

2012 Annual Town Meeting

May 7 and 8

The following is a summary of the actions taken by the 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: Francis J. Avery, Donald A. Bacon, Armando J. Caira, Robert G. Curtis, Barbara O'Toole Fitzgerald, Robert A. Gottberg, John J. Lacroix, Patricia M. Linton, John S. MacKinnon, Jr., Patrick J. McDermott, Helen J. McNally, Robert G. Mugford, Elizabeth W. Newton, Avis Price, Thomas Puchalskey, John O. Rhome, Jr., Shirlee J. Roessler, Iain H. Ryrie, Janet Hunter Smith, Ilene D. Whelpley, Virginia White and Anthony Zarella

Article 1. HEAR REPORTS

Voted to accept the reports of the Town boards, commissions, officers, and committees as printed in the 2011 Town Report or as otherwise presented, subject to the correction of errors, if any, where found.

Article 2. FY12 BUDGET ADJUSTMENTS

Unanimously Voted to amend the votes taken under Article 4, FY12 Operating Budget, of the 2011 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 400, Snow and Ice, a total of \$163,050 to be allocated to:

100 General Government	\$31,050;
200 Public Safety	\$44,000;
400 Public Works	\$70,000;
500 Human Services	\$18,000;

Transfer from 900, Unclassified Benefits, a total of \$194,941 to be allocated to:

300 Education, Sudbury Public Schools	\$178,500
300 Education, Minuteman Regional Vocational Technical High School	\$16,441

Article 3. STABILIZATION FUND

Unanimously Voted to indefinitely postpone.

Article 4. FY13 BUDGET LIMITING

Unanimously Voted that the amount appropriated under the FY13 Budget no override budget not exceed the sum of \$81,509,219

Article 4. FY13 BUDGET

Unanimously Voted to appropriate the sums of money set forth in the column "FY13 No Override" for FY13 as shown on the Viewgraph and the Finance Committee Town Meeting Handout 5/7/2012.

the following items to be raised and designated by transfer from available fund balances and interfund transfers:

from Ambulance Reserve for Appropriation Acct. to 200: Public Safety \$711,673; from Overlay Surplus to 100: General Government \$26,000; the sum of \$6,105,243 set forth as Sudbury Public Schools Employee Benefits to be immediately transferred and added to Item 900: Town Employee Benefits total will be \$10,525,613 to be expended under the Town Manager to transfer \$904,884 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 \$100,000 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 \$175,000; 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 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.

Article 5. FY13 CAPITAL BUDGET

Unanimously Voted to appropriate the sum of \$569,312 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 transfer of \$9,800 from Capital Budget Art. 5 of the 2009 Annual Town Meeting, by transfer of \$7,091 from Capital Budget Art. 5 of the 2011 Annual Town Meeting, and the sum of \$552,421 to be raised by taxation;

the sum of \$55,000 to be immediately transferred and added to Item 300: Sudbury Public Schools: Net appropriated under the FY13 No Override column of Article 4, FY13 Budget;

to allow the purchase of equipment hereunder by entering into lease-purchase agreements; and to authorize the Town Manager to allocate funds between the underlying departments as needed.

Article 6. FY13 TRANSFER STATION ENTERPRISE FUND BUDGET

Unanimously Voted to appropriate the sum of \$297,461 for the Transfer Station Enterprise Fund for FY13, and further to authorize use of an additional \$20,062 of Enterprise Fund receipts for indirect costs; such sums to be raised by \$317,523 in receipts of the Enterprise.

Article 7. FY13 POOL ENTERPRISE FUND BUDGET

Unanimously Voted to appropriate the sum of \$516,197 for the Pool Enterprise Fund for FY13; such sum to be raised from \$515,000 in receipts of the Enterprise and use of retained earnings of \$1,197 of the Enterprise; and further to authorize the use of an additional \$64,441, appropriated under Acct. 900, FY13 Town Employee Benefits, for indirect costs.

Article 8. FY13 RECREATION FIELD MAINTENANCE ENTERPRISE FUND AND BUDGET

Unanimously Voted to appropriate the sum of \$217,260 from the Recreation Field Maintenance Enterprise Fund for FY13; such sum to be raised from \$189,000 in receipts of the Enterprise and use of retained earnings of \$28,260 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, of Chapter 59, Section 5, pursuant to Chapter 73, Section 4, of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988 for fiscal year 2013.

Article 12. TOWN/SCHOOL REVOLVING FUNDS

Unanimously Voted to authorize for FY13 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 Amount</u>
Plumbing & Gas Inspectional Services	Building Inspector	\$ 45,000
Portable Sign Administration & Inspectional Services	Building Inspector	\$ 10,000
Conservation (Trail Maintenance)	Conservation Commission	\$ 5,000
Conservation (Wetlands)	Conservation Commission	\$ 35,000
Council on Aging Activities	Council on Aging	\$ 35,000
Council on Aging Van		
Transportation (MWRTA)	Council on Aging	\$ 70,000
Cemetery	DPW Director	\$ 20,000
Fire Department Permits	Fire Department	\$ 45,000
Goodnow Library	Goodnow Library	\$ 10,500
Recreation Programs	Park and Recreation Commission	\$ 582,000
Teen Center	Park and Recreation Commission	\$ 20,000
Youth Programs	Park and Recreation Commission	\$ 50,000
Bus	Sudbury Public Schools	\$ 450,000
Instrumental Music	Sudbury Public Schools	\$ 75,000
Cable Television	Town Manager	\$ 30,000
Regional Housing Services	Town Manager	\$ 150,000
Rental Property	Town Manager	\$ 40,000
Dog	Treasurer/Collector	\$ 50,000
Treasurer/Collector Passport Fees	Treasurer/Collector	\$ 13,000
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. STABILIZATION FUND ESTABLISHMENT – MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT

Defeated

Article 14. TOWN CENTER TRAFFIC IMPROVEMENTS

Unanimously Voted to indefinitely postpone

Article 15. FIRE DEPARTMENT SAFETY EQUIPMENT PURCHASE

Unanimously Voted to appropriate the sum of \$22,000 and to raise this appropriation by transfer of \$22,000 from Article 5 of the 2009 Annual Town Meeting Capital Budget for the purpose of meeting a 5% funding match and upgrading to additional safety options for equipment to be acquired through a FEMA Assistance to Firefighters Grant for funding for a new Self Contained Breathing Apparatus (SCBA) for the Fire Department

Article 16. (Withdrawn)

Article 17. ROOF REPLACEMENT AND REPAIR – NIXON ELEMENTARY SCHOOL, MSBA PROGRAM

Unanimously Voted to indefinitely postpone

Article 18. NATATORIUM HVAC & ASSOCIATED ROOFING

Unanimously Voted to appropriate the sum of \$300,000, to be expended under the direction of the Permanent Building Committee for the purpose of constructing, reconstructing, or making extraordinary repairs to the Atkinson

Pool, and roof area #2 at the Fairbank Community Center/Pool Complex, and all expenses therewith including professional and engineering, the preparation of plans, specifications and bidding documents, and supervision of work, said sum to be raised by transfer of the following funds:

\$72,559 from 900: Town Employee Benefits, FY12 Operating Budget, Article 4 of the 2011 ATM; \$27,441 from 200: Public Safety, Building Department, FY12 Operating Budget, Article 4 of the 2011 ATM; and \$200,000 from 900: Town-wide Operating & Transfer, Town Reserve Account, FY12 Operating Budget, Article 4 of the of the 2011 ATM.

Article 19. TOWN AND SCHOOL ROOFS

Unanimously Voted to indefinitely postpone

**Article 20. AMEND ZONING BYLAW, ART. IX, APPENDIX A -
UPDATE DEFINITION OF AGRICULTURAL USE**

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

Appendix A, use #B.6 (Exempt and Institutional Uses), to change the words “on a parcel of more than five acres in area” to “in accordance with M.G.L. c. 40A, s.3”.

**Article 21. AMEND ZONING BYLAW, ART. IX, SECTION 2313 AND APPENDIX A -
REGULATE RAISING OF ROOSTERS**

Defeated

**Article 22. AMEND ZONING BYLAW, ART. IX, SECTION 5331 - REVISE MINIMUM TRACT
SIZE FOR SENIOR RESIDENTIAL DEVELOPMENTS**

Moderator Declared Voted By More Than Two-Thirds to amend Article IX (the Zoning Bylaw), as follows:

Section 5331 (Senior Residential Community – Tract Qualifications) by substituting the number “10” for the number “20” in that section, effectively changing the allowable size of such developments from 20 acres to 10 acres.

Article 23. AMEND BYLAWS, ARTICLE V (F) – STORMWATER MANAGEMENT BYLAW

Unanimously Voted to amend the Town of Sudbury Bylaws, Article V (F) (Stormwater Management Bylaw), as follows:

- A. Section 5.B.2 (General Stormwater Management Permit (GSMP) Thresholds) by deleting the words “including paving, repaving or resurfacing, of from 500 square feet to 2,000 square feet” and substituting “including paving or resurfacing of any pervious surface, of from 500 square feet to 5,000 square feet” so that section reads as follows:

5.B.2 Disturbance or alteration, including paving or resurfacing of any pervious surface, of from 500 square feet to 5,000 square feet of land in a commercial, industrial, institutional or exempt use provided there is no net increase in impervious surface; unless such use is an existing non-conforming use prohibited under Section 4242 of the Town of Sudbury Zoning Bylaw (Water Resource Protection District).

- B. Section 5.B.3 to add the word “sewer or septic,” after the word “water” so that section reads as follows:

5.B.3 Construction or maintenance and repair of utility lines (gas, water, sewer or septic, electric, telephone, etc.) other than drainage lines or systems, which will alter terrain, ground cover, or drainage patterns.

- C. Section 5.C.4 by changing the number “200” to “1,000” so that section reads as follows:

5.C.4 Any activity, including clearing or removal of vegetation, that will disturb or alter 1,000 square feet or more of land in areas with 20% or greater slopes.

D. Section 5.C.5 by deleting that paragraph in its entirety and replacing it with the following:

5.C.5 Any activity, including paving or resurfacing of any pervious surface, on any parcel of land in a commercial, industrial, institutional or exempt use that will disturb or alter greater than 5,000 square feet of land.

E. Section 5.D. by adding a new #4 and renumbering the sections thereafter, which reads:

5.D.4 Normal maintenance of Town roads, walkways and other infrastructure.

F. Section 4.A by adding the words “hereby known as the “Reviewing Agent” at the end of that section.

G. Sections 4.E, 4.F and 4.G by adding the words “or its Reviewing Agent” after the words “Planning Board” throughout those sections.

Article 24. COMMUNITY PRESERVATION FUND – TOWN HALL ARCHITECTURAL AND DESIGN STUDY

Moderator Declared Overwhelmingly Voted to appropriate \$50,000 from the Community Preservation Act funds, as recommended by the Community Preservation Committee, for the purpose of completing an architectural and design study of the Town Hall for the renovation, including historic rehabilitation and restoration, of the building. All appropriations will be allocated to the Historic category and funded from FY13 Revenue.

Article 25. COMMUNITY PRESERVATION FUND – TOWN CENTER LANDSCAPING RESTORATION

Unanimously Voted to indefinitely postpone

Article 26. COMMUNITY PRESERVATION FUND – HISTORIC PROJECTS

Unanimously Voted to appropriate \$67,000 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: install a fire suppression system at the Hosmer House; restore timbers and wooden gate at the Town Pound; and survey no less than ten (10) Old Homes as directed by the Massachusetts Historical Commission. All appropriations will be allocated to the Historic category and funded from Historic reserves.

Article 27. COMMUNITY PRESERVATION FUND – TOWN-WIDE WALKWAYS

Unanimously Voted to appropriate \$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 FY13 Revenue.

Article 28. COMMUNITY PRESERVATION FUND – TOWN CLERK HISTORIC DOCUMENT PRESERVATION

Unanimously Voted to appropriate \$106,000 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 Historic reserves

Article 29. COMMUNITY PRESERVATION FUND – SUDBURY HOUSING TRUST 10% ALLOCATION

Voted to appropriate \$200,000 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 FY13 Revenue.

**Article 30. COMMUNITY PRESERVATION FUND –PANTRY BROOK FARM
PRESERVATION RESTRICTION**

Unanimously Voted to approve the recommendation of the Community Preservation Committee and appropriate the sum of \$7,822,500 from Community Preservation Act Funds for the purpose of purchasing development rights to 94+/- acres of land known as Pantry Brook Farm and lying on both sides of Concord Road at 652 and 667 Concord Road, (shown as Parcels 0200 and 0201 on Assessors Map E10) and for all expenses connected therewith including bond and note issuance expense; and to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$7,822,500 under M.G.L. c.44B, s.11 and M.G.L. c.44, s.7(3) or any other enabling authority; and that the Board of Selectmen, Town Manager and Conservation Commission are authorized to take any other action necessary to carry out this project including execution of a permanent Conservation Restriction or other similar form of permanent restriction pursuant to M.G.L. c. 184, s. 32 for permanent conservation, agriculture and public passive recreation under the control of the Conservation Commission and Sudbury Valley Trustees, and submittal of grant applications under the Self-Help Act (MGL c. 132A, s. 11) or any other applications for funds in any way connected with the scope of this project, and to enter into and execute any and all agreements, contracts and instruments as may be necessary on behalf of the Town of Sudbury to affect such project. All appropriations shall be allocated to the category of Open Space.

**Article 31. COMMUNITY PRESERVATION FUND – PURCHASE AND RESTORE PROPERTY,
15 HUDSON ROAD**

Moderator Declared Passed By Greater Than Two-Thirds Vote to appropriate the sum of \$300,000 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of purchasing in fee simple the property located at 15 Hudson Road containing approximately one acre of land (shown as Parcel 0003 on Assessors Map H09), and demolition of the structure thereon, subject to all rights and easements, to be used for historic, recreation or open space purposes allowable under the Community Preservation Act; said appropriation to be allocated to Historic and Recreation categories and funded from FY13 revenue.

**Article 32 COMMUNITY PRESERVATION FUND – AMEND ARTICLE 43 OF THE 2006 ATM,
SUDBURY HOUSING AUTHORITY UNIT BUY-DOWN**

Unanimously Voted to amend Article 43 of the 2006 Annual Town Meeting which authorized the expenditure of \$360,000 for the purchase by the Sudbury Housing Authority of housing units within the Town for use as affordable rental residences, expending no more than \$90,000 on any one unit. The amendment seeks to increase the per-unit subsidy so that no more than \$180,000 per unit can be expended under this article, as recommended by the Community Preservation Committee

**Article 33. 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 FY13 Community Preservation Surtaxes:

\$82,750 Administrative and Operating Costs, \$1,171,498 Debt Service

And to transfer the sum of \$4,350,000 from Unrestricted Reserves to Debt Service;

And further to reserve the following funds: \$47,752 for Budgeted Unrestricted CPC Uses.

**Article 34. RESOLUTION (NON-BINDING): RAIL TRAIL – CONCORD TOWN LINE TO
UNION AVENUE**

Voted to advise the Selectmen to create a recreational rail trail more or less on the old rail right of way in Sudbury known as the Bruce Freeman Rail Trail (BFRT).

**Article 35. RESOLUTION (NON-BINDING): RAIL TRAIL – 0.5 MILE PORTION, RT. 117
(NORTH ROAD) AT DAVIS FIELD TO CONCORD TOWN LINE**

Voted to advise the Selectmen to move forward with designing a 0.5 mile segment of the Bruce Freeman Rail Trail (BFRT) in north Sudbury from Rt. 117 at Davis Field to the Concord Town border.

Summary of 2012 Special Town Meeting

September 24, 2012

Article 1. ROOF REPLACEMENT AND REPAIR- NIXON ELEMENTARY SCHOOL

Moderator Declared Voted by More Than Two-Thirds to appropriate the amount of eight hundred and eight thousand dollars (\$808,000) for the purpose of paying costs of partial roof repair/replacement at the General John Nixon Elementary School, 472 Concord Road, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town of Sudbury has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Permanent Building Committee/School Building Committee. To meet this appropriation the Treasurer is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town of Sudbury acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town of Sudbury incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town of Sudbury; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2 ½); and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed by the Town of Sudbury and the MSBA.

Article 2. FAIRBANK COMMUNITY CENTER ROOF PROJECT

Defeated

Article 3. COMMUNITY PRESERVATION FUND-ADDITIONAL FUNDS FOR PURCHASE OF 15 HUDSON ROAD

Voted to appropriate \$18,000 of Community Preservation Act Funds for the purpose of increasing the appropriation for the purchase of property located at 15 Hudson Road. All appropriations will be allocated equally to the Open Space and Historic categories and funded from FY13 revenue.

Article 4. SPECIAL ACT - REVISE c. 131 OF THE ACTS OF 1994 TO INCREASE SELECTMEN MEMBERSHIP TO 5

Moderator Declared Overwhelmingly Voted to petition the Great and General Court of the Commonwealth of Massachusetts to revise Part III, Section 5 (a) of Chapter 131 of the Acts of 1994 by substituting the following: "There shall be a Board of Selectmen composed of five members elected for terms of three years each. At the next ensuing election held as part of the Annual Town Meeting after approval of the Special Act, three Selectmen shall be elected, one for two years, and two for three years, and thereafter electing their successors for three years."; said legislation to take effect without further submissions to a Town Meeting.

Article 5. CHEMICAL USE ON PROPERTY

Voted that the Town of Sudbury request that their State Representatives and Senators file legislation that will require: the Utilities to only place on their property chemicals approved by the Board of Health and/or the Towns Health Officer, but only after a public hearing and written approval from said authority to use such chemical; if any chemicals have been used in the past then the Utility must clean up said site to the approval of the Board of Health and/or the Towns Health Officer; and copies of all filings that are now required OF THE UTILITIES by the present State Department of Agricultural Resources (DAR) shall be sent to the Board of Selectmen, as well as the Board of

Health and/or the Town's Health Officer. The draft of such legislation need not be submitted to town meeting for its approval before being submitted to the General Court.

Article 6. ELIMINATION OF UNFUNDED FEDERAL AND STATE MANDATES

Defeated