

## **2009 Annual Town Meeting**

### **April 6, May 11 and June 15**

#### **IN MEMORIAM RESOLUTION**

Unanimously resolved: That the Town of Sudbury hereby expresses its deep appreciation for the services and gifts of Elizabeth Campbell, Iris F. Deluca, Rita Eisner, Joan S. Felleman, Laverne S. Ferris, Charles Addison Frost, John Patrick Hanley, Marion J. "Paddy" Johnson, Marguerite Keith, Arnold A. Kramer, Virginia Ann Maenpaa, Thomas W.H. Phelps, Betty "Jean" Segien, Bernice N. Slomski, Marty Spence, Marjorie A. Walker

#### **Article 1. HEAR REPORTS**

Voted to accept the reports of the Town boards, commissions, officers, and committees as printed in the 2008 Town Report or as otherwise presented, subject to the correction of errors, if any, where found.

#### **Article 2. FY08 BUDGET ADJUSTMENTS**

Voted to amend the votes taken under Article 3, FY09 Operating Budget of the 2008 Annual Town Meeting, by adding to or deleting from line items thereunder, by transfer between or among accounts or by transfer from available funds as follows: From fund #1204 Insurance Recovery RRA to 200 Public Safety \$ 26,319.94, all to be allocated to building repair; From Abatement Surplus to 400 Public Works \$100,000; all to be allocated to snow and ice expenditures.

#### **Article 3. STABILIZATION FUND**

Indefinitely postponed.

#### **Article 4. FY10 BUDGET LIMITING MOTION**

Voted that the amount appropriated under the FY10 Budget not exceed the sum of \$76,398,376.

#### **Article 4. FY10 BUDGET**

Unanimously Voted to appropriate the sums of money set forth in the Warrant under Article 4 in the column "FY10 Non-Override", for Fiscal Year 2010, as amended by the handout entitled Figure 1 – Revised Article 4 Budget, ATM Handout, printed 6/15/2009; the following items to be raised as designated, by transfer from available fund balances and interfund transfers: \$381,600 from Ambulance Reserve Appropriation Acct. to 200 Public Safety, \$321,000 from Abatement Surplus to 900 Uncl/Benefits. The sum of \$5,919,189 being a portion of the sum set forth as Sudbury Public Schools Employee Benefits to be immediately transferred and added to Item 900: Town Employee Benefits, so that the Employee Benefits total will be \$ 9,804,084, to be expended under the direction of the Town Manager; and the sum of \$1,028,704, being the remaining portion of the sum set forth as Sudbury Public Schools Employee Benefits to be immediately transferred and added to Item 1000: Employee, Benefit and Contingency Expenses, so that the Employee, Benefits and Contingency Expenses total will be \$1,514,372; Item No. 1000 is to be expended at the direction of the Town Manager for the purpose of increasing the amount required for Item 900 to the extent necessary for those purposes; any balance may be expended at the direction of the Town Manager with the approval of the Finance Committee, subject to the provision that any balance of the funds transferred from the School budget and receiving such approval shall be returned to the Sudbury Public Schools budget; and to authorize the purchase of equipment funded under this budget by entering into lease-purchase agreements.

#### **Article 5. CAPITAL BUDGET**

Unanimously Voted to appropriate the sum of \$523,383 for the purchase or acquisition of capital items including but not limited to capital equipment, continuing payments of existing lease-purchases, construction, engineering, design, and renovation to buildings; said sum to be raised by taxation; and to allow the purchase of equipment hereunder by entering into lease-purchase agreements.

#### **Article 6. FY10 TRANSFER STATION ENTERPRISE FUND BUDGET**

Unanimously Voted to appropriate the sum of \$301,842 for the Transfer Station Enterprise Fund for Fiscal Year 2010, and further to authorize use of an additional \$30,953 of Enterprise Fund receipts for indirect costs; such sums to be raised by \$286,000 in receipts and use of \$46,795 of retained earnings of the Enterprise.

**Article 7. FY10 POOL ENTERPRISE FUND BUDGET**

Unanimously Voted to appropriate the sum of \$476,592 for the Pool Enterprise Fund for Fiscal Year 2010; such sum to be raised from \$460,000 in receipts of the Enterprise; and use of retained earnings of \$16,592 of the Enterprise; and further to authorize the use of an additional \$61,905 appropriated under Account 900, FY10 Town Employee Benefits, for indirect costs.

**Article 8. FY10 RECREATION FIELD MAINTENANCE ENTERPRISE FUND AND BUDGET**

Voted by well more than 90% of the voters to establish a Recreation Field Maintenance Enterprise Fund commencing July 1, 2009 for the purpose of maintaining the Town’s recreation fields to be funded by recreation and other designated income and donations and to accept the provisions of M.G.L. c.44 § 53F ½ insofar as necessary for the establishment of said fund; and to appropriate the sum of \$160,000 for the Recreation Field Maintenance Enterprise Fund for FY2010, said sum to be raised by transfer of \$10,000 from the FY2009 Park & Recreation 53D account, and further to authorize use of an additional \$150,000 of Enterprise receipts, for direct costs.

**Article 9. UNPAID BILLS**

Indefinitely postponed.

**Article 10. CHAPTER 90 HIGHWAY FUNDING**

Unanimously Voted to authorize the Town Manager to accept and to enter into a contract for the expenditure of any funds allotted or to be allotted by the Commonwealth for the construction, reconstruction and maintenance projects of Town ways pursuant to Chapter 90 funding; and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement by the Commonwealth.

**Article 11. REAL ESTATE EXEMPTION**

Unanimously Voted to allow for an increase of up to 100% of the current exemption amounts under Clauses 17D, 17E, 22, 37A, 41C and 41D, Chapter 59, Section 5, for fiscal year 2010, pursuant to Chapter 73, Section 4, of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988.

**Article 12. TOWN/SCHOOL REVOLVING FUNDS**

Unanimously Voted to authorize for FY10 the use of revolving funds under M.G.L. c.44, s.53E 1/2, by the following Departments of the Town in accordance with the description for each fund placed on file with the Town Clerk, said funds to be maintained as separate accounts set forth as follows:

<u>Fund</u>	<u>Department</u>	<u>Maximum Amount</u>
Plumbing & Gas Inspectional Services	Building Inspector	\$45,000
Portable Sign Administration & Inspectional Services	Building Inspector	\$10,000
Conservation	Conservation Commission	\$35,000
Council on Aging Activities	Council on Aging	\$20,000
Council on Aging Transportation	Council on Aging	\$5,000
Council on Aging Van Transportation	Council on Aging	\$70,000
Fire Department Permits	Fire Department	\$30,000
Goodnow Library	Goodnow Library	\$ 10,500
Recreation Programs	Park and Recreation Commission	\$572,000
Teen Center	Park and Recreation Commission	\$15,000
Bus	Sudbury Schools	\$400,000
Instrumental Music	Sudbury Schools	\$75,000
Cable Television	Town Manager	\$30,000
Rental Property	Town Manager	\$40,000
Dog	Treasurer/Collector	\$40,000
Treasurer/Collector Passport Fees	Treasurer/Collector	\$10,000

Youth Commission  
Zoning Board of Appeals

Youth Commission  
Zoning Board of Appeals

\$45,000  
\$10,000

**Article 13. FY10 SEPTAGE FACILITY OPERATING ENTERPRISE FUND**

Unanimously Voted to establish a Septage Facility Operating Enterprise Fund commencing July 1, 2009, to be expended under the direction of the Town Manager, for the purpose of the Town of Sudbury's financial management of the operations and capital improvement budget of the Wayland-Sudbury Septage Facility, to be funded by receipts of the operation and to accept the provisions of MGL c.44, §53F ½ insofar as necessary for the establishment of said fund; and to appropriate the sum of \$766,308 for the Septage Facility Operating Enterprise Fund for FY2010, said sum to be raised from \$766,308 in receipts of the Enterprise.

**Article 14. AMEND BYLAWS, ART XV, 1, BUILDING PERMIT FEES**

Unanimously voted to delete Section 1, Building Permit Fees, of Article XV, Building Code, of the Town of Sudbury Bylaws in its entirety, and substitute therefor the following:  
Section 1. Building Permit Fees. Fees to be paid shall be as follows:

BUILDING PERMIT FEES

Single Family Dwellings (new, alterations & additions)

\$10 per \$1,000 (or portion thereof) of the value of the work  
\$40 minimum permit fee  
Double the fee if work is started without a permit.

Commercial Buildings and Multi family Dwellings:

\$15 per \$1,000 (or portion thereof) of the value of the work  
\$40 minimum permit fee  
Double the fee if work is started without a permit.

*No fee shall be charged for the issuance of any building permit to the Town or for work upon any building owned by the Town;*

**Article 15. AMEND BYLAWS, ART. V, PUBLIC SAFETY, SECTION 3, REGULATION OF DOGS-INCREASE LICENSE FEES**

Unanimously Voted to amend Article V of the Town of Sudbury Bylaws, Public Safety, Section 3 Regulation of Dogs, s.3-8 Registration, Licenses, and Fees, by deleting paragraph (B), and substituting therefor a new paragraph (B) as follows: The fee for every license shall be: Neutered male dogs and spayed female dogs \$15.00, Unneutered male dogs and unspayed female dogs \$20.00.

**Article 16. TRANSFER LAND OFF HUDSON ROAD TO THE SUDBURY HOUSING TRUST**  
Indefinitely postponed.

**Article 17. TRANSFER LAND OFF PINWOOD AVENUE TO THE SUDBURY HOUSING TRUST**  
Indefinitely postponed.

**Article 18. AMEND BYLAWS, ARTICLE V (D) FIRE ALARM SYSTEMS, SECTION 6. RESTRICTIONS ON TAPE DIALERS AND SIMILAR AUTOMATIC TELEPHONE DEVICES**

Voted to amend the Town of Sudbury Bylaws, Article V (D) Fire Alarm Systems, Section 6, by adding thereto the words "Except as otherwise authorized by the Fire Chief," at the beginning of the first sentence, and the words "without authorization" in the second sentence, so that the Section shall read as follows: Except as otherwise authorized by the Fire Chief, no fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines of the SFD. If, upon adoption of this bylaw, a fire alarm system is equipped with such a tape dialer or similar automatic telephone device without authorization, the fire alarm system owner shall have sixty (60) days from adoption of this bylaw to disconnect such

tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with this section, the Fire Chief may assess a penalty of fifty dollars (\$50.00) for each day of non-compliance.

**Article 19. AMEND BYLAWS –STORMWATER MANAGEMENT BYLAW**

Voted to amend the Town of Sudbury Bylaws by adding thereto a new article entitled “Stormwater Management”

**Article 20. AMEND ZONING BYLAW, ARTICLE IX, SECTION 5500-ACCESSORY DWELLING UNITS**

Moderator declared more than two thirds vote to amend Article IX, the Zoning Bylaw, section 5500 by deleting that section in its entirety and substituting therefor the following: 5500. ACCESSORY DWELLING UNITS IN RESIDENCE DISTRICTS

**Article 21.** Withdrawn

**Article 22. COMMUNITY PRESERVATION FUND-LAND PRESERVATION, 79 LINCOLN LANE**

Moderator stated passed by well over two thirds to appropriate \$25,000 from Community Preservation Act funds, as recommended by the Community Preservation Committee, for the purpose of permanently protecting, by purchase by the Town or another conservation organization for conservation purposes, or by granting of a conservation restriction, pursuant to MGL c. 184 s. 31- 32, to the Town, a 1.2 acre parcel of land at 79 Lincoln Lane. All appropriations will be allocated to the Open Space category and funded from FY10 Revenue.

**Article 23. COMMUNITY PRESERVATION FUND-SUDBURY HOUSING TRUST ALLOCATION**

Voted to appropriate \$208,000 of Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of funding the Sudbury Housing Trust and its efforts to provide for the preservation and creation of affordable housing. All appropriations will be allocated to the Community Housing category and funded from FY10 Revenue.

**Article 24. COMMUNITY PRESERVATION FUND-TOWN CLERK HISTORIC DOCUMENT PRESERVATION**

Voted to appropriate \$170,000 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of restoring and preserving historic Town records, said work to be performed under the direction of the Town Manager with the involvement of the Town Clerk and the Sudbury Historical Commission. All appropriations will be allocated to the Historic category and funded from FY10 revenue.

**Article 25. COMMUNITY PRESERVATION FUND-HISTORIC PRESERVATION PROJECTS**

Unanimously Voted to appropriate \$18,000 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of identifying and compiling an inventory of Sudbury’s Historic Properties as required by the Massachusetts Historical Commission, and for the purpose of restoring gravestones in the Mt. Pleasant and Old Town Cemeteries. All appropriations will be allocated to the Historic category and funded from Historic Reserves.

**Article 26. COMMUNITY PRESERVATION FUND-LORING PARSONAGE EXTERIOR RESTORATION**

Unanimously Voted to appropriate \$229,000 from Community Preservation funds, as recommended by the Community Preservation Committee, for the purpose of restoring the exterior of the Loring Parsonage with associated work, said appropriation to be allocated to the Historic category and funded from Historic Reserves.

**Article 27. COMMUNITY PRESERVATION FUND-AMEND ARTICLE 24 OF THE 2007 ANNUAL TOWN MEETING, BRUCE FREEMAN RAIL TRAIL EXISTING CONDITIONS BASE MAP**

Voted to amend Article 24 of the 2007 Annual Town Meeting to utilize funds from that article, not to exceed \$25,000, to be used for the creation of a concept plan for the rail corridor.

**Article 28. COMMUNITY PRESERVATION FUND-AMEND ARTICLE 41 OF THE 2006 ANNUAL TOWN MEETING, HEARSE HOUSE RELOCATION AND RESTORATION-EXTEND TIME FOR PROJECT COMPLETION**

Unanimously Voted to amend Article 41 of the 2006 Annual Town Meeting by extending the time for completion of the project from the end of Fiscal Year 2008 to the end of Fiscal Year 2010.

**Article 29. COMMUNITY PRESERVATION FUND-AMEND ARTICLE 27 OF THE 2007 ANNUAL TOWN MEETING, HOUSING UNIT BUY-DOWN-EXTEND TIME FOR EXPENDITURE OF FUNDS**

Indefinitely postponed

**Article 30. COMMUNITY PRESERVATION FUND-AMEND ARTICLE 43 OF THE 2006 ANNUAL TOWN MEETING, SUDBURY HOUSING AUTHORITY UNIT BUY-DOWN-EXTEND TIME FOR PROJECT COMPLETION**

Unanimously Voted to amend Article 43 of the 2006 Annual Town Meeting by extending the time for completion of the project from the end of Fiscal Year 2009 to the end of Fiscal Year 2014.

**Article 31. COMMUNITY PRESERVATION FUND - GENERAL BUDGET AND APPROPRIATIONS**

Voted to appropriate the sums as recommended by the Community Preservation Committee, in the following Community Preservation budget for FY10, said sums to be raised by FY10 Community Preservation Surtaxes: \$95,000 Administrative and Operating Costs, \$1,124,454 Debt Service and further to reserve the following funds: \$26,979 for Historic Preservation, \$430,567 for Budgeted Unrestricted CPC Uses

**Article 32. CLARIFICATION OF TITLE-11 BUTLER PLACE**

Moderator stated passed by well over two thirds to authorize the Selectmen for the sum of \$1.00, acting on behalf of the inhabitants of the Town of Sudbury, to execute a deed or deeds conveying in fee simple the following described land from the Town of Sudbury to David Otis for the purpose of correcting a cloud on the title for the following described property:

“That certain parcel of land situated on Butler Place in Sudbury, Middlesex County, Massachusetts, being lot 4 on a plan of land entitled “Camp Lots Surveyed for Ida Butler Sudbury Mass” dated July 26, 1926, which is recorded with Middlesex South District Registry of Deeds at the End of Book 5021.  
Said lot 4 contains 3,570 square feet of land according to said Plan.”