

2011 Annual Town Meeting May 2, 3, and 4

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: James N. Attaway, Earl C. Borgeson, Elbert W. Clark, Sr., Robert R. Hamill, Marilyn Haley, Philip L. Lindsay, Patricia K. Lockery, Deborah P. Lubash, Helen H. Neelon, Donald P. Peirce, John Plunkett, Frederic A. Scott, John E. Taft, R Richard E. (Ed) Thompson, Howard P. Porter

Article 1. HEAR REPORTS

Voted to accept the reports of the Town boards, commissions, officers, and committees as printed in the 2010 Town Report or as otherwise presented, subject to the correction of errors, if any, where found.

Article 2. FY11 BUDGET ADJUSTMENTS

Unanimously Voted to amend the votes taken under Article 4, FY11 Operating Budget, of the 2010 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:

Transfer from 900: Town-wide Operating & Transfer, \$41,985 to 400: Public Works, all to be allocated to snow and ice expenditures;

Transfer from 900: Unclassified Benefits, \$50,000 to 400: Public Works, to be allocated to snow and ice expenditures; and \$50,000 to 300: Sudbury Public Schools to be allocated to snow and ice.

Article 3. STABILIZATION FUND

Unanimously Voted to indefinitely postpone.

Article 4. FY12 BUDGET OVERRIDE LIMITING

Voted that the amount appropriated under the FY12 Budget override budget not exceed the sum of \$79,652,861.

Article 4 (Continued). FY12 BUDGET

Voted to appropriate the sums of money set forth in the column "Override", for Fiscal Year 2012, as printed in the Finance Committee handout dated May 2, 2011;

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 \$587,592;

the sum of \$6,629,690 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 \$11,095,667, to be expended under the direction of the Town Manager; and to authorize the Town Manager to transfer \$1,021,396 of the funds from Item 900 to the OPEB Trust established to meet expenses for post-employment health and life insurance Benefits for eligible retirees and to expend such funds for that purpose;

the sum of \$43,087 set forth as Sudbury Public Schools Employee Benefits Reserve to be immediately transferred and added to item 1000: SPS/Town Employee Benefits Reserve, so that the Employee Benefits Reserve total will be \$67,812, to be expended under 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 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;

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;
and to authorize the purchase of equipment funded under this budget by entering into lease purchase agreements;
and to authorize multi-year contracts in excess of three years either by renewal, extension, or purchase options in accordance with the provisions of M.G.L. c.30B § 12 upon determination by the Chief Procurement Officer to be the most advantageous option.

Article 5. FY12 CAPITAL BUDGET

Voted to appropriate the sum of \$638,947 set forth in the column Override for FY12 as printed in the handout dated May 2, 2011, for the purchase or acquisition of the following capital items including but not limited to capital equipment, continuing payment of existing lease-purchases, construction, engineering, and design, including but not limited to renovation of buildings; said sum to be raised by taxation; the sum of \$90,000 to be immediately transferred and added to Item 300: Sudbury Public Schools: Net appropriated under the FY12 Override and Non-Override Columns voted under Article 4, FY12 Budget; and to allow the purchase of equipment hereunder by entering into lease-purchasing 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 6. FY12 TRANSFER STATION ENTERPRISE FUND BUDGET

Voted to appropriate the sum of \$290,390 for the Transfer Station Enterprise Fund for FY12, and further to authorize use of an additional \$33,146 of Enterprise Fund receipts for indirect costs; such sums to be raised by \$323,536 in receipts of the Enterprise.

Article 7. FY12 POOL ENTERPRISE FUND BUDGET

Unanimously Voted to appropriate the sum of \$517,230 for the Pool Enterprise Fund for FY12; such sum to be raised from \$480,000 in receipts of the Enterprise and use of retained earnings of \$37,230 of the Enterprise; and further to authorize the use of an additional \$62,542, appropriated under Acct. 900, FY12 Town Employee Benefits, for indirect costs.

Article 8. FY12 RECREATION FIELD MAINTENANCE ENTERPRISE FUND AND BUDGET

Voted to appropriate the sum of \$309,614 from the Recreation Field Maintenance Enterprise Fund for FY12; such sum to be raised from \$309,614 in receipts of the Enterprise.

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 2012, 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 FY12 the use of revolving funds under M.G.L. c.44, s. 53E ½, 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</u>
Plumbing & Gas Inspectional Services	Building Inspector	\$ 45,000
Portable Sign Administration & Inspectional Services	Building Inspector	\$ 10,000
Conservation (Wetlands)	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	\$ 582,000
Teen Center	Park and Recreation	\$ 20,000
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	\$ 50,000
Treasurer/Collector Passport Fees	Treasurer/Collector	\$ 12,000
Youth Commission	Parks and Recreation	\$ 50,000
Zoning Board of Appeals	Zoning Board of Appeals	\$ 25,000

and to confirm that said funds have been established in accordance with M.G.L. c.44 s. 53E ½.

Article 13. CONSERVATION REVOLVING FUND - TRAIL MAINTENANCE

Unanimously Voted to establish and authorize for Fiscal Year 2012, the use of a revolving fund by the Conservation Commission for expenditures related to trail maintenance on Town-owned designated conservation lands, to be funded by license fees collected from the licensing of agricultural use of fields on conservation land; said funds to be maintained in a separate account, in accordance with M.G.L. Chapter 44, Section 53E ½; the amount to be expended therefrom shall not exceed \$5,000.

Article 14. CEMETERY REVOLVING FUND

Unanimously Voted to establish and authorize for Fiscal Year 2012, the use of a revolving fund by the Director of Public Works for expenditures related to maintenance of Town cemeteries, to be funded by sale of lots and other fees excepting funds set aside for perpetual care; said funds to be maintained in a separate account, in accordance with M.G.L., Chapter 44, Section 53E ½; the amount to be expended there from shall not exceed \$60,000.

Article 15. REGIONAL HOUSING SERVICES REVOLVING FUND

Voted to establish and authorize for Fiscal Year 2012 the use of a revolving fund by the Regional Housing Services Office for the operation of the Regional Housing Services Office, to be solely funded by membership fees of other towns and other external sources collected by the Office for all costs associated therewith, including salaries, administrative expenses and other staffing costs; said fund to be maintained in a separate account, pursuant to M.G.L. Chapter 44, Section 53E ½ and expended under the direction of the Town Manager; the amount to be expended therefrom shall not exceed the amount of \$150,000.

Article 16. SPECIAL ACT – TRANSPORTATION FEES

Indefinitely postponed.

Article 17. (Withdrawn)

Article 18. STREET ACCEPTANCES

Unanimously Voted to accept the layout of Brookside Farm Lane from Landham Road to a dead end, a distance of 500 ft.+/-, as laid out by the Board of Selectmen in accordance with the description and plan on file in the Town Clerk's Office; to authorize the acquisition by purchase, by gift, or by a taking by eminent domain, in fee simple, of the property shown on said plan; and to appropriate the sum of \$300 to be raised by transfer of \$300 from Art. 12 (Street Acceptances) of the 2004 Annual Town Meeting for expenses in connection therewith.

Article 19. AMEND BYLAWS, ARTICLE V. 3. REGULATION OF DOGS

Unanimously Voted to amend Article V, Section 3, of the Town of Sudbury Bylaws at s.3-9, Kennel Registration, Licenses, and Fees, by changing the fee structure for kennel licensing fees to the following: Four (4) dogs - \$60.00; Five (5) to six (6) dogs - \$90.00; Seven (7) to ten (10) dogs - \$150.00; Eleven (11) dogs or more - \$175.00.

Article 20. ROUTE 20 SEWER SYSTEM DESIGN AND PERMITTING

Moderator declared Voted by more than two-thirds to appropriate the sum of \$1,000,000, for the engineering, design and permitting of the proposed Route 20 sewer system, including borrowing costs and expenses; and to raise this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$1,000,000 under General Laws c.44 § 7; all appropriation hereunder to be contingent upon the approval of a Proposition 2 ½ debt exclusion in accordance with General Laws, c.59 § 21C.

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

Moderator declared Voted by more than two-thirds to amend Article IX (the Zoning Bylaw), Section 4300 (Wireless Services Overlay District) as follows:

- Section 4330. Location, by deleting the first sentence reading “The Wireless Services Overly District shall include those parcels of land owned by the Town of Sudbury, which is held in the care, custody, management and control of the Board of Selectmen, Park & Recreation Commission, and parcels of land owned by the Sudbury Water District, as of the effective date of this Bylaw, as listed below:” and substituting the following: “The Wireless Services Overlay District shall consist of the following parcels of land:”
- Section 4345 to delete the word “or” between the words “cells or panels,” and add the words “equipment buildings or cabinets” after the word “panels”, so that section reads as follows:

“Changes in the capacity or operation of a wireless service facility which has previously received a special permit under this Bylaw, limited to an increase or decrease in the number of antennae, cells, panels, equipment buildings or cabinets, or the number of service providers (co-locators), shall be permitted, subject to Site Plan review under section 6300 of the Zoning Bylaw and authorization from the lessor of the property.”
- Add a new section 4336, which shall read as follows:

“4336. All property and buildings owned by the Town of Sudbury, exclusive of school buildings, school properties and cemeteries.”
- Delete section 4363 in its entirety.
- Section 4371 to add the words “and adjacent public roadways” at the end of that section so it reads as follows: “A color rendition of the proposed facility with its antenna and/or panels at the proposed location is required. One or more renditions shall also be prepared illustrating the visual effects of the facility from prominent areas and adjacent public roadways.”;
- Section 4351 to revise the section numbers in that provision to read: “4331-4336”.

Article 22. (Withdrawn)

Article 23. AMEND ZONING BYLAW, ARTICLE IX, USE TABLE – RETAIL USE IN INDUSTRIAL & LIMITED INDUSTRIAL DISTRICTS

Unanimously Voted to amend Article IX (the Zoning Bylaw), as follows:

Section 2230 (Table of Principal Use Regulations) by permitting use #C.11 (retail stores and services not elsewhere set forth) in Industrial and Limited Industrial Districts.

Article 24. (Withdrawn)

Article 25. DISSOLVE PERMANENT LANDSCAPE COMMITTEE

Unanimously Voted to dissolve the Permanent Landscape Committee established under Article 35 of the 1965 Annual Town Meeting.

Article 26. SALE OF LAND – HUDSON ROAD AND PINWOOD AVENUE

Unanimously Voted to authorize the Selectmen, acting on behalf of the inhabitants of the Town of Sudbury, to execute a deed or deeds conveying in fee simple the following described lands for a sum of no less than \$3,500 each, and upon such other terms as the Selectmen shall consider proper:

Land on Hudson Road, shown as Parcel 124 on Town Property Map F04 and containing 0.12 acres according to said Map;

Land on Pinewood Avenue, shown as Parcel 132 on Town Property Map F04 and containing 0.12 acres according to said Map.

Article 27. EXCHANGE OF LAND OFF PETER’S WAY WITH ABUTTER

Unanimously Voted to authorize and direct the Selectmen on behalf of the Town to execute a deed transferring a certain parcel of land owned by the Town, specifically Parcel – 3B consisting of approximately 45,284 s.f. located off Peter’s Way, a private way, as shown on “Plan of Land in Sudbury, Massachusetts”, last revised January 24, 2011, prepared by Sullivan, Connors and Associates, to Laura B. Abrams f/k/a McCarthy, Martha J. Keighley f/k/a Bartlett, and Dorothy M. Bartlett, Trustees of the JOC Trust, in exchange for a deed to the Town of Sudbury of Parcel – 1A on the aforementioned plan consisting of approximately two acres, said land to be used for cemetery purposes; said exchange is subject to subdivision approval of said plan pursuant to M.G.L. c.41 and the Town of Sudbury Planning Board Rules and Regulations governing the subdivision of land.

Article 28. COMMUNITY PRESERVATION FUND – CARDING MILL POND HARVESTING

Unanimously Voted to appropriate the sum of \$16,000 from the Community Preservation Funds, as recommended by the Community Preservation Committee, for the purpose of habitat restoration of the Carding Mill Pond over a four (4) year period. All appropriations will be allocated to the Open Space category and funded from FY12 Revenue.

Article 29. COMMUNITY PRESERVATION FUND – TOWN CLERK HISTORIC DOCUMENT PRESERVATION

Voted to appropriate the sum of \$117,000 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 Sudbury Historical Commission. All appropriations will be allocated to the Historic category and funded from FY12 Revenue.

Article 30. COMMUNITY PRESERVATION FUND – HISTORIC PROJECTS

Unanimously Voted to appropriate the sum of \$37,000 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of completing the following projects as recommended by the Sudbury Historical Commission: restore chimneys at Hosmer House; restore portions of the Wadsworth Cemetery gazebo; install a gravestone at Florence Hosmer’s gravesite; remove invasive plant species around the Revolutionary War Cemetery. All appropriations will be allocated to the Historic category and funded from FY12 Revenue.

Article 31. COMMUNITY PRESERVATION FUND – TOWN-WIDE WALKWAYS

Voted to appropriate the sum of \$100,000 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. All appropriations will be allocated to the Recreation category and funded from FY12 Revenue.

Article 32. COMMUNITY PRESERVATION FUND – SUDBURY HOUSING TRUST 10% ALLOCATION

Voted to appropriate \$190,000 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. All appropriations will be allocated to the Community Housing category and funded from FY12 Revenue.

Article 33. COMMUNITY PRESERVATION FUND – FAIRBANK FARM AGRICULTURAL PRESERVATION RESTRICTION

Moderator declared Voted by more than two-thirds to appropriate the sum of \$750,000 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purchase of development rights in the form of an Agricultural Preservation Restriction or other such restrictions provided under M.G.L. c.184 serving the same or similar purpose, on approximately 33 acres of land located off Old Sudbury Rd., known as the Fairbank Farm. Said appropriation to be allocated to the Open Space category and funded from unrestricted reserves.

Article 34. COMMUNITY PRESERVATION FUND – AMEND ARTICLE 31 OF THE 2008 TOWN MEETING, SUDBURY HOUSING AUTHORITY UNIT RECONSTRUCTION

Unanimously Voted to amend Article 31 of the 2008 Town Meeting by removing the time for completion of the project, as recommended by the Community Preservation Committee.

Article 35. COMMUNITY PRESERVATION FUND – GENERAL BUDGET AND APPROPRIATIONS

Unanimously Voted to appropriate the sums as recommended by the Community Preservation Committee, in the following Community Preservation budget for FY12 Community Preservation Surtaxes:

\$ 85,000 Administrative and Operating Costs
\$1,226,556 Debt Service

And further to reserve the following funds:

\$ 25,513 for Historic Preservation
\$ 102,931 for Budgeted Unrestricted CPC Uses

Article 36. REDUCE CPA SURCHARGE FROM 3% TO 1.5%

Indefinitely postponed.

Article 37. SPECIAL ACT – AMEND c.131 OF THE ACTS OF 1994 TO REPLACE TOWN MANAGER WITH TOWN ADMINISTRATOR

Indefinitely postponed.

Article 38. PURCHASE LAND OFF BRIMSTONE LANE

Moderator declared Defeated by more than a majority.

Article 39. RESOLUTION – STATE OF THE TOWN PUBLIC FORUM

Moderator declared Voted by more than a majority

Resolution –

- Whereas: The mission of the Town of Sudbury is to ensure the safety and well-being of the community, to protect and enhance the financial health, education excellence, and environmental quality of our Town;
- Whereas: The Board of Selectmen relies on the professionalism of Town staff and volunteers, and use of long-term, strategic planning and enhanced communications in Town governance;
- Whereas: The Board of Selectmen is dedicated to protecting and enhancing the unique sense of place found in Sudbury and protecting and encouraging tolerance and diversity;
- Whereas: The Board of Selectmen, as the chief policy making and governance body of the Town of Sudbury, provides leadership for staff, volunteers, residents and other stakeholders in the Town by advancing goals, programs and decisions/ resolutions that are based on the above;
- Whereas: There is no formal, public presentation discussing the progress, current status and path/requirements to completion of such goals, programs, decisions/resolutions;
- Therefore be it resolved that: The voters of Sudbury request The Board of Selectmen establish a policy whereby the Town Manager and Department Heads report, on a semi-annual basis the progress, current status and path/requirements to completion of such goals, programs, decisions/resolutions in an open, public “State of the Town” meeting.