

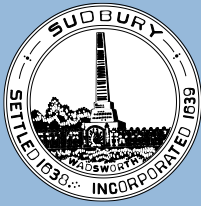
SUDBURY SELECT BOARD  
TUESDAY JANUARY 9, 2024  
7:00 PM, ZOOM

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 accept a donation of \$5000 from the Jean Lind Teen Center to be used solely for Park and Recreation Teen programs.
2.		<i>VOTE</i>	Vote to approve execution by the Town Manager of an Agreement between the Town and Woodard and Curran in the amount of \$35,000 for Engineering Consulting Services to assist the Town of Sudbury with the APWA Self-Assessment Improvement and Evaluation Phase set forth in Appendix A dated November 29 2023, to be completed in its entirety by December 31, 2024, unless otherwise extended; and to act on anything relative thereto.
<b>MISCELLANEOUS</b>			
3.			Vocational Education update
4.			Fair Share Act update
5.			Discussion of Sudbury General Bylaws, Article XXV, Capital Planning
6.		<i>VOTE</i>	Update on status and next steps on the proposed firearms business use zoning bylaw (continued from 12/19/23 meeting).
7.		<i>VOTE</i>	Discussion on potential 2024 Annual Town Meeting articles to be submitted by the Select Board, and also authorize the Town Manager to submit articles on behalf of the Select Board.
8.		<i>VOTE</i>	Discuss and possible vote to approve proposed 2024 Municipal Update Newsletter Schedule of Deadlines for Select Board assignment, submission and approval.

*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>
9.		<i>VOTE</i>	Vote to review and possibly approve open session minutes of 11/28/23, 12/5/23 and 12/12/23.
<b>EXECUTIVE SESSION</b>			
10.		<i>VOTE</i>	At the close of Open Session, vote to enter Executive Session to discuss strategy with respect to collective bargaining (Civilian Dispatchers) if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares (exception 3).
11.		<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, January 9, 2024

**CONSENT CALENDAR ITEM**

**1: Accept donation to Park & Rec Teen Programs**

REQUESTOR SECTION

Date of request:

Requestor: Joyce Minkoff - Jean Lind Teen Center

Formal Title: Vote to accept a donation of \$5000 from the Jean Lind Teen Center to be used solely for Park and Recreation Teen programs.

Recommendations/Suggested Motion/Vote: Vote to accept a donation of \$5000 from the Jean Lind Teen Center fund to be used solely for Park and Recreation Teen Center programs.

Background Information:

The Jean Lind Teen Center is presently being disbanded. This donation is to go to Park & Rec Teen programs only.

Financial impact expected:

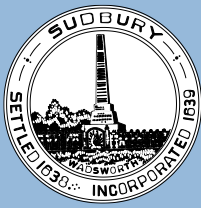
Approximate agenda time requested:

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

01/09/2024 7:00 PM



SUDBURY SELECT BOARD  
Tuesday, January 9, 2024

**CONSENT CALENDAR ITEM**

**2: APWA request**

REQUESTOR SECTION

Date of request:

Requestor: Dan Nason

Formal Title: Vote to approve execution by the Town Manager of an Agreement between the Town and Woodard and Curran in the amount of \$35,000 for Engineering Consulting Services to assist the Town of Sudbury with the APWA Self-Assessment Improvement and Evaluation Phase set forth in Appendix A dated November 29 2023, to be completed in its entirety by December 31, 2024, unless otherwise extended; and to act on anything relative thereto.

Recommendations/Suggested Motion/Vote: Vote to approve execution by the Town Manager of an Agreement between the Town and Woodard and Curran in the amount of \$35,000 for Engineering Consulting Services to assist the Town of Sudbury with the APWA Self-Assessment Improvement and Evaluation Phase set forth in Appendix A dated November 29 2023, to be completed in its entirety by December 31, 2024, unless otherwise extended; and to act on anything relative thereto.

Background Information:

Pursuant to the Accreditation Agreement executed in July 2020 by Town Manager Henry Hayes between the Town of Sudbury Public Works Department and the American Public Works Association (APWA), two subsequent Agreements were executed with the Select Board's approval by the Town and Woodard & Curran for consulting services relative to the accreditation process. The first, in the amount \$28,500, was preliminary and included documentation of existing policies, practices and procedures and the gaps related. The second, in the amount of \$98,500, was to finalize the self-assessment and begin implementation of applicable practices and to develop a plan to refine the practices and procedures. A third Agreement is requested for continuation of the second agreement to finalize the process including the improvement of the existing policies, practices and procedures and perform follow-up APWA evaluation matters.

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

01/09/2024 7:00 PM



## Appendix A – APWA Accreditation Support Services

November 29, 2023

Woodard & Curran is pleased to provide engineering consulting services to the Town of Sudbury, MA (Town) to continue American Public Works Association (APWA) Accreditation support services. The scope of services is to assist the Town with the continuation and completion of the Self-Assessment Phase, begin and complete the Improvement Phase, and provide guidance throughout the Evaluation and Accreditation phases. These phases will be in conformance with the APWA Public Works Management Practices Manual – 9<sup>th</sup> Edition (Manual).

The following summarizes Woodard & Curran’s proposed scope of services, compensation, clarifications & exceptions, and schedule.

### SCOPE OF SERVICES

#### Phase 1: Improvement Phase

Woodard & Curran proposes to perform the following tasks associated with finalizing the APWA Accreditation Improvement Phase, as outlined below. This process will continue from the Practice Statement Improvements.

##### *Improve Existing Policies, Practices and Procedures*

Woodard & Curran will continue to assist the Sudbury Department of Public Works (DPW) with the Improvement Phase of the Accreditation process. This phase will build on the Self-Assessment Phase to refine the drafted policies, practices, and procedures in order to reach a maximum of 5% of all applicable practices in substantial APWA compliance, with the remaining applicable practices in full compliance.

##### *Coordination and Progress Meetings*

Building from the previous Task, Woodard & Curran will coordinate with the DPW’s designated APWA Program Manager on a weekly basis to provide guidance and track practice statement improvement progress. Woodard & Curran and the DPW will use the APWA Tracking Software to track the status of applicable chapters and practice statements. Woodard & Curran will provide guidance and perform Tracking Software check-ins with the Program Manager to assist with formatting and software compliance.

Woodard & Curran will continue to attend weekly 3-hour in-person (December-January) and 2-hour virtual (February-April) coordination meetings with the DPW to provide further guidance, discuss progress to date, and track the overall Accreditation timeline. For this Task, the timeframe for check-ins and meetings shall be from December 2023 through April 2024. Check-ins and meetings are planned for both in-person at the DPW Facility (December 2023 through January 2024) and virtually via Microsoft Teams (February 2024 through April 2024).



Woodard & Curran will also provide guidance to the DPW with their APWA Request for Peer Review by accredited organizations in the region. Our understanding is that a Request for Peer Review will occur in December 2023/January 2024 with the completion target month of February 2024 at the latest to provide the DPW with ample time to implement any suggested changes prior to the formal evaluation and site visit by APWA.

## Phase 2: Evaluation Phase

Woodard & Curran will provide guidance to the DPW with their APWA Request for Site Visit, and preparation of the Evaluation Phase performed by APWA Evaluators. Support under this task will include 2-hour monthly in-person coordination meetings (May-July) to provide guidance on final updates to practice statements following APWA Evaluation. Additionally, Woodard & Curran will provide guidance as the Town submits their Accreditation request and documentation to meet the 2024 timeline.

## COMPENSATION

Woodard & Curran proposes to perform the work described within this proposal on a Lump Sum Basis, invoiced monthly based upon percentage of work completed. Monthly invoices will include a summary of services provided during the invoice period. Woodard & Curran will provide engineering consulting services described herein for a fee not to exceed **\$35,000.00**, inclusive of all expenses. For information purposes, the phased fee breakdown is as follows:

PHASE	DESCRIPTION	FEE
Phase 1	Improvement Phase	\$22,500
Phase 2	Evaluation Phase	\$12,500
	<b>Total</b>	<b>\$35,000</b>

## CLARIFICATIONS AND EXCEPTIONS

The following represents Consultant's assumptions that were used in the preparation of this proposal. The proposed scope of work and fee estimate is based on the following understanding and clarifications:

- Key Sudbury Public Works staff will make themselves available during weekly coordination meetings. It is understood that interruptions during the meeting will cause delays to the anticipated accreditation timeline.
- Between the weekly coordination meetings, Sudbury Public Works staff will endeavor to complete any action items identified at the end of the meetings. This may include interviewing field staff, creating or filling out documentation, or other supplemental work needed to bring practices into "Full" compliance.

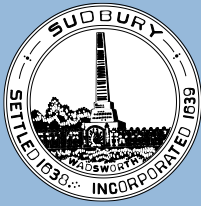


- The Town of Sudbury Public Works Department shall take final responsibility for reviewing and approving all applicable policy and procedure statements and making any edits as the DPW sees fit in advance of the APWA site visit.
- Availability of APWA staff to perform the site evaluation may impact the accreditation timeline.
- The Sudbury Department of Public Works shall pay all applicable APWA Application fees and Evaluation Site Visit expenses, separate from this Agreement.

## SCHEDULE

Woodard & Curran will begin work upon written authorization to proceed. Phase 1 is anticipated to be completed at the end of April 2024, followed by a formal Request for Site Visit to the APWA. Pending the APWA Evaluation Team's availability and scheduling to perform the Site Visit, the Evaluation Phase is anticipated to occur in late-Spring 2024, targeting the Accreditation Phase in Summer 2024 and Presentation of Accreditation at the 2024 PWX Conference. We understand the Town's desire for prompt action and are committed to assisting the Town of Sudbury with the completion of this transformative initiative.





SUDBURY SELECT BOARD  
Tuesday, January 9, 2024

**MISCELLANEOUS (UNTIMED)**

**3: Vocational Education update**

REQUESTOR SECTION

Date of request:

Requestor: Chair Dretler

Formal Title: Vocational Education update

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

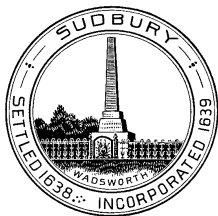
Approximate agenda time requested:

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

01/09/2024 7:00 PM



Andrew J. Sheehan  
Town Manager

## TOWN OF SUDBURY

*Office of the Town Manager*  
*www.sudbury.ma.us*

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

### MEMORANDUM

TO: Select Board  
FROM: Lisa Kouchakdjian, Select Board Vice Chair  
Andrew J. Sheehan, Town Manager  
DATE: January 9, 2024  
SUBJ.: Status Update on Select Board Goal #3  
Investigation of Vocational Education Access Options

Historically, Sudbury was a longtime member of Minuteman Regional Vocational High School in Lexington. At Annual Town Meeting in May of 2015, the Town of Sudbury voted to withdraw from Minuteman Regional Vocational High School in Lexington. Several other communities also withdrew from Minuteman around this time. Although the Sudbury School Committee voted to have Assabet Regional Vocational Technical School as its school of choice, the Town of Sudbury never became a member of Assabet. In 2022, the Select Board made one of its annual goals becoming a member of a vocational education school. At its goal session meeting in 2023, the Select Board maintained this goal in its top five goals.

FY2018 was the first year Sudbury was not a member of Minuteman. Since that time, Sudbury has been without a permanent vocational partner. Sudbury students interested in pursuing vocational education are responsible for applying for admission as an out-of-district placement in a vocational school.

Historically, Sudbury sent on average 20-25 students annually to Minuteman. Since withdrawing from Minuteman, the number of vocational students has dropped to single digits. In the current year, we are aware of five Sudbury students attending Assabet Valley Regional Vocational School in Marlborough. The lack of membership in a vocational school has played a role in the decline in vocational attendance. Vocational schools are also required to accept students from member school districts first before they can consider any out of district students. This fact has impacted Sudbury's ability to place students in a vocational school setting. As an out-of-district player, Sudbury has no dedicated seats in a vocational school. Acceptance is based on availability of open seats.

Since 2022, Board members and/or the Town Manager have visited five vocational schools (Medford High School, Nashoba, Keefe, Minuteman, and Assabet). These five schools are seen as the most likely vocational partners. Curtis Middle School staff has been the primary point of contact between students and vocational districts. The Town

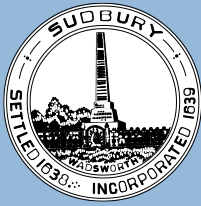
has assisted in those efforts where possible. The Town's goal is finding permanent membership in a vocational school.

In recent months Select Board member Lisa Kouchakdjian and Town Manager Andrew Sheehan have had conversations with numerous vocational administrators. We have received similar feedback from these administrators: interest in vocational education has been increasing, vocational schools are at or near capacity, vocational schools are not entertaining adding new member communities, and vocational schools continue to consider out-of-district students as space allows. We did not hear of any plans for new vocational districts being formed, which would potentially address part of the supply-demand challenge.

At the present time, there is not an obvious path to permanent membership in a vocational school. We will continue to seek this and explore opportunities as they may emerge with the acknowledgement that it is likely to be several years before we achieve membership in a vocational high school. If we are able to find a permanent partner, such partner will likely insist on some sort of admission fee and/or capital contribution. The amount of such contribution cannot be projected and would likely vary depending on the school.

Absent membership in a vocational high school, we see no alternative but to continue the existing practice in which students apply for out-of-district placement.

As noted above, we will continue to explore permanent membership in a vocational high school. We will maintain contact with vocational administrators to see if opportunities emerge at the handful of proximate districts. We will also monitor trends at other vocational schools and pursue opportunities that may make sense for Sudbury and its students who are interested in vocational education. We recommend the Select Board and/or the Town Manager maintain communication with the five vocational schools previously visited at least on an annual basis by sending written communication expressing interest in membership.



SUDBURY SELECT BOARD  
Tuesday, January 9, 2024

**MISCELLANEOUS (UNTIMED)**

**4: Fair Share Act update**

REQUESTOR SECTION

Date of request:

Requestor: Chair Dretler

Formal Title: Fair Share Act update

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

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Maura Healey, Governor  
 Kimberley Driscoll, Lieutenant Governor  
 Monica Tibbits-Nutt, Secretary & CEO

REC'D TOWN OF SUDBURY  
 DEC 18 2023 AM 9:59



December 11, 2023

Andrew Sheehan  
 Interim Town Manager  
 278 Old Sudbury Road  
 Sudbury, MA 01776

Dear Andrew Sheehan,

We are pleased to announce that under the new administration of Governor Maura Healey and Lieutenant Governor Kim Driscoll, a total of \$100 million for Fiscal Year 2024 has been allotted from the Fair Share Amendment to support local infrastructure across the Commonwealth's 351 cities and towns.

Passed by voters in 2022, the Fair Share Amendment requires that revenue raised by the 4% surtax on taxable income over \$1 million be spent on public education and transportation. This apportionment continues to demonstrate the Administration's support in strengthening municipal partnerships and providing financial resources that support transportation improvements at the local level.

**This letter certifies that your community's Fair Share apportionment for Fiscal Year 2024 is \$412,543.00.**

The Fair Share Amendment funds will be distributed to communities using two formulas. The first \$50 million will be distributed using the traditional Chapter 90 formula based on local road mileage (58.33%), population (20.83%), and employment (20.83%). The other \$50 million will be distributed using a formula based on each municipality's share of road mileage.

This apportionment will automatically be incorporated into your existing Chapter 90 contract with MassDOT with no further action by the municipality. Apportionments for all communities are available online at [www.mass.gov/chapter-90-program](http://www.mass.gov/chapter-90-program). Please note that the bill enacting these funds has been signed; the funds are now available for municipal use.

We look forward to working with you in the coming year to continue the success of our municipal partnerships.

Sincerely,

Maura Healey  
 Governor

Kim Driscoll  
 Lieutenant Governor

Attachment 4.a: MassDOT\_Fair Share Amendment awarded to Sudbury 12.11.23 (6088 : Fair Share Act update)

AUG LOCAL AID AND FINANCE

9

2023

# Gov. Healey signs FY24 state budget

home → News → Local Aid and Finance

Gov. Maura Healey today signed a \$56 billion state budget bill for fiscal 2024 that increases unrestricted local aid by 3.2% over fiscal 2023 and boosts Chapter 70 education aid by \$603 million.



Gov. Maura Healey, center, signs the fiscal 2024 state budget at the State House on Aug. 9. Standing behind her are (l-r) House Speaker Ronald Mariano, Lt. Gov. Kim Driscoll, Senate President Karen Spilka and Administration and Finance Secretary Matthew Gorzkowicz. (Photo courtesy Josh Qualls/Governor's Press Office)

The budget was enacted by the Legislature on July 31. The governor vetoed \$205 million in net spending and signed 103 of the bill's 112 outside sections.

The budget increases

Unrestricted General Government Aid to \$1.27 billion and Chapter 70 education aid to \$6.5 billion for fiscal 2024. It also increases the Rural School Aid account by \$15 million, while fully funding the Special Education Circuit Breaker account and charter school mitigation payments.

Attachment 4.b: Fair Share MMA 2023-08-09 (6088 : Fair Share Act update)

The budget creates a spending plan for the \$1 billion in anticipated revenue from the voter-approved surtax on annual incomes over \$1 million, which, by law, can be spent on transportation and education programs. The plan includes significant new investments benefitting cities and towns, including \$100 million for local road and bridge maintenance, \$100 million for relief from extraordinary school building project increases, \$50 million for a new Green School Works grant program, and \$172 million to codify and fund universal free school meals. Along with the formula funding in the [recently signed Chapter 90 bond bill](#), cities and towns now have a total of \$325 million in reimbursement funding available for local road and bridge projects in fiscal 2024.

The [Division of Local Services has published local aid estimates](#) for cities, towns and regional school districts based on the budget signed by the governor.

The state had been operating on temporary budgets since the fiscal year began on July 1.

### **Chapter 70**

On education aid, the budget commits to funding the Student Opportunity Act according to the originally intended schedule. In recognition of the challenges facing 119 “minimum aid” districts that would have received only a \$30 per student increase over the previous year, the budget doubles the minimum aid increase to \$60 per student.

### **Special Education Circuit Breaker**

The budget fully funds Special Education Circuit Breaker, which reimburses school districts for the high cost of educating students with disabilities. The governor reduced this item by \$5.6 million, but would attain full funding by using \$5.6 million of unspent fiscal 2023 funds, for a total of \$504.5 million. The Legislature could consider a veto override on this action in the coming months.

### **Charter school mitigation payments**

The budget includes \$232 million for charter school mitigation payments, which funds the state’s statutory obligation as outlined in the Student Opportunity Act.

### **School transportation**

reimbursement rate of 90% of fiscal 2024 costs as estimated by the Department of Elementary and Secondary Education.

The budget fully funds the McKinney-Vento account for transportation of homeless students at \$28.6 million, and increases funding for out-of-district vocational transportation to \$1 million.

### **PILOT**

The budget funds Payments-in-Lieu-of-Taxes for state-owned land at \$51.5 million, an amount that holds communities harmless from recent property valuation increases.

### **Rural School Aid**

The budget includes \$15 million for Rural School Aid to provide assistance to eligible towns and regional school districts. The grants will help schools that are facing the challenge of declining enrollment identify ways to form regional school districts or regionalize certain school services to create efficiencies.

### **Fair Share Revenue**

The budget includes \$1 billion in spending from anticipated revenue generated by the voter-approved Fair Share Amendment, which took effect on Jan. 1 of this year and is intended to fund education and transportation programs. This spending includes the following funding for municipalities:

- \$100 million in supplemental aid to support the construction and maintenance of municipal roadways, with at least half of the funding distributed based on each municipality's total share of road mileage and the remainder distributed through the Chapter 90 formula
- \$100 million in supplemental grants for school construction projects already approved for financing by the Massachusetts School Building Authority to address significant and unanticipated cost escalations in recent years that are having an adverse impact on previously approved projects
- \$69 million to help codify the universal school meals program, which would provide free lunches at public schools for all students, regardless of household income
- \$50 million for a Green School Works grant program, administered through the DESE, to provide financial support to K-12 districts to install or maintain clean energy



infrastructure, which will help to support local climate action and promote energy efficiency

### **MassHealth Crossover Payments for EMS**

The budget also included an outside section to provide financial relief for emergency medical service providers for the transport of patients who are eligible for both Medicare and MassHealth. The section would provide “MassHealth crossover” reimbursements for dual-eligible transports, which would provide additional assistance to emergency medical services providers to support ongoing efforts to recruit and retain staff.

The governor returned this section to the Legislature with a technical amendment intended to maximize federal reimbursement and the total fiscal impact of the relief to emergency medical service providers.

The MMA has partnered with the Fire Chiefs of Massachusetts, Professional Fire Fighters of Massachusetts, and the Massachusetts Ambulance Association in support of this provision, and will continue to work with these stakeholders to get the updated language adopted by the Legislature in the coming months.

*Written by [Jackie Lavender Bird](#), MMA Deputy Legislative Director*

## **News Categories**

**ECONOMIC AND COMMUNITY DEVELOPMENT**

**LABOR AND PERSONNEL**

**LOCAL AID AND FINANCE**

**MUNICIPAL GOVERNMENT**

**MUNICIPAL SERVICES**

**PUBLIC WORKS, ENERGY AND UTILITIES**

**From:** Pennucci, Kristen E. (DOT)

**Sent:** Friday, January 5, 2024 1:08 PM

**Subject:** MassDOT Fiscal Year 2024 Fair Share / Education and Transportation Funds and Prequalification Reminders

Good Afternoon,

MassDOT is pleased to inform you that official letters certifying local apportionments for the Fiscal Year 2024 Fair Share / Education and Transportation funds have been sent to the cities and towns of the Commonwealth. The funds, totaling \$100 million, are distributed through two distinct formulas:

- The initial \$50 million follows the traditional Chapter 90 formula, considering local road mileage (58.33%), population (20.83%), and employment (20.83%).
- The subsequent \$50 million is allocated based on each municipality's share of road mileage.

Each community will receive a total amount determined by these two formulas. This apportionment is automatically incorporated into a municipality's existing Chapter 90 contract with MassDOT with no further action required by the municipality. Funds shall be spent in accordance with the [Chapter 90 Program](#); therefore, projects will follow the same procedures for project approval, implementation, and reimbursement.

The detailed apportionments for all communities are accessible online at <https://www.mass.gov/info-details/fair-share-fy-2024-amounts-by-municipality>. The funds, now available for municipal use, aim to empower local initiatives and enhance community development.

Additionally, please be reminded of the important prequalification requirements for these funds and all state-funded projects.

As stated on the MassDOT [Prequalification Program](#) website, a MassDOT prequalified horizontal construction firm is required for a City/Town/OAA project, as follows:

- The project uses state funds where the cost exceeds \$50,000;
- The project is on a state-numbered road and/or highway;
- The project requires MassDOT Prequalification as a condition for State Funding Reimbursement; or

- A public entity (i.e., City/Town/Other Awarding Authority) chooses to require MassDOT Prequalification, regardless of funding source.

The Prequalification Program cannot provide an official list of qualified bidders after a project's bid opening date. To avoid procurement issues, submit the Prequalification Form, Engineer's Bid Item Estimate, and Scope of Work at least two weeks prior to the project's bid opening date. This will ensure that your municipality receives official lists of qualified bidders and will allow time for a contractor to submit a waiver for the project and appeal a waiver denial.

Please bookmark the [Prequalification Website](#) for information, forms, and other resources for the following:

- City/Town/Other Awarding Authority Prequalification Form
- Project Advertisement Language and Timeline
- Apparent 3 Lowest Bidders Form
- Unofficial Prequalified Contractor List
- Contractor and Subcontractor Evaluation Reports
- Waiver Lists, Distributing Plans and Specifications, Accepting Bids

Before you submit your documents to the Prequalification Program, submit your project request through the standard [Chapter 90 Program](#) process on MapIT.

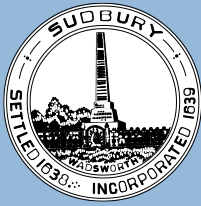
Should you have any questions or require additional information, please do not hesitate to reach out. Please see a list of your District State Aid Engineers [at the bottom of this page](#) or email me and I can connect you.

We appreciate your continued collaboration and commitment to advancing our shared goals.

Happy New Year,  
Kristen

*Kristen Pennucci*

Community Grants Administrator  
Massachusetts Department of Transportation (MassDOT)  
Highway Division  
10 Park Plaza, Suite 7410



SUDBURY SELECT BOARD  
Tuesday, January 9, 2024

**MISCELLANEOUS (UNTIMED)**  
**5: Discussion of Bylaws Capital Planning**

REQUESTOR SECTION

Date of request:

Requestor: Chair Dretler

Formal Title: Discussion of Sudbury General Bylaws, Article XXV, Capital Planning

Recommendations/Suggested Motion/Vote:

Background Information:  
attached documents

Financial impact expected:

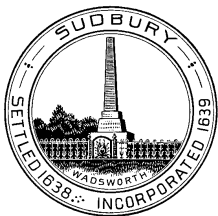
Approximate agenda time requested:

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

01/09/2024 7:00 PM



Andrew J. Sheehan  
Town Manager

## TOWN OF SUDBURY

Office of the Town Manager  
[www.sudbury.ma.us](http://www.sudbury.ma.us)

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Sudbury, MA 01776-1843  
Tel: 978-639-3381  
Fax: 978-443-0756

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

### MEMORANDUM

TO: Select Board  
FROM: Andrew J. Sheehan, Town Manager  
DATE: January 9, 2024  
SUBJ.: Sudbury Bylaws, Article XXV, Capital Planning

I have spoken in the past with Select Board members about the capital budgeting process. I suggested implementing the recommendations made by the Division of Local Services (DLS) in its *Town of Sudbury, Review of Capital Improvement Program*, April 2020.

The Home Rule Charter gives the Town Manager authority over the Town's finances. It states: "The town manager, with the assistance of the finance director and treasurer-collector, shall be responsible for all the financial management functions of the town, unless otherwise provided by this act. Such functions shall include, but are not intended to be limited to, the following:

1. To prepare and submit, after consultation with all departments, an annual operating and capital improvement program for all town departments."

DLS recommends revoking the Capital Planning Bylaw. It advises that the Bylaw is unnecessary in a community whose Charter explicitly calls for a professional manager and a professional finance director. The Capital Planning Bylaw was, no doubt, put in place for a good reason; it is not clear what that reason was or if it applies in 2024. What is clear is that it adds inefficiency without obvious benefits.

As the next Annual Town Meeting approaches I would like to discuss with the Board how we can make the capital planning process more efficient.

Thank you in advance for your consideration.

**ARTICLE XXV**  
**CAPITAL PLANNING XXV**

*ATM 5/7/2013*

**SECTION 1.**

There shall be a committee known as the Capital Improvement Advisory Committee, (CIAC) composed of seven members: six members appointed by the Selectmen and one member appointed by the Finance Committee. The CIAC shall choose its officers annually. The term of office shall be three years not more than three of which shall expire within the same year. Members of standing boards and committees, as well as Town or school employees, shall be precluded from membership on the CIAC. CIAC members may serve on ad hoc committees created by the Board of Selectmen.

*ATM 5/7/2018, ATM 5/7/2019*

**SECTION 2.**

The CIAC shall study all capital proposals which involve major tangible items with a total project cost of more than \$100,000 in a single year or over \$200,000 in multiple years and which would likely require an article at Town Meeting for the project's authorization. The CIAC shall make a report with recommendations to the Finance Committee and the Board of Selectmen on these proposals.

**SECTION 3.** The Sudbury Town Manager shall develop an operating budget for proposed capital expenditures for the upcoming fiscal year containing those items whose costs do not meet this threshold and are to be included in the annual budget and financing plan submitted to Town Meeting. The Town Manager shall work with representatives of the Sudbury Public Schools and the Lincoln-Sudbury Regional High School in developing this budget. This capital expenditures budget shall be submitted to the Sudbury Finance Committee at the same time as the budgets of other Sudbury cost centers.

# CAPITAL TARGETS WORKBOOK:

<https://sudbury.sharefile.com/d-s4b90d90267b4130a>

## TOWN OF SUDBURY

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REVIEW OF CAPITAL IMPROVEMENT PROGRAM

APRIL 2020



**DLS**  
DIVISION OF LOCAL SERVICES  
MA DEPARTMENT OF REVENUE

## CAPITAL TARGETS WORKBOOK:

<https://sudbury.sharefile.com/d-s4b90d90267b4130a>

**PREPARED BY:**

**DLS | Technical Assistance Bureau**

100 Cambridge Street, Boston, MA 02114-9569

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# DLS

DIVISION OF LOCAL SERVICES  
MA DEPARTMENT OF REVENUE

Geoffrey Snyder  
Commissioner of Revenue

Sean R. Cronin  
Senior Deputy Commissioner

April 3, 2020

Select Board  
Flynn Building  
278 Old Sudbury Road  
Sudbury, MA 01776

Dear Board Members,

I am pleased to present the enclosed review of the Town of Sudbury's capital improvement program. It is my hope that our guidance provides direction and serves as a resource for local officials as we build better government for our citizens.

Please contact me if you have any questions regarding the report.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Cronin".

Sean R. Cronin  
Senior Deputy Commissioner

617-626-2381  
[croninse@dor.state.ma.us](mailto:croninse@dor.state.ma.us)

Attachment5.c: Sudbury\_Capital\_Report\_DLS (6087 : Discussion of Bylaws Capital Planning)

*Supporting a Commonwealth of Communities*

mass.gov/DLS | P.O. Box 9569 Boston, MA 02114-9569 | (617) 626-2300



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## INTRODUCTION

At the select board's request, the Division of Local Services (DLS) Technical Assistance Bureau (TAB) reviewed the Town of Sudbury's capital improvement program (CIP). This review was one of a series of steps the board has taken to fulfill its responsibility for ensuring Sudbury's capital assets can cost-effectively sustain the town's desired service levels into the future. It follows on the completed work of the strategic financial planning committee for capital funding (SFPCCF), which had existed from October 2013 to April 2019. It also corresponds with a FY2020 goal of the board to update the town's financial policy manual, which was last revised in 2015. In requesting this review, the select board sought to obtain an objective, external evaluation of Sudbury's CIP.

Over the years, successions of select boards, employees, and volunteers have conducted various efforts to evaluate and enhance the town's capital planning objectives and strategies. Despite some progress made, our review found that there is still much room for improving Sudbury's CIP. The town needs stronger, more informative policies, and its procedures could be enhanced to be more consistent and effective. In addition, a lack of local consensus about priorities and funding levels has stymied the investment trend in many types of capital assets. Most importantly, the town has failed to pursue a financing strategy that strikes a sound, predictable, and sustainable balance between debt and cash (i.e., "pay-as-you-go") funding options without resorting to repetitive temporary additions to the tax levy. This report offers guidance and tools to address these issues and move the town toward a stronger overall CIP framework.

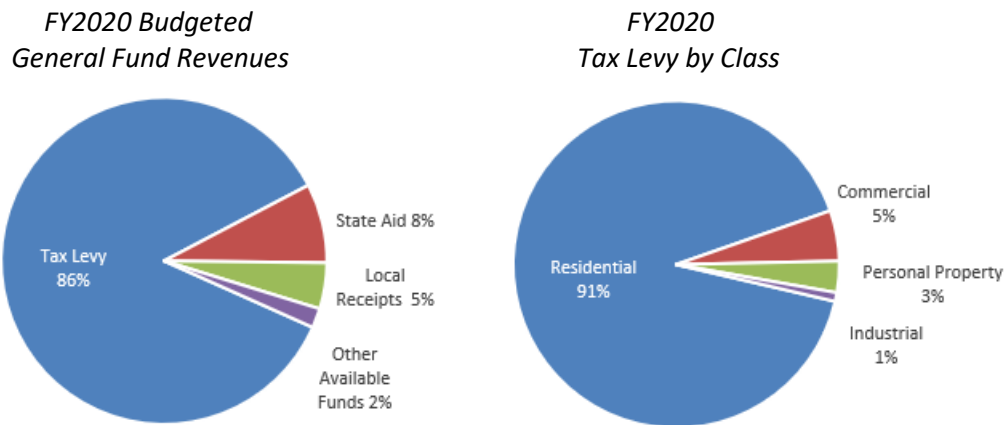
The goal of this review was to compare the components of Sudbury's existing CIP with advisable norms, often referred to as best practices. To do this, we spoke with pertinent officials and examined recent program history, including related policies, procedures, forms, funding practices, charter and bylaw provisions, budget documents, town meeting warrants, Proposition 2½ referendums, select board meeting minutes, and the two previous capital study reports done by ad hoc town committees, one in 2013 and the SFPCCF's PowerPoint report in 2019.

## COMMUNITY PROFILE

The Town of Sudbury is a suburban community of 18,874 residents situated 20 miles west of Boston and encompassing 24 square miles. With its combination of historic, semirural atmosphere and proximity to the city, the town has comparatively high property values and wealth indicators. Sudbury's per capita income of \$113,416 is the 17<sup>th</sup> highest in the state, while its per capita equalized property valuation (EQV) ranks within the top 20% statewide, in 66<sup>th</sup> place. Annually, the town's budget supports a wide array of services, including full-time police and fire departments, consolidated department of public works (DPW), ambulance service, health services, library, council on aging, and recreational programs. The town operates its own Sudbury Public School (SPS) district for kindergarten through eighth grade students and pays annual assessments for its membership in

the Lincoln-Sudbury Regional High School (LSRHS). Segregated within the town’s total FY2020 operating budget of just under \$108 million are budgets for the local Community Preservation Act (CPA) program (\$2.1 million) and for three enterprise fund operations (the pool, transfer station, and field maintenance), which total about \$1 million combined.

Whereas the average Massachusetts town draws 71% of its general fund budget from the tax levy, in Sudbury that portion is considerably larger, at 86%. This is because the town lacks significant offsets from either locally generated receipts (e.g., motor vehicle excises, municipal charges, interest, fees) or from state aid (due to Sudbury’s high wealth factors and the regional high school receiving educational aid directly from the state). Furthermore, only 7% of the total property valuation in Sudbury arises from commercial, industrial, and personal properties, and therefore residential taxpayers shoulder the preponderance of the levy burden.



Pursuant to a 1994 town charter, subsequent amending special acts, and town bylaws, Sudbury’s executive governing branch consists of an elected, five-member select board, while an open town meeting functions as the legislature. A finance committee, consisting of nine volunteers appointed by the moderator, advises town meeting voters on all finance-related warrant articles.

The select board appoints a town manager, who is charged to oversee the town’s day-to-day functions, as well as planning and coordinating its long-range goals. The charter empowers this position with the appointing authority for most of the town’s department heads and enumerates many duties related to the officeholder’s capital planning role, namely:

- oversee the town’s financial management functions and coordinate the activities of all departments, officers, boards, and commissions
- keep the select board and finance committee fully informed as to the town’s financial condition and needs
- prepare an annual forecast of town revenues, expenditures, and general financial condition
- develop and maintain a complete inventory of all town-owned real and personal property
- ensure the efficient use, maintenance, and repair of all town facilities, except the schools

- prepare annual operating and capital budgets for all town departments

Assisting the town manager in these and other duties are an assistant town manager/human resources director and a finance director-treasurer/collector. These three officers compose the town's budget team, who work together to orchestrate the operating and capital budget processes and then propose a combined annual budget to the select board and finance committee.

The executive leadership in Sudbury is going through a period of transition as the select board has recently hired a new town manager. This appointment will provide the town with the opportunity to take a fresh look at all administrative and financial practices, including the CIP. To aid in this objective, we considered all the various components that comprise the pillars of a comprehensive CIP and assessed how they are manifested in Sudbury. In the report that follows, we detail our observations and make recommendations to help guide local officials toward a CIP grounded in generally accepted best practices.

## CIP FRAMEWORK

By the simplest definition, a capital asset is an item of property with a useful life longer than one year. In the context of municipal financial management, however, it is more useful to think of capital assets as the community-owned collection of significant, longlasting, and expensive real and personal property, such as land, buildings, equipment, infrastructure, and rolling stock. A CIP is a risk management framework for ensuring these assets can continuously, efficiently, and effectively provide desired services according to a well-thought-out, economical plan. A strong CIP guards against the risk of the failure of any of these assets in supporting the major objectives of town government, among them the promotion of commerce, protection of public health and safety, provision of educational programs, and enhancement of local quality of life. The oversight of a solid CIP is therefore one of a select board's most vital duties.

To conduct this review, we examined all aspects of Sudbury's capital program. In the next part of the report, we provide our observations, analyses, and recommendations in sections divided into the four component areas of a comprehensive CIP:

- A. Financial Policies
- B. Capital Planning Procedures
- C. Funding Strategies
- D. Capital Forecast

When doing this type of review, communities sometimes find it useful to know how they compare to others that can be considered their peers based on similar fiscal, geographic, and socioeconomic characteristics. Among the factors we used to determine an appropriate peer group for Sudbury were population size, budget amount, per capita income and EQV, budget composition, and the balance of properties classes within the total valuation. The resulting nine peer towns are listed in the table below. We will refer to this peer group again in various parts of the report.

*Sudbury's Peer Communities*

Town	2015 Pop	Pop Density	2015 Income PC	2016 EQV PC	% of Value		FY2020 Total Operating Budget	% of Budget				Bond Rating*
					Res	CIP		Levy	Aid	Lccal Receipts	Other	
Acton	23,549	1,185	61,285	182,870	88.90	11.10	105,717,247	84.72	2.50	10.98	1.80	S&P: AAA
Bedford	14,171	1,037	63,336	247,247	78.78	21.22	103,598,404	64.92	8.37	14.86	11.85	S&P: AAA
Concord	19,830	809	119,088	314,585	91.88	8.12	119,033,611	79.84	4.59	11.06	4.50	M: Aaa
Duxbury	15,483	652	84,188	249,015	96.24	3.76	88,543,488	72.48	7.40	15.44	4.69	S&P: AAA
Hingham	23,120	1,041	112,921	288,446	88.61	11.39	128,255,994	67.09	8.83	22.72	1.36	S&P: AAA
Hopkinton	16,674	635	84,115	213,004	83.67	16.33	99,288,874	72.39	10.08	13.92	3.61	S&P: AAA
Scituate	18,478	1,048	61,387	239,940	95.70	4.30	103,425,131	63.63	7.95	25.44	2.97	S&P: AA+
Wayland	13,684	909	147,695	267,930	95.16	4.84	93,872,007	75.58	6.83	13.77	3.83	M: Aaa
Westwood	16,055	1,476	114,844	270,466	84.08	15.92	102,504,134	78.26	7.61	9.74	4.39	S&P: AAA
<b>Sudbury</b>	<b>18,874</b>	<b>778</b>	<b>115,416</b>	<b>240,299</b>	<b>92.99</b>	<b>7.01</b>	<b>107,835,900</b>	<b>83.21</b>	<b>7.63</b>	<b>7.28</b>	<b>1.87</b>	<b>S&amp;P: AAA</b>
<b>Averages</b>	<b>17,992</b>	<b>957</b>	<b>96,428</b>	<b>251,380</b>	<b>89.60</b>	<b>10.40</b>	<b>105,207,479</b>	<b>74.21</b>	<b>7.18</b>	<b>14.52</b>	<b>4.09</b>	

\*Indicating either Moody's or Standard & Poor's.



## A. FINANCIAL POLICIES

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Without a strong set of clear, well-reasoned, and comprehensive financial policies, it is very difficult for a community to implement an effective CIP. Policies create the signposts for the procedural roadmap to be followed by relevant officials. They also spell out local leaders' commitment to long-range, consensus-driven goals. The policy topics of capital planning, budget, reserves, and debt management should all have interconnected provisions related to the capital program.

As a communication tool, a policy sets expectations for particular individuals and groups, such as budget decision makers, employees, and residents. A well-written policy promotes accountability, consistency, and transparency and provides instructive guidance for the accomplishment of specific goals. Beyond doing all of this, a strong financial policy provides its greatest value as a foundational element of the town's system of internal controls for risk management. Unfortunately, we found the town's draft policy manual, which covers nine topics in only five pages with very sparse provisions, to be inadequate to fulfill these objectives.

We strongly advise the select board to initiate a complete policy makeover. Manuals that TAB has created for other communities could provide samples for particular topics and can be found on the DLS website at: <https://www.mass.gov/service-details/community-compact-cabinet-reports>. Detailed below are provisions we recommend the town incorporate in the new policies.

### A-1. Adopt a full-scope Annual Budget policy

In place of the existing Operating Budget policy, an Annual Budget policy would define an integrated framework for developing the total operating budget, including the general fund, enterprise fund, and capital budgets but excluding the CPA, which is the sole purview of the Community Preservation Committee. In doing this, the new policy could incorporate the two, currently separate policies on Revenues and Expenditures. The town could also consider stating whether each enterprise fund will be self-supporting or will receive a general fund subsidy. When an enterprise is self-supporting, user fees are calculated to ensure they cover all of the given operation's costs, including personnel, expenses, and capital investment, as well as the indirect costs associated with other town departments that provide support to the enterprise.

We further recommend the policy include provisions that define the appropriate circumstances for considering a Proposition 2½ referendum. For example, it could stipulate that every debt exclusion proposal must meet all three of these criteria: (1) useful life of 20 years or more; (2) estimated cost of the principal payment in the first year of the debt issuance must be greater than 1% of the prior year's general fund revenue; and (3) the expenditure is either for town-owned land, buildings, or infrastructure or for a LSRHS capital assessment. The policy should also state that the town will avoid proposing any capital exclusions except in unanticipated, extraordinary circumstances.

**A-2. Adopt a consolidated Reserves policy and set prudent target levels**

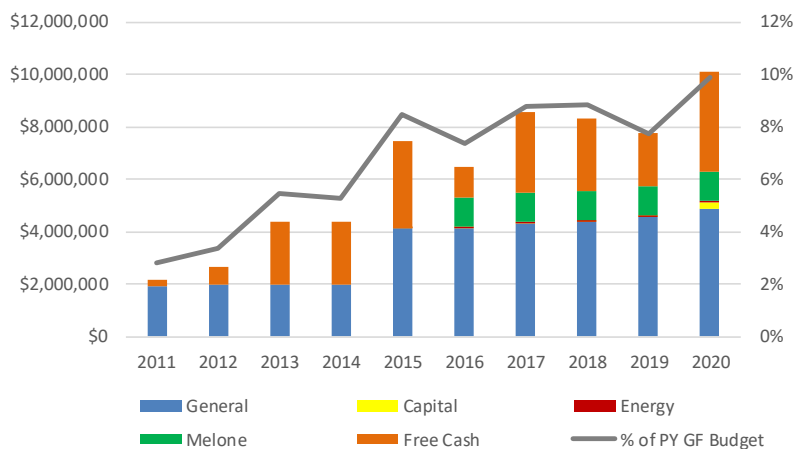
Instead of separate policies for the general stabilization fund and free cash, we recommend the select board adopt a single policy that addresses both of these reserves, as well as all special purpose stabilization funds, enterprise fund retained earnings, and overlay surplus. We also advise the board to reevaluate and expand the policy stipulations for funding targets.

Sudbury’s 2015 policy manual set a target for the stabilization fund at 5% of the prior year’s general fund budget and specified that it should be used only for unexpected events. The new draft retains the funding target but removes any usage language. Conversely, the town has never set a target level for free cash, but both policy versions specify a usage priority order for this reserve, which is the remaining, unrestricted funds from operations of the previous fiscal year. Free cash requires certification by DLS before the town may appropriate it.

Sudbury’s reserve-related policies have not provided adequate instructions and targets for reserves. As a solitary goal, the general stabilization fund target is too low, and the overall approach to reserves should be more strategic. Reserves not only provide a community with “rainy day” monies for emergencies; they should also be viewed as a means to set aside funds for capital purchases that can be made with cash at a lesser cost, and as a counterbalance to, projects that must be financed by borrowing with its attendant add-on expenses and complications.

A 5% minimum target for the general stabilization fund is reasonable only if there are also targets for other reserves, such that the total combined reserves target equates to 10 to 12% of the prior year’s general fund budget (i.e., the total operating budget minus CPA and enterprise funds). Here, “total combined reserves” refers to the total of free cash and the town’s general and special purpose stabilizations funds all together. As illustrated below, the town has made progress in the last few years toward achieving the low end of our advised target.

*Combined Reserves as % of Prior Year General Fund Budgets, FY2011- FY2020*



*Note: Besides the special purpose stabilization funds for capital, energy, and the Melone property, there is also a turf field fund. It has only ever had a balance of \$100 though, so it cannot be graphically represented in this chart.*

Among Sudbury's peers with formal policies on reserves, the average combined target is 8-12% of the general fund budget. In almost all cases though, their overall policy targets refer only to combined free cash and general stabilization (i.e., no special purpose stabilization funds included).

While preserving Sudbury's existing 5% target for the general stabilization fund, we advise the select board to consider expanding the Reserves policy to include the other targets listed below along with other recommended provisions:

- Establish a goal of endeavoring to realize annual free cash certifications equivalent to 3-5% of prior year general fund revenues. Free cash is considered a nonrecurring revenue source because the amount certifiable by DLS is subject to potentially unanticipated variables in any given year. Despite this, the town manager can pursue a consistent free cash level by employing conservative budgeting practices that intentionally estimate revenues at no more than 95% of prior year actuals, avoiding full depletions of prior year certified amounts, and holding department heads accountable for the careful management of turnbacks.
- Achieve and maintain a combined target balance for all capital-related special purpose stabilization funds equal to 2% of prior year general fund revenues.
- Spell out the specific appropriate usages for each type of reserve.
- Set a retained earnings target for any enterprise fund not subsidized by the general fund. Similar to free cash, retained earnings refers to an enterprise fund's surplus balance that requires DLS certification before it may be appropriated. Due to changes in the accounting for indirect costs in FY2020, none of the town's three enterprise operations are currently self-supporting. If the town makes a shift in policy (and fee schedule) to ensure that any of these operations becomes self-supporting, the Reserves policy should state a retained earnings target in anticipation of related projects in the capital plan.
- Include a statement that the select board will request an annual update from the board of assessors on the balance in the overlay account as compared to anticipated abatement and exemption liabilities. Any excess may then be declared as surplus and available for capital or other one-time purposes.

### **A-3. Set a year-to-year debt funding target within the general fund budget**

Section C of this report contains a review of Sudbury's history of capital financing through debt exclusion, which is also known as "exempt debt" since its funding derives from levy amounts exempt from Proposition 2½ limitations. The town's pursuit of exempt debt as a primary capital funding mechanism is a risky strategy that works counter to desired objectives of levy stability and planning predictability. On the other hand, a formal policy that dictates the maintenance of a certain level of within-levy debt financing year after year would help provide a strong control for ensuring consistent capital investment.

Long-term debt is an appropriate, and within certain guidelines, the preferred source of financing for

long-life assets and projects with cost thresholds that would otherwise be unaffordable to pursue in the near term. Further, the amortization of debt service over 10 to 30 years provides some equity among local taxpayers because project costs are borne among those who may move into or out of the town over time. When a town has access to the bond market at favorable borrowing rates, as in Sudbury, a low debt service budget can indicate deficient investment in capital assets. However, every community should establish a debt service ceiling to assure those expenses do not become detrimental to long-term fiscal conditions, squeeze out necessary operating expenses, or strain the affordability of taxpayers. Moreover, debt issuances should be planned for as a steady part of the community's within-levy budget. These are among the many reasons why a good Debt Management policy is so important.

To help make the town's capital funding more predictable and sustainable, the select board should ensure the new policy has provisions that state the objective to gradually and consistently pursue future debt issuances financed by within-levy dollars and set a debt service target range to be achieved and maintained. As will be discussed further in Section D, we suggest the target be 3% of the prior year's general fund revenues, but local analysts may want to adjust this higher or lower, depending on a review of the capital asset inventory and assessment of needs.

Sudbury's within-levy debt service for FY2020 represents only 0.15% of the prior year's general fund budget, so reaching the recommended goal will take quite a bit of time. Nevertheless, the importance of shifting the financial basis for future borrowings from exempt to within-levy debt cannot be overemphasized, and making this a formal policy objective is the first step. The policy should further dictate that the town will recapture for capital purposes the roll off of any maturing debt, either within a new debt issuance or else by appropriating the equivalent amounts to capital-specific stabilization fund(s), which can thereby provide a source for funding future debt service obligations.

#### **A-4. Clearly define what projects are included in the capital plan**

Capital projects in Sudbury are not well defined. The 2020 draft policy has text describing what a capital asset looks like ("land, ...buildings, ...equipment, ...infrastructure") but provides no information for determining which capital-related expenditures will be included in the town's multiyear capital plan. Deleted from the 2020 policy draft was a stipulation from the 2015 version that had defined a capital project as an expenditure for an item costing \$10,000 or greater and having five or more years of useful life.

In addition to reestablishing cost and useful life capital thresholds in policy, we suggest the select board consider raising the minimum dollar amount to \$15,000 or \$20,000, given inflation's impact over the years. This impact is reflected in the town's current capital plan, in which no fiscal year has more than one project costing under \$20,000. As would be expected over time, capital criteria dollar thresholds have been rising in other communities. Six of Sudbury's nine peer towns have policy-

defined dollar thresholds for their capital projects, as follows: three set the cost at \$10,000, two at \$20,000, and one at \$25,000. Whatever amount is finalized, the policy should state that any expenditure that does not meet both thresholds should be budgeted within departmental line items, which are discussed further in report Section B.

Standardized criteria will help budget framers to consider all capital projects using town-wide perspectives while also providing a baseline for the assembly of a complete capital inventory, which should also be called for in the policy. Such an inventory is central to the CIP's effectiveness, since it is needed to create comprehensive schedules for replacing or upgrading assets.

#### **A-5. Establish an ordered list for prioritizing capital projects**

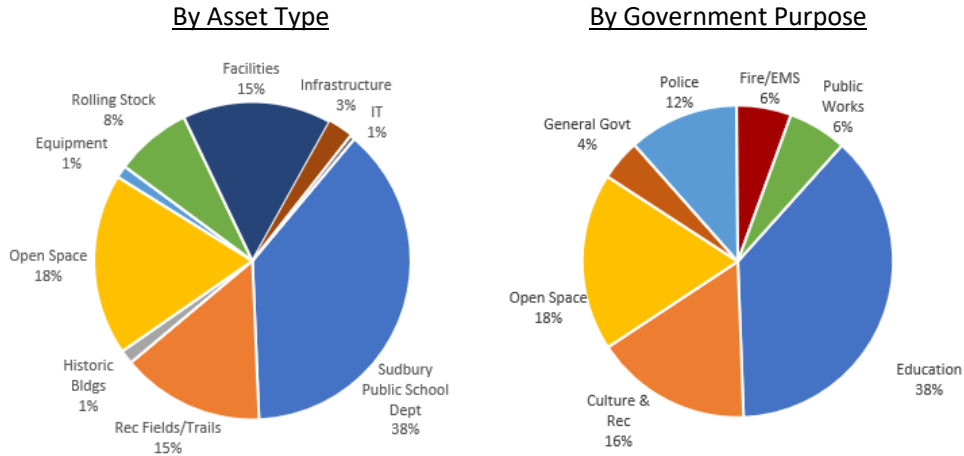
In reviewing Sudbury's CIP-related documents, we were unable to ascertain any defined order for prioritizing capital projects, notwithstanding the simple 1 to 5 urgency score department heads assign to each. Within the capital plan, the budget team also designates each project as either urgent maintenance, risk mitigation maintenance, enhancement, or new/substantially remodeled facility, but only the first of these implies any precedence in priority; the others are merely descriptive.

It is rare that a town can afford to pay for all capital proposals, and therefore the participants charged with developing capital budgets need a frame of reference for comparing projects to the community's prioritized objectives and for evaluating them against each other. Lacking this, the course of capital investment can become haphazard to the point that the town risks inadvertently deferring projects whose postponement ends up costing more in the long run or otherwise failing to align approved projects with long-range, town-wide goals.

Every community has its own unique set of priorities, and the select board, as the executive policymaking body, must determine what these are for Sudbury. Factors to consider and put in priority order include, but are not limited to, mitigation of safety hazards, legal compliance, operating cost reduction, service or efficiency improvement, availability of outside funding sources, conformance to asset replacement schedule, and enhancement of quality of life.

We did a five-year review of Sudbury's capital spending to see what it might reveal about the town's priorities. For the years FY2016-FY2020, we totaled up all the capital project appropriations from all revenue sources. Excluded from the analysis were any expenditures for assets not owned by the town, such as CPA funds dedicated to private affordable housing and any capital assessments paid to the LSRHS. Thus, the Education slice in the Government Purpose pie chart on the next page exclusively refers to expenditures for the SPS, which represents the largest portion (38%), as one might expect. Almost as much (34% total) was spent on quality-of-life purposes (culture, recreation, and open space combined), which as a group outweighed the funds applied to infrastructure needs, public safety programs, and the general running of government (28%) all together.

Capital Spending, FY2016-FY2020



Note: Rolling Stock does not include any police cruisers, which are budgeted within the department's line-item budget.

Worth noting is that the pie charts above include \$13 million in debt service for school projects, \$8 million of which came from distributions by the Massachusetts School Building Authority (MSBA). The MSBA funding was included here because this analysis was intended to encompass the full range of capital funding sources used, including grants. Also important to note is that these illustrations represent debt service dollars actually spent from FY2016-FY2019 and budgeted for FY2020. In FY2021, the debt service will begin for five new projects authorized by recent town meetings: Camp Sewataro, Broadacres, Stearns Mill / Dutton Road Bridge, DPW Fuel Island, and Sewer. The funding for the first four of these will be raised through debt exclusions. About 80% of the total new debt service will be spent on the Camp Sewataro and Broadacres projects, further expanding the proportion of overall capital funding applied to quality-of-life assets.

B. CAPITAL PLANNING PROCEDURES

Article XXV of Sudbury's bylaws establishes a Capital Improvement Advisory Committee (CIAC) comprised of seven members: six appointed by the select board and one by the finance committee. This bylaw charges the CIAC to review and make recommendations on all capital proposals that cost \$100,000 or more. Apart from the CIAC's advisory review, Sudbury's capital planning process otherwise runs in sync and enmeshed with its annual budget process.

Each November, the town manager distributes budget guidelines to department heads along with forms for them to fill in with their operating and capital budget requests. Although the various documents we reviewed showed inconsistencies, for the most part, it appears that department heads have been required to use capital request forms for items costing \$10,000 or more. The town manager is authorized to make decisions on all of these up to a cost of \$100,000. For requests above that amount, the town manager must take into consideration the CIAC's recommendations presented in its annual report to the select board and finance committee.

The budget team reviews the returned requests and meets with department heads to discuss their needs. As project requests are vetted, the team adds them to a five-year capital plan in Excel. This document also includes 10 more years of projections that reflect the debt service on active projects and present-day replacement costs for existing equipment whose useful lifespans will expire during those years. This extended 10-year listing is inherently underestimated given that replacement costs will increase and new projects be added as time goes by. With that in mind, however, the full plan lists almost \$62 million in prospective projects from FY2021 to FY2034.

Each winter, the budget team must prioritize the capital submissions, determine which ones to include in the forthcoming year's capital budget, and brainstorm potential funding plans for them. By January 31, the town manager presents a combined operating and capital budget to the finance committee and select board, which then hold hearings and vote on the budget. By March 31, the finance committee provides the select board with a report of its budget recommendations for inclusion in the town meeting warrant. On the first Monday in May, the town manager presents the operating and capital budget to annual town meeting.

It appears the budget team has developed a well-coordinated annual budget process, including efficient assembling of the capital budget and updating of the multiyear capital plan. To help the team enhance overall capital planning effectiveness, we offer the following procedural recommendations.

#### **B-1. Budget for maintenance costs within department-level capital line items**

We recommend the select board support the implementation of a fundamental shift in the compilation and presentation of the annual budget. Given Sudbury's overall budget size, range of services, and scale of capital assets, most, if not all the major departments should have an annual capital line item for their necessary maintenance budgets. This line item would not apply to projects the town manages under the CIP. Instead, it will account for department-managed expenditures to curb asset deterioration or replace assets with shorter useful lifespans. These expenses should be considered part of the annual operating, not capital, budget. In contrast, the CIP should govern projects undertaken either to build, buy, expand or replace a long-life asset or to enhance an asset's condition beyond its original state of quality, efficiency, or useful life expectation.

As already mentioned, once the town establishes cost and useful life thresholds for capital projects, any expenditure for an asset that fails to meet both criteria should be budgeted in a departmental capital line item. Sudbury's historical lack of a clear capital project definition is evident in its capital plan. For example, it includes a utility trailer costing only \$4,000 (in FY2023), as well as an annually repeating \$50,000 item for the parks division described as preventative maintenance.

Although this change will preclude the need for departments heads to submit capital request forms for their maintenance costs, it will remain important for the town manager to have realistic discussions with them about their maintenance needs every budget year. Going forward, every department head responsible for a capital asset would submit with his or her annual operating budget request an estimated amount for maintenance needs based on actual, related expenditures over the past one to two years. Furthermore, departments heads would be expected to manage this line item with the same care as those for personnel and expenses, including turning back unexpended maintenance funds at year-end, which could then add to the free cash balance.

Including preventative maintenance expenses as standard parts of departmental operating budgets is a cost-effective and widely recommended<sup>1</sup> approach to ensuring the dependability of capital assets. Shifting to a budget template in which each department has line items for personnel, expenses, and capital is another way to ensure town-wide consistency and mitigate the risk of overlooking necessary maintenance. It also increases the transparency and understanding of maintenance needs for budget decision makers and residents. Sudbury does this already for some departments to a very limited extent. For instance, the police department has a standing annual capital line item that corresponds to its budget for cruiser vehicles, which have useful lifespans under five years. Small capital line items also exist in most years for the DPW's highway division and for the turf field enterprise fund.

### **B-2. Remove LSRHS projects from the town's capital plan**

Sudbury's five-year capital plan lists 25 projects for the LSRHS, totaling \$1.8 million, but the related assets are wholly owned by the LSRHS, which has full responsibility for maintaining, monitoring, and purchasing them. It is therefore inappropriate for the regional school district's assets to be included in the plan. Although the budget team's good working relationship with the district's business office will help them stay apprised of long-range operational and capital projections, the LSRHS School Committee alone makes the decisions on the annual assessments that will be submitted for the approval of Lincoln's and Sudbury's town meetings. For budget and forecasting purposes, the team should regard the district's assessment projections similar to how they would the "fixed cost" items in the overall town budget to which Sudbury has contractual obligations, such as retirement and health insurance benefits.

### **B-3. Expand the information captured on capital project submission sheets**

In Sudbury, department heads fill out a Capital Improvement Budget Request form, which captures a range of details about each project, including description, cost, replacement cycle, and estimated future savings. In the interest of helping to collect more information in a standardized way, we offer

<sup>1</sup>For more guidance, see the Government Financial Officers Association's best practice, Capital Asset Management, <https://www.gfoa.org/capital-asset-management> (recommendation 5).



in the Appendix a fillable form for potential adoption by the town. It includes pulldown lists for comparable criteria, sections to input positive or negative cost impacts for the next three to five fiscal years, and boxes for narrative descriptions of available grants or other types of potential cost offsets.

#### B-4. Reconsider the Capital Planning bylaw

We recommend the town consider revoking bylaw XXV: Capital Planning, whose main purpose is to state the CIAC's membership composition and mission. Given the wide extent of the town manager's capital-related duties spelled out in the charter, the CIAC represents a select-board-appointed volunteer body serving a superfluous function to the work already being done by its own full-time, professionally qualified, chief executive officer. The town also has available the full-time expertise of a finance director, whose responsibilities include monitoring the town's financial condition throughout the year, as well the status of its active capital projects. Our advice here correlates with TAB's longstanding biases toward lean and efficient centralized processes and toward reliance on empowered, accountable, administrative officers.

### C. FUNDING STRATEGIES

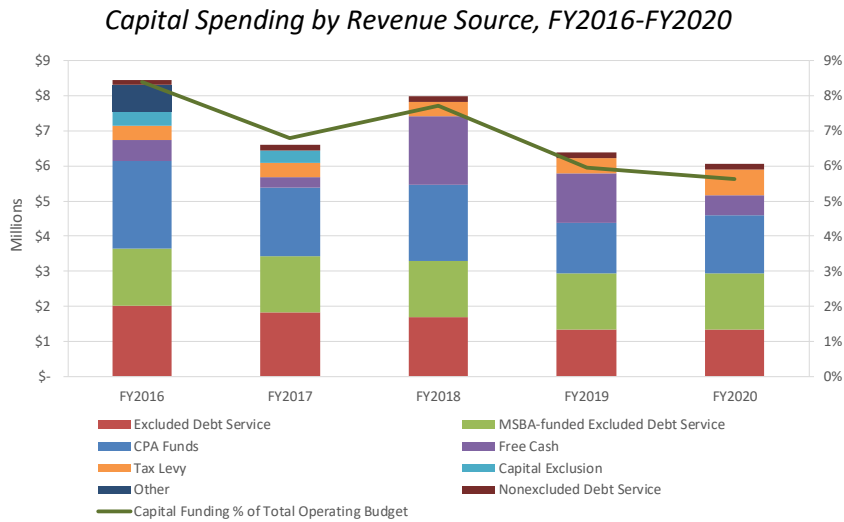
Once a community has established definitions for its capital projects and set up solid, consistent procedures for managing its CIP, budget decision makers must then consider a range of capital financing strategies. All funding sources should be included when evaluating the level of investment, from taxes, to borrowings, to local fees and charges, to state grants and programs.

In the last five years, voter-authorized debt exclusions provided the greatest proportion of Sudbury's capital funding. Three of the seven debt-excluded projects active during this period were for the Curtis, Haynes, and Loring schools, and MSBA distributions in these years substantially offset the amounts that otherwise would have been raised on tax bills for them. In the table and chart below, this grant funding source has been broken out separately to highlight it.

*Capital Spending by Revenue Source, FY2016-FY2020*

Capital Funding Sources	FY2016	FY2017	FY2018	FY2019	FY2020	5-yr total	5-yr % of Total
CPA Funds	2,501,729	1,956,198	2,161,511	1,428,335	1,658,210	9,705,983	27.34%
Excluded Debt Service	2,027,145	1,817,323	1,691,876	1,339,189	1,329,943	8,205,476	23.12%
MSBA-funded Excluded Debt Service	1,606,861	1,606,052	1,605,984	1,605,926	1,605,872	8,030,695	22.63%
Free Cash	613,793	305,000	1,962,000	1,426,500	570,000	4,877,293	13.74%
Tax Levy	392,750	404,000	413,190	422,000	745,000	2,376,940	6.70%
Capital Exclusion	420,000	365,000	0	0	0	785,000	2.21%
Other*	752,507	0	0	0	0	752,507	2.12%
Nonexcluded Debt Service	140,299	155,050	155,190	155,510	154,610	760,659	2.14%
Stabilization Funds	0	0	0	0	0	0	0.00%
<b>Capital Funding Totals</b>	<b>8,455,084</b>	<b>6,608,623</b>	<b>7,989,751</b>	<b>6,377,460</b>	<b>6,063,635</b>	<b>35,494,553</b>	<b>100%</b>

\*Other funding in FY2016 included a donation, bond premiums, and repurposed town meeting articles.



When reviewing the last five years of capital spending there are three trends that stand out. One is the prominence of the CPA program, which actually represents the largest mainly-taxpayer-derived source of financing, given that the MSBA paid a major portion of the debt-excluded projects. The second is the low level of funding from the tax levy and complete absence of stabilization funds as a resource. The third but most significant trend is the longtime strategy that has put capital needs into a type of optional category over-and-above the base levy budget by choosing to pursue project funding through temporary additions to the tax levy. Below we analyze the town’s use of various capital funding sources.

**Debt and Capital Exclusions**

On an annual basis, the town’s budget framers decide the tax levy amount to be raised within the Proposition 2½ levy limit, which automatically increases by 2.5% every year, plus a new growth allowance. In any given year, the community can elect to raise levy funds beyond the levy limit through town meeting and ballot votes. In addition to the provision for a general override, which increases the levy limit permanently, the Proposition 2½ statute permits three types of nonpermanent increases. A capital exclusion increases the levy for one year to pay off a one-time purchase, while a debt exclusion increase lasts for the span of years necessary to pay the debt service on a capital project. Finally, a stabilization fund override increases the levy for an indefinite time to build up funds for a specified purpose. This last option, which Sudbury has never attempted, is discussed further in Section D.

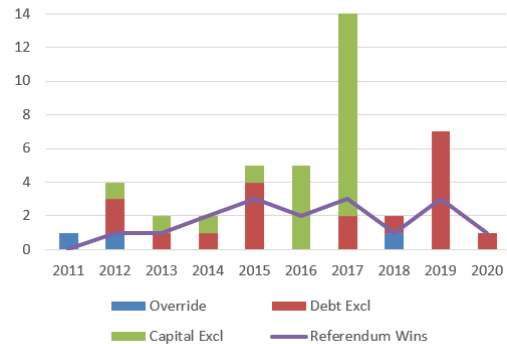
The most striking aspect of Sudbury’s CIP history has been the propensity to make the prospect of capital investment contingent on voter approval of debt and capital exclusions. From FY2016-FY2020, voters approved five capital exclusions and four debt exclusions. Yet these were just the exclusion proposals that passed both town meeting votes and referendums; there were also some contingent warrant articles that failed one or the other. Moreover, the pattern of proposing repetitive adjustments to the levy limit during this time was a continuation of longstanding practices.

The 10 years since FY2011 have seen a total of 40 warrant articles that made the funding of capital projects contingent on the passage of debt or capital exclusions. Beyond this, there were also three general override proposals during this period, which we include in the table and chart below to show the full picture of all levy questions put to voters. Taken together, the 10-year success rate for these proposals was only 44%, and in the last five years, only 34%.

*Rate of Approval of Town Meeting Appropriations Contingent on Proposition 2½ Referendums*

Applicable Fiscal Year	Contingent Town Meeting Articles			Total Articles	Approved Articles	Referendum Wins	% Approved
	Override	Debt Exclusion	Capital Exclusion				
2011	1	0	0	1	1	0	0%
2012	1	2	1	4	4	1	25%
2013	0	1	1	2	1	1	50%
2014	0	1	1	2	2	2	100%
2015	0	4	1	5	5	5	100%
2016	0	0	5	5	5	2	40%
2017	0	2	12	14	14	3	21%
2018	1	1	0	2	2	1	50%
2019	0	7	0	7	5	3	43%
2020	0	1	0	1	1	1	100%
<b>Totals</b>	<b>3</b>	<b>19</b>	<b>21</b>	<b>43</b>	<b>40</b>	<b>19</b>	<b>44%</b>
<b>FY2016-2020 Averages:</b>				<b>5.8</b>	<b>5.4</b>	<b>2</b>	<b>34%</b>

*Contingent Override and Exclusion Articles vs. Referendum Wins*



*Note: The years FY2013-FY2015 include 5 referendums for 2 multistage projects, the Nixon School and Police Headquarters.*

This high rate of Proposition 2½ proposals very much makes Sudbury an outlier within the state. Based on information that communities report to DLS, in any given year, about 30% of the state’s cities and towns hold votes on any such referendum, with about two-thirds of these being held for debt exclusions. Rarely does any community have these types of votes year after year though. From FY2016-FY2020, Sudbury averaged 5.4 referendums annually. During this same time, only 39 municipalities in the state (11%) averaged one or more annually, and 18 (5%) three or more annually. Just four other communities along with Sudbury (1% of the state) have had an average of five or more each year. With one exception, these types of referendums are also rare among Sudbury’s peer towns, as shown below.

*Referendums Reported to DLS, FY2011-FY2020*

Town	Override	Debt Exclusion	Capital Exclusion	10-yr Totals
Acton	0	0	0	0
Bedford	0	0	0	0
Concord	0	6	0	6
Duxbury	0	5	0	5
Hingham	0	2	0	2
Hopkinton	0	19	1	20
Scituate	1	5	0	6
Sudbury	3	17	20	40
Wayland	0	6	0	6
Westwood	0	1	0	1

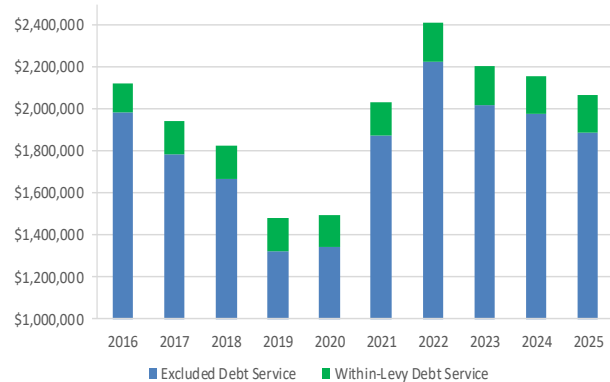
This analysis indicates that the town has been primarily addressing capital needs as wish list add-ons to the base levy, rather than taking a sound risk management approach that accounts for these

expenditures as necessary parts of the budget connected to financing plans under a long-range financial forecast.

Even as the budget team may strive to move away from exclusion proposals in favor of carving out more funding from the levy, it only takes one or two highly expensive projects winning exclusion authorization to stall those efforts. As the chart to the right shows, when the debt service for the four new debt-excluded projects begins in FY2021, these obligations will completely reverse the roll-offs of excluded debt that took place in the last four years. The chart represents the town’s actual net debt service expenditures from FY2016 to FY2019, budgeted amounts for FY2020, and projected estimates for FY2021 to FY2025. (This analysis

provides the best comparison of the town’s true year-to-year debt load since it nets out the MSBA offsets.)

*Actual and Projected General Fund Debt Service Obligations, FY2016 – FY2025*



It is hard to imagine this trend of regularly revolving exclusions can continue much into the future in light of the increasing pressure on tax bills, particularly in the last five years.

*Change in Sudbury’s Average Single-family Tax Bill, FY2011-FY2020*

Fiscal Year	Tax Levy	% Change in Levy	Average Single-family Tax Bill	Annual Tax Bill Increase	% Change in Tax Bill	Average Tax Bill as a % of Value
2011	67,418,506	2.80%	10,695	235	2.25%	1.70%
2012	69,007,533	2.30%	10,937	242	2.26%	1.76%
2013	71,026,410	2.84%	11,205	268	2.45%	1.80%
2014	72,951,707	2.64%	11,544	339	3.03%	1.80%
2015	73,549,581	0.81%	11,598	54	0.47%	1.76%
2016	76,997,531	4.48%	12,082	484	4.17%	1.78%
2017	79,892,487	3.62%	12,520	439	3.63%	1.77%
2018	83,323,444	4.12%	13,033	513	4.10%	1.79%
2019	86,384,635	3.54%	13,355	321	2.46%	1.79%
2020	89,733,893	3.73%	13,769	414	3.10%	1.85%
<i>10-yr Avg. Annual Increase</i>				\$ 331	2.79%	
<i>5-yr Avg. Annual Increase</i>				\$ 434	3.49%	

*Peers Avg. SF Tax Bills, FY2020*

Town	Amount
Scituate	8,123
Bedford	9,769
Hingham	9,988
Hopkinton	10,640
Duxbury	10,943
Westwood	11,789
Acton	11,790
Sudbury	13,769
Wayland	14,214
Concord	15,735

*Note: The bill amounts for Concord and Hopkinton and for Sudbury from FY2014-FY2020 are approximations because, during those years, small numbers of single-family property owners were eligible for tax exemptions connected to the senior means test.*

**Within-levy Debt Service**

The 2015 financial policy included a statement that the town “traditionally votes to issue all debt exempt from the limits of Proposition of 2½” without providing any rationale for this. Due to this longtime avoidance of nonexempt debt, the ratio of debt service funded by within-levy dollars to prior year general fund revenue averaged less than 0.20% annually in the last five years. A new

Attachment5.c: Sudbury\_Capital\_Report\_DLS (6087 : Discussion of Bylaws Capital Planning)

issuance for the sewer project will be paid with nonexempt debt beginning next year, and although the amount is only projected to be \$30,000 annually, it is still some progress in the right direction.

*Within-levy Debt Service as % of Prior Year  
General Fund Revenues, FY2016-FY2020*

	FY2016	FY2017	FY2018	FY2019	FY2020
Prior Year General Fund Budgets	88,459,671	97,507,455	94,025,172	100,052,644	102,000,958
GF Debt Service Amounts	140,299	155,050	155,190	155,510	154,610
GF DS % of Net GF Budget	0.16%	0.16%	0.17%	0.16%	0.15%

**Community Preservation Act**

In the last five years, the CPA fund accounted for a sizeable 27.54% of the town’s capital expenditures, \$9.7 million in total. Close to two-thirds of this (\$6.2 million) applied to debt service on projects authorized in years that predated 2015, while the remainder paid directly (i.e., without debt) for projects approved in special articles during the review period. A lack of substantial capital funding sourced from the levy partially explains the CPA’s large proportionate contribution, along with an apparent multiyear slant toward pursuing the types of projects eligible for CPA funds.

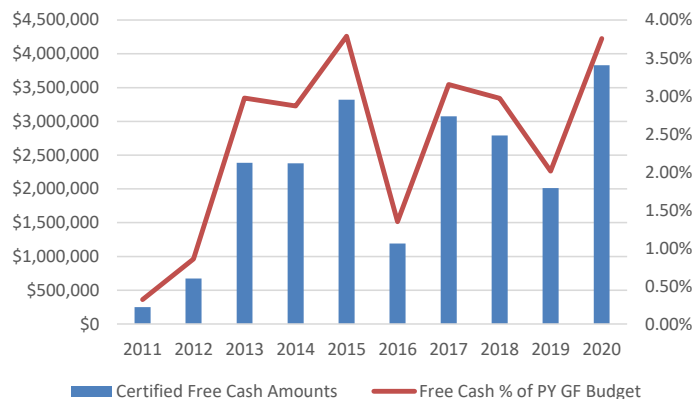
Derived from a 3% surcharge on property tax bills and a nonequal match from the state, Sudbury’s CPA budget provides a steady funding mechanism for capital investment, though one that is restricted to historic, open space, recreational, and affordable housing assets, any of which may or may not necessarily be owned by the town. The CPA budget decision making is entirely the purview of the local Community Preservation Committee, with ultimate authorization by town meeting.

**Free Cash**

The table and chart below show the last 10 years of Sudbury’s free cash certifications, which have been subject to a fair amount of fluctuation, perhaps to some degree related to the absence of a policy-dictated effort to pursue consistent levels year to year.

*Free Cash Certifications, FY2011-FY2020*

Fiscal Year	Prior Year General Fund Budget	Certified Free Cash Amounts	Free Cash % of PY GF Budget
2011	77,798,984	249,418	0.32%
2012	78,740,738	674,860	0.86%
2013	80,343,448	2,388,556	2.97%
2014	82,904,719	2,380,250	2.87%
2015	87,694,994	3,322,365	3.79%
2016	88,459,671	1,190,989	1.35%
2017	97,507,455	3,074,985	3.15%
2018	94,025,172	2,793,163	2.97%
2019	100,052,644	2,012,070	2.01%
2020	102,000,958	3,833,030	3.76%



To their credit, the budget team have refrained from applying any free cash to ongoing operating expenditures and instead have mainly used it for capital projects. In fact, free cash has been Sudbury's primary source of pay-as-you-go capital funding, even outweighing expenditures from the annual tax levy. Yet this entails some risk; the focus should be on ensuring primary reliance on the levy, since free cash cannot be assured as a recurring revenue source.

## Tax Levy

A primary reason for this review was the select board's recognition of the need to source more capital funding from the tax levy. The SFPCCF's report suggested a target goal of 2.5% of the levy dedicated to capital, while the budget team's goal has been to achieve cash capital funding equal to 3% of the general fund budget. As will be discussed further in Section D, we agree that 3% is a sound, minimum target for cash capital funding.

Each year's annual town meeting warrant has an article for the town manager's capital budget. For this article, the budget team selects projects from the five-year capital plan that they see as affordable with a combination of tax levy dollars and free cash. The sum total of this article is the measure used to analyze capital spending against the 3% benchmark. Each year, the team also presents other capital plan projects in individual special articles. Most often, free cash is the proposed funding for these, but until a short time ago, capital exclusions were presented as options for moderate-cost projects as well. This is in addition to the debt exclusions for the most expensive projects that continued to be proposed through FY2020.

When examining pay-as-you-go project funding, most communities view it in terms of "cash capital," which typically encompasses the use of the levy, free cash, and stabilization funds. As previously mentioned, free cash can reasonably count towards this goal when there are strong policies connected to it and careful management of budgets to try to secure consistent certification amounts. However, the primary cash capital source should come from the levy raised each year, and the table below shows the deficiency that has existed in this budget ratio.

*Capital Investment from Cash Sources, FY2016-FY2020*

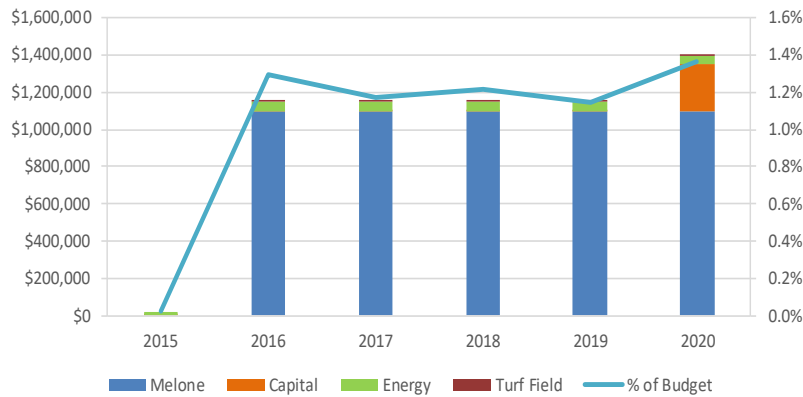
Fiscal Year for Targets:	FY2016	FY2017	FY2018	FY2019	FY2020
Prior Year General Fund Budgets	88,459,671	97,507,455	94,025,172	100,052,644	102,000,958
<b>Capital Funding Sources</b>					
Tax Levy	392,750	404,000	413,190	422,000	745,000
Tax Levy Funding as % of PY GF Budget	0.44%	0.41%	0.44%	0.42%	0.73%
Free Cash	613,793	305,000	1,962,000	1,426,500	570,000
Transfers from Stabilization Funds	0	0	0	0	0
Total Cash Capital Funding	1,006,543	709,000	2,375,190	1,848,500	1,315,000
<b>Cash Capital % of PY GF Budgets</b>	<b>1.14%</b>	<b>0.73%</b>	<b>2.53%</b>	<b>1.85%</b>	<b>1.29%</b>

### Stabilization Funds

As shown above, stabilization funds have not financed any of the town’s capital investment in the last five years. Until recently, the town’s budgeters had not placed any formal emphasis on building up reserves dedicated to helping the town make purchases outright with cash as a counterweight to debt-supported expenditures. Only as of 2015 did the town begin to seek the planning advantages offered by special purpose stabilization funds as allowed under [M.G.L. c. 40, § 5B](#). Whereas the typical function of a general stabilization fund is to provide a reserve for emergencies or any future legal purpose, a special purpose stabilization fund sets aside monies for a specified intent.

The first of two funds authorized at the FY2015 annual town meeting was dedicated to supporting energy efficiency initiatives (starting with a \$20,000 appropriation) and the other to replace rolling stock (with an initial \$100). At the May 2019 annual town meeting, the latter fund was repurposed to be a broader-scope capital stabilization fund and received its first sizeable infusion of \$250,000. The preliminary budget for the upcoming annual town meeting for FY2021 proposes to match this appropriation. In FY2016, town meeting voted to close a revolving fund for the DPW’s Melone property and transferred its balance of \$1.1 million into a new stabilization fund of the same name. Also established in FY2016 was a fund for the turf field at Curtis Park, though its balance is only \$100.

*Special Purpose Stabilization Funds as % of Prior Year General Fund Budgets, FY2015-FY2020*



As the chart above shows, the move toward using special purpose stabilization funds as savings accounts for future capital investment is a new trend in Sudbury. As these funds get built up to useful levels, however, they will become the more sustainable and transparently committed method for financing the capital plan as opposed to the current default option of free cash.

Improving upon the budget practices of the past will take some time and effort, but there has been a positive shift in planning practices in the past couple of years, particularly the greater focus on the tax levy and stabilizations funds. Below we offer guidance to continue this forward progress.

### **C-1. Align the capital plan with funding schemes that do not rely on exclusions**

In the first section of this report, we recommended the select board adopt a policy that defines restrictive circumstances for debt and capital exclusions. Given the data-driven trends outlined here, it should be apparent that the path the town has been on is unsustainable. Furthermore, the logistical requirement to submit an exclusion proposal to the electorate two times (at town meeting and in a referendum on another date) brings greater uncertainty to the likelihood that the associated item in the capital plan will get funded on schedule or at all. As project deferrals happen, pressure is added to future budgets and the risk of asset failures increases.

More effective budgetary and capital planning controls can be achieved by avoiding future exclusions and focusing on cash capital and within-levy debt funding options. Once the select board establishes capital funding targets in policy, it should hold the budget team accountable for implementing plans that make incremental progress toward those objectives. Beyond working toward the cash and debt targets, the town manager should also diligently pursue supplemental sources of investment, such as CPA and grants, and actively direct new revenue growth to capital needs. We discuss this more in Section D.

### **C-2. Continue to build reserves in capital-related special purpose stabilization funds**

With the long view in mind, we encourage the town to continue to build up the reserves that have been dedicated to capital purposes as a transparent, committed means to expand cash capacity and thereby offset future debt issuances. As stated in Section A, we suggest a minimum target level of 2% of the prior year's general fund revenues for all capital-related stabilization funds as a group, but it could be higher as capital needs are evaluated by local officials over time.

Although a two-thirds town meeting vote is needed to appropriate from a special purpose stabilization fund, this poses less of a hindrance to the capital plan than an exclusion with its requirement for separate votes at town meeting and at the ballot box. There is also a small expense involved with holding any town-wide election. Experience around the state has shown that voters are as much or more likely to approve a capital stabilization appropriation, particularly when local leaders are consistent in formally presenting to town meeting a rolling, five-year capital plan showing the community's long-range needs and associated financing strategies.

By accumulating cash over time in a special purpose stabilization fund, the town can begin to pay outright for projects of moderate cost and preserve debt capacity for the most expensive projects. The town also saves on the interest costs associated with debt. This strategy helps build confidence in government by directly addressing resident concerns and providing assurance that money appropriated for a particular purpose will be used for that purpose and not diverted elsewhere.



Particularly in a community like Sudbury that has yet to build up significantly high reserve levels, it makes sense to limit the number of stabilization funds to a small few that have clear but broadly defined purposes. For example, it is better to pool resources into a capital stabilization fund that supports the CIP's encompassing multiyear plan, rather than dividing monies up into multiple, more restrictive funds.

### **C-3. Close the Melone fund and transfer its balance to the capital stabilization fund**

As approved by town meeting in May 2015, the purpose of the fund for the Melone property was to make improvements to this former gravel yard for future municipal use or sale, but none of the \$1.1 million in the fund was ever expended. At a special town meeting in December 2018, voters approved an article to sell the property but also rejected a subsequent article to convert the fund's purpose to developing Broadacres and other town center parcels for "future municipal, recreational, open space and conservation uses." With the Melone sale, the town has now a considerable amount of dormant "available funds," which are in fact not available for appropriation due to having no valid authorized purpose. We therefore recommend the select board sponsor a new warrant article proposing to transfer the Melone fund balance to the capital stabilization fund. If the already pending article to appropriate another \$250,000 to the capital stabilization fund passes this spring, it would then have a total balance of \$1.6 million, or 1.5% of the current general fund budget.

### **C-4. Close the surplus vehicles revolving fund**

In May 2019, town meeting voters approved an article to create a new revolving fund under [M.G.L. c. 44, § 53E½](#) for surplus vehicles and equipment used by the police, fire, and public works departments. Since the approved fund required a new bylaw for implementation, the town clerk submitted the certified vote for the review of the state attorney general's office as required by [M.G.L. c. 40, § 32](#). Citing DLS legal opinion, the attorney general's office sent a letter to the town clerk dated August 14, 2019, which disallowed the new bylaw.

At issue is the nature of the money received from the sale of movable property. [M.G.L. c. 44, § 53](#) requires all revenues to be deposited in the general fund unless a separate law provides for an alternative accounting. A revolving fund cannot provide an alternative treatment for the revenue in this instance, however, since the 53E½ statute pertains only to fees charged for services, which in no sense correlates to vehicle and equipment sales.

To retain these revenues for future purchases of the same types of assets, the select board could sponsor a warrant article to accept the fourth paragraph of [M.G.L. c. 40 § 5B](#) and specify a percentage of each sale that will be dedicated, without further appropriation, to the capital stabilization fund. This dedication requires a two-thirds approval by town meeting prior to the first fiscal year it will apply, must remain in effect for at least three fiscal years, and can be terminated in the same manner as approval.

## D. CAPITAL FORECAST

The fourth component of a comprehensive CIP is a capital forecast, which is an extension of the multiyear financial forecast that every town should annually maintain and update. The budget team would use the capital forecast to inform and try out various “what-if” financing scenarios for the projects listed in the capital plan. However, because the scope of this review did not encompass the town’s overall financial forecast, this section of the report will not provide an in-depth capital forecast analysis. Instead, it will present some additional guidance regarding options available for steering future budgets toward expanded capital financing capacity.

### Capital Funding Targets

To have a successful CIP requires a community to develop its annual budgets with the intent of ensuring the due allocation of funds toward capital investment. Given the wide scope of services Sudbury provides and its access to low borrowing rates, we advise that the minimum level of capital funding the town should seek to achieve and then maintain year to year should be equivalent to 6% of the prior year’s general fund revenue, drawn equally from within-levy debt and cash capital sources. Beyond this minimum target, the town should seek to further enhance its capital investment by supplementing it with other revenue streams, such as the CPA program, state and federal grants, donations as they are offered, and so on. The table below shows the gaps between the town’s recent capital investment totals and the recommended targets.

*General Fund Capital Investment  
vs. Target Funding Levels, FY2018-FY2020*

	FY2018	FY2019	FY2020	Targets
<b>Prior Year General Fund Revenues:</b>	<b>94,025,172</b>	<b>100,052,644</b>	<b>102,000,958</b>	
<b>Capital Funding Sources</b>				
Excluded Debt	3,297,860	2,945,115	2,935,815	Excluded Debt
% of prior year revenues	3.51%	2.94%	2.88%	no target
Nonexcluded Debt	155,190	155,510	154,610	Nonexcluded Debt
% of prior year revenues	0.17%	0.16%	0.15%	3%
Free Cash + Tax Levy	1,962,000 <u>413,190</u>	1,426,500 <u>422,000</u>	570,000 <u>745,000</u>	Cash Capital
Cash Capital Total	2,375,190	1,848,500	1,315,000	3%
% of prior year revenues	2.53%	1.85%	1.29%	
Capital Total	5,828,240	4,949,125	4,405,425	Capital Total
% of prior year revenues	6.20%	4.95%	4.32%	6%

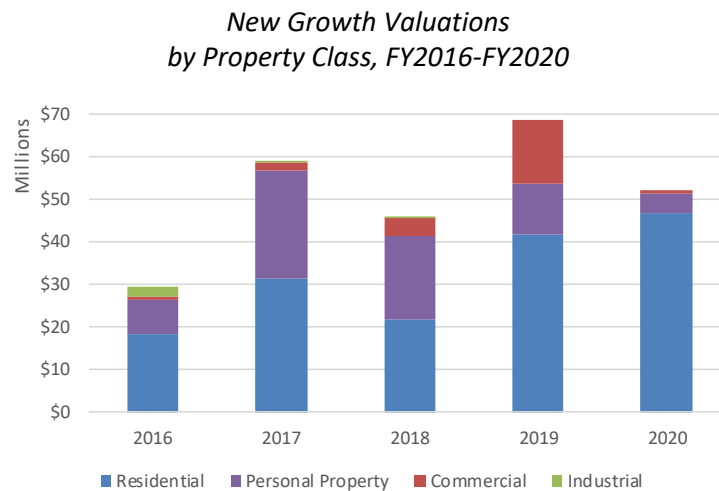
By avoiding future exclusions and working toward these budget targets, the town can institutionalize a sustainable, long-term strategy to pay for its buildings, equipment, infrastructure, and other capital needs within the general fund budget. Without a doubt, achieving this will be a long-term endeavor, but it is critical that the select board have the town manager direct this effort. It will require the budget team to dutifully carve out an incrementally increasing capital-dedicated budget margin by ensuring the maximum amount of revenue growth is applied in that direction and holding a hard line

on operating budgets as well. Furthermore, by establishing these goals in policy, the board can help ensure a lasting commitment in future years even as board members may change.

To assist the town, we are transmitting with this report a Capital Targets Tool in an Excel file. The budget team can use this to input desired cash capital and debt service funding targets for future budget years and view the resulting dollar impacts. It is also set up so that as debt service matures, the related dollars can be directed to reserves. For initial demonstration purposes, we preloaded the workbook with Sudbury’s actual and budgeted revenue, debt service, and capital expenditure data for FY2017-FY2021. As a starting point, the revenue projections for FY2021-FY2030 have been based on 2.5% annual levy increases and smaller increases in other revenue sources, and the debt service amounts were taken from estimates contained in the finance director’s debt schedule. If the town implements the tool, the finance director should link it to his financial forecast to enable the updating of revenue projections as new information becomes available.

### New Growth

The Proposition 2½ new growth provision allows communities to increase the annual levy limit beyond the automatic 2.5% based on new construction, properties with physical improvements, and other additions to the tax base, including new personal property. The chart below shows the new growth value by property class that has been added in recent years to Sudbury’s tax base.



One way for the town to steer budget money to capital needs is by attempting to dedicate 50 to 75% of all new growth levy amounts to capital expenditures or reserves. A policy target for this might remain somewhat informal year to year because, depending on the nature of the new growth in a given year, the associated impact on expenses (e.g., costs related to education, public safety, infrastructure, etc.) can vary. The intention should be to make capital needs a top priority for new growth revenue and maximize it as much as possible, even if the budgetary effect might be very slight given Sudbury’s low likelihood for ample amounts of new growth year after year.

A new growth rate that represents 2% annual increases over prior year levies is one gauge for determining if a town’s growth can keep up with expenses. Unfortunately for Sudbury, consistent, substantial increases in new growth are usually related to sustained patterns of development in commercial or residential real estate, which tends not to be locally encouraged, given a prevalent desire to retain the town’s existing character. The tables below show Sudbury’s new growth trend in the last five years and how its five-year average compares to the peer group.

*New Growth Levy Dollars  
as % of Prior Year Levies, FY2016-FY2020*

Fiscal Year	New Growth	Prior Year Levy	NG as % of PY Levy
2016	601,228	71,784,968	0.84%
2017	1,248,532	74,180,820	1.68%
2018	983,400	77,283,873	1.27%
2019	1,401,700	81,276,640	1.72%
2020	963,941	84,710,256	1.14%
<b>Averages:</b>	1,039,760		1.34%

*As Compared to the Peers’  
5-Year Averages for the Same Ratio*

Town	5-yr Avg. Ratio
Wayland	1.04%
Acton	1.24%
Hingham	1.26%
Scituate	1.28%
<b>Sudbury</b>	<b>1.34%</b>
Duxbury	1.37%
Concord	1.57%
Bedford	2.52%
Westwood	2.95%
Hopkinton	3.81%

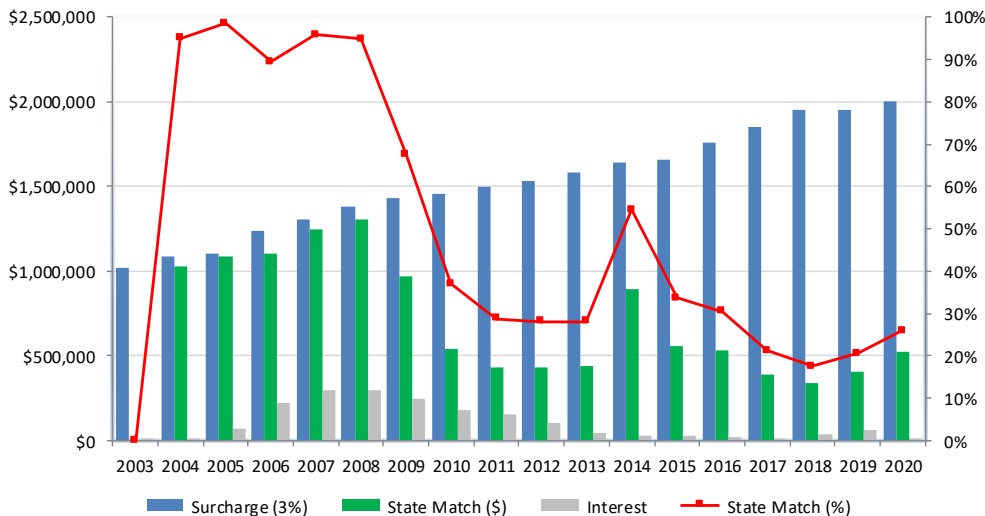
**CPA Trend**

Given the major role the CPA program has played in the town’s CIP, a review of its history from global and local perspectives has merit. The Massachusetts legislature enacted the Community Preservation Act, [M.G.L. Chapter 44B](#), a little more than 20 years ago to encourage and assist cities and towns in preserving aspects of their local character. To do this, the Act allows each adopting community to implement a tax levy surcharge to raise funds dedicated to investment in assets that otherwise would often have trouble competing for dollars within municipal capital plans, such as historic and open space properties.

Part of the encouragement to adopt the CPA surcharge was the promise of funding matches from the state. The state’s CPA Trust Fund, which provides this distribution, draws its revenue mostly from fees charged on certain real estate transactions at the Registry of Deeds. Over time, as more communities adopted the Act (now about 50% of the state), the proportional matches became smaller, apart from a few years in which the legislature supplemented the fund.

Sudbury’s voters approved the highest possible CPA surcharge of 3% at the time the town adopted the Act in 2003, whereas the average surcharge in the state and among Sudbury’s peer towns is 1.5%. The town is also one of only 17 CPA municipalities (10% of the total) that elected to give surcharge exemptions to certain classes of commercial and industrial properties. Sudbury’s entire CPA revenue history is illustrated in the chart on the next page.

Local CPA Revenues and State Matches, FY2003-FY2020



The chart shows the overall low level of state matches the town has been receiving in the past decade. A recent, permanent increase to the relevant Registry fees means that communities will start to see higher matches beginning in FY2021. At the same time though, Sudbury’s community wealth works against it in the proportional formula used to calculate the amounts distributed to each municipality. Regardless, as a helpful planning resource the Community Preservation Coalition has posted its projections of the new state matches for each community on its website at <https://www.communitypreservation.org/home/news/cpa-trust-fund-increase-what-happens-now>

**Stabilization Fund Override**

One of the discussion points in the SFPCCF’s January 2019 report to the select board was the prospect of a stabilization fund override providing a means to raise funds dedicated to capital improvements. This type of override allows a community to raise an additional levy amount beyond the annual Proposition 2½ limit for the purpose of funding a specific stabilization fund that has been established by town meeting.

For Sudbury’s goals, if the town chose to pursue this, it would make sense to designate the override to build the balance in the capital stabilization fund. In each year after the approval of this type of override, the select board must vote by two-thirds to either continue the additional tax earmarked for the fund, lower it, or defer it. The additional tax that can be appropriated for any given year is limited to 102.5% of the amount last appropriated by the select board. The following provides an example of the way this works:

- In a town-wide referendum, voters approve a levy limit override to raise \$100,000 for the capital stabilization fund for FY2021.
- Town meeting appropriates \$100,000 from the FY2021 tax levy to the stabilization fund.

- In FY2022, \$102,500 is available for "appropriation" by the select board, which appropriates the entire amount.
- In FY2023, \$105,062 is now available (1.025 x the FY2022 appropriation of \$102,500), but the select board decides to appropriate only \$80,000.
- The amount available in FY2024 now becomes \$82,000 (1.025 x FY2023 appropriation of \$80,000), but no FY2024 appropriation is made.
- The amount available in FY2025 is \$82,000 (1.025 x last appropriation made, i.e., FY2023's \$80,000 appropriation).

A stabilization fund override is like a general override in that the additional tax revenue can be raised yearly without holding further referendums, but it differs in that this increase to the levy limit need not be permanent. Only 12 communities have approved this type of override, some for multiple funds, as shown below.

*Communities that have approved Stabilization Fund Overrides*

Municipality	Purpose of Stabilizaiton Fund	Vote Date	Original Amount Voted	Applicable Fiscal Years	Total Years	Total Raised
Aquinnah	Major improvements to town properties	5/14/2008	15,000	2011-2018	9	131,040
Berkley	Fund sending tuition costs	5/06/2006	800,000	2007-2020	14	12,310,037
Berkley	Support regional high school	6/26/2010	500,000	2011-2020	10	8,268,563
Grafton	Roads	6/14/2014	1,500,000	2015-2020	6	9,000,000
Medfield	Funding municipal buildings	6/11/2018	1,000,000	2019-2020	2	2,025,000
Oakham	Assessors' revaluation costs	6/23/2017	5,000	2018-2019	2	10,125
Orleans	Drainage infrastructure system	5/17/2011	150,000	2012-2020	9	1,493,076
Orleans	Pavement management program	5/17/2011	300,000	2012-2020	9	2,986,296
Paxton	Road improvements	5/09/2016	100,000	2017-2020	4	415,251
Pelham	Equipment	6/19/2008	200,000	2009-2020	12	2,547,224
Rowe	Capital stabilization fund	5/19/2007	150,000	2008-2020	13	2,109,529
Sunderland	Capital stabilization fund	5/03/2014	100,000	2015-2020	6	638,774
Sutton	Capital stabilization fund	5/22/2007	475,000	2008-2020	13	7,191,708
Tisbury	Ambulance service capital	5/13/2014	35,000	2015-2020	6	210,000
Tisbury	Fire department capital	5/13/2014	100,000	2015-2020	6	500,000
Tisbury	DPW capital	5/13/2014	50,000	2015-2020	6	300,000

For further guidance on stabilization fund overrides, refer to the Information Guideline Release [17-20](#) published by DLS.

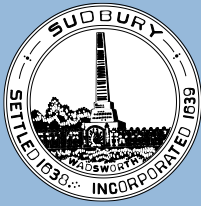


## APPENDIX: Capital Project Request Form

Department/Committee:	Department or Committee Name		
Requested By:	Requester		
Request Date:	Request date		
Project Request:	Item/Project Name		
Asset Category:	Choose an asset category		
Priority:	Choose the priority		
<b>Capital project description:</b> Enter a description of your request. Attach quotes, pictures, or additional details			
Purpose:	Choose one		
Date needed by:	Need by date		
<b>Benefit</b> Describe the benefit of this request to your department or the community			
Estimated Project Cost:	\$Enter total project cost.		
Funding Request by Year:	FY2021 \$Cost in year 1	FY2024 \$Cost in year 4	
	FY2022 \$Cost in year 2	FY2025 \$Cost in year 5	
	FY2023 \$Cost in year 3		
Describe any discounts or cost reductions (trade-ins, etc.) Provide any reductions to the total requested cost			
Are there available revenue sources or grants other than Town funds? Identify available revenue sources (excluding tax levy, free cash, and stabilization funds)			
<b>Consequence on your department of delaying purchase/project</b> Describe any operational impact if your request is delayed or denied			
Describe the effect of this purchase or project on your operating budget by fiscal year for the next 3 fiscal years			
<u>Personnel Budget</u>		<u>Expense Budget</u>	
Increase/(Decrease)	Fiscal Year	Increase/(Decrease)	Fiscal Year
\$Enter amount	Enter fiscal year	\$Enter amount	Enter fiscal year
\$Enter amount	Enter fiscal year	\$Enter amount	Enter fiscal year
\$Enter amount	Enter fiscal year	\$Enter amount	Enter fiscal year

## CAPITAL TARGETS WORKBOOK:





SUDBURY SELECT BOARD  
Tuesday, January 9, 2024

**MISCELLANEOUS (UNTIMED)**

**6: Firearms bylaw discussion**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Update on status and next steps on the proposed firearms business use zoning bylaw (continued from 12/19/23 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

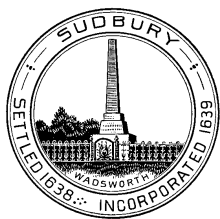
Town Manager's Office                  Pending

Town Counsel                              Pending

Select Board                                Pending

Select Board                                Pending

01/09/2024 7:00 PM



# Town of Sudbury

Planning & Community Development Department

Adam R. Burney, MPA, Director

Flynn Building  
278 Old Sudbury Road  
Sudbury, MA 01776  
978-639-3387  
Fax : 978-639-3314

www.sudbury.ma.us/pcd  
BurneyA@sudbury.ma.us

## MEMORANDUM

Date: 28 December 2023

To: Andrew Sheehan, Town Manager

From: Adam R. Burney, MPA, Director

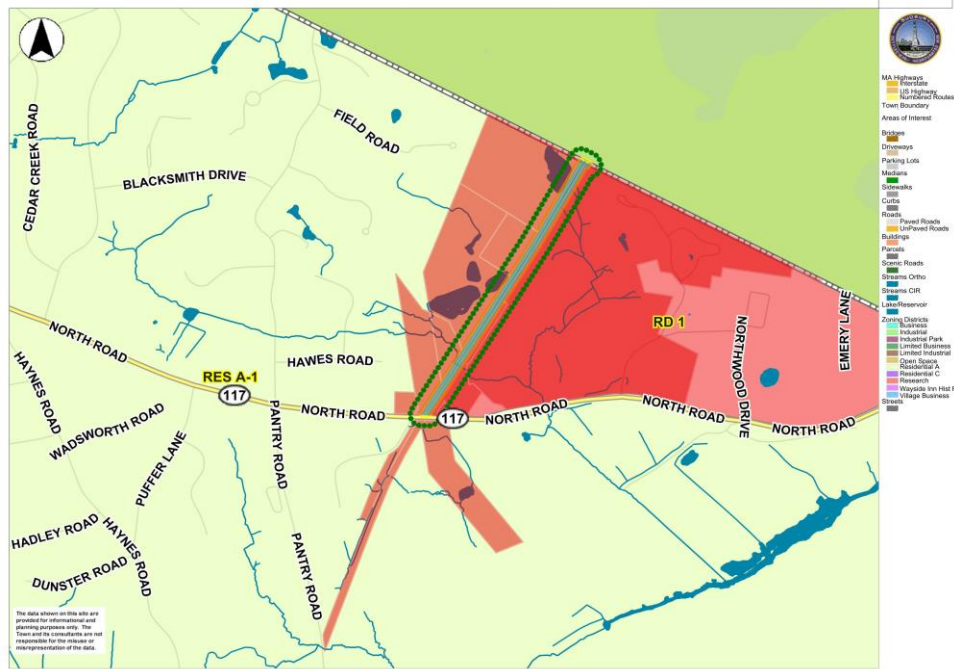
RE: Draft Firearms Business Use Bylaw Setback Modification

Per the discussion of the Select Board on 19 December 2023 I have reanalyzed the potential locations for the issuance of a Special Permit for a Firearms Business Use. Using the restrictions outlined in Section 2261 of the proposed Bylaw with modified setbacks of 100 and 250 feet from the listed uses.

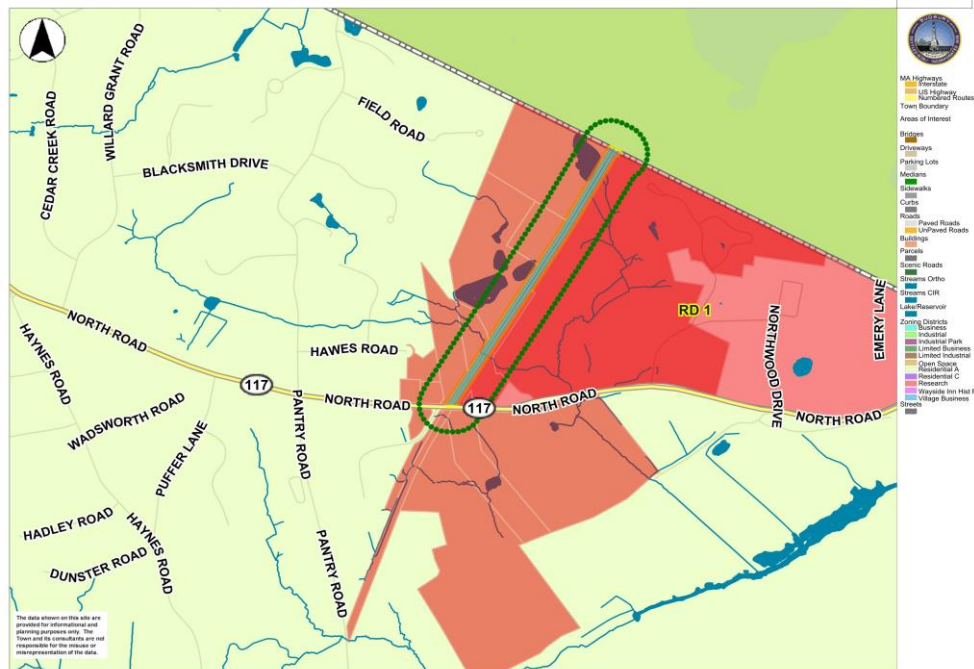
Below is a graphic and written depiction of the constraints on the following Zoning Districts RD-1, IP-1, LID-1, and LID-5 with respect to the restricted uses as outlined in the draft Firearms Business Uses Bylaw. The information below includes both 100 and 250 foot setbacks from the categories of use identified in Section 2261 of the draft Bylaw. Within these Districts I was able to identify 1 parcel (25 Union Ave. K08-0060) where one could potentially apply to the Zoning Board of Appeals to locate a Firearms Business if the setback were reduced to 100-feet from the restricted uses. The limiting factor continues to be the inclusion of the rail trails as public parks. This inclusion is not expressly written in the draft Bylaw and is my view of a conservative approach to the interpretation of this draft Bylaw and the application of such to the areas in question.

Below is a brief description of the impacts of constraints on the availability of parcels in each district. Following the written description is a series of maps that depict the 100 and 250 setbacks in a dotted GREEN line, any parcel that is touched by this setback is shown in RED.

RD-1: Every parcel in the RD-1 District is occupied by a residential use, abuts a residential use and/or is within 100 or 250 feet of a public park (the Bruce Freeman Rail Trail). The setback depth from restricted uses in this district is less impactful than the fact that the majority of parcels contain residential uses.

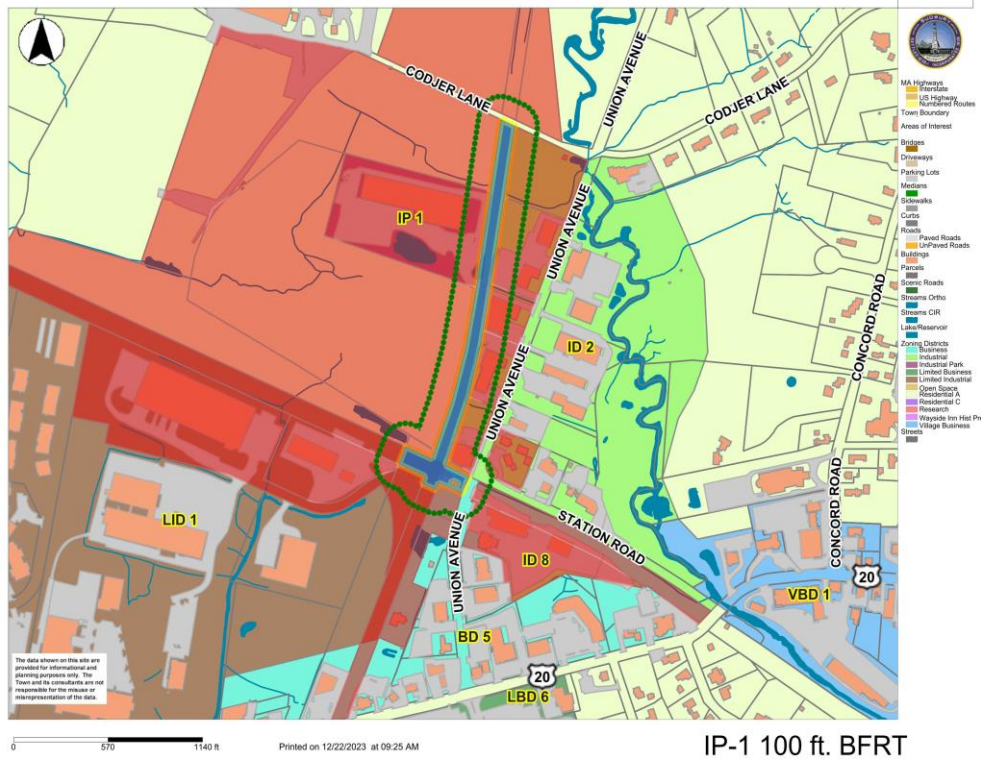


RD-1 100 ft BFRT

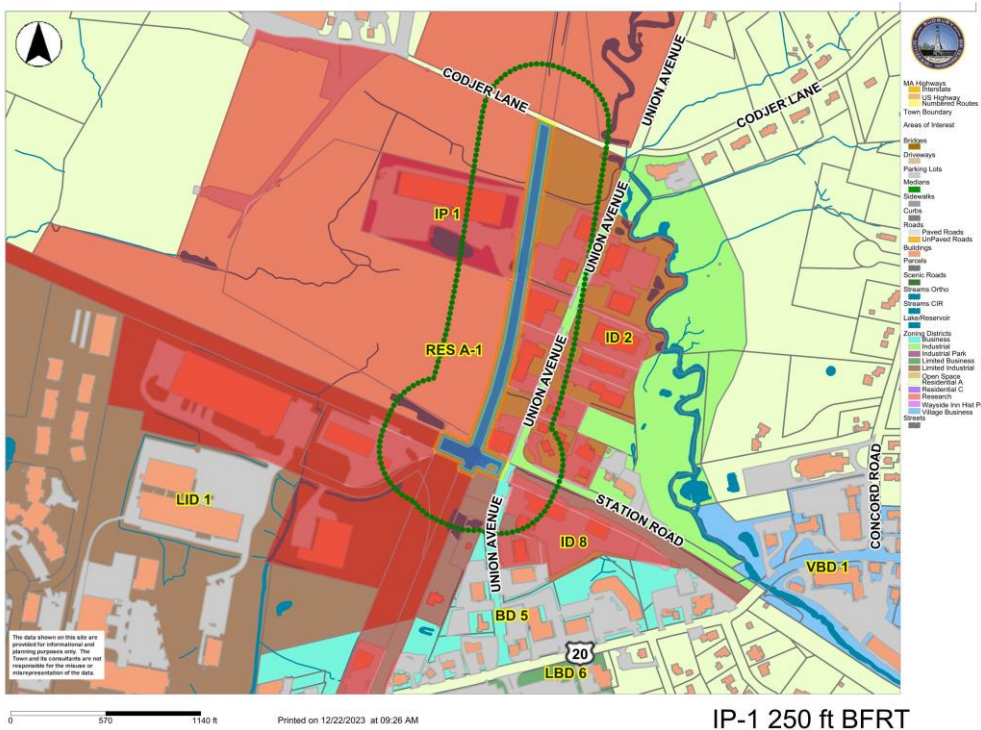


RD-1 250 ft BFRT

IP-1: The single parcel in IP-1 abuts a public park (the Bruce Freeman Rail Trail), if the rail trails are to be interpreted as a public park this district will always be excluded regardless of the setback depth.



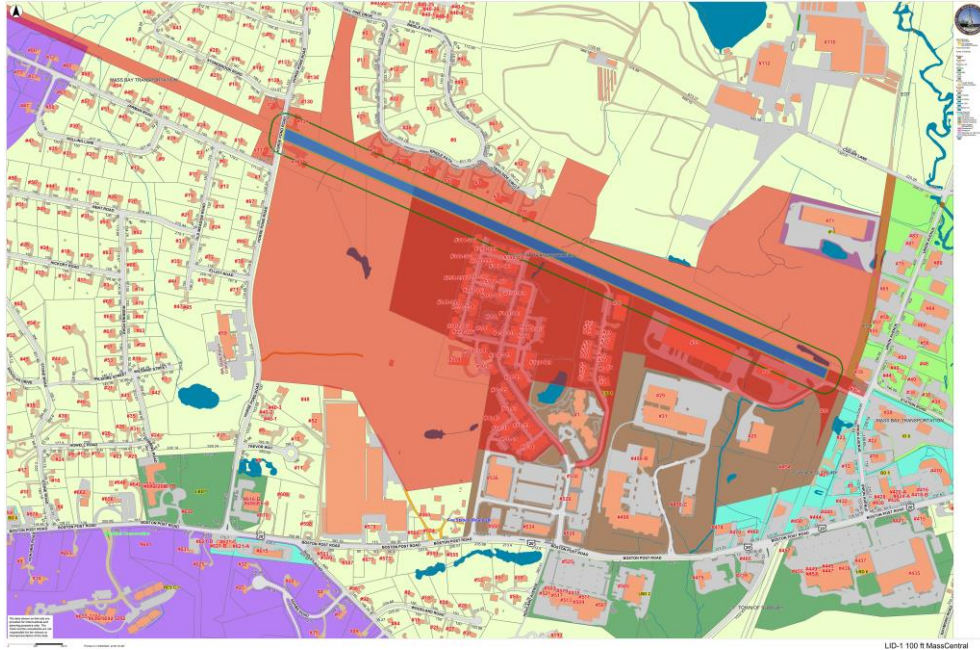
IP-1 100 ft. BFRT



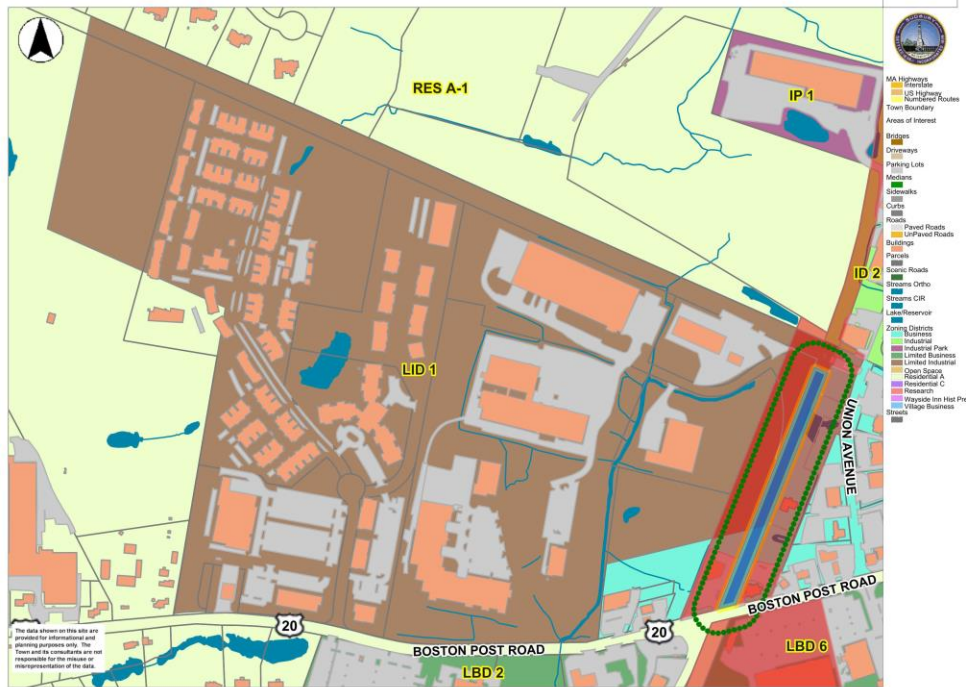
IP-1 250 ft BFRT

Attachment 6.a: Modified\_Setback\_FAU\_Bylaw\_232812 (6084 : Firearms bylaw discussion)

LID-1: The parcels contained in the LID-1 District, with the exception of K080-0060, are all with both the 100- and 250-foot setbacks from a public park (Bruce Freeman Rail Train and MassCentral Rail Trail), an establishment catering to seniors (the Bridges) and/or are located abutting a parcel containing a residential use. The limiting factor again appears to be the inclusion of the rail trails as public parks.



LID-1 100 ft MassCentral

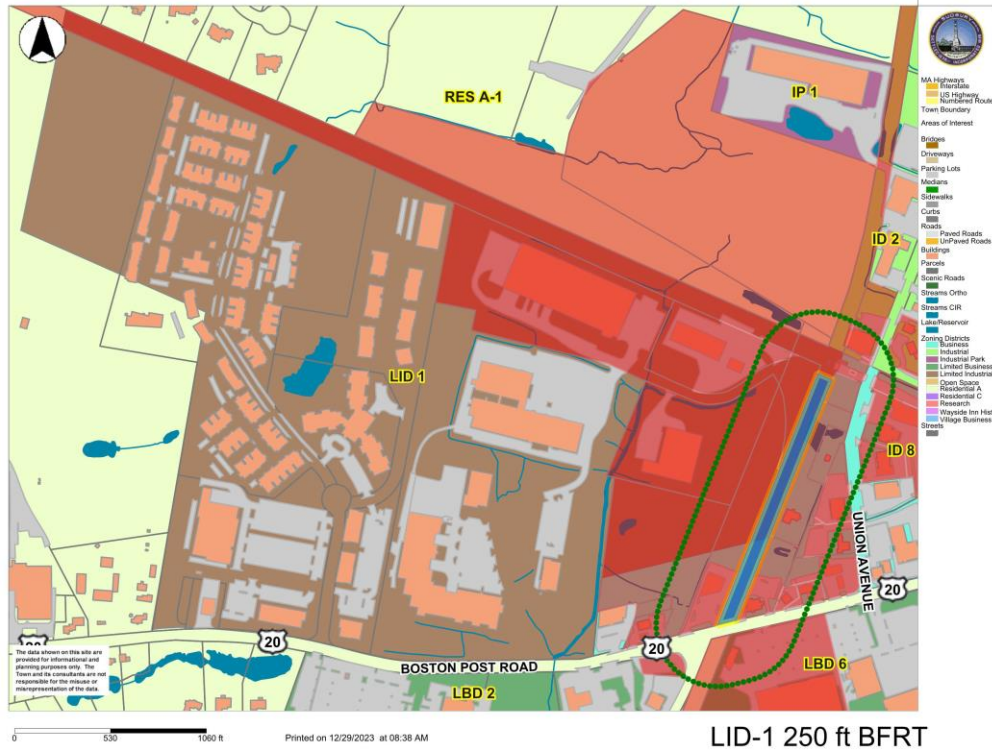
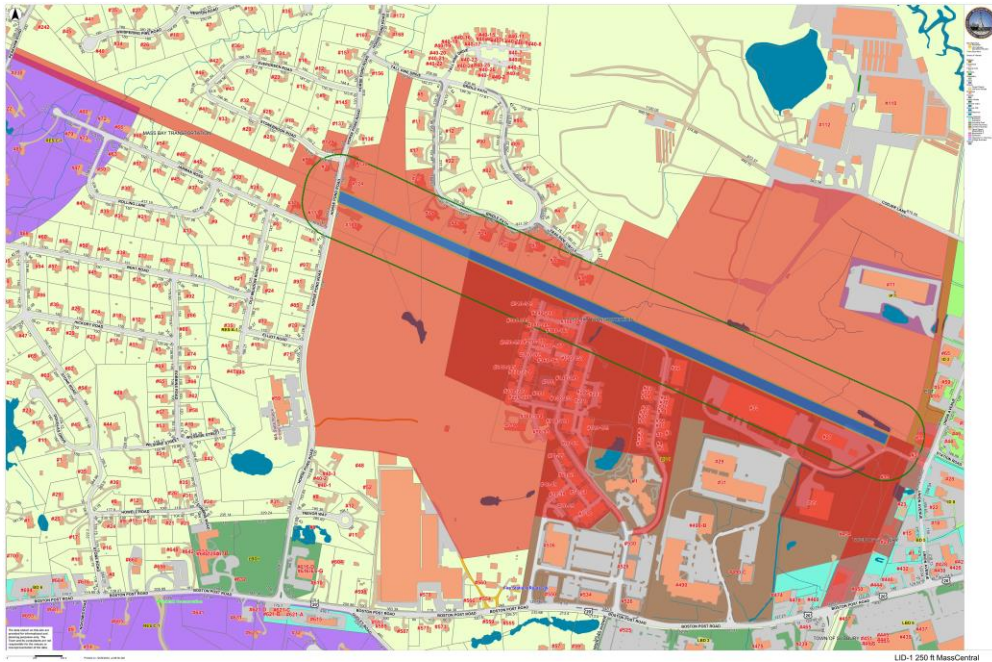


The data shown on this site are provided for informational and planning purposes only. Town and MA consultants are not responsible for the review or interpretation of the data.

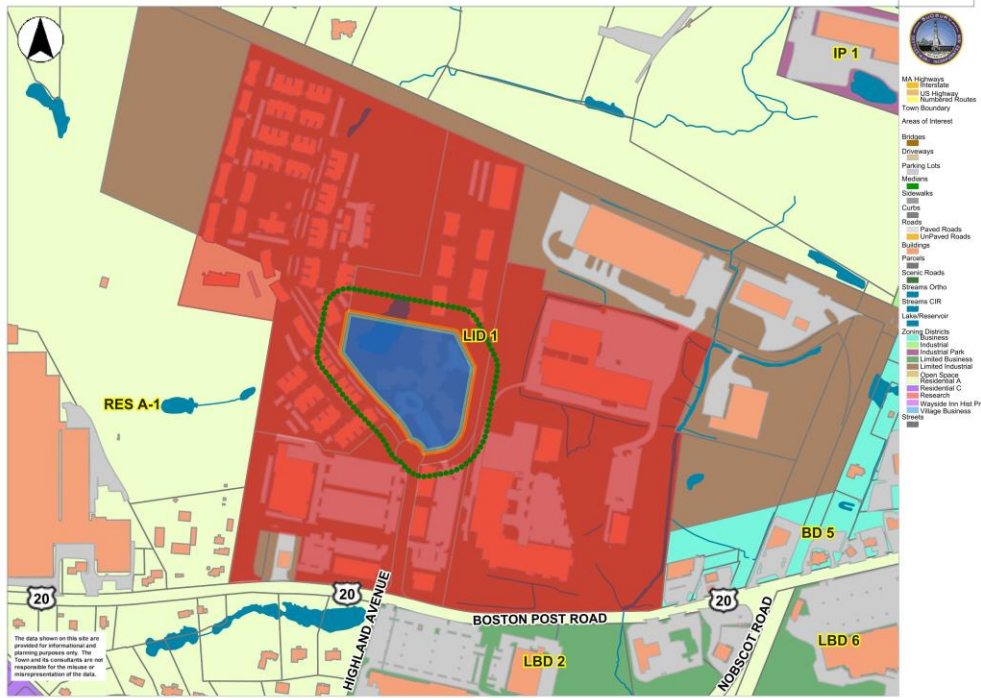
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LID-1 100 ft BFRT

Attachment6.a: Modified\_Setback\_Analysis\_FAU\_Bylaw\_232812 (6084 : Firearms bylaw discussion)



Attachment6.a: Modified\_Setback\_Analysis\_FAU\_Bylaw\_232812 (6084 : Firearms bylaw discussion)

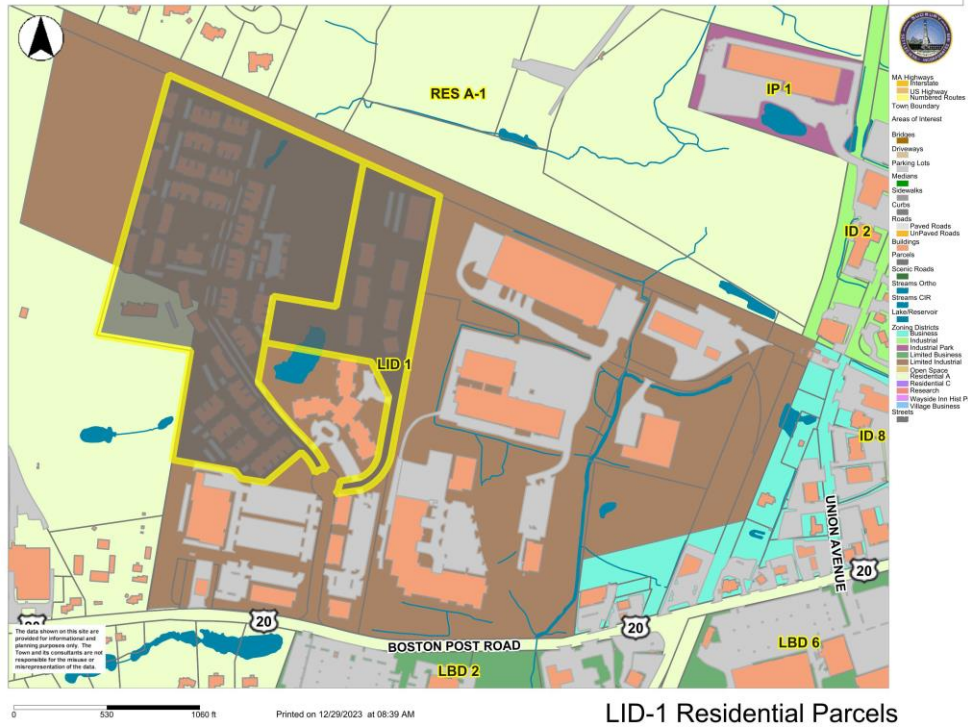


LID-1 100 Ft Senior Use



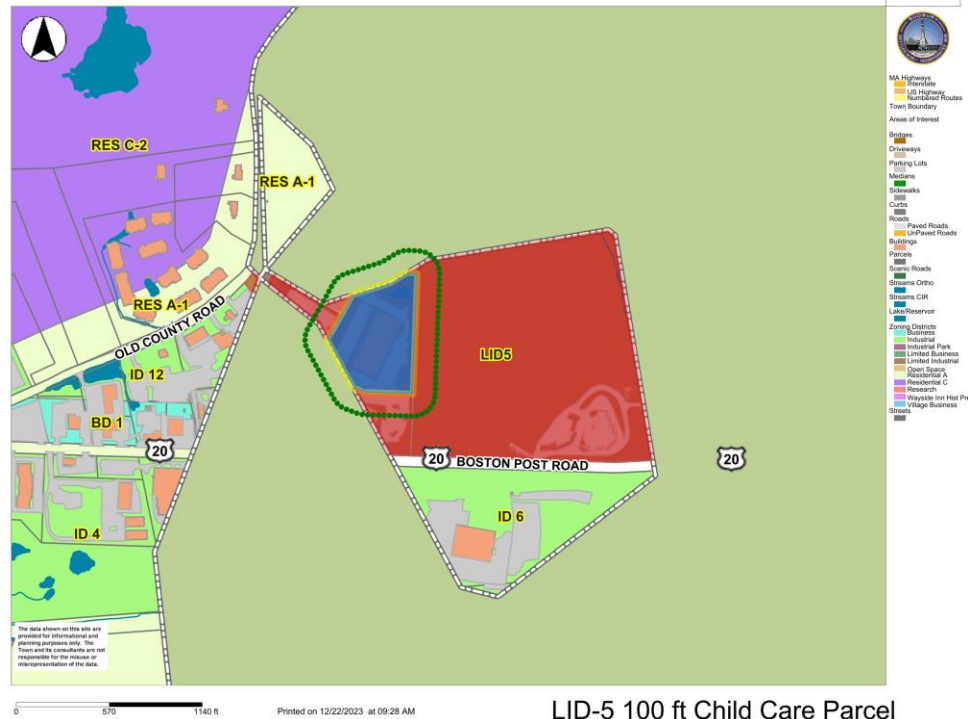
LID-1 250 ft Senior Use

Attachment 6.a: Modified\_Setback\_Analysis\_FAU\_Bylaw\_232812 (6084 : Firearms bylaw discussion)



LID-1 Residential Parcels

LID-2: Every parcel in LID-2 is occupied or is within 100 feet of a childcare facility (Longfellow Children’s Center).



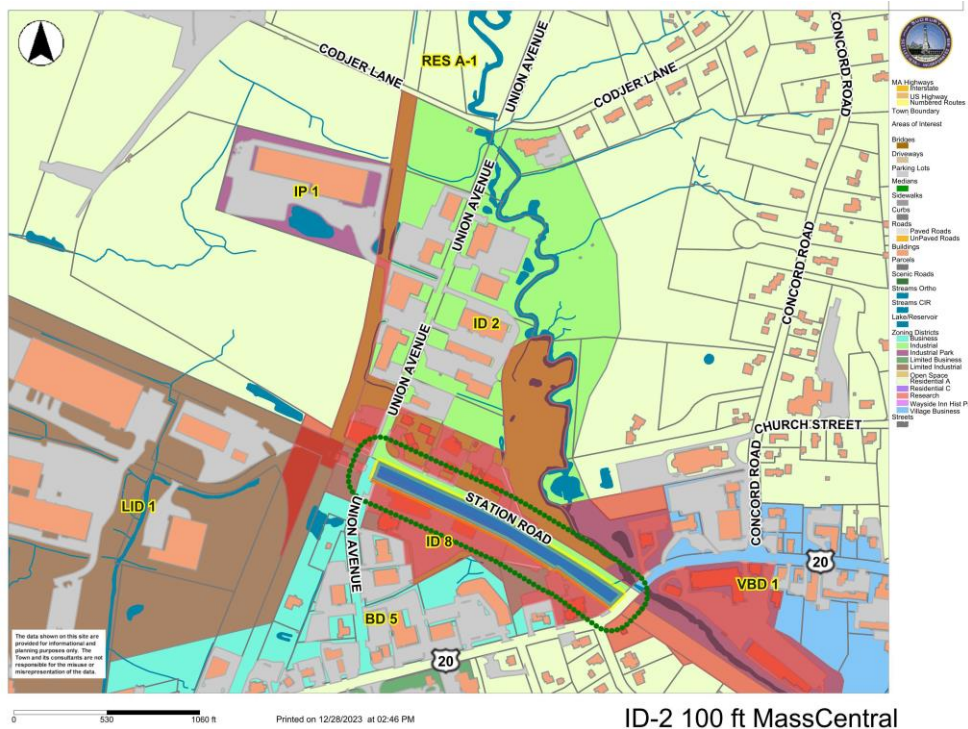
LID-5 100 ft Child Care Parcel

Attachment 6.a: Modified\_Setback\_Analysis\_FAU\_Bylaw\_232812 (6084 : Firearms bylaw discussion)



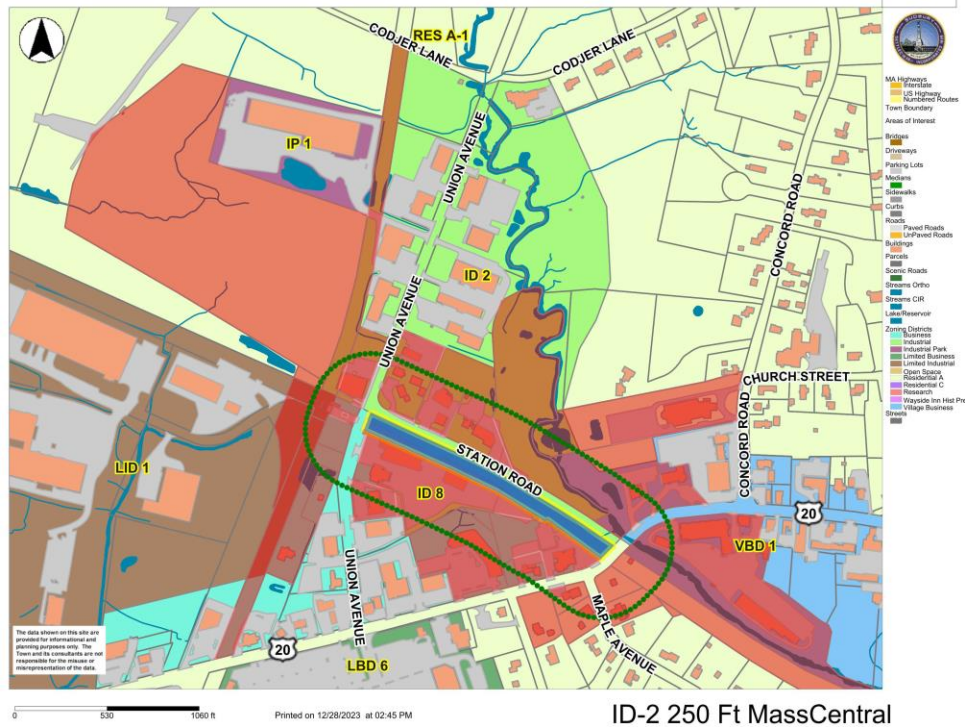
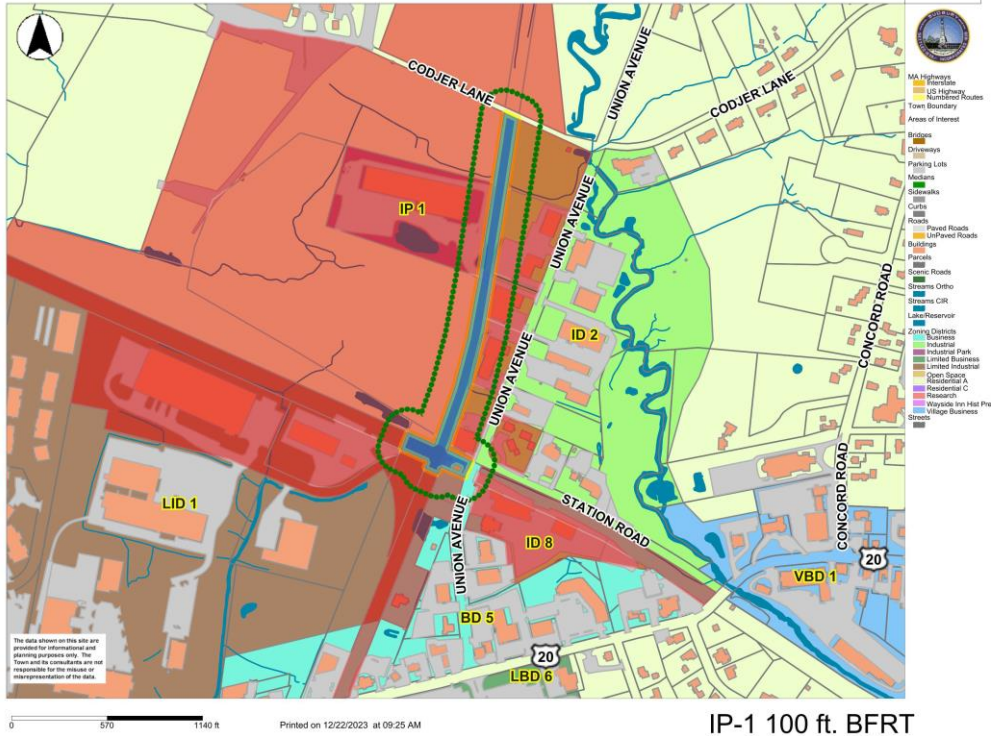
Previously I had reviewed the ID-2, ID-4, ID-6, ID-8, ID-11, and ID-12 districts as additional options to be considered for inclusion. Reviewing these Districts originally provided 2 potential parcels where one may be able to locate a Firearms Business Use. Below is an outline of what the parcels in the reviewed Districts would with the 100- and 250-foot setback adjustments as discussed at the 19 December 2023 meetings.

ID-2: In the ID-2 the reduction of the setback to 100 feet from restricted uses opens the potential for several parcels to be eligible for application to receive a Special Permit. Increasing the setback to 250 eliminates all of the parcels that are made available under the 100-foot setback.

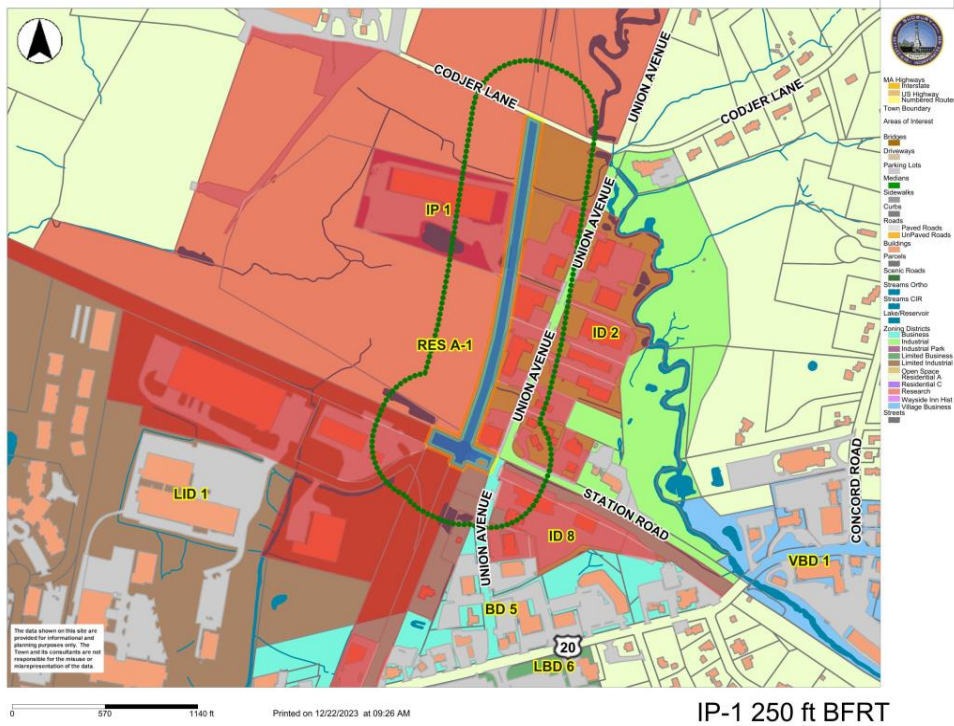


ID-2 100 ft MassCentral

Attachment6.a: Modified\_Setback\_Analysis\_FAU\_Bylaw\_232812 (6084 : Firearms bylaw discussion)

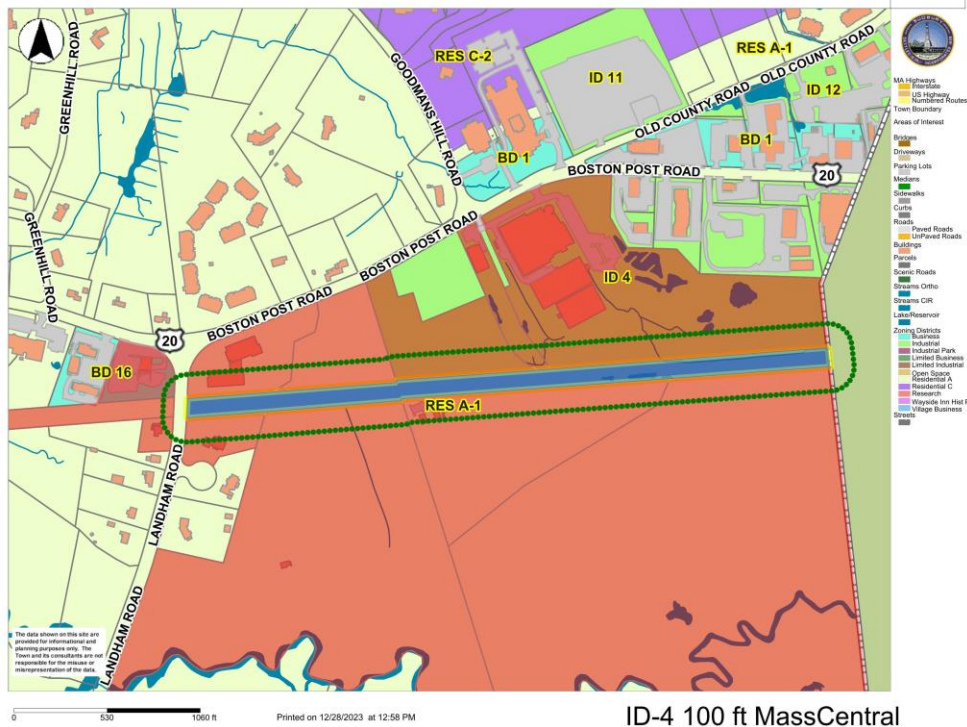


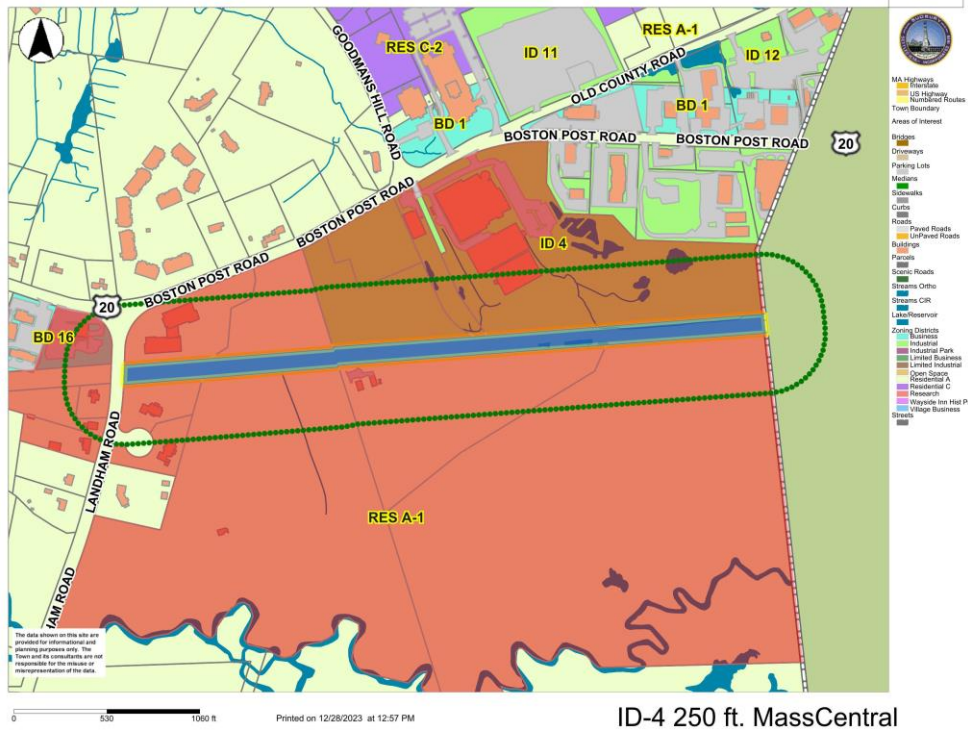
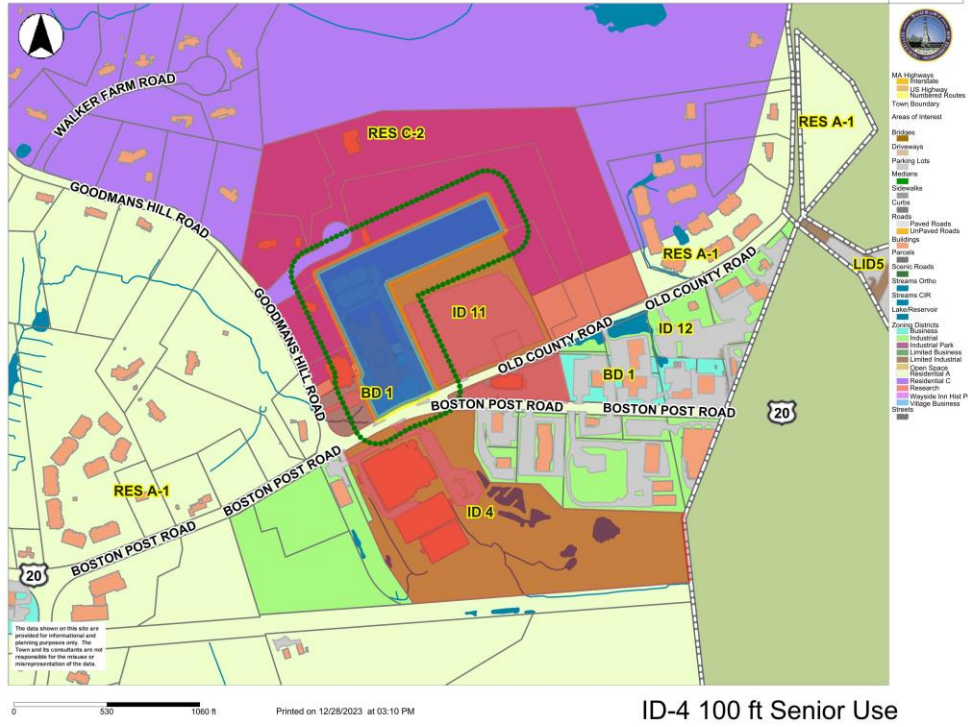
Attachment 6.a: Modified\_Setback\_Analysis\_FAU\_Bylaw\_232812 (6084 : Firearms bylaw discussion)



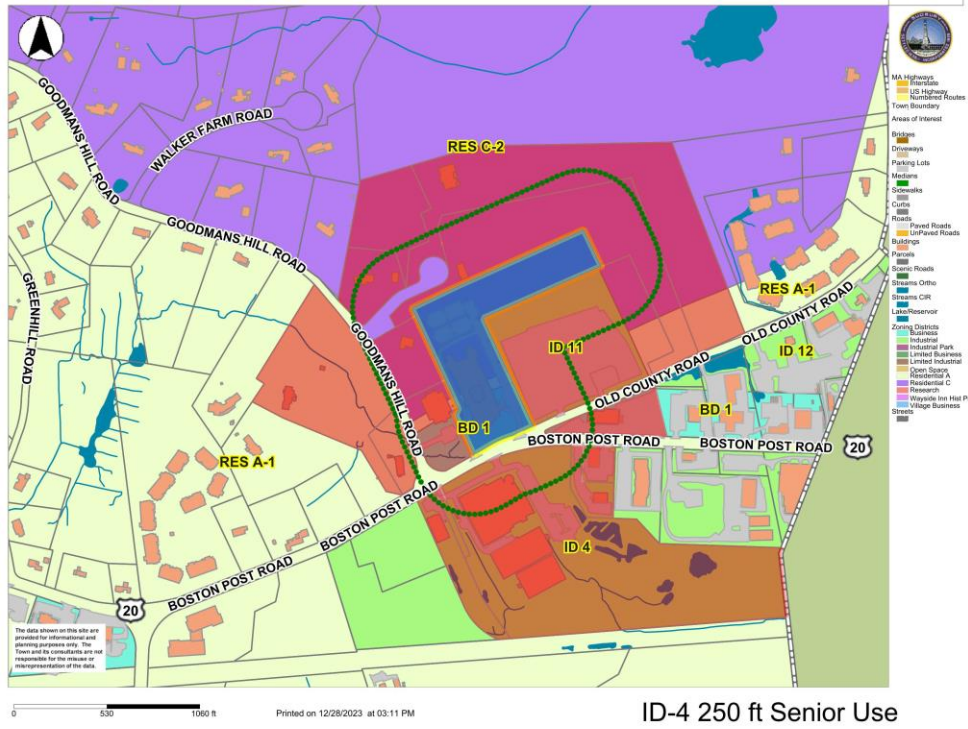
Attachment6.a: Modified\_Setback\_Analysis\_FAU\_Bylaw\_232812 (6084 : Firearms bylaw discussion)

ID-4: In the original review of this district 2 parcels (K11-0016 & 0099) were identified as the only 2 that would qualify as potential locations for a Firearms Business. The restricted uses in ID-4 are a public park (the Mass Central Rail Trail) and an establishment catering to seniors (Bear Mountain at Sudbury 136 Boston Post Road). When the 100 foot setback is applied a number of parcels along Boston Post Road become available for consideration under the proposed Special Permit criteria. When the setback is increased to 250 feet there are fewer parcels that are not impacted, although there are approximately 5 parcels that remain outside of the restrictions.





Attachment 6.a: Modified\_Setback\_Analysis\_FAU\_Bylaw\_232812 (6084 : Firearms bylaw discussion)



Attachment 6.a: Modified\_Setback\_Analysis\_FAU\_Bylaw\_232812 (6084 : Firearms bylaw discussion)

- ID-6: The parcel contained in ID-6 is adjacent to a public park (the Mass Central Rail Trail). Unless the rail trails were excluded as a public park this district would be excluded.
- ID-8: Every parcel in the ID-8 is adjacent to a public park (the Mass Central Rail Trail). Unless the rail trails were excluded as a public park this district would be excluded.
- ID-11: The parcel that comprises the ID-11 is adjacent to a facility that caters to seniors (Bear Mountain at Sudbury 136 Boston Post Road).
- ID-12: The majority of parcels in the ID-12 about a residential use. There is a parcel (K11-0401) that has no restrictions, however, it is owned by the Town of Sudbury, contains extensive wetlands and is ~ 0.25 acres, a combination of factors that make it likely that it is unbuildable.

During the discussion at the 19 December 2023 a few additional items were brought up for consideration as I continued my analysis. The first was the potential for residential zoning that may be created in the Town of Wayland adjacent to the ID-4 District. I did receive input from Robert Hummel, Wayland Town Planner that the area south of Boston Post Road around number 533 is no longer in consideration for residential zoning as part of the MBTA Communities Zoning requirement.

The second item discussed was the possibility of designating specific subdistricts (i.e. LID-1 only) as the permitted location for Firearms Business Uses. I don't believe that this would be possible if the Bylaw is put forth as a modification to the Use Table. The districts are listed under their omnibus title in the Zoning Bylaws and the sub-district designations appear on the map for, what I would infer is, geographical reference. This is based on the fact that there are no differences in the uses that are allowed in the sub-districts nor are there specific alterations to the dimensional requirements.

As mentioned at the meeting on 19 December 2023 an overlay district would allow for maximum flexibility in dictating the potential location of Firearms Business Uses. This would alter the structure of the draft Bylaw as written and may delay moving the process further.

The reduction of the setback from restricted uses, the expansion/alteration of the zoning districts included as permissible locations, and/or the specific exclusion of the rail trails from consideration as public parks in some combination will address the potential concerns relative to the limited number of potential locations and consideration that the draft Bylaw may be a de facto ban.

Please let me know if you would like additional information or have any specific concerns.

ARTICLE \_\_\_\_ FIREARM BUSINESS USES

1/4/24

Deleted: 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 "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			

Commented [SA1]: The Special Permit Granting Authority has yet to be settled. ZBA, PB, SB

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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, and shall be limited to 9:00AM-8:00PM.

Commented [SA2]: Acton limits hours to 8A-8P; 9A-7P

Deleted: Monday-Saturday, 10:00AM-5:00PM

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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

Attachment 6.b: Firearms Bylaw AJS 2024-01-04 (6084 : Firearms bylaw discussion)



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:

- 1) All heating, ventilation, air conditioning, and service openings shall be secured with steel bars or metal grating;
- 2) At all times when the Firearm Business Use is not open for business, every firearm shall be stored in one of the following ways:
  - a. In a locked fireproof safe or vault in the licensee's business premises; or
  - b. Secured with a hardened steel rod or cable of at least one-fourth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises. No more than five firearms may be affixed to any one rod or cable.

**Deleted:** in locked containers or by otherwise the Firearms with tamper-resistant mechanical l

e. Any time a Firearm Business Use is open for business, every firearm shall be unloaded, inaccessible to the public, and secured using one of the following three methods, except in the presence of and under the direct supervision of an employee of the Firearm Business Use:

- 1) Secured within a locked case so that a customer seeking access to the firearm must ask an employee of the Firearm Business Use for assistance;
- 2) Secured behind a counter where only employees are allowed. During the absence of the employee from the counter, the counter shall be secured with a locked, impenetrable barrier that extends from the floor or counter to the ceiling; or
- 3) 3) Secured with a hardened steel rod or cable of at least one-fourth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises. No more than five firearms may be affixed to any one rod or cable.

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f. Any time a Firearm Business Use is open for business, all ammunition shall be stored so that it is inaccessible to the public and secured using one of the methods mentioned in subsection e.1 or e.2 above, except in the immediate presence of and under the direct supervision of an employee of the Firearm Business Use.

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g. The number of employees.

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e

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.

- a. ~~Where firearm sales activity at the Firearm Business Use premises generates 51% or more of revenues, no Firearm Business Use or any of its agents, employees, or other persons acting under the Firearm Business Use's authority shall allow the following persons to enter into or remain on the premises unless accompanied by his/her parent or legal guardian:~~
  - 1) ~~Any person under 21 years of age, if permittee sells, keeps, or displays only firearms capable of being concealed on the person, provided that this provision shall not prevent a supervisory agent or employee who has the authority to control activities on the business premises from keeping a single firearm capable of being concealed on the person on the business premises for purposes of lawful self-defense; or~~
  - 2) ~~Any person under 18 years of age if the premises sells, keeps, or displays firearms other than firearms capable of being concealed on the person.~~
- b. ~~Where firearm sales activity at the Firearm Business Use generates 51% or more of revenues, the Firearm Business Use and any of its agents, employees, or other persons acting under the Firearm Business Use's authority shall be responsible for requiring clear evidence of age and identity of persons to prevent entry of persons not permitted to enter the premises pursuant to subsection a. by reason of age. Clear evidence of age and identity includes, but is not limited to a motor vehicle operator's license, a state identification card, an armed forces identification card, or an employment identification card which contains the bearer's signature, photograph, and age, or any similar documentation which provides reasonable assurance of the identity and age of the individual.~~
- c. ~~Where firearms sales activity at the Firearm Business Use generates 51% or more of revenues, no Firearm Business Use or any of its agents, employees, or other persons acting under the Firearm Business Use's authority, shall allow any person to enter or remain on the premises who the Firearm Business Use or any of its agents, employees, or other persons acting under the Firearm Business Use's authority knows or has reason to know is prohibited from possessing or purchasing firearms pursuant to federal, state or local laws.~~

**Deleted:** No person under the age of 18 shall have access to or enter 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.

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2259. ~~Firearm Business Use shall videotape the point of sale of all firearms transactions and maintain videos for three (3) years to deter illegal purchases and monitor employees.~~

**Deleted:** Firearms Dealers

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 a public or private K-12 school, child care facility (including family daycare homes, daycare centers,

Attachment 6.b: Firearms Bylaw AJS 2024-01-04 (6084 : Firearms bylaw discussion)

preschools, and/or nursery schools), public park ~~or playground~~, establishment catering to minors or seniors, religious organization, ~~establishment that sells or serves malt, wine, or spirits for consumption on- or off- premises~~, or existing Firearm Business Use.

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- 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 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. 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.
- 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 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.

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.

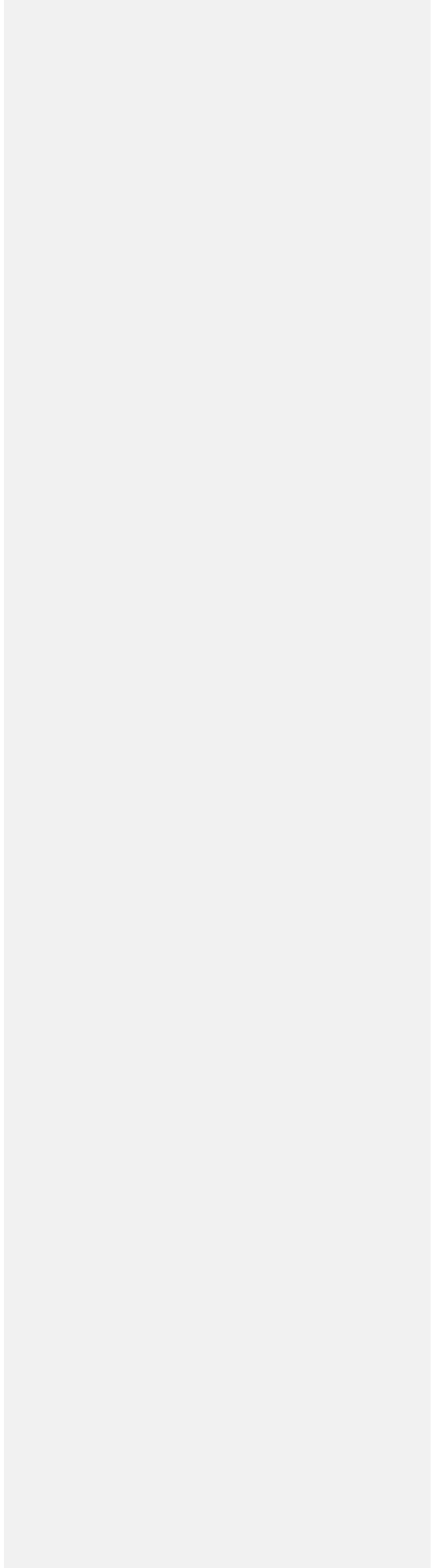
**Firearm Accessory:** Any device designed, modified, or adapted to be inserted into or affixed onto any Firearm to enable, alter, or improve the functioning or capabilities of the Firearm or to enable the wearing or carrying about one's person of a Firearm.

**Firearm Business Use:**

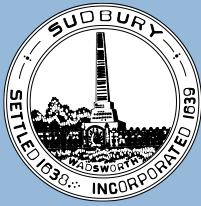
- A. Firearm Dealer:** A retail or wholesale operation involving the purchase or sale of Firearms, Ammunition, and/or Firearm Accessories.
- B. Gunsmith:** Any retail operation involving the repairing, altering, cleaning, polishing, engraving, blueing, or performing of any mechanical operations on any Firearm.

**Deleted:** <#>Firing Range: A commercial facility designed for Firearm(s) training and/or shooting pr

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Attachment 6.b: Firearms Bylaw AJS 2024-01-04 (6084 : Firearms bylaw discussion)



SUDBURY SELECT BOARD  
Tuesday, January 9, 2024

**MISCELLANEOUS (UNTIMED)**

**7: Discussion on potential 2024 ATM articles**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion on potential 2024 Annual Town Meeting articles to be submitted by the Select Board, and also authorize the Town Manager to submit articles on behalf of the Select Board.

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

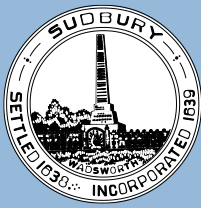
Approximate agenda time requested:

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

01/09/2024 7:00 PM



SUDBURY SELECT BOARD  
Tuesday, January 9, 2024

**MISCELLANEOUS (UNTIMED)**

**8: 2024 Newsletter Deadlines**

REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Discuss and possible vote to approve proposed 2024 Municipal Update Newsletter Schedule of Deadlines for Select Board assignment, submission and approval.

Recommendations/Suggested Motion/Vote: Discuss and possible vote to approve proposed 2024 Municipal Update Newsletter Schedule of Deadlines for Select Board assignment, submission and approval

Background Information:  
Attached

Financial impact expected:N/A

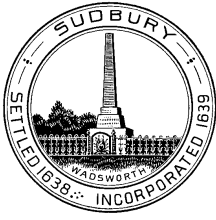
Approximate agenda time requested:

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

01/09/2024 7:00 PM



# Town of Sudbury

Select Board Office

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

[sbadmin@sudbury.ma.us](mailto:sbadmin@sudbury.ma.us)

Date: January 2, 2024

To: Select Board

From: Leila Frank

Re: **2024 Municipal Update Newsletter Schedule of Deadlines**

Please see below proposed schedule for assignment, submission and approval deadlines for the Select Board's submissions to the 2024 Municipal Update Newsletter. The newsletter will be posted on the website and sent to the email subscriber list on the business day following the Board's approval when possible.

## **WINTER**

SB Meeting to Discuss Topic Assignments- Tuesday, Jan 23

Submission Deadline- Monday, Feb 5

SB Meeting Approval- Tuesday, Feb 27

## **SPRING**

SB Meeting to Discuss Topic Assignments- Tuesday, April 2

Submission Deadline- Monday, April 29

SB Meeting Approval- Tuesday, May 28

## **SUMMER**

SB Meeting to Discuss Topic Assignments- Tuesday, July 16

Submission Deadline- Monday, July 29

SB Meeting Approval- Tuesday, August 13

## **FALL**

SB Meeting to Discuss Topic Assignments- Tuesday, October 8

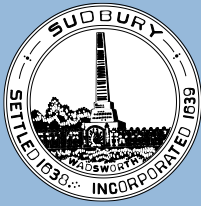
Submission Deadline- Monday, October 21

SB Meeting Approval- Tuesday, November 12

Previous editions of the Municipal Update Newsletter can be found here:

<https://sudbury.ma.us/municipal-updates-newsletters/>





SUDBURY SELECT BOARD  
Tuesday, January 9, 2024

**MISCELLANEOUS (UNTIMED)**

**9: Minutes review**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to review and possibly approve open session minutes of 11/28/23, 12/5/23 and 12/12/23.

Recommendations/Suggested Motion/Vote: Vote to review and possibly approve open session minutes of 11/28/23, 12/5/23 and 12/12/23.

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

01/09/2024 7:00 PM

SUDBURY SELECT BOARD

TUESDAY NOVEMBER 28, 2023

7:00 PM Hybrid Meeting

Town Hall, 322 Concord Road

(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

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:02 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, Roberts-present, Dretler-present, Russo-present

**Opening remarks by Chair**

- Hoped everyone had a good Thanksgiving
- Sudbury Holiday Village – 12/2/23; 11:00 AM to 2 PM at Sudbury Town Center
- Hanukkah/Menorah lighting on Dec. 7<sup>th</sup> hosted by the Chabad; 5:00 PM to 6:00 PM in front of Town Hall with festivities, food and entertainment.

**Reports from Town Manager**

- Good turnout at Town Manager Office Hours last Tuesday, November 21
- Select Board Meeting on 12/5/23 will include the Annual Town Tax Classification Hearing at 7:15 PM

**Select Board Reports**

**Vice-Chair Kouchakdjian**

No comments

**Board Member Roberts**

- Sudbury Housing Production Plan Community Workshop on December 13<sup>th</sup> at 7:00 PM to 9:00 PM at Town Hall; participants asked to pre-register by emailing Ryan Poteat [poteat@sudbury.ma.us](mailto:poteat@sudbury.ma.us)
- Finance Committee met last evening and spoke of 2023-2024 budget process/timeline and recapped Town Manager's Financial Condition of the Town as well as Town fees

**Board Member Carty**

- Recognized the LSP Players and a great production at LSRHS

- Mentioned the annual tribute to Scott Milley who was killed in action in Afghanistan on November 30, 2010

#### Board Member Russo

- Had a good conversation with Allison Aderman of the Gifford Law Center to prevent gun violence. She is interested in viewing the Sudbury gun bylaw regarding firearm regulations, and offered her support and guidance
- Recapped the last Select Board Municipal Newsletter. The Conservation Commission and department were well-represented; mentioned Conservation Coordinator Lori Capone's comments about the BFRT and now seeing the associated Trail features that will enhance the Town, and comments made by other Conservation Commission members

#### Public comments

None

#### Consent Calendar

- 1. Vote to accept donation of \$76.29 from Shain Hauptman of Sudbury Boy Scout Troop #63 to the Sudbury Senior Center to be used to support older adult programming.**
- 2. VOTE To approve award of contract by the Town Manager upon receipt of a favorable and acceptable bid for cleaning services at the Fairbank Community Center for the period commencing December 18, 2023 through June 30, 2025, with an optional year extension, as requested by Sandra Duran, Combined Facilities Director.**
- 3. VOTE to accept a \$1650 donation from Farmers Daughter restaurant to be deposited to the Veteran's office gift account.**

Vice-Chair Kouchakdjian motioned to approve Consent Calendar items #1 and #3, as presented on the 11/28/23 Select Board agenda. 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 items #1 and #3, as presented on the 11/28/23 Select Board agenda

Chair Dretler stated that Consent Calendar Item #2 would be reviewed later in meeting.

#### **Interview Council on Aging (COA) candidate. Following interview, vote whether to appoint Brenda Erickson, 55 Hudson Road, #11B, to the COA for a term ending 5/31/2025.**

Present: Resident Brenda Erickson

Ms. Erickson explained that she ran the Callahan Senior Center travel program in Framingham and is looking forward to volunteering at the Sudbury COA.

Chair Dretler confirmed the Sudbury COA voted unanimously to support the appointment of Ms. Erickson.

Board Member Carty recommended the COA appointment term end on 5/31/2025, in consideration of the existing COA term schedule.

Vice-Chair Kouchakdjian motioned to appoint Brenda Erickson, 55 Hudson Road, #11B, to the COA for a term ending 5/31/2025. Board Member Roberts seconded the motion.

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

VOTED: To appoint Brenda Erickson, 55 Hudson Road, #11B, to the COA for a term ending 5/31/2025

### **Discussion on Camp Sewataro financials**

Chair Dretler lead the discussion regarding the “Camp Sewataro, LLC Financial Statements as of September 30, 2023 – Together with Independent Accountants’ Review Report,” and associated aspects.

Chair Dretler mentioned an email from resident Kevin LaHaise who asked about legal expenses associated with Camp Sewataro. Town Manager Sheehan addressed the small legal expense referenced noting that such expense was consistent with legal expenses from previous years.

Board Members discussed various aspects of the Camp Sewataro financials, including a proposal for the Camp Sewataro Operator to submit a financial audit this year and next year. A financial audit could be conducted before the contract with Camp Sewataro is renegotiated next year.

Town Manager Sheehan indicated a financial audit for next year would be appropriate as long as the Camp operator was aware of a recommended audit in advance. Town Manager Sheehan stated the Town has a partnership arrangement with Camp Sewataro.

Board Members mentioned related Camp Sewataro considerations, including public swimming, future Camp initiatives/plans, and additional revenue to the Town which might involve user fees for designated programs. Chair Dretler suggested inviting Camp Sewataro operator Scott Brody to a Board meeting sometime in January 2024.

Chair Dretler read in the words of the motion. Board Member Roberts moved in the words of the Chair to seek an audit for the 2023 Camp Sewataro financials.

It was on motion 5-0; Kouchakdjian-no, Roberts-no, Carty-no, Russo-no, Dretler-no

VOTED: Not to seek an audit for the 2023 Camp Sewataro financials

### **Discussion of 250th anniversary celebration of Sudbury's involvement in the Battle of Old North Bridge, April 19, 1775**

Chair Dretler stated she had spoken to Town Manager Sheehan and Sudbury Historical Commission Chair Chris Hagger about establishing a committee regarding related anniversary celebrations. She shared a “Town of Sudbury – Sudbury 250 Committee” draft and included aspects from neighboring towns and the State to define the following:

- Mission
- Duties
- Membership
- Other Considerations

Chair Dretler mentioned that she shared the “Sudbury 250 Committee” draft document with Executive Director of the Sudbury Historical Society, Rachael Robinson, in order obtain feedback.

Chair Dretler suggested a Membership composed of 9 members and 4 associate members. Vice-Chair Kouchakdjian stressed the importance of an inclusive membership, which could provide “opportunity for individuals of all abilities to participate.”

Board Member Carty asked if this celebration would extend for a period of time in consideration of the anniversary of the United States in 2026. Chair Dretler responded in the affirmative, and would be aligned with what other communities might be doing.

Board Member Russo opined about celebrations on Patriots Day, such as a road race, field day, the Militia March, etc. Chair Dretler agreed with planning for events on Patriots Day.

Board Member Roberts suggested that those with historical expertise be considered for membership on the committee. Town Manager Sheehan acknowledged he would be meeting with Jan Hardenberg, Town Historian, who expressed interest in being a part of the committee.

Board Members provided several language edits to the document.

Chair Dretler suggested that Board Members bring related questions to upcoming Select Board meetings.

### Consent Calendar

**VOTE To approve award of contract by the Town Manager upon receipt of a favorable and acceptable bid for cleaning services at the Fairbank Community Center for the period commencing December 18, 2023 through June 30, 2025, with an optional year extension, as requested by Sandra Duran, Combined Facilities Director.**

Board Member Carty inquired about the associated RFP funding allocation. Town Manager Sheehan noted that a firmer number could be provided at a future meeting and voted on at that time. Chair Dretler was in agreement.

### Adjourn

Vice-Chair Kouchakdjian motioned to adjourn the Select Board Meeting. Board Member Roberts seconded the motion.

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

VOTED: To adjourn the Select Board Meeting

There being no further business, the meeting ended at 8:47 PM.

SUDBURY SELECT BOARD  
TUESDAY DECEMBER 5, 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, Town Manager Andrew Sheehan

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:02 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: Kouchakdjian-present, Carty-present, Roberts-present, Russo-present, Dretler-present

**Opening remarks by Chair**

- Thanked staff, sponsors, artisans and all volunteers for their work at a great Holiday Village event on December 2.
- Chabad sponsoring a Menorah lighting event Thursday, Dec. 7 from 5:00 PM to 6:00 PM in front of Town Hall with entertainment and refreshments
- Congratulated Town Moderator Cate Blake, who was recognized by the Sudbury Chamber of Commerce for her outstanding public service as Town Moderator

**Town Managers Report**

- Thanked all involved in the Holiday Village Event, particularly to hosts, volunteers and organizers
- Working on the FY25 Budget with revised guidance distributed yesterday and will continue working on the Capital Budgets over the next couple of months in preparation of presenting to the Select Board and the Finance Committee on January 31, 2024
- State is beginning consideration regarding the first steps involved in the planning FY25 budget planning, including coming up with a consensus revenue estimate for the Town's general government aid – Ch. 70 school aid, veterans aid, library aid to be released in July 2025

**Select Board Reports**

**Vice-Chair Lisa Kouchakdjian**

- Thanked all involved with the successful Holiday Village Event
- Park & Recreation is seeking a new member and additional information is on the Town website

Board Member Jennifer Roberts

- Thanked all involved in the Holiday Village Event, especially those who organized the Event and the many participants
- Extended blessings to all with commencing of Hanukkah on December 7th, especially at such a difficult time for the local Jewish communities
- Finance Committee conducting a Budget hearing with SPS tonight, which can be reviewed on SudburyTV

Board Member Charles Russo

- Thanked all who organized and participated in the Holiday Village Event
- The US Dept of Agriculture updated the Hardiness Zone maps (1<sup>st</sup> update in more than a decade); now MA falls into Zone 6 and 7 (used to be Zone 5) in consideration of climate change and associated challenges for the State
- Comprehensive Master Plan discussion focusing on updates, and planning took place at last Planning Board meeting in order to advance the Master Plan
- Mentioned additional holiday events in Sudbury, including the Menorah lighting

Board Member Daniel Carty

- Congratulated those who organized and hosted the Holiday Village Event, as well as the participants
- Looking forward to the Menorah lighting December 7<sup>th</sup> at 5:00 PM
- Housing Production Visioning Forum to take place December 13<sup>th</sup> at Town Hall at 7:00 PM
- Announced he and Board Member Roberts will be conducting Select Board Office Hours on December 14<sup>th</sup> at Noon via Zoom
- MWRA presenting their feasibility study regarding expansion of their services in MetroWest on December 19<sup>th</sup> at 8:30 AM
- The Finance Committee commencing with FY24 budget discussions, meeting twice a week until Christmas; and recommended the Select Board discuss related budget topics at their meeting on December 19, 2023

Chair Dretler mentioned that she viewed the SPS meeting last evening with discussion regarding the opening of the Fairbank Community Center and the occupancy of SPS staff in the Center.

Public comments

Resident Radha Raman Gargeya, 120 Powder Mill Road, expressed appreciation for advancing the anniversary celebrations associated with the Battle of Old North Bridge and hopes that the Town continues to recognize Sudbury's story.

Resident Manish Sharma, 77 Colonial Road, inquired about funding from MA Secretary of Education. He suggested conducting a related Q & A session.

Resident Dianna Warren, 32 Old Framingham Road - Unit 30; confirmed she sent an email to the Select Board regarding the 250<sup>th</sup> Anniversary of Sudbury's involvement with the Battle of Old North Bridge and associated related celebrations to be the charge of an appointed committee. She recommended the Board not rush the process and encouraged the Board to reach out to knowledgeable, expert individuals. She suggested not limiting the scope

of duties and not be constrained regarding the composite of the membership. She exampled the Town of Concord's process.

### Consent Calendar

#### **#1 - 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**

Vice-Chair Kouchakdjian motioned to approve Consent Calendar item #1. Board Member Russo seconded the motion.

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

VOTED: 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

#### **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.**

Present: Joshua Fox, Chair of Board of Assessors, Trevor Haydon, Cynthia Gerry, Director of Assessors, Harald Scheid and Alex Cervone

Vice-Chair Kouchakdjian motioned to open the 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. Board Member Russo seconded the motion.

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

VOTED: To open the 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

Town Manager Sheehan outlined the tax classification process, adding that the disclosure period concludes today; final certifications would not be presented today and voting on this aspect would take place at the Select Board meeting of December 12, 2023.

Attorney Fox presented proposed residential exemptions, senior means exemption, and small commercial exemption. Board members inquired about related considerations.

Vice-Chair Kouchakdjian motioned not to adopt a Residential Exemption for Fiscal Year 2024. Board Member Roberts seconded the motion.

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



VOTED: Not to adopt a Residential Exemption for Fiscal Year 2024

Vice-Chair Kouchakdjian motioned not to adopt the Small Commercial Exemption for Fiscal Year 2024. Board Member Roberts seconded the motion.

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

VOTED: Not to adopt the Small Commercial Exemption for Fiscal Year 2024

Vice-Chair Kouchakdjian motioned 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. Board Member Russo seconded the motion.

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

VOTED: 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

Mr. Scheid presented the “Fiscal Year 2024 Classification Hearing, December 5, 2023,” which included: The Fiscal Year 2024 Levy Limit and Amount to be Raised:

- Assessed Valuations
- Aggregate Value Increases by Major Property Class
- Shifting the Tax Burden
- Tax Rates and Options
- Tax Impacts
- Voting a Tax Shift Factor
- Optional Exemptions

Board Member Russo motioned 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, with a corresponding CIP shift of 1.41, pending certification of the Town’s annual tax recap by the Massachusetts Department of Revenue. Vice-Chair Kouchakdjian seconded the motion.

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

VOTED: 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, with a corresponding CIP shift of 1.41, pending certification of the Town’s annual tax recap by the Massachusetts Department of Revenue

Vice-Chair Kouchakdjian motioned to continue the Tax Classification hearing to the Select Board meeting on Tuesday, December 12, 2023 at 7:30 PM. Board Member Russo seconded the motion.

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

VOTED: To continue the Tax Classification hearing to the Select Board meeting of Tuesday, December 12, 2023 at 7:30 PM

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

Chair Dretler acknowledged anniversary celebrations would include all the associated events in 1775 and 1776.

Board members provided comments and edits to the "Town of Sudbury – Sudbury 250 Committee" draft document.

Topics considered included: Committee membership, charge-mission, duties, residency of members, and periodic updates from the Committee to the Select Board.

Vice-Chair Kouchakdjian motioned to establish a committee to plan Sudbury's events, marking the 250<sup>th</sup> Anniversary and to request appropriation of funds at the May 2024 Annual Town Meeting to support such activities. Board Member Russo seconded the motion.

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

VOTED: To establish a committee to plan Sudbury's events, marking the 250<sup>th</sup> Anniversary and to request appropriation of funds at the May 2024 Annual Town Meeting to support such activities

**Vote to review and possibly approve open session minutes of 10/23/23 and 11/14/23**

**10/23/23 Minutes**

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

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

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

**11/14/23 Minutes**

Vice-Chair Kouchakdjian motioned to approve the open session minutes of 11/14/23, as edited. Board Member Roberts seconded the motion.

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

VOTED: To approve the open session minutes of 11/14/23, as edited

**Executive Session**

**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). Board Member Roberts seconded the motion.

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

There being no further business, the meeting was adjourned at 9:42 PM.

DRAFT

SUDBURY SELECT BOARD

TUESDAY DECEMBER 12, 2023

7:30 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, Town Manager Andrew Sheehan

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:32 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: Kouchakdjian-present, Carty-present, Roberts-present, Dretler-present

**Opening remarks by Chair**

- Announced the Housing Production Plan Workshop, Wednesday December 12<sup>th</sup> 7:00 PM at Town Hall

**Reports from Town Manager**

Town Manager Sheehan had no reports to share.

**Reports from Select Board**

Vice-Chair Lisa Kouchakdjian had no reports to share.

**Board Member Jennifer Roberts**

- Those unable to attend tomorrow's Housing Production Plan Workshop are invited to provide comments and feedback
- DEI Commission will be requesting a Select Board agenda item to further examine the DEI Mission Statement

**Board Member Dan Carty**

- Attended "The Future of Transportation in 495/Metro West" conference this morning hosted by the 495/MetroWest Partnership; Secretary of MA DOT emphasized the connection between the Housing Production Plan and Transportation is essential for the success of both
- Requested an upcoming agenda item to discuss vacancies on the Sudbury Transportation Committee

- Requested an upcoming agenda item to focus on Town Manager goals and long-term planning to manage the Capital Budget

**Public comments**

None

Board Member Charles Russo joined the meeting at 7:41 PM. He announced his attendance at the meeting; Russo-present

**Vote to continue Tax Classification Hearing to ratify votes taken on December 5, 2023**

Town Manager Sheehan recognized the Tax Classification hearing was continued from the December 5, 2023 Select Board meeting. No further comments regarding Tax Classification were presented.

Board Member Roberts motioned to close the evidentiary part of the Tax Classification Hearing and ratify votes taken on December 5, 2023. Vice-Chair Kouchakdjian seconded the motion.

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

VOTED: To close the evidentiary part of the Tax Classification Hearing and ratify votes taken on December 5, 2023

Vice-Chair Kouchakdjian motioned that the Select Board of Sudbury ratify votes taken on December 5, 2023; and 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, with a corresponding CIP shift of 1.41, pending certification of the Town's annual tax recap by the Massachusetts Department of Revenue. Board Member Roberts seconded the motion.

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

VOTED: That the Select Board of Sudbury ratify votes taken on December 5, 2023; and 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, with a corresponding CIP shift of 1.41, pending certification of the Town's annual tax recap by the Massachusetts Department of Revenue

**Vote to close Tax Classification Hearing and resume Select Board meeting**

Vice-Chair Kouchakdjian motioned to close Tax Classification Hearing and resume Select Board meeting. Board Member Roberts seconded the motion.

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

VOTED: To close Tax Classification Hearing and resume Select Board meeting

**Consent Calendar**

**Vote to approve award of contracts by the Town Manager ancillary to that of the General Contractor and relative to the completion of the Fairbank Community Center project inclusive, but not limited to, audio-visual services, supply of fixtures, equipment, furnishings, and moving.**

Present: Combined Facilities Director Sandra Duran

Board Member Russo asked about the source of funding for each of the associated line items; audio-visual package, fixtures, furniture, equipment and moving expense. Town Manager Sheehan responded that funding came from related appropriations voted at Annual Town Meeting in May 2023 and October 2023 Fall Town Meeting.

Board Member Carty asked if any audio-visual work had been done prior to the approval of the contract being voted on tonight. Ms. Duran confirmed the IT proposal to get the AV plan in line did begin, however, AV services were not in place.

Ms. Duran stated the official move-in would take place tomorrow and the furniture was in, and everything was clean.

Vice-Chair Kouchakdjian motioned to approve award of contracts by the Town Manager ancillary to that of the General Contractor and relative to the completion of the Fairbank Community Center project inclusive, but not limited to, audio visual services, supply of fixtures, equipment, furnishings, and moving. Board Member Roberts seconded the motion.

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

VOTED: To approve award of contracts by the Town Manager ancillary to that of the General Contractor and relative to the completion of the Fairbank Community Center project inclusive, but not limited to, audio visual services, supply of fixtures, equipment, furnishings, and moving

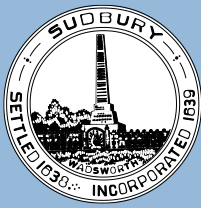
**Adjourn**

Vice-Chair Kouchakdjian motioned to adjourn the Select Board meeting. Board Member Roberts seconded the motion.

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

VOTED: To adjourn the Select Board meeting

There being no further business, the meeting was adjourned at 7:55 PM.



SUDBURY SELECT BOARD  
Tuesday, January 9, 2024

**EXECUTIVE SESSION**

**10: Executive Session to discuss collective bargaining**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: At the close of Open Session, vote to enter Executive Session to discuss strategy with respect to collective bargaining (Civilian Dispatchers) if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares (exception 3).

Recommendations/Suggested Motion/Vote: At the close of Open Session, vote to enter Executive Session to discuss strategy with respect to collective bargaining (Civilian Dispatchers) if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares (exception 3).

Background Information:  
attached draft agreement

Financial impact expected:

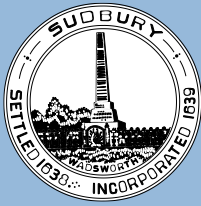
Approximate agenda time requested:

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

01/09/2024 7:00 PM



SUDBURY SELECT BOARD  
Tuesday, January 9, 2024

**EXECUTIVE SESSION**

**11: 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

01/09/2024 7:00 PM