

2017 Annual Town Meeting

May 1 and 2

IN MEMORIAM RESOLUTION

Moderator declared 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: Robert C. Albee, Ruth Hall Forbes, Sandra T. Hall, Royal E. Haynes, Jr., Paul A. Hurd, Sr., Raymond S. Martin, Ann E. Mosher, Harriet P. Ritchie, Donel Roberts, Sr., Virginia Marie Trocchi, Mary H. Norton Walsh, Margaret Whittemore and Leon Zola.

Article 1. HEAR REPORTS

Moderator declared unanimously voted to accept the reports of the Town boards, commissions, officers and committees as printed in the 2016 Town Report or as otherwise presented, subject to the correction of errors, if any, where found.

Article 2. FY16 BUDGET ADJUSTMENTS

Moderator declared indefinitely postponed.

Article 3. FY18 BUDGET LIMITING

That the amount appropriated under the Fiscal Year 2018 Budget not exceed the sum of \$95,474,975.

Article 3. FY18 BUDGET

Moderator declared voted by well more than a majority that the Town appropriate the sums of money set forth in the column "FY18 Override" for Fiscal Year 2018 as printed in the handout, provided that, of this amount, the appropriation of \$1,077,270 in the amounts and for the line items as listed in the column "Override Request" is appropriated expressly contingent upon the approval of a Proposition 2 ½ override at a town election:

said sums to be raised by transfer of \$282,359 from Free Cash and the remainder to be raised by taxation and receipts, except that the following items to be raised and designated, by transfer from available fund balances and interfund transfers:

from Ambulance Reserve for Appropriation Account to (200) Public Safety, \$659,912; the sum of \$6,730,875 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 \$11,803,118, to be expended under the Town Manager; the sum of \$291,477 set forth as Sudbury Public Schools OPEB Normal Cost to be immediately transferred and added to item 1000: (SPS/Town) OPEB Normal Cost, so that the OPEB Normal Cost total will be \$471,036; and to authorize the Town Manager to transfer \$1,165,151 of the funds from item 900 Employee Benefits and \$471,036 from item 1000 (SPS/Town) OPEB Normal Cost 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 multi-year contracts in excess of three years either by renewal, extension, or purchase options in accordance with the provisions of Massachusetts General Laws chapter 30B section 12 upon determination by the Chief Procurement Officer to be the most advantageous option.

said sums to be raised by transfer of \$225,000 from Free Cash and the remainder to be raised by taxation except that 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, \$641,912; the sum of \$6,156,384 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 \$10,935,429, to be expended under the Town Manager; the sum of \$194,328 set forth as Sudbury Public Schools OPEB Normal Cost to be immediately transferred and added to item 1000: (SPS/Town) OPEB Normal Cost, so that the OPEB Normal Cost total will be \$314,094; and to authorize the Town Manager to transfer \$1,117,907 of the funds from item 900 Employee Benefits and \$314,094 from item 1000: (SPS/Town) OPEB Normal Cost 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 § 12 upon determination by the Chief Procurement Officer to be the most advantageous option.

EXPENDITURES		FY18 Recommended	Override Request	FY18 Override
300: Sudbury Public Schools: Net		35,480,969	675,078	36,156,047
300: SPS Employee Benefits (1)		6,730,875	-	6,730,875
300: SPS OPEB Normal Cost (2)		291,477	-	291,477
	Sub-total SPS Net	42,503,321	675,078	43,178,399
300: LS Operating Assessment: Net		22,813,695	-	22,813,695
300: LS OPEB Normal Cost Assessment		308,380	-	308,380
300: LS Operating Debt Service Assessment		576,687	-	576,687
	Sub-total LS Assessments Net	23,698,762	-	23,698,762
300: Vocational Education		754,226	-	754,226
	Total: Schools	66,956,309	675,078	67,631,387
100: General Government		2,893,759	-	2,893,759
200: Public Safety (3)		7,598,771	494,833	8,093,604
400: Public Works		5,358,109	-	5,358,109
500: Human Services		732,771	-	732,771
600: Culture & Recreation		1,305,443	-	1,305,443
900: Employee Benefits		5,072,243	-	5,072,243
900: Other & Transfers		847,691	(92,641)	755,050
1000: OPEB Normal Cost (2)		179,559	-	179,559
	Total: Town Departments	23,988,346	402,192	24,390,538
700: Town Debt Service		3,453,050	-	3,453,050
TOTAL: OPERATING BUDGET		94,397,705	1,077,270	95,474,975
(not including Capital or Enterprise Funds)				
1	To be transferred to 900: Town Employee Benefits			
2	To be transferred to 1000: SPS/Town Normal Cost for OPEB			
3	Ambulance reserve funds to be transferred to 200: Public Safety (direct revenue offset)			

Article 4. FY18 CAPITAL BUDGET

Moderator declared voted by well more than a majority to appropriate the sum of \$413,190 for the purchase or acquisition of capital items including but not limited to capital equipment, construction, engineering, design, and renovation to buildings; said sum to be raised by taxation; and to authorize the Town Manager to allocate funds as needed between the underlying departments as shown in the following chart:

FY18 Operating Capital Article by Department

Fire	\$ 40,000
DPW	\$ 37,190
DPW/Engineering	\$ 38,000
Facilities	\$150,000
Facilities/SPS	\$123,000
Facilities/Curtis	\$ 25,000
TOTAL	<u>\$413,190</u>

Article 5. FY18 TRANSFER STATION ENTERPRISE FUND BUDGET

Moderator declared unanimously voted to appropriate the sum of \$297,392 for the Transfer Station Enterprise Fund for FY18, and further to authorize use of an additional \$16,700 of Enterprise Fund receipts for indirect costs; such sums to be raised by \$314,092 in receipts of the Enterprise.

Article 6. FY18 POOL ENTERPRISE FUND BUDGET

Moderator declared unanimously voted to appropriate the sum of \$574,434 for the Pool Enterprise Fund for FY18; such sum to be raised from \$574,434 in receipts of the Enterprise.

Article 7. FY18 RECREATION FIELD MAINTENANCE ENTERPRISE FUND BUDGET

Moderator declared unanimously voted to appropriate the sum of \$217,762 for the Recreation Field Maintenance Enterprise Fund for FY18; and to authorize use of an additional \$22,575 of Enterprise Fund receipts for indirect costs; such sums to be raised from \$240,337 in receipts of the Enterprise.

Article 8. UNPAID BILLS

Moderator declared unanimously voted to indefinitely postpone.

Article 9. CHAPTER 90 HIGHWAY FUNDING

Moderator declared 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 10. TOWN/SCHOOL REVOLVING FUNDS (Consolidated)

Moderator declared unanimously voted to authorize for FY18 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 Board of Selectmen, said funds to be maintained as separate accounts set forth as follows:

<u>Fund</u>	<u>Department</u>	<u>Maximum Amount</u>
Public Health Vaccinations	Board of Health	\$ 15,000
Plumbing & Gas Inspectional Services	Building Inspector	\$ 65,000
Portable Sign Administration & Inspectional Services	Building Inspector	\$ 10,000
Conservation (Trail Maintenance)	Conservation Commission	\$ 7,500
Conservation (Wetlands)	Conservation Commission	\$ 35,000
Council on Aging Activities	Council on Aging	\$ 50,000
Council on Aging Van Transportation (MWRTA)	Council on Aging	\$ 135,000
Cemetery Revolving Fund	DPW Director	\$ 20,000
Fire Department Permits	Fire Chief	\$ 50,000
Goodnow Library Meeting Rooms	Goodnow Library	\$ 10,500
Recreation Programs	Park and Recreation Commission	\$ 542,000
Teen Center	Park and Recreation Commission	\$ 20,000
Youth Programs	Park and Recreation Commission	\$ 170,000
Bus	Sudbury Schools	\$ 450,000
Instrumental Music	Sudbury Schools	\$ 100,000
Cable Television	Town Manager	\$ 30,000
Rental Property	Town Manager	\$ 40,000
Dog	Town Clerk	\$ 70,000
Zoning Board of Appeals	Zoning Board of Appeals	\$ 25,000
Solar Energy	Facilities Director	\$ 330,000

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

Article 11. AMEND BYLAWS BY ADDING A NEW ARTICLE XXXIII ESTABLISHING REVOLVING FUNDS

Moderator declared unanimously voted pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to amend the General Bylaws by inserting a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

“ART. XXXIII REVOLVING FUNDS

1. There are hereby established in the Town of Sudbury pursuant to the provisions of M.G.L. c.44, §53E½, the following Revolving Funds:

<u>Program or Purpose</u>	<u>Authorized Representative or Board to Spend</u>	<u>Department Receipts</u>
Public Health vaccinations expenses including salary and benefits	Board of Health	Reimbursements from private insurance, Medicare/Medicaid and Mass Health for vaccinations
Plumbing and gas inspectional services	Building Inspector	Permit fees
Portable sign administration and inspectional services	Building Inspector	Annual registration collected pursuant to the Zoning Bylaw, Art. IX. s. 3259A
Conservation trail maintenance on Town-owned designated conservation lands	Conservation Commission	License fees collected from agricultural use of conservation land
Wetlands Bylaw administration	Conservation Commission	Permit application fees
Senior Center classes and programs	Council on Aging	Fees collected
Van transportation driver salary and benefits and van expenses	Council on Aging	Payments from MWRTA and fares
Cemetery maintenance	DPW Director	Sale of lots and other fees excepting perpetual care funds
Permit expenses including salaries, benefits, purchase and maintenance of required equipment	Fire Chief	Permit fees
Library maintenance and utility charges for room use	Goodnow Library	Fees from non-Town agency use of meeting rooms
Recreation programs and activities	Park and Recreation Commission	Fees collected

Teen Center programs and activities	Park and Recreation Commission	Fees collected
Youth programs and activities	Park and Recreation Commission	Fees collected
School bus transportation, additional or supplemental	Sudbury Public Schools	User fees collected
School additional or supplemental instrument music lessons after school	Sudbury Public Schools	User fees collected
Local Access TV services – Town institutional network (I-Net)	Town Manager	Fees and other income collected
Upkeep of Town-owned houses	Town Manager	Rental receipts
Purchases or payment of expenses required for regulation of dogs	Town Clerk	Fees, fines, charges, and penalties imposed under Town Bylaw, Art. V.3
Zoning Board of Appeals costs of consultants and part-time employee salaries	Zoning Board of Appeals	Application fees
Payment of Town electrical costs and funding of energy saving initiatives by the Energy Committee	Facilities Director	Receipts from the solar landfill

2. Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.”

And, further, to set FY2018 spending limits for such revolving funds as follows:

<u>Fund</u>	<u>Department</u>	<u>Maximum Amount</u>
Public Health Vaccinations	Board of Health	\$ 15,000
Plumbing & Gas Inspectional Services	Building Inspector	\$ 65,000
Portable Sign Administration & Inspectional Services	Building Inspector	\$ 10,000
Conservation (Trail Maintenance)	Conservation Commission	\$ 7,500
Conservation (Wetlands)	Conservation Commission	\$ 35,000
Council on Aging Activities	Council on Aging	\$ 50,000
Council on Aging Van Transportation (MWRTA)	Council on Aging	\$135,000
Cemetery Revolving Fund	DPW Director	\$ 20,000
Fire Department Permits	Fire Chief	\$ 50,000

Goodnow Library Meeting Rooms	Goodnow Library	\$ 10,500
Recreation Programs	Park and Recreation Commission	\$542,000
Teen Center	Park and Recreation Commission	\$ 20,000
Youth Programs	Park and Recreation Commission	\$170,000
Bus	Sudbury Schools	\$450,000
Instrumental Music	Sudbury Schools	\$100,000
Cable Television	Town Manager	\$ 30,000
Rental Property	Town Manager	\$ 40,000
Dog	Town Clerk	\$ 70,000
Zoning Board of Appeals	Zoning Board of Appeals	\$ 25,000
Solar Energy	Facilities Director	\$330,000

Article 12. FUND LITIGATION COSTS - EVERSOURCE

Moderator declared unanimously voted to transfer \$200,000 from the Stabilization Fund, to be expended under the direction of the Town Manager, for the purpose of legal fees, hiring of experts, and all related costs related to litigation of the Eversource/Hudson reliability project.

Article 13. FUND LITIGATION COSTS – SUDBURY STATION PROJECT

Moderator declared voted by well more than 2/3 to transfer \$150,000 from the Stabilization Fund, to be expended under the direction of the Town Manager, for the purpose of legal fees, hiring of experts and all related costs related to litigation of the Sudbury Station project.

Article 14. BRUCE FREEMAN RAIL TRAIL DESIGN FUNDING

Moderator declared voted by well more than a majority to transfer from free cash, \$330,000, to be expended under the direction of the Town Manager for the purpose of advancing the ongoing design to Mass DOT standards of the 4.4-mile Bruce Freeman Rail Trail.

Article 15. WITHDRAWN

Article 16. GOODNOW LIBRARY CHARTER AMENDMENT

Moderator declared unanimously voted to Indefinitely Postpone.

Article 17. AMEND ZONING BYLAW, ART. IX, ADD NEW SECTION 4800, TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS

Moderator declared voted by well more than 2/3 to amend the Town’s Zoning Bylaw by adding a new Section 4800, to provide as follows:

“Section 4800. TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS

Section 4810 Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for personal use (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, is effective on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on or before April 1, 2018. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Marijuana Establishments. The regulation of marijuana for personal use raises novel legal, planning, and public safety issues and the Town needs time to study and consider the regulation of

Marijuana Establishments and address such 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 Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Establishments so as to allow the Town sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Section 4820 Definition

"Marijuana Establishment" shall mean a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in G.L. c. 94G.

Section 4830 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 Marijuana Establishment and other uses related to personal use of marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Marijuana Establishments, and shall consider adopting Zoning Bylaw amendments in response to these new issues. This temporary moratorium shall not affect in any way the use of land or structures for Medical Marijuana Establishments, which are governed by Section 4600 of this Zoning By-law.”;

and further to amend the Table of Contents to add Section 4800, “Temporary Moratorium on Marijuana Establishments”.

Article 18. AMEND ARTICLE XVIII OF THE TOWN OF SUDBURY BYLAWS – LICENSES AND PERMITS SUBJECT TO UNPAID TAXES AND FEES

Moderator declared voted by well more than a majority to amend Article XVIII of the Town of Sudbury Bylaws as follows:

Section 1: Insert after the word “annually”, the following: “, and may periodically,”; and delete the words: “for not less than a twelve-month period”.

Article 19. AMEND TOWN BYLAWS, ART. XXVII.4 - IN-GROUND IRRIGATION SYSTEMS

Moderator declared unanimously voted to Indefinitely Postpone.

Article 20. AMEND ZONING BYLAWS, SECTION 1230, CONFORMANCE

Moderator declared unanimously voted to amend Section 1230 of the Zoning Bylaw, Art. IX, as follows:

Amend Section 1230, by replacing the words “six months” with the words “one year” to read as follows:

1230. Conformance. Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of one year after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as possible.

Article 21. DPW ROLLING STOCK REPLACEMENT

Moderator declared voted by well more than a majority to transfer from Free Cash, \$182,000 for the purchase or acquisition of rolling stock/vehicles/equipment for the Department of Public Works.

Article 22. PURCHASE OF FIRE DEPARTMENT LADDER TRUCK

Moderator declared unanimously voted to transfer from Free Cash, \$670,000 to be expended under the direction of the Fire Chief toward the purchase or acquisition of one Ladder Truck/Pumper combination and associated equipment.

Article 23. TOWN AND SCHOOL ROOFTOP HVAC UNIT REPAIRS

Moderator declared voted by more than a majority to transfer \$55,000 from Free Cash, to be expended under the direction of the Facilities Director for the purpose of constructing, reconstructing, or making extraordinary repairs to the Sudbury Public Schools and Town rooftop HVAC units.

Article 24. TOWN AND SCHOOLS PARKING LOTS, AND SIDEWALKS IMPROVEMENTS

Moderator declared voted by more than a majority to transfer \$250,000 from Free Cash, to be expended under the direction of the Public Works Director for the purpose of constructing, reconstructing, or making extraordinary repairs to the Sudbury Public Schools and Town driveways, parking lots and sidewalks.

Article 25. WIRELESS TECHNOLOGY INFRASTRUCTURE IMPROVEMENTS - SUDBURY PUBLIC SCHOOLS

Moderator declared voted by more than a majority to transfer \$175,000 from Free Cash, to be expended under the direction of the Sudbury Public Schools for the purpose of purchasing technology infrastructure equipment, installing, constructing, reconstructing, or making extraordinary repairs to the school facilities and all expenses therewith including professional and engineering, the preparation of plans, specification and bidding documents and supervision of work.

Article 26. SUDBURY PUBLIC SCHOOLS PLAYGROUND IMPROVEMENTS

Moderator declared voted by more than a majority to transfer \$25,000 from Free Cash, to be expended under the direction of the Facilities Director for the purpose of constructing, reconstructing, or making extraordinary repairs to the Sudbury Public Schools playgrounds.

Article 27. STABILIZATION FUND

Moderator declared unanimously voted to transfer \$113,532 from Free Cash to the Stabilization Fund established under Article 12 of the October 7, 1982 Special Town Meeting.

Article 28. LYONS PRIDE S.M.I.L.E. HASKELL FIELD PLAYGROUND SURFACING

Moderator declared unanimously voted to indefinitely postpone.

Article 29. FEATHERLAND MULTISPORT COURT RECONSTRUCTION

Moderator declared voted by more than a majority to appropriate an amount not to exceed \$220,000 of Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of reconstructing the former Featherland Park tennis courts into four multi-sport courts. The appropriation is to be allocated to the Recreation category and funded from Unrestricted Reserves.

Article 30. WITHDRAWN

Article 31. TOWN HALL RESTORATION/REHABILITATION

Moderator declared voted by more than a majority to appropriate \$600,000 of Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of preparing design and construction documents and associated cost estimates for the restoration/rehabilitation of Town Hall. The appropriation is to be allocated to the Historic category, and funded from: \$16,335 from Historic Reserves, \$212,600 from FY18 Revenue, and \$371,065 from Unrestricted Reserves.

Article 32. REGIONAL HOUSING SERVICES OFFICE ALLOCATION

Moderator declared unanimously voted to appropriate \$30,000 of Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of funding the Town's portion of Sudbury's Regional Housing Services Office (RHSO) membership fee supporting the Town's affordable housing activities. The appropriation is to be allocated to the Community Housing category and funded from FY18 Revenue.

Article 33. SUDBURY HOUSING AUTHORITY ALLOCATION

Moderator declared voted by more than a majority to appropriate \$212,600 of Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of contributing to other Sudbury

Housing Authority funding to affect the acquisition and/or creation of at least one newly affordable housing unit in Sudbury. The appropriation is to be allocated to the Community Housing category and funded from FY18 Revenue.

Article 34. FY18 COMMUNITY PRESERVATION FUND GENERAL BUDGET AND APPROPRIATIONS

Moderator declared unanimously voted to appropriate the sums as recommended by the Community Preservation Committee, in the following Community Preservation budget for fiscal year 2018 Community Preservation surtaxes:

\$ 57,500	Administrative and Operating Cost
\$1,229,779	Debt Service

Article 35. PROPOSED BYLAW: PLASTIC CHECK-OUT BAG BAN

Moderator declared voted by more than a majority to amend the General Bylaws by adopting a bylaw entitled “Plastic Bag Ban” as follows:

“Section I. Findings and Purpose

Plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environments; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) requiring the use of non-renewable fossil-fuel in their composition. Studies have shown that even alternative “compostable” or “biodegradable” bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bags.

The purpose of this Bylaw is to protect the Town’s unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic checkout bags that are distributed in the Town of Sudbury and to promote the use of reusable bags.

Section II. Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

“Check-out bag” shall mean a bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

“Health Agent” shall mean the Health Agent for the Sudbury Board of Health or his/her designee.

“Recyclable paper bag” shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word “recyclable” or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post- consumer recycled content and the percentage of postconsumer recycled content in the bag.

“Reusable Check-out bag” shall mean a sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) can carry 25 pounds over a distance of 300 feet; (2) is machine washable; and, (3) is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.

“Retail Establishment” shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

“Thin-Film, Single-Use Plastic Check-Out Bags” shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

Section III. Regulated Conduct

a. No Retail Establishment in the Town of Sudbury shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers after June 30, 2018, for Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least two locations under the same name within the Town of Sudbury that total 3,500 square feet or more, or after June 30, 2018 for Retail Establishments less than 3,500 square feet.

b. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following:

1. Recyclable paper bag; or
2. Reusable Check-Out bag. For reusable bags, public information advising customers to sanitize reusable bags to prevent food-borne illness must be displayed at point of checkout.

Section IV. Exemption

Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

Section V. Enforcement

Health Agents shall have the authority to enforce this bylaw. This bylaw may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the General Bylaws. Violations of this bylaw are punishable by a fine of up to \$300 per violation.

If non-criminal disposition is elected, then any Retail Establishment that violates any provision of this bylaw shall be subject to the following penalties:

First Offense: written warning

Second Offense: \$50 penalty

Third and subsequent offense: \$200 penalty

Section VI. Exemptions

The Board of Health may exempt a Retail Establishment from the requirements of this bylaw for a period of up to six months upon a finding by the Director that (1) the requirements of this section would cause undue hardship; or (2) a Retail Establishment requires additional time in order to draw down an existing inventory of thin-film, single-use check-out plastic bags.

Section VII. Regulations

The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this bylaw.

Section VIII. Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.”

Article 36. PROPOSED BYLAW: PLASTIC BOTTLED WATER REGULATIONS

Moderator declared voted by more than a majority to amend the General Bylaws by adopting a bylaw entitled “The Regulation of Sale and Use of Bottled Water” as follows:

“Section I. Findings and Purpose

Plastic “disposable” water bottles made of polyethylene terephthalate (PET) contribute hazards to human health, societal economies, wildlife, and the environment. Examples of these problems include:

- 1) Americans discard more than 30 million tons of plastic a year. Only 8 percent of that gets recycled. The rest ends up in landfills, is incinerated, or becomes the invasive species known as 'litter.' The amount of solid waste created by one-use plastic water bottles is staggering.
- 2) Chemicals leached by plastics are in the blood and tissue of nearly all of us. Exposure to them is linked to cancers, birth defects, impaired immunity, endocrine disruption and other ailments.
- 3) There are thousands of landfills in the United States. Buried beneath each one of them, plastic leachate full of toxic chemicals is seeping into groundwater and flowing downstream into lakes and rivers.
- 4) Manufacturers' additives in plastics, like flame retardants, BPAs and PVCs, can leach their own toxicants. These oily poisons repel water and stick to petroleum-based objects like plastic debris.

- 5) Entanglement, ingestion and habitat disruption all result from plastic ending up in the spaces where animals live. In our oceans alone, plastic debris outweighs zooplankton by a ratio of 36-to-1. Plastic cannot biodegrade; it breaks down into smaller and smaller pieces over time, but is still plastic.
- 6) In the face of a growing global water crisis, water bottling corporations are turning water into a profit-driven commodity when it needs to be regarded as a human right.

The town of Sudbury has high quality tap water, and provides regular governmental reports on its quality. The recommended eight glasses of water a day, at U.S. tap rates equals about \$.49 per year; that same amount of bottled water is about \$1,400.

The purpose of this Bylaw is to protect the town's beauty, reduce litter, protect the health of present and future generations, and save the citizens of the Town money that is needlessly spent on packaged water from distant sources in one-use bottles.

SECTION II. Regulated Conduct

It shall be unlawful to sell non-reusable polyethylene terephthalate (PET) bottles of 1 litre (34 ounces) or less containing uncarbonated, unflavored drinking water in the Town of Sudbury on or after the effective date of this bylaw. Water may be provided for free in any form. Proposed effective date of this bylaw: June 30, 2018

In the event of a declaration (by Emergency Management Director, other duly-authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water to Sudbury residents, citizens and officials shall be exempt from this bylaw until seven days after such declaration has ended.

SECTION III. Enforcement

Health Agents shall have the authority to enforce this bylaw. This bylaw may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the General Bylaws.

Violations of this bylaw are punishable by a fine of up to \$300 per violation.

If non-criminal disposition is elected, then any person that violates any provision of this bylaw shall be subject to the following penalties:

First Offense: written warning

Second Offense: \$25 penalty

Third and subsequent offense: \$50 penalty

SECTION IV.

If the Town Manager determines that the cost of implementing and enforcing this Bylaw has become unreasonable, then the Town Manager shall so advise the Board of Selectmen and the Board of Selectmen shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing, the Board of Selectmen may continue this Bylaw in force or may suspend it permanently or for such length of time as the Board may determine.

SECTION V.

If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.

Special Town Meeting October 16

Article 1. FY18 BUDGET ADJUSTMENTS

Moderator declared unanimously voted to amend the vote taken under Article 3, Fiscal Year 2018 Budget, of the 2017 Annual Town Meeting by transferring \$30,000 from Article 3, Fiscal Year 2018 Budget, 900 Others & Transfers (Fiscal Year 2018 Salary Reserve) to 100 General Government and by transferring \$62,500 from Article 3, Fiscal Year 2018 Budget, 900 Other & Transfers (Fiscal Year 2018 Salary Reserve) to 200 Public Safety.

Article 2. CONSERVATION REVOLVING FUND

Moderator declared voted by well more than a majority to amend Article XXXIII of the Town Bylaws, Establishing Revolving Funds, by adding a new revolving fund.

Amend Section 1 by adding under the column "Program or purpose" the following words: "Forestry activities"; and by adding under the column "Authorized Representative or Board to Spend" the following words: "Conservation Commission"; and by adding under the column "Departmental Receipts" the following words: "Funds generated from forestry activities".

Article 3. TRANSFER CARE & CUSTODY OF TOWN-OWNED LANDHAM ROAD PARCEL TO CONSERVATION COMMISSION

Moderator declared unanimously voted to transfer the care, custody, management and control of the following parcel of land from the Board of Selectmen to the Conservation Commission for conservation and passive recreation purposes pursuant to General Laws Chapter 40 Section 8C: a parcel of land located on Landham Road constituting approximately 33.48 ± acres, said parcel having been purchased by the Town for conservation and passive recreation purposes and described in a deed recorded in the Middlesex South Registry of Deeds at Book 64967, Page 93, and shown as "Parcel A" on a plan of land entitled "Plan of land in Sudbury, Mass, Owner and Applicant Madison Place Sudbury LLC" prepared by Thompson-Liston Associates, Inc. Dated December 16, 2014, recorded at the Middlesex South Registry of Deeds as Plan 131 of 2015.

Article 4. LAND CONVEYANCE TO FISH AND WILDLIFE SERVICE

Moderator declared voted by more than two-thirds to transfer to the Board of Selectmen for the purpose of conveying and authorize the Board of Selectmen to convey, on the terms and conditions established by the Board of Selectmen, the following parcels of Town land: Assessors Parcel G12-0013, Water Row and Assessors Parcel G12-0015, Water Row, said real estate disposition to be made in compliance with General Laws Chapter 30B to the extent applicable, and further to authorize the Board of Selectmen and other Town officials to take all actions to carry out this Article.

Article 5. AMEND BYLAW – TOWN PROPERTY

Moderator declared unanimously voted to amend the Town's General Bylaws by deleting Section 1 of Article XII Town Property in its entirety and replacing it with:

"SECTION 1. DISPOSAL OF TOWN-OWNED PERSONAL PROPERTY. Any board or officer in charge of a department of the Town may, with the approval of the Town Manager for property having an aggregate value of less than \$10,000* or with the approval of the Board of Selectmen for property having an aggregate value of \$10,000* or more, transfer to another Town department or another municipality, or transfer by sale any personal property of the Town within the possession or control of the department which has become obsolete or is not required for further use by the department or any other Town department; provided, however, that in the case of transfer by sale of such property which has, in the opinion of the Town Manager, an aggregate value in excess of \$2,000, or in the case of transfer by sale of personal property (regardless of its value) which, in the opinion of the Board of Selectmen, the Historical Commission and the Committee for the Preservation and Management of Town Documents and is contained in a list maintained by them, is historically significant to the Town, the sale shall be by public bid in a manner prescribed by said Board of Selectmen; and provided further that in the case of transfer by sale of such historically significant property the Board of Selectmen shall send advance written notice of such transfer by sale and such public bid to the Historical Commission and to the Committee for the Preservation and Management of Town Documents. For purposes of this Section 1, all personal property located in the Hosmer House shall be

deemed to be historically significant to the Town. The disposal of personal property with an estimated resale or salvage value of \$10,000 or more shall also be in accordance with all requirements of General Laws, including but not limited to General Laws chapter 30B, section 15.

Procedures for Disposition of Surplus Supplies Valued at *less than \$10,000* can include any one or combination of the following methods:

Advertised¹ solicitation of at least three oral or written quotations;

Advertised¹ silent auction;

Advertised¹ yard sale;

Use of an established market, such as an on-line auction service (eBay, e.g.).

¹“Advertised” as used in these procedures for surplus supplies with a resale or salvage *value of less than \$10,000**, means that the advertisement is posted for at least two weeks on the Town website and/or advertised at least twice in a newspaper of general circulation in the community.

*The disposal and dollar threshold of these goods must conform to all Massachusetts General Laws as amended.”

Article 6. AMEND LEGAL AFFAIRS BYLAW – TOWN COUNSEL

Moderator declared unanimously voted to amend its General Bylaws, Article VII Legal Affairs, Section 5. Selection of Town Counsel, by deleting the first two sentences and inserting the following in its place:

“At least every 36 months, at the time of appointment, the Board of Selectmen shall discuss the performance of Town Counsel in regular session, and determine whether it would be in the best interest of the town to issue a request for proposals for Town Counsel candidates. If the Board of Selectmen votes to request proposals for the position of Town Counsel, the following competitive review procedure shall be utilized.”

Article 7. STABILIZATION FUND

Moderator declared unanimously voted transfer \$167,354 from Free Cash to the Stabilization Fund established under Article 12 of the October 7 1982 Special Town Meeting.

Article 8. CONSTRUCTION OF NEW FIRE STATION #2

Moderator declared voted by well more than two-thirds to appropriate the sum of \$7,100,000, to be expended under the direction of the Permanent Building Committee, for the purpose of constructing a new Fire Station #2 and appurtenant structures on Town-owned land located at its present location on the Boston Post Road, purchasing additional equipment, technology, and furniture, landscaping and all expenses connected therewith, including professional, engineering and architectural services and preparation of plans, specifications and bidding document, supervision of work, relocation, and borrowing costs and expense, and to raise this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$7,100,000 under General Laws Chapter 44, Section 7 or any other enabling law; provided however that this vote shall not take effect until the town votes to approve of a Proposition 2 ½ Debt Exclusion in accordance with General Laws Chapter 59 Section 21C(k).

Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Article 9. FUND EVERSOURCE LITIGATION

Moderator declared voted by well more than a majority to transfer \$300,000 from Free Cash, to be expended under the direction of the Town Manager, for the purpose of legal fees, hiring of experts, and all related costs related to litigation of the Eversource/Hudson reliability project.

Article 10. FUND SUDBURY STATION LITIGATION

Moderator declared voted by well more than a majority to transfer \$55,000 from Free Cash, to be expended under the direction of the Town Manager, for the purpose of legal fees, hiring of experts, and all related costs related to litigation of the Sudbury Station project.

Article 11. SUDBURY PUBLIC SCHOOLS ADMINISTRATIVE OFFICES

Moderator declared voted to indefinitely postpone by well more than a majority.

Article 12. SUDBURY PUBLIC SCHOOLS PLAYGROUND MODERNIZATION

Moderator declared voted by well more than a majority to transfer 275,000 from Free Cash, to be expended under the direction of the Facilities Director for the purpose of constructing, reconstructing, or making extraordinary repairs to the Sudbury Public Schools Playgrounds; and all expenses therewith including professional and engineering, the preparation of plans, specifications and bidding documents, and supervision of work.

Article 13. WITHDRAWN

Article 14. UPDATE MASTER PLAN

Moderator declared voted by well more than a majority to transfer from Free Cash the sum of \$75,000, as recommended by the Planning Board, for the purpose of updating the 2001 Master Plan.

Article 15. REPLACE GYM 4 FLOOR – LINCOLN-SUDBURY REGIONAL HIGH SCHOOL

Moderator declared voted by well more than a majority to transfer from Free Cash, the sum of \$42,985, to be expended under the direction of the Lincoln-Sudbury School Committee for the purpose of constructing, reconstructing, or making extraordinary repairs to the Lincoln-Sudbury Regional High School for the purpose of replacing the rubber flooring located in Gym 4.

Article 16. COOLING TOWER RECONSTRUCTION SERVICE - LINCOLN-SUDBURY REGIONAL HIGH SCHOOL

Moderator declared voted by well more than a majority to transfer from Free Cash, the sum of \$94,567, to be expended under the direction of the Lincoln-Sudbury School Committee for the purpose of constructing, reconstructing, or making extraordinary repairs to the Lincoln-Sudbury Regional High School for the purpose of reconstruction service to the cooling tower.

Article 17. BOTTLE BAN REPEAL

Moderator declared motion failed.

Article 18. ADOPT SUDBURY WELCOMING TOWN POLICIES

Moderator declared voted by well more than a majority to indefinitely postpone.