



SUDBURY SELECT BOARD  
TUESDAY DECEMBER 5, 2023  
7:00 PM, ZOOM

Item #	Time	Action	Item
	7:00 PM		CALL TO ORDER
			Opening remarks by Chair
			Reports from Town Manager
			Reports from Select Board
			Public comments
<b>CONSENT CALENDAR</b>			
1.		<i>VOTE</i>	Vote to call Annual Town Meeting for Monday, May 6, 2024, 7:30 PM, and open Warrant. Articles due to Select Board/Town Manager's office no later than 4:30 PM, Wednesday, Jan. 31, 2024.
<b>PUBLIC HEARING</b>			
2.	7:15 PM	<i>VOTE</i>	Annual Tax Classification hearing - In accordance with General Laws Ch. 40, sec. 56, as amended, to determine the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2024 tax rate. In attendance will be the Board of Assessors (Joshua M. Fox, Esq., Chair; Trevor A. Haydon, Liam J. Vesely), Cynthia Gerry, Director of Assessing, and presenting will be Harald Scheid and Alex Cervone, Principal Regional Assessors.
3.		<i>VOTE</i>	Vote to close Public Hearing and resume Select Board meeting.
<b>MISCELLANEOUS</b>			
4.		<i>VOTE</i>	Discussion of 250th anniversary celebration of Sudbury's involvement in the Battle of Old North Bridge, April 19, 1775.
5.		<i>VOTE</i>	Vote to review and possibly approve open session minutes of 10/23/23 and 11/14/23.
<b>EXECUTIVE SESSION</b>			
6.			Vote to close open session, and enter executive session to review, approve and possibly release executive session meeting minutes pursuant to G.L. c. 30A, § 21(a)(7) (Purpose 7), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).

*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.*

<b>Item #</b>	<b>Time</b>	<b>Action</b>	<b>Item</b>
7.		<i>VOTE</i>	Vote to close Executive Session and not resume Open Session.

*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, December 5, 2023

**CONSENT CALENDAR ITEM**

**1: Call Annual Town Meeting for May 2024**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to call Annual Town Meeting for Monday, May 6, 2024, 7:30 PM, and open Warrant. Articles due to Select Board/Town Manager's office no later than 4:30 PM, Wednesday, Jan. 31, 2024.

Recommendations/Suggested Motion/Vote: Vote to call Annual Town Meeting for Monday, May 6, 2024, 7:30 PM, and open Warrant. Articles due to Select Board/Town Manager's office no later than 4:30 PM, Wednesday, Jan. 31, 2024.

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

12/05/2023 7:00 PM



SUDBURY SELECT BOARD  
Tuesday, December 5, 2023

**PUBLIC HEARING**

**2: Annual Tax Classification hearing**

REQUESTOR SECTION

Date of request:

Requestor: Cynthia Gerry Director of Assessing

Formal Title: Annual Tax Classification hearing - In accordance with General Laws Ch. 40, sec. 56, as amended, to determine the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2024 tax rate. In attendance will be the Board of Assessors (Joshua M. Fox, Esq., Chair; Trevor A. Haydon, Liam J. Vesely), Cynthia Gerry, Director of Assessing, and presenting will be Harald Scheid and Alex Cervone, Principal Regional Assessors.

Recommendations/Suggested Motion/Vote: Annual Tax Classification hearing - In accordance with General Laws Ch. 40, sec. 56, as amended, to determine the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2024 tax rate. In attendance will be the Board of Assessors (Joshua M. Fox, Esq., Chair; Trevor A. Haydon, Liam J. Vesely), Cynthia Gerry, Director of Assessing, and presenting will be Harald Scheid and Alex Cervone, Principal Regional Assessors.

Background Information:  
attached hearing notice and tax classification hearing document provided 12/4/23

Financial impact expected:

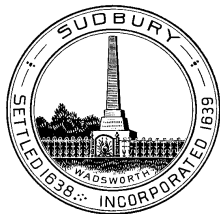
Approximate agenda time requested: 30 minutes

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

12/05/2023 7:00 PM



# TOWN OF SUDBURY

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www.sudbury.ma.us

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## TOWN OF SUDBURY PUBLIC HEARING ATTENTION: TAXPAYERS

In accordance with General Laws Ch. 40, sec. 56, as amended, the Sudbury Select Board will hold a public hearing on **Tuesday, December 5, 2023, at 7:15 p.m.** remotely via Zoom teleconference, to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the Fiscal Year 2024 tax rate.

The first policy decision of the Select Board will be to determine the Residential Factor, which means the percentage of the tax levy to be borne by residential property. The Residential Factor determines how different tax rates for residential, commercial and industrial properties will be established. A Residential Factor of 1 means that the local tax rate will be a single rate uniformly applied to all properties. The other options to be considered are whether or not to allow a residential property exemption, a small commercial exemption, and a discussion of the open space exemption. In addition to the above, there will be some discussion regarding Sudbury's senior residential tax exemption with respect to the program's estimated total cost and impact on the residential tax rate for Fiscal Year 2024.

At this public hearing, the Board of Assessors will provide all information and data relevant to helping the Select Board make a determination of a single or multiple tax rates and the fiscal effect of the available alternatives to taxpayers. Taxpayers may present oral or written information on their views prior to or at the public hearing.

### SUDBURY SELECT BOARD

- Janie W. Dretler, Chair
- Lisa V. Kouchakdjian, Vice-Chair
- Daniel E. Carty
- Jennifer S. Roberts
- Charles G. Russo

For publication *MetroWest Daily News* 11-21-23, 11-28-23

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cc: Board of Assessors  
Finance Director  
Town Accountant  
Chamber of Commerce

Finance Committee  
Senior Center Director  
Assistant Town Manager  
Town Clerk

Attachment2.a: TAX CLASSIFICATION HRG 2023 (6019 : Annual Tax Classification hearing)



**FISCAL YEAR 2024  
CLASSIFICATION HEARING  
December 5, 2023**

*Select Board*

*Janie W. Dretler, Chair*

*Lisa V. Kouchakdjian, Vice Chair*

*Members*

*Daniel E. Carty*

*Jennifer S. Roberts*

*Charles Russo*

*Board of Assessors*

*Joshua M. Fox, Chair*

*Liam J. Vesely*

*Trevor Haydon*

*Harald Scheid & Alex Cervone, Consulting Assessors*

*Cynthia Gerry, Director of Assessing*

## Introduction

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

Prior to the Hearing, all properties must be assessed at their full and fair cash value as of the January 1<sup>st</sup> assessment date. The Fiscal Year 2024 assessment date is January 1, 2023.

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

### Pre-classification Hearing Steps

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

### Classification Hearing Steps

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

### Post Classification Hearing Steps

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

### Terminology

The following represents frequently used tax discussion terminology:

Levy: The tax levy (or levy) is the amount of property taxes to be raised. The levy amount is determined by the budget process. The total amount of the approved budget less revenues from other sources like motor vehicle excise, municipal fees, and state aid is the amount to be raised through property taxation. In Sudbury, for Fiscal Year 2024, the levy to be raised is \$105,157,662. This represents a 6.2% increase over last year’s levy of \$ 99,049,389.

Levy Ceiling: The levy ceiling is 2.5 percent of the full value of the town and represents the maximum property tax revenue that can be raised under Proposition 2 ½. Based on Sudbury’s Fiscal Year 2024 total valuation of \$7,011,562,514 the town cannot levy taxes in excess of \$175,289,063.

New Growth Revenue: Property taxes derived from newly taxable properties like new construction, additions, subdivisions, and personal property. The Department of Revenue has certified Sudbury’s new growth revenue for fiscal year 2024 at \$1,751,731

Levy Limit: Also referred to as the “maximum allowable levy,” the levy limit is calculated by adding 2.5 percent of the previous year’s levy limit, (which was \$96,972,274) plus new growth revenue, and proposition 2½ overrides, capital expenditure exclusions, and debt exclusions. The certified maximum allowable levy for fiscal year 2024 is \$106,581,243.

Excess Levy Capacity: Excess levy capacity is the difference between the levy and the levy limit. Sudbury’s excess levy capacity is an estimated \$1,423,581.

### The Fiscal Year 2024 Levy Limit and Amount to be Raised

The following is a calculation of Sudbury’s estimated levy for Fiscal Year 2024.

Fiscal year 2023 levy limit	\$ 96,972,274
Levy increase allowed under Prop. 2 ½	2,242,307
New growth revenue	1,751,731
Debt excluded under Prop. 2 ½	3,667,474
Capital Exclusions	1,020,000
Fiscal year 2024 Maximum Allowable Levy	\$106,581,243
<b>Levy to be raised (rounded by tax rate)</b>	<b>\$105,157,662</b>
Excess levy capacity	\$1,423,581



## Valuations by Class Before Tax Shift (LA-5)

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	6,530,520,298	93.1393%	93.1393%
Commercial	268,400,196	3.8280%	
Industrial	39,102,700	0.5577%	6.8607%
Personal Property	173,539,320	2.4750%	
TOTAL	7,011,562,514	100.0000%	

## Assessed Valuations

Sudbury's valuations are adjusted annually to reflect changes in the real estate market. An assessment-to-sale ratio study comparing calendar year 2022 sales with fiscal year 2024 assessments indicates that most residential property valuations were assessed below fair market value. Certain residential properties experienced significant increases in valuation, while some saw more modest changes. As a group single-family residential valuation rose approximately 13.2%. Other residential property classes, including condominium and multi-family apartment buildings, have experience comparable market appreciation.

A similar study of assessments and sale prices for commercial and industrial properties indicated that property valuations for these property classes did appreciate in value.

## Aggregate Value Increases by Major Property Class

(Note – figures are not adjusted to account for new growth revenue)

Property Class	23 Valuation	24Valuation	Change(apx.)
Single-family	5,210,629,707	5,900,523,214	13.2%
Condominiums	283,791,565	393,069,312	38.5%
2 Family	12,592,400	14,295,100	13.5%
Multi-family	105,549,500	130,092,000	23.3%
Commercial	257,964,100	256,753,500	0.00%
Industrial	38,246,300	39,102,700	2.2%
Personal Property	155,200,260	173,539,320	11.8%

## Shifting the Tax Burden

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

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

## Tax Rates and Options

Sudbury's uniform, single tax rate, without applying shift factors, is estimated at \$15.00 per thousand.

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

Option	CIP Shift	Res. Shift	CIP Tax Rate	Res. Tax Rate
Single Tax Rate	1.0000	1.0000	15.00	15.00
10% Shift	1.1000	0.9926	16.50	14.89
20% Shift	1.2000	0.9853	18.00	14.78
30% Shift	1.3000	0.9779	19.50	14.67
40% Shift	1.4000	0.9705	21.00	14.56
41% Shift (apx. same "tax" % increase)	1.4100	0.9698	21.15	14.54
50% Shift (maximum allowed)	1.5000	0.9632	22.50	14.45

*See Addendum B for additional tax rate options.*

Based on the balanced CIP/Res. Increase scenario above, the Board of Assessors has calculated the following tax rates. The following FY2024 rates do not account for the means-tested exemption.

<u>Property Class</u>	<u>FY2023</u>	<u>FY2024</u>
Residential	15.73	14.54
Commercial	20.23	21.15
Industrial	20.23	21.15
Personal Property	20.23	21.15

## Tax Impacts

The average residential tax bill calculation would change as follows if a CIP shift factor of 1.41 were adopted:

	<b>Average</b>
	<b>Single-Family Value</b>
Fiscal Year 2023	\$957,000
FY23 Tax Rate	\$15.77
RE Tax Payable	\$15,092
Fiscal Year 2024	\$1,082,500
FY24 Tax Rate	\$14.54
RE Tax Payable	\$15,740
Avg. SF Home Value Incr.	13.1%
Avg. Dollar Tax Increase	\$648
% Tax Increase	4.3%

	<b>Median</b>
	<b>Single-Family Value</b>
Fiscal Year 2023	\$870,500
FY23 Tax Rate	\$15.77
RE Tax Payable	\$13,728
Fiscal Year 2024	\$992,400
FY24 Tax Rate	\$14.54
RE Tax Payable	\$14,429
Med. SF Home Value Incr.	14.0%
Med. Dollar Tax Increase	\$701
% Tax Increase	5.1%

The Board of Assessors point out that a CIP shift factor of 1.41 with a corresponding residential shift factor of 0.9698 would result in a “relatively” uniform tax increase in both sectors.

## Sudbury's Tax Shift Votes (16 Year History)

Fiscal Year	CIP Value	Total Value	R/O % of Total Value	CIP % of Total Value	Lowest Residential Factor Allowed	Max CIP Shift Allowed	Residential Factor Selected	CIP Shift
2008	270,083,278	4,162,959,799	93.5122	6.4878	0.965310	1.500000	0.981268	1.26999
2009	278,781,214	4,064,434,979	93.1410	6.8590	0.963179	1.500000	0.982326	1.24000
2010	284,018,864	4,003,661,467	92.9060	7.0940	0.961822	1.500000	0.982438	1.23000
2011	274,711,172	3,874,281,828	92.9094	7.0906	0.961841	1.500000	0.978631	1.28000
2012	271,556,419	3,838,335,540	92.9251	7.0749	0.961932	1.500000	0.978938	1.27664
2013	273,337,212	3,864,083,107	92.9262	7.0738	0.961939	1.500000	0.978714	1.27963
2014	265,094,234	3,960,584,137	93.3067	6.6933	0.964132	1.500000	0.974606	1.35400
2015	263,058,002	4,088,915,905	93.5666	6.4334	0.965621	1.500000	0.973663	1.38304
2016	277,216,608	4,230,884,307	93.4478	6.5522	0.964942	1.500000	0.973356	1.38000
2017	280,876,280	4,408,953,695	93.6294	6.3706	0.965980	1.500000	0.974145	1.37999
2018	308,262,538	4,560,675,215	93.2409	6.7591	0.963754	1.500000	0.976078	1.33000
2019	331,554,958	4,728,363,583	92.9880	7.0120	0.962296	1.500000	0.975100	1.33021
2020	321,263,656	4,773,073,156	93.2692	6.7308	.963917	1.500000	0.976300	1.32842
2021	335,996,650	4,812,305,728	93.0180	6.982	96.2470	1.500000	0.975230	1.33001
2022	393,863,578	5,198,464,866	92.4235	7.5765	.959012	1.500000	0.972900	1.33000
2023	464,680,708	6,171,026,965	90.5505	9.4495	95.9472	1.50	0.978900	1.26032

## Voting a Tax Shift Factor

If the Select Board were to balance the impact of the tax increase equally between CIP and Residential, the Board would vote as follows: The Select Board of Sudbury votes in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2024 tax rates and sets the Residential Factor at 0.9698, (or other selected Factor) with a corresponding CIP shift of 1.41 (or other corresponding CIP shift), pending certification of the Town's annual tax recap by the Massachusetts Department of Revenue.

## **Optional Exemptions:**

### **Residential Exemption:**

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

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

In FY 2023, eighteen Massachusetts cities and towns adopted the Residential Exemption. Historically, the exemption has been adopted in those communities with a high percentage of apartments and other investment property or seasonal homes. In general terms, the exemption shifts real estate taxes onto Class I properties that are not occupied as the owner's principal residence and those which may be held for investment.

Municipality	Residential Exemption Percentage
Barnstable	20%
Boston	35%
Brookline	20%
Cambridge	30%
Chelsea	35%
Concord	10%
Everett	25%
Malden	30%
Mashpee	5%
Nantucket	25%
Oak Bluffs	15%
Provincetown	35%
Somerville	35%
Tisbury	22%
Truro	30%
Waltham	35%
Watertown	33%
Wellfleet	30%

### Small Commercial Exemption

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

For fiscal year 2024, 54 properties in the Town have been identified as meeting qualifying standards. Sudbury's nominal commercial class for fiscal year 2024 hosts 188 accounts. In addition, there are 7-mixed use/part commercial, 42-chapter land, and 19 industrial properties all of which would be subject to an increased tax rate generated by the adoption of a small commercial exemption. The class 3 value reduction for those qualifying properties if a 10% small commercial exemption is adopted equals \$ 2,373,190.

The average tax savings for the 54 accounts (assuming a 1.41 shift) is approximately \$1,152 per account.

### Considerations:

The qualifying 54 taxpayers will receive a tax benefit. Other small businesses (not qualifying) will bear the increased burden along with larger commercial and industrial properties.

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

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

## Open Space Exemption

In addition to the above-mentioned options, there is one more option, to discuss briefly since this exemption is not applicable in Sudbury at this time. It is known as the Open Space Exemption. In order for a municipality to utilize an open space exemption, the community must first have adopted the Open Space Class. While most residential land is Class 1, there is an additional classification which may be created for some vacant land (Class 2). The definition of open space in this context is: *land which is not otherwise classified and which is not taxable under provisions of chapters 61, 61A or 61B, or taxable under a permanent conservation restriction, and which land is not held for the production of income but is maintained in an open or natural condition and which contributes significantly to the benefit and enjoyment of the public.*

The Open Space Class was developed to provide a tax break to landowners, as incentive to preserve open land or at least slow development. Adopting this classification would result in a discount of the residential tax obligation of up to 25% for those parcels classified as open space. Any tax savings awarded to open space property owners will be subsidized by all other residential property owners. Commercial, Industrial, and Personal Property will not be affected. Sudbury currently has 64 parcels of land enrolled in the various chapter land programs. Chapter land enrollment carries certain program withdrawal restrictions which are described below.

If a community were to adopt this open space classification, any property classified as open space (*not enrolled in chapter land programs*) would receive the benefit of the favorable tax structure without any of the restrictions associated with the existing chapter land programs. Implementation of the Open Space Classification would take up to a year following written request of the Select Board.

## Classified Land - Chapters 61, 61A and 61B

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

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

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

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

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

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

### Liens

Once an initial application for classification has been approved, the local assessors will record a statement at the Registry of Deeds indicating that the land has been classified as forestry under Chapter 61, agricultural / horticultural land under Chapter 61A or recreational land under



Chapter 61B. The statement will constitute a lien on the land for all taxes due under the respective chapters.

#### Municipal Option to Purchase

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

#### Withdrawal Tax

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

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

<b>Program</b>	<b>Number of Properties</b>	<b>Total No. of Acres Enrolled</b>	<b>Average Acres Per Property</b>
<b>Agriculture/Horticulture</b>	<b>46</b>	<b>682.68</b>	<b>14.84</b>
<b>Forestry</b>	<b>2 properties (consisting of 6 parcels)</b>	<b>29.40</b>	<b>14.7</b>
<b>Recreation</b>	<b>9</b>	<b>233.77</b>	<b>25.97</b>
<b>Totals</b>	<b>61</b>	<b>945.85</b>	

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

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

As shown above, we currently have 61 parcels of land enrolled in the Special Chapter land programs representing just under 946 acres.

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

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

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

Vacant Land Summary						
				Assessed Value	Average Assessed Value	
Land Type	Land Use Code	Number	Acres		Per Property	Per Acre
Residential Land	130	36	119.29	16,887,800	469,105	141,569
Residential Land (Secondary)	131	8	18.17	2,115,900	264,487	116,450
Residential Land (Unusable)	132	317	612.75	4,356,100	13,741	7,109
Totals		361	750.21	23,359,800		

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

### VOTING THE EXEMPTIONS

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

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

**Motion:** [Not] to adopt a Residential Exemption for Fiscal Year 2024, or

**Motion:** [To] adopt a Residential Exemption for Fiscal Year 2024 of \_\_\_\_% of the Average of all Residential Value for those eligible residential properties, which will shift the burden within the Residential Class.

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

**Motion:** [Not] adopt the Small Commercial Exemption for Fiscal Year 2024, or

**Motion:** [To] adopt the Small Commercial Exemption for Fiscal Year 2024 business (as) on the DET list valued at less than \$1 million, which will shift the burden within the Commercial & Industrial Classes.

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

## **ADDENDUM A**

### **SUDBURY'S MEANS TESTED SENIOR TAX EXEMPTION**

Finally, we are asking this evening that the Board vote on the cap to be used to fund the Sudbury Senior Means Tested Exemption Program for Fiscal year 2024. Section 3 of Chapter 169 of the Acts of 2012, specifies that the total cap on the exemptions granted by the act shall be set annually by the Select Board, within a range of .5 to 1 per cent of the residential property tax levy for the town of Sudbury. The vote is traditionally taken following the mandatory Classification Hearing votes.

Massachusetts Chapter 169 of the Acts of 2012 established, and Chapter 10 of the Acts of 2016 renewed a pilot program in Sudbury for granting certain qualified senior residents a measure property tax relief. Fiscal year 2024 is the eleventh year of the program. The exemption is similar to the Residential Tax Exemption in that it shifts the tax burden from qualified residential property owners to other residential property owners. For Fiscal year 2014, the statute limited the total exemptions granted under the pilot program to a dollar cap equal to 0.5% of the residential levy (after any CIP shift).

For fiscal year 2024, Select Board have the option, if needed, to increase this percentage up to and including 1.0%. This year's analysis does not indicate a need to increase the cap above the .5% level.

Applications are required, and the Assessors administer this program for all applicants deemed qualified by the Board of Assessors. For fiscal year 2024, the Assessors received 86 applications and the Board of Assessors identified 85 applicants tentatively qualified to receive the exemption. In order for the Assessors to complete the necessary calculations, Select Board must first vote the Residential Factor and CIP shift values for fiscal year 2024 at the Classification Hearing. That vote will determine a tentative residential tax rate, which will then be used in the calculations and result in an increase in the tentative residential tax rate.

For fiscal year 2024, the indicated need seems to point to a cap on the percentage of residential tax levy required to fund the program may be approximately the same as last year. Our calculations indicate the cap on the exemption percentage of the residential tax levy of .5% (half of one percent) should be sufficient to fund the program for Fiscal year 2024. The exact percentage will be based upon the voted residential factor.

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

#### Suggested Motion:

Vote in accordance with Chapter 169 of the Acts of 2012, the total FY2024 cap on the exemptions granted by the Means Tested Senior Tax Exemption shall be .5% (**half of one percent**) of the residential property tax levy.

## Addendum B - More Tax Rate Options

CIP Shift	Res Shift	Res Tax Rate	Comm Tax Rate
1A2:T42	1.0000	15.00	15.00
1.0100	0.9993	14.99	15.15
1.0200	0.9985	14.98	15.30
1.0300	0.9978	14.96	15.45
1.0400	0.9971	14.95	15.60
1.0500	0.9963	14.94	15.75
1.0600	0.9956	14.93	15.90
1.0700	0.9948	14.92	16.05
1.0800	0.9941	14.91	16.20
1.0900	0.9934	14.90	16.35
1.1000	0.9926	14.89	16.50
1.1100	0.9919	14.88	16.65
1.1200	0.9912	14.87	16.80
1.1300	0.9904	14.85	16.95
1.1400	0.9897	14.84	17.10
1.1500	0.9890	14.83	17.25
1.1600	0.9882	14.82	17.40
1.1700	0.9875	14.81	17.55
1.1800	0.9867	14.80	17.70
1.1900	0.9860	14.79	17.85
1.2000	0.9853	14.78	18.00
1.2100	0.9845	14.77	18.15
1.2200	0.9838	14.75	18.30
1.2300	0.9831	14.74	18.45
1.2400	0.9823	14.73	18.60
1.2500	0.9816	14.72	18.75
1.2600	0.9808	14.71	18.90
1.2700	0.9801	14.70	19.05
1.2800	0.9794	14.69	19.20
1.2900	0.9786	14.68	19.35
1.3000	0.9779	14.67	19.50
1.3100	0.9772	14.66	19.65
1.3200	0.9764	14.64	19.80
1.3300	0.9757	14.63	19.95
1.3400	0.9750	14.62	20.10
1.3500	0.9742	14.61	20.25
1.3600	0.9735	14.60	20.40
1.3700	0.9727	14.59	20.55
1.3800	0.9720	14.58	20.70
1.3900	0.9713	14.57	20.85
1.4000	0.9705	14.56	21.00
1.4100	0.9698	14.54	21.15
1.4200	0.9691	14.53	21.30
1.4300	0.9683	14.52	21.45
1.4400	0.9676	14.51	21.60
1.4500	0.9669	14.50	21.75
1.4600	0.9661	14.49	21.90
1.4700	0.9654	14.48	22.05
1.4800	0.9646	14.47	22.20
1.4900	0.9639	14.46	22.35
1.5000	0.9632	14.45	22.50

## ADDENDUM C

### COMMERCIAL TAX HISTORY

#### 10 Year Commercial Tax History

	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014
Residential Factor (Vote)	0.97890	0.9729	0.9752	0.9763	0.9751	0.9761	0.9741	0.9734	0.9737	0.9746
CIP Shift (Vote)	1.26	1.33	1.33	1.33	1.33	1.33	1.38	1.38	1.38	1.35
Single Tax Rate (Calculate)	16.05	18.47	19.21	18.8	18.27	18.27	18.12	18.19	17.99	18.42
CIP Tax Rate following Shift (Vote)	20.23	24.57	25.55	24.97	24.3	24.3	25.01	25.11	24.88	24.94
Residential Tax Rate following Shift including Senior Means	15.77	18.05	18.83	18.45	17.91	17.93	17.74	17.8	17.6	18.03
Small Commercial Exemption (Vote)	No	No	No	No	No	No	No	No	No	No
Residential Exemption (Vote)	No	No	No	No	No	No	No	No	No	No
Open Space Classification (Vote)	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Average All Residential (not just SFR)	906,518	761,788	710,074	708,436	703,602	679,625	660,704	634,923	616,378	598,557
Average Nominal Commercial Value	1,372,149	1,090,362	968,017	906,245	951,245	862,037	817,572	773,195	746,102	743,816
Nominal Commercial Value	257,064,100	204,988,100	183,923,300	170,374,100	179,785,300	163,787,100	152,885,900	145,360,600	138,774,900	138,349,700
Nominal Commercial Property Count	188	188	190	188	189	190	187	188	186	186
*SMTE Program utilizes the traditional residential exemption module to calculate the tax impact due to the exemption										

## **ADDENDUM D**

### **OVERLAY**

Approximate (not certified) Overlay balance \$1.5 million. This does not include potential liability.



SUDBURY SELECT BOARD  
Tuesday, December 5, 2023

**MISCELLANEOUS (UNTIMED)**

**3: Close public hearing**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to close Public Hearing and resume Select Board meeting.

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

12/05/2023 7:00 PM





SUDBURY SELECT BOARD

Tuesday, December 5, 2023

**MISCELLANEOUS (UNTIMED)**

**4: 250th anniversary celebration of Battle of Old North Bridge**

REQUESTOR SECTION

Date of request:

Requestor: Andrew Sheehan Town Manager

Formal Title: Discussion of 250th anniversary celebration of Sudbury's involvement in the Battle of Old North Bridge, April 19, 1775.

Recommendations/Suggested Motion/Vote: Vote to establish a committee to plan Sudbury's events marking the 250<sup>th</sup> anniversary and to request an appropriation of funds at the May 2024 Annual Town Meeting to support such activities

Background Information:

Discussion of 250th anniversary celebration of Sudbury's involvement in the Battle of Old North Bridge, April 19, 1775. Sudbury militia responded to North Bridge in Concord on April 19, 1775. The Battle of Old North Bridge started the American War of Independence. The 250<sup>th</sup> anniversary of the Battle is in 2025

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Financial impact expected:undetermined at this time

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

12/05/2023 7:00 PM

TOWN OF SUDBURY  
SUDBURY 250 COMMITTEE  
Approved by the Select Board: xx/xx/2023

**Mission:**

The Sudbury Select Board established the Sudbury 250 Committee to plan for the commemoration of the 250<sup>th</sup> anniversary of the commencement of the American Revolution. It is anticipated that many of the observances will take place in the early spring through late winter of 2025, although the Committee may plan later events, such as the July 4, 2026 observances.

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The Committee will:

1. evaluate and make recommendations on how the Town should manage the commemoration of this historic event.
2. sponsor activities that commemorate and celebrate the place of Sudbury in the history of our nation.
3. ensure that all events are designed to involve and have outreach to all residents of Sudbury.

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**Duties:**

The Committee will coordinate the Town’s events with local, regional, state, and federal groups, committees, and agencies in producing the events. As part of its duties, the committee shall:

1. Develop a comprehensive plan for celebrating and promoting the 250th anniversary and other historical events leading to the founding of our country.
2. Develop and administer programs, funds, and grant applications, and may make a request for funding as part of the Town budget process.
3. [insert language about contracts and funds under staff oversight]
4. Appoint subcommittees, where necessary, to carry out specific tasks,
5. Identify opportunities for individuals or organizations to participate in celebrations of the anniversary.
6. Ensure that activities represent a commitment to diversity and inclusiveness, sustainability, accessibility and create opportunity for individuals of all abilities to participate,
7. Hold public forums to solicit input, and shall provide periodic updates to the Select Board, no less often than on a quarterly basis.
8. File an Annual Town report of committee activities and events with the Select Board on/or before December 31, 2024, December 31, 2025, and prior to dissolution of committee.

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**Membership:**

The Sudbury 250 Committee shall be appointed by the Select Board for the period of January 2024 through September 2026. Committee membership will be up to 9 individuals. Representatives may be selected from the following groups:

- Select Board member
- Town Manager or designee
- Town Historian
- Sudbury Public Schools/Lincoln-Sudbury Regional High School educator
- Community members with expertise or interest in historical events of Sudbury
- Event planning and/or logistics expertise
- Community leaders with fundraising experience

Commented [SA1]: Unsure what is intended. You have at large at the bottom of the list

- Business, Civic, or Community groups including literature, music, and the arts community

The Committee shall meet as needed, with more frequent meetings expected as the events approach. The Committee shall elect a Chair, Vice-Chair, and Clerk. A quorum shall consist of a majority of the full members. If any full voting member is absent from **three (3)** consecutive regularly scheduled meetings of the Committee, their position may be deemed to be vacant and the position shall be filled by the Select Board.

The Committee shall be dissolved on September 30, 2026, unless continued by a vote of the Select Board.

**Other Considerations**

The Committee shall comply with the provisions of the Open Meeting Law (OML), the Public Records Law, the Conflict-of-Interest Law and all other laws and regulations of the Commonwealth, as well as all relevant bylaws and policies of the Town, including the Town’s Email Communication for Committee Members Policy.

Voting members may elect a Clerk who will ensure that full minutes and a list of members in attendance are kept of each meeting and promptly submitted to the Committee for approval, filing with the Town Clerk, and posting to the Town’s website. Meetings will be open to the public and recorded.

The Commission will keep minutes of all meetings and post minutes and other Commission materials on the Town’s website. The Commission will post notice of meetings on the Town’s website as well as at the Town Clerk’s Office.

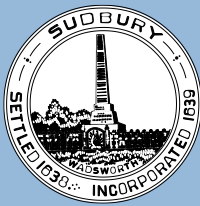
**Deleted:** <#>Up to four non-voting Associate members may be appointed¶

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SUDBURY SELECT BOARD  
Tuesday, December 5, 2023

**MISCELLANEOUS (UNTIMED)**

**5: Minutes review**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to review and possibly approve open session minutes of 10/23/23 and 11/14/23.

Recommendations/Suggested Motion/Vote: Vote to review and possibly approve open session minutes of 10/23/23 and 11/14/23.

Background Information:  
attached drafts

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

12/05/2023 7:00 PM

## SUDBURY SELECT BOARD

MONDAY OCTOBER 23, 2023

6:30 PM

LINCOLN-SUDBURY REGIONAL HIGH SCHOOL, CONF. ROOM "A"

(Meeting can be viewed at [www.sudburytv.org](http://www.sudburytv.org))

Present: Chair Janie Dretler, Vice-Chair Lisa Kouchakdjian, Select Board Member Daniel Carty, Select Board Member Jennifer Roberts, Select Board Member Charles Russo, Town Manager Andrew Sheehan, Town Counsel Lee Smith

The statutory requirements as to notice having been compiled with, the meeting was convened at 6:31 PM.

Chair Dretler announced the recording of the meeting and other procedural aspects included in the meeting.

**Call to Order**

Select Board Roll Call: Kouchakdjian-present, Carty-present, Russo-present, Roberts-present, Dretler-present

Town Manager Sheehan confirmed that tonight the Board will be voting on four Town Meeting Articles; Article #8 – Firefighters Collective Bargaining Agreement and three SPS Articles.

**Article 8 – Fund Collective Bargaining Agreement - Firefighters**

Discussion regarding funding of Article 8 took place, especially in consideration of FY24 budget aspects.

Chair Dretler read in the words of the motion. Board Member Russo moved in the words of the Chair. Vice-Chair Kouchakdjian seconded the motion.

It was on motion 5-0; Russo-aye, Carty-aye, Kouchakdjian-aye, Roberts-aye, Dretler-aye

VOTED: To support Article 8 – Fund Collective Bargaining Agreement – Firefighters

**Article 11 – Nixon Elementary School Roof Schematic Design Fees**

Board Member Russo stated he was looking forward to completion of Sudbury schools assessment process to advance planning for Capital improvements for the school buildings. He was pleased to see the Town was in favor of including solar installation while roofing for the schools takes place.

Chair Dretler read in the words of the motion. Vice-Chair Kouchakdjian moved in the words of the Chair. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Russo-aye, Carty-aye, Roberts-aye, Dretler-aye

VOTED: To support Article 11 – Nixon Elementary School Roof Schematic Design Fees

**Article 13 – Funding of State Approved Special Education Out-of-District Tuition Cost Increase**

Chair Dretler read the motion as originally came through, “Vote that the Town vote to authorize the School Committee to accept and expend any additional monies that may be made available in FY24 to the Town by State Legislation, pursuant to Ch. 70, otherwise from any other federal, state or local grant program for school departments.”

Chair Dretler commented that if such other funding came through, it would be held in a separate account. Town Manager Sheehan commented that such funds would not be added to the general fund, and would be put in a separate fund for the specified purpose, whether it be received as a grant or whatever method it is received by the Town. He acknowledged that such funding would be a one-time event.

Chair Dretler read in the words of the motion. Vice-Chair Kouchakdjian moved in the words of the Chair. Board Member Carty seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Russo-aye, Roberts-aye, Carty-aye, Dretler-aye

VOTED: To support Article 13 – Funding of State Approved Special Education Out-of-District Tuition Cost Increase

**Article 12 - Increase to FY2024 Sudbury Public Schools General Fund Appropriation for Additional Chapter 70 State Aid**

Board Members discussed aspects of Article 12.

Board Member Roberts indicated she was seeking further justification for the funding approach being suggested, and suggested alternative language be included.

Vice-Chair Kouchakdjian expressed concern about the manner in which the School budget is being presented via the article, and that circuit breaker uses are designated for purposes other than for special education.

Board Member Russo stressed that additional information about the School budget and school/student needs should be presented at this time.

Chair Dretler stressed the importance associated with the process which is somewhat different with this article.

Board Member Carty indicated that he appreciated the conservative approach being taken and that this article did not reflect an override.

Chair Dretler read in the words of the motion. Vice-Chair Kouchakdjian moved in the words of the Chair. Board Member Carty seconded the motion.

It was on motion 4-1; Kouchakdjian-aye, Carty-aye, Roberts-aye, Russo-no, Dretler-aye

VOTED: To support Article 12 - Increase to FY2024 Sudbury Public Schools General Fund Appropriation for Additional Chapter 70 State Aid

Board Member Roberts distributed the drafted statement highlighting concerns about Article 12 as discussed by four Select Board Members.

Chair Dretler read in the words of the motion. Vice-Chair Kouchakdjian moved in the words of the Chair. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Russo-aye, Roberts-aye, Carty-aye, Dretler-aye

VOTED: To authorize Select Board Chair Janie Dretler to read the “Potential Select Board Statement” in support of Article 12, at the Special Town Meeting, October 23, 2023, as presented during the Select Board Meeting.

Select Board Member Carty opined that if Article 9 – Repurpose Melone Stabilization Fund did not pass at tonight’s Town Meeting, Article 10 – Route 117/Powder Mill Rd/Mossman Rd Intersection Improvement, would be Indefinitely Postponed. Town Manager Sheehan concurred.

Town Manager Carty motioned that if Article 9 – Repurpose Melone Stabilization Fund did not pass at tonight’s Special Town Meeting, Article 10 – Route 117/Powder Mill Rd/Mossman Rd Intersection Improvement, would be Indefinitely Postponed. Vice-Chair Kouchakdjian seconded the motion.

It was on motion 5-0; Russo-aye, Kouchakdjian-aye, Carty-aye, Roberts-aye, Dretler-aye

VOTED: That if Article 9 – Repurpose Melone Stabilization Fund did not pass at tonight’s Town Meeting, Article 10 – Route 117/Powder Mill Rd/Mossman Rd Intersection Improvement, would be Indefinitely Postponed

### **Adjourn**

Vice-Chair Kouchakdjian motioned to recess the Select Board Meeting. Board Member Carty seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Roberts-aye, Russo-aye, Carty-aye, Dretler-aye

VOTED: To recess the Select Board Meeting

There being no further business, the meeting ended at 6:50 PM.

SUDBURY SELECT BOARD

TUESDAY NOVEMBER 14, 2023

7:00 PM - ZOOM

(Meeting can be viewed at [www.sudburytv.org](http://www.sudburytv.org))

Present: Chair Janie Dretler, Vice-Chair Lisa Kouchakdjian, Select Board Member Daniel Carty, Select Board Member Jennifer Roberts, Select Board Member Charles Russo

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:00 PM, via Zoom telecommunication mode.

Chair Dretler announced the recording of the meeting and other procedural aspects included in the meeting.

**Call to Order**

Select Board Roll Call: Russo-present, Kouchakdjian-present, Carty-present, Roberts-present, Dretler-present

**Opening Remarks by Chair**

- Emphasized the prime importance regarding the safety of Sudbury residents, and recommended residents contact the Police Department if any safety concerns arise; and confirmed that she and Board Members condemn all acts of terrorism and antisemitism; she mentioned the Town response to the terrorist acts on Israel after the event, as well as the weeks that followed.
- Acknowledged that at their 10/24/23 meeting, the Select Board outlined the response strategies for unanticipated world events; some communities members have used social media to encourage aggression against Town Staff, Board Members and other residents, which is unacceptable; she asked for compassion and understanding within the community and support the community during these challenging times.
- Thanked the community and sponsors for hosting the amazing Accessible Trick or Treat Halloween event

**Reports from Town Manager**

- Announced the Select Board and the Planning Board would be meeting in joint session on 11/20/23 to discuss MBTA Communities requirements, as well as progress being made with Master Plan goals
- Announced the Annual Tax Classification hearing will be discussed at the 12/5/23 meeting; the Select Board will determine the split between residential and CIP (commercial properties) to set the tax rate for FY2024
- Announced the Sudbury Holiday Village event will be Saturday, 12/2/23 at the Town Center and will include public buildings and churches from 11:00 AM to 2:00 PM; additional information on the Town website



### **Reports from Select Board**

#### Vice-Chair Kouchakdjian

- Volunteered to help at the Sudbury Holiday Village event
- Thanked Janie for her special words to help a pained community at this time, she encouraged finding common purpose among all; she exemplified common purpose/goals with the Commission on Disability (COD)
- Mentioned the success of the Accessible Halloween event, which is another example reflecting how the community comes together for a common goal and support, despite individual opinion/differences
- Recognized Dan Lee who initiated the Unified Sports Program at LSRHS; another community event with a common goal for bringing young people together

#### Board Member Russo

- Agreed with comments presented by Chair Dretler and Vice-Chair Kouchakdjian
- Enjoyed the Siena Farm Carrot Pull; such events relate to the economic development theme

#### Board Member Roberts

- Echoed Select Board unity comments during this difficult time for many, and sympathized with all affected
- Extended Veterans Day remembrances and thanked all veterans for their service and sacrifice
- Announced the Community Housing Production Plan Workshop to take place on 12/13/23 at Town Hall from 7:00 PM to 9:00 PM.

#### Board Member Carty

- Indicated he was looking forward to the Sudbury Holiday Village event
- Congratulated HOPEsudbury for hosting the traditional online auction on 11/3/23
- Announced LSB Players performance of “Curtains” at LSRHS on Friday, 11/17/23 and Saturday, 11/18/23 at 7:30 PM; applauded the abilities of the student performers
- Announced the Transportation Committee received a Community Transit Grant award for the GO Sudbury! Catch Connect shuttle in the amount of \$74,865.00
- Recognized the Select Board received comments from social media that the Board was not taking action regarding the violence in Israel and Palestine; he affirmed that he stands with Israel and hoped the Town will put up the blue lights and the Menorah in Town Center to indicate support for those affected by the Hamas acts of terrorism and semitic hatred as displayed in Gaza

### **Public Comments**

Manish Sharma, 77 Colonial Road, mentioned Diwali was celebrated on November 12<sup>th</sup> to proclaim good over evil. Mr. Sharma mentioned that he viewed interviews from children in Gaza who have been severely injured by current war atrocities and noted that he pledged \$100 per month from the Sudbury community to benefit these children.

Resident and member of the League of Women Voters Linda Smith, 15 Hawthorne Drive, confirmed the League could not support agenda Item #10 regarding opting out of mail-in voting for the March 25, 2024 Annual Town Election. Voting by mail was essential, and the State has funds available to assist with such voting.

Resident Sharon Schmidt-Gross, 298 Maynard Road, indicated she has been pleading with the Town to show support for Jewish residents in light of attacks on Israel. She stated that she would stand with the Palestinian community if they would also denounce antisemitic attacks lead by Hamas. She thanked Board Member Carty for standing in support of Israel.

Resident Joyce Minkoff, 175 Bancroft Road, confirmed that this issue is about antisemitism and thanked Board Member Carty for saying what it is. She explained that Jewish residents of Sudbury are scared to put up signs of support on their property.

### **Consent Calendar**

#1 - Vote to accept a grant from the Massachusetts Department of Environmental Protection (DEP) under the Sustainable Materials Recovery Program in the amount of \$4,550; and further, to authorize the Town Manager to execute the Recycling Dividend Program (RDP) contract between the Massachusetts Department of Environmental Protection and the Town of Sudbury and to apply for and accept funds on behalf of the Town of Sudbury

#2 - Vote to accept a \$1,000 donation from Salem Five in support of Summer Concert Series, as requested by Dennis Mannone, Park and Recreation Director.

#3 - Vote to accept the donation of a Swim Scoreboard from Lincoln Sudbury Regional High School and the Sudbury Swim Team, valued at \$26,000, to be installed at Atkinson Pool.

#4 - Vote to accept two grants from the Body Worn Camera Grant Program offered by the Executive Office of Public Safety and Security's Office of Grants and Research (OGR) in the amount of \$63,287, as requested by Police Chief Scott Nix.

#5 - Vote to grant a 1-day Wine & Malt license to Goodnow Library Foundation, Inc, to accommodate a Donor Reception on Thursday, December 7, 2023 from 5:30 PM to 7:00 PM at Goodnow Library, 21 Concord Rd, subject to the use of a TIPS-trained bartender and a receipt of a Certificate of Liability.

#6 - Vote to approve a one-hour extension of the licensed closing hour and serving of alcoholic beverages for licensees who make application in advance to the Town Manager's Office: Lavender, 519A Boston Post Road and Sobre Mesa, 29 Hudson Road on Wednesday, November 22, 2023 (Thanksgiving eve) and Sunday December 31, 2023 (New Year's Eve), on the condition that the kitchen remains open and food is served.

#7 - Vote to enter into the Town record and congratulate the following members of BSA Scout Troop 61 for having achieved the high honor of Eagle Scout: Matthew Gregor, Akim Abramkin, Alec Arthur, Asher Leavitt, Caleb Büttner, Cam Rogers, Finn Barrett, and Kayhaan Farahbakhshian.

Vice-Chair Lisa Kouchakdjian motioned to approve Consent Calendar agenda items #1 through #7. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Roberts-aye Carty-aye, Russo-aye, Dretler-aye

VOTED: To approve Consent Calendar agenda items #1 through #7.

Chair Dretler confirmed that Consent Calendar agenda item #8 would be discussed later in the meeting.

**Interview candidates for Cultural Council. Following interview, vote whether to appoint Nancy Hudgins, 9 Kendall Road, and Athena Buenconsejo, 54 King Philip Road, both for terms ending 10/30/26.**

Nancy Hudgins

Ms. Hudgins presented her background as a professional musician with experience in cultural planning and development.

Vice-Chair Kouchakdjian motioned to appoint Nancy Hudgins, 9 Kendall Road, to the Cultural Council for a terming ending 10/30/26. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Roberts-aye Carty-aye, Russo-aye, Dretler-aye

VOTED: To appoint Nancy Hudgins, 9 Kendall Road, to the Cultural Council for a terming ending 10/30/26

Athena Buenconsejo

Ms. Buenconsejo presented her background as a labor negotiator for cultural and educational establishments throughout the country, including museums in MA.

Vice-Chair Kouchakdjian motioned to appoint Athena Buenconsejo, 54 King Philip Road, to the Cultural Council for a terming ending 10/30/26. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Roberts-aye Carty-aye, Russo-aye, Dretler-aye

VOTED: To appoint Athena Buenconsejo, 54 King Philip Road, to the Cultural Council for a terming ending 10/30/26

**Discussion of whether to vote to opt-out of voting of mail-in voting for the March 25, 2024 Annual Town Election, as requested by Town Clerk Beth Klein**

Present: Town Clerk Beth Klein

Chair Dretler noted that residents Linda Smith and Len Simon submitted letters to the Select Board Office in support of mail-in voting for the March 25, 2024 election.

Ms. Klein recommended opting out of the mail-in voting for the March 25, 2024 election in consideration that the Presidential-related election and the fact that it takes three to five weeks to prepare for these elections. She suggested in-person voting a week before the March 25<sup>th</sup> Town Election voting, as well as absentee voting.

Vice-Chair Kouchakdjian stated that she could not support this agenda item as presented, and that such opt-out of voting might discourage resident voting.

Board Member Roberts stated that she could not support the opt-out of voting by mail either, and asked if more help could be provided to the Town Clerk's Office to assist with the March 25<sup>th</sup> election.

Board Member Russo stated he could not support the opt-out voting by mail, as such action would be difficult to reverse. He opined about the possibility of requesting additional funding to help with the process.

Board Member Carty stated he was not a fan of mail-in voting, but recognized the importance of voting consistency, and therefore could not support the request for opting-out of voting by mail.

Ms. Klein highlighted challenging aspect of mail-in voting for the March 25<sup>th</sup> election which included limited manpower, insufficient number of mailing machines, work space, labeling machines and tabulators. Board Member Russo suggested use of ARPA funding, if possible.

Chair Dretler stated she was not in support of opting-out of mail-in voting for the March 25<sup>th</sup> election; and the Town would consider ways to promote efficiency with the mail voting process for this election.

**Town Manager to present the Financial Condition of the Town and Preview of FY2025**

Present: Finance Director Dennis Keohane

Town Manager Sheehan provided details within the "Financial Condition of the Town – 2023" topics including:

- Town Charter
- Financial Condition of Sudbury
- Financial Forecasting
- Financial Summary (Projected)
- Revenue Forecast
- Expenditure Forecast
- What Drives Budgetary increases?
- Expenditure Forecast (FY25-FY27)
- Expenditures
- Forecast Sensitivity – 3% Future Guidance
- Identified Needs
- Long-Term Sustainability

After the presentation, Board Members provided related comments/questions. Extensive discussion took place.

**Recess**

Vice-Chair Kouchakdjian motioned to recess for five minutes. Board Member Russo seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Roberts-aye Carty-aye, Russo-aye, Dretler-aye

VOTED: To recess for five minutes

The meeting resumed at 10:04 PM.

**Review the Select Board Fall 2023 Newsletter articles and approve for distribution**

Vice-Chair Kouchakdjian motioned to approve the Select Board Fall 2023 Newsletter articles and approve for distribution. Board Member Russo seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Russo-aye, Roberts-aye, Carty-aye, Dretler-aye

VOTED: To approve the Select Board Fall 2023 Newsletter articles and approve for distribution

**Consent Calendar**

**Item 8 - Vote to approve award of contract by the Town Manager to Brightly Software, Inc., at the request of the Combined Facilities Director, for professional consulting services related to the implementation of Asset Essentials software, said software to be used for the Town's continuing operational needs including the proposed Facility Department's Facility Condition and Space Use assessment of Town Buildings; said award shall include all related contractual matters relative thereto for extended years.**

Board Member Carty inquired about the software contract amount. Town Manager Sheehan detailed the contract amount would be just under \$100,000 for three years.

Vice-Chair Kouchakdjian motioned to approve Consent Calendar Item #8. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Russo-aye, Roberts-aye, Carty-aye, Dretler-aye

VOTED: To approve Consent Calendar Item #8

**Vote to review and possibly approve open session minutes of 10/10/23 and 10/24/23**

**Open Session Minutes of 10/10/23**

Vice-Chair Kouchakdjian motioned to approve the 10/10/23 open session minutes, as edited. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Russo-aye, Roberts-aye, Carty-aye, Dretler-aye

VOTED: To approve the 10/10/23 open session minutes, as edited

**Open Session Minutes of 10/24/23**

Vice-Chair Kouchakdjian motioned to approve the 10/24/23 open session minutes, as edited. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Russo-aye, Roberts-aye, Carty-aye, Dretler-aye

VOTED: To approve the 10/24/23 open session minutes, as edited

**Vote to close open session, and enter executive session to review, approve and possibly release executive session meeting minutes pursuant to G.L. c. 30A, § 21(a)(7) (Purpose 7), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).**

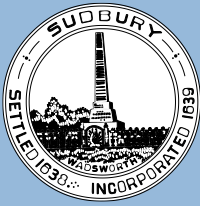
Vice-Chair Kouchakdjian motioned to close open session, and enter executive session to review, approve and possibly release executive session meeting minutes pursuant to G.L. c. 30A, § 21(a)(7) (Purpose 7), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g), and not return to open session. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Roberts-aye, Russo-aye, Carty-aye, Dretler-aye

VOTED: To close open session, and enter executive session to review, approve and possibly release executive session meeting minutes pursuant to G.L. c. 30A, § 21(a)(7) (Purpose 7), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g), and not return to open session

There being no further business, open session ended at 10:17 PM.

DRAFT



SUDBURY SELECT BOARD  
Tuesday, December 5, 2023

**EXECUTIVE SESSION**

**6: Exec session minutes review**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to close open session, and enter executive session to review, approve and possibly release executive session meeting minutes pursuant to G.L. c. 30A, § 21(a)(7) (Purpose 7), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).

Recommendations/Suggested Motion/Vote: Vote to close open session, and enter executive session to review, approve and possibly release executive session meeting minutes pursuant to G.L. c. 30A, § 21(a)(7) (Purpose 7), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).

Background Information:  
attached drafts of 8/20/15, 10/26/16, 5/22/17 (topics include Frost Farm, Eversource, Erica's Restaurant bankruptcy, Wayland Septage Facility, Collective Bargaining)

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

12/05/2023 7:00 PM



SUDBURY SELECT BOARD  
Tuesday, December 5, 2023

**EXECUTIVE SESSION**  
**7: Close Executive Session**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to close Executive Session and not resume Open Session.

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

12/05/2023 7:00 PM