

## **2010 Annual Town Meeting April 5, 6, 7 and 12**

The following is a summary of the actions taken by the April Annual Town Meeting. A more detailed Town Meeting Proceedings appears in a separate document prepared by the Town Clerk.

### **IN MEMORIAM RESOLUTION**

Unanimously resolved that the Town of Sudbury extend its heartfelt sympathy to the families of these persons and recognize their service and dedication to the community: Anne-Marie Arnold, John C. "Jack" Balben, F. Daniel Buttner, Thomas A. Depeter, Rebecca Fairbank, Marion F. Garrigan, Marjorie F. Gibson, Elizabeth G. Hope, Hans J. Lopater, John F. Lynch, George H. R. McQueen, Muriel C. Plonko, Kenneth I. Ritchie, Bette L. Rothman, Margaret A. Sabella, Joseph E. Scammon, Anita G. Simon, Janet M. Smith, Mary L. Williams

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

Voted to accept the reports of the Town boards, commissions, officers, and committees as printed in the 2009 Town Report or as otherwise presented, subject to the correction of errors, if any, where found.

### **Article 2. FY10 BUDGET ADJUSTMENTS**

Unanimously Voted: To indefinitely postpone

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

Voted by well more than two thirds: To appropriate the sum of \$50,000 to be added to the Stabilization Fund established under Article 12 of the October 7, 1982 Special Town Meeting, pursuant to M.G.L. Chapter 40, Section 5B, said sum to be raised by taxation; said amount voted hereunder is contingent upon passage of a ballot question for that purpose at a Special Town Election.

### **Article 4. FY11 BUDGET OVERRIDE LIMITING**

Voted that the amount appropriated under the FY11 Budget override budget not exceed the sum of \$78,748,358.

### **Article 4. FY11 BUDGET**

Voted that the Town appropriate the sums of money set forth in the Warrant under Article 4 in the column "FY11 Override", for Fiscal Year 2011, as printed in the Finance Committee handout dated April 5, 2010; the following items to be raised as designated, by transfer from available fund balances and interfund transfers: From Ambulance Reserve for Appropriation Acct. to 200 Public Safety \$ 487,089; in the event that the override is defeated at the Special Town Election, the amount to be transferred from the Ambulance Reserve for Appropriation Account to 200 Public Safety shall be reduced by \$58,000; the sum of \$6,450,128 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 \$10,758,918, to be expended under the direction of the Town Manager; and to authorize the purchase of equipment funded under this budget by entering into lease-purchase agreements; said amounts voted hereunder in excess of the non-override column are contingent upon passage of a ballot question for that purpose at a Special Town Election.

### **Article 5. FY11 CAPITAL BUDGET**

Voted to appropriate the sum of \$529,054 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; the sum of \$ 50,000 to be immediately transferred and added to Item 300: Sudbury Public Schools: Net appropriated under the FY11 Override and Non-Override Columns voted under Article 4, FY11 Budget; and to allow the purchase of equipment hereunder by entering into lease-purchase agreements.

### **Article 6. AMEND BYLAWS: TOWN MEETING COMMENCEMENT & BUDGET SUBMISSION**

Voted to amend Article I, Section 2 of the Town of Sudbury Bylaws by deleting the word “April” from the first sentence and substituting therefor the word “May” and by deleting the words “January 31” from the second sentence and substituting therefor the words “last day in February”; and to amend Article II, Section 1 by deleting the words “December 31” from the first sentence and substituting therefor the words “January 31 preceding the Annual Town Meeting.”; and to amend the first sentence of Article IV, Section 5 by deleting the word “December” and substituting therefor the word “January” in the first clause and by deleting the word “January” from the second clause and substituting therefor the word “February”; and to amend the first sentence of paragraph 2 of Article IV, Section 5, by deleting the words “February 28<sup>th</sup>” and substituting therefor the words “March 31<sup>st</sup>”.

**Article 7. FY11 TRANSFER STATION ENTERPRISE FUND BUDGET**

Voted to appropriate the sum of \$271,437 for the Transfer Station Enterprise Fund for Fiscal Year 2011, and further to authorize use of an additional \$29,595 of Enterprise Fund receipts for indirect costs; such sums to be raised by \$250,000 in receipts and use of \$51,032 of retained earnings of the Enterprise.

**Article 8. FY11 POOL ENTERPRISE FUND BUDGET**

Voted to appropriate the sum of \$489,868 for the Pool Enterprise Fund for Fiscal Year 2011; such sum to be raised from \$460,000 in receipts of the Enterprise and use of retained earnings of \$29,868 of the Enterprise; and further to authorize the use of an additional \$55,841 appropriated under Account 900, FY11 Town Employee Benefits, for indirect costs.

**Article 9. FY11 RECREATION FIELD MAINTENANCE ENTERPRISE FUND AND BUDGET**

Unanimously voted to appropriate the sum of \$221,497 for the Recreation Field Maintenance Enterprise Fund for Fiscal Year 2011; such sum to be raised from \$221,497 in receipts of the Enterprise.

**Article 10. UNPAID BILLS**

Indefinitely postponed.

**Article 11. 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 12. 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 2011, pursuant to Chapter 73, Section 4, of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988.

**Article 13. TOWN/SCHOOL REVOLVING FUNDS**

Unanimously Voted to authorize for FY11 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 Van Transportation (MWRTA)	Council on Aging	\$ 70,000
Fire Department Permits	Fire Department	\$ 45,000
Goodnow Library	Goodnow Library	\$ 10,500

Recreation Programs	Park and Recreation Commission	\$572,000
Teen Center	Park and Recreation Commission	\$ 15,000
Bus	Sudbury Public Schools	\$ 400,000
Instrumental Music	Sudbury Public 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	Youth Commission (Park and Recreation)	\$ 45,000
Zoning Board of Appeals	Zoning Board of Appeals	\$ 10,000

and to confirm that said funds have been established in accordance with M.G.L. c.44 §1/2.

**Article 14. ACCEPT M.G.L. c.64L, §2(a), LOCAL MEALS EXCISE**

Voted to accept M.G.L. c.64L, §2(a) to impose a local meals excise.

**Article 15. ACCEPT M.G.L. c.64G, §3(A), LOCAL ROOM OCCUPANCY EXCISE**

Voted to accept M.G.L. c.64G, Sec.3(A), allowing adoption of a local option room occupancy excise; and to set the rate of the Town of Sudbury's room occupancy excise at 6%.

**Article 16. ACCEPT M.G.L. c.71 §37M – CONSOLIDATE SCHOOL & TOWN FACILITY MAINTENANCE FUNCTIONS**

Voted to accept M.G.L. c.71 §37M.

**Article 17. INCREASE DEMAND CHARGE FOR DELINQUENT TAXES**

Voted to charge for each written demand issued by the Town Treasurer-Collector a fee of \$10 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, to go into effect as of July 1, 2010.

**Article 18. WAYLAND/SUDBURY SEPTAGE FACILITY**

Voted to authorize the Town Manager, with the approval of the Selectmen, to negotiate the terms of termination or use of the Wayland-Sudbury Septage Facility including, but not limited to, the sale, transfer, use, care, custody, management and/or control of said facility, subject to the approval by the Board of Selectmen of the terms of any contract negotiated.

**Article 19. AMEND BYLAWS, ILLICIT DISCHARGE AND CONNECTION**

Voted to amend the Town of Sudbury Bylaws by adding thereto a new article entitled "Illicit Discharge and Connection", said article to be numbered by the Town Clerk. [See Town of Sudbury 2010 Bylaws, Art. XXXII for Bylaw wording.]

**Article 20. MINOR AMENDMENTS TO ZONING BYLAW ARTICLE IX**

Voted by more than two thirds:

1. To amend Article IX, Zoning Bylaw, Section 2230 (Table of Principal Use Regulations) by adding "and assisted care facility" to use #C.6; and amending footnote (ii)(2) in that section by reducing the front yard setback requirement for such uses from 150 feet to 50 feet;
2. To amend Article IX, Zoning Bylaw, Section 2210, (Principal Use Regulations) by adding the word "residential" after the word "placed on a" in the third sentence so that sentence reads as follows: "Not more than one principal structure shall be placed on a residential lot, except in accordance with sections 2300 (Accessory Uses and Structures), 5300 (SRC) and 5400 (ISD).";
3. To amend Article IX, Zoning Bylaw, Section 2324 (Accessory Uses and Structures) by adding the words "or other structures" after the word "trailers" so that section reads as follows: "The temporary use of

trailers or other structures for storage or office purposes is allowed where they conform to the procedural regulations adopted by the Board of Selectmen.”;

4. To amend Article IX, Zoning Bylaw, Section 7000 (Definitions) definition of “Structure” by deleting the word “fences” from that definition so that it reads as follows: “Structure: A combination of materials assembled to give support or shelter, such as buildings, towers, masts, sheds, roofed storage areas, mechanical equipment, swimming pools, signs; but not including septic tanks and septic systems, and accessory facilities associated with the provision of utilities such as drains, wells, transformers and telephone poles.”;

5. To amend Article IX, Zoning Bylaw, Sections 4130 and 4143 (Flood Plain Overlay District) to change the date of the “National Flood Insurance Program FIRM Flood Insurance Rate Map” and the “Flood Boundary and Floodway Map for the Town of Sudbury Community No. 250217” from November 20, 1998 to June 4, 2010 wherever such date occurs in those sections.

#### **Article 21. AMEND ZONING BYLAW, ARTICLE IX, SECTION 4300, WIRELESS SERVICES OVERLAY DISTRICT**

Indefinitely postponed.

#### **Article 22. LONG-TERM CELL TOWER LEASING**

Unanimously voted to authorize and direct the Town Manager, with the approval of the Selectmen, to enter into long-term leases or interests in real estate with telecommunications or holding companies for the purpose of siting, establishing or renewal of approved cell tower/wireless services facilities on Town land.

#### **Article 23. SPECIAL ACT – CELL TOWER BIDDING**

Unanimously voted to petition the Great and General Court of the Commonwealth of Massachusetts to allow the renewal of leases with telecommunications companies without the necessity of compliance with Chapter 30B, and to authorize the Town to enter into future long-term leases with telecommunications and/or holding companies which are initially bid pursuant to Chapter 30B.

#### **Article 24. ESTABLISH STRETCH ENERGY CODE**

Unanimously voted to amend the first paragraph of Article XV of the Town Bylaws, entitled Building Code, by adding the words “including 780 CMR, Appendix 120.AA “Stretch Energy Code” so that the paragraph reads “This article is replaced by the State Building Code, which is incorporated herein by reference, adopted under Chapter 802 of the Acts of 1972, including 780 CMR, Appendix 120.AA “Stretch Energy Code”, and the following sections:”

#### **Article 25. RENEWABLE ENERGY DEVELOPMENT FACILITIES**

Voted to authorize the Town Manager and Selectmen to negotiate and/or contract with a company or companies to provide solar energy facilities at the Town Landfill site; and to enter into long-term leases/contracts, including power purchase agreements, of greater than 20 years; and to further authorize the Selectmen to petition the Great and General Court to authorize the Town to enter into long-term leases/contracts, including power purchase agreements, greater than twenty-years without submission to a further Town Meeting.

#### **Article 26. ACCEPT M.G.L. c.272, §73A – REMOVAL OF GRAVESTONES**

Unanimously voted to accept M.G.L. c.272, §73A which would allow removal of gravestones and other memorials for repair or reproduction in accordance with State rules and regulations without penalty.

#### **Article 27. CONSTRUCT POLICE HEADQUARTERS**

Indefinitely postponed.

#### **Article 28. WASTEWATER FEASIBILITY STUDY**

Unanimously voted to appropriate and raise \$90,000 by transfer from prior capital article balances, as follows:

-- \$ 4,378.49 - approved under Art. 8, FY05 Capital Budget, 2004 ATM;

- \$1,255.86 - approved under Art. 10, FY06 Capital Budget, 2005 ATM;
- \$34,152.26 - approved under Art. 8, FY07 Capital Budget, 2006 ATM;
- \$15,365.68 - approved under Art. 5, FY08 Capital Budget, 2007 ATM;
- \$34,847.71 - approved under Art. 6, FY09 Capital Budget, 2008 ATM;

for the purpose of retaining professional engineering services to prepare a Project Evaluation Report which may include initial plans or drawings for wastewater management for some or all of the Route 20/Union Avenue business district, and all expenses connected therewith, to be raised by transfer from the balances remaining from prior article authorizations voted at a prior Town Meetings, which projects have been completed.

**Article 29. RESCIND/AMEND BORROWINGS**

Unanimously voted to rescind the votes authorizing borrowing taken under Article 27 of the 1997 Annual Town Meeting and Article 24 of the 2002 Annual Town Meeting and amend the authorization voted under the following articles:

1. Article 32B of the 2003 Annual Town Meeting, by reducing the amount appropriated thereunder by the sum of \$6,500;
2. Article 7A of the 2001 Annual Town Meeting, by reducing the amount appropriated thereunder by the sum of \$3,800;
3. Article 11 of the 2005 Annual Town Meeting, by reducing the amount appropriated thereunder by the sum of \$13,500;
4. Article 49 of the 2005 Annual Town Meeting, by reducing the amount appropriated thereunder by the sum of \$30,000.

**Article 30. COMMUNITY PRESERVATION FUND – TOMB DOOR(S) RESTORATION**

Voted to appropriate \$30,000 from the Community Preservation Act funds, as recommended by the Community Preservation Committee, for the purpose of restoring the vandalized tomb doors along Concord Road in the Town Center and at Wadsworth Cemetery, in addition to allowing any funds collected under court –ordered restitution be returned into the Community Preservation Act fund, or off-set against the appropriation hereunder. The appropriation will be allocated to the Historic category and funded from Historic Reserves.

**Article 31. COMMUNITY PRESERVATION FUND – REVOLUTIONARY WAR CEMETERY RADAR SEARCH**

Voted appropriate \$20,000 from the Community Preservation Act funds, as recommended by the Community Preservation Committee, for the purpose of conducting a ground penetrating radar survey to identify unmarked graves at Sudbury’s historic Revolutionary War Cemetery. Appropriation will be allocated to the Historic category and funded from Historic Reserves.

**Article 32. COMMUNITY PRESERVATION FUND – UPGRADE EXISTING TOWN HALL VAULTS**

Voted to appropriate an amount not to exceed \$67,795 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of upgrading two existing vaults located in the Town Hall with shelving, climate control and fire suppression systems. Appropriation will be allocated to the Historic category and funded from Historic Reserves.

**Article 33. COMMUNITY PRESERVATION FUND – TOWN HALL ARCHITECTURAL DESIGN STUDY**

Indefinitely postponed.

**Article 34. COMMUNITY PRESERVATION FUND – SUDBURY HOUSING TRUST 10% ALLOCATION**

Voted to appropriate \$180,000 of Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of providing funds to the Sudbury Housing Trust in support of its efforts to provide for the preservation and creation of affordable housing. Appropriation will be allocated to the Community Housing category and funded from FY11 Revenue.

**Article 35. COMMUNITY PRESERVATION FUND – TOWN-WIDE WALKWAYS**

Voted to appropriate \$200,000 from the Community Preservation Act funds, as recommended by the Community Preservation Committee, for the purpose of constructing new walkways within the Town, such design and construction to be guided by the spirit and intent of the Town of Sudbury 2001 Master Plan, the February 2000 Report of the Walkway Committee, the July 2005 Sudbury Board of Selectmen directive regarding public works projects on Scenic Roads, and by recommendation of the Town of Sudbury Planning Board, the Director of Planning and Community Development, and the Director of the Department of Public Works. Appropriation will be allocated to the Recreation category and funded from unrestricted reserves.

**Article 36. COMMUNITY PRESERVATION FUND – CSX ALTERNATIVE ACQUISITION FUNDING**

Voted to appropriate \$420,000 of Community Preservation Act funds, as recommended by the Community Preservation Committee, from unrestricted reserves and allocated equally to the categories of Open Space and Recreation, to allow for the payment of notes issued to fund the acquisition without the necessity of bonding as authorized and borrowed under Article 32 of the April 8, 2008 Annual Town Meeting.

**Article 37. COMMUNITY PRESERVATION FUND – AMEND ARTICLE 29 OF THE 2008 TOWN MEETING, TOWN HALL WINDOW RESTORATION**

Voted to amend Article 29 of the 2008 Town Meeting by removing the time for completion of the project, as recommended by the Community Preservation Committee.

**Article 38. COMMUNITY PRESERVATION FUND - REVERSION OF CPA FUNDS**

Unanimously voted to return the unused balances from prior article authorizations voted at prior Town Meetings, which projects have been completed, or otherwise, into the CPA unrestricted reserves account:

2004 ATM, Article28	Town Walkways	\$ 23.74
2006 ATM, Article40	Loring Parsonage Exterior Renovation	\$ 69,641.00
2005 ATM, Article 48	Historic Properties Survey Phase II	\$ 2,223.78
2007 ATM, Article 22	Bruce Freeman Rail Trial Title Search	\$ 812.11
2008 ATM, Article 25	Town Clerk Document Preservation	\$ 50.00
2008 ATM, Article 26	Military Training Field	\$ 1,735.00
2008 ATM, Article 28	Stearns Mill Dam Evaluation	\$ 0.82

**Article 39. COMMUNITY PRESERVATION FUND – GENERAL BUDGET AND APPROPRIATION**

Voted to appropriate the sums as recommended by the Community Preservation Committee, in the following Community Preservation budget for FY11, said sums to be raised by FY11 Community Preservation Surtaxes: \$80,000 for Administrative and Operating Costs, \$1,052,036 for Debt Service and further to reserve the following funds: \$169,846 for Historic Preservation, \$600 for Housing and \$323,518for Budgeted Unrestricted CPC Uses

**Article 40. REDUCE CPA SURCHARGE FROM 3% TO 1.25%**

Overwhelmingly defeated.

**Article 41. UTILIZE A PORTION OF CURRENT CPA FUNDS TO FULLY PAY BONDS FOR LIBBY LAND AND CUTTING LAND**

Indefinitely postponed.

**Article 42. RESOLUTION - COMMITMENT OF FUNDING FOR FUTURE RAIL TRAIL STUDIES**

Voted to resolve that the Selectmen direct Town staff currently assigned (and funded in Article 27 of the April 2009 Town Meeting) to produce a concept plan of the proposed Rail Trail, include as part of their assignment an investigation/study of alternate trail align-ments for the specific purpose of avoiding conflicts with the Wetlands Protection Act, the Sudbury Wetlands Administration Bylaw and wildlife issues. Said alternate trail alignment studies will include, but not be limited to, those sections of the proposed Trail identified by completed studies as

having no meaningful mitigation alternatives (Town funded Call of the Wild Evaluation dated March 2009 with addendums). Other alignment issues may be studied at the discretion of Town staff. Results of these alternate trail alignment studies shall be considered and presented to the Town at the time of presentation of a concept and/or design plan.

**Article 43. ESTABLISH AND FUND COMMITTEE STUDY – FIREHOUSE #3**

Indefinitely postponed.

**Article 44. SPECIAL ACT – AMEND c.131 OF THE ACTS OF 1994 TO INCREASE SELECTMEN MEMBERSHIP TO 5**

Defeated.

**Article 45. RESOLUTION - EXECUTIVE SESSION MINUTES**

Indefinitely postponed.