

2013 Annual Town Meeting May 6, 7 and 8

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: Clayton F. Allen, Barbara E. Bell, Yvonne Fox, Rebecca N. Hedin, Diane Lee (Brown) Horne, Virginia Howard, Elisabeth A. Kopp, David S. Parr, Dianne Elisabeth Pullo, Peter G. Sullivan, Margaret L. Tristan, Warren J. Wright

Article 1. HEAR REPORTS

Voted to accept the reports of the Town boards, commissions, officers, and committees as printed in the 2012 Town Report or as otherwise presented, subject to the correction of errors, if any, where found.

Article 2. FY13 BUDGET ADJUSTMENTS

Unanimously voted to amend the votes taken under Article 4, FY13 Operating Budget, of the 2012 Annual Town Meeting, by transfer from (200) Public Safety to Ambulance Reserve for Appropriation Fund \$30,000.

Article 3. STABILIZATION FUND

Voted by more than two-thirds to transfer the sum of \$2,091,051 from Free Cash, 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.

Article 4. FY14 BUDGET LIMITING

Unanimously voted that the amount appropriated under the FY14 No Override budget not exceed the sum of \$83,719,917.

Article 4. FY14 BUDGET

Unanimously voted that the Town appropriate the sums of money set forth in the column "FY14 No Override", for FY14;

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 \$762,745; the sum of \$5,661,658 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 \$9,970,195, to be expended under the Town Manager;

and to authorize the Town Manager to transfer \$976,405 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;

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 s12 upon determination by the Chief Procurement Officer to be the most advantageous option.

EXPENDITURES	FY13 Appropriated	FY14 No Override (Warrant)	FY14 No Override (Town Meeting)	Diff
300: Sudbury Public Schools: Net	30,488,482	31,920,098	31,920,098	-
300: SPS Employee Benefits (1)	6,105,243	5,661,658	5,661,658	-
300: SPS Employee Benefits Reserve (2)	-	-	-	-
Sub-total SPS Net	36,593,725	37,581,756	37,581,756	-
300: LS Operating Assessment: Net	18,694,852	19,540,532	19,791,903	251,371
300: LS Operating Debt Service Assessment	2,139,028	1,946,994	1,946,994	-
Sub-total LS Assessments Net	20,833,880	21,487,526	21,738,897	251,371
300: Minuteman Regional Assessment	274,416	444,837	444,837	-
Total: Schools	57,702,021	59,514,119	59,765,490	251,371
100: General Government	2,475,679	2,549,815	2,549,815	-
200: Public Safety (3)	6,581,384	6,948,250	6,948,250	-
400: Public Works	4,598,518	4,809,309	4,809,309	-
500: Human Services	570,289	598,570	598,570	-
600: Culture & Recreation	1,171,878	1,199,228	1,199,228	-
900: Town Employee Benefits	4,420,370	4,308,537	4,308,537	-
900: Town-wide Operating & Transfer	366,136	397,699	397,699	-
1000: SPS/Town Emp Benefits Reserve	75,000	-	-	-
Total: Town Departments	20,259,254	20,811,408	20,811,408	-
700: Town Debt Service	3,798,521	3,143,019	3,143,019	-
TOTAL: OPERATING BUDGET	81,759,796	83,468,546	83,719,917	251,371
(not including Capital or Enterprise Funds)				
1 To be transferred to 900: Town Employee Benefits				
2 To be transferred to 1000: SPS/Town Employee Benefits Reserve				
3 Ambulance reserve funds to be transferred to 200: Public Safety (direct revenue offset)				

Article 5. FY14 CAPITAL BUDGET

Unanimously voted to appropriate the sum of \$284,062 for the purchase or acquisition of capital items including but not limited to capital equipment, payments of existing lease-purchases, construction, engineering, design and renovation to buildings; said sum to be raised by taxation; 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. FY14 TRANSFER STATION ENTERPRISE FUND BUDGET

Unanimously voted to appropriate the sum of \$426,357 for the Transfer Station Enterprise Fund for FY14, and further to authorize use of an additional \$21,567 of Enterprise Fund receipts for indirect costs; such sums to be raised by \$325,000 in receipts of the Enterprise, and \$122,924 in Retained Earnings.

Article 7. FY14 POOL ENTERPRISE FUND BUDGET

Unanimously voted to appropriate the sum of \$539,808 for the Pool Enterprise Fund for FY14; such sum to be raised from \$515,000 in receipts of the Enterprise and use of retained earnings of \$24,808 of the Enterprise.

Article 8. FY14 RECREATION FIELD MAINTENANCE ENTERPRISE FUND AND BUDGET

Unanimously voted to appropriate the sum of \$207,722 from the Recreation Field Maintenance Enterprise Fund for FY14; and to authorize use of an additional \$22,500 of Enterprise Fund receipts for indirect costs; such sums to be raised from \$190,000 in receipts of the Enterprise and use of retained earnings of \$40,222 of the Enterprise.

Article 9. UNPAID BILLS

Indefinitely postponed.

Article 10. SPECIAL ACT – DEDICATION OF LOCAL MEALS TAX REVENUE TO OTHER POST EMPLOYMENT BENEFITS (OPEB)

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

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 2014.

Article 13. ACCEPT CH. 59, s.5N – VETERANS PROPERTY TAX ABATEMENT

Voted to accept the provisions of Massachusetts General Laws Chapter 59 Section 5N added by Chapter 108 Section 8A of the Acts of 2012, providing for reduction in tax obligations of veterans in exchange for volunteer services to the Town.

Article 13. TOWN/SCHOOL REVOLVING FUNDS

Unanimously voted to authorize for FY14 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	\$70,000
Bus	Sudbury Public Schools	\$450,000
Instrumental Music	Sudbury Public Schools	\$100,000
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	\$16,000
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 15. (Withdrawn)

Article 16. CONSTRUCT POLICE HEADQUARTERS

Voted by more than two-thirds to appropriate the sum of \$627,000, to be expended under the direction of the Permanent Building Committee, for professional and engineering services relative to the design of a new Police Headquarters including a storage building and all other appurtenances thereto to be constructed on Town-owned land on Hudson Road and all expenses therewith including preparation of plans, specifications and bidding documents, and borrowing costs including bond and note issue expense, and to raise this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$627,000 under M.G.L. c.44 § 7; all appropriations hereunder to be contingent upon the approval of a Proposition 2 ½ Debt Exclusion in accordance with G.L. c.59 § 21C.

Article 17. FAIRBANK COMMUNITY CENTER COMPLEX – MASTER PLAN

Voted to appropriate the sum of \$10,000 to be expended under the direction of the Permanent Building Committee and raised by transfer of \$10,000 from Article 18 of the 2012 Annual Town Meeting, for the purpose of obtaining a master plan with needs assessment/marketing analysis, including identification of current conditions, for the entirety of the Fairbank building complex with the goal of producing a conceptual/schematic design for a renovated, including demolition where necessary, potentially expanded facility accommodating desired program changes with a construction budget.

Article 18. FAIRBANK CENTER ROOF PROJECT

Unanimously voted to appropriate the sum of \$50,000 to be expended for the purpose of making repairs to selected portions of the flat roof areas labeled 3, 4 and 6 on the Russo Barr Roof Plan at the Fairbank Community Center and all expenses connected therewith including professional and engineering, the preparation of plans, specifications and bidding documents; said sum to be raised by transfer of \$50,000 from Article 18 of the 2012 Annual Town Meeting.

Article 19. TOWN CENTER TRAFFIC IMPROVEMENTS

Voted to appropriate, the sum of \$700,000 to be raised by taxation and expended under the direction of the Town Manager for construction of traffic improvements to the Town Center and all expenses therewith including professional and engineering, the preparation of plans, specifications and bidding documents, supervision of work and borrowing costs; all appropriation hereunder to be contingent upon the approval of a Proposition 2 ½ Capital Expenditure Exclusion in accordance with G.L. c59 s.21C (i ½).

Article 20. PILOT AGREEMENT – SOLAR PROJECT AT LANDFILL SITE

Unanimously voted to authorize and approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Town Manager and the Energy Committee with the selected solar project developer for the planned solar electric generating facilities to be located at the former Sanitary Landfill Site off Boston Post Road, and to authorize the Selectmen to submit a Special Act therefor to the Great and General Court if enabling legislation is necessary.

Article 21. PILOT AGREEMENT – SOLAR PROJECT AT LINCOLN-SUDBURY REGIONAL HIGH SCHOOL

Unanimously voted to approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Lincoln-Sudbury Regional School Committee and Superintendent /Principal with the selected solar project developer for proposed solar energy generating facilities to be located at 390 Lincoln Road in Sudbury at the Lincoln-Sudbury Regional High School, if necessary approved by the Board of Assessors and to authorize the Selectmen to submit a Special Act therefor to the Great and General Court if enabling legislation is necessary.

Article 22. AMEND TOWN OF SUDBURY BYLAWS, ARTICLE XXV, CAPITAL PLANNING

Voted to amend the Town of Sudbury Bylaws, Article XXV, Capital Planning, by deleting Article XXV in its entirety and substituting therefor the following:

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.

Section 2. The CIAC shall study proposals from the Sudbury Town Manager, Sudbury Public Schools and the Lincoln-Sudbury Regional High School or their representatives which involve major tangible items with a total project cost of more than \$50,000 in a single year or over \$100,000 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.

**Article 23. AMEND TOWN OF SUDBURY BYLAWS, ARTICLE XXV, CAPITAL PLANNING –
LSRHS INCLUSION**

Indefinitely postponed

Article 24. ENERGY SERVICES COMPANY ENERGY IMPROVEMENT PROGRAM

Indefinitely postponed

**Article 25. AMEND ZONING BYLAW, ART. IX, SEC. 5336(d) AND 5435(c) TO INCREASE
MAXIMUM ALLOWABLE NUMBER OF ONE-BEDROOM UNITS IN SR.
RESIDENTIAL DEVELOPMENTS AND INCENTIVE SENIOR DEVELOPMENTS**

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

Section 5336(d) (Senior Residential Community – Building and Dwelling Unit Requirements/ Maximum Number of Bedrooms) and Section 5435(c) (Incentive Senior Development - Building and Dwelling Unit Requirements) by substituting the words “twenty-five percent (25%)” for the words “ten percent (10%)” in those sections, so those sections read:

5336(d): No dwelling unit in a SRC shall contain more than three bedrooms. No more than twenty-five percent (25%) of the total units in a SRC shall have fewer than two bedrooms.

5435(c): No dwelling unit in an Incentive Senior Development shall contain more than two (2) bedrooms. No more than twenty-five percent (25%) of the total units in an Incentive Senior Development shall have fewer than two bedrooms.

**Article 26. AMEND ZONING BYLAW, SECTION 6330, SITE PLAN PROCEDURES -CHANGE
VOTING REQUIREMENT**

Voted by more than two-thirds to amend Article IX (the Zoning Bylaw), as follows:

Amend Section 6330, Site Plan Procedures, to replace the word “unanimous” with the word “majority”.

Article 27. (Withdrawn)

Article 28. AMEND ZONING BYLAW, SECTION 2326, ACCESSORY STRUCTURES (SHEDS)

Indefinitely postponed

Article 29. AMEND ZONING BYLAW, SECTION 4500 WASTEWATER TREATMENT FACILITIES - DELETE SECTION IN IN ITS ENTIRETY

Indefinitely postponed

Article 30. AMEND ZONING BYLAW, TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

Voted by more than two-thirds to amend the Town's Zoning Bylaw by adding a new Section 8000, TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS that would provide as follows:

8000. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

8100. PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town of Sudbury and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

8200. DEFINITION

"Medical Marijuana Treatment Center" shall mean a "not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

8300. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

Article 31. COMMUNITY PRESERVATION FUND – AMEND ARTICLE 38 OF THE 2006 ANNUAL TOWN MEETING, CARDING MILL POND/STEARNS MILL POND INVASIVE WEED REMOVAL

Voted to amend Article 36 of the 2006 Annual Town Meeting by expanding the use of those funds to include habitat restoration of Stearns Mill Pond as well as Carding Mill Pond, and to remove the time limitation for use of the funds, as recommended by the Community Preservation Committee.

Article 32 COMMUNITY PRESERVATION FUND – TOWN-WIDE WALKWAYS

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, or act on anything relative thereto. All appropriations will be allocated to the Recreation category and funded from FY14 Revenue.

Article 33. COMMUNITY PRESERVATION FUND – AMEND ARTICLE 27 OF 2004, REVOLUTIONARY WAR CEMETERY

Voted amend Article 27 of the 2004 Annual Town Meeting to allow use of funds appropriated under this article to be expanded for survey and restoration of historic gravesites at all Town Cemeteries.

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

Voted to appropriate the sum of \$202,500 appropriated from Community Preservation Act Funds FY14 Revenue, and the sum of \$140,296 funded from Restricted Reserves for Housing, 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.

Article 35. COMMUNITY PRESERVATION FUND – HISTORIC PROJECTS

Voted to appropriate the sum of \$52,300 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of completing the following projects as proposed and recommended by the Sudbury Historical Commission: paint the exterior of the Hosmer House and window restoration; historic map restoration and document preservation; install signage at Town cemeteries; invasive plant removal in Town Center; and installation of a kiosk at the Hearse House, or act on anything relative thereto. All appropriations will be allocated to the Historic category and funded from Historic Reserves.

Article 36. COMMUNITY PRESERVATION FUND – HISTORIC TOWN CENTER LANDSCAPING AND RESTORATION

Voted to appropriate the sum of \$100,000 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for landscaping and restoration as part of the Town Center intersection project. All appropriations will be allocated equally to the Open Space, Recreation and Historic categories and funded from FY14 Revenue.

Article 37. COMMUNITY PRESERVATION FUND – LSRHS SOFTBALL FIELD AND DAVIS/FEATHERLAND FIELD DESIGN

Voted to approve the recommendation of the Community Preservation Committee to appropriate \$336,000 for the following projects: (1) \$256,000 for the purpose of reconstructing the women's softball field on the property of the Lincoln-Sudbury Regional High School, subject to the Town entering into a mutually satisfactory Inter-Municipal Agreement with the Lincoln-Sudbury Regional School District regarding Town use of the softball field prior to release of the appropriated funds and submittal to the Community Preservation Committee of an itemized accounting of the project costs upon final expenditure of the Sudbury CPA funds; (2) \$30,000 for engineering and design services to reconfigure Featherland Field; and (3) \$50,000 for engineering and design services to reconfigure Davis Field. All appropriations will be allocated to the Recreation category and funded from FY14 revenue.

Article 38. 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 FY14 Community Preservation Surtaxes:

\$ 80,000	Administrative and Operating Cost
\$1,136,657	Debt Service

and further to reserve the following funds:

\$ 86,147	for Historic Reserves
-----------	-----------------------

Article 39. AMEND BYLAWS, ART. V, PUBLIC SAFETY, SECTION 8 – DISCHARGE OF FIREARMS

Defeated

Article 40. AMEND TOWN BYLAWS, ART. II, GOVERNMENT OF TOWN MEETING - ADD NEW SECTION, BUDGET CHANGES

Defeated

Article 41. AMEND TOWN BYLAWS, ART. III, TOWN AFFAIRS - ADD NEW SECTION, SEMI-ANNUAL TOWN FORUM

Voted to amend the Town Bylaws Article III, Town Affairs, by adding the following Section:

Section 11. The Town will conduct a Town Forum on an annual (minimum requirement) basis. The Forum will be an open, public meeting for Town residents. The Town Forum will provide a planned, scheduled opportunity for constructive engagement between the Town and residents. The Town participants/panel will include, but not be limited to all department heads, committee chairpersons and Trust chairpersons. One member of the Town panel will act as moderator. The moderator will facilitate and manage questions from Town residents to the appropriate panel member for response. 2 ½ hours will be scheduled for each Forum. Forums may be adjourned earlier by majority vote of the participating residents.

Article 42. AMEND TOWN BYLAWS, ART. III, TOWN AFFAIRS - ADD NEW SECTION 10, CHAIRMANSHIP

Defeated

Article 43. AMEND TOWN BYLAWS, ART. IV, FINANCE COMMITTEE, SECTION 5 - EXPANDED REPORTING

Defeated