (202) 962-3277
Email: mdavis@mwkog.org

FIRM	CLIENT	PROJECT SUMMARY	REFERENCE
KLA	Town of Danvers Climate Action Plan	Deliver a Climate Action and Resilience Plan, including creation of a brand, equitable public engagement, facilitation of stakeholder meetings, technical analysis of actions, and communications and marketing support.	Clint Allen 978-774-0005 x3663 callen@danversma.gov
KLA	Devens, Climate Action Plan	Design and delivery of a Climate Action & Resilience Plan; development of GHG inventory; grant writing support; goal setting, online dashboard.	Peter Lowitt 978-772-8831 peterlowitt@devensec.com
KLA	City of Watertown Climate Action Plan	Develop a Climate and Energy Plan to shape the City's current and future sustainability and energy policies, goals, and actions. This project built off the work KLA previously completed for the City to enhance their Hazard Mitigation Plan.	Laurel Schwab (617) 972-6417 ext. 12177 lschwab@watertown-ma.gov
KLA	Town of Wellesley Climate Action Plan	Support the development of a Climate Action Plan through GHG analysis to identify the reduction potential of high impact strategies and evaluation of costs, barriers, and economic, public health, and equity benefits.	Marybeth Martello 781-654-5004 mmartello@wellesleyma.gov
KLA	Town of Weston Climate Action Plan	Facilitated the process to develop a Climate Action & Resilience Plan focused on priority policies, programs, and projects to mitigate the Town's contribution to climate change while preparing for climate impacts. This work built off the climate vulnerability assessment KLA previously completed for the Town through the MVP program.	Leon A. Gaumont 781-786-5020 gaumont.l@westonma.gov
EcoDataLab	City of Toronto Consumption-Based Emissions Inventory Project	EcoDataLab prepared a community-wide consumption-based emissions inventory, a corporate consumption-based emissions inventory, a buildings and linear infrastructure emissions analysis, and an infographics report for the City of Toronto. This project also included a simplified forecast of consumption-based emissions through 2050, based upon City goals and targets. Work began in November 2022 and completed in July 2023. Total budget: \$81,142.86 CAD (approx. \$57,500 USD).	Marvin Quitoras, Program Manager, City of Toronto Environment & Climate Division Marvin.Quitoras@toronto.ca 416-392-2688

FIRM	CLIENT	PROJECT SUMMARY	REFERENCE
EcoDataLab	King County, WA Client Lead, Puget Sound Regional Emissions Analysis Project	EcoDataLab prepared consumption-based emissions inventories, analyses, and reports for King, Pierce, Snohomish, and Kitsap Counties, as well as the City of Seattle (the Puget Sound Regional Emissions Project). Cascadia Consulting Group served as the prime contractor. Work began in August 2021 and completed in September 2022. Total budget: \$60,000	Matt Kuharic, Senior Climate Program Manager, Matt.kuharic@kingcounty.gov 206-477-4554
EcoDataLab	New York City Consumption-Based Emissions Inventory Project	EcoDataLab prepared a consumption-based emissions inventory, analysis, and report for New York City, as well as a two-year Dashboard subscription. Work began in August 2022 and completed in July 2023. Total budget: \$30,000	Siobhan Foley, Head of Sustainable Consumption, C40 Cities sfoley@c40.org 917-689-0089
EcoDataLab	City of Somerville Greenhouse Gas Inventory Project	EcoDataLab prepared a community-wide consumption-based emissions inventory, a business-as-usual projection, detailed policy modeling and forecasting, and a web-based dashboard and future CBEI updates for the City of Somerville. Work began in September 2022 and completed in January 2023. Total budget: \$35,000.	Christine Blais, Director, Mayor's Office of Sustainability and Environment, City of Somerville candrews@somervillema.gov 781-296-7194

Attachment 1.2.a: Sudbury-KLA-EcoDataLab - Combined Proposal Docs (6001 : Approve Contract for Emissions Inventory)





Approach to Scope of **Services**

TASK 1: Define Inventory and Forecasting Methodology

TASK 2: Complete Community-Scale Greenhouse Gas Inventory, Consumption-Based Inventory and Forecast

PROJECT MANAGEMENT

The KLA Team understands the Town of Sudbury has made commitments to address climate change and now seeks to develop an actionable roadmap that will drive aggressive reductions in greenhouse gas (GHG) emissions. The work the Town has completed to date has been integral to keeping momentum, but now we are unfortunately running out of time and an acceleration of action is essential for all communities. Recognizing this and building on 20 years of climate action planning in Massachusetts, KLA aims to supply the Town with the analysis and tangible metrics to engage the entire Sudbury community in implementing climate action in their homes and businesses. Beyond just providing analysis, KLA and EcoDataLab will setup town staff to not only leverage materials developed under the project, but to have full command of the topics and the data used in them to be able continue leading stakeholders within the Town towards continuous GHG reduction even as this quickly evolving field continues to change.

KLA's mission is to build capacity for local governments to implement aggressive, equitable climate solutions.

TASK 1: DEFINE INVENTORY AND FORECASTING METHODOLOGY

Community-Scale Inventory Methodology

There are several criteria the Town of Sudbury will want to review to settle on the right combination of data sources and methods that maximize the ability to accurately estimate GHGs, easily communicate with constituents, and consistently track progress over time. Thanks to KLA's wide experience with GHG inventories for communities in Massachusetts, many of the top choices for data selection are obvious for utility energy, residential waste, and on-road transportation utilizing the newly released vehicle census figures from MassDOT. Other data will require conversation with appropriate Town Staff to identify the best sources, particularly around some of the more detailed areas of municipal operations like fleet activity levels and waste generation.

Regardless of the source, KLA will establish a shared online data tracking spreadsheet that will organize all data needs for each inventory item, identifies the source and the intended methodology that will be used perform final calculations. Having this resource online will allow the Town and KLA to make decisions on data sources more collaboratively, such as determining the most appropriate inventory-year to use based on data availability.

As needed for any data requests that must be made to the Town or third parties, the spreadsheet will also serve as an ongoing status checklist during the inventory preparation phase. An example data tracking sheet is displayed here in Figure 1.

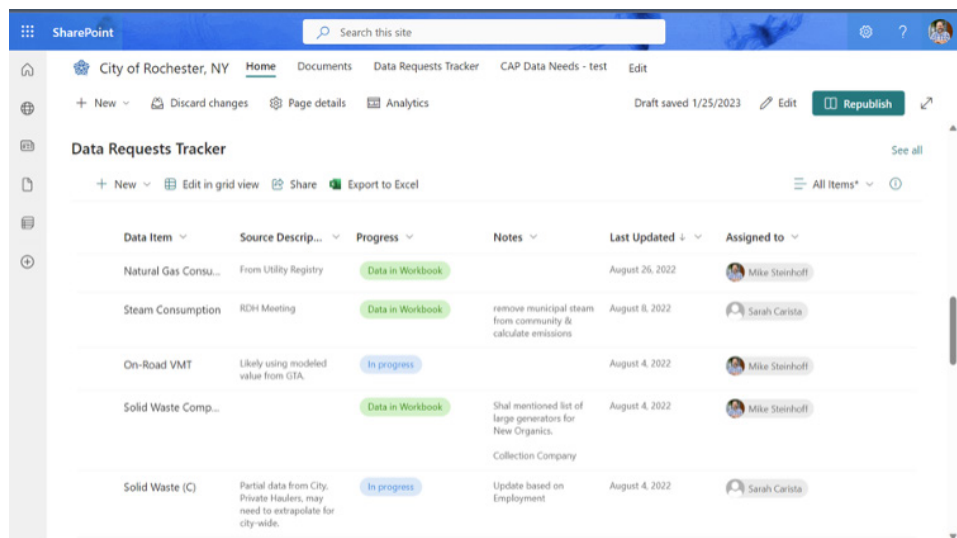


Figure 1. Example Online Data Tracking Spreadsheet

Community-Scale Forecast

KLA will obtain data for both business-as-usual and policy scenario forecasts from a number of sources. KLA will work with Town of Sudbury staff to get the most town-specific estimates of likely future growth like the 2016 Housing Production Plan. Where necessary, population and job growth estimates from either MAPC or MassDOT can help set the stage for community growth under business-as-usual.

Other sources of information on growth and steps the town is taking to reduce GHGs will be sourced from a review of key Sudbury planning documents such as the Climate Mobilization Plan, Town Master Plan, Open Space and Recreation Plan, and Hazard Mitigation Plan. As sources are identified, KLA will be matching the format of input data with best available impact methodologies to estimate GHG reduction potential. KLA’s methods for modeling GHG reduction potential rely on a combination of State and Federal studies as well as well-regarded national-level NGO’s working on climate solutions ensuring estimates of reduction potential have credible backing.

Consumption-Based Inventory (CBEI) Methodology

EcoDataLab will consult with the Town and relevant stakeholders and, subject to approval, recommend the EcoDataLab / CoolClimate methodology for preparing the consumption-based emissions inventory.

EcoDataLab’s CBEI approach is detailed in the Consumption Based Greenhouse Gas Inventory of San Francisco from 1990 to 2015 (<https://escholarship.org/uc/item/4k19r6z7>).

Our team’s prior experience also includes developing inventories for over 100 California jurisdictions.

EcoDataLab has deployed this same San Francisco approach to prepare consumption-based emissions inventories for New York, NY; Seattle, WA; Austin, TX; Toronto, ON; King, Pierce, Kitsap, Snohomish, Clallam, and San Juan Counties, WA; Boulder County, CO; and Somerville, MA. Our team’s prior experience also includes developing

inventories for over 100 California jurisdictions (<https://coolclimate.org/inventory>).

With this wide range of experience and years of expertise, EcoDataLab has identified and solved many of the systematic barriers to conducting CBEIs. Historically, CBEIs have been expensive, difficult, and time-consuming to produce, requiring hundreds of hours of work to manually collect and clean data. There has been no consistent, established methodology that allows for an apples-to-apples comparison between cities. And the inventory results have all too often failed to adequately inform or reflect policy, providing little value to policymakers seeking to tackle consumption-based emissions.

EcoDataLab has solved all of these problems. We have built out scalable software to streamline the data collection and modeling process, drastically reducing the manual effort required on data collection and cleaning. With this software tool, we have also standardized the inventory methodology and approach – meaning that Sudbury can get an inventory calculated the exact same way as for Austin and Seattle, allowing for true apples-to-apples comparisons between US communities. Lastly, the CBEI methodology developed by the CoolClimate Network is specifically designed with policymakers in mind, with multiple data points that either directly reflect or can be targeted by policy, allowing for effective, data-driven policymaking for climate-leading cities.

EcoDataLab has also gone beyond the original CoolClimate approach and developed additional updates and improvements to the methodology. Some of our latest improvements include:

- Developing a novel approach for modeling household energy use, allowing for significantly more accurate estimates of fuel oil and other energy consumption in data-sparse areas.
- A new method for tract-level analysis of vehicle fuel economy, based upon statewide vehicle registration data to improve household transportation emissions calculations.
- Local adjustments for energy emission factors, including options for both regional defaults and local utility provider-specific data, down to the tract level.

This methodology offers the Town the following benefits:

- Replicable and allows for benchmarking: EcoDataLab’s standard methodology is built using nationally available datasets and models, and coded into an executable computer program to ensure reliability and reproducibility. EcoDataLab is the leading provider of consumption-based inventories in the U.S., and this methodology allows for apples-to-apples comparisons with other leading cities like Seattle, San Francisco, and New York.
- Accurate and comprehensive: Other CBEI approaches are overly dependent on limited variables like income or population to downscale national data. In contrast, EcoDataLab’s approach uses both national and local data, leveraging dozens of different data points collected by the US Census Bureau, US EPA, and other federal agencies to provide the most accurate and comprehensive estimate of consumption-based emissions available. The methodology incorporates life-cycle emissions across every economic sector and step of the supply chain, grouped into five overall consumption categories (transportation, housing, food, goods, and services).
- Transparent: The EcoDataLab methodology is based on research developed by the CoolClimate Network at UC Berkeley and published in an open access paper. The model weights for the core consumption calculations are in the public domain and can be reproduced by anyone with time and interest. Detailed information on the methodological approach and data used are also included in every report.

EcoDataLab will incorporate local electricity and natural gas consumption and emissions intensity data into the CBEI, using the same data provided to KLA for the community-scale inventory. All other consumption-based emissions data will be based upon modeled estimates of household consumption and activity, using EcoDataLab’s existing data pipelines and resources.

None of the data sources, emission factors, or assumptions are proprietary. However, EcoDataLab uses proprietary software tools to collect, clean, and calculate CBEI data. For the purpose of updating the inventory, EcoDataLab offers a subscription to a web-based dashboard with annual updates.

These options will be discussed with Town staff and relevant stakeholders to determine the most appropriate forecasting method.

The methodology for the inventory will be documented in detail, including a detailed list of data sources and their associated provider, as well as any scaling factors or assumptions.

Consumption-Based Forecast Methodology

EcoDataLab offers two forecasting methodologies:

- The Simplified Forecast method assumes all household characteristics remain constant.
- The Advanced Forecast method uses additional local data on trends and plans to forecast changes in household characteristics, which are then used to model changes in underlying consumption patterns.

These options will be discussed with Town staff and relevant stakeholders to determine the most appropriate forecasting method. Under either approach, forecasts can be developed through 2050, and can include both a scenario with no local policy influence, and a scenario that includes estimated reductions from local, regional, and state policies that are either adopted, likely to be adopted, or otherwise specified by the Town. Policies which are expected to affect household characteristics, such as home size, vehicle ownership, or household size, can only be considered under the Advanced Forecast method. Note that pricing for the proposal assumes use of the Simplified method considering relatively modest rate of development in the town. Regardless of the choice, the forecasting methodology will be documented in detail.

Inventory Methods Memo #1

As methods for the inventory and forecast are finalized in the spreadsheet in collaboration with Town of Sudbury Staff, contents with any other framing narrative will be transferred into Memo 1# for the inventory portion of the project. The memo will include the following:

- An itemized list of all sources and activities to be included in each inventory.
- Reference information for activity data and emissions factor sources.
- Descriptions of methods to be used and an explanation of why it is the recommended option.
- Discussion on the expected frequency of activity data updates and recommendations for the timing of inventory updates.

In particular for the community-scale inventory portion of the memo, this information will be organized according to the reporting tables of the Global Protocol for Community Scale Emissions Inventories, making it easy to verify that the resulting inventory is capturing all required sources from this document.

For the consumption-based inventory section, there will be special attention to providing:

- A detailed discussion of the methodology, including approach to calculating emission factors, what stages of the lifecycle are included, analytical approaches, and any relevant reporting protocols.
- A discussion of the categories and sectors included in the EcoDataLab CBEI approach.
- Benefits and limitations of the EcoDataLab approach, including potential to influence policy.

TASK 2. COMPLETE COMMUNITY-SCALE GREENHOUSE GAS INVENTORY, CONSUMPTION-BASED INVENTORY, AND FORECAST

Community-Scale Analysis

KLA will execute Task 2 for the Community Scale Inventory and Forecast using at least two separate MS Excel workbooks. KLA recognizes the scope of the inventory should provide detail on municipal operations and should be able to include these as distinct components of a complete Community Inventory. If necessary, these calculations can be maintained in a third workbook if a distinct municipal operations set of data is desired. Throughout the development of the Task 1 Methodology Memo, KLA will seek to obtain data and begin populating calculation workbooks for items where the approach is certain. This includes updating key reference sheets in the workbooks, including the Factors and Conversions tabs that contain reference values that are used throughout calculations in the workbook. A sample of the Factors and Conversions tab is visible here as Figure 2. As stated previously the shared online data tracking spreadsheet will help all team members stay on top of progress and identify barriers such that project meetings can be focused on topics and decision making rather than status updates.

Emission Factors				
Electricity: EPA eGRID 2018 - NEWE				
Total Output Emission Rates				
CO2 lbs/MWh	CH4 lbs/MWh	N2O lbs/MWh	CO2e lbs/MWh	
522.3	0.082	0.011	527.6	
CO2 mt/MWh	CH4 mt/MWh	N2O mt/MWh	CO2e mt/MWh	
0.23691917	0.00003719	0.00000499	0.23930146	
Non-Base-load Output Emission Rates				
CO2 lbs/MWh	CH4 lbs/MWh	N2O lbs/MWh	CO2e lbs/MWh	
930.972	0.086	0.011	936.5	
CO2 mt/MWh	CH4 mt/MWh	N2O mt/MWh	CO2e mt/MWh	
0.42228613	0.00003901	0.00000499	0.42479951	
Fugitive Electricity				
Grid Loss % 4.88%				
Source: https://www.epa.gov/sites/production/files/2018-02/documents/egrid2016_summarytables.pdf				
Electricity: Custom Factor ISO New England w/eGRID N2O and CH4				
CO2 lbs/MWh	CH4 lbs/MWh	N2O lbs/MWh	CO2e lbs/MWh	
605.00	0.08200000	0.011	610.33	
CO2 mt/MWh	CH4 mt/MWh	N2O mt/MWh	CO2e mt/MWh	
0.27442620	0.00003719	0.00000499	0.27684296	
Source: https://www.iso-ne.com/static-assets/documents/2020/05/2018_air_emissions_re				
Natural Gas				
CO2 kg/MMBtu	CH4 g/MMBtu	N2O g/MMBtu	MMBtu/scf	
53.06	1.0	0.10	0.001026	
CO2 kg/scf	CH4 g/scf	N2O g/scf		
0.05444	0.00103	0.00010		
CO2 mt/therm	CH4 mt/therm	N2O mt/therm	CO2e mt/therm	
0.00530600	0.00000010	0.00000001	0.00531148	
Electricity: MA RETAIL				
Total Output Emission Rates				
CO2 lbs/MWh	CH4 lbs/MWh	N2O lbs/MWh	CO2e lbs/MWh	
577.0	0.05	0.00689	563.7	
CO2 mt/MWh	CH4 mt/MWh	N2O mt/MWh	CO2e mt/MWh	
0.26172548	0.00002268	0.00000313	0.25569264	
Non-Base-load Output Emission Rates				
CO2 lbs/MWh	CH4 lbs/MWh	N2O lbs/MWh	CO2e lbs/MWh	
975.1	0.086	0.011	980.5	
CO2 mt/MWh	CH4 mt/MWh	N2O mt/MWh	CO2e mt/MWh	
0.44230246	0.00003901	0.00000499	0.44475188	
Fugitive Electricity				
Grid Loss % 4.49%				
Energy				
From	To	TJ	Gcal	Mtoe
Multiply by:				
Terajoules(TJ)		1	239.8	0.00002388
Giga calories (Gcal)		0.0041868	1	0.0000001
Mtoe		41,868	10,000,000	1
Mbtu (MMBtu)		0.0010551	0.252	2.52E-08
Gigawatt hours (GWh)		3.6	860	0.000086
Natural Gas Related Conversions				
therm to GJ	0.1055016			
therms to kWh	29.3001			
therm to MMBTU	0.1			
therms to m3	2.851			
CCF to therms	1.028			
Mcf to therms	10.2			
Mcf to MMBTU	1.03			
scf to GJ	0.001084598			
scf to gallons	7.48			
scf to BTU	1.028			
MMBTU to scf	0.001			
MMBTU to Dth	1			
GGE*/scf	126.17			
*GGE = Gallon of Gasoline Equivalent (GGE)				
Other Energy Factors				
kWh to GJ	0.0036			
kWh to BTU	3412.14			
Btu to MMBtu	0.000001			
kBtu to MMBtu	0.001			
MWh to MMBTU	3.41			
Steam: Mlbs to k	1,194,000			
More conversions available at: https://portfoliomanager.energystar.gov/pdf/refec				

Figure 2. Example Factors and Conversions Reference Tab

Other key features of KLA’s workbooks are the organization of results according to the Global Protocol for Community Scale Inventories (GPC) categories as well as numerous other summaries by sector, scope and fuel type. KLA’s aim with our workbooks is to both support reporting requirements for city-level disclosure, while also maintaining summaries using terminology and categories that any resident or business in the community can relate to.

Community GHG Inventory Summary Details											
Ref No.	Scope	GHG Emissions Source (By Sector and Sub-sector) Notation keys	CO2	CH4	N2O	CO2e	CO2(b)	Notation Key	Notes	Emissions Factor	Activity Data
STATIONARY ENERGY											
Residential buildings											
5	1.1.1	1	Emissions from fuel combustion within the city boundary	134,050.22	2.87	0.35	134,103.43			Medium	High
6	1.1.2	2	Emissions from grid-supplied energy consumed within the city boundary	46,460.29	5.65	0.73	46,820.31			High	High
7	1.1.3	3	Emissions from transmission and distribution losses from grid-supplied energy consumption	-	-	-	-				
Commercial and institutional buildings and facilities											
9	1.2.1	1	Emissions from fuel combustion within the city boundary	131,487.59	2.64	0.29	131,514.24			Medium	High
10	1.2.2	2	Emissions from grid-supplied energy consumed within the city boundary	106,592.50	12.97	1.68	107,418.47			High	High
11	1.2.3	3	Emissions from transmission and distribution losses from grid-supplied energy consumption	-	-	-	-				
Manufacturing industries and construction											
13	1.3.1	1	Emissions from fuel combustion within the city boundary	-	-	-	-	IE	Included in 1.2.1 Commercial Energy		
14	1.3.2	2	Emissions from grid-supplied energy consumed within the city boundary	-	-	-	-	IE	Included in 1.2.2 Commercial Energy		
15	1.3.3	3	Emissions from transmission and distribution losses from grid-supplied energy consumption	-	-	-	-				
Energy industries											
17	1.4.1	1	Emissions from energy used in power plant auxiliary operations within the city boundary	-	-	-	-	IE	Included in 1.4.4		
18	1.4.2	2	Emissions from grid-supplied energy consumed in power plant auxiliary operations within the city boundary	-	-	-	-	IE	Included in 1.4.4		
19	1.4.3	3	Emissions from transmission and distribution losses from grid-supplied energy consumption in power plant auxiliary operations	-	-	-	-				
20	1.4.4	1	Emissions from energy generation supplied to the grid	-	-	-	-				
Agriculture, forestry and fishing activities											
22	1.5.1	1	Emissions from fuel combustion within the city boundary	-	-	-	-	IE	Included in 1.2.1 Commercial Energy		
23	1.5.2	2	Emissions from grid-supplied energy consumed within the city boundary	-	-	-	-	IE	Included in 1.2.2 Commercial Energy		
24	1.5.3	3	Emissions from transmission and distribution losses from grid-supplied energy consumption	-	-	-	-				
Non-specified sources											
26	1.6.1	1	Emissions from fuel combustion within the city boundary	-	-	-	-	NO			
27	1.6.2	2	Emissions from grid-supplied energy consumed within the city boundary	-	-	-	-	NO			
28	1.6.3	3	Emissions from transmission and distribution losses from grid-supplied energy consumption	-	-	-	-				
29	1.7		Fugitive emissions from mining, processing, storage, and transportation of coal	-	-	-	-				
30	1.7.1	1	Emissions from fugitive emissions within the city boundary	-	-	-	-	NO	Coal is not used within the city boundaries		
31	1.7.2		Fugitive emissions from oil and natural gas systems	-	-	-	-				
32	1.8.1	1	Emissions from fugitive emissions within the city boundary	-	2,565.94	-	64,148.45			Medium	Medium
TRANSPORTATION											
On-road transportation											
35	II.1.1	1	Emissions from fuel combustion on-road transportation occurring within the city boundary	163,822.36	6.69	1.34	164,550.55			Medium	Medium
36	II.1.2	2	Emissions from grid-supplied energy consumed within the city boundary for on-road	-	-	-	-			High	Medium
37	II.1.3	3	Emissions from portion of transboundary journeys occurring outside the city boundary, and transmission and distribution losses from grid-supplied energy consumption	63,410.62	2.59	1.23	63,687.16				
38	Railways										

Figure 3. Sample GPC Output Summary which mirrors Table 4.3 of the GPC

Before finalizing results of the Inventory for transition to the forecast and again at the end of all calculations, KLA will run all calculations through a QA/QC process to ensure all references are correct, methods notes and data preparation calculations are clear and error-free and that all results are summarized in the workbook chart and data summary tables. Our QA/QC process ensures a reviewer with ‘fresh eyes’ can work through all calculations as it is expected that Town Staff or any other third party should be able to.

Business-as-Usual and Scenario Forecast

Forecasts of future GHGs when done well, illustrate both the potential of reduction strategies, but also make clear the reality of the level of effort it will take to meet intended reduction targets. The first step in creating a forecast is to develop indicator values from data developed in the greenhouse gas inventory that relate current levels of GHG generating activities in Sudbury. From there, a business-as-usual forecast of GHGs can be projected by combining indicators with anticipated rates of community growth and changes to background rates of the carbon intensity of electricity.

Once business-as-usual is established, reductions can be estimated from a number of standard high-impact strategies for reducing energy demands in buildings and transportation, electrification, and waste avoidance. KLA will first review existing plans to identify any performance targets that may have already been set, including sourcing information as needed from benchmarks established in the State of Massachusetts Decarbonization Roadmap and Clean Energy and Climate Plan as a minimum starting point. In the absence of a full climate action planning process, some targets for electrification may need to be set in collaboration between KLA and Town Staff to establish the potential emissions reduction outcomes.

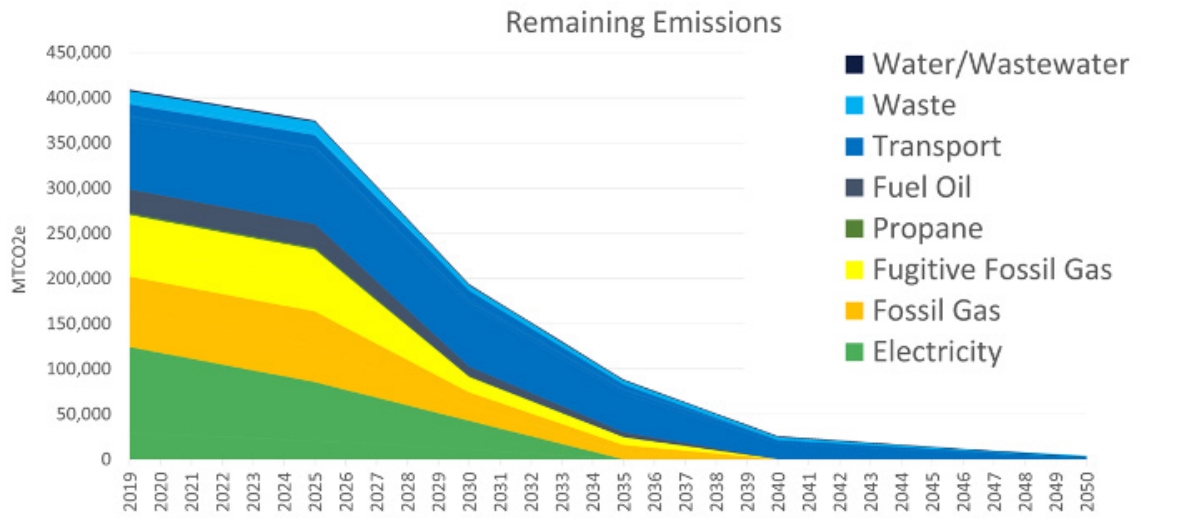


Figure 4. Example results of forecast analysis with polices applied

The question is no longer “what” should we do, but rather “how” can we do this in Sudbury. KLA will construct pathway scenarios to identify the degree to which each high impact strategy will need to be implemented at key year markers (2030, 2040, etc.) to achieve GHG reduction targets. For example, we know that a high impact strategy will be the electrification of buildings and a cleaner electricity grid.

The pathway scenarios will tell us how many homes/commercial buildings must be electrified by when and what percent of renewable energy the grid must achieve to produce the intended outcome. The results of this analysis will set the Town up for future success by helping focus in on the most effective actions required to meet its goals and the rate at which they must be implemented.

Metric	2025	2030	2040	2050
% Residential Buildings Electrified	10%	50%	85%	100%
Homes to Retrofit by Target Year	878	4392	7466	8784
Retrofits per Year	220	878	307	132
% Commercial Buildings Electrified	10%	50%	85%	100%
Buildings to Retrofit	25	126	214	252
Retrofits Per Year	6	25	9	4

Figure 5. Example implementation schedule

Consumption-Based Inventory and Forecast

Using the standard methodology described above, EcoDataLab will collect relevant data and prepare a CBEI spanning from 2007 to 2021, and a CBEI Forecast for 2022 through 2050 (or another date selected by the Town). The full dataset of both results and input data will be provided at the town level in one or more Excel spreadsheets.

Calculations for the inventory and forecast will be prepared using EcoDataLab’s in-house software, and all data sources, assumptions, equations, and outputs will be made available to the Town. The analysis will be completed using either Microsoft Excel or the EcoDataLab Dashboard, a cloud-based data management and analysis software tool that can be reasonably procured by the Town.

Approach to Scope of Services

Analysis Results Memo #2

Results of all analyses will be summarized in Memo #2. This memo will be used to convey key findings and interpretation of results with Town Staff prior to final creation of the public report and committee presentation materials. Among other topics, the memo will cover:

- Metrics to reduce consumption-based emissions that could be considered for the next Sudbury Climate Mobilization Action Plan update, such as measurable milestones, goals, and examples from other cities.
- Remaining gaps between projected emissions levels and desired targets.
- A discussion of the results of the CBEI and how to interpret the data. This will cover implications for households, as well as the limited coverage of businesses and municipal operations, and suggest directions for policy decisions.
- A qualitative discussion of, and specific recommendations for, consumption-based emissions reduction strategies and pathways towards a desired reduction target, such as being a net-zero carbon negative community.

Final Report Preparation

Due to the complexity of the subject matter and interrelated nature of both community-scale and consumption-based inventories, KLA and EcoDataLab propose independent report sections that provide a summary of the results of each track of this effort distinct from one another. The report introduction and conclusion sections will briefly acknowledge the complementary aspect of each track and describe why both perspectives are needed for comprehensive planning.

The final reports and presentation materials will be written to be approachable to a general audience and graphically oriented. While some technical terminology is unavoidable, like “metric tons CO₂e”, these terms will be clearly defined in a glossary section. For a general audience, the key things to communicate are focused on the scale of the issue, the scale of the solutions, and comparisons to familiar topics or peer communities that readers can relate to. The report will be concise, and professionally designed, with additional detailed information included in appendices as needed.

Graphics, slides, and other outputs of communications materials will be provided to the Town of Sudbury in a format that provides maximum flexibility to modify and incorporate into any other communications the Town wishes after the project has closed.



PROJECT MANAGEMENT

Communication

This project has a relatively short timeline, however timeline, and delays in data availability will need to be actively managed to move into analysis quickly. Another factor guaranteeing success will be early and frequent touch points to ensure project velocity is maintained. While there is flexibility in the number of meetings, KLA proposes the following to keep a regular schedule:

Project Kickoff Meeting: An opportunity to informally share more about Town of Sudbury criteria for project success looks like, review any updates to the intended schedule or scope that may have arisen since the original proposal and

Project Bi-Weekly: A brief, bi-weekly scheduled call is good to have for maintaining the pace of a project and providing a clear venue for developing methods and analyses collaboratively. Meetings will likely be scheduled for 30 min and can always be cancelled if there are no topics requiring discussion. On some occasions, such as the completion of Memo #1 and other project milestones, these meetings can be extended to ensure enough time is allotted to cover all materials.

Ad-Hoc Meetings: In preparation for committee presentations, data review, and time-sensitive decisions, ad-hoc meetings may be necessary.

File Sharing

Throughout the project, Sudbury Staff will have access to working files on a Sharepoint site managed by KLA. This site will provide an easy way to share large files, avoid lost email attachments, provide a venue for sharing feedback, and to utilize resources like the data tracking spreadsheet. Detailed instruction and any technical support needed to access the site will be provided by KLA.



Committee Attendance

KLA and EcoDataLab anticipate participating in three Town Committee Meetings. Mike Steinhoff and or Kim Lundgren are local within the Boston Metro Region and will be available to present during these meetings in person. Due to location, the EcoDataLab team may only be able to present remotely,

however KLA is fully capable of describing the CBEI process and could field questions on interpretation of results if there are technical challenges to remote presentations.

The project team anticipates that most committee meeting will be scheduled towards the end of the project to share results, however we can be flexible if is a need to use one meeting early in the project alongside memo #1, for instance.

Presentation slides summarizing results will be prepared for each committee meeting with tailoring as needed to highlight particular areas of each committee’s area of interest.

Training

KLA’s calculation workbooks are designed to be accessible to users with a basic understanding of the mechanics of GHG inventory and reduction accounting. Key inputs to final emissions calculations are clearly labeled and the open format of scratch tabs will allow Sudbury Staff to maintain using the workbooks even if slight changes to the format of data published by the state occur in the future.

To prime Sudbury Staff for ongoing success with the tools, KLA will provide two training sessions for the inventory and forecast workbooks. Trainings will cover not only how to reuse and update the workbooks, but will also cover best practice in community-scale GHG accounting and other relevant background information that will support Town Staff to be able to adapt to and lean-in to a rapidly changing State and Federal policy landscape. The training will be designed such that Town



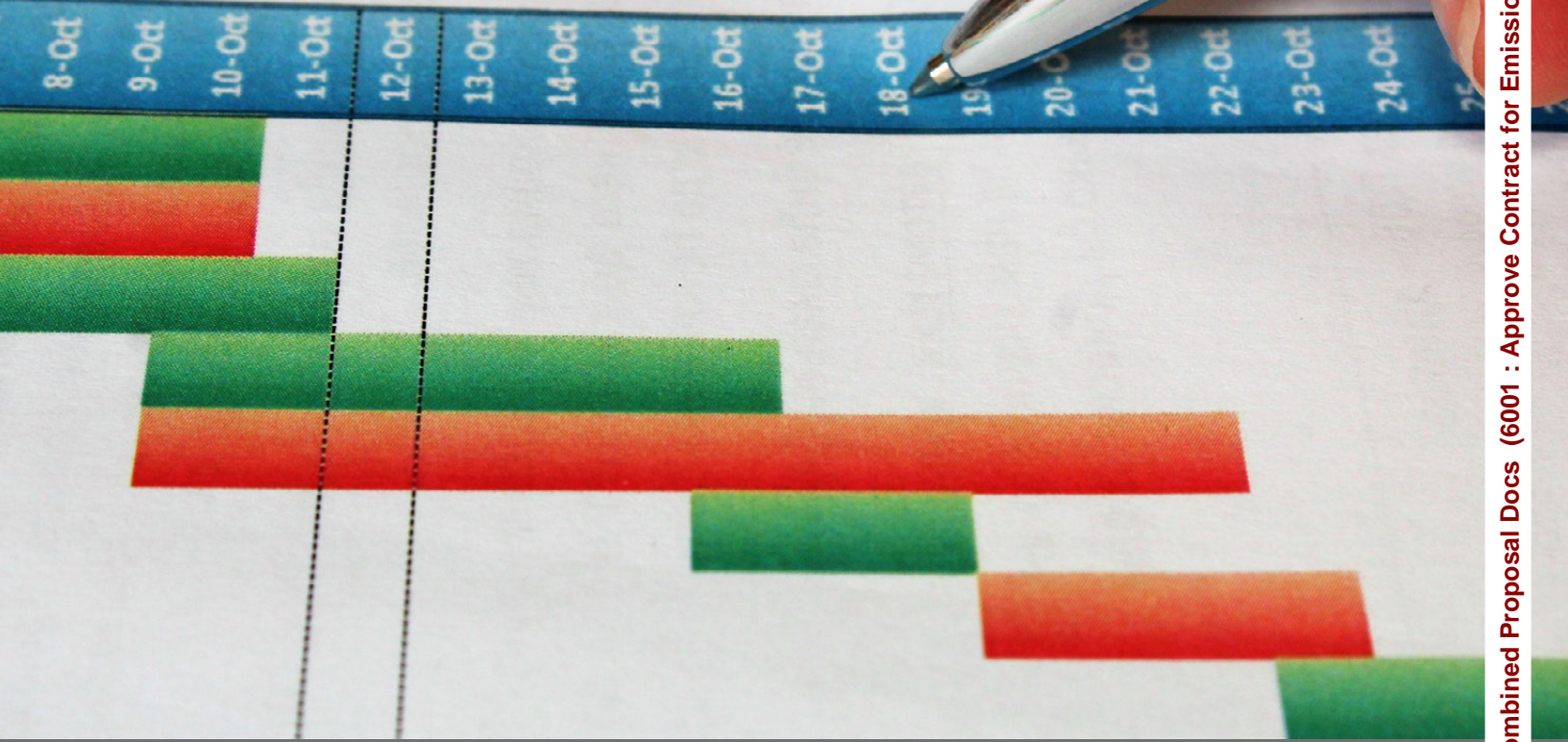
of Sudbury Staff will know where to obtain updated data and any preprocessing that are needed to complete the process of entering them into the tool. Training sessions will be recorded such that Town Staff can revisit at any point in the future.

EcoDataLab does not currently license its CBEI software, and as such does not offer training sessions on how to update the inventory. Updated emissions data can be acquired with an annual EcoDataLab Dashboard subscription. EcoDataLab can offer a staff training session on how to use the Dashboard.

TASKS	21-Aug	28-Aug	4-Sep	11-Sep	18-Sep	25-Sep	2-Oct	9-Oct	16-Oct	23-Oct	30-Oct	6-Nov	13-Nov	20-Nov	27-Nov	4-Dec	11-Dec	18-Dec	25-Dec	1-Jan	8-Jan	15-Jan	22-Jan	29-Jan	5-Feb	12-Feb	19-Feb	26-Feb
Contract Execution																												
Task 1: Develop Inventory and Forecasting Methodology																												
Meetings on GHG Inventory and Other Data																												
Interviews with Key Data Sources & Review of Existing Plans																												
Memo #1 Preparation (KLA)																												
Memo #1 Preparation (EcoDataLab)																												
Task 2: Complete Community Scale and Consumption Inventory and Forecasts																												
Complete Inventory Calculations (KLA)																												
Complete Inventory Calculations (EcoDataLab)																												
Inventory QA/QC																												
Final Inventory Summary & Methods Documentation																												
Setup Workbooks Configurations and Develop Business as Usual Forecast																												
High Impact Strategy Reduction Analysis																												
Completion of Consumption Based Inventory and Forecast																												
Forecast QA/QC																												
Memo #2 Preparation (KLA)																												
Memo #2 Preparation (EcoDataLab)																												
Development of presentation slides and graphics																												
Design Final Report																												
Task 3. Attendance of 3 Public Committee Meetings																												
Prep for and attendance of 3 meetings of key stakeholders																												
Design Materials for Training																												
Deliver Training																												

Attachment 1.2.a: Sudbury-KLA-EcoDataLab - Combined Proposal Docs (6001 : Approve Contract for Emissions Inventory)

Project Plan



Forms

APPENDIX A: QUALITY REQUIREMENTS

In order for a proposal to receive further consideration the proposer must unconditionally check “Yes” to each Quality Requirement below. The Town shall reject in its entirety the proposal of any proposer who fails to check “Yes” or who modified, qualifies, or limits its affirmative response in any way.

Circle Yes or No for each of the following requirements:

1. The consultant has completed at least five (5) GHG inventories.

YES

NO

2. The consultant has completed at least two (2) Community-Scale GHG inventories.

YES

NO

3. The consultant has completed at least two (2) Consumption-Based Emissions inventories.

YES

NO

4. The consultant has completed at least two (2) emissions forecasts.

YES

NO

5. The consultant has produced at least three (3) documents on project methodologies and data management.

YES

NO

6. The consultant has completed at least two (2) data collection and analysis projects in Massachusetts.

YES

NO

APPENDIX D: ANTI-COLLUSION AND TAX COMPLIANCE CERTIFICATE

The undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any person. As used in this certification, "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization or other group of individuals.

As required by MGL Chapter 62C, Section 49A, the undersigned further certifies under penalty of perjury that the bidder has complied with all of the laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature: Kim Lundgren Barrows

Name of person signing proposal: Kim Lundgren Barrows

Title of officer signing for firm, if applicable: CEO

Name of business, if applicable: Kim Lundgren Associates, Inc.

Address: 10 Post Office Square, 8th Floor, Boston, MA 02109

Signature of all firm partners, if applicable: _____

THIS FORM MUST BE SUBMITTED WITH THE NON-PRICE PROPOSAL

Attachment 1.2.a: Sudbury-KLA-EcoDataLab - Combined Proposal Docs (6001 : Approve Contract for Emissions Inventory)

APPENDIX D: ANTI-COLLUSION AND TAX COMPLIANCE CERTIFICATE

The undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any person. As used in this certification, "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization or other group of individuals.

As required by MGL Chapter 62C, Section 49A, the undersigned further certifies under penalty of perjury that the bidder has complied with all of the laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature: Ben Gould

Name of person signing proposal: Ben Gould

Title of officer signing for firm, if applicable: President

Name of business, if applicable: Carbon Consulting, LLC d/b/a EcoDataLab

Address: 1950 Addison St.

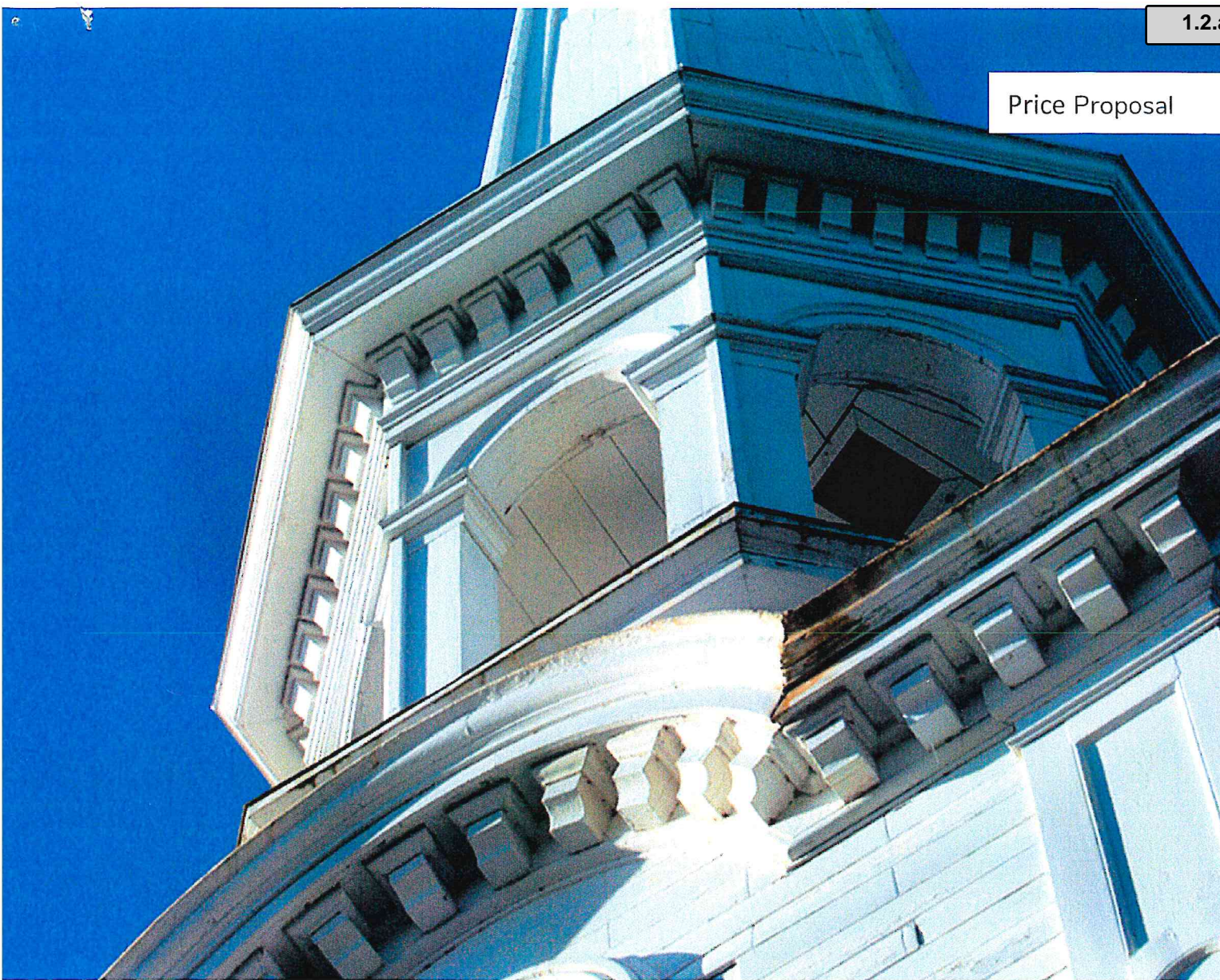
#723

Berkeley, CA 94704

Signature of all firm partners, if applicable: _____

THIS FORM MUST BE SUBMITTED WITH THE NON-PRICE PROPOSAL

Attachment 1.2.a: Sudbury-KLA-EcoDataLab - Combined Proposal Docs (6001 : Approve Contract for Emissions Inventory)



Town of Sudbury

Consultant Services to Provide a Community-Scale Greenhouse Gas and Consumption-Based Emissions Inventory

Submitted by: Kim Lundgren Associates, Inc. and EcoDataLab

August 3rd, 2023



APPENDIX C: PRICE PROPOSAL FORM

This price proposal form must be submitted in a sealed envelope, separate from the technical proposal. Failure to adhere to this instruction will result in automatic disqualification of your proposal. Price must remain firm or be reduced for the entire contract.

The total price must be complete and include all costs, including any and all estimated expenses, associated with providing the Consultant Services to provide a Community Wide Greenhouse Gas Inventory in accordance with the Scope of Work, Specifications, and Deliverables including all other details referenced in this Request for Proposal.

Flat Fee \$ 65,780.00

Flat Fee in words: Sixty Five Thousand, Seven Hundred Eighty dollars

Signature of Individual submitting proposal: Kim Lundgren Barrows

Name of Business: Kim Lundgren Associates, Inc.

Address if Bidder: 10 Post Office Square, 8th Floor, Boston, MA 02109

Telephone Number: 617.820.8038

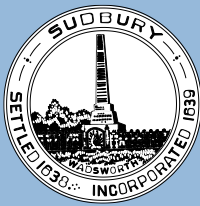
Email Address: kim@kimlundgrenassociates.com

Please check one of the following and insert the requested information:

- Corporation, Incorporated in the State of: Massachusetts
- Partnership, Name of partners: _____
- Individual: _____

THIS FORM MUST BE SUBMITTED IN A SEPARATE SEALED ENVELOPE MARKED "PRICE PROPOSAL – CONSULTANT SERVICES TO PROVIDE A COMMUNITY-SCALE GREENHOUSE GAS INVENTORY"

Attachment 1.2.a: Sudbury-KLA-EcoDataLab - Combined Proposal Docs (6001 : Approve Contract for Emissions Inventory)



SUDBURY SELECT BOARD
Tuesday, September 26, 2023

MISCELLANEOUS (UNTIMED)

3: DEI Commission update

REQUESTOR SECTION

Date of request:

Requestor: Member Roberts

Formal Title: DEI Commission update on Lived Experiences Project.

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

09/26/2023 7:00 PM

Storytelling for Change

- *The goal is to make Sudbury a better place to live, work, learn—or just be.*
- Through understanding the experiences of individuals in our community, we can raise community awareness and collaborate with local advocacy groups and our Select Board to effect change.



Background

The Sudbury Lived Experience Project was modeled after the Lived Experiences Project in Needham, MA.



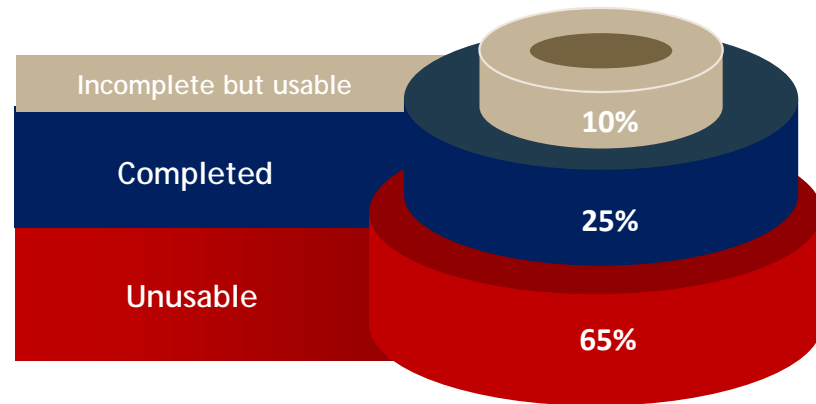
A generous gift from the [Sudbury Foundation](#) made it possible for the SDEIC to begin this project in consultation with Dr. Nichole Argo, co-founder of the Lived Experiences Project in Needham, MA.

Survey Participation

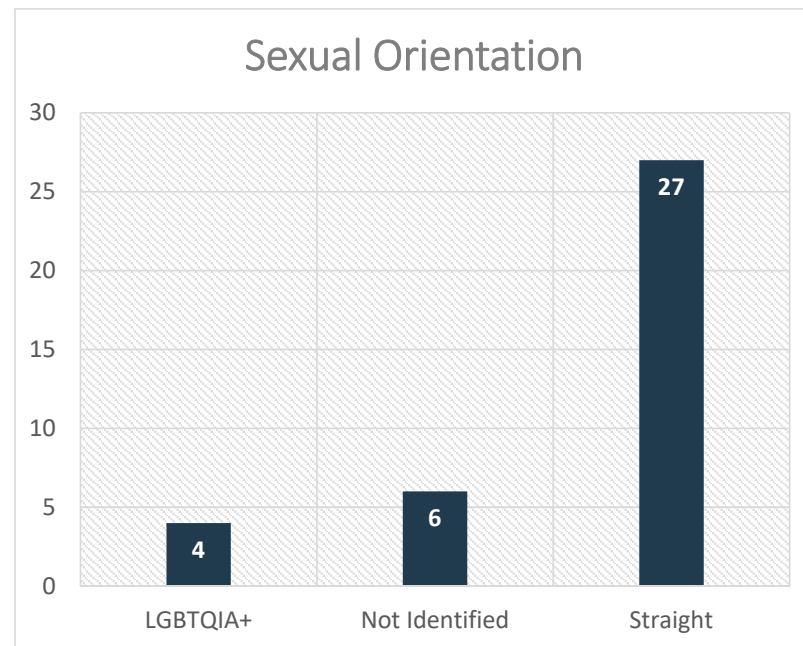
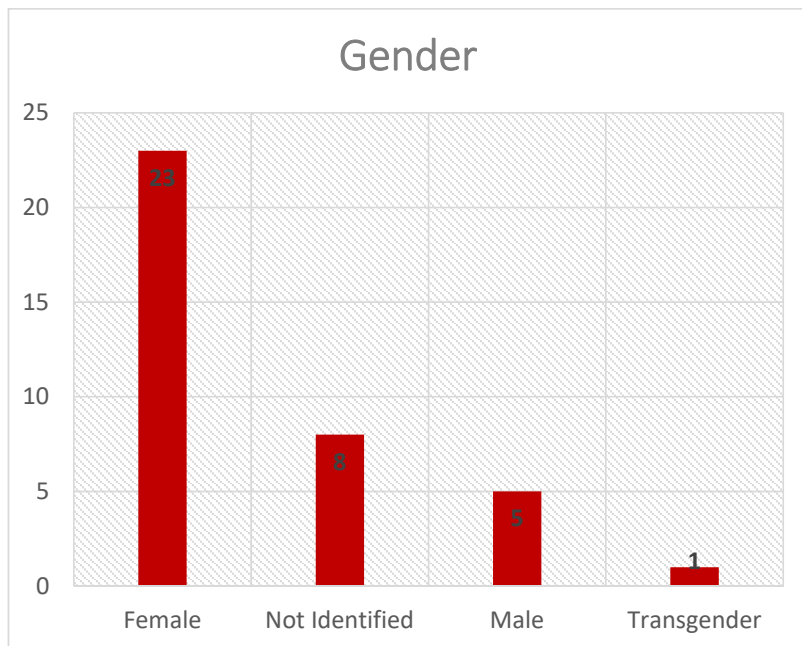
Completed Surveys **25%**

- The total sample size was 106
- 37 surveys had usable information
- 26 surveys were complete
- 11 incomplete surveys with stories

Successes	Opportunities
Initial interest in participating	Shorten the survey
Diverse perspectives	Expand the outreach
	Recognize Survey fatigue

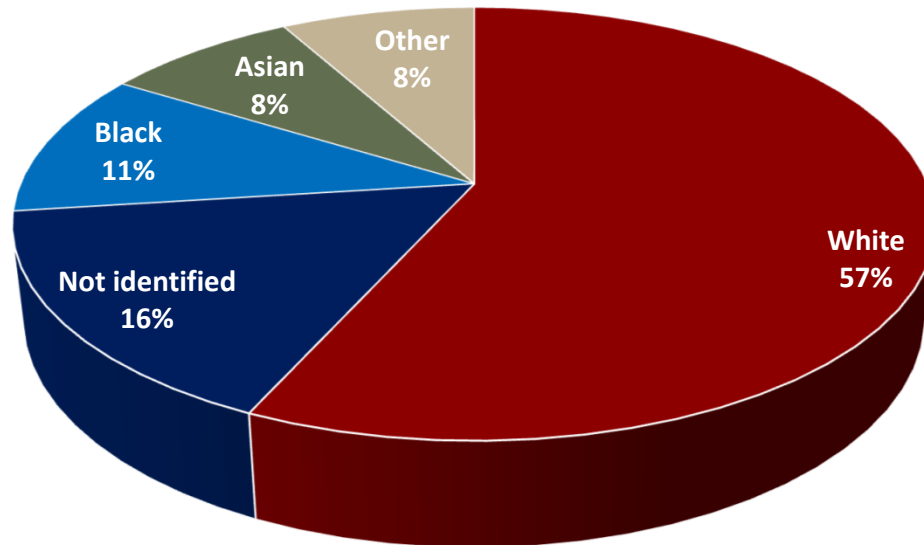


Key Demographics



Key Demographics

Race



Participants Open to Contact

3 Positive Stories

- Stories of Community
- Growing up as Transgender Person
- Feeling Welcomed When Moving Here

Key Demographics

White = 2/3  African American 1/3 
 Regarding Self = 3/3 

Identity-based Mistreatment

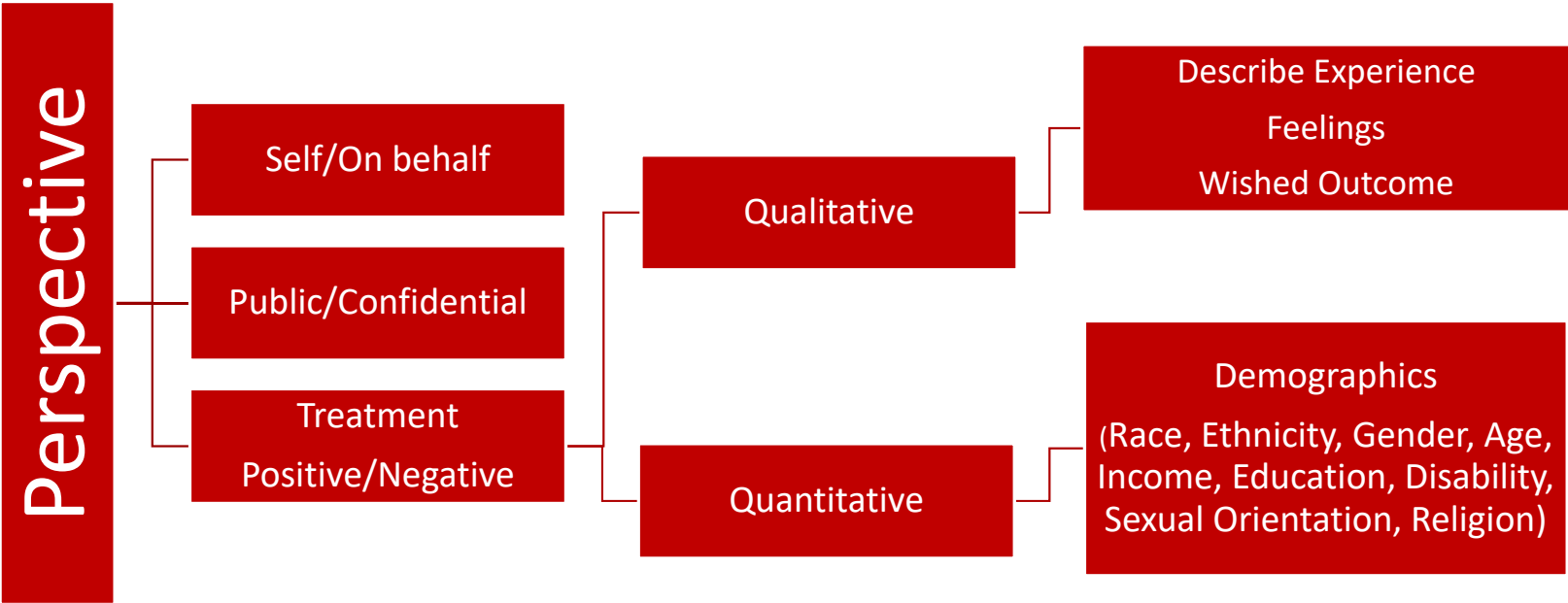
- Adoption Bias
- Exclusion Based on Religion
- Bullying based on Race
- Violence

Key Demographics

White = 4/6  Southeast Asian = 2/6 
 Regarding Children = 4/6  Regarding Self = 2/6 

9 Community members Have Agreed to be Contacted

Survey Layout



Write a Story



Positive Stories

- about a positive local experience involving welcoming, inclusion, equity or belonging.

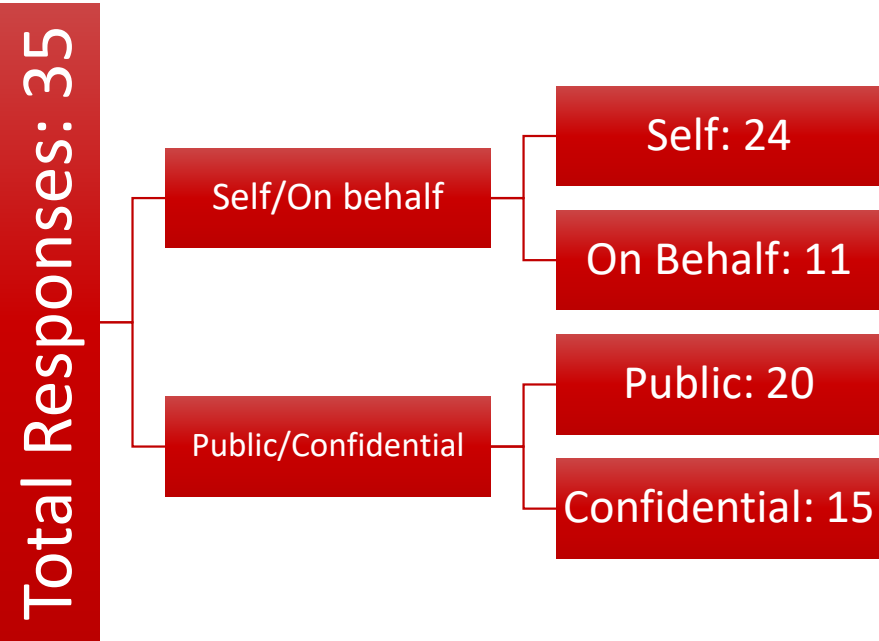
Identity-based Mistreatment

- about a local experience with racism and/or prejudice.

As you write, try to include the following information:

- What happened, who was involved (without using names), and in what sequence did the event/s unfold?
- Describe the setting
- When did it happen?

Response Types



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"I have generally had a good experience in Sudbury as a member of a racial minority. I appreciate the various Black Lives Matters yard signs and other yard signs referencing an inclusive perspective. I appreciate that many of these signs have remained in place for over a year. I appreciate that several of the churches and religious houses of worship also have similar prominent postings on their properties. I have found the Peter Noyes Elementary School, Sudbury Extended Day and the Sudbury Special Education Parent Advisory Committee (SEPAC) to be welcoming communities. I have appreciated the letters regarding the importance of teaching about diversity in the schools from the SPS superintendent and I have appreciated the open letters he has written about tragic national events and their focus on commitment to a healthy and non-prejudiced school environment"



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"I attended the Family Pride Day on June 11, 2022, and thought it was a wonderful event. It was held at the Memorial Congregational Church and Goodnow Library (two of the events sponsors, along with the Sudbury Cooperative Preschool. The event featured, among other things, a diverse book fair, the debut of a diverse little free library, and a drag queen story time. The event was well attended, and the mood was joyful. I was so happy to be a part of it and to have my children experience it as well. We need more events like these in Sudbury!"



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“When First Parish put up a large Black Lives Matter banner in the Town Center, the banner came down once. I believe it was cut, although, it is possible the rope snapped due to stress. The Chief of Police expressed some concern but was very supportive and participated in a public forum to discuss the issues. The Chief has also participated in the other forums that I have attended.”

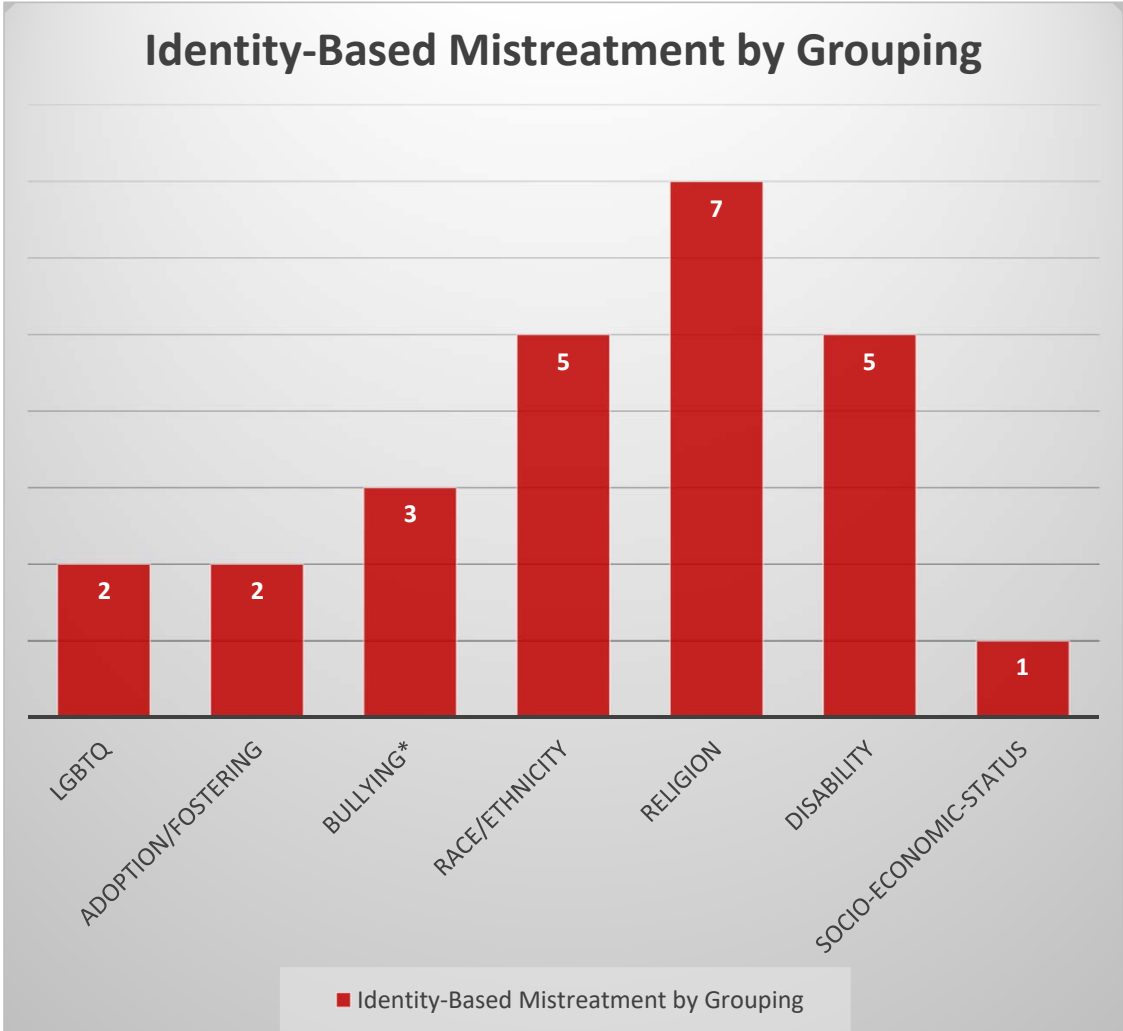


Negative Experiences



**The bullying that was not specified by identity group was due:*

- *Dress style: did not dress like a girl.*
- *New student who identified as Black but was unclear that bullying was tied specifically to this identity.*
- *Potential xenophobia/ethnicity- picking on name.*



Words Matter

- “Jews have all the money”
- “Sped Head”
- “they don’t like us round-eyes telling them what to do”
- “you’re worthless”
- “faggot”

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“We are a Jewish family. The Jewish sabbath is Friday sunset to Saturday sunset. Yet all middle school social events took place Friday nights - ballroom dance, sports, parties at the Community Center, etc. “



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“Several friends who own modest homes in Sudbury who tell tales of play dates where the kid says, “is this is your whole house?””



*“For the first time in a number of years we were at home in Sudbury on Memorial Day this year and decided to head to the Center to see the end of the parade and the ceremonies at Grinnell Park. The events were moving and enjoyable, but my husband and I were startled that Christian values were mentioned not once but three times in the course of one of the prayers. A more inclusive prayer would have been better suited to the occasion. Those who fought and died for the United States and its values of freedom, equality, and opportunity held a variety of faiths, as do those who live here today
We were pleased that a rabbi offered a nondenominational prayer at the end of the ceremonies.”*



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“Parents actively steer their children away from friends who were not neurotypical even when the kids wanted to play together. This kind of social striving and insecurity on the part of parents leads to discrimination.”

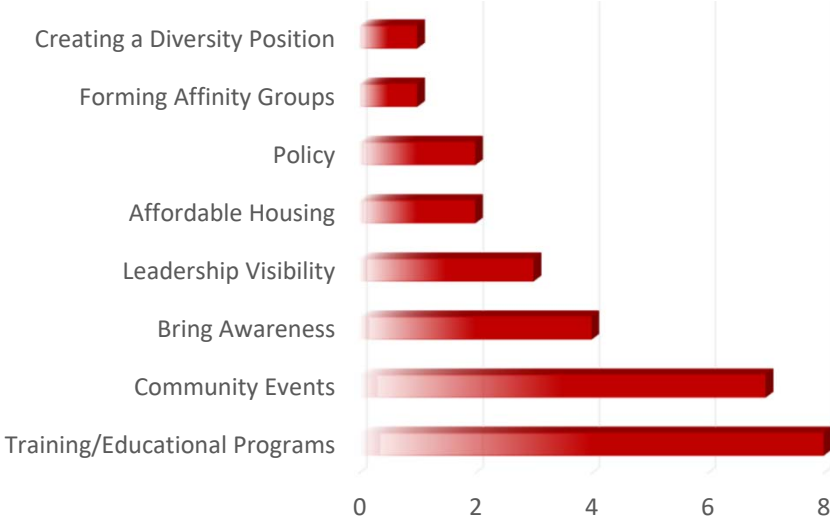




Feelings



RECOMMENDATIONS FOR RESOLUTION

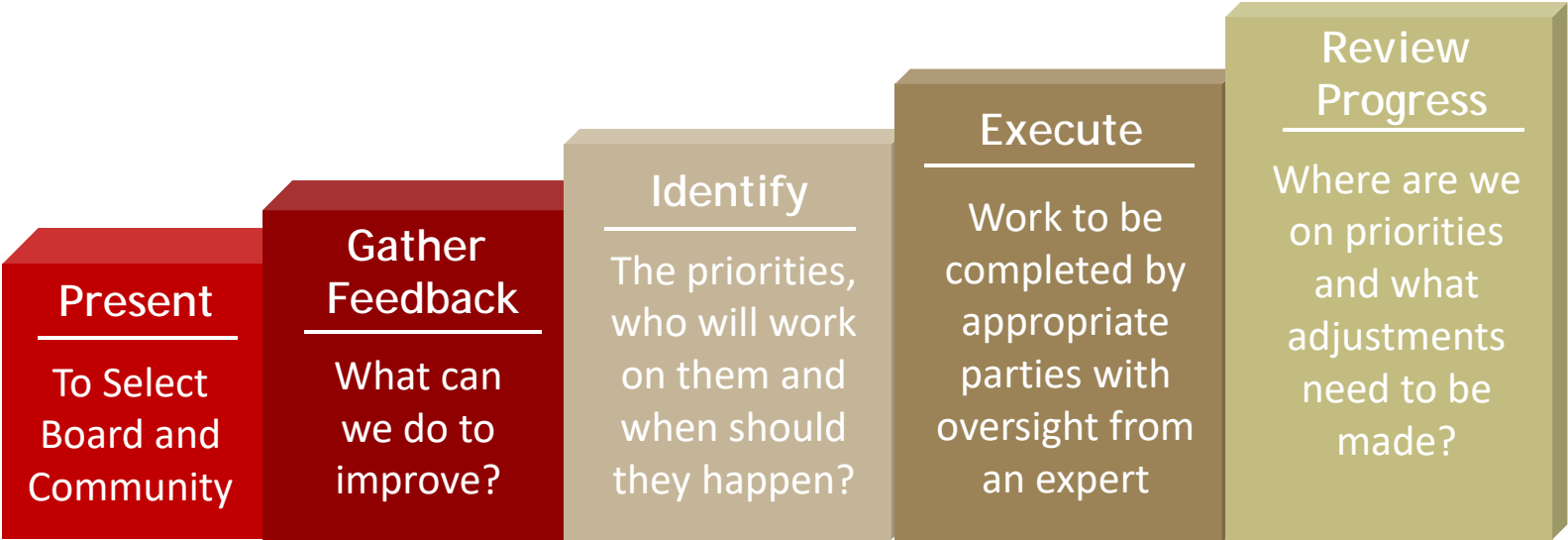


Local DEI Leaders

Town/City	Population*	Town Position	School Position
Sudbury	18,000	NA	NA
Concord	18,000		Director of DEI
Action	24,000	Director of DEI	Director of DEI
Wellesley	29,000		Director of DEI
Wayland	14,000		Director of DEI
Weston	11,000		Director of Equity and Professional Learning
Maynard	11,000	NA	NA
Natick	36,000	Director of DEI & Outreach	Director of Social-Emotional Learning & Equity
Lexington	34,000	Chief Equity Officer	Director of Equity and Student Supports
Framingham	71,000		Asst. Superintendent for Equity, Diversity, and Community Engagement

* All population numbers are approximate

Recommendations for Next Steps



Attachment 2.3.a: Storytelling for Change 9-14-23 (002) (5931 : DEI Commission update)

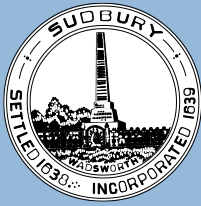
Lessons Learned

- Shorten the survey
- Manage expectations of what the DEIC can do

Next Steps



1. Notify those who completed the survey (who were open to it) to let them know that there will be an open meeting discussion at the next DEIC meeting on 10/19/23.
2. Discuss recommendations
3. Simplify the Survey to reduce Survey Fatigue
4. Present findings/recommendations to the Select Board
5. Begin 2nd phase of the survey “lived experience”



SUDBURY SELECT BOARD
Tuesday, September 26, 2023

CONSENT CALENDAR ITEM

4: Sign STM warrant

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to approve/sign the Special Town Meeting Warrant for Monday, October 23, 2023, which must be delivered to residents by October 6, 2023. Also, vote positions on warrant articles.

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

09/26/2023 7:00 PM

**Special Town Meeting Articles
October 23, 2023**

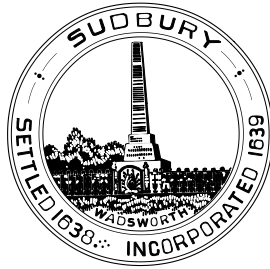
#	Article Title	Sponsor/ Submitted by	Article Presenter	Select Bd Position	Date of Select Bd Vote	Report Select Bd position at STM	FinCom Position	Funding Source	Requested Amount	Required Vote (e.g. Majority, two-thirds)
1	Recodification of Town bylaws - Renumbering and Non-Substantive Changes	Town Clerk	Town Clerk							Majority
2	Recodification of Town bylaws - Additional Specific Changes	Town Clerk	Town Clerk							Majority
3	Recodification of Zoning bylaws - renumbering	Town Clerk	Town Clerk							Two-thirds
4	Codification of Zoning bylaws - Revisions	Town Clerk	Town Clerk							Two-thirds
5	Establish Opioids Stabilization Fund	Health Director	Town Manager					Free Cash	\$ 101,201.46	Two-thirds
6	Atkinson Pool Funds	Combined Facilities Director	Combined Facilities Director					Free Cash	\$ 100,000.00	Majority
7	Fairbank Community Center -- Supplemental Funds	Town Manager	Combined Facilities Director					Free Cash	\$ 900,000.00	Majority
8	Fund Collective Bargaining Agreement - Firefighters	Town Manager	Town Manager					Free Cash		Majority
9	Repurpose Melone Stabilization Fund	Select Board	Town Manager					Melone Stabilization	\$ 1,100,000.00	Two-thirds
10	Route 117/Powder Mill Rd/Mossman Rd Intersection Improvements	Select Board	DPW Director					Capital Stabilization	\$ 800,000.00	Two-thirds
11	Nixon School Roof Design Fees	SPS						Free Cash	\$ 248,000.00	Majority
12	Increase to FY2024 Sudbury Public Schools General Fund Appropriation for Additional Chapter 70 State Aid	SPS						Free Cash	\$ 232,380.00	Majority
13	Funding of State Approved Special Education Out-of-District Tuition Cost Increase	SPS							\$ 184,755.00	Majority
14	Resolution: Massachusetts Official Seal and Motto	Citizen Petition	Jan Hardenberg							

Attachment 2.4.a: Article spreadsheet STM 2023 9.26.26 (5987 : Sign STM warrant)

9/27/2023

Page 1

**Town of Sudbury
Massachusetts**



OFFICIAL WARRANT

SPECIAL TOWN MEETING

MONDAY, OCTOBER 23, 2023 7:~~00~~30 P.M.

Lincoln-Sudbury Regional High School Auditorium
390 Lincoln Road, Sudbury, MA

Attachment 2.4.b: 2023_STM_Warrant_9.20.23 (5987 : Sign STM warrant)

FOR ADDITIONAL ARTICLE INFORMATION

Go to the Town's website at
<https://sudbury.ma.us/townmeeting/2023stm>
and after accessing, click on the [Link](#) for the specific
article.

**TOWN OF SUDBURY
2023 SPECIAL TOWN MEETING WARRANT**

TABLE OF CONTENTS - Part I

Page

**ACCESS TO LSRHS and PROVISIONS FOR PARTICULAR ACCOMMODATIONS
ELECTRONIC VOTING INFORMATION
SUMMARY OF BASIC TOWN MEETING PROCEDURESi**

ARTICLES:

1. Codification of General Bylaws; Renumbering [and Non-substantive Ministerial Revisions](#)
2. Codification of General Bylaws: Additional [Specific](#) Changes
3. Codification of Zoning Bylaws: Renumbering
4. Codification of Zoning Bylaws: ~~Revisions~~[Additional Changes](#)
5. Establish Opioids Stabilization Fund.
6. Atkinson Pool Funds
7. Fairbank Community Center – Supplemental Funds
8. Fund Collective Bargaining Agreement – Firefighters
9. ~~Repurpose Melone Stabilization Fund~~ [Route 117/Mossman/Powder Mill Roads Intersection Improvements](#)
10. ~~Route 117/Mossman/Powder Mill Roads Intersection Improvements~~ ~~Repurpose Melone Stabilization Fund Closeout~~
11. Nixon Elementary School Roof Schematic Design [Fees](#)
12. [Increase to FY2024 Sudbury Public Schools General Fund Appropriation for Additional Chapter 70 State Aid](#) ~~Funding of State Approved Special Education Out-of-District Tuition Cost Increase~~
13. ~~Funding of State Approved Special Education Out-of-District Tuition Cost Increase~~ ~~Increase to FY2024 Sudbury Public Schools General Fund Appropriation for Additional Chapter 70 State Aid~~
14. Resolution: Massachusetts Official Seal and Motto

Attachment 2.4.b: 2023_STM_Warrant_9.20.23 (5987 : Sign STM warrant)

ACCESS TO LINCOLN-SUDBURY REGIONAL HIGH SCHOOL AND PROVISIONS FOR PARTICULAR ACCOMMODATIONS

Note: Please check the Town of Sudbury website for changes or additional information.

The Select Board wishes to accommodate the attendance and participation of persons with disabilities at Town Meeting. As such, we urge those who may require particular accommodations to read the following carefully.

Parking: “HP” parking spaces are provided at two different locations: 1) the main entrance at the upper level (which will require using an elevator to the lower level to check in and to access the auditorium) and 2) the main parking lot to the right (east) of the school. From this location, you may also be dropped off at the entry walkway – a clear path to the entrance doors, leading directly to the check-in tables and the auditorium. Police on duty will provide assistance as needed, or requested.

Auditorium Balcony: The balcony can only be accessed from the Main Level. From the lower level of the building, you may use either the stairs or the elevator to gain entrance to the balcony – the upper level of the auditorium. The Moderator has ruled that if there is adequate seating on the main floor, the balcony **will not** be opened.

Persons with Ambulatory Disabilities: Spaces for persons who use wheelchairs will be available at the front and at the rear of the auditorium. For those who use assistive devices to ambulate, seating will be reserved at the rear of the hall and may be used if desired.

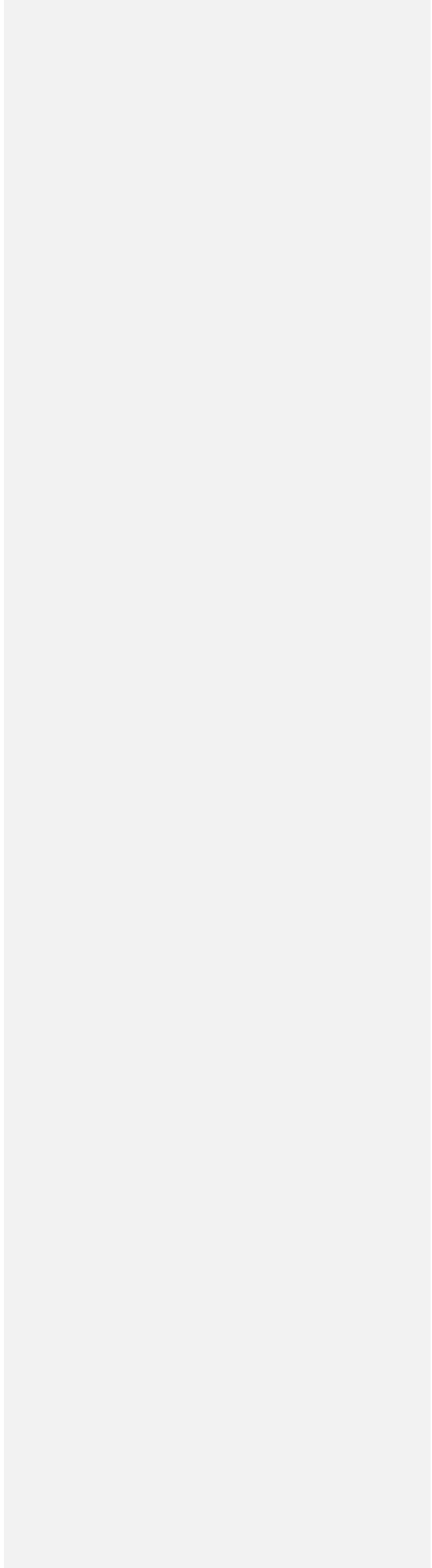
Persons who are Blind or have Vision Impairments: Reserved seating will be available at the front of the auditorium for persons with vision impairments who prefer to be close to the overhead projector. Large print materials will be made available where possible. We encourage those making prepared, formal presentations to have copies of viewgraphs, especially motions, available in large print.

Persons who are Deaf or have Hearing Impairments: Closed captioning will be available.

Restrooms: Restrooms are located across the hall from the auditorium.

Persons requiring an accommodation in order to attend Town Meeting are urged to contact the Sudbury Senior Center at 978-443-3055 or senior@sudbury.ma.us by Thursday, October 19 at 4PM.

INSERT ELECTRONIC voting – Town Clerk



Attachment 2.4.b: 2023_STM_Warrant_9.20.23 (5987 : Sign STM warrant)

SUMMARY OF BASIC TOWN MEETING PROCEDURES

General Rules of Debate and Voting

1. Only registered voters, non-resident appointed or elected representatives of the Town, and Town employees may speak without consent of Town Meeting. The Moderator will not vote, even in the case of where the Moderator's vote would break or create a tie.
2. The proponents of an article make the first motion under the article. A voter must then second the motion. The proponents then make a presentation in support of the motion. The Moderator then recognizes the Select Board and Finance Committee for reports, followed by any other boards that are required to report on the article. After the Town boards have spoken, Town Meeting proceeds to general debate on the matter and a vote.
3. Please raise your hand when you wish to speak. After being recognized by the Moderator, please wait for a microphone to be passed to you at your seat. The record of Town Meeting is made on audiotape and your remarks will not be recorded if you do not speak into a microphone. Each and every time you speak, please stand (if you are able) and begin by giving your name and address for the record.
4. Until everyone who wishes to be heard has spoken, no one may speak more than twice on a matter except to correct an error or answer a question. The initial presentation by the proponent(s) of an article is limited to ten minutes, and all other comments are limited to five minutes, unless a majority of those present and voting give consent.
5. All votes are by majority unless otherwise announced. If the count is taken using electronic voting technology, the Moderator shall declare the vote, and provide an opportunity for any voter to notify the Town Moderator that they believe their vote was recorded in error; if so, the Moderator shall direct that the record be corrected by the Town Clerk. If seven or more voters doubt the vote, the Town Moderator may request another vote using the handheld technology, or otherwise set the manner of voting.
6. If Town Meeting approves a motion for reconsideration, the motion at issue immediately prior to the vote will be back before the voters, and the electronic voting system shall be used to record and tabulate the votes taken on the main motion.
7. If such electronic voting equipment is unavailable, the Town Moderator shall notify the Town Meeting as to what manner of voting will be used, and, unless 20 people stand in opposition, such method shall be implemented. If 20 voters do stand, then the Moderator's recommendation is pending before the meeting, subject to amendment like any other motion. If the Moderator is unable to decide the vote or if the declaration by the Moderator is immediately questioned by 10 or more voters rising in their places, the Moderator shall then direct that a count be taken, whether by counting raised hands, raised placards or other indicia of vote, or by secret ballot or otherwise, as determined by the Moderator in the Moderator's sole discretion.

8. In the event of a non-electronic vote, votes will first be taken by a show of hands while voters are seated. If the Moderator is in doubt, then a standing vote will be taken. If the Moderator is still in doubt, then tellers will count the votes. If a voter disagrees with the Moderator's call of a sitting or standing vote, the voter may challenge the call by immediately standing and saying loudly, "I challenge the vote!" If six additional voters support the challenge, the vote will be counted.

Motions and Amendments

1. The purpose of an article in the Warrant is to inform the voters of what may come before the meeting and the outside scope of what may be considered. Every matter that is voted on at Town Meeting must come in the form of a motion. It is a motion that puts an article before Town Meeting, and it is the motion, *not the article*, that is actually voted on. Therefore, while speakers may refer to passing, defeating, or otherwise dealing with "the article," what Town Meeting actually debates and votes on are motions, not articles.
2. A speaker may question whether a certain motion is "within the four corners of the article." Such a challenge requires the Moderator to determine whether the motion is within a reasonable reading of the article as printed in the Warrant, and therefore should be allowed, or ruled out of order as being beyond the legitimate subject matter of the article.
3. Often, the first or "main" motion under an article will be to "move in the words of the article." By making this motion, the speaker is adopting the article as his or her motion thereunder. This can only be done if the language of the article is drafted in such a way that it is appropriate for simple adoption as a motion. Whenever the presenter's motion differs from the wording in the Warrant, the presenter must point out and explain those differences to Town Meeting.
4. All substantive motions, including all main motions and motions to amend a main motion, must be provided to the Moderator, the Town Clerk, and the Technology Administrator in writing before they are made. Please see the guidelines for electronic presentation on the Town website: www.sudbury.ma.us.
5. If you have an amendment, you should e-mail it to the Technology Administrator at infosystems@sudbury.ma.us, with a copy to the Moderator at moderator@sudbury.ma.us, and the Town Clerk at clerk@sudbury.ma.us. Advance notice to the Technology Administrator, Moderator and Clerk enhances time efficiency at Town Meeting, and the Moderator may be able to suggest language that is both acceptable to you and within the four corners of the article and therefore permissible to proceed to debate and vote. It is also recommended that you discuss your amendment with the presenter of the article as you may be able to convince him or her to include it as part of the main motion and thus avoid having to vote separately on the amendment. The Moderator may reject proposed amendments that fail to adhere to these guidelines.

Dismissing Articles, Indefinite Postponement and Withdrawing Motions

1. It is possible for Town Meeting to decide to take no action on an article. This decision is usually made because new or additional information has come to light after the preparation of the warrant indicating that action on the article is unnecessary, unwise or illegal. In such instances, frequently there will be a motion “to indefinitely postpone” an article. This motion, if adopted, kills the article for all intents and purposes for the Town Meeting. The motion is frequently used when proponents of an article have decided not to proceed with it but want an opportunity to explain to the meeting why they are, in effect, abandoning the article at this time. The motion also may be used by someone who wishes to defeat an article before it can be fully debated on the merits. In such cases, it is important to understand that indefinite postponement can have the same effect as defeat which, in turn, can have significance with respect to some items, notably zoning matters, as to when the matter can again be considered by the Town.
2. If you have made a motion or an amendment, you can move to “withdraw the motion” if you have second thoughts or new information. A motion to withdraw can be made any time during the debate of the motion but cannot be made after the motion has been voted on.

Limits on Debate

1. There is no prescribed limit to debate except common sense. The Moderator can limit debate and can ask speakers to stop if they are straying from the subject, repeating points already made or talking at unnecessary length.
2. Town Meeting itself can also terminate debate. To do so, after being recognized by the Moderator, you may say, “I move the previous question.” This motion is not debatable, and if seconded and voted by a two-thirds majority, debate ends and the motion under discussion will be then put to a vote.
3. The Moderator may defer motions to limit debate when, in his or her reasonable judgment, there are a significant number of voters who have indicated a desire to speak but have not yet been recognized.

Points of Order

1. Once recognized by the Moderator, no speaker may be interrupted in any way except by a “point of order.” A point of order is not a motion, and does not require a second or a vote. It is a question, and on a point of order a voter may raise only three valid concerns:
 - a. Is the speaker entitled to the floor? For example, is the person a non-voter, or spoken for longer than his/her allotted time?

- b. Is the speaker saying something inappropriate, frivolous, irrelevant, or illegal?
 - c. Is there some error in the procedure of the pending action or motion?
2. The Moderator welcomes proper points of order and will make every effort to explain the procedural issues that shape Town Meeting discussions. When exercising this parliamentary privilege, you should stand and state loudly that you wish to make a point of order, and wait for the Moderator to recognize you. No voter should hesitate to rise and bring to the Moderator's attention an issue that constitutes a proper point of order because, when exercised responsibly, it functions as a tactful hint from a voter regarding important points of procedure that the Moderator may have missed.

Motions for Reconsideration

- 1. Article II, Section 13 of our Bylaw controls. A motion to reconsider an article previously voted on in the same session (i.e. the same night), is proper, and an affirmative vote of 2/3 of the voters present is required for passage. If Town Meeting has adjourned for the evening, a motion to reconsider an article voted on in a previous session requires a unanimous vote, unless written notice of an intention to move for reconsideration, signed by 15 voters, is given to the Town Clerk by noon of the next weekday, in which case, a 2/3 vote would be required to pass a motion to reconsider.
- 2. In the event a motion to reconsider is properly made and seconded, all discussion must be confined exclusively to the merits or demerits of reconsideration. In general, the only proper reasons to seek reconsideration are that there occurred such a misstatement of fact or law in the preceding debate, or such an error of procedure, that the voters, if aware of such discrepancies, would have voted differently. It is not a proper basis for reconsideration to argue simply that the voters arrived at the wrong result.

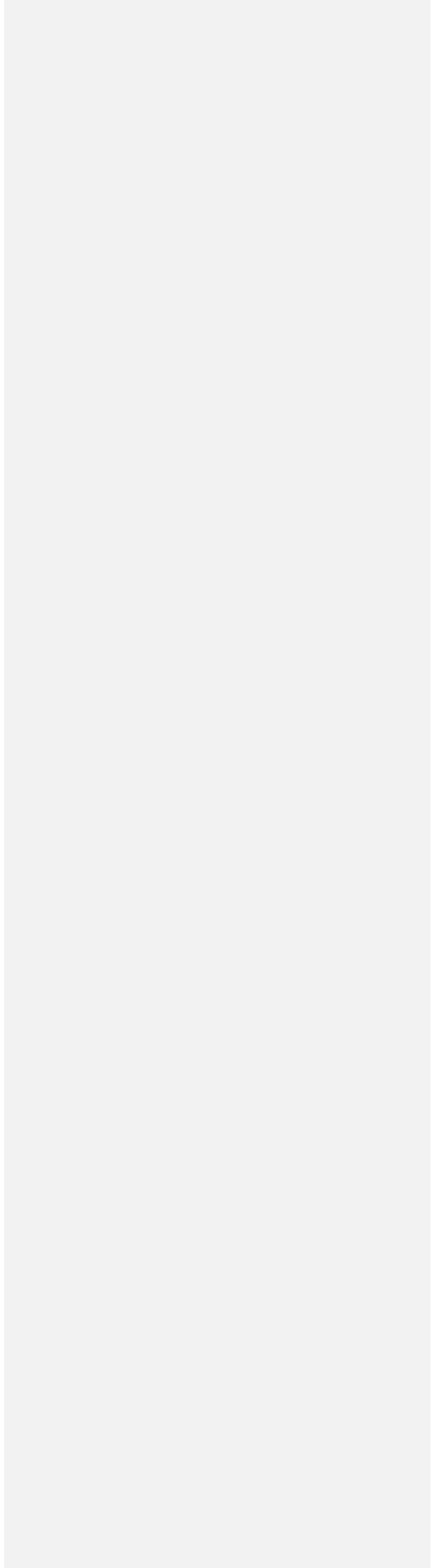
Adjournment

- 1. Adjournment of any evening session will occur on completion of the article under discussion at 10:30 P.M., unless there is a two-thirds vote to do otherwise. The Moderator will ask for a motion to adjourn the Town Meeting to another time to complete the Warrant. A voter can also make a motion to adjourn. The time and place for resuming Town Meeting must be specified in the motion.
- 2. When all business on the Warrant has been acted on, the Moderator will ask for a motion to dissolve the meeting, which must be seconded and put to a vote.

Decorum

We gather at Town Meeting as friends and neighbors, united by a shared commitment to the civic life and governance of Sudbury. The town meeting form of government is unique to New England, and its continued existence links us directly to the founding of Sudbury more than 375 years ago. It is democracy

in its finest and purest form, and its value lies in townspeople being forced to have discussions and make decisions together, face to face, in real time. Its proper functioning requires that every speaker be treated with courtesy and respect, no matter how strongly one may disagree with his or her point of view. To that end, the Moderator will not allow any clapping, hissing, booing or other audible noise, for or against any speakers, either before, during or after presentations. The Moderator has the power to terminate the right to speak of anyone who makes disrespectful comments, whether directed at a voter, speaker or Town official.



Attachment 2.4.b: 2023_STM_Warrant_9.20.23 (5987 : Sign STM warrant)

**TOWN OF SUDBURY
SPECIAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts
Middlesex, ss.

To the Constable of the Town of Sudbury:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury qualified to vote in Town affairs to meet at the Lincoln-Sudbury Regional High School Auditorium, 390 Lincoln Road, -in said Town on Monday, October 23, 2023, at ~~7:00~~ 7:30 o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. CODIFICATION OF GENERAL BYLAWS: RENUMBERING AND NON-MINISTERIAL REVISIONS

To see if the Town will vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter/article number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, section and subsection titles; and (d) updating internal references to reflect the new numbering system, as well as the following non-substantive clerical and ministerial changes, all as set forth in the Final Draft of the Code of the Town of Sudbury, dated June 2023, on file with the Town Clerk; and, further, to authorize Town Counsel, following consultation with the Town Clerk and the Town Manager, to make clerical and ministerial non-substantive revisions to grammar and the like as needed for consistency; or act on anything relative thereto.

A. Clerical and Ministerial Revisions:

- i. References to the Massachusetts General Laws are standardized to the following format: MGL c. , § .
- ii. Numbers one through nine are written out in text format; 10 and above, fractions, and decimals appear in numeric format.
- iii. Spelling and punctuation errors are corrected; "Town" is capitalized when referring to the Town of Sudbury.
- iv. Pronouns and nomenclature are revised to be gender neutral (for example, terms such as "he," "him," "his," "she," her," "he/she," and "his/her" are replaced with "them," "they," or "their"; "spokesman" is replaced with "spokesperson"; the terms "Board of Selectmen," "Selectmen," and "Selectboard" are replaced with "Select Board").
- v. The terms "Town Treasurer," "Treasurer/Collector," and "Tax Collector" are replaced with "Town Treasurer-Collector," where applicable; the term "Highway Surveyor" is replaced with "Department of Public Works"; the term "Board of Appeals" is amended to read "Zoning Board of Appeals"; the term "elderly" is amended to read "older adult."
- vi. In Chapter 151, Earth Removal, the term "removal permit" is amended to read "earth removal permit."

B. Bylaws Specifically Repealed:

- i. Article VIII, Planning Board, as amended January 3, 1946, STM by Arts. 2 and 3; and April 5, 1984, ATM by Art. 15.
- ii. Article XXIII, Water Resource Protection Committee (WRPC) Annual Report to the Town of Sudbury.

Submitted by the Town Clerk.

(Majority vote required)

TOWN CLERK REPORT ON ARTICLES 1 THROUGH 4: All of the articles submitted by the Town Clerk are housekeeping articles. In 2021, the Town retained General Code to professionally codify the Town's General and Zoning Bylaws. General Code has undertaken a complete review of the Town's bylaws to ensure that they do not contain inconsistencies, errors and outdated information. The Town Code will be renumbered and will incorporate gender-neutral language to the Code.

After the bylaw amendments are approved by Town Meeting and by the Attorney General's office, the Code will be available to staff and residents as a fully searchable on-line version of the Code. This new platform will make it easier and quicker to update the Town Code after each Town Meeting.

ARTICLE 2. CODIFICATION OF GENERAL BYLAWS: ADDITIONAL SPECIFIC CHANGES

To see if the Town will vote to adopt the following minor substantive specific changes to the General Bylaws as set forth in the Final Draft of the Code of the Town of Sudbury, dated June 2023, on file with the Town Clerk, with text to be inserted shown in underline and text to be deleted shown in strikethrough, and, further, to authorize Town Counsel, following consultation with the Town Clerk and the Town Manager, to make clerical and ministerial non-substantive revisions to grammar and the like as needed for consistency:

~~A. General Revisions:~~

~~B.~~

~~C. References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § __.~~

~~D.~~

~~E. Numbers one through nine are written out in text format; 10 and above, fractions, and decimals appear in numeric format.~~

~~F.~~

~~G. Spelling and punctuation errors are corrected; "Town" is capitalized when referring to the Town of Sudbury.~~

~~H.~~

~~I. Pronouns and nomenclature are revised to become gender neutral: terms such as "he," "him," "his," "she," "her," "he/she," and "his/her" are amended to read "them," "they," or "their"; "spokesman" is amended to read "spokesperson"; the terms "Board of Selectmen," "Selectmen," and "Selectboard" are amended to read "Select Board."~~

J.—

K. The terms "Town Treasurer," "Treasurer/Collector," and "Tax Collector" are amended to read "Town Treasurer-Collector," where applicable; the term "Highway Surveyor" is amended to read "Department of Public Works"; the term "Board of Appeals" is amended to read "Zoning Board of Appeals"; the term "elderly" is amended to read "older adult."

L.—

M. In Chapter 151, Earth Removal, the term "removal permit" is amended to read "earth removal permit."

N.—

O. In addition, the following bylaws are specifically repealed:

P.—

Q. Article VIII, Planning Board, as amended January 3, 1946, STM by Arts. 2 and 3; and April 5, 1984, ATM by Art. 15.

R.—

S. Article XXIII, Water Resource Protection Committee (WRPC) Annual Report to the Town of Sudbury.

Specific Revisions:

Ch. 1, General Provisions.

Art. I, General Penalty.

Section 1-1 ~~is amended as indicated:~~ "Every violation of these bylaws not otherwise provided for herein or by the General Laws or Special Laws of the Commonwealth shall be subject to a penalty of ~~\$50~~ \$300."

Art. III, Bylaw Amendments.

Section 1-8 ~~is amended as indicated:~~

The Select Board, upon the submission to ~~them~~ it for insertion in the warrant for any Annual or Special Town Meeting of all articles relating to the adoption of any bylaw or amendment to any bylaw...

Ch. 5, Boards and Committees.

Art. III, Council on Aging.

Sections 5-11 and 5-12 ~~are amended to change:~~ "Commonwealth of Massachusetts Executive Office of Elderly Affairs" ~~to "Commonwealth of Massachusetts Executive Office of Elder Affairs."~~

Formatted: Underline

Insert a new Section 5-13, ~~is added to read~~ as follows:

The names, addresses, telephone numbers, or other identifying information about older adults in the possession of the Council shall not be public records, but the use of these records shall comply with MGL c. 19A, § 14 et seq., as a condition of receiving a government contract, program grant or other benefit, or as otherwise required by law.

Art. IV, Community Preservation Committee.

Section 5-15A ~~is amended as indicated:~~

The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation, including the consideration of regional projects for community preservation.

Insert a new sentence at the end of Section 5-15B ~~is amended to add the following sentence to the end thereof:~~

With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited; provided, however, that any project approved by the Town for the acquisition of artificial turf for athletic fields prior to July 1, 2012, shall be a permitted use of community preservation funding.

Ch. 20, Equal Opportunity.

Section 20-4, definition of "discriminatory, discriminate, or discrimination" ~~is amended as indicated:~~

Includes all action which denies or tends to deny equal employment opportunity because of race, color, ~~religion, sex, national origin or age,~~ religious creed, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, genetic information, pregnancy or a condition related to said pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, ancestry or status as a veteran (as defined by state statutes).

Ch. 52, Officers and Employees.

Art. I, Holding Elective Office.

Section 52-1: ~~is amended as indicated:~~

In addition, Charter Commission members are eligible to serve on the Finance Committee ~~and Personnel Board~~

Ch. 61, Records and Reports.

Insert the following new sentence at the end of Section 61-3: ~~is amended to add the following sentence to the end thereof:~~ "Complete public records request guidelines for the Town of Sudbury are available on the Town website."

Ch. 68, Town Meetings.

Art. II, Procedures.

Section 68:

A motion to reconsider a matter after adjournment of the session at which it was acted upon shall require a unanimous vote of those present and voting unless written notice of an intention to move reconsideration of the matter, signed by 15 voters who attended that session, is given to the Town Clerk on or before 12:00 noon of the next weekday (legal holidays excluded) following the session at which the matter for which reconsideration is sought was acted upon.

Ch. 72, Town Property.

Section 72-2A:

The Select Board ~~are~~ is hereby empowered to sell at public auction all or any of the Town property acquired by virtue of sale for nonpayment of taxes, which sales have been confirmed by the Land Court or the ~~Tax Commissioner~~ Commissioner of the Department of Revenue, and ~~they~~ are ~~it is~~ authorized to give deeds therefor.

Section 72-2B:

~~At such sale or any adjournment thereof,~~ The Select Board may reject any and all bids at such sale or any adjournment thereof, if, in ~~their~~ its opinion, no bid is made which approximates the fair value of the property.

Ch. 105, Advertising.

Art. II, Outdoor Advertising.

Sections 105-3 and 105-4:

~~Replace~~ ~~are amended to change~~ "Division of Highways of the Department of Public Works" to "Department of Public Works,"

~~Replace and to change~~ "Division", when that word appears on -its own with, "Department."

Ch. 109, Alarm Systems.

Art. I, Burglar Alarm Systems.

Section 109-1, original definition of "direct connect," is repealed.

Original Sec. V(B)3, Direct Connection to the Police Department, of the General Bylaws is repealed.

Original Sec. V(B)5C, Testing of Equipment, of the General Bylaws is repealed.

Section 109-5C ~~is amended as indicated:~~

Any user of an alarm system which transmits false alarms shall be assessed a fine of ~~\$20~~ \$35 for a third false alarm occurring within a calendar year, ~~\$35~~ \$50 for a fourth false alarm occurring within a calendar year, and ~~\$50~~ \$100 for a fifth and all subsequent false alarms occurring during a calendar year.

Art. II, Fire Alarm Systems.

Section 109-8.

Subsection A(1) ~~is amended as indicated:~~ "Annual fee for churches and nonprofit organizations: ~~\$75~~ shall be determined by vote of the Select Board."

Subsection A(2) ~~is amended as indicated:~~ "Annual fee for all others: ~~\$200~~ shall be determined by vote of the Select Board."

Subsection B(1) ~~is amended as indicated:~~ "Permit fee: ~~\$20~~ shall be determined by vote of the Select Board."

Subsection B(2) ~~is amended as indicated:~~ "Connection fee: ~~\$100~~ shall be determined by vote of the Select Board."

Subsection B(3) ~~is amended as indicated:~~ "Annual fee for churches and nonprofit organizations: ~~\$75~~ shall be determined by vote of the Select Board."

Subsection B(4) ~~is amended as indicated:~~ "Annual fee for all others: ~~\$200~~ shall be determined by vote of the Select Board."

Section 109-9.

Subsection A(1) ~~is amended as indicated:~~ "Permit fee: ~~\$20~~ shall be determined by vote of the Select Board."

Subsection A(2) ~~is amended as indicated:~~ "Connection fee: ~~\$100~~ shall be determined by vote of the Select Board."

Subsection A(3) ~~is amended as indicated:~~ "Annual fee for churches and nonprofit organizations: ~~\$75~~ shall be determined by vote of the Select Board."

Subsection A(4) ~~is amended as indicated:~~ "Annual fee for all others: ~~\$200~~ shall be determined by vote of the Select Board."

Ch. 117, Animals.

Art. I, Animal Control.

Section 117-1 ~~is amended as indicated:~~ "

No person shall tie or fasten any horse, cattle or team to any of the trees in the public ways of the Town, nor drive into the same any ~~neither~~ nails, spikes, hooks or clasps, nor affix any boards or signs thereto."

Section 117-2 ~~is amended as indicated:~~

"No person shall pasture or tether any animal in any way or street in the Town in such a manner as to obstruct the streets or sidewalks."

Art. II, Dogs.

Section 117-6 ~~is~~

~~The~~

definition of "livestock or fowl," ~~is amended as indicated:~~

Animals or fowl kept or propagated by the owner for food or as a means of livelihood; also deer, elk, cottontail rabbits and northern hares, pheasants, quail, partridge and other birds and quadrupeds determined by the ~~Department of Fisheries, Wildlife and Environmental Law Enforcement~~ Division of Fisheries and Wildlife to be wild and kept by, or under a permit from, said ~~department~~ Division in proper houses or suitable enclosed yards.

~~The~~ definition of "personal kennel" ~~is amended, in part, as indicated:~~

"... dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit."

Section 117-7C ~~is amended as indicated:~~

No Animal Control Officer shall be a licensed animal dealer registered with the United States Department of Agriculture, and no Animal Control Officer, either privately or in the course of carrying out official assignments as an agent for this Town, or ~~shall~~ any other agent of the Town[,] shall give, sell, or turn over any animal which may come into custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture.

Section 117-11E ~~is amended as indicated:~~ "

The fee for a duplicate tag shall be ~~\$1~~ determined by the ~~the~~ Town Clerk."

Section 117-12C ~~is amended as indicated:~~ "

The provisions of §§ ~~138 and 138A~~ MGL c. 140, § 138, shall be expressly incorporated herewith and shall henceforth apply under this bylaw."

Section 117-14 ~~is amended as indicated:~~

All owners or keepers of dogs kept in the Town of Sudbury during the preceding six months and who, on the first day of April of each year, have not licensed said dog or dogs, as prescribed by MGL c. 140, § 137, shall pay a late fee of ~~\$25~~ as determined by the Town Clerk, payable to the Town, in addition to the license fee, for each dog so unlicensed.

Section 117-18 ~~is amended as indicated:~~ "

The dog owner shall, immediately and within 24 hours, notify the ~~animal inspector, agent for the Board of Health,~~ Animal Control Officer if the dog bites a person."

Section 117-19B ~~is amended to change~~ "Dog/Animal Control Officer" ~~to~~ "Animal Control Officer."

Section 117-23C ~~is amended as indicated:~~

If the Select Board determines, after notice to parties interested ~~of~~ and a hearing, the identity of the person who is the owner of any dog which is found to have worried, maimed or killed livestock, fowl, or domesticated animals, thereby causing damages for which their owner may become entitled to compensation from the Dog Fund under this bylaw, they shall serve upon the owner of such dog a notice directing him/her within 24 hours to confine the dog or have it humanely euthanized.

Section 117-26A: ~~is amended as indicated:~~"

With the exception of §§ 117-16 and 117-17 (see Subsection B below), and except as otherwise provided in this bylaw, a violation of any other section of this bylaw shall be punishable by a fine or noncriminal penalty of \$50 for each offense."

Section 117-27 ~~is amended as indicated:~~

"If any part, section or provision of the bylaw is found to be invalid, the ~~remains~~ remainder of this bylaw shall not be affected thereby."

Ch. 124, Boating.

Insert a new Section 124-4: ~~is added to read:~~"

Violations of this bylaw are subject to a penalty as provided in Chapter 1, Article I, General Penalty."

Ch. 129, Buildings and Building Construction. Art. I, Pumping Water from Private Buildings.

Section 129-1B ~~is amended as indicated:~~ "Second call: ~~\$20~~ fee shall be determined by vote of the Select Board."

Section 129-1C ~~is amended as indicated:~~ "Third and subsequent calls: ~~\$50~~ fee shall be determined by vote of the Select Board."

Art. II, Public Buildings.

Section 129-2 ~~is amended as indicated:~~

~~It shall be the duty of the Selectmen to prosecute all parties who may~~ It shall be unlawful to cut, mark, deface, defile or in any manner damage or injure any public building belonging to the

Town or any outbuilding connected with said public buildings, or ~~who may~~ to damage or injure any fence enclosing any land belonging to the Town. It shall be the duty of the Select Board to prosecute all parties who violate this section. The penalty for violation of this section shall be as provided in Chapter 1, General Provisions, Article I, General Penalty.

Art. III, Building Code.

Section 129-3 ~~is amended as indicated:~~

~~This article is replaced by The State Building Code, which is incorporated herein by reference, adopted under Chapter 802 of the Acts of 1972, including 780 CMR, Appendix 120.AA 115AA, "Stretch Energy Code." and the following sections:~~

Section 129-4 ~~is amended to read as follows:~~

~~"Fees to be paid shall be set by the Select Board. No fee shall be charged for the issuance of any building permit to the Town or for work upon any building owned by the Town."~~

Ch. 137, Burning, Open.

Section 137-2 ~~is amended as indicated:~~ "Violation of this bylaw shall be subject to a penalty of ~~\$25~~ \$100."

Ch. 145, Demolition Delay.

Section 145-4E ~~is amended, in part, as indicated:~~

~~... to the owners of all adjoining property and other property deemed by the SHC to be materially affected, to the Select Board, Planning Board, Zoning Board of Appeals and to such other persons as the SHC shall deem entitled to notice. The Commission shall determine that a building or structure should preferably be preserved only if it finds that the building or structure is an historically significant building or structure which, because of the importance made by such building or structure to the Town's historical and/or architectural resources, # is in the public interest to preserve, rehabilitate or restore (as defined in § 145-2).~~

Section 145-5 ~~is amended as indicated:~~

~~In the event that a Board of Survey is convened under the provisions of MGL c. 143, § 8, with regard to any building or structure identified in § 145-3 of this bylaw, the Building Inspector shall request the Chairman of the SHC or their designee to accompany that Board of Survey during its inspection.~~

Ch. 156, Environmental Protection.

Art. I, Plastic Bag Ban.

Section 156-5B ~~is amended as indicated:~~

~~If noncriminal disposition is elected, violators will be subject to fines as established by the Board of Health, then any retail establishment that violates any provision of this bylaw shall be subject to the following penalties:~~

- ~~(1) First offense: written warning.~~
- ~~(2) Second offense: \$50 penalty.~~
- ~~(3) Third and subsequent offense: \$200 penalty.~~

Art. II, Sale of Bottled Water.

Section 156-11C ~~is amended as indicated:~~

~~If noncriminal disposition is elected, violators will be subject to fines as established by the Board of Health, then any person that violates any provision of this bylaw shall be subject to the following penalties:~~

- ~~(1) First offense: written warning.~~

- ~~(2) Second offense: \$25 penalty.~~
- ~~(3) Third and subsequent offense: \$50 penalty.~~

Art. III, Polystyrene Containers.

Section 156-18C ~~is amended as indicated:~~

If noncriminal disposition is elected, violators will be subject to fines as established by the Board of Health, then any food or retail establishment that violates any provision of this bylaw shall be subject to the following penalties:

- ~~(1) First offense: written warning.~~
- ~~(2) Second offense: \$50 penalty.~~
- ~~(3) Third and each subsequent offense: \$300 penalty.~~

Art. IV, Disposable Plastic Items.

Section 156-26C ~~is amended as indicated:~~

If noncriminal disposition is elected, violators will be subject to fines as established by the Board of Health, then any food establishment or retail establishment that violates any provision of this bylaw shall be subject to the following penalties:

- ~~(1) First offense: written warning.~~
- ~~(2) Second offense: \$50 penalty.~~
- ~~(3) Third and each subsequent offense: \$300 penalty.~~

Ch. 170, Fees and Charges.

Art. I, Gasoline Tank Removal.

Section 170-1 ~~is amended as indicated:~~

Applications for underground gasoline tank removal or relocation permits under MGL c. 210, § 1, shall be accompanied by a per-tank application fee as ~~follows:~~ determined by vote of the Select Board.

- A. Tank size:
 - ~~(1) One gallon to 500 gallons: \$10 \$50.~~
 - ~~(2) 501 Five hundred one gallons to 1,000 gallons: \$50 \$100.~~
 - ~~(3) Over 1,000 gallons: \$100 \$150.~~

Art. III, Wiring Permits.

Section 170-3 ~~is amended as indicated:~~

The fee to be paid for the issuance of an electrical wiring permit and inspections thereunder shall be as ~~follows:~~ determined by vote of the Select Board.

- A. All units, residential, commercial (or industrial): ~~\$3 per \$100 value of work (rounded up to nearest \$100).~~
- B. Low voltage permit: ~~\$3 per \$100 value (rounded up to nearest \$100).~~
- C. Minimum fee: ~~\$30.~~
- D. Reinspection fee: ~~\$30.~~
- E. Industrial maintenance: ~~\$200 annual fee.~~

Art. IV, Town Clerk Fees.

Section 170-5 ~~is amended as indicated:~~

~~"The schedule of fees to be charged by the Town Clerk in accordance with the authority of MGL c. 262, § 34, shall be those established by the Town Clerk pursuant to MGL c. 40, § 22F."~~

Ch. 175, Fire Prevention.

Art. II, Storage of Inflammable Fluids.

Section 175-4A ~~is amended as indicated:~~ "License: ~~\$100~~ as determined by vote of the Select Board."

Section 175-4B ~~is amended as indicated:~~ "Annual registration: ~~\$25~~ as determined by vote of the Select Board."

Ch. 199, Licenses and Permits.

Art. I, Denial or Revocation for Failure to Pay Taxes or Fees.

Section 199-2 ~~is amended as indicated:~~

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector...

Section 199-4 ~~is amended as indicated:~~

The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of their immediate family, as defined in ~~section one of Chapter 268~~ MGL c. 268A, § 1, in the business or activity conducted in or on said property.

Section 199-5 ~~is amended as indicated:~~

This article shall not apply to the following licenses and permits: open burning, MGL c. 48, § 13; ~~Bicycle Permits, section 11 A. of Chapter 85;~~ sales of articles for charitable purposes, MGL c. 101, § 33; children work permits, MGL c. 149, § 69; clubs, associations dispensing food or beverage licenses, MGL c. 140, § 21E; dog licenses, MGL c. 140, § 137; fishing, hunting, trapping licenses, MGL c. 131, § 12; marriage licenses, MGL c. 207, § 28; theatrical events, public exhibition permits, MGL c. 140, § 181; and special permits granted by the Zoning Board of Appeals, MGL c. 40A.

Ch. 221, Peddling and Soliciting.

Section 221-4A(1) ~~is amended as indicated:~~

"If the application is approved, the Chief shall cause ~~to have~~ a registration card to be issued within three business days."

Ch. 232, Scenic Roads.

Section 232-5F ~~is amended as indicated:~~ "

Relationship of road design to the standards of the Planning Board's subdivisions regulations and of the Massachusetts ~~D.P.W. Department of Transportation;~~"

Ch. 243, Storage Tanks, Underground.

Section 243-2, definition of "abandoned," ~~is amended, in part, as indicated:~~

"...in the case of aboveground storage of any fluid other than water, where a permit is required from the ~~Commissioner State Fire Marshal or their designee~~ under provisions of MGL c. 148, § 37, it shall mean out of service for a continuous period in excess of 60 months and it has been deemed to be unsafe and a threat to the public safety by the head of the Fire Department and by the ~~Department of Public Safety Division of Inspectional Services~~ Office of Public Safety and Inspections."

Sections 243-2, definition of "code," ~~is amended as indicated:~~

"The Board of Fire Prevention Regulations Governing Tanks and Containers as set forth at 527 CMR ~~9-00~~ 1.00 and following."

Section 243-5E ~~is amended as indicated:~~ "

Notwithstanding § 243-5A and B, any underground tank that meets the requirement of 527 CMR ~~9-08(3)(a)~~ 1.00 shall be emptied and removed no later than 30 years following the date of installation."

Section 243-6A ~~is amended as indicated:~~

In the event of a spill or leak, the owner, operator, or person in control shall comply with the provisions of the Board of Fire Prevention Regulations Massachusetts Comprehensive Fire Safety Code, 527 CMR ~~9-20~~ 1.00, entitled "Response to Leaks," in its entirety.

Ch. 248, Storm Sewers.

Art. I, Illicit Discharges and Connections.

Section 248-2, definition of "surface water discharge permit," ~~is amended to change~~ "314 CMR 300" ~~to~~ "314 CMR 3.00."

Section 248-8H: ~~is amended to correct~~ "40 CFR 35.2005(b)(20)" ~~to~~ "40 CFR 35.2005(b)(20)."

Section 248-13 ~~is amended as indicated:~~

Residential property owners shall have 180 days from the effective date of the bylaw to comply with its provisions. An extension may be granted, provided good cause is shown for the failure to comply with the bylaw during that period.

Ch. 256, Streets and Sidewalks.

Art. III, Driveways.

Section 256-5 ~~is amended as indicated:~~

The Town Engineer shall use the standards contained within the "Highway Design Manual" by the Commonwealth of Massachusetts Department of ~~Public Works~~ Transportation and "A Policy on Geometric Design of Rural Highways" by the American Association of State Highway and Transportation Officials when issuing said access permit.

Art. V, Public Way Access Permits.

Section 256-13B(3) ~~is amended as indicated:~~

"Nonresidential: 250 trips per day as defined in the ITE Trip Generation Manual, ~~4th Ed.~~ current edition;"

Section 256-14B ~~is amended as indicated:~~ "

Evidence of compliance with the Massachusetts Environmental Policy Act by the Executive Office of Energy and Environmental Affairs of the Commonwealth, if determined to be necessary;"

Section 256-15B ~~is amended as indicated:~~ "

Where the Board denies said application, it shall state specific findings for the denial of ~~its~~ the permit."

Section 256-15C ~~is amended, in part, as indicated:~~

Where site or access conditions do not allow the proposed access to meet recognized design standards (hereinafter governed by the Rules and Regulations of the Planning Board Governing

the Subdivision of Land, and other standards utilized by the Massachusetts Highway Department of Transportation), the Board may vary application of the design standards...

Ch. 265, Utility Lines and Poles.

Art. II, Removal of Double Poles.

Section 265-8 ~~is amended as indicated:~~

In the event of an emergency caused by weather conditions, accidents or acts of God, temporary repairs may be made to damaged poles resulting in a multiple pole, so long as the multiple pole is removed and replaced by a single pole within a reasonable period of time not to exceed ~~60~~ 90 days; ~~provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, such pole shall be removed within six months of the date of installation of the new pole.~~

Section 265-9 ~~is amended as indicated:~~

All future replacement utility pole installations shall be coordinated between all occupants to provide for the transfer of all wires to a new replacement pole so that all old poles or temporary devices are removed within a reasonable period of time not to exceed ~~60~~ 90 days; ~~provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, such pole shall be removed within six months of the date of installation of the new pole.~~

Ch. 283, Wetlands.

Section 283-4.

Subsection D ~~is amended as indicated:~~

(1) At the time of the permit application, the applicant shall pay a filing fee ~~according to the following schedule: specified in the regulations of the Commission. These fees shall be made available to and used by the Commission only for the administration and enforcement of the Sudbury Wetlands Administration Bylaw.~~

(a) Single minor project — i.e., house addition, tennis court, swimming pool, or other accessory residential activity: ~~\$25 per project.~~

(b) New single family dwelling: ~~\$250.~~

(c) Subdivision road and utilities only: ~~\$500 plus \$2 per foot of road sideline within a resource area.~~

(d) Drainage, detention/retention basins: ~~\$500 plus \$2 per 100 cubic feet of basin within a resource area.~~

(e) Multiple dwelling structure: ~~\$500 plus \$100/unit, all or part of which is within a resource area.~~

(f) Commercial and Industrial Projects: ~~\$500 plus \$0.50 per square foot of disturbance in an undeveloped resource area.~~

(g) Application filed after Enforcement Order: ~~double the above fee.~~

(h) Determination of Applicability: ~~no charge.~~

(i) Remediation of a Contaminated Site or Enhancement of a Degraded Resourcee (excluding violations): ~~\$25 per project.~~

(2) This fee is not refundable. The fee is in addition to that required by the Wetlands Protection Act, MGL c. 131, § 40, and Regulations, 310 CMR 10.00. Town, county, state, and federal projects are exempt from the filing fee. ~~The fee for an application for a modification of a permit will be the excess of the fee for the modified project as calculated above over the fee paid for the original permit but in no instance will it be less than \$25.~~

Subsection F ~~is amended as indicated:~~

"Should an applicant choose to proceed; the Commission shall require the applicant to pay the reasonable costs and expenses borne by the Commission for these consulting services ~~as listed below.~~"

Original Art. XXII, Sec. 4, 10th, 11th, and 12th paragraphs, regarding consultant fees and project costs, is repealed.

Section 283-5A ~~is amended as indicated:~~

Any person filing a permit application or an RFD with the Commission, ~~except an application for a minor project (such as a house addition, tennis court, swimming pool, or other accessory residential activity)~~ shall within seven days after such person is informed of the date and time of the hearing thereon, prior to the scheduled hearing give written notice, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the ~~most recent applicable tax list of the Assessor's~~ certified abutters' list obtained from the Assessor's office, including owners of land directly opposite on any public or private street or way, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, along with proof of mailing, shall be filed with the Commission. When a person requesting a determination is other than the owner, ~~the request~~, the notice of the hearing[,] and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

Section 283-7A ~~is amended as indicated:~~

"If it issues a permit, the Commission shall impose such conditions as it deems necessary or desirable to protect ~~those values~~ the wetlands values protected by this bylaw, and all activities shall be done in accordance with those conditions."

Section 283-9A, definition of "vernal pool," ~~is amended, in part, as indicated: "...~~

... regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries and Wildlife.";

or act on anything relative thereto.

Submitted by the Town Clerk.

(Majority vote required)

ARTICLE 3. CODIFICATION OF ZONING BYLAW: RENUMBERING

To see if the Town will vote to renumber and recaption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 295 of the Code of the Town of Sudbury; (b) inserting article, section and subsection titles; and (c) updating internal references to reflect the new numbering system, as well as the following non-substantive clerical and ministerial changes, and, further, to authorize Town Counsel, following consultation with the Town Clerk and the Town Manager, to make clerical and ministerial non-substantive revisions as to grammar or the like as needed for consistency, all as set forth in the Final Draft of the Code of the Town of Sudbury, dated June 2023, on file with the Town Clerk; or act on anything relative thereto.

A. Clerical and Ministerial Revisions:

- i. References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § __.
- ii. Only proper nouns are capitalized; ~~the~~ the word "Town" is consistently capitalized when it refers to the Town of Sudbury.
- iii. Numbers in the text of the bylaws are cited in a consistent manner, so that: a) numerals one through nine are spelled out as words, and numerals 10 and higher are cited in number form only; and b) so that all monetary amounts, fractions, decimals and percentages are cited in numeric form only.
- iv. Errors in spelling and punctuation have been corrected.
- v. Pronouns and nomenclature are revised to become gender neutral (for example, ~~terms~~ such as "he," "him," "his," "she," "her," "he/she," and "his/her" are amended to read "them" or "their"; the terms "Board of Selectmen," "Selectmen," and "Selectboard" are amended to read "Select Board"; the term "Chairman" is amended to read "Chair-").
- vi. The term "occupancy permit" is amended to read "certificate of occupancy."
- vii. The term "Board of Appeals" is amended to read "Zoning Board of Appeals."
- viii. The term "Zoning Enforcement Agent" is amended to read "Zoning Enforcement Officer."
- ix. The terms "Middlesex County Registry of Deeds," "Middlesex South District Registry of Deeds," and "Middlesex County South District Registry of Deeds" are amended to read "Middlesex South Registry of Deeds."
- x. The terms "elderly," "elderly persons," and "elderly individuals" are amended to read "older adults."

Submitted by the Town Clerk.

(Two-thirds vote required.)

ARTICLE 4. CODIFICATION OF ZONING BYLAW: ADDITIONAL CHANGES

To see if the Town will vote to adopt the following changes to the Zoning Bylaw as set forth in the Final Draft of the Code of the Town of Sudbury, dated June 2023, on file with the Town Clerk, with text to be inserted shown in underline and text to be deleted shown in strikethrough, and, further, to authorize Town Counsel, following consultation with the Town Clerk and the Town Manager, to make clerical and ministerial non-substantive revisions as to grammar or the like as needed for consistency:

General Revisions:

~~References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § __.~~

~~Only proper nouns are capitalized. The word "Town" is consistently capitalized when it refers to the Town of Sudbury.~~

~~Numbers in the text of the bylaws are cited in a consistent manner, so that: a) numerals one through nine are spelled out as words, and numerals 10 and higher are cited in number form only; and b) so that all monetary amounts, fractions, decimals and percentages are cited in numeric form only.~~

~~Errors in spelling and punctuation have been corrected.~~

~~Pronouns and nomenclature are revised to become gender neutral: terms such as "he," "him," "his," "she," "her," "he/she," and "his/her" are amended to read "them" or "their"; the terms "Board of Selectmen," "Selectmen," and "Selectboard" are amended to read "Select Board"; the term "Chairman" is amended to read "Chair."~~

~~The term "occupancy permit" is amended to read "certificate of occupancy."~~

~~The term "Board of Appeals" is amended to read "Zoning Board of Appeals."~~

~~The term "Zoning Enforcement Agent" is amended to read "Zoning Enforcement Officer."~~

~~The terms "Middlesex County Registry of Deeds," "Middlesex South District Registry of Deeds," and "Middlesex County South District Registry of Deeds" are amended to read "Middlesex South Registry of Deeds."~~

~~The terms "elderly," "elderly persons," and "elderly individuals" are amended to read "older adults."~~

Specific Revisions:

Section 1310 ~~is amended as indicated:~~

Buildings, structures or signs may not be erected, structurally altered, moved, or changed in use and land may not be substantially altered or changed in principal use unless such action is in compliance with then-applicable zoning[,] and ~~that~~ all necessary permits have been received under federal, state, or local law. All building permits shall be posted conspicuously on the premises to which ~~it applies~~ they apply during the time of construction.

The second paragraph of original Sec. 2210, regarding the meaning of symbols in the Table of Principal Use Regulations, of the Zoning Bylaw is repealed.

Sections 2326 and 2327 ~~are amended as indicated:~~ "See Appendix B, Table of Dimensional **Regulations Requirements**."

Section 3113e ~~is amended as indicated:~~

"The reduction in the number of required spaces will not create undue congestion or traffic hazards, and ~~that~~ such relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this bylaw."

Section 3147 ~~is amended as indicated:~~

"The access fee per space shall ~~equal \$800~~ be determined by vote of the Planning Board, indexed to change subsequent to 1994, in the Consumer Price Index for all urban consumers as published by the U.S. Bureau of Labor Statistics."

Section 3259Aj ~~is amended as indicated:~~ "

A permit for a portable sign shall be issued at the discretion of the Building Inspector for a period not to exceed one year and ~~at a fee of \$250 annually~~ an annual fee to be determined by vote of the Select Board.

Section 3290 ~~is amended as indicated:~~

"In granting such ~~permission~~ special permit, the Zoning Board of Appeals shall specify the size and location of the sign or signs and shall impose such other terms and restrictions as it may deem to be in the public interest."

Section 3294B ~~is amended as indicated:~~

"~~Which Has~~ Has been destroyed or damaged to the extent that the cost of repair or restoration will exceed 1/3 of the replacement value as of the date of destruction."

Section 4130, under the heading "Floodplain Boundaries," ~~is amended as indicated:~~

"The FIRM and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building ~~Official Inspector~~, Conservation Commission and Engineering Department."

Sections 4230, 4242a and b, 4243j, 4252b, and 4253h: The following sections are amended to update the references to former Section 4221 to read "Section 7110": Sections 4230, 4242a and b, 4243j, 4252b, and 4253h.

Sections 4242p and 4252n ~~are amended as indicated:~~

"Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR ~~2.00~~ 10.00)."

Section 4261e: ~~is amended to change~~ "Treasurer-Collector of the Town" ~~to~~ "Treasurer Collector of the Town."

Section 4270:

~~is amended as indicated:~~ "The special permit granting authority under ~~this bylaw~~ Section 4200 shall be the Planning Board."

Section 4623b ~~is amended as indicated:~~

"The applicant demonstrates that the medical marijuana treatment center will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to ~~105 CMR 725.004~~ 935 CMR 500 et seq."

Section 4642 ~~is amended as indicated:~~

"The permit holder shall file a copy of any incident report required under ~~105 CMR 725.110(F)~~ 935 CMR 501.110 with the Zoning Enforcement Officer and the Sudbury Police Department within 24 hours of creation by the medical marijuana treatment center."

Section 4720A ~~is amended as indicated:~~

Except as explicitly provided elsewhere in Section 4700A, the provisions and requirements of other applicable zoning districts, and any rules, regulations, approval processes and/or design or performance standards contained elsewhere in this Zoning Bylaw, shall not apply to any project developed pursuant to Section 4700A[.]; notwithstanding the above, Section 3200 (Signs and Advertising Devices), shall apply.

Section 4700B, Subsection I2b, ~~is amended as indicated:~~
Upon receipt by the approving authority, applications shall be distributed to the Building Inspector, Fire Chief, Police Chief, Health Department, Conservation ~~Committee~~ Commission, the Town Manager, the Select Board, and the Department of Public Works.

Sections 5151, 5361c, and 5461c: ~~are amended to change~~ "Natural Resources Soil Conservation Service" ~~to "Natural Resources Conservation Service."~~

Section 5332 ~~is amended as indicated:~~
"An SRC shall constitute housing intended for persons of age 55 or over within the meaning of MGL c 151B, § 4, ~~46~~ Subdivision 6, and 42 U.S.C. § 3607(b)(2)(C)."

Section 6132 ~~is amended as indicated:~~ "~~T~~
There must be a substantial hardship to the owner, financial or otherwise, if the provisions of the ~~ordinance or~~ bylaw were to be literally enforced."

Section 6134 ~~is amended as indicated:~~ "
Granting the variance must not nullify or substantially derogate from the intent of purpose of the ~~ordinance or~~ bylaw."

Section 7110.
Definition of "sign."
~~The~~ definition of "fuel pump sign": ~~is amended as indicated:~~ "
In accordance with MGL c. 94, § 295c, standard gasoline fuel pump signs on service station fuel pumps bearing thereon in usual size and form the name, type and price of the gasoline."

~~The~~ definition of "nonconforming sign" ~~is amended as indicated:~~ "
Any sign that existed on the effective date of this ~~ordinance~~ bylaw (or amendment thereto) and does not comply with the regulations set forth herein."

Appendix A, Table of Principal Use Regulations, attached to this bylaw is amended as follows:
In entry C28, marijuana establishment, insert a new superscript "8" ~~is added~~ after the type of permitted use in each district.

In the notes following the table, insert a new Note 8 as follows: ~~is added to read~~ "For medical marijuana treatment centers, see Section 4620."
";

or act on anything relative thereto.

Submitted by the Town Clerk. (Two-thirds vote required.)

ARTICLE 5. ESTABLISH OPIOIDS STABILIZATION FUND

To see if the Town will vote, pursuant to G.L. c.40, §5B, effective July 1, 2023, to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation

Attachment 2.4.b: 2023_STM_Warrant_9.20.23 (5987 : Sign STM warrant)

~~settlement documents, a document prepared by the Substance Abuse Bureau of the state Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled “Massachusetts Abatement Terms”, and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; to transfer to said fund from Free Cash the sum of \$101,201.46, an amount equal to the opioid settlement receipts already received by the Town in the previous fiscal year; and, further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; or act on anything relative thereto. To see if the Town will vote, pursuant to Chapter 40, Section 5B of the Massachusetts General Laws, to establish a special purpose stabilization fund for money received from judgments or settlements in litigation or claims against opioid manufacturers or distributors (the “Opioid Stabilization Fund”), for the purposes of supplementing and strengthening the resources available to Sudbury individuals and families for substance use disorder prevention, harm reduction, treatment, and recovery, including without limitation: opioid use disorder treatment; supporting and promoting recovery and treatment programs such as through housing, job placement, childcare, and healthcare; at risk connections and school-based services and training or safe station partnerships; harm reduction programs and treatment; diversion programs for criminal justice involved persons; support for pregnant and parenting persons and babies with neonatal abstinence syndrome; opioid prevention and misuse education; and/or for the purpose of funding any such programs and projects set out in the Massachusetts State Subdivision Agreement for Statewide Opioid Settlements and the National Opioid Settlement Agreement; and, further, to see if the Town will vote to accept the provisions of the fourth paragraph of Chapter 40, Section 5B of the Massachusetts General Laws; and, further, to see if the Town will vote to dedicate all or a percentage, which may not be less than 25 percent, of money received from judgments or settlements in litigation or claims against opioid manufacturers or distributors to the special purpose stabilization fund established under this Article, effective for Fiscal Year 2023-2024 beginning on July 1, 2022, and further to dedicate 100% percent of the money received from judgments or settlements in litigation or claims against opioid manufacturers or distributors to said Opioid Stabilization Fund; and to transfer from Free Cash the sum of \$101,201.46; or act on anything relative thereto.~~

Submitted by the Health Director

(2/3 Majority vote required)

HEALTH DIRECTOR REPORT: This article will create a special purpose stabilization fund to hold all monies received under the various national opioid settlements. Under the terms of the settlements the funds may only be used for supplementing and strengthening the resources available to individuals and families for substance use disorder prevention, harm reduction, treatment, and recovery, including without limitation: opioid use disorder treatment; supporting and promoting recovery and treatment programs such as through housing, job placement, childcare, and healthcare; at-risk connections and school-based services and training or safe station partnerships; harm reduction programs and treatment; diversion programs for criminal-justice involved persons; support for pregnant and parenting persons and babies with neonatal abstinence syndrome; opioid prevention and misuse education; and/or for the purpose of funding any such programs and projects set out in the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements and the National Opioid Settlement Agreement

ARTICLE 6. ATKINSON POOL FUNDS

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$100,000 or any other sum or sums, to be expended under the direction of the Combined Facilities Director for the ~~purpose of designing the~~ and replacement of the Atkinson Pool dehumidification equipment, including

installation of destratification fans, repairs and/or replacement of the roof, structural repairs and supports for the rooftop dehumidification equipment, creation of a chemical room separate from the boiler room and repairs and/or maintenance of the Atkinson Pool, ~~including and all other~~ incidental and related expenses ~~connected therewith~~; or act on anything relative thereto.

Submitted by the Combined Facilities Director. (Two-thirds vote required if borrowed)

COMBINED FACILITIES DIRECTOR REPORT: This Article will design envelope, structural and mechanical replacements/enhancements to the existing Atkinson Pool. The roof and dehumidification unit has reached its life cycle expectancy. The installation of destratification fans will provide enhanced ventilation within the Natatorium. The pool's deck and pool surround require a full grouting and significant tile repair.

ARTICLE 7. FAIRBANK COMMUNITY CENTER - SUPPLEMENTAL FUNDS

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$900,000 or any other sum or sums, to be expended under the direction of the Town Manager, to supplement the appropriation made under Article 18 of the 2020 Annual Town Meeting for reconstruction of the Fairbank Community Center Design and Construction, demolition of the existing building and including all incidental or related expenses; ~~or~~ act on anything relative thereto.

Submitted by the Town Manager. (Two-thirds vote required if borrowed)

TOWN MANAGER REPORT: The new Fairbank Community Center is currently expected to open in November, approximately 6 weeks later than the original schedule. This delay is in part a result of delays in the supply chains, which have an impact on the critical path schedule such that work originally planned for the fall will be delayed until spring due to winter conditions. There are costs associated with schedule delays that will be funded through the remaining but dwindling contingency. When the bids came in high and the original contingency funds were used to award the contract, ARPA funds were committed to provide enough contingency to begin construction. Now those funds are not expected to be sufficient to complete the project with the extended schedule. The final phase of the project is the demolition of the existing building and completion of site work on that side of the new building. It is slated to be substantially complete in the spring, too late for any necessary funding at Annual Town Meeting. Should the contingency run out mid-winter, the project will have to stop mid-construction.

ARTICLE 8. FUND COLLECTIVE BARGAINING AGREEMENT - FIREFIGHTERS

To see what sum or sums the Town will vote to raise and appropriate, or transfer from available funds, to fund the ~~first year costs of a~~ collective bargaining agreement with the Sudbury Permanent Firefighters Association, Local 2023, for the period from July 1, 2021 through June 30, 2024; or act on anything relative thereto.

Submitted by the Town Manager. (Majority vote required.)

Attachment 2.4.b: 2023_STM_Warrant_9.20.23 (5987 : Sign STM warrant)

TOWN MANAGER REPORT: The Town and the Firefighters' union, in August 2023, executed a memorandum of agreement for a new three-year collective bargaining agreement. Ratification of the agreement is dependent on funding of the financial provisions. This article will fund the financial provisions of the agreement.

ARTICLE 409. REPURPOSE MELONE STABILIZATION FUND CLOSEOUT

To see if the Town will vote to transfer the remaining balance of \$1,100,000 in the special Stabilization Fund (Melone) established under Article 13 of the 2015 Annual Town Meeting, as such funds are no longer needed for that purpose, less any appropriation approved under the prior article, to the Capital Stabilization Fund established under Article 13 of the 2019 Annual Town Meeting; or act on anything relative thereto.

Submitted by the Select Board. (2/3 Majority vote required)

TOWN MANAGER REPORT: This article will close out the Special Stabilization Fund (Melone) and transfer the balance to the Capital Stabilization Fund. The Melone property was mined for sand for the Town's use. The Melone Stabilization Fund, so called, was created in 2015 to restore or reclaim the property or prepare it for reuse or redevelopment. The Melone property has since been sold and developed. Funds to restore or reclaim the property or prepare it for reuse or redevelopment are no longer needed. The remaining unexpended funds are proposed to be transferred to the Capital Stabilization Fund where they will be used to fund capital improvements. The Massachusetts Department of Revenue, Division of Local Services, in its April 2020 *Town of Sudbury: Review of Capital Improvement Program*, recommended the Town close the Melone Stabilization Fund and transfer the balance of funds to the Capital Stabilization Fund. The Melone Stabilization Fund has a balance of \$1,100,000. This balance will be reduced if the prior article (Route 117 intersection improvements) is approved and funded from the Melone Stabilization Fund.

ARTICLE 910. ROUTE 117/MOSSMAN/POWDER MILL ROADS INTERSECTION IMPROVEMENTS

To see if the Town will vote to appropriate from the Special Capital Stabilization Fund (Melone) the sum of \$800,000 or any other sum or sums to fund improvements and installation of traffic signals at the intersection of Route 117 (North Road) and Mossman Road and Powder Mill Road, including all incidental and related expenses; or act on anything relative thereto.

Submitted by the Department of Public Works Director (2/3 Majority vote required)

DPW DIRECTOR REPORT:

This article will fund improvements to the intersection of Route 117 (North Road) and Mossman Road and Powder Mill Road. Improvements include signaling the approaches to the intersection and related improvements to enhance vehicular and pedestrian safety. Improvements will include: new traffic signals, pedestrian signals with count down timers, accessible pedestrian signals (APS) push buttons with signage, emergency vehicle preemption, geometric highway improvements, ADA compliant pedestrian ramps, traffic signs, and pavement markings.

This article will fund improvements to the intersection of Route 117 (North Road) and Mossman Road and Powder Mill Road. Improvements include signaling the approaches to the intersection and related improvements to enhance safety.

ARTICLE 10. REPURPOSE MELONE STABILIZATION FUND CLOSEOUT

~~To see if the Town will vote to transfer the remaining balance of \$1,100,000 in the special Stabilization Fund (Melone) established under Article 13 of the 2015 Annual Town Meeting, less any appropriation approved under the prior article, to the Capital Stabilization Fund established under Article 13 of the 2019 Annual Town Meeting; or act on anything relative thereto.~~

~~Submitted by the Select Board. (2/3 Majority vote required)~~

~~**TOWN MANAGER REPORT:** This article will close out the Special Stabilization Fund (Melone) and transfer the balance to the Capital Stabilization Fund. The Melone property was mined for sand for the Town's use. The Melone Stabilization Fund, so called, was created in 2015 to restore or reclaim the property or prepare it for reuse or redevelopment. The Melone property has since been sold and developed. Funds to restore or reclaim the property or prepare it for reuse or redevelopment are no longer needed. The remaining unexpended funds are proposed to be transferred to the Capital Stabilization Fund where they will be used to fund capital improvements. The Massachusetts Department of Revenue, Division of Local Services, in its April 2020 *Town of Sudbury: Review of Capital Improvement Program*, recommended the Town close the Melone Stabilization Fund and transfer the balance of funds to the Capital Stabilization Fund. The Melone Stabilization Fund has a balance of \$1,100,000. This balance will be reduced if the prior article (Route 117 intersection improvements) is approved and funded from the Melone Stabilization Fund.~~

ARTICLE 11. NIXON ELEMENTARY SCHOOL ROOF SCHEMATIC DESIGN FEES

~~To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for schematic design for the replacement of the roof at the Nixon Elementary School located at 472 Concord Road, Sudbury, MA, including the payment of all costs incidental or related thereto, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational and for which Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and, further, that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) _____ percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA. or act on anything relative thereto. To see if the Town will vote to raise and appropriate, or transfer from available funds, \$248,000 to be expended under the direction of the Sudbury Public School Department for the purpose of funding a schematic design for the replacement of the roof at the Nixon Elementary School; and all expenses incidental and related thereto; or act on anything relative thereto.~~

~~Submitted by the Sudbury School Committee. (Majority vote required)~~

~~**SCHOOL COMMITTEE REPORT:** The roof on the Nixon Elementary School building is 30 years old and the District intent is to apply for State funding to offset total project costs of replacing the roof.~~

The intent of this article is to fund a schematic design required by the Massachusetts School Building Authority ("MSBA") in order to qualify for MSBA grant program project reimbursements under the MSBA Accelerated Repair Program ("ARP").

Included in the MSBA grant program process, Sudbury Public Schools must submit a Statement of Interest ("SOI") in January/February 2024. In accordance with the MSBA process, an SOI should only be filed for a facility where a district has the ability to fund a schematic design within two months of invitation and a total project budget within 12 months of invitation should the district be selected in the MSBA Accelerated Repair Program.

The current project estimate for replacing the roof at the Nixon Elementary School totals \$2,480,000. While the MSBA grant program reimbursement rate is adjusted for a number of factors, the statutory formula starts all districts at a Bases Rate of 31% reimbursement.

ARTICLE 12. INCREASE TO FY2024 SUDBURY PUBLIC SCHOOLS GENERAL FUND APPROPRIATION FOR ADDITIONAL CHAPTER 70 STATE AID

To see if the Town will vote to raise and appropriate the additional amount of \$232,380 to be added increase to the amount appropriated under Article of the 2023 Annual Town Meeting for the FY2024 Sudbury Public Schools General Fund appropriation the sum of \$232,380, which amount shall be offset by the increase equal to the increase in FY2024 Chapter 70 funding approved by the Commonwealth of Massachusetts dedicated to local school districts; or act on anything relative thereto.

Submitted by the Sudbury School Committee. (Majority vote required)

SCHOOL COMMITTEE REPORT: This article seeks to increase the FY24 General Fund appropriation for Sudbury Public Schools for the amount of additional state aid funding not previously known at the Annual Town Meeting held in May 2023 and not included in the FY24 General Fund appropriation for Sudbury Public Schools.

On August 9th, 2023, Governor Maura Healey signed a \$55.98 billion State budget for Fiscal Year 2024 including \$6.59 billion in Chapter 70 K-12 public education funding, which dedicated an increase of \$604 million beyond Fiscal 2023.

FUNDING OF STATE APPROVED SPECIAL EDUCATION OUT OF DISTRICT TUITION COST INCREASE

To see if the Town will vote to raise and appropriate, and/or transfer from available funds and/or accept grants a sum of money totaling \$184,755, equal to the FY24 state supplemental budget amounts under review for costs associated with the state approved increases for Sudbury Public Schools special education out of district tuition; or act on anything relative thereto.

Sponsored by the Sudbury School Committee. (Majority vote required)

SCHOOL COMMITTEE REPORT: The Massachusetts Operation Services Division ("OSD") authorized a 1.4% increase in tuition for special education out of district placement centers in FY2024, a substantial budget burden to every school district.

Attachment 2.4.b: 2023_STM_Warrant_9.20.23 (5987 : Sign STM warrant)

~~The Governor of Massachusetts is seeking to provide relief to school districts in Fiscal Year 2024 for these approved additional costs through the State Supplemental Budget that would provide school districts with current year funding for these additional costs in order to provide school districts the required time necessary to submit circuit breaker reimbursement claims in July 2024 and receive these reimbursement funds in Fiscal Year 2025.~~

~~To date, this supplemental budget is in the approval process at the State level.~~

~~The purpose of this article is to provide Sudbury Public Schools with the manner to access these funds in FY2024.~~

ARTICLE 13. FUNDING OF STATE APPROVED SPECIAL EDUCATION OUT-OF-DISTRICT TUITION COST INCREASE

~~To see if the Town will vote to raise and appropriate the additional amount of \$184,755 to be added to the amount appropriated under Article _____ of the 2023 Annual Town Meeting for the FY2024 Sudbury Public Schools, which amount shall be offset by the increase To see if the Town will vote to raise and appropriate, and/or transfer from available funds and/or accept grants a sum of money totaling in the funds made available to the Town for \$184,755, equal to the FY24 state supplemental budget amounts under review for costs associated with the state approved increases for Sudbury Public Schools special education out-of-district tuition; or act on anything relative thereto.~~

~~_____ (Majority vote required)~~
Sponsored by the Sudbury School Committee.

~~**SCHOOL COMMITTEE REPORT:** The Massachusetts Operation Services Division (“OSD”) authorized a 14% increase in tuition for special education out-of-district placement centers in FY2024, a substantial budget burden to every school district.~~

~~The Governor of Massachusetts is seeking to provide relief to school districts in Fiscal Year 2024 for these approved additional costs through the State Supplemental Budget that would provide school districts with current year funding for these additional costs in order to provide school districts the required time necessary to submit circuit breaker reimbursement claims in July 2024 and receive these reimbursement funds in Fiscal Year 2025.~~

~~To date, this supplemental budget is in the approval process at the State level.~~

~~The purpose of this article is to provide Sudbury Public Schools with the manner to access these funds in FY2024.~~

INCREASE TO FY2024 SUDBURY PUBLIC SCHOOLS GENERAL FUND APPROPRIATION FOR ADDITIONAL CHAPTER 70 STATE AID

~~To see if the Town will vote to increase the FY2024 Sudbury Public Schools General Fund appropriation the sum of \$232,380, equal to the increase in FY2024 Chapter 70 funding approved by the Commonwealth of Massachusetts dedicated to local school districts; or act on anything relative thereto.~~

~~_____ (Majority vote required)~~
Submitted by the Sudbury School Committee.

Attachment 2.4.b: 2023_STM_Warrant_9.20.23 (5987 : Sign STM warrant)

~~**SCHOOL COMMITTEE REPORT:** This article seeks to increase the FY24 General Fund appropriation for Sudbury Public Schools for the amount of additional state aid funding not previously known at the Annual Town Meeting held in May 2023 and not included in the FY24 General Fund appropriation for Sudbury Public Schools.~~

~~On August 9th, 2023, Governor Maure Healey signed a \$55.98 billion State budget for Fiscal Year 2024 including \$6.59 billion in Chapter 70 K-12 public education funding, which dedicated an increase of \$604 million beyond Fiscal 2023.~~

ARTICLE 14. RESOLUTION: MASSACHUSETTS OFFICIAL SEAL AND MOTTO

Whereas, the Commonwealth of Massachusetts seal and flag portrays a sword being held over an indigenous man's head

BE IT RESOLVED that the Town of Sudbury herby adopts this resolution in support of the work of the Special Commission on the Official Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2021 and appointed by the Governor to recommend changes to the current flag and seal of Massachusetts, and in support of a new flag and seal for the Commonwealth that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The Town Clerk shall forward a copy of this resolution to Senator Jamie Eldridge and Representative Carmine Gentile, with the request that they continue their strong advocacy and support for the work of the aforementioned Special Commission and a new flag and seal for the Commonwealth.

Submitted by ~~Sudbury Town Historian Jan Hardenberg~~Citizen Petition. (Majority vote required)

The ~~Select Board of Selectmen~~ and the Finance Committee will report on all articles at the Special Town Meeting.

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

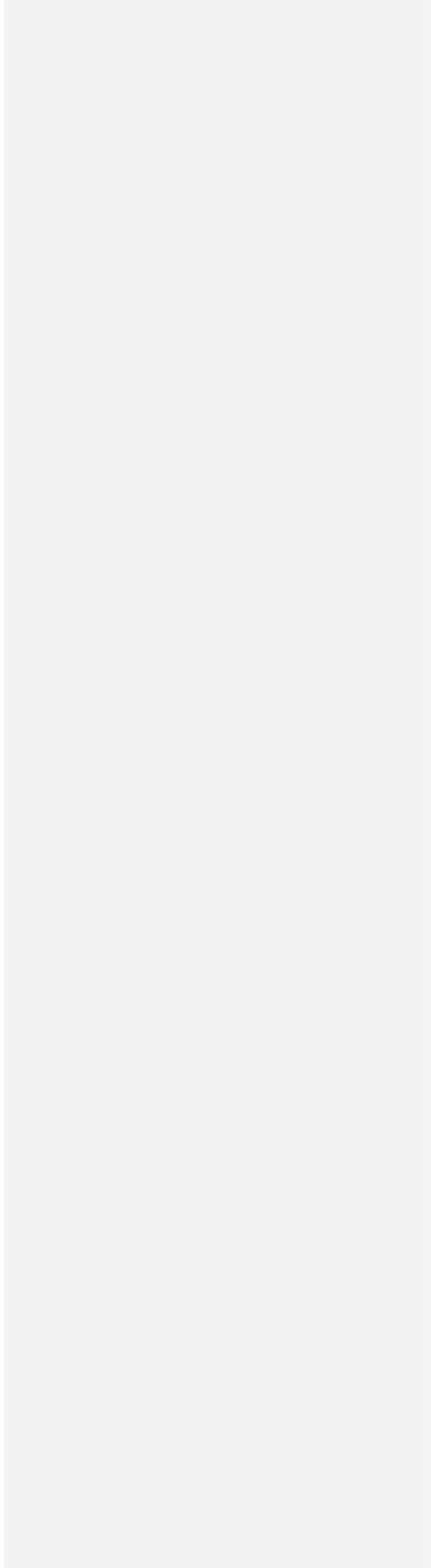
Hereof fail not and make due return by your doing thereon to the Town Clerk at or before the time of meeting aforesaid.

Given under our hands this _____ day of _____, two thousand and twenty-three.

SELECT BOARD:

Attachment 2.4.b: 2023_STM_Warrant_9.20.23 (5987 : Sign STM warrant)

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Attachment 2.4.b: 2023_STM_Warrant_9.20.23 (5987 : Sign STM warrant)

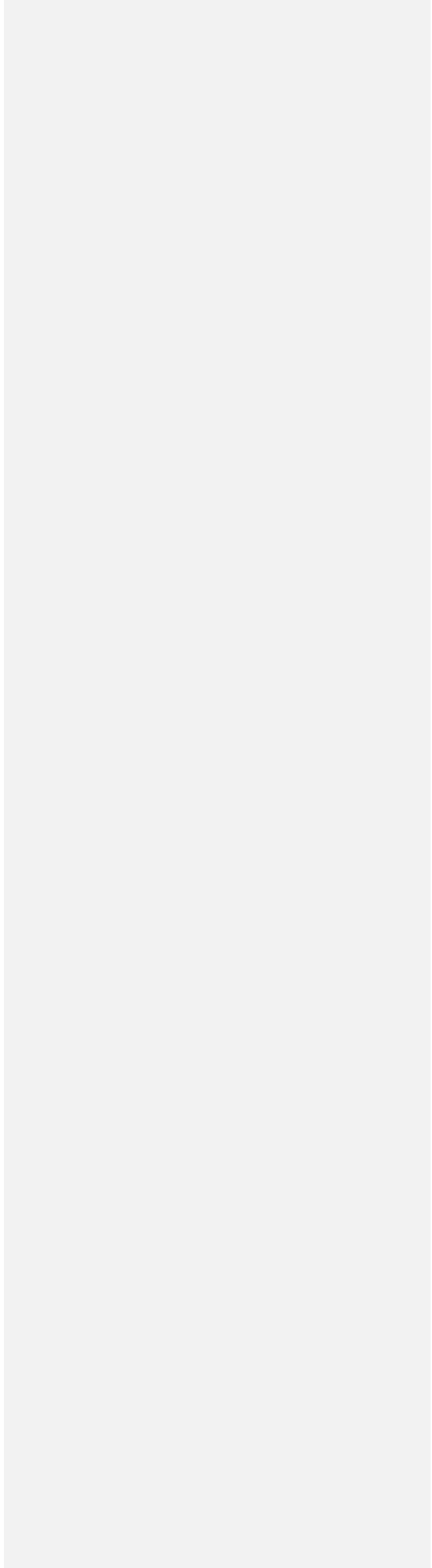
Janie W. Dretler

Lisa V. Kouchakdjian

Daniel E. Carty

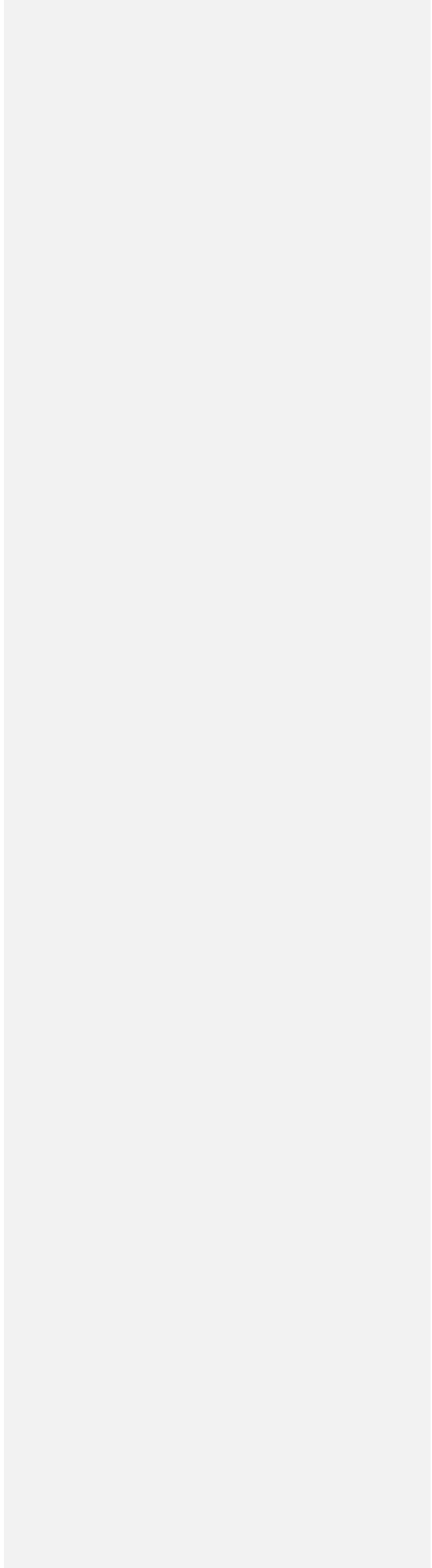
Jennifer S. Roberts

Charles G. Russo

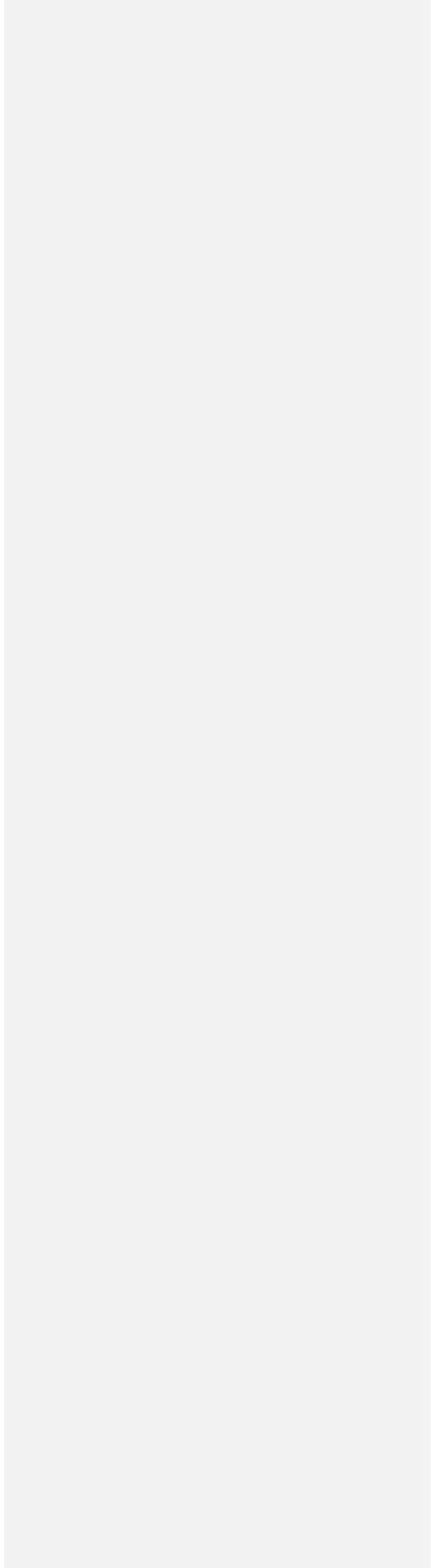


Attachment 2.4.b: 2023_STM_Warrant_9.20.23 (5987 : Sign STM warrant)

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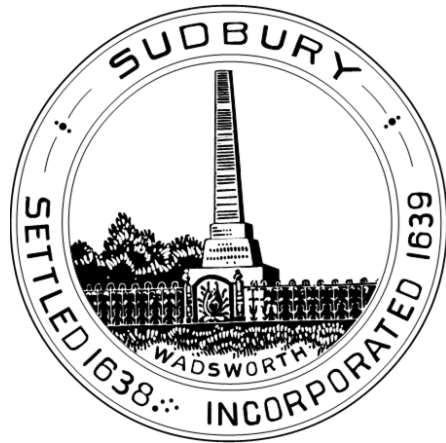
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Select Board of Selectmen
Sudbury, MA 01776

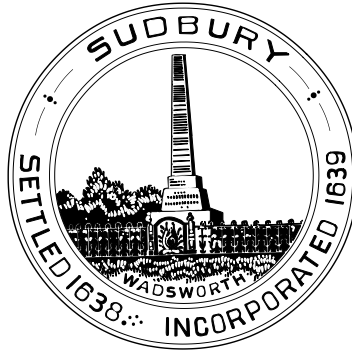
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PAID
Permit No. 4
Sudbury, MA 01776
ECRWSS

POSTAL PATRON
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MASSACHUSETTS 01776



Attachment 2.4.b: 2023_STM_Warrant_9.20.23 (5987 : Sign STM warrant)

Town of Sudbury Massachusetts



OFFICIAL WARRANT

SPECIAL TOWN MEETING

MONDAY, OCTOBER 23, 2023 7:30 P.M.

Lincoln-Sudbury Regional High School Auditorium
390 Lincoln Road, Sudbury, MA

Attachment 2.4.c: KP-#882082-v2-2023_STM_Warrant_9-20-23_draft AJS 9.20.26 CLEAN (5987 : Sign STM warrant)

FOR ADDITIONAL ARTICLE INFORMATION

Go to the Town's website at

<https://sudbury.ma.us/townmeeting/2023stm>

and after accessing, click on the [Link](#) for the specific article.

**TOWN OF SUDBURY
2023 SPECIAL TOWN MEETING WARRANT**

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2. Codification of General Bylaws: Additional Specific Changes
3. Codification of Zoning Bylaws: Renumbering
4. Codification of Zoning Bylaws: Additional Changes
5. Establish Opioids Stabilization Fund.
6. Atkinson Pool Funds
7. Fairbank Community Center – Supplemental Funds
8. Fund Collective Bargaining Agreement – Firefighters
9. Repurpose Melone Stabilization Fund
10. Route 117/Mossman/Powder Mill Roads Intersection Improvements
11. Nixon Elementary School Roof Schematic Design Fees
12. Increase to FY2024 Sudbury Public Schools General Fund Appropriation for Additional Chapter 70 State Aid
13. Funding of State Approved Special Education Out-of-District Tuition Cost Increase
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Attachment 2.4.c: KP-#882082-v2-2023_STM_Warrant_9-20-23_draft AJS 9.20.26 CLEAN (5987 : Sign STM warrant)

ACCESS TO LINCOLN-SUDBURY REGIONAL HIGH SCHOOL AND PROVISIONS FOR PARTICULAR ACCOMMODATIONS

Note: Please check the Town of Sudbury website for changes or additional information.

The Select Board wishes to accommodate the attendance and participation of persons with disabilities at Town Meeting. As such, we urge those who may require particular accommodations to read the following carefully.

Parking: “HP” parking spaces are provided at two different locations: 1) the main entrance at the upper level (which will require using an elevator to the lower level to check in and to access the auditorium) and 2) the main parking lot to the right (east) of the school. From this location, you may also be dropped off at the entry walkway – a clear path to the entrance doors, leading directly to the check-in tables and the auditorium. Police on duty will provide assistance as needed, or requested.

Auditorium Balcony: The balcony can only be accessed from the Main Level. From the lower level of the building, you may use either the stairs or the elevator to gain entrance to the balcony – the upper level of the auditorium. The Moderator has ruled that if there is adequate seating on the main floor, the balcony **will not** be opened.

Persons with Ambulatory Disabilities: Spaces for persons who use wheelchairs will be available at the front and at the rear of the auditorium. For those who use assistive devices to ambulate, seating will be reserved at the rear of the hall and may be used if desired.

Persons who are Blind or have Vision Impairments: Reserved seating will be available at the front of the auditorium for persons with vision impairments who prefer to be close to the overhead projector. Large print materials will be made available where possible. We encourage those making prepared, formal presentations to have copies of viewgraphs, especially motions, available in large print.

Persons who are Deaf or have Hearing Impairments: Closed captioning will be available.

Restrooms: Restrooms are located across the hall from the auditorium.

Persons requiring an accommodation in order to attend Town Meeting are urged to contact the Sudbury Senior Center at 978-443-3055 or senior@sudbury.ma.us by Thursday, October 19 at 4PM.

INSERT ELECTRONIC voting – Town Clerk

SUMMARY OF BASIC TOWN MEETING PROCEDURES

General Rules of Debate and Voting

1. Only registered voters, non-resident appointed or elected representatives of the Town, and Town employees may speak without consent of Town Meeting. The Moderator will not vote, even in the case of where the Moderator's vote would break or create a tie.
2. The proponents of an article make the first motion under the article. A voter must then second the motion. The proponents then make a presentation in support of the motion. The Moderator then recognizes the Select Board and Finance Committee for reports, followed by any other boards that are required to report on the article. After the Town boards have spoken, Town Meeting proceeds to general debate on the matter and a vote.
3. Please raise your hand when you wish to speak. After being recognized by the Moderator, please wait for a microphone to be passed to you at your seat. The record of Town Meeting is made on audiotape and your remarks will not be recorded if you do not speak into a microphone. Each and every time you speak, please stand (if you are able) and begin by giving your name and address for the record.
4. Until everyone who wishes to be heard has spoken, no one may speak more than twice on a matter except to correct an error or answer a question. The initial presentation by the proponent(s) of an article is limited to ten minutes, and all other comments are limited to five minutes, unless a majority of those present and voting give consent.
5. All votes are by majority unless otherwise announced. If the count is taken using electronic voting technology, the Moderator shall declare the vote, and provide an opportunity for any voter to notify the Town Moderator that they believe their vote was recorded in error; if so, the Moderator shall direct that the record be corrected by the Town Clerk. If seven or more voters doubt the vote, the Town Moderator may request another vote using the handheld technology, or otherwise set the manner of voting.
6. If Town Meeting approves a motion for reconsideration, the motion at issue immediately prior to the vote will be back before the voters, and the electronic voting system shall be used to record and tabulate the votes taken on the main motion.
7. If such electronic voting equipment is unavailable, the Town Moderator shall notify the Town Meeting as to what manner of voting will be used, and, unless 20 people stand in opposition, such method shall be implemented. If 20 voters do stand, then the Moderator's recommendation is pending before the meeting, subject to amendment like any other motion. If the Moderator is unable to decide the vote or if the declaration by the Moderator is immediately questioned by 10 or more voters rising in their places, the Moderator shall then direct that a count be taken, whether by counting raised hands, raised placards or other indicia of vote, or by secret ballot or otherwise, as determined by the Moderator in the Moderator's sole discretion.

8. In the event of a non-electronic vote, votes will first be taken by a show of hands while voters are seated. If the Moderator is in doubt, then a standing vote will be taken. If the Moderator is still in doubt, then tellers will count the votes. If a voter disagrees with the Moderator's call of a sitting or standing vote, the voter may challenge the call by immediately standing and saying loudly, "I challenge the vote!" If six additional voters support the challenge, the vote will be counted.

Motions and Amendments

1. The purpose of an article in the Warrant is to inform the voters of what may come before the meeting and the outside scope of what may be considered. Every matter that is voted on at Town Meeting must come in the form of a motion. It is a motion that puts an article before Town Meeting, and it is the motion, *not the article*, that is actually voted on. Therefore, while speakers may refer to passing, defeating, or otherwise dealing with “the article,” what Town Meeting actually debates and votes on are motions, not articles.
2. A speaker may question whether a certain motion is “within the four corners of the article.” Such a challenge requires the Moderator to determine whether the motion is within a reasonable reading of the article as printed in the Warrant, and therefore should be allowed, or ruled out of order as being beyond the legitimate subject matter of the article.
3. Often, the first or “main” motion under an article will be to “move in the words of the article.” By making this motion, the speaker is adopting the article as his or her motion thereunder. This can only be done if the language of the article is drafted in such a way that it is appropriate for simple adoption as a motion. Whenever the presenter’s motion differs from the wording in the Warrant, the presenter must point out and explain those differences to Town Meeting.
4. All substantive motions, including all main motions and motions to amend a main motion, must be provided to the Moderator, the Town Clerk, and the Technology Administrator in writing before they are made. Please see the guidelines for electronic presentation on the Town website: www.sudbury.ma.us.
5. If you have an amendment, you should e-mail it to the Technology Administrator at infosystems@sudbury.ma.us, with a copy to the Moderator at moderator@sudbury.ma.us, and the Town Clerk at clerk@sudbury.ma.us. Advance notice to the Technology Administrator, Moderator and Clerk enhances time efficiency at Town Meeting, and the Moderator may be able to suggest language that is both acceptable to you and within the four corners of the article and therefore permissible to proceed to debate and vote. It is also recommended that you discuss your amendment with the presenter of the article as you may be able to convince him or her to include it as part of the main motion and thus avoid having to vote separately on the amendment. The Moderator may reject proposed amendments that fail to adhere to these guidelines.

Dismissing Articles, Indefinite Postponement and Withdrawing Motions

1. It is possible for Town Meeting to decide to take no action on an article. This decision is usually made because new or additional information has come to light after the preparation of the warrant indicating that action on the article is unnecessary, unwise or illegal. In such instances, frequently there will be a motion “to indefinitely postpone” an article. This motion, if adopted, kills the article for all intents and purposes for the Town Meeting. The motion is frequently used when proponents of an article have decided not to proceed with it but want an opportunity to explain to the meeting why they are, in effect, abandoning the article at this time. The motion also may be used by someone who wishes to defeat an article before it can be fully debated on the merits. In such cases, it is important to understand that indefinite postponement can have the same effect as defeat which, in turn, can have significance with respect to some items, notably zoning matters, as to when the matter can again be considered by the Town.
2. If you have made a motion or an amendment, you can move to “withdraw the motion” if you have second thoughts or new information. A motion to withdraw can be made any time during the debate of the motion but cannot be made after the motion has been voted on.

Limits on Debate

1. There is no prescribed limit to debate except common sense. The Moderator can limit debate and can ask speakers to stop if they are straying from the subject, repeating points already made or talking at unnecessary length.
2. Town Meeting itself can also terminate debate. To do so, after being recognized by the Moderator, you may say, “I move the previous question.” This motion is not debatable, and if seconded and voted by a two-thirds majority, debate ends and the motion under discussion will be then put to a vote.
3. The Moderator may defer motions to limit debate when, in his or her reasonable judgment, there are a significant number of voters who have indicated a desire to speak but have not yet been recognized.

Points of Order

1. Once recognized by the Moderator, no speaker may be interrupted in any way except by a “point of order.” A point of order is not a motion, and does not require a second or a vote. It is a question, and on a point of order a voter may raise only three valid concerns:
 - a. Is the speaker entitled to the floor? For example, is the person a non-voter, or spoken for longer than his/her allotted time?

- b. Is the speaker saying something inappropriate, frivolous, irrelevant, or illegal?
 - c. Is there some error in the procedure of the pending action or motion?
2. The Moderator welcomes proper points of order and will make every effort to explain the procedural issues that shape Town Meeting discussions. When exercising this parliamentary privilege, you should stand and state loudly that you wish to make a point of order, and wait for the Moderator to recognize you. No voter should hesitate to rise and bring to the Moderator's attention an issue that constitutes a proper point of order because, when exercised responsibly, it functions as a tactful hint from a voter regarding important points of procedure that the Moderator may have missed.

Motions for Reconsideration

1. Article II, Section 13 of our Bylaw controls. A motion to reconsider an article previously voted on in the same session (i.e. the same night), is proper, and an affirmative vote of 2/3 of the voters present is required for passage. If Town Meeting has adjourned for the evening, a motion to reconsider an article voted on in a previous session requires a unanimous vote, unless written notice of an intention to move for reconsideration, signed by 15 voters, is given to the Town Clerk by noon of the next weekday, in which case, a 2/3 vote would be required to pass a motion to reconsider.
2. In the event a motion to reconsider is properly made and seconded, all discussion must be confined exclusively to the merits or demerits of reconsideration. In general, the only proper reasons to seek reconsideration are that there occurred such a misstatement of fact or law in the preceding debate, or such an error of procedure, that the voters, if aware of such discrepancies, would have voted differently. It is not a proper basis for reconsideration to argue simply that the voters arrived at the wrong result.

Adjournment

1. Adjournment of any evening session will occur on completion of the article under discussion at 10:30 P.M., unless there is a two-thirds vote to do otherwise. The Moderator will ask for a motion to adjourn the Town Meeting to another time to complete the Warrant. A voter can also make a motion to adjourn. The time and place for resuming Town Meeting must be specified in the motion.
2. When all business on the Warrant has been acted on, the Moderator will ask for a motion to dissolve the meeting, which must be seconded and put to a vote.

Decorum

We gather at Town Meeting as friends and neighbors, united by a shared commitment to the civic life and governance of Sudbury. The town meeting form of government is unique to New England, and its continued existence links us directly to the founding of Sudbury more than 375 years ago. It is democracy

in its finest and purest form, and its value lies in townspeople being forced to have discussions and make decisions together, face to face, in real time. Its proper functioning requires that every speaker be treated with courtesy and respect, no matter how strongly one may disagree with his or her point of view. To that end, the Moderator will not allow any clapping, hissing, booing or other audible noise, for or against any speakers, either before, during or after presentations. The Moderator has the power to terminate the right to speak of anyone who makes disrespectful comments, whether directed at a voter, speaker or Town official.

**TOWN OF SUDBURY
SPECIAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts
Middlesex, ss.

To the Constable of the Town of Sudbury:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury qualified to vote in Town affairs to meet at the Lincoln-Sudbury Regional High School Auditorium, 390 Lincoln Road, in said Town on Monday, October 23, 2023, at 7:30 o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. CODIFICATION OF GENERAL BYLAWS: RENUMBERING AND NON-MINISTERIAL REVISIONS

To see if the Town will vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter/article number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, section and subsection titles; and (d) updating internal references to reflect the new numbering system, as well as the following non-substantive clerical and ministerial changes, all as set forth in the Final Draft of the Code of the Town of Sudbury, dated June 2023, on file with the Town Clerk; and, further, to authorize Town Counsel, following consultation with the Town Clerk and the Town Manager, to make clerical and ministerial non-substantive revisions to grammar and the like as needed for consistency; or act on anything relative thereto.

A. Clerical and Ministerial Revisions:

- i. References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § __.
- ii. Numbers one through nine are written out in text format; 10 and above, fractions, and decimals appear in numeric format.
- iii. Spelling and punctuation errors are corrected; "Town" is capitalized when referring to the Town of Sudbury.
- iv. Pronouns and nomenclature are revised to be gender neutral (for example, terms such as "he," "him," "his," "she," "her," "he/she," and "his/her" are replaced with "them," "they," or "their"; "spokesman" is replaced with "spokesperson"; the terms "Board of Selectmen," "Selectmen," and "Selectboard" are replaced with "Select Board").
- v. The terms "Town Treasurer," "Treasurer/Collector," and "Tax Collector" are replaced with "Town Treasurer-Collector," where applicable; the term "Highway Surveyor" is replaced with "Department of Public Works"; the term "Board of Appeals" is amended to read "Zoning Board of Appeals"; the term "elderly" is amended to read "older adult."
- vi. In Chapter 151, Earth Removal, the term "removal permit" is amended to read "earth removal permit."

B. Bylaws Specifically Repealed:

- i. Article VIII, Planning Board, as amended January 3, 1946, STM by Arts. 2 and 3; and April 5, 1984, ATM by Art. 15.
- ii. Article XXIII, Water Resource Protection Committee (WRPC) Annual Report to the Town of Sudbury.

Submitted by the Town Clerk.

(Majority vote required)

TOWN CLERK REPORT ON ARTICLES 1 THROUGH 4: All of the articles submitted by the Town Clerk are housekeeping articles. In 2021, the Town retained General Code to professionally codify the Town's General and Zoning Bylaws. General Code has undertaken a complete review of the Town's bylaws to ensure that they do not contain inconsistencies, errors and outdated information. The Town Code will be renumbered and will incorporate gender-neutral language to the Code.

After the bylaw amendments are approved by Town Meeting and by the Attorney General's office, the Code will be available to staff and residents as a fully searchable on-line version of the Code. This new platform will make it easier and quicker to update the Town Code after each Town Meeting.

ARTICLE 2. CODIFICATION OF GENERAL BYLAWS: ADDITIONAL SPECIFIC CHANGES

To see if the Town will vote to adopt the following minor substantive specific changes to the General Bylaws as set forth in the Final Draft of the Code of the Town of Sudbury, dated June 2023, on file with the Town Clerk, with text to be inserted shown in underline and text to be deleted shown in ~~striketrough~~, and, further, to authorize Town Counsel, following consultation with the Town Clerk and the Town Manager, to make clerical and ministerial non-substantive revisions to grammar and the like as needed for consistency:

Ch. 1, General Provisions.

Art. I, General Penalty.

Section 1-1: "Every violation of these bylaws not otherwise provided for herein or by the General Laws or Special Laws of the Commonwealth shall be subject to a penalty of ~~\$50~~ \$300."

Art. III, Bylaw Amendments.

Section 1-8:

The Select Board, upon the submission to ~~them~~ it for insertion in the warrant for any Annual or Special Town Meeting of all articles relating to the adoption of any bylaw or amendment to any bylaw...

Ch. 5, Boards and Committees.

Art. III, Council on Aging.

Sections 5-11 and 5-12 "Commonwealth of Massachusetts Executive Office of Elder Affairs"

Insert a new Section 5-13, as follows:

The names, addresses, telephone numbers, or other identifying information about older adults in the possession of the Council shall not be public records, but the use of these records shall comply with MGL c. 19A, § 14 et seq., as a condition of receiving a government contract, program grant or other benefit, or as otherwise required by law.

Art. IV, Community Preservation Committee.

Section 5-15A

The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation, including the consideration of regional projects for community preservation.

Insert a new sentence at the end of Section 5-15B:

With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited; provided, however, that any project approved by the Town for the acquisition of artificial turf for athletic fields prior to July 1, 2012, shall be a permitted use of community preservation funding.

Ch. 20, Equal Opportunity.

Section 20-4, definition of "discriminatory, discriminate, or discrimination:

Includes all action which denies or tends to deny equal employment opportunity because of race, color, ~~religion, sex, national origin or age,~~ religious creed, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, genetic information, pregnancy or a condition related to said pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, ancestry or status as a veteran (as defined by state statutes).

Ch. 52, Officers and Employees.

Art. I, Holding Elective Office.

Section 52-1:

In addition, Charter Commission members are eligible to serve on the Finance Committee ~~and Personnel Board~~

Ch. 61, Records and Reports.

Insert the following new sentence at the end of Section 61-3: "Complete public records request guidelines for the Town of Sudbury are available on the Town website."

Ch. 68, Town Meetings.

Art. II, Procedures.

Section 68:

A motion to reconsider a matter after adjournment of the session at which it was acted upon shall require a unanimous vote of those present and voting unless written notice of an intention to move reconsideration of the matter, signed by 15 voters who attended that session, is given to the Town Clerk on or before 12:00 noon of the next weekday (legal holidays excluded) following the session at which the matter for which reconsideration is sought was acted upon.

Ch. 72, Town Property.

Section 72-2A:

The Select Board ~~are~~ is hereby empowered to sell at public auction all or any of the Town property acquired by virtue of sale for nonpayment of taxes, which sales have been confirmed by

the Land Court or the ~~Tax Commissioner~~ Commissioner of the Department of Revenue, and ~~they~~ it is authorized to give deeds therefor.

Section 72-2B:

~~At such sale or any adjournment thereof,~~ The Select Board may reject any and all bids at such sale or any adjournment thereof, if, in ~~their~~ its opinion, no bid is made which approximates the fair value of the property.

Ch. 105, Advertising.

Art. II, Outdoor Advertising.

Sections 105-3 and 105-4:

~~"Division of Highways of the Department of Public Works" to~~
Replace "Division", when that word appears on its own with, "Department."

Ch. 109, Alarm Systems.

Art. I, Burglar Alarm Systems.

Section 109-1, original definition of "direct connect," is repealed.

Original Sec. V(B)3, Direct Connection to the Police Department, of the General Bylaws is repealed.

Original Sec. V(B)5C, Testing of Equipment, of the General Bylaws is repealed.

Section 109-5C:

Any user of an alarm system which transmits false alarms shall be assessed a fine of ~~\$20~~ \$35 for a third false alarm occurring within a calendar year, ~~\$35~~ \$50 for a fourth false alarm occurring within a calendar year, and ~~\$50~~ \$100 for a fifth and all subsequent false alarms occurring during a calendar year.

Art. II, Fire Alarm Systems.

Section 109-8.

Subsection A(1): "Annual fee for churches and nonprofit organizations: ~~\$75~~ shall be determined by vote of the Select Board."

Subsection A(2): "Annual fee for all others: ~~\$200~~ shall be determined by vote of the Select Board."

Subsection B(1): "Permit fee: ~~\$20~~ shall be determined by vote of the Select Board."

Subsection B(2): "Connection fee: ~~\$100~~ shall be determined by vote of the Select Board."

Subsection B(3): "Annual fee for churches and nonprofit organizations: ~~\$75~~ shall be determined by vote of the Select Board."

Subsection B(4): "Annual fee for all others: ~~\$200~~ shall be determined by vote of the Select Board."

Section 109-9.

Subsection A(1): "Permit fee: ~~\$20~~ shall be determined by vote of the Select Board."

Subsection A(2): "Connection fee: ~~\$100~~ shall be determined by vote of the Select Board."

Subsection A(3): "Annual fee for churches and nonprofit organizations: ~~\$75~~ shall be determined by vote of the Select Board."

Subsection A(4): "Annual fee for all others: ~~\$200~~ shall be determined by vote of the Select Board."

Ch. 117, Animals.

Art. I, Animal Control.

Section 117-1:

No person shall tie or fasten any horse, cattle or team to any of the trees in the public ways of the Town, nor drive into the same any ~~neither~~ nails, spikes, hooks or clasps, nor affix any boards or signs thereto.

Section 117-2:

No person shall pasture or tether any animal in any way or street in the Town in such a manner as to obstruct the streets or sidewalks.

Art. II, Dogs.

Section 117-6.

definition of "livestock or fowl,":

Animals or fowl kept or propagated by the owner for food or as a means of livelihood; also deer, elk, cottontail rabbits and northern hares, pheasants, quail, partridge and other birds and quadrupeds determined by the ~~Department of Fisheries, Wildlife and Environmental Law Enforcement~~ Division of Fisheries and Wildlife to be wild and kept by, or under a permit from, said ~~department~~ Division in proper houses or suitable enclosed yards.

definition of "personal kennel":

"... dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit."

Section 117-7C:

No Animal Control Officer shall be a licensed animal dealer registered with the United States Department of Agriculture, and no Animal Control Officer, either privately or in the course of carrying out official assignments as an agent for this Town, or ~~shall~~ any other agent of the Town[,] shall give, sell, or turn over any animal which may come into custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture.

Section 117-11E:

The fee for a duplicate tag shall be \$~~1~~ determined by the ~~the~~ Town Clerk.

Section 117-12C:

The provisions of ~~§§ 138 and 138A~~ MGL c. 140, § 138, shall be expressly incorporated herewith and shall henceforth apply under this bylaw."

Section 117-14:

All owners or keepers of dogs kept in the Town of Sudbury during the preceding six months and who, on the first day of April of each year, have not licensed said dog or dogs, as prescribed by MGL c. 140, § 137, shall pay a late fee of ~~\$25~~ as determined by the Town Clerk, payable to the Town, in addition to the license fee, for each dog so unlicensed.

Section 117-18:

The dog owner shall, immediately and within 24 hours, notify the ~~animal inspector, agent for the Board of Health,~~ Animal Control Officer if the dog bites a person.

Section 117-19B” ~~“Dog/~~Animal Control Officer”.

Section 117-23C:

If the Select Board determines, after notice to parties interested ~~of~~ and a hearing, the identity of the person who is the owner of any dog which is found to have worried, maimed or killed livestock, fowl, or domesticated animals, thereby causing damages for which their owner may become entitled to compensation from the Dog Fund under this bylaw, they shall serve upon the owner of such dog a notice directing him/her within 24 hours to confine the dog or have it humanely euthanized.

Section 117-26A:

With the exception of §§ 117-16 and 117-17 (see Subsection B below), and except as otherwise provided in this bylaw, a violation of any other section of this bylaw shall be punishable by a fine or noncriminal penalty of \$50 for each offense.

Section 117-27:

If any part, section or provision of the bylaw is found to be invalid, the ~~remains~~ remainder of this bylaw shall not be affected thereby.

Ch. 124, Boating.

Insert a new Section 124-4:

Violations of this bylaw are subject to a penalty as provided in Chapter 1, Article I, General Penalty.

Ch. 129, Buildings and Building Construction.**Art. I, Pumping Water from Private Buildings.**

Section 129: "Second call: ~~\$20~~ fee shall be determined by vote of the Select Board."

Section 129-1C: "Third and subsequent calls: ~~\$50~~ fee shall be determined by vote of the Select Board."

Art. II, Public Buildings.

Section 129-2:

~~It shall be the duty of the Selectmen to prosecute all parties who may~~ It shall be unlawful to cut, mark, deface, defile or in any manner damage or injure any public building belonging to the Town or any outbuilding connected with said public buildings, or who may to damage or injure any fence enclosing any land belonging to the Town. It shall be the duty of the Select Board to prosecute all parties who violate this section. The penalty for violation of this section shall be as provided in Chapter 1, General Provisions, Article I, General Penalty.

Art. III, Building Code.

Section 129-3:

~~This article is replaced by The State Building Code, which is incorporated herein by reference, adopted under Chapter 802 of the Acts of 1972, including 780 CMR, Appendix 120.AA 115AA, "Stretch Energy Code." and the following sections:~~

Section 129-4:

Fees to be paid shall be set by the Select Board. No fee shall be charged for the issuance of any building permit to the Town or for work upon any building owned by the Town.

Ch. 137, Burning, Open.

Section 137-2: "Violation of this bylaw shall be subject to a penalty of ~~\$25~~ \$100."

Ch. 145, Demolition Delay.

Section 145-4E:

... to the owners of all adjoining property and other property deemed by the SHC to be materially affected, to the Select Board, Planning Board, Zoning Board of Appeals and to such other persons as the SHC shall deem entitled to notice. The Commission shall determine that a building or structure should preferably be preserved only if it finds that the building or structure is an historically significant building or structure which, because of the importance made by such building or structure to the Town's historical and/or architectural resources, ~~it~~ is in the public interest to preserve, rehabilitate or restore (as defined in § 145-2).

Section 145-5:

In the event that a Board of Survey is convened under the provisions of MGL c. 143, § 8, with regard to any building or structure identified in § 145-3 of this bylaw, the Building Inspector shall request the ~~Chairman~~ of the SHC or their designee to accompany that Board of Survey during its inspection.

Ch. 156, Environmental Protection.**Art. I, Plastic Bag Ban.**

Section 156-5B:

If noncriminal disposition is elected, violators will be subject to fines as established by the Board of Health, ~~then any retail establishment that violates any provision of this bylaw shall be subject to the following penalties:~~

- ~~(1) First offense: written warning.~~
- ~~(2) Second offense: \$50 penalty.~~
- ~~(3) Third and subsequent offense: \$200 penalty.~~

Art. II, Sale of Bottled Water.

Section 156-11C:

If noncriminal disposition is elected, violators will be subject to fines as established by the Board of Health, ~~then any person that violates any provision of this bylaw shall be subject to the following penalties:~~

- ~~(1) First offense: written warning.~~
- ~~(2) Second offense: \$25 penalty.~~
- ~~(3) Third and subsequent offense: \$50 penalty.~~

Art. III, Polystyrene Containers.

Section 156-18C:

If noncriminal disposition is elected, violators will be subject to fines as established by the Board of Health. then any food or retail establishment that violates any provision of this bylaw shall be subject to the following penalties:

- (1) ~~First offense: written warning.~~
- (2) ~~Second offense: \$50 penalty.~~
- (3) ~~Third and each subsequent offense: \$300 penalty.~~

Art. IV, Disposable Plastic Items.

Section 156-26C:

If noncriminal disposition is elected, violators will be subject to fines as established by the Board of Health. then any food establishment or retail establishment that violates any provision of this bylaw shall be subject to the following penalties:

- (1) ~~First offense: written warning.~~
- (2) ~~Second offense: \$50 penalty.~~
- (3) ~~Third and each subsequent offense: \$300 penalty.~~

Ch. 170, Fees and Charges.

Art. I, Gasoline Tank Removal.

Section 170-1:

Applications for underground gasoline tank removal or relocation permits under MGL c. 210, § 1, shall be accompanied by a per-tank application fee as follows: determined by vote of the Select Board.

A. ~~Tank size:~~

- (1) ~~One gallon to 500 gallons: \$10 \$50.~~
- (2) ~~501 Five hundred one gallons to 1,000 gallons: \$50 \$100.~~
- (3) ~~Over 1,000 gallons: \$100 \$150.~~

Art. III, Wiring Permits.

Section 170-3:

The fee to be paid for the issuance of an electrical wiring permit and inspections thereunder shall be as follows: determined by vote of the Select Board.

- A. ~~All units, residential, commercial (or industrial): \$3 per \$100 value of work (rounded up to nearest \$100).~~
- B. ~~Low voltage permit: \$3 per \$100 value (rounded up to nearest \$100).~~
- C. ~~Minimum fee: \$30.~~
- D. ~~Reinspection fee: \$30.~~
- E. ~~Industrial maintenance: \$200 annual fee.~~

Art. IV, Town Clerk Fees.

Section 170-5:

The ~~schedule~~ of fees to be charged by the Town Clerk in accordance with the authority of MGL c. 262, § 34, shall be those established by the Town Clerk pursuant to MGL c. 40, § 22F.

Ch. 175, Fire Prevention.

Art. II, Storage of Inflammable Fluids.

Section 175-4A: "License: \$100 as determined by vote of the Select Board."

Section 175-4B: "Annual registration: \$25 as determined by vote of the Select Board."

Ch. 199, Licenses and Permits.**Art. I, Denial or Revocation for Failure to Pay Taxes or Fees.**

Section 199-2:

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector...

Section 199-4:

The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of their immediate family, as defined in ~~section one of Chapter 268~~ MGL c. 268A, § 1, in the business or activity conducted in or on said property.

Section 199-5:

This article shall not apply to the following licenses and permits: open burning, MGL c. 48, § 13; ~~Bicycle Permits, section 11 A. of Chapter 85;~~ sales of articles for charitable purposes, MGL c. 101, § 33; children work permits, MGL c. 149, § 69; clubs, associations dispensing food or beverage licenses, MGL c. 140, § 21E; dog licenses, MGL c. 140, § 137; fishing, hunting, trapping licenses, MGL c. 131, § 12; marriage licenses, MGL c. 207, § 28; theatrical events, public exhibition permits, MGL c. 140, § 181; and special permits granted by the Zoning Board of Appeals, MGL c. 40A.

Ch. 221, Peddling and Soliciting.

Section 221-4A(1):

If the application is approved, the Chief shall cause ~~to have~~ a registration card to be issued within three business days.

Ch. 232, Scenic Roads.

Section 232-5F:

Relationship of road design to the standards of the Planning Board's subdivisions regulations and of the Massachusetts ~~D.P.W.~~ Department of Transportation;

Ch. 243, Storage Tanks, Underground.

Section 243-2, definition of "abandoned":

...in the case of aboveground storage of any fluid other than water, where a permit is required from the ~~Commissioner State Fire Marshal or their designee~~ under provisions of MGL c. 148, § 37, it shall mean out of service for a continuous period in excess of 60 months and it has been deemed to be unsafe and a threat to the public safety by the head of the Fire Department and by the ~~Department of Public Safety Division of Inspectional Services~~ Office of Public Safety and Inspections.

Sections 243-2, definition of "code":

The Board of Fire Prevention Regulations Governing Tanks and Containers as set forth at 527 CMR ~~9.00~~ 1.00 and following.

Section 243-5E:

Notwithstanding § 243-5A and B, any underground tank that meets the requirement of 527 CMR 9.08(3)(a) 1.00 shall be emptied and removed no later than 30 years following the date of installation.

Section 243-6A:

In the event of a spill or leak, the owner, operator, or person in control shall comply with the provisions of the Board of Fire Prevention Regulations Massachusetts Comprehensive Fire Safety Code, 527 CMR ~~9.20~~ 1.00, entitled "Response to Leaks," in its entirety.

Ch. 248, Storm Sewers.

Art. I, Illicit Discharges and Connections.

Section 248-2, definition of "surface water discharge permit: "314 CMR 3.00".

Section 248-8H: "40 CFR 35.2005(b)(20)".

Section 248-13:

Residential property owners shall have 180 days from the effective date of the bylaw to comply with its provisions. An extension may be granted, provided good cause is shown for the failure to comply with the bylaw during that period.

Ch. 256, Streets and Sidewalks.

Art. III, Driveways.

Section 256-5:

The Town Engineer shall use the standards contained within the "Highway Design Manual" by the Commonwealth of Massachusetts Department of ~~Public Works~~ Transportation and "A Policy on Geometric Design of Rural Highways" by the American Association of State Highway and Transportation Officials when issuing said access permit.

Art. V, Public Way Access Permits.

Section 256-13B(3):

Nonresidential: 250 trips per day as defined in the ITE Trip Generation Manual, 4th Ed. current edition;

Section 256-14B:

Evidence of compliance with the Massachusetts Environmental Policy Act by the Executive Office of Energy and Environmental Affairs of the Commonwealth, if determined to be necessary;

Section 256-15B

Where the Board denies said application, it shall state specific findings for the denial of ~~its decision~~ the permit.

Section 256-15C:

Where site or access conditions do not allow the proposed access to meet recognized design standards (hereinafter governed by the Rules and Regulations of the Planning Board Governing the Subdivision of Land, and other standards utilized by the Massachusetts ~~Highway~~ Department of Transportation), the Board may vary application of the design standards...

Ch. 265, Utility Lines and Poles.

Art. II, Removal of Double Poles.

Section 265-8:

In the event of an emergency caused by weather conditions, accidents or acts of God, temporary repairs may be made to damaged poles resulting in a multiple pole, so long as the multiple pole is removed and replaced by a single pole within a reasonable period of time not to exceed ~~60~~ 90 days; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, such pole shall be removed within six months of the date of installation of the new pole.

Section 265-9:

All future replacement utility pole installations shall be coordinated between all occupants to provide for the transfer of all wires to a new replacement pole so that all old poles or temporary devices are removed within a reasonable period of time not to exceed ~~60~~ 90 days; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, such pole shall be removed within six months of the date of installation of the new pole.

Ch. 283, Wetlands.

Section 283-4.

Subsection D:

(1) At the time of the permit application, the applicant shall pay a filing fee ~~according to the following schedule:~~ specified in the regulations of the Commission. These fees shall be made available to and used by the Commission only for the administration and enforcement of the Sudbury Wetlands Administration Bylaw.

~~(a) Single minor project — i.e., house addition, tennis court, swimming pool, or other accessory residential activity: \$25 per project.~~

~~(b) New single family dwelling: \$250.~~

~~(c) Subdivision road and utilities only: \$500 plus \$2 per foot of road sideline within a resource area.~~

~~(d) Drainage, detention/retention basins: \$500 plus \$2 per 100 cubic feet of basin within a resource area.~~

~~(e) Multiple dwelling structure: \$500 plus \$100/unit, all or part of which is within a resource area.~~

~~(f) Commercial and Industrial Projects: \$500 plus \$0.50 per square foot of disturbance in an undeveloped resource area.~~

~~(g) Application filed after Enforcement Order: double the above fee.~~

~~(h) Determination of Applicability: no charge.~~

~~(i) Remediation of a Contaminated Site or Enhancement of a Degraded Resource (excluding violations): \$25 per project.~~

(2) This fee is not refundable. The fee is in addition to that required by the Wetlands Protection Act, MGL c. 131, § 40, and Regulations, 310 CMR 10.00. Town, county, state, and federal projects are exempt from the filing fee. ~~The fee for an application for a modification of a permit will be the excess of the fee for the modified project as calculated above over the fee paid for the original permit but in no instance will it be less than \$25.~~

Subsection F:

Should an applicant choose to proceed; the Commission shall require the applicant to pay the reasonable costs and expenses borne by the Commission for these consulting services ~~as listed below.~~

Original Art. XXII, Sec. 4, 10th, 11th, and 12th paragraphs, regarding consultant fees and project costs, is repealed.

Section 283-5A:

Any person filing a permit application or an RFD with the Commission, ~~except an application for a minor project (such as a house addition, tennis court, swimming pool, or other accessory residential activity)~~ shall within seven days ~~after such person is informed of the date and time of the hearing thereon,~~ prior to the scheduled hearing give written notice, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the ~~most recent applicable tax list of the Assessors~~ certified abutters' list obtained from the Assessor's office, including owners of land directly opposite on any public or private street or way, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, along with proof of mailing, shall be filed with the Commission. When a person requesting a determination is other than the owner, ~~the request,~~ the notice of the hearing[,] and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

Section 283-7A:

If it issues a permit, the Commission shall impose such conditions as it deems necessary or desirable to protect ~~those values~~ the wetlands values protected by this bylaw, and all activities shall be done in accordance with those conditions.

Section 283-9A, definition of "vernal pool":

... regardless of whether the site has been certified by the Massachusetts Division of ~~Wildlife and Fisheries~~ and Wildlife;

or act on anything relative thereto.

Submitted by the Town Clerk.

(Majority vote required)

ARTICLE 3. CODIFICATION OF ZONING BYLAW: RENUMBERING

To see if the Town will vote to renumber and recaption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 295 of the Code of the Town of Sudbury; (b) inserting article, section and subsection titles; and (c) updating internal references to reflect the new numbering system, as well as the following non-substantive clerical and ministerial changes, and, further, to authorize Town Counsel, following consultation with the Town Clerk and the Town Manager, to make clerical and ministerial non-substantive revisions as to grammar or the like as needed for consistency, all as set forth in the Final Draft of the Code of the Town of Sudbury, dated June 2023, on file with the Town Clerk; or act on anything relative thereto.

A. Clerical and Ministerial Revisions:

- i. References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § __.
- ii. Only proper nouns are capitalized; the word "Town" is consistently capitalized when it refers to the Town of Sudbury.

- iii. Numbers in the text of the bylaws are cited in a consistent manner, so that: a) numerals one through nine are spelled out as words, and numerals 10 and higher are cited in number form only; and b) so that all monetary amounts, fractions, decimals and percentages are cited in numeric form only.
- iv. Errors in spelling and punctuation have been corrected.
- v. Pronouns and nomenclature are revised to be gender neutral (for example, terms such as "he," "him," "his," "she," "her," "he/she," and "his/her" are amended to read "them" or "their"; the terms "Board of Selectmen," "Selectmen," and "Selectboard" are amended to read "Select Board"; the term "Chairman" is amended to read "Chair").
- vi. The term "occupancy permit" is amended to read "certificate of occupancy."
- vii. The term "Board of Appeals" is amended to read "Zoning Board of Appeals."
- viii. The term "Zoning Enforcement Agent" is amended to read "Zoning Enforcement Officer."
- ix. The terms "Middlesex County Registry of Deeds," "Middlesex South District Registry of Deeds," and "Middlesex County South District Registry of Deeds" are amended to read "Middlesex South Registry of Deeds."
- x. The terms "elderly," "elderly persons," and "elderly individuals" are amended to read "older adults."

Submitted by the Town Clerk.

(Two-thirds vote required.)

ARTICLE 4. CODIFICATION OF ZONING BYLAW: ADDITIONAL CHANGES

To see if the Town will vote to adopt the following changes to the Zoning Bylaw as set forth in the Final Draft of the Code of the Town of Sudbury, dated June 2023, on file with the Town Clerk, with text to be inserted shown in underline and text to be deleted shown in ~~striketrough~~, and, further, to authorize Town Counsel, following consultation with the Town Clerk and the Town Manager, to make clerical and ministerial non-substantive revisions as to grammar or the like as needed for consistency:

Specific Revisions:

Section 1310:

Buildings, structures or signs may not be erected, structurally altered, moved, or changed in use and land may not be substantially altered or changed in principal use unless such action is in compliance with then-applicable zoning[,] and ~~that~~ all necessary permits have been received under federal, state, or local law. All building permits shall be posted conspicuously on the premises to which ~~it applies~~ they apply during the time of construction.

The second paragraph of original Sec. 2210, regarding the meaning of symbols in the Table of Principal Use Regulations, of the Zoning Bylaw is repealed.

Sections 2326 and 2327: "See Appendix B, Table of Dimensional ~~Regulations~~ Requirements."

Section 3113e:

The reduction in the number of required spaces will not create undue congestion or traffic hazards, and ~~that~~ such relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this bylaw."

Section 3147:

The access fee per space shall ~~equal \$800~~ be determined by vote of the Planning Board, indexed to change subsequent to 1994, in the Consumer Price Index for all urban consumers as published by the U.S. Bureau of Labor Statistics.

Section 3259Aj:

A permit for a portable sign shall be issued at the discretion of the Building Inspector for a period not to exceed one year and ~~at a fee of \$250 annually~~ an annual fee to be determined by vote of the Select Board.

Section 3290:

In granting such ~~permission~~ special permit, the Zoning Board of Appeals shall specify the size and location of the sign or signs and shall impose such other terms and restrictions as it may deem to be in the public interest.

Section 3294B:

~~Which~~ Has been destroyed or damaged to the extent that the cost of repair or restoration will exceed 1/3 of the replacement value as of the date of destruction.

Section 4130, under the heading "Floodplain Boundaries,":

The FIRM and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building ~~Official~~ Inspector, Conservation Commission and Engineering Department.

Sections 4230, 4242a and b, 4243j, 4252b, and 4253h: Section ~~4224~~ 7110":

Sections 4242p and 4252n:

Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR ~~2.00~~ 10.00).

Section 4261e: "Treasurer-Collector of the Town".

Section 4270:

The special permit granting authority under ~~this bylaw~~ Section 4200 shall be the Planning Board.

Section 4623b:

The applicant demonstrates that the medical marijuana treatment center will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to ~~105 CMR 725.004~~ 935 CMR 500 et seq.

Section 4642:

The permit holder shall file a copy of any incident report required under ~~105 CMR 725.110(F)~~ 935 CMR 501.110 with the Zoning Enforcement Officer and the Sudbury Police Department within 24 hours of creation by the medical marijuana treatment center.

Section 4720A:

Except as explicitly provided elsewhere in Section 4700A, the provisions and requirements of other applicable zoning districts, and any rules, regulations, approval processes and/or design or performance standards contained elsewhere in this Zoning Bylaw, shall not apply to any project developed pursuant to Section 4700A[.]; notwithstanding the above, Section 3200 (Signs and Advertising Devices), shall apply.

Section 4700B, Subsection I2b:

Upon receipt by the approving authority, applications shall be distributed to the Building Inspector, Fire Chief, Police Chief, Health Department, Conservation ~~Committee~~ Commission, the Town Manager, the Select Board, and the Department of Public Works.

Sections 5151, 5361c, and 5461c: "Natural Resources ~~Soil~~ Conservation Service".

Section 5332:

An SRC shall constitute housing intended for persons of age 55 or over within the meaning of MGL c 151B, § 4, ~~46 Subdivision 6~~, and 42 U.S.C. § 3607(b)(2)(C).

Section 6132:

There must be a substantial hardship to the owner, financial or otherwise, if the provisions of the ~~ordinance or~~ bylaw were to be literally enforced.

Section 6134:

Granting the variance must not nullify or substantially derogate from the intent of purpose of the ~~ordinance or~~ bylaw."

Section 7110.

Definition of "sign."

definition of "fuel pump sign":

In accordance with MGL c. 94, § 295~~c~~, standard gasoline fuel pump signs on service station fuel pumps bearing thereon in usual size and form the name, type and price of the gasoline."

definition of "nonconforming sign":

Any sign that existed on the effective date of this ~~ordinance~~ bylaw (or amendment thereto) and does not comply with the regulations set forth herein.

Appendix A, Table of Principal Use Regulations, attached to this bylaw is amended as follows:

In entry C28, marijuana establishment, insert a new superscript "8" after the type of permitted use in each district.

In the notes following the table, insert a new Note 8 as follows: "For medical marijuana treatment centers, see Section 4620."

'or act on anything relative thereto.

Submitted by the Town Clerk.

(Two-thirds vote required.)

ARTICLE 5. ESTABLISH OPIOIDS STABILIZATION FUND

To see if the Town will vote, pursuant to G.L. c.40, §5B, effective July 1, 2023, to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the state Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled “Massachusetts Abatement Terms”, and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; to transfer to said fund from Free Cash the sum of \$101,201.46, an amount equal to the opioid settlement receipts already received by the Town in the previous fiscal year; and, further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; or act on anything relative thereto.

Submitted by the Health Director

(2/3 Majority vote required)

HEALTH DIRECTOR REPORT: This article will create a special purpose stabilization fund to hold all monies received under the various national opioid settlements. Under the terms of the settlements the funds may only be used for supplementing and strengthening the resources available to individuals and families for substance use disorder prevention, harm reduction, treatment, and recovery, including without limitation: opioid use disorder treatment; supporting and promoting recovery and treatment programs such as through housing, job placement, childcare, and healthcare; at-risk connections and school-based services and training or safe station partnerships; harm reduction programs and treatment; diversion programs for criminal-justice involved persons; support for pregnant and parenting persons and babies with neonatal abstinence syndrome; opioid prevention and misuse education; and/or for the purpose of funding any such programs and projects set out in the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements and the National Opioid Settlement Agreement

ARTICLE 6. ATKINSON POOL FUNDS

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$100,000 or any other sum or sums, to be expended under the direction of the Combined Facilities Director for the design and replacement of the Atkinson Pool dehumidification equipment, including installation of destratification fans, repairs and/or replacement of the roof, structural repairs and supports for the rooftop dehumidification equipment, creation of a chemical room separate from the boiler room and repairs and/or maintenance of the Atkinson Pool, and all other incidental and related expenses; or act on anything relative thereto.

Submitted by the Combined Facilities Director.

(Two-thirds vote required if borrowed)

COMBINED FACILITIES DIRECTOR REPORT: This Article will design envelope, structural and mechanical replacements/enhancements to the existing Atkinson Pool. The roof and dehumidification unit has reached its life cycle expectancy. The installation of destratification fans will provide enhanced

ventilation within the Natatorium. The pool's deck and pool surround require a full grouting and significant tile repair.

ARTICLE 7. FAIRBANK COMMUNITY CENTER - SUPPLEMENTAL FUNDS

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$900,000 or any other sum or sums, to be expended under the direction of the Town Manager, to supplement the appropriation made under Article 18 of the 2020 Annual Town Meeting for reconstruction of the Fairbank Community Center Design and Construction, demolition of the existing building and including all incidental or related expenses; or act on anything relative thereto.

Submitted by the Town Manager.

(Two-thirds vote required if borrowed)

TOWN MANAGER REPORT: The new Fairbank Community Center is currently expected to open in November, approximately 6 weeks later than the original schedule. This delay is in part a result of delays in the supply chains, which have an impact on the critical path schedule such that work originally planned for the fall will be delayed until spring due to winter conditions. There are costs associated with schedule delays that will be funded through the remaining but dwindling contingency. When the bids came in high and the original contingency funds were used to award the contract, ARPA funds were committed to provide enough contingency to begin construction. Now those funds are not expected to be sufficient to complete the project with the extended schedule. The final phase of the project is the demolition of the existing building and completion of site work on that side of the new building. It is slated to be substantially complete in the spring, too late for any necessary funding at Annual Town Meeting. Should the contingency run out mid-winter, the project will have to stop mid-construction.

ARTICLE 8. FUND COLLECTIVE BARGAINING AGREEMENT - FIREFIGHTERS

To see what sum or sums the Town will vote to raise and appropriate, or transfer from available funds, to fund the collective bargaining agreement with the Sudbury Permanent Firefighters Association, Local 2023, for the period from July 1, 2021 through June 30, 2024; or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required.)

TOWN MANAGER REPORT: The Town and the Firefighters' union, in August 2023, executed a memorandum of agreement for a new three-year collective bargaining agreement. Ratification of the agreement is dependent on funding of the financial provisions. This article will fund the financial provisions of the agreement.

ARTICLE 9. REPURPOSE MELONE STABILIZATION FUND

To see if the Town will vote to transfer the remaining balance of \$1,100,000 in the special Stabilization Fund (Melone) established under Article 13 of the 2015 Annual Town Meeting, as such funds are no

longer needed for that purpose, to the Capital Stabilization Fund established under Article 13 of the 2019 Annual Town Meeting; or act on anything relative thereto.

Submitted by the Select Board.

(2/3 Majority vote required)

TOWN MANAGER REPORT: This article will close out the Special Stabilization Fund (Melone) and transfer the balance to the Capital Stabilization Fund. The Melone property was mined for sand for the Town's use. The Melone Stabilization Fund, so called, was created in 2015 to restore or reclaim the property or prepare it for reuse or redevelopment. The Melone property has since been sold and developed. Funds to restore or reclaim the property or prepare it for reuse or redevelopment are no longer needed. The remaining unexpended funds are proposed to be transferred to the Capital Stabilization Fund where they will be used to fund capital improvements. The Massachusetts Department of Revenue, Division of Local Services, in its April 2020 *Town of Sudbury: Review of Capital Improvement Program*, recommended the Town close the Melone Stabilization Fund and transfer the balance of funds to the Capital Stabilization Fund. The Melone Stabilization Fund has a balance of \$1,100,000.

ARTICLE 10. ROUTE 117/MOSSMAN/POWDER MILL ROADS INTERSECTION IMPROVEMENTS

To see if the Town will vote to appropriate from the Capital Stabilization Fund the sum of \$800,000 or any other sum or sums to fund improvements and installation of traffic signals at the intersection of Route 117 (North Road) and Mossman Road and Powder Mill Road, including all incidental and related expenses; or act on anything relative thereto.

Submitted by the Select Board

(2/3 Majority vote required)

DPW DIRECTOR REPORT:

This article will fund improvements to the intersection of Route 117 (North Road) and Mossman Road and Powder Mill Road. Improvements include signaling the approaches to the intersection and related improvements to enhance vehicular and pedestrian safety. Improvements will include: new traffic signals, pedestrian signals with count down timers, accessible pedestrian signals (APS) push buttons with signage, emergency vehicle preemption, geometric highway improvements, ADA compliant pedestrian ramps, traffic signs, and pavement markings.

ARTICLE 11. NIXON ELEMENTARY SCHOOL ROOF SCHEMATIC DESIGN FEES

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Permanent Building Committee for schematic design for the replacement of the roof at the Nixon Elementary School located at 472 Concord Road, Sudbury, MA, including the payment of all costs incidental or related thereto, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), with the Town acknowledging that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

Submitted by the Sudbury School Committee.

(Majority vote required)

SCHOOL COMMITTEE REPORT: The roof on the Nixon Elementary School building is 30 years old and the District intent is to apply for State funding to offset total project costs of replacing the roof.

The intent of this article is to fund a schematic design required by the Massachusetts School Building Authority (“MSBA”) in order to qualify for MSBA grant program project reimbursements under the MSBA Accelerated Repair Program (“ARP”).

Included in the MSBA grant program process, Sudbury Public Schools must submit a Statement of Interest (“SOI”) in January/February 2024. In accordance with the MSBA process, an SOI should only be filed for a facility where a district has the ability to fund a schematic design within two months of invitation and a total project budget within 12 months of invitation should the district be selected in the MSBA Accelerated Repair Program.

The current project estimate for replacing the roof at the Nixon Elementary School totals \$2,480,000. While the MSBA grant program reimbursement rate is adjusted for a number of factors, the statutory formula starts all districts at a Bases Rate of 31% reimbursement.

ARTICLE 12. INCREASE TO FY2024 SUDBURY PUBLIC SCHOOLS GENERAL FUND APPROPRIATION FOR ADDITIONAL CHAPTER 70 STATE AID

To see if the Town will vote to raise and appropriate the additional amount of \$232,380 to be added to the amount appropriated under Article 3 of the 2023 Annual Town Meeting for the FY2024 Sudbury Public Schools, which amount shall be offset by the increase to the FY2024 Chapter 70 funding approved by the Commonwealth of Massachusetts dedicated to local school districts; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

(Majority vote required)

SCHOOL COMMITTEE REPORT: This article seeks to increase the FY24 General Fund appropriation for Sudbury Public Schools for the amount of additional state aid funding not previously known at the Annual Town Meeting held in May 2023 and not included in the FY24 General Fund appropriation for Sudbury Public Schools.

On August 9th, 2023, Governor Maura Healey signed a \$55.98 billion State budget for Fiscal Year 2024 including \$6.59 billion in Chapter 70 K-12 public education funding, which dedicated an increase of \$604 million beyond Fiscal 2023.

ARTICLE 13. FUNDING OF STATE APPROVED SPECIAL EDUCATION OUT-OF-DISTRICT TUITION COST INCREASE

Attachment 2.4.c: KP-#882082-v2-2023_STM_Warrant_9-20-23_draft AJS 9.20.26 CLEAN (5987 : Sign STM warrant)

To see if the Town will vote to raise and appropriate the additional amount of \$184,755 to be added to the amount appropriated under Article 3 of the 2023 Annual Town Meeting for the FY2024 Sudbury Public Schools, which amount shall be offset by the increase in the funds made available to the Town for special education out-of-district tuition; or act on anything relative thereto.

Sponsored by the Sudbury School Committee. (Majority vote required)

SCHOOL COMMITTEE REPORT: The Massachusetts Operation Services Division (“OSD”) authorized a 14% increase in tuition for special education out-of-district placement centers in FY2024, a substantial budget burden to every school district.

The Governor of Massachusetts is seeking to provide relief to school districts in Fiscal Year 2024 for these approved additional costs through the State Supplemental Budget that would provide school districts with current year funding for these additional costs in order to provide school districts the required time necessary to submit circuit breaker reimbursement claims in July 2024 and receive these reimbursement funds in Fiscal Year 2025.

To date, this supplemental budget is in the approval process at the State level.

The purpose of this article is to provide Sudbury Public Schools with the manner to access these funds in FY2024.

ARTICLE 14. RESOLUTION: MASSACHUSETTS OFFICIAL SEAL AND MOTTO

Whereas, the Commonwealth of Massachusetts seal and flag portrays a sword being held over an indigenous man’s head

BE IT RESOLVED that the Town of Sudbury hereby adopts this resolution in support of the work of the Special Commission on the Official Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2021 and appointed by the Governor to recommend changes to the current flag and seal of Massachusetts, and in support of a new flag and seal for the Commonwealth that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The Town Clerk shall forward a copy of this resolution to Senator Jamie Eldridge and Representative Carmine Gentile, with the request that they continue their strong advocacy and support for the work of the aforementioned Special Commission and a new flag and seal for the Commonwealth.

Submitted by Citizen Petition. (Majority vote required)

The Select Board and the Finance Committee will report on all articles at the Special Town Meeting.

Attachment 2.4.c: KP-#882082-v2-2023_STM_Warrant_9-20-23_draft AJS 9.20.26 CLEAN (5987 : Sign STM warrant)

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

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

Given under our hands this _____ day of _____, two thousand and twenty-three.

SELECT BOARD:

Janie W. Dretler

Lisa V. Kouchakdjian

Daniel E. Carty

Jennifer S. Roberts

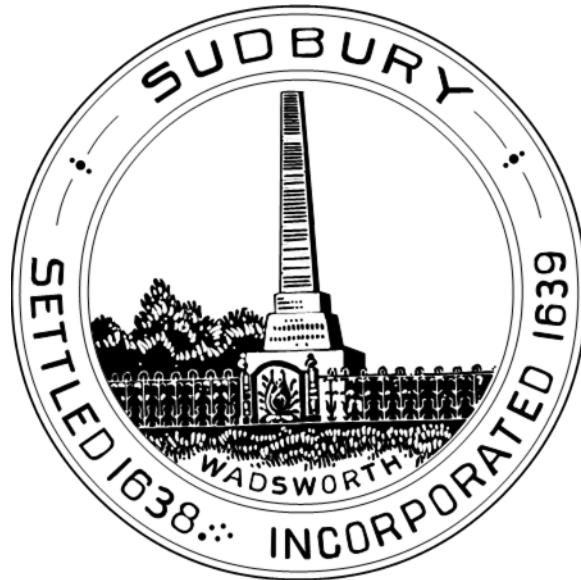
Charles G. Russo

Attachment 2.4.c: KP-#882082-v2-2023_STM_Warrant_9-20-23_draft AJS 9.20.26 CLEAN (5987 : Sign STM warrant)

Select Board
Sudbury, MA 01776

U.S. POSTAGE
PAID
Permit No. 4
Sudbury, MA 01776
ECRWSS

POSTAL PATRON
SUDBURY
MASSACHUSETTS 01776



Attachment 2.4.c: KP-#882082-v2-2023_STM_Warrant_9-20-23_draft AJS 9.20.26 CLEAN (5987 : Sign STM warrant)

Fairbank Funding Accounts

ATM 2020 Article 18 Project		\$28,832,000
ATM 2022 Article 23 FF&E		\$ 200,000
ATM 2022 Article 22 AV		\$ 300,000
ATM 2023 Article 15 AV		\$ 200,000
ATM 2023 Article 46 (CPC) Fence & Lights for court		\$ 100,000

ARPA Construction	184658/580001	\$ 1,600,000
ARPA Waterline	184658/580003	\$ 268,568.82 ***
ARPA Waterline		\$ 36,363 ***
ARPA AV Enhanced Design		\$ 13,460 *
ARPA Fire Sta. #2 transfer to contingency for Pool repair		\$ 233,000 **
ARPA Contingency for Pool repair		\$ 42,000 **

*2/7/23 SB voted \$13,460 toward AV design

** 2/28/23 SB voted to reallocate \$233,500 of the \$1M ARPA funding (originally allotted to Fire Sta. #2 project) and move this funding to contingency fund for Atkinson Pool repair ; also voted that the remaining \$42,000 from unallocated ARPA funds be included in the contingency fund for the Atkinson Pool repair (total vote \$275,500)

*** 2/28/23 SB voted to reallocate \$268,568.82 of unspent ARPA funding related to the waterline connection replacement affecting the Fairbank property to the Fairbank Community Center construction contingency to fund unforeseen or previously unknown costs associated with the original (as bid) Fairbank Community Center scope, provided that any unspent funds remaining at the completion of construction of the original scope project would revert back to the Town. The \$36,363 represents the onsite asbestos removal related to the waterline issue performed by General Contractor.

Attachment 2.4.d: FCC Funding Sources (5987 : Sign STM warrant)

Additional Fairbank Funding

Cummings Grant	\$	100,000	kitchen equipment
Friends of Sudbury Sr. Center	\$	130,000	fireplace & patio
Energy Committee	\$	100,618	triple pane windows
State Grant (Friends)	\$	100,000	basketball fencing/lights

Attachment 2.4.d: FCC Funding Sources (5987 : Sign STM warrant)

Questions regarding SPS's proposed Fall 2023 Special Town Meeting warrant article to fund Nixon Elementary School roof replacement schematic design fees:

1. Can SPS provide the engineering study that recommends roof replacements for Nixon & other school roofs? Or, provide whatever basis is available that gives reason to replace the roofs?

Russo Barr and Associates provided an engineering study in 2012. Based on age and roof conditions they recommended replacement of the roof in 2019. The roof was placed on the Capital Plan by a former Combined Facilities Director before 2017. In addition to age (30 Years), information from contractors, tests on the roofs, and ongoing repairs over the past several years have indicated that the roof is well beyond its useful life.

2. From a town-wide resource allocation perspective, is there value in waiting until after the upcoming comprehensive Space Use and Facility Condition Study, which includes schools and was approved by Town Meeting, is completed to prioritize capital projects?

The School Department looks forward to the Town-wide study, including schools. The Town Wide Facility Condition Assessment will provide a visual inspection of the roofs, review our maintenance history, the age of the roof, and provide recommendations for replacements. This information will be helpful for our overall capital planning. The work of maintaining our building and grounds can not be halted while engaged in a study when faced with current needs for the roofs. We are also tracking the MSBA timeline as it is important to apply any possible funding sources that could offset the expense to the Town.

3. What are we still paying off for the last Nixon Roof project (per page 86/100 of last Town Meeting Warrant) which lists \$120,000 balance owed for "Nixon Roof and Other" as of 6/30/2023?

In 2012, the replacement of approximately 5,000 sf of sloped shingle roofing over the cafetorium was part of the much larger project of replacing window systems and doors and was partially funded under the MSBA Accelerated Repair Program. The 2012 project did not include roof replacement for the 1994 additions. The Russo Barr report, conducted in 2012, recommended the replacement of the 1994 additions roof in 2019 (25 Years). The Town Finance Director is responsible for related recommendations and debt reporting and would be better suited to address the details of this question.

4. Assuming the Nixon roof replacement project moves ahead, what is the expected lifespan of the roof until the next replacement?

The normal lifespan of a roof is expected to be 25 years.

5. What is the expected lifespan of Nixon School until its replacement?

The school committee has not discussed the replacement of schools in the last five years, and such discussion would include multiple boards, committees, and stakeholders in the community. Nixon, in particular, is not the oldest of the SPS buildings.

6. For the Fairbank Community Center, the community chose against paying for a 30-year roof on a building with a <10-year lifespan and instead ultimately voted to replace an outdated building that did not meet user needs with a modern one. Is there a parallel between Fairbank and any of the proposed school roof replacements?

We do not see a correlation between the Fairbank Community Center and the Nixon School roof project.

7. Why are the School Buildings the only capital items with no replacement dates in the SPS Capital Plan? Can these dates be added?

<https://docs.google.com/spreadsheets/d/1iufa-VAnzdh6-Z6Hskhsd9Tp48acXyVGJNvz2izKv88/edit#gid=1038968746>

In addition to question 5's response, the SPS Capital Plan is also utilized to account for all major capital assets of the schools. School buildings are the most significant capital assets on the school-side. Assessments and dates have not been discussed or determined on any school buildings.

8. In Andover, they are in the process of replacing so many schools (2 elementary school, 1 high school) within a short period of time (~6 years) that MSBA has denied funding for some projects (high school application denied 10 years in a row). Nevertheless, student needs compel that Town to move ahead with those school replacement projects. This has led the Town to exceed its debt limit, in part because of the MSBA denials. It sought permission from the State Legislature via Home Rule Petition to be exempt from state-mandated debt limits (5% of total assessed value of property in Town). This was successful, but now there is concern that the Town's AAA bond rating is in jeopardy due to its large borrowing in a short period of time in excess of the normal limit. And because of the many new school building projects such a short time, taxes spiked substantially – several thousand dollars – in just a few years. Given that SPS has requested 4 new school roofs in 5 years totaling >\$10M, what assurances do we have that Sudbury is not traveling down the same path as Andover?

Debt capacity forecasting is critical to any long-term financial planning and capital budgeting requirements. We can not comment on the state and conditions of the school buildings in Andover or the MSBA's approval process for other Towns and/or School Districts. It is also

important to note that the example is for the construction of multiple school buildings (Andover High School project alone \$480-567 million), and is not comparable to roof replacement projects in Sudbury Public Schools. The Town Finance Director is responsible for making these types of recommendations and would be better suited to address this question.

9. Given that LS debt will soon roll off, and in coming years the one-time debt taken on for conservation land purchases will roll off, and that MSBA funding approval often takes several years, should we start considering the replacement of a school building? This could help to space out our capital replacements and smooth out our debt levels at a steady level rather than a fluctuating one.

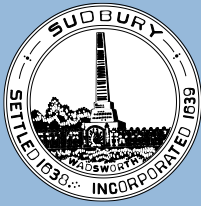
The MSBA Accelerated Repair Program is a competitive program, but does not necessarily take several years. With 31%+ possible reimbursement on the project, we feel it is fiscally prudent to attempt securing reimbursement funding on behalf of Sudbury taxpayers. As articulated in our Capital plan, we have several school roofs that are reaching the end of or will be beyond their 25-30 year useful life and need to be replaced. The continued deferral of capital replacements will result in escalating project costs and pressure debt capacity.

10. Given future climate projections of increased air temperature, air moisture, and potential air-borne contagions, how many classrooms lack air conditioning and HVAC filtration that meets current standards? Please identify number of classrooms by building.

All of our buildings were assessed during the pandemic for air quality standards. SPS buildings and classrooms meet those standards. Not all learning spaces have air conditioning. We can provide those numbers at a future date.

11. Why does the proposed warrant article call for the design fees to be expended under the direction of the Sudbury Public School Department and not the Permanent Building Committee or Combined Facilities Director?

The School Committee has statutory authority over School Facilities and Grounds, including the oversight on spending. (MGL Chapter 71 Section 68). The recommendations, operations, and execution of projects is the responsibility of the SPS School Committee and Administration. The Combined Facilities Director is part of the Administration.



SUDBURY SELECT BOARD
Tuesday, September 26, 2023

MISCELLANEOUS (UNTIMED)

5: Goal Setting follow up

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Goal Setting - follow up and review of deliverables.

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

09/26/2023 7:00 PM



EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT
 JOHN W. McCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
 UNIVERSITY OF MASSACHUSETTS BOSTON

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mccormack.umb.edu/centers/cpm
collins.center@umb.edu

MEMORANDUM

TO: Select Board, Town of Sudbury
 FROM: Mel Kleckner, Associate, Collins Center
 DATE: September 21, 2023
 RE: 2024 Prioritized Goals

Following the goal planning session on September 14, please find attached a table that lists all goals/projects considered by the Select Board for 2024.

The six highest scoring goals ranged from 18 points to 5 (out of a possible 25 points). Each of these goals received at least two priority votes from Board members. The highest ranked goal of *Developing a Long-Term Comprehensive Plan to Fund and Manage the Operating and Capital Budgets* received 18 points and votes from four out of the five Board members. A related goal of *Addressing Staffing Needs and Succession Planning* received 11 points and votes from three out of the five Board members. *Investigating Vocational Education Access Options* is a carryover from 2023 and received 9 points from four of the five Board members. The remaining goals of *MBTA Communities Zoning*, *Economic Development* and *Funding Options for Construction of the Freeman Rail Trail* received 8, 6 and 5 votes respectively.

Ranked goals were included within most, but not all the Board's Primary Goal Categories. Financial Management & Economic Resilience represented three of the six top ranked goals while Transportation, Mobility & Housing, Effective Governance and Communication, and Open Space, Recreation & Historic Assets included one goal each. The categories of Town Services and Infrastructure and Environmental Health and Wellness were not represented among the top six ranked goals in 2024.

It is my understanding that the Select Board will confirm their top ranked goals and begin to develop aspects of the SMART goal process at your upcoming meeting. Specifically, this involves identifying key strategies, deliverables that are time bound and assignment of a member(s) of the Board and key staff to be responsible for ensuring attainment of the goal. These details should be updated and refined as necessary throughout the year to help meet the goal. An example of a goal that requires further refinement is *Economic Development*. This is an overly broad goal which shall require more specific objectives or strategies that can be met in 2024.

Thank you for the opportunity to work with you again on this important process. I was especially pleased to see the new town manager actively engaged and identifying goals for the Board's consideration. In addition, the in-person format of this year's session provided a better environment for Board members and staff to collaborate on the Town's priorities.

Good luck in refining your priority goals for 2024.

cc: Andy Sheehan, Town Manager

Goal	Primary Category	Lisa Kouchakdjian	Jen Roberts	Dan Carty	Charles Russo	Janie Dretler	Total Score	2024 Rank
Develop a long-term comprehensive plan to fund and manage the operating and capital budgets	Financial Management & Economic Resilience		5	3	5	5	18	1
Address staffing needs and succession planning	Financial Management & Economic Resilience	3	4		4		11	2
Investigation of Vocational Education Access options	Effective Governance and Communication	5	1	2	1		9	3
MBTA Communities Zoning	Transportation, Mobility & Housing			5	3		8	4
Economic Development	Financial Management & Economic Resilience	2	3			1	6	5
Determine funding options for construction of Phase 3A-CSX/Rt 20 of the Bruce Freeman Rail Trail.	Open Space, Recreation & Historic Assets	1				4	5	6
Expand (Normalize) and fund a Transportation Option, especially for vulnerable populations.	Transportation, Mobility & Housing			4			4	
Conduct a comprehensive ADA Plan	Transportation, Mobility & Housing	4					4	
Sustainability and Climate Change initiatives; including hiring a Sustainability Coordinator and creation of Climate Mobilization Action Plan.	Environmental Health & Wellness					3	3	
Ongoing monitoring of Sewataro agreement to determine compliance. Evaluate future best use of Sewataro in coordination with ADA requirements and the Open Space and Recreation Plan (Planning Board)	Open Space, Recreation & Historic Assets					2	2	
Address emergency preparedness for growing older adult population (storms, floods, power outages, etc.) Public Health Initiatives; MRC/CERT, Great Meadows Collaborative, etc	Environmental Health & Wellness		2				2	
Coordination/Accountability on various planning studies	Effective Governance and Communication				2		2	
Revise and update the LS Agreement	Effective Governance and Communication			1			1	
Tracking progress on Capital projects	Effective Governance and Communication						0	
Promote and Support Master Plan	Effective Governance and Communication						0	

Attachment 2.5.b: SB 2024 List of Goals REVISED/EDITED (5998 : Goal Setting follow up)

Goal	Primary Category	Lisa Kouchakdjian	Jen Roberts	Dan Carty	Charles Russo	Janie Dretler	Total Score	2024 Rank
Infrastructure prioritization and planning relating to safety - sidewalks/crosswalks/signage	Town Services and Infrastructure						0	
Housing Production Plan - complete	Transportation, Mobility & Housing						0	
Open Space and Recreation Plan - update	Open Space, Recreation & Historic Assets						0	
Fairbanks Community Center	Town Services and Infrastructure						0	
Execution of wastewater management plan	Town Services and Infrastructure						0	
Website improvement and accessibility	Effective Governance and Communication						0	
Professional development for Select Board	Effective Governance and Communication						0	
Anniversary planning	Open Space, Recreation & Historic Assets						0	
Rt. 20 study/plan	Town Services and Infrastructure						0	

Attachment 2.5.b: SB 2024 List of Goals REVISEDELETED (5998 : Goal Setting follow up)

TOWN OF SUDBURY

SELECT BOARD MISSION STATEMENT AND VALUES

Select Board Mission Statement:

The Select Board, as the chief policy making body for the Town of Sudbury, Massachusetts, will maximize and ensure the quality of life and well-being of Sudbury residents, today and in the future. To accomplish this, the Select Board shall set strategic direction, appoint certain boards, establish policies, and develop goals that deliver the highest quality municipal services in a fiscally responsible manner to the community that it serves and advance its values. The Select Board relies upon the Town Administration, volunteers, residents, and other stakeholders to implement the policies and initiatives while promoting an atmosphere of mutual respect, collaboration, and inclusion.

Select Board Values Grouped within Goal Categories:

Effective Governance and Communications

- Protect and enhance the professionalism of the Town's staff, boards, and committees.
- Foster respectful civic engagement; promote transparency and effective communications.
- Protect and promote a climate of acceptance, equity, inclusion and belonging.

Town Services and Infrastructure

- Encourage responsible long-term capital management and strategic planning to support, maintain, and enhance Town infrastructure and services.
- Protect and enhance educational excellence.
- Ensure equitable access to Sudbury facilities, programs, information, and services.
- Promote and ensure public health and safety within the community.

Financial Management and Economic Resilience

- Protect and enhance Sudbury's fiscal health and financial stability.

Open Space, Recreation and Historic Assets

- Protect and enhance the unique sense of place offered by the Town.

Transportation, Mobility and Housing

- Encourage and pursue a wide range of housing options that accommodate the diverse needs of individuals across age and socio-economic demographics.
- Promote access to transportation options and advocate for bicycle and pedestrian alternative travel.

Environmental Health and Wellness

- Promote and enhance Sudbury's environmental resources and sustainability.

Vocational Education

The Select Board shall develop a short and long-term plan to address the needs of students in the Town of Sudbury. The short-term goal shall address the needs of current middle school students seeking vocational education. The long-term goal will achieve membership in a vocational education school. The Select Board will determine action steps and collaborate with the Town of Sudbury, Lincoln-Sudbury Regional High School and Sudbury Public Schools administrations as necessary. This work shall be completed by (Insert date).

Action Steps:

- The Select Board shall designate a member of the Board (or establish a Subcommittee) to address the short and long-term goals.
- The Select Board designee (or Subcommittee) will communicate with vocational education schools and provide any information or documents in furtherance of the short and long-term goals.
- The Select Board designee (or Subcommittee) shall regularly report to the full Select Board regarding its progress and make recommendations regarding revisions to the goals as necessary.

Select Board Meeting

September 26, 2023

Goal:

~~Determine funding options for~~ **Advance design and** construction of Phase 3A-CSX/Rt 20 of the Bruce Freeman Rail Trail.

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Deliverables (within two years of July 19, 2023):

- 1) receive MassDOT approval of the project's Scope/Workhours
- 2) secure a signed contract with design consultant for the entire design process; and
- 3) identify design funding (provide proof of Town vote/Chapter 90 approval/etc., indicating full funding has been secured).

Goal: Advance MBTA Communities Act compliance efforts to ensure that draft zoning amendment article(s) are prepared for Town Meeting, preferably for ATM 2024, in advance of the deadline for compliance of 12/31/2024.

- Work collaboratively with Planning Board and other relevant boards, commissions, and groups.
- Continue to implement the Action Plan and timeline that was approved by SB on Nov. 29, 2022 and submitted to DHCD shortly after and then approved.
- Determine who will develop the potential zoning – internal or external (MAPC, consultant, etc.) – and how that will be funded. Consider available technical assistance from the state.
- Hold public hearings to communicate out the requirements, alternatives for implementation, and potential effects of the law to residents.
- Create subpage on Town website to collect information (eventually).
- Ensure that draft zoning amendment article(s) are prepared for the 2024 Annual Town Meeting.
- Submit request for determination of compliance to DHCD before deadline of 12/31/2024.

In addition, please see below and please include in our packet the Action Plan timeline the Select Board approved on Nov. 29, 2022:

Task	Start Date	End Date
Public Outreach	Feb. 1, 2023	Jan. 31, 2024
Developing Zoning	Feb. 1, 2023	Nov. 30, 2023
Apply Compliance Model	May 15, 2023	Nov. 30, 2023
Planning Board Hearings	Dec. 1, 2023	Jan. 31, 2024
Adopt Compliant Zoning	May 1, 2024	Oct. 31, 2024
Submit Compliance to DHCD	Nov. 1, 2024	Dec. 31, 2024

Select Board Goal on Economic Development

2023-2024

Jennifer Roberts (Select Board liaison to goal)

Goal Deliverables

- Select Board review of existing information on Sudbury Economic Development in Master Plan (see resources below).
- Conduct internal Select Board/Town Manager discussion on Economic Development in Sudbury: What are we looking to achieve with this goal?
- Meet with Planning Board/Planning Department to align on goal and next steps (either Select Board Goal Liaison meets with Planning Board Chair or hold joint meeting).
- Pursue hiring of an Economic Development Consultant (funded through ARPA funds) to guide creation of economic development plan and strategies.

Approach may include:

- Analyze current economic landscape in Sudbury and in comparable communities.
- Gather public input (community, Chamber of Commerce, other committees).
- Establish Economic Development vision/goals.
- Identify challenges and opportunities for success.
- Develop strategies to achieve goals.
- Development implementation plan/timeline.
- Consider creation of Economic Development Committee to work with Economic Development consultant on plan or for ongoing work when plan is completed.
- Ensure Town resources are in place to support goals and implementation (staff, volunteers).

Resources:

1) Sudbury Master Plan

Baseline report (Economic Development pg. 47):

https://sudbury.ma.us/masterplan/wp-content/uploads/sites/392/2021/06/210428_SudburyMasterPlan_BaselineReport_FINAL_LowRes.pdf?version=ed02f66ac109dc7fca01f53b8fca1fd4

Master Plan (Economic Development pg. 29)

https://sudbury.ma.us/masterplan/wp-content/uploads/sites/392/2021/06/210428_SudburyMasterPlan_ADOPTED_LowRes.pdf?version=204e008acca5790d662b0cf93219533b

Action Matrix (Economic Development pg. 3)

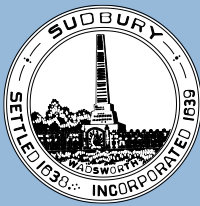
<https://sudbury.ma.us/planning/wp-content/uploads/sites/328/2021/10/Action-Plan.pdf?version=bb570f61cd5a9e6ca4ffa9cbe705a6e9>

2) January 2020 • Volume 5 • Number 6 MMA Policy Committee on Municipal and Regional Administration Best Practice Recommendation: Economic Development Factors Within Municipal Control

https://www.mma.org/wp-content/uploads/2019/12/MMA_Best_Practices_vol5no6_2020.pdf

2) CONTROL YOUR DESTINY: TOP TIPS FOR ECONOMIC DEVELOPMENT MMA Annual Meeting 2020

https://www.mma.org/wp-content/uploads/2020/02/AM20_TipsForEconDevelopment_AndersonStrategic.pdf



SUDBURY SELECT BOARD
Tuesday, September 26, 2023

MISCELLANEOUS (UNTIMED)

6: Firearms Bylaw Discussion

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion on potential Firearms bylaw. See July 11, 2023 Select Board Meeting packet at <https://sudbury.ma.us/selectboard/?p=9884> for related documents.

Recommendations/Suggested Motion/Vote: Discussion on potential Firearms bylaw. See July 11, 2023 Select Board Meeting packet at <https://sudbury.ma.us/selectboard/?p=9884> for related documents.

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

09/26/2023 7:00 PM

ARTICLE ____ FIREARM BUSINESS USES

9/18/23

To see if the Town will vote to amend the Sudbury Zoning Bylaw as set forth below: or act on anything relative thereto:

2200. PRINCIPAL USE REGULATIONS

A. Insert in Section 2230, Table of Principal Use Regulations, Part C. Commercial, after “28. Marijuana Establishment” a new use category entitled “29. Firearm Business”, as shown in the table below.

PRINCIPAL USE	A-RES	C-RES	WI	BD	LBD	VBD	ID	LID	IP	RD
C. COMMERCIAL										
29. Firearm Business Use	N	N	N	N	N	N	N	ZBA	ZBA	ZBA

B. 2250. Firearm Business Use.

2251. Purpose: To establish criteria for the establishment of Firearm Business Uses in the Town of Sudbury to address public safety concerns arising from the operations of such businesses and the potential disruption of peace and quiet enjoyment of the community. This section provides for separation between Firearm Business Uses and certain uses enumerated herein to maximize protection of public health, safety, and welfare in conjunction with the protections from G.L. c. 140, ss. 122-131Y and other State laws and regulations. To the extent this section or any related section can be read to potentially conflict with G.L. c. 140 or other State laws or regulations, the section shall be interpreted to minimize any conflict with State laws or regulations while maximizing the furtherance of the public safety and other public purposes underlying this section.

2252. Compatibility with State and Federal Laws and Regulations: Firearm Business Uses shall obtain and maintain all necessary Federal, State, and other required local approvals and licenses prior to beginning operations, including but not limited to a valid current State license issued pursuant to G.L. c. 140, ss. 122, as applicable. Required State and Federal licenses must be obtained before applying for a Special Permit.

2253. Applicability: This section shall apply to all Firearm Business Uses including related buildings.

2254. The hours of operation for a Firearm Business Use shall not adversely impact nearby uses. The hours of operation shall follow all state statutory and regulatory requirements, ~~but in no case shall any Firearm Business Use be open before 9:00AM or remain open later than 8:00PM, and shall be limited to Monday-Saturday, 10:00AM-5:00PM and closed on Sundays.~~

2255. Prior to the application for a Special Permit a Firearm Business Use shall submit a security plan to the Sudbury Police Department for review and approval. Review and approval of

the security plan may include an inspection of the proposed site by the Police Department. The plan must include, but not be limited to, the following:

- a. Proposed provisions for security.
- b. A trained employee shall check identification and compliance with age restrictions prior to customers entering the establishment.
- c. The physical layout of the interior, including a demonstration that the size of the business is not so excessive so as to create issues with site security and video monitoring.
- d. After-hours storage of all Firearms in locked containers or by otherwise securing the Firearms with tamper-resistant mechanical locks.
- e. The number of employees.

2256. Prior to the application for a Special Permit a Firearm Business Use shall submit an operations and management plan to the Sudbury Police Department for review and approval.

2257. All Firearm Business Uses shall conduct criminal background checks of all employees in accordance with State law.

2258. No person under the age of 18 shall have access into or within a Firearm Business Use, with the sole exception that minors age 14 and older may accompany the minor's parent or legal guardian.

2259. Firearms Dealers shall videotape the point of sale of all firearms transactions and maintain videos for ~~six (6) months~~ three (3) years to deter illegal purchases and monitor employees.

2260. Firearm Business Uses shall not sub-lease space from a tenant of any building or structure and is prohibited from sub-leasing the Firearm Business Use space to another Firearm Business.

2261. Location Requirements. All distances in this section shall be measured in a straight line from the property line of the lot containing the Firearm Business Use to the nearest property line of any of the following designated uses:

- a. A Firearm Business Use shall not directly abut any property containing a residential use.
- b. A Firearm Business Use shall not be located within 500 feet of ~~any property containing a lot which contains~~ a public or private K-12 school, ~~child care facility (including family daycare homes, daycare centers, preschools, and/or nursery schools)~~ child care facility, public park and playground, establishment catering to minors or seniors, religious organization, or existing Firearm Business Use.
- c. A Firearm Business Use shall not be located within a building containing a dwelling unit.

2262. Special Permit for Firearm Business Use: In addition to the requirements of Section 6200, an application for Special Permit for Firearm Business Use shall include, at a minimum, the

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following information:

- a. Description of Activities: A narrative providing information about the type and scale of all activities that will take place on the premises.
- b. Lighting Analysis: A lighting plan showing the location of proposed lights on the building and the lot, and a photometric plan showing lighting levels.
- c. Context Map: A map depicting all properties and land uses within a 1,000-foot radius of the lot on which the Firearm Business is proposed to be located.
- d. Comprehensive Signage Plan in conformance with the Sign Bylaw.
- e. Report from the Police Chief or Designee: Confirming that the applicant has submitted the plans and information described in 2255 above and that those plans have been approved.

f. The Firearm Business Use shall procure and at all times while in operation maintain insurance issued by an insurance company licensed to do business in the Commonwealth, insuring the Firearm Business Use against liability for damage to property and for injury to, or death of, any person as a result of the theft, sale, lease or transfer, or offering for sale, lease or transfer of a firearm or ammunition, or any other operation of the Firearm Business Use. The limits of liability shall not be less than \$1,000,000 for each incident of damage to property or incident of injury to death to a person; provided however, that increased limits of liability may be required by the Special Permit Granting Authority upon a finding that the size of the operation warrants greater liability. Notice of termination of any applicable insurance must be given to the Special Permit Granting Authority at least 30 days prior to the effective date of the cancellation. The Town of Sudbury shall be insured under the business owner's policy and the Town shall be indemnified against any liability, claim, or loss tied to the business.

e.g. A Special Permit for a Firearm Business Use shall be valid for one year. The owner of a Firearm Business Use shall annually apply to the Special Permit Granting Authority for renewal of the Special Permit, which renewal shall not exceed one (1) year.

2263. Special Permit Criteria: In granting a Special Permit for a Firearm Business Use, in addition to the general criteria for granting a Special Permit, the Zoning Board of Appeals shall find that the following criteria are met:

- a. The lot is designed such that it provides convenient, safe, and secure access and egress for clients and employees arriving to and leaving from the lot.
- b. The establishment will have adequate and safe storage, security, and lighting.
- c. Loading, refuse, and service areas are designed to be secure and shielded from abutting uses.
- d. The establishment is designed to minimize any adverse impacts on abutters or

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pedestrians.

- e. The location and characteristics of the proposed use will not be detrimental to the public health, safety, and welfare of the neighborhood, which may extend into an adjacent municipality, or the Town.
- f. All signage has been reviewed and approved by the Building Commissioner or Design Review Board, as applicable, as to letter size, color, and design per section 3200 to ensure mitigation of impact to the surrounding neighborhood, consistent with applicable Federal and State law.

g. The establishment has satisfied all of the conditions and requirements in this section.

~~g. No more than two Firearm Business Uses are allowed within the Town of Sudbury, at any given time. A Special Permit for Firearm Business Use is not transferable upon a sale, transfer, or assignment of the Firearms Business Use. A special permit for a Firearm Business Use shall be terminated for violation M.G.L. c. 140, ss. 122B, 130, 131N, or similar laws in other states. Upon expiration or cancellation of the policy of insurance as required herein, and if no additional insurance is obtained, the special permit shall be terminated.~~

2264. Severability: If any portion of this section is ruled invalid such ruling shall not affect the validity of the remainder of the section.

C. DEFINITIONS

Insert in Article 7000, Definitions, the following new definition:

Ammunition: Cartridges or cartridge cases, primers (igniters), bullets, tear gas cartridges, or propellant powder designed for use in any Firearm.

Firearm: Any device designed or modified to be used as a weapon capable of firing a projectile using an explosive charge as a propellant, including but not limited to guns, pistols, shotguns, rifles.

Firearm Accessory: Any device designed, modified, or adapted to be inserted into or affixed onto any Firearm to enable, alter, or improve the functioning or capabilities of the Firearm or to enable the wearing or carrying about one's person of a Firearm.

Firearm Business Use:

A. Firearm Dealer: A retail or wholesale operation involving the purchase or sale of Firearms, Ammunition, and/or Firearm Accessories.

A-B. Firing Range: A commercial facility designed for Firearm(s) training and/or shooting practice.

B-C. Gunsmith: Any retail operation involving the repairing, altering, cleaning, polishing, engraving, blueing, or performing of any mechanical operations on any Firearm.

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TO: Andrew Sheehan, Sudbury Town Manager (*By Electronic Mail Only*)

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

RE: Town Meeting Warrant; Citizen-Petitioned Zoning Article 55- Firearms

DATE: May 1, 2023

ATTORNEY-CLIENT PRIVILEGE- NOT A PUBLIC DOCUMENT

The Select Board has requested a legal analysis of a citizen-petitioned warrant article that seeks to ban firearms sales, assembly and manufacturing in the Town through a zoning bylaw amendment, as set forth below. Please find a legal analysis regarding the pertinent legal issues, as requested by the Board.

BACKGROUND

On January 25, 2023, a citizen-petitioned warrant article was submitted for Town Meeting consideration that would amend Part C of the Zoning Bylaw's Table of Principal Use Regulations. The proposed warrant article is attached to this memorandum as Exhibit A and states:

“To see if the Town will vote to[,] [i]n 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[s] in the Town of Sudbury.”

As you know, Part C of the Table of Principal Use Regulations, Section 2230, Appendix A, addresses commercial uses. Currently, two types of commercial uses are expressly prohibited in all districts: ATMs and similarly sized service booths, and marijuana establishments. The Zoning Bylaw also specifies that “[u]ses not expressly provided for herein are prohibited.” Section 2210.

ANALYSIS

1. The state of applicable case law.

Bruen Case:

In 2022, the Supreme Court addressed the Second Amendment to the United States Constitution in the case of New York State Rifle & Pistol Association, Inc. v. Bruen, 142 S. Ct. 2111 (2022) (hereinafter, “Bruen”), although the Supreme Court did not explicitly address the sale or manufacture of firearms in that case.¹ The opinion is attached hereto as Exhibit B.

Bruen concerned New York’s “may issue” gun-licensing law. According to the Court, “may issue” laws, as opposed to “shall issue” laws, are those “under which authorities have discretion to deny concealed-carry licenses even when the applicant satisfies the statutory criteria, usually because the applicant has not demonstrated cause or suitability for the relevant license.” The Court held that the law at issue violated the Second Amendment.

In doing so, it determined that “the Second and Fourteenth Amendments protect an individual’s right to carry a handgun for self-defense outside the home.” The Court also clarified that the Second Amendment analysis is entirely historical in nature: “[W]hen the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. To justify its regulation, the government may not simply posit that the regulation promotes an important interest. Rather, the government must demonstrate that the regulation is consistent with this Nation’s historical tradition of firearm regulation.”

As relevant in this context, in Bruen, the Supreme Court clarified the legal framework for Second Amendment challenges to government regulation. The Supreme Court held that, in lieu of the “two-step test” that courts had previously adopted for resolving Second Amendment claims, courts must now apply a standard “rooted in the Second Amendment’s text, as informed by history.” 142 S. Ct. at 2127. Therefore, in our opinion, now under Bruen, reviewing courts must determine whether “the Second Amendment’s plain text” protects the conduct in which the plaintiff wishes to engage, and if it does, then decide whether the regulation “is consistent with this Nation’s historical tradition of firearm regulation.” *Id.* at 2126. If challenged, the Town, as the government entity, has the burden of “demonstrat[ing] that the regulation is consistent” with historical tradition. *Id.* Therefore, in assessing that historical tradition, a reviewing court must engage in “analogical reasoning” to determine whether the challenged restriction on Second Amendment rights is “relevantly similar” to a historical regulation or tradition. *Id.* at 2132-33. Importantly, the Supreme Court held as follows:

Despite the popularity of this two-step approach, it is one step too many. Step one of the predominant framework is broadly consistent with Heller, which demands a test rooted in the Second Amendment’s text, as informed by history. But Heller and McDonald do not support applying means-end scrutiny in the Second Amendment context. Instead, the government must affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms.

¹ For a recent Supreme Judicial Court opinion that addresses Bruen in the context of firearm possession crimes, see Commonwealth v. Carlos Guardado, SJC-13315 (Apr. 13, 2023), available at <https://www.mass.gov/files/documents/2023/04/13/e13315.pdf>.

Accordingly, in our opinion, a Second Amendment challenge to government regulations in the firearms context will likely invoke the standard set forth above in Bruen. As this is an evolving area of law, the scope of its application is unknown at this time, in our opinion.

Heller Case:

Prior to the Bruen decision, in another Supreme Court case entitled District of Columbia v. Heller, 554 U.S. 570 (2008), the Supreme Court addressed a provision adopted by the District of Columbia generally prohibiting the possession of handguns, and providing further that no person could carry a handgun without a license. The Court held, in part, that the complete ban on handgun possession was inconsistent with the Second Amendment. However, the case also indicated that the Second Amendment is not “absolute” and does not “grant the right to keep and carry any weapon whatsoever in any manner whatsoever for whatever purpose.” The court noted several “presumptively lawful” regulatory measures, including prohibition of: carrying concealed weapons, felons and the mentally ill possessing firearms, and the carrying of firearms in “sensitive” places such as schools and government buildings. Of note, the Court also indicated that it was presumptively lawful to “impose conditions and qualifications on the commercial sale of arms.”

Teixiera Case:

Another directly relevant case is Teixeira v. County of Alameda, which was heard by the 9th Circuit Court of Appeals, and then by the 9th Circuit “en banc” (meaning the entire court of appeals rather than a panel of the court). A zoning provision in Alameda County limited guns stores to locations more than 500 feet distant from a residentially zoned district; elementary, middle or high school; preschool or day care center; other gun store; or liquor store or establishment. For reference, Alameda County is 821 square miles and is home to more than 1,500,000 people.

In the 9th Circuit panel case, 822 F.3d 1047 (2016), the Court asked whether: (1) “the Second Amendment places any limits on regulating the commercial sale of firearms,” (2) whether the case implicated the Second Amendment, and, if so, (3) what level of scrutiny should be applied. The Appeals Court panel determined that the right to bear arms would be meaningless if it did not also protect the right to acquire arms, and therefore that Second Amendment rights were implicated. The Appeals Court panel sent the case back to the lower court to determine the appropriate level of scrutiny.

Later, the case was reviewed by the full 9th Circuit Court of Appeals, 873 F.3d 670 (2017). The opinion is attached hereto as Exhibit C. In that case, which was decided before the Supreme Court’s decision in Bruen, court noted that there were 10 gun stores in Alameda County, one of which was essentially down the street from the location denied a zoning permit. The Court concluded, “In any event, gun buyers have no right to have a gun store in a particular location, at least as long as their access is not meaningfully constrained.” The Supreme Court declined to review that case.

2. *Whether a complete prohibition is allowed.*

In our opinion, the citizen-petitioned article seeking an amendment to the zoning bylaw would need to be approved by the Massachusetts Attorney General’s Office. Based on the language set forth in the petitioned article, in our opinion, we cannot predict with any certainty whether approval would issue given the scope of the proposed regulation, the lack of definitions relative to same. In addition to uncertainty regarding the Attorney General’s approval regarding a total ban of firearms sales, assembly or manufacturing, as written, in our opinion, it is highly likely that the zoning bylaw would be subject to constitutional challenge. As you are aware, firearms matters are of significant interest throughout the country, and therefore any municipality that seeks to prohibit gun sales may anticipate a well-financed challenge to such regulation, in our opinion.

3. *Municipalities in Massachusetts that have prohibited gun sales.*

There are many states where local entities are not authorized to regulate gun sales and, instead, such matters are addressed at the state level. In those states where regulation is permitted, such as Massachusetts, there are several types of regulation. The predominant types of regulations are zoning firearms businesses in certain districts, such as adult-use or other districts located at a distance from residential or park/playground uses; creating an overlay district; imposing a buffer area around certain sensitive places such as parks and health care facilities; and/or conditioning the grant of a permit for such use.

As far as we are aware, no municipality in Massachusetts has recently adopted a local zoning regulation entirely prohibiting the locating of firearms businesses therein. As you know, there is a comprehensive state scheme dealing with the licensure of firearms dealers, including, but not limited to, pursuant to G.L. c. 140, §§ 122 and 123. Specifically, the Massachusetts Gun Control Advisory Board, established by the Governor pursuant to G. L. c. 140, §131½, is responsible for advising the Executive Office of Public Safety and Security on matters relating to the implementation of the Commonwealth’s gun laws, and therefore advising on what constitutes adequate safety measures. In practice, the Sudbury Chief of Police, as the local firearms licensing authority pursuant to G.L. c. 140, oversees ensuring that any store selling firearms is in compliance with security measures required by law. ATF is the federal agency responsible for ensuring compliance with additional federal regulations.

There are municipalities in Massachusetts that regulate the sale of firearms. Such regulation includes the creation of certain zoning districts for the sale of firearms or imposition of a buffer zone requirement. Based on our research, certain municipalities also prohibit pawn shops from selling guns. For example, Brookline, Dedham, and Newton have adopted zoning restrictions on firearm businesses in the last few years. In Brookline, “Firearm Business Uses” are permitted with a special permit in one business district. See Fall 2021 Annual Town Meeting Article 22, attached hereto as Exhibit D. In Dedham, “Firearms Businesses” are permitted with a special permit in the Adult Use Overlay District. See Dedham Town Code § 280-6.1, attached

hereto as Exhibit D. And in Newton, “Firearm Business Uses” are permitted with a special permit in three districts. See Newton Ordinances §§ 4.4.1, 6.10.4, attached hereto as Exhibit E.² As far as we know, these previously adopted regulations have not been challenged successfully on constitutional grounds. However, because these local enactments were passed before the Supreme Court’s Bruen decision, if a similar zoning bylaw is passed by Town Meeting and approved by the Attorney General’s Office, we cannot predict with certainty how a court would apply the facts and current law in a judicial review of same.

4. *Potential repercussions of adopting a total ban and then having the ban challenged successfully in court.*

Because this issue is case specific, it is impossible to anticipate or predict with certainty the particular mechanisms that will be used in such a challenge, or a reviewing court’s determination with respect to such a challenge, if brought, including pursuant to the Second Amendment. A challenge to a zoning bylaw prohibition could include a request for a preliminary injunction prohibiting the Town from enforcing the bylaw during the pendency of the case. In the event that the reviewing court found that such prohibition violated protected Second Amendment rights and so was a violation of civil rights, it could award damages and attorneys’ fees to the plaintiff(s). Importantly, if the firearms businesses ban was overturned, it would also mean that, unless other zoning amendments were adopted in the interim, firearms businesses would continue to be regulated under available use regulations pursuant to the current Zoning Bylaw and state firearms laws. Additionally, if a challenge to the firearms businesses ban reached a state or federal appellate court, then that court’s ruling would potentially affect other municipal regulations throughout the Commonwealth or, perhaps, the throughout the country.

5. *Potential vagueness issue with proposed warrant article.*

In our opinion, the proposed warrant article, if passed, is also at significant risk of being deemed vague or judicially challenged on the ground of vagueness and, also, may pose enforcement issues for the zoning enforcement officer. Courts have long held that “an ordinance or by-law . . . ought not to stand when it is so vague and ambiguous that its meaning can only be guessed at.” O’Connell v. City of Brockton Board of Appeals, 344 Mass. 208, 212 (1962). The proposed warrant article, unlike the bylaws and ordinances in Brookline, Dedham, and Newton discussed above, does not have any defined terms. Thus, the terms “Sales, Assembly, and/or Manufacturing of Firearms and/or Components thereof, Ammunition, and Explosives” are left to interpretation, including with respect to any non-commercial use. This omission might render the proposed warrant article, if it is passed, unconstitutionally vague.

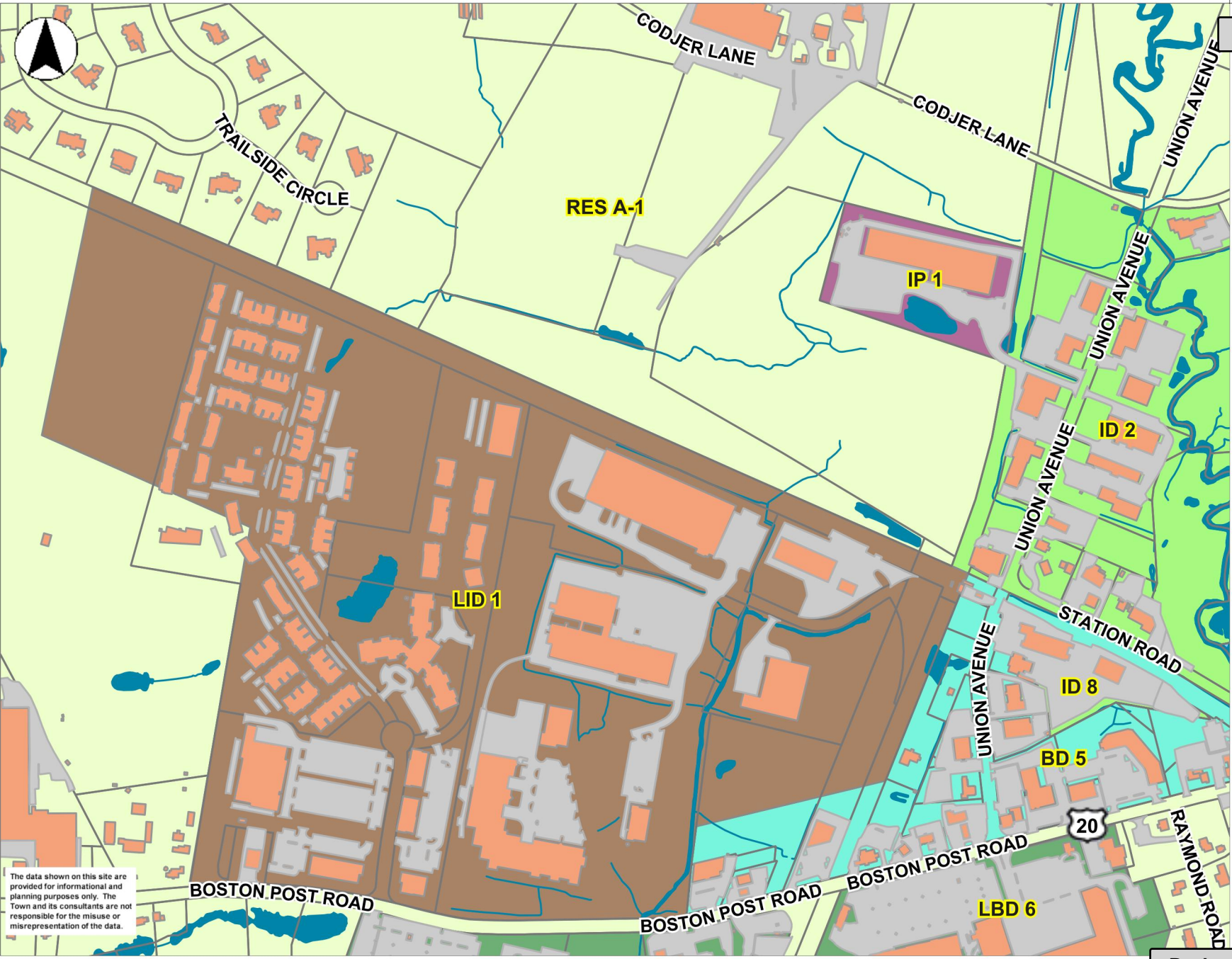
² For additional context on the Newton zoning discussion regarding firearms dealers, please see: <https://members.charlesriverchamber.com/blog/chamber-news-5220/post/giffords-law-center-urges-newton-not-to-ban-gun-shops-30281>

6. Application to preexisting uses.

An additional issue is whether firearms businesses already in existence will be affected by the proposed warrant article if the article is passed. In our opinion, if the article is passed, a preexisting, lawful firearms business will be allowed to continue “provided that no modification of the use . . . is accomplished” without authorization. The Zoning Bylaw states that it “shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this Zoning Bylaw, or any relevant part thereof, was adopted. Such prior, lawfully existing non-conforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.” See Section 2410.

If you would like to discuss the above analysis or have additional questions, please do not hesitate to contact us.

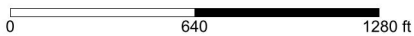
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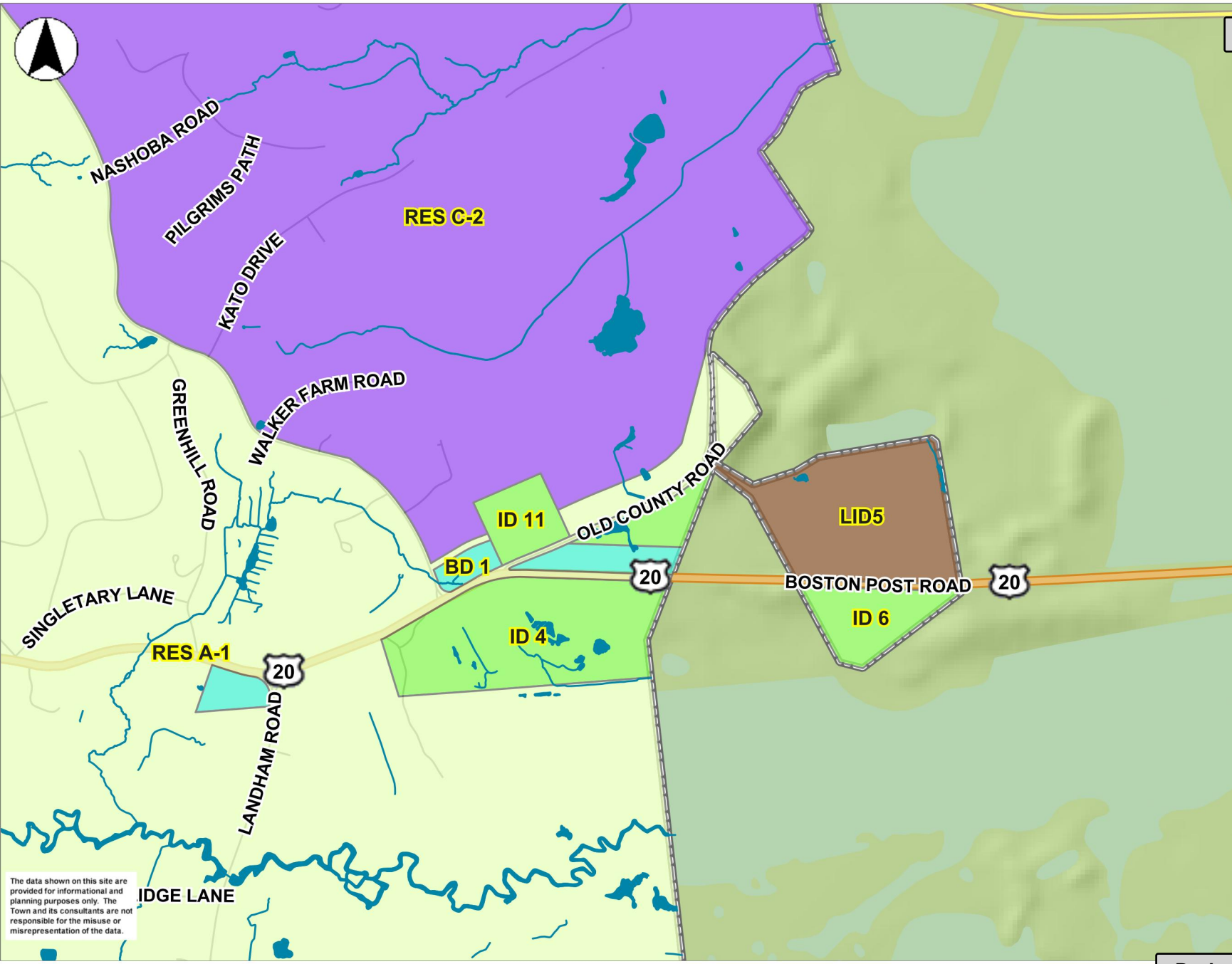


- Bridges
- Driveways
- Parking Lots
- Medians
- Sidewalks
- Curbs
- Roads
 - Paved
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- Buildings
- Parcels
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Attachment 2.6.c: maps (5943 : Firearms Bylaw Discussion)

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

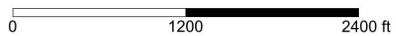




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 - Interst
 - US Hig
 - Numbr
 - Town Bound
- Streets

Attachment 2.6.c: maps (5943 : Firearms Bylaw Discussion)

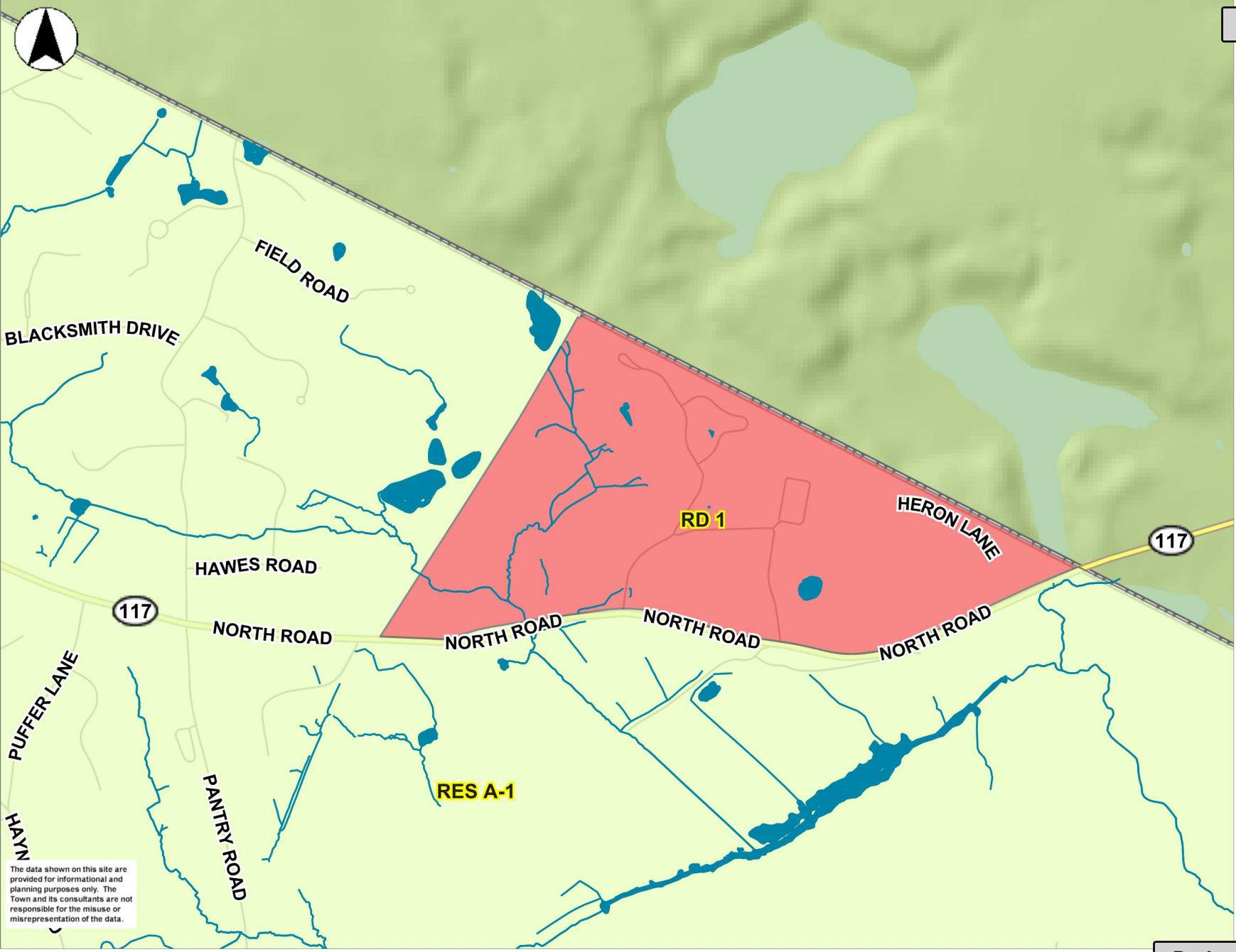
The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



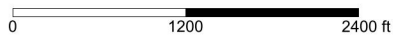


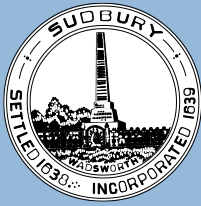
- Bridges
- Driveways
- Parking Lots
- Medians
- Sidewalks
- Curbs
- Roads
 - Paved
 - UnPav
- Buildings
- Parcels
- Streams Ort
- Streams CIF
- Lake/Reserv
- Zoning Distr
 - Busine
 - Indust
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 - Limite
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 - Open
 - Resid
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 - MA Highwa
 - Interst
 - US Hig
 - Numbr
 - Town Bound

Attachment 2.6.c: maps (5943 : Firearms Bylaw Discussion)



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SUDBURY SELECT BOARD
Tuesday, September 26, 2023

MISCELLANEOUS (UNTIMED)

7: Discussion on Select Board Fraud, Procurement and Gifts and Grants Policies

REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Discussion on Select Board Fraud, Procurement and Gifts and Grants Policies.

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

09/26/2023 7:00 PM

FRAUD POLICY

The Town of Sudbury is committed to protecting its assets against the risk of loss or misuse. Accordingly, it is the policy of the Town to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the Town and, when appropriate, to pursue legal remedies available under the law.

Voted by Select Board on _____, 2023

GIFT & GRANT ACCEPTANCE POLICY

The acceptance of gifts and grants is governed by MGL c. 44, s. 53A. Gifts of tangible property are governed by MGL c. 44, s. 53A ½.

This policy establishes procedures for the acceptance of gifts and grants to the Town of Sudbury. All gifts and grants shall be evaluated for suitability and consistency with Town policies.

1. Gifts and grants of \$500 or more require the acceptance of the Select Board. Gifts and grants of less than \$500 can be accepted by the officer, employee, or committee receiving the gift or grant.
2. Gifts shall be managed and expended according to the wishes of the donor.
3. Grants shall be managed and expended to comply with the laws, regulations, and guidance of the grantor.
4. Copies of grant applications and award notifications shall be provided to the Town Manager with copies to the Town Accountant.
5. All expenditures from grant and gift funds shall follow the Town's standard procurement and bills payable procedures.

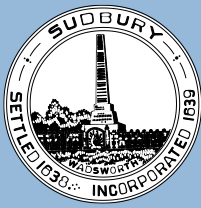
Cemetery Perpetual Care Funds are governed by MGL c. 114, s. 25 and are exempt from this policy.

Voted by Select Board on _____, 2023

PROCUREMENT POLICY

Procurement shall be conducted in accordance with Massachusetts General Laws c. 30B (Supplies & Services); c. 149 (Building Construction); c. 30, s. 39M (Public Works Construction); c. 7C, ss. 44-58 (Public Building Projects Design); the Town of Sudbury Charter . The Town Manager is the Chief Procurement Officer and as such may delegate procurement responsibilities.

Voted by Select Board on _____, 2023



SUDBURY SELECT BOARD
Tuesday, September 26, 2023

MISCELLANEOUS (UNTIMED)

8: OML complaint of 9/19/23

REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Acknowledge and discuss Open Meeting Law Complaint against the Select Board filed by resident Manish Sharma and dated September 19, 2023; review and discuss response to complaint.

Recommendations/Suggested Motion/Vote: Acknowledge and discuss Open Meeting Law Complaint against the Select Board filed by resident Manish Sharma and dated September 19, 2023; review and discuss response to complaint.

Background Information:

Financial impact expected:

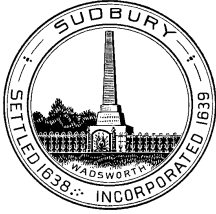
Approximate agenda time requested:

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

09/26/2023 7:00 PM



Town of Sudbury

Select Board
www.sudbury.ma.us/selectboard

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

Email: selectboard@sudbury.ma.us

September 26, 2023

Carrie Benedon, Esq. (openmeeting@state.ma.us)
 Director, Division of Open Government
 Office of the Attorney General
 One Ashburton Place
 Boston, MA 02108

RE Town of Sudbury – Select Board
 Open Meeting Law Complaint; Manish Sharma, Received September 19, 2023

Dear Attorney Benedon:

The Sudbury Select Board received an Open Meeting Law complaint on September 26, 2023 from Mr. Manish Sharma, a copy of which is enclosed. The complaint purportedly concerns violations at the Board's September 12, 2023 meeting, which was conducted as a virtual meeting on Zoom. The Board reviewed this complaint at its meeting of September 26, 2023 and voted 5-0 to approve this response.

The complaint fails to cite any violation of the Open Meeting Law and the Board denies that any violation occurred at the subject meeting.

Very truly yours,

SUDBURY SELECT BOARD

 Janie W. Dretler, Chair

 Lisa V. Kouchakdjian, Vice Chair

 Jennifer S. Roberts

 Daniel E. Carty

 Charles G. Russo

Enc.

Cc: Town Counsel (LSmith@k-plaw.com)
 Manish Sharma (mseatac@hotmail.com)

Attachment 2.8.a: Response to Sharma OML 2023-09-26 (6000 : OML complaint of 9/19/23)

From: OpenMeeting (AGO) <OpenMeeting@MassMail.State.MA.US>
Sent: Thursday, September 21, 2023 10:39:00 AM
To: Manish Sharma; Town Clerk; OpenMeeting (AGO)
Cc: Dretler, Janie; Kouchakdjian, Lisa; Roberts, Jennifer; Carty, Daniel; Sheehan, Andy; Bilodeau, Maryanne; Crozier, Brad; Heather Cowap; Julie Williams
Subject: RE: OML Violation complaint

Manish,

Thank you for contacting the Division of Open Government. Please note that although your Open Meeting Law complaint is not formally filed with our office yet, I have reviewed the complaint so that I could respond to your request. It does not appear that any of the allegations in the complaint pertain to the Open Meeting Law. The Division of Open Government's review concerns compliance with the Open Meeting Law, only. Even if the allegations in your complaint are true, none of them would constitute violations of the Open Meeting Law. We cannot review or advise on other laws.

Given that the matters in your complaint are not covered by the Open Meeting Law, do you wish to withdraw this complaint?

Sincerely,

Carrie Benedon (she/her/hers)
 Assistant Attorney General
 Director, Division of Open Government
 Massachusetts Office of the Attorney General
 (617) 963-2540

From: Manish Sharma
Sent: Tuesday, September 19, 2023 8:31 PM
To: clerk@sudbury.ma.us; OpenMeeting (AGO) <OpenMeeting@MassMail.State.MA.US>
Cc: Dretler, Janie; Kouchakdjian, Lisa; Roberts, Jennifer; Carty, Daniel; Sheehan, Andy ; Bilodeau, Maryanne ; Brad Crozier; Heather Cowap; Julie Williams
Subject: OML Violation complaint

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Evening Clerk,

Wishing everyone well. Please see the attached and let me know if when I could send the document with the Ag's office. Each of your silent acceptance speaks in volumes during the Sudbury Select Board meeting. If, there's anything each of you would like to add kindly do so.

Miss Julie Williams is the secretary of Mr. Crozier and she's been added to the chain link incase Mr. Crozier is travelling and collecting his paycheck while he is away from work.

Attachment 2.8.b: OML AGO Response (6000 : OML complaint of 9/19/23)



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

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

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

Instructions for filing a complaint:

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

Instructions for a public body that receives a complaint:

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

Once the public body has responded to the complaint:

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

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

Attachment 2.8.c: AG complaint form (6000 : OML complaint of 9/19/23)



OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Manish Last Name: Sharma

Address: 77 Colonial Road

City: Sudbury State: MA Zip Code: 01776

Phone Number: 302-898-8773 Ext. _____

Email: mseatac@hotmail.com

Organization or Media Affiliation (if any): _____

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

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Janie Dretler; Dan Carty, Charlie Russo, Jen Roberts, Lisa Kouchakdjian

Specific person(s), if any, you allege committed the violation: _____
All of the Sudbury Select Board Members, Andy Sheehan, Maryanne Bilodeau, Brad Crozier, Donald Sawyer, Bella Wong.

Date of alleged violation: 09/12/2023

Attachment 2.8.c: AG complaint form (6000 : OML complaint of 9/19/23)

Description of alleged violation:

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

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

There are a host of questionable practices happening in our town.

- 1)The Town tax rate quoted by Mr. Charlie Russo was 15.31/1k without fact checking on any/all/every data sheet. He overlooked a ton of important line items (Fed Revenue grant money) that could have possibly removed the extra burden from the taxpayer's.The amount quoted on the MA tax rate database per town shows ,Sudbury MA, via an online link, is at 15.77/1k. No reply was mentioned by the Sudbury Select Board committee and the town Manager. Each of these current 5 Select Board Members, including the current town manager Andy Sheehan and former Interim Manager Maryanne Bilodeau have taken responsibility for this error and omission. They each cannot figure out what the actual spread hints at.
- 2)Then Mr. Sheehan on the previous televised Sudbury Select Board Meeting was quoted stating a different amount of the State received revenue from the grant fund for summer of 2023 by the Park & Recreation committee. Fcat is Sudbury, MA was not factored in the table of recipients.
- 3) There was an admission of a former cover-up made by Miss Janie Dretler and Mr. Daniel Carty. Both of these Select Board members mentioned that the former Town Manager Melissa Rodriguez did not look into the data analytics sheet and secure funding for the town. Miss Rodrigue missed to bring in Funding from the USDA grant money for the Town of Sudbury.
- 4) Both the Superintendents (Mr. Crozier from SPS and Miss Bella Wong from L/S) did not disclose to the community as to how much of the actual amounts of the tax dollars is deposited in the teachers Retirement account. Each of these cost centers has had no oversight on the funding that is actually supposed to be set aside for the teachers.
- 5) Till date, Neither of the teachers from SPS and L/S have reported gift cards that was received from Parents on their individual pay stubs. Neither one from the two school system has paid any/all/every tax dollar on the amount that was received.

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

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

Each of them should own the mistake and report themselves as a Unit to the AG's (Criminal Unit) section. Futhermore, they should all surrender themselves to the FBI to check and see if there's any/all/every possibility of a Federal crime that is involved.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

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

Signed: Manish Sharma

Date: 09/19/2023

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO: