

# PROCEEDINGS

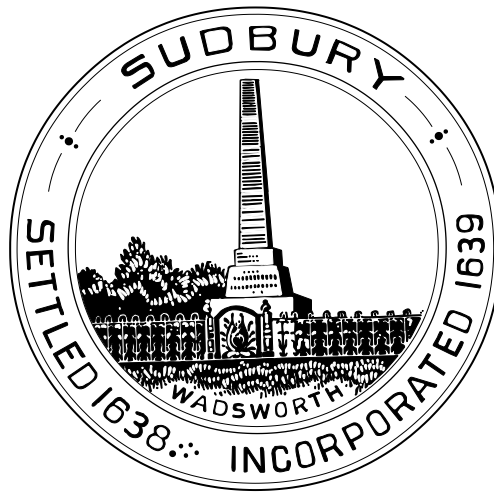
**ANNUAL TOWN ELECTION – March 27, 2017**

**ANNUAL TOWN MEETING – May 1, & 2, 2017**

**SPECIAL TOWN ELECTION – May 9, 2017**

**SPECIAL TOWN MEETING – October 16, 2017**

**SPECIAL TOWN ELECTION – December 11, 2017**



## **TOWN OF SUDBURY MASSACHUSETTS 2017**

A TRUE ATTEST COPY:

*Rosemary B. Harvell*

TOWN CLERK

<p style="text-align: center;"><b>TOWN OF SUDBURY</b> <b>2017 ANNUAL TOWN PROCEEDINGS</b></p>
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# March 27, 2017 Annual Town Election

The Annual Town Election was held at two locations. Precincts 1, 1A, 2 & 5 voted at the Fairbank Community Center, 40 Fairbank Road, and Precincts 3 & 4 voted at the Town Hall, 322 Concord Road. The polls were open from 7:00 AM to 8:00 PM. There were 1,859 votes cast, representing 15% of the town's 12,590 registered voters.

## BOARD OF SELECTMEN (1) FOR THREE YEARS

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
PATRICIA BROWN 34 WHISPERING PINE RD (CANDIDATE FOR RE-ELECTION)	291	259	249	248	277	1324
BLANK	108	117	94	92	103	514
WRITE-IN	5	3	4	7	2	21
<b>Totals for Office</b>	<b>404</b>	<b>379</b>	<b>347</b>	<b>347</b>	<b>382</b>	<b>1859</b>

## BOARD OF ASSESSORS (1) FOR THREE YEARS

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
LIAM J. VESELY 10 POKONOKET AVE (CANDIDATE FOR RE-ELECTION)	276	262	246	248	268	1300
BLANK	128	115	101	99	113	556
WRITE-IN	0	2	0	0	1	3
<b>Totals for Office</b>	<b>404</b>	<b>379</b>	<b>347</b>	<b>347</b>	<b>382</b>	<b>1859</b>

## GOODNOW LIBRARY TRUSTEE (2) FOR THREE YEARS

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
BARBARA F. PRYOR 221 NOBSCOT RD. (CANDIDATE FOR RE-ELECTION)	279	256	254	249	266	1304
INGRID J. MAYYASI 65 POKONOKET AVE.	231	211	225	201	228	1096
BLANK	295	289	215	244	270	1313
WRITE-IN	3	2	0	0	0	5
<b>Totals for Office</b>	<b>808</b>	<b>758</b>	<b>694</b>	<b>694</b>	<b>764</b>	<b>3718</b>

## BOARD OF HEALTH (1) FOR THREE YEARS

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
SUSAN R. SAMA 247 HUDSON RD (CANDIDATE FOR RE-ELECTION)	272	262	246	242	270	1292
BLANK	131	116	100	105	111	563
WRITE-IN	1	1	1	0	1	4
<b>Totals for Office</b>	<b>404</b>	<b>379</b>	<b>347</b>	<b>347</b>	<b>382</b>	<b>1859</b>

## SUDBURY HOUSING AUTHORITY (1) FOR FIVE YEARS

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
STEVEN J. SWANGER 14 BENT BROOK RD (CANDIDATE FOR RE-ELECTION)	275	261	243	242	265	1286
BLANK	128	117	104	104	116	569
WRITE-IN	1	1	0	1	1	4
<b>Totals for Office</b>	<b>404</b>	<b>379</b>	<b>347</b>	<b>347</b>	<b>382</b>	<b>1859</b>

## PARK & RECREATION COMMISSIONER (1) FOR 3 YEARS

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
MICHAEL T. ENSLEY 598 PEAKHAM RD (CANDIDATE FOR RE-ELECTION)	270	259	242	239	268	1278
BLANK	133	117	105	107	112	574
WRITE-IN	1	3	0	1	2	7
<b>Totals for Office</b>	<b>404</b>	<b>379</b>	<b>347</b>	<b>347</b>	<b>382</b>	<b>1859</b>

**PARK & RECREATION COMMISSIONER (1) FOR 2 YEARS**

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
MARA L. HUSTON 578 PEAKHAM RD	277	253	239	239	267	1275
BLANK	126	122	106	104	114	572
WRITE-IN	1	4	2	4	1	12
<b>Totals for Office</b>	<b>404</b>	<b>379</b>	<b>347</b>	<b>347</b>	<b>382</b>	<b>1859</b>

**PLANNING BOARD (1) FOR THREE YEARS**

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
JOHN M. HINCKS 83 BELCHER DR	267	250	242	236	259	1254
BLANK	137	127	105	111	122	602
WRITE-IN	0	2	0	0	1	3
<b>Totals for Office</b>	<b>404</b>	<b>379</b>	<b>347</b>	<b>347</b>	<b>382</b>	<b>1859</b>

**SUDBURY SCHOOL COMMITTEE (2) FOR THREE YEARS**

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
CHRISTINE A. HOGAN 49 BLUEBERRY HILL LN (CANDIDATE FOR RE-ELECTION)	164	229	207	174	216	990
MARGARET YI HELON 25 BULKLEY RD	135	242	209	163	223	972
SILVIA M. NERSSESSIAN 555 DUTTON RD	229	149	136	173	160	847
MANDY SIM 11 MOSSMAN RD	248	102	116	141	130	737
BLANK	32	35	26	43	35	171
WRITE-IN	0	1	0	0	0	1
<b>Totals for Office</b>	<b>808</b>	<b>758</b>	<b>694</b>	<b>694</b>	<b>764</b>	<b>3718</b>

**LINCOLN-SUDBURY REGIONAL DISTRICT SCHOOL COMMITTEE (2) FOR THREE YEARS**

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
PATRICIA M. MOSTUE 3 LEXINGTON RD (LINCOLN) (CANDIDATE FOR RE-ELECTION)	250	227	225	223	244	1169
CRAIG W. GRUBER 187 GOODMAN'S HILL RD	249	240	238	225	254	1206
BLANK	309	287	230	245	266	1337
WRITE-IN	0	4	1	1	0	6
<b>Totals for Office</b>	<b>808</b>	<b>758</b>	<b>694</b>	<b>694</b>	<b>764</b>	<b>3718</b>

**A TRUE COPY, ATTEST:**



**ROSEMARY B. HARVELL  
TOWN CLERK**

## May 9, 2017 Special Town Election

The Special Town Election was held at two locations. Precincts 1, 2 & 5 voted at the Fairbank Community Center, 40 Fairbank Road, and Precincts 3 & 4 voted at the the Town Hall, 322 Concord Road. The polls were open from 7:00 AM to 8:00 PM. There were 2829 votes cast, representing 22.5% of the Town's 12,545 registered voters.

### BOARD OF SELECTMEN (1) FOR ONE YEAR

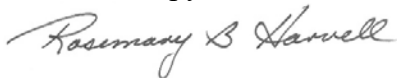
Candidate Name	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
BLANKS	30	24	21	25	15	115
WRITE-INS	1	4	1	4	4	14
EVANS J. CARTER <small>177 NOBSCOT RD</small>	17	8	42	21	14	102
DANIEL E. CARTY <small>15 STONEBROOK RD</small>	250	298	283	222	272	1325
JANIE WILSON DRETHER <small>286 GOODMAN'S HILL RD</small>	233	237	216	318	269	1273
<b>Totals for Office</b>	<b>531</b>	<b>571</b>	<b>563</b>	<b>590</b>	<b>574</b>	<b>2829</b>

### BALLOT QUESTION

Shall the town of Sudbury be allowed to assess an additional \$1,077,270 in real estate and personal property taxes for the purposes of funding the Sudbury Public Schools and Sudbury public safety operating budgets for the fiscal year beginning July first, two thousand and seventeen?

Ballot Question	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Total
Yes	316	320	294	358	321	1609
No	209	236	259	223	246	1173
Blanks	6	15	10	9	7	47
<b>Totals</b>	<b>531</b>	<b>571</b>	<b>563</b>	<b>590</b>	<b>574</b>	<b>2829</b>

A true copy, Attest:



Rosemary B. Harvell  
Town Clerk

## December 11, 2017 Special Town Election

The Special Town Election was held at two locations. Precincts 1, 1A, 2 & 5 voted at the Fairbank Community Center, 40 Fairbank Road, and Precincts 3 & 4 voted at the Town Hall, 322 Concord Road. The polls were open from 7:00 AM to 8:00 PM. There were 1,176 votes cast, representing 9.4% of the town's 12,582 registered voters.

### BALLOT QUESTION 1

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to construct a new Fire Station #2 and appurtenant structures on Town-owned land, for site development, purchasing additional equipment, technology, furniture, landscaping, and all expenses connected therewith, including professional, engineering, and architectural services and preparation of plans, specifications and bidding documents, supervision of work, relocation, and borrowing costs and expenses?

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Totals
Yes	77	106	119	98	109	<b>509</b>
No	125	140	141	117	144	<b>667</b>
Blanks	0	0	0	0	0	<b>0</b>
<b>Totals</b>	<b>202</b>	<b>246</b>	<b>260</b>	<b>215</b>	<b>253</b>	<b>1176</b>

A true copy, Attest:



Rosemary B. Harvell  
Town Clerk



## ANNUAL TOWN MEETING

May 1, 2017

Pursuant to a Warrant issued by the Board of Selectmen and a quorum being present, Michael Fee, the Moderator, at the Lincoln-Sudbury Regional High School Auditorium, called the meeting to order at 7:34 p.m. Mr. Fee introduced Jennifer Cinicola, a sophomore at Lincoln-Sudbury Regional High School, who sang the National Anthem.

The Moderator stated tonight's Meeting was being closed captioned for hearing impaired individuals for the first time. He explained State Representative Carmine Gentile helped to make this possible, and he asked anyone with feedback regarding this service to contact himself or the Town Manager's Office following Town Meeting.

The Moderator has examined and found in order the Call of the Meeting and the Officer's Return of Service and has confirmed the timely delivery of the Warrant to residents. He announced the certified Free Cash, according to Town Accountant Christine Nihan, is \$2,641,750.00 for the 2017 May Town Meeting.

Upon a *motion*, which was seconded, it was *VOTED UNANIMOUSLY* to dispense with the Reading of the Call of the Meeting, and the Officer's Return of Service Notice and the reading of the individual Articles of the Warrant.

The Moderator asked for a motion, which was made and seconded, for the Hall's approval to appoint Myron Fox as Assistant Moderator for the May 2017 Town Meeting, which was *VOTED UNANIMOUSLY*.

The Moderator introduced various Town Officials, Town staff members and the Finance Committee members who were present in the Hall. He also recognized three candidates, Dan Carty, Janie Dretler and Evans Carter, seeking the open Selectmen's seat at the Special Town Election on May 9, 2017. On behalf of Fire Chief Miles, the Moderator reviewed the fire exits, and noted extra warrants and handouts were available for distribution. The Moderator thanked the Girl Scouts from Troop 78136 and their leader Ann Marie Holten who were manning tonight's snack booth. He also thanked Boy Scouts from Troop 63, Ryan Grummer, Colton Simon, Ben Lisa, Bailey Prince, Jack Grosberg, Alex Kilroy, Tim Dunphy and Hans Vigener, who are acting as runners with microphones tonight, and their leader Peter Fishman. The Moderator also thanked the staff and volunteers of SudburyTV, who are taping this Meeting.

State Representative Carmine Gentile was recognized to present several proclamations honoring individuals for their service to Sudbury. Mr. Gentile read aloud and presented a State Senate proclamation to Ellen Winer Joachim for her service to the Sudbury Public School Committee. He also read a State House citation for Judy Deutsch for her years of service to the Sudbury Housing Authority. Mr. Gentile recognized Robert Iuliano, who was not in attendance, for his 15 years of service as a Trustee of the Goodnow

**Library. He also read aloud and presented a State House citation to Elena Kleifges for her years of service to the Lincoln-Sudbury District School Committee.**

**Selectman Pat Brown was recognized to read the resolution in memory of those citizens who have served the Town and passed away during the past year.**

***Whereas: The Town of Sudbury has enjoyed the blessing of those in the community who gave of their time and talent to enrich the quality of life in our Town; and***

***Whereas: This past year has seen several of its citizens and employees who have rendered public service and civic duty pass from among us;***

***Now, therefore, be it resolved:***

***That the Town of Sudbury extends its heartfelt sympathy to the families of these persons and recognizes their service and dedication to the community:***

**ROBERT C. ALBEE (1944-2017)**

Sudbury Resident: 1954-2001

Firefighter: 1964-1997

**RUTH HALL FORBES (1918-2016)**

SPS English Teacher/Coordinator: 1964-1980

**SANDRA T. HALL (1941-2016)**

Sudbury Resident: 1966-2016

Election Worker: 2004-2016 Information Systems Senior Worker: 2004-2016

**ROYAL E. HAYNES, JR. (1928-2016)**

Sudbury Resident: 1928-1996 Archeological Advisory Committee: 1977-1984

Election Officer: 1976-1995 Historical District Study Committee: 1962-1963

Revolutionary Bicentennial Committee: 1966-1976

**PAUL A. HURD, SR. (1939-2016)**

SPS Teacher: 1967-2002

**RAYMOND S. MARTIN (1929-2016)**

L-SRHS Chemistry Teacher: 1960-1989

**ANN E. (BETSY) MOSHER (1948-2017)**

Children's Librarian: 1972-2011

**HARRIETT P. RITCHIE (1924-2017)**

Sudbury Resident: 1951-2003

Historical Commission: 1995-1999

**DONEL ROBERTS, SR. (1918-2016)**

Sudbury Resident: 1946-1988  
Sudbury Housing Authority Maintenance: 1976-1984

**VIRGINIA MARIE TROCCHI (1936-2016)**

Sudbury Resident: 1973-2007  
Election Worker: 2000-2013

**MARY H. NORTON WALSH (1929-2017)**

Sudbury Resident: 1959–2017 Clerk to Board of Assessors: 1969-1989  
Assistant Assessor: 1989-1997

**MARGARET (PEG) WHITTEMORE (1924–2016)**

Sudbury Resident: 1960-2016  
Council on Aging Program Coordinator: 1999-2013 Election Officer: 2004-2016  
Pay-Per-Throw Committee: 1998-2006  
Sewer Assessment Citizen's Advisory Committee: 2003-2011 Walden District Water Safety  
Council: 1964-1967

**LEON ZOLA (1931-2016)**

Sudbury Resident: 1964-1986 Business Advisory Committee: 1967-1972  
Design Review Board: 1974-1983 Route 20 Study Committee: 1970-1973 Sign Bylaw  
Committee: 1973-1975  
Sudbury Industrial Development Commission: 1971-1983

*And be it further resolved:*

*That the Town of Sudbury,*

*in Town Meeting assembled, record for posterity in the minutes of this meeting its recognition  
and appreciation for their contributions to our community.*

**ARTICLE 1 - HEAR REPORTS**

The Moderator stated that, for many years, there has been a tradition at the Annual Town Meeting to honor a citizen who has performed valuable service for the Town by asking him or her to make the motion under Article 1 of the Warrant. This year, the honor is bestowed upon Elena Kleifges.

Ms. Kleifges *moved* in the following words:

*Move 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.*

Submitted by the Board of Selectmen

(Majority vote required)

The motion received a second.

**BOARD OF SELECTMEN:** Supported the motion.

The Moderator declared that the motion under Article 1 was **VOTED UNANIMOUSLY.**

The Moderator reviewed procedures for the Annual Town Meeting, including who can speak and for how long they can speak, and he referenced Roman Numeral pages ii-vi in the Warrant for further information. He stated he will make a motion later tonight to revise time limits this year for the budget discussion, as was done last year, to allow the three cost centers sufficient time to present their information. He also reviewed procedures for explaining any word changes from what was published in the Warrant. The Moderator reminded everyone to use the time judiciously and to be succinct. If Town Meeting cannot be concluded by Wednesday this week, Mr. Fee announced it would continue to Monday, May 17, 2017. Mr. Fee also reviewed that he will call for a head count if a vote count appears too close to determine. He further stated amendments must be submitted in writing, in advance, to Mark Thompson, the Moderator and the Town Clerk to review. Mr. Fee also stated the quorum of vote needed to pass an article is sometimes different than what was published in the Warrant, and he will remind the Hall the quorum needed before each vote. The Moderator emphasized respect for both sides of an issue is essential at Town Meeting, and he will not allow disrespectful behavior. He asked for all speakers to be treated respectfully. The Moderator also reviewed the procedures for calling a question to end debate.

The Moderator recognized Susan Iuliano, Chairman of the Board of Selectmen, for the State of the Town Address.

Ms. Iuliano thanked all in attendance at the May 2017 Town Meeting, noting they are the Town's legislative body and the voice of Town Meeting. She reflected on the successes and challenges of the last year and all the volunteers who worked diligently to accomplish a lot for the Town. Following last May's Town Meeting, Ms. Iuliano stated a Special Town meeting approved the re-development of the former Raytheon property. She commended the Zoning Board of Appeals (ZBA) for its work reviewing three Chapter 40B projects this past year. She highlighted that the Town has met its 10% affordable housing quota, and it appears to be set through 2020. Ms. Iuliano stated the Town now has to focus on the 2030 benchmarks. She mentioned the work of the Bruce Freeman Rail Trail (BFRT) Design Task Force which worked with Sudbury's Environmental Planner Beth Suedmeyer to make significant progress to advance the trail's design. Ms. Iuliano emphasized the Town will continue to work closely with those who will be impacted by the BFRT to implement a responsible design which will deliver a trail which has been supported by Sudbury voters. She also mentioned the work done in the past year by the Vocational Education Guidance Committee to make the long-term transition for vocational education students from Minuteman to Assabet Valley Regional High School.

**Ms. Iuliano thanked the members of several Town committees, including the Finance Committee, the two School Committees, the two Capital Project Committees and the Community Preservation Committee, who held many meetings to discuss the needs of the Town and to present balanced, well-vetted options in articles for voters to consider tonight.**

**Ms. Iuliano stated the Town has spent considerable time and financial resources in the past year working with groups to fight projects which would cause damage to the Town, such as the proposed Eversource Reliability high-voltage transmission line project. She further stated the Selectmen met over 50 times in the past year and the Town has worked with Special Counsels and many groups to build support for Sudbury and to delay Eversource's petition filing with the State's Energy Facilities Siting Board, which just occurred last month. Ms. Iuliano highlighted there will be a vote later in this Town Meeting to set aside additional funds to continue this litigation. She explained the preferred line referenced in Eversource's petition is for a new underground nine-mile line along the MBTA right-of-way. She further explained the petition also presented a noticed variation line, which would be an overhead line along the same MBTA corridor, and a geographically distinct noticed alternative route (traveling underground within public roadways). Ms. Iuliano explained the Petition process will begin with a Public Hearing to be scheduled by the Siting Board, and she encouraged the public to attend. She further stated the Board will update residents throughout the process as much as is legally possible.**

**Ms. Iuliano stated the Sudbury Station development proposed 250 units crammed onto a steep slope near the historic Town Center and Town cemetery. She stated the ZBA's carefully crafted decision to limit the development was appealed. She further stated the Town and Selectmen are working to defend the ZBA's decision and they have initiated land court actions to enforce restrictions on the land planned by the developer for access to the property. Ms. Iuliano emphasized these dual-track litigation processes will also require more funding.**

**Ms. Iuliano highlighted some future challenges for the Town, including developing a plan to support more capital spending, determining a site for the Sudbury Public School's administration, designing a multi-generational Community Center, planning for the Melone property, and revitalizing the commercial corridor and implementing a Town sewer system. She also stated the Selectmen and other groups will be working on preparing a new Town Master Plan, and efforts are underway to complete a senior needs assessment, a comprehensive park and field needs assessment and the Board of Health will be evaluating the needs of residents. Ms. Iuliano believes the Town will need to come together to consider all of Sudbury's needs in a thoughtful manner. She invited everyone to participate in future planning discussions and to share their vision for Sudbury, noting everyone shares a commitment to what is in Sudbury's best interests.**

**The Moderator stated he had inadvertently failed to call upon Sudbury resident and Vice-Chairman of the Lincoln-Sudbury Regional District School Committee Kevin Matthews, 137 Haynes Road, earlier tonight.**

Mr. Matthews stated he wanted to thank Representative Gentile and the Hall for honoring and thanking the Committee's outgoing Chair Elena Kleifges for her service.

## **ARTICLE 2 – FY17 BUDGET ADJUSTMENTS**

At the request of the Moderator, Selectman Leonard Simon moved to indefinitely postpone Article 2.

Submitted by the Board of Selectmen

(Majority vote required)

The motion received a second.

**FINANCE COMMITTEE:** Finance Committee Chair Susan Berry stated the Committee unanimously supported the motion to indefinitely postpone.

**BOARD OF SELECTMEN:** Unanimously supported the motion to indefinitely postpone.

The Moderator stated that the motion for Article 2 was **UNANIMOUSLY VOTED TO INDEFINITELY POSTPONE.**

## **ARTICLE 3 - FY18 BUDGET**

The Moderator explained the rules related to the votes for the budget articles, noting the vote on the Limiting Motion will establish the upper limit for the FY18 budget. He explained that, in the event the override budget request fails, he would then make a motion to amend the limiting motion previously approved by the Hall to a lesser number, which would not include any override amounts, and then the budget would be reviewed again, line by line. The Moderator referenced a new handout available tonight regarding Article 3.

Town Manager Rodrigues explained the new budget handout presents a slightly different budget number than what was in the Warrant due to an earlier error. She explained the totals have not changed, but the figures published in the Warrant for SPS Public Schools Net and SPS Employee Benefits have been corrected.

Sudbury Finance Committee Chairman Susan Berry moved in the words of the amended motion below:

### **LIMITING MOTION - FY18 BUDGET**

*Move that the amount appropriated under the Fiscal Year 2018 budget not exceed the sum of \$95, 474,975.*

Submitted by the Finance Committee

(Majority vote required)

The motion was seconded.

BOARD OF SELECTMEN: Supported the Limiting Motion.

FINANCE COMMITTEE: Unanimously supported the Limiting Motion.

The Moderator stated the limiting motion was VOTED BY WELL MORE THAN A MAJORITY.

Sudbury Finance Committee Chairman Susan Berry moved in the words below:

*Move 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.*

The motion was seconded.

Sudbury Finance Committee Susan Berry presented a report of the State of the Town Finances. Ms. Berry stated she would focus on the first two topics on the screen, the budgets that Town Meeting is considering, an update on OPEB Normal cost progress, a brief update on a few future financial considerations, and a recap the Finance Committee's FY18 budget recommendations.

Ms. Berry stated the Finance Committee must recommend a non-override budget to Town Meeting. Town Meeting must pass a non-override budget to insure that Sudbury has an FY18 budget whether or not an override passes at Town Meeting and at the polls on May 9<sup>th</sup>. Ms. Berry stated tonight's budget process would begin by discussing and voting

on the FY18 Override Budget. She explained the language in the motion she read is worded so that if the Hall votes for an override budget, but it fails at the polls, the Finance Committee's recommended non-override budget on the Expenditures handout will be the approved FY18 budget. She encouraged everyone to reference the budget handout.

#### **Recommended FY18 Non Override Budget**

Ms. Berry stated that, based on October revenue estimates, the Finance Committee requested that the cost centers prepare budgets with no more than a 2 ¼% increase over FY17. After this request was made, new growth was certified resulting in a revised revenue estimate that was about \$600,000 higher. Using this revised revenue estimate, the three cost centers also prepared alternative non-override budgets. She explained budgets with a 2 ¼% increase were presented to the Finance Committee along with the alternative budgets. Ms. Berry stated that, to stay within a 2 ¼% increase, all three cost centers would need to cut staff and services. Therefore, the Finance Committee focused on review of the alternative proposal.

Ms. Berry displayed slides of the budgets, including a 3.68% increase for the Town Departments and a 3.58% increase for the Sudbury Public School (SPS) District. She stated the Lincoln-Sudbury Regional High School (L-SRHS) budget increase is 3.36%, which will result in a 3.58% increase in Sudbury's LS assessment. Ms. Berry stated the Town Departments' budget includes an additional \$375,000 from Free Cash that will be added to the Reserve Account. She explained this money would be used to cover the unemployment liability resulting from layoffs needed for SPS to meet their FY18 non-override budget. She also explained the budget line for Town Departments shown in the slide does not include the \$375,000, which is a one-time increase to the Town budget from Free Cash.

Ms. Berry stated the Finance Committee unanimously voted to recommend an FY18 Operating Budget Article that includes the budgets on the slides, as well as a conservative Vocational Education budget for this first year with students at Minuteman and Assabet Valley. She stated the Town and L-SRHS non-override budgets would provide level service at best. The SPS budget would result in potential reductions of about 29 FTE's. Ms. Berry stated that, with a unanimous vote, the Finance Committee is recommending an FY18 non-override operating budget article of almost \$94.4 million dollars. This is a 3.68% increase over FY17 and will result in an estimated 2.01% increase in the residential tax rate, which is a \$254 tax increase on the average home valued at \$705,763.

#### **FY18 Override Budget Request**

Ms. Berry stated the Finance Committee received the override proposals from the Town and SPS shown on the screen. The Committee considered each request separately and then the override as a whole. She stated the Finance Committee voted 5-3 to recommend approval of the Town's override request. Those voting in favor of approval believe the four additional firefighters funded by the override are needed to run a second ambulance because the Town has increasingly needed to rely on ambulance service from



surrounding towns. The majority also agreed there is a need for an additional police officer based on the increasing population and demands on the department. Those voting against the Town's request were unwilling to recommend approval unless Free Cash was used to fund a portion of the Town override.

Ms. Berry stated the Finance Committee held several meetings with SPS discussing the district's needs and the reasons for their original budget proposal of an 8.5% increase over FY17, which is primarily caused by staffing increases over several years in conjunction with a contract that includes a 3.5% COLA in FY18. She explained the Committee did not support SPS's original proposal or a subsequent budget scenario with a 6.8% increase. A majority of the Finance Committee voted to recommend approval of a 5.23% increase, which is the \$675,078 override amount that SPS ultimately requested. Ms. Berry stated the SPS override budget would also result in staffing cuts, but the reduction would be approximately 11 FTEs instead of 20.5, in addition to an 8.3 FTE reduction based on enrollment that is included in both budgets. She explained the three members voting against the override were concerned about the increase in staffing as the student population decreases, and they had questions about the sustainability of the SPS budget, or they had questions about the justification for the negotiated COLA increase. Those voting in favor of the SPS override budget also had some of these concerns, but they also believe the level of cuts necessary in the non-override budget are too severe and that the SPS override budget reflects a reasonable balance between the resulting tax increase and the needs of the SPS district.

By a vote of 5 to 3, Ms. Berry stated the Finance Committee recommends approval of the FY18 Override request which, if passed, will result in a total operating budget article of almost \$95.5 million — a 4.87% increase over FY17. She stated this translates to an estimated 3.5% increase in the residential tax rate and a \$438 tax increase on the average home.

### **OPEB Normal Cost**

Ms. Berry stated that, with these budgets, for the first time, the full amount of the OPEB Normal cost is included, which means the Town is putting aside money for future healthcare benefits earned by employees in the current year. She further stated the FY18 additions for the OPEB Normal Cost account for a little over \$260,000 of the FY18 increase and complete the first phase of addressing the Town's unfunded OPEB liability.

### **Future Financial Considerations**

Ms. Berry stated she would speak briefly about a few future financial considerations. In 2015, Annual Town Meeting voted to place \$4.5 million in the OPEB Trust, which was most of the funds remaining from the Town's self-insured health program that ended when the Town and SPS moved to the Group Insurance Commission plan. She explained that, now, the Town needs to adopt a plan to add to this trust on a regular basis in order to address the substantial unfunded OPEB liability from past years. She further explained the capital budget within the operating budget is insufficient to fund

the recurring capital needs of the Town and the Schools. The Capital Funding Committee has been working on recommendations of possible funding sources for these recurring capital needs, and she noted this would likely be discussed in the coming year.

Ms. Berry stated long-range financial planning is another area that has received increased attention this year. In late August or early September, the Finance Committee will discuss three-year forecasts of revenues and expenses with the Town and Schools' management teams, a practice which is hoped to continue on a yearly basis.

### **FY18 Budget Recommendations**

Ms. Berry recapped the Finance Committee recommendations for FY18 as follows: the Finance Committee unanimously recommends the \$94,397,705 non-override operating budget article, which results in a 2.01% residential tax increase and a \$254 tax increase on the average home. She further stated a Committee majority also recommends approval of the \$95,474,975 override operating budget article with its 3.5% tax increase and \$438 tax increase on the average home.

In closing, Ms. Berry thanked all the staff and committee members who have spent countless hours providing the Finance Committee with the data and explanations needed for its recommendations, and she especially thanked Dennis Koehane, the Town's Finance Director.

The Moderator asked voters to consider a motion, requiring a majority vote, to expand the time for each cost center to present its budget from five minutes to eight minutes. The motion was made, seconded, and the Moderator declared the motion **PASSED BY WELL MORE THAN A MAJORITY.**

The Moderator introduced Town Manager Rodrigues to present the Town budget.

Ms. Rodrigues stated she is proud of the budget she would present tonight, and she thanked the Finance Committee, especially Susan Berry, and the representatives she worked with from the other cost centers during this budget process. She also thanked the Town employees who work hard to continue Sudbury's traditions. Ms. Rodrigues displayed slides of charts reflecting the Fiscal Year 18 Budget, stating it is an increase of 3.6% for approximately \$900,000. She further stated the Town operates seven clusters, including benefits, which are reflected in 30 separate budgets. In the end, Ms. Rodrigues stated a budget is developed which maintains Town services and fairly compensates employees while being mindful of the taxpayers. She explained the budget includes no new initiatives. She also explained the fixed costs are increasing by \$763,667 and she provided a breakdown. Ms. Rodrigues highlighted this is the first year of increasing the Other Post-Employment Benefits (OPEB) to the Town/School's full amount (\$36 million if not funded and \$19 million if pre-funded). She also noted ambulance receipts offset the total by approximately \$659,912. She further noted the "Other" line on the slide for \$847,691 includes the \$375,000 appropriated by the Finance Committee to fund the anticipated unemployment SPS costs. Town Manager Rodrigues displayed a pie chart showing the

**Town's largest budget item as "Public Safety" (32%) followed by "Public Works" (22%) and "Employee Benefits" (21%).**

**Ms. Rodrigues summarized the reductions in the budget from FY17, including decreases in Town Manager's office hours, decreases in salaries in the Planning Department, Department of Public Works (DPW) and Recreation Department, decrease in gas costs and for streetlights, and a decrease in the reserve account.**

**Ms. Rodrigues noted a few new FY18 critical needs, including a retainer for Town Counsel, the October Town Meeting costs, tree contractors, the MS4 Federal permit for stormwater contract which will have financial impacts for the next three years, OPEB and the creation of a new DPW Town Engineer position.**

**Fire Chief William Miles stated the Town's population has grown larger since 1978, but the Fire Department's staffing has remained the same at 32. Chief Miles explained staff work in four shifts, so there are not more than eight staff members working at a time. He displayed a slide noting the call volume, and he noted the ambulance is being used more frequently. However, Chief Miles stated the Town has relied more on reliant aid from other communities than is preferred. He explained the National Development project at the former Raytheon site is expected to translate into 358 extra incidents for the Department per year, and he noted this does not include extra calls due to the Coolidge and Northwoods' projects. The Chief stated approximately 50% of the calls are medical-related and 74% of them involve transports. It is estimated the new developments could translate into 232 more transports per year. He stated the Town owns two ambulances, but it is only able to staff one. Chief Miles highlighted 15% of the transports are to Boston hospitals which leaves the Town uncovered for a longer period of time. He displayed a slide to reflect the anticipated additional revenues versus expenses. Chief Miles stated the average ambulance collection is \$820, which might generate approximately \$190,000. However, he emphasized the revenues would help, but they would not cover the anticipated cost of \$425,000 for four new firefighters.**

**The Moderator introduced SPS Superintendent Anne Wilson to present the SPS budget.**

**Superintendent Anne Wilson presented four goals of SPS as including educational opportunities for all children, enhancing social, emotional and behavioral supports for all children, the implementation of new science technology and engineering standards, which include professional development and curriculum development, and engaging in a process of strategic planning and development with a new 3-5-year plan for SPS. Superintendent Wilson displayed a slide showing enrollment projections, noting enrollment has decreased in the last few years, and a slight decrease is projected for a few years to come. She highlighted these decreases are spread over five schools and nine grade levels. Superintendent Wilson stated a decrease of approximately 45 students is estimated for FY18.**

Superintendent Wilson stated the SPS budget has direct impact on staffing and programming. She displayed a chart indicating that the SPS cost per pupil spending was below the State's average for 2015 when compared to neighboring districts. However, Superintendent Wilson emphasized SPS's overall performance relative to other schools in the same school type ranks extremely high. She mentioned some of SPS's successes in recent years as rebuilding the teaching and learning infrastructure, implementing 1:1 technology at Curtis and enhancing technology in the elementary schools, enhancing the in-district special education programming, providing leading edge work for social and emotional learning, and receiving grants for innovation. Superintendent Wilson stated that, in FY18, changes in the secondary school hours at Curtis will be implemented and 20 minutes will be added to the school day.

Superintendent Wilson stated SPS has not asked for an override since 2009, and this was accomplished by staffing cuts, reallocating health benefit savings, and using grants and one-time funding when it was available, but these were not sustainable to fund this budget. She explained SPS has used the following strategies to save money: a moratorium on new technology for FY16 and FY17, mid-year freezes on purchases, implemented energy-savings measures, and needs were put on hold. She displayed a slide listing reasons "Why the FY18 Budget is Challenging." Superintendent Wilson highlighted 13 FTEs were added for mandated special education services, English language learning services, and there was a greater Kindergarten enrollment than had been anticipated. She also noted an 11% increase in benefits, and a 9.6 - 10% increase in expenses. Superintendent Wilson stated SPS relied on one-time funds and cost-saving measures for many years, but these options have reached their limits. She also noted the 2015-2016 contract obligations, which have brought Sudbury employees closer in line with peer communities so as not to lose staff to other systems for more compensation. Superintendent Wilson stated the mandated additions for special education services and English language learning programs appear in both the non-override and override budgets.

The Moderator asked Superintendent Wilson how much more time was needed for her presentation, and she said approximately two minutes. He asked the Hall if this was acceptable, and no objections were expressed.

Superintendent Wilson stated the expense cuts and cost savings are also in both the non-override and override budgets. She mentioned new transportation arrangements have saved approximately \$1 million by combining the middle school and high school routes and moving the Loring School start time to the same as the other elementary schools. She also highlighted expense cuts were made by decreasing instruction and operational software by \$75,000 and decreasing professional development by \$50,885. She stated the FY18 non-override budget reflects a 3.6% increase over FY17 and the override budget reflects a 5.2% increase over FY17. Superintendent Wilson emphasized the 82% of the budget allocated for salaries and benefits, and the 6% for transportation, utilities and maintenance are essentially fixed costs. She explained the non-override budget translates to staffing cuts of 30 FTEs, including teachers, support staff and administration and it would add a \$50 per year fee for technology at Curtis. Superintendent Wilson stated the override budget reflects only 19 FTE staff cuts, adds a science coach and does not have the \$50 technology

fee at Curtis. In closing, Superintendent Wilson stated SPS staff members are proud of their schools and they are committed to providing excellent education for Sudbury and she thanked residents for their support.

The Moderator introduced L-SRHS Superintendent Bella Wong to present the L-SRHS budget.

Superintendent Wong stated L-SRHS is recommending a non-override budget request for \$30,093,370, which includes the requested OPEB allocation, but it does not include debt. She stated this reflects a 3.36% increase over last year and it satisfies Sudbury's Town guidance and Lincoln's guidance. Superintendent Wong displayed a slide listing Budget Program Assumptions, which she reviewed as retaining current educational programming with no new initiatives, including 1 FTE to support the Beacon Program, and .25 FTE to complete a two-year pilot Mandarin language program. She also displayed a slide listing "Budget Financial Assumptions," noting it adheres to negotiated compensation contracts, federal grants are level-funded, includes new minimum contribution rates, a 12% increase in health insurance, out-of-district tuition expenses and utilities are level-funded, and there is a 5% increase in regular education transportation. Superintendent Wong also noted there is a reduction to instructional capital items by \$110,000 and the projected decline for debt is estimated at \$20,000. She displayed a chart of the overall summary of the budget, and she stated the total budget is \$30,764,170, which reflects a 3.21% over the previous year. She also explained some of the budget is paid for by grants or Chapter 70 funds.

Superintendent Wong summarized that the assessment is the total amount each town is charged for the L-SRHS operations, and she briefly reviewed how the figures are determined based on the existing Regional Agreements. She stated the estimated assessment for Sudbury is 86.53% and the assessment for Lincoln is 13.47%. Superintendent Wong stated the Sudbury assessment is 3.58% higher than last year's. She thanked L-SRHS Director of Finance and Operations Sherry Kersey, the School Committee, the District's staff, Town-wide Departments and the Town Manager for their assistance during this challenging budget process.

The Moderator explained he would proceed to read each line item of the proposed budget from the new handout available tonight, asking if anyone had a motion to amend or questions to hold.

Sudbury resident Dave Jacob, 328 Old Lancaster Road, asked to hold on line item SPS OPEB Normal Costs. Mr. Jacob asked what the unfunded OPEB liability is for previous years.

Town Manager Rodrigues stated the liability is \$36 million if it is not prefunded for both the Town and SPS.

**L-SRHS District School Committee member Gerald Quirk stated the High School's 2015 actuarial OPEB liability was \$24.7 million, which was a decrease from the 2013 actuarial audit.**

**Sudbury resident Charles Nichols, 27 Virginia Ridge Road, asked for additional information regarding how step increases for teachers and staff are calculated and awarded. He also asked what percentage of teachers advance in steps each year.**

**Town Manager Rodrigues stated there is information at the back of the Warrant which explains the Town's step increases, and she stated yearly evaluations are performed until the steps are maxed out.**

**SPS Superintendent Wilson stated teachers are evaluated each year and they advance in steps until they reach the limit for their position. She also noted staff can advance in steps based on additional course and degree work.**

**Sudbury resident Allan Wallack, 67 Thompson Drive, asked if the funds requested for legal issues are part of the \$95 million budget.**

**Town Manager Rodrigues stated the legal funds are other tax dollars being requested in Articles 12 and 13 later in this meeting, and they are not included in this budget figure. She further stated the Limiting Motion includes the override amount.**

**Sudbury resident Dan McCarthy, 5 Dunster Road, asked for a round of applause for former DPW Director Bill Place who retired after 40 years as the Town Engineer.**

**Sudbury resident Ada Vassilovski, 40 Singletary Lane, asked if the proposed \$50 technology fee for Curtis complies with M.G.L. Chapter 71, Section 48 because she believed 1:1 programs are to be considered the same as textbooks.**

**SPS Superintendent Wilson stated her understanding is that the fee complies fully with the law.**

**Sudbury resident Michael Goulet, 27 Middle Road, asked how much money is spent on the Curtis 1:1 program per year.**

**SPS Superintendent Wilson stated she could provide the figures at another time, but she noted the costs include staffing, devices, a technician and professional development.**

**The Moderator resumed reading aloud each line item of the budget, and he noted a majority vote would be needed. There were no public comments regarding any other line items.**

**The Moderator declared that the motion for Article 3 override budget for \$95,474,975 PASSED BY WELL MORE THAN A MAJORITY.**

## **ARTICLE 4 - FY18 CAPITAL BUDGET**

Selectman Patricia Brown *moved* in the words below:

*Move 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***

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

Submitted by the Town Manager

(Majority vote required)

The *motion* received a second.

Town Manager Rodrigues stated the FY18 capital expenditures budget was developed and recommended to her by Town staff and from all three cost centers. She stated the budget proposes a 2.25% increase of \$9,190. Ms. Rodrigues explained this budget is for items which cost less than \$50,000 in one year or less than \$100,000 over multiple years. She displayed a chart of the capital requests by department for FY17 totaling \$404,000, and for FY18 totaling \$413,190, and she noted this is funded by the tax levy. Ms. Rodrigues reviewed the list of requests totaling \$413,090, including \$50,000 for various building improvements, \$50,000 for school floor, \$47,000 for replacement of cafeteria equipment, \$50,000 to replace worn carpet at the Goodnow Library and other buildings, \$25,000 for replacement of heating and circulation pumps at Curtis, \$26,000 for an electrician's work truck, \$38,000 for GPS surveying equipment to be used for stormwater inspections required for the MS4 Permit, \$40,000 for a Fire Department car replacement, \$37,190 for walkways, and \$50,000 for a one-ton utility vehicle maintenance work truck. She stated she had additional slides of information to present, but, in the interest of time, she suggested providing more information as needed when answering questions.

**FINANCE COMMITTEE:** Finance Committee Chair Susan Berry stated the Committee unanimously recommended approval of the article.

**BOARD OF SELECTMEN:** Unanimously recommended approval of the article.

Sudbury resident Allan Wallack, 67 Thompson Drive, asked if this is a request for extra taxes or if this amount is included in the \$95 million budget.

Town Manager Rodrigues stated this request would be additional taxes and it is presented as a different line item.

The Moderator stated a majority vote was required, and that the motion for Article 4 **PASSED BY WELL MORE THAN A MAJORITY.**

#### **ARTICLE 5 - FY18 TRANSFER STATION ENTERPRISE FUND BUDGET**

Board of Selectmen Chairman, Susan Iuliano, moved in the words below:

*Move 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.*

Submitted by the Finance Committee

Majority vote required)

The motion received a second.

Town Manager Rodrigues explained enterprise funds as giving towns the flexibility to account separately for all financing activities associated with a broad range of municipal services for which a fee is charged in exchange for goods and services. She further explained revenues and expenses for these services are segregated into a fund with separate financial statements. Ms. Rodrigues presented a chart comparing the proposed FY18 figures to the FY17 appropriation for the Transfer Station Enterprise Fund, noting this does not impact the tax levy. She stated the FY18 figures include all staff and indirect costs, including health insurance. Town Manager Rodrigues stated the FY18 request is for a slight increase from \$292,732 last year to \$314,092.

**FINANCE COMMITTEE:** Finance Committee member Adrian Davies stated the Committee unanimously supported the article.

**BOARD OF SELECTMEN:** Unanimously recommends approval of the article.

The Moderator stated a majority vote is required, and that the motion for Article 5 was **UNANIMOUSLY VOTED.**

#### **ARTICLE 6 - FY18 POOL ENTERPRISE FUND BUDGET**

Selectman Leonard Simon moved in the words below:



*Move 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.*

Submitted by the Finance Committee

(Majority vote required)

The motion received a second.

Town Manager Rodrigues stated the Pool Enterprise Fund FY18 request is for a slight increase from \$574,279 last year to \$574,434. She further stated no retained earnings will be used this year, and there is no rate increase needed this year.

**FINANCE COMMITTEE:** Finance Committee member Adrian Davies stated the Committee voted to recommend approval of the article with a vote of 4-2.

**BOARD OF SELECTMEN:** Unanimously supported the article.

The Moderator stated a majority vote is required, and that the motion for Article 6 PASSED UNANIMOUSLY.

#### **ARTICLE 7 - FY18 RECREATION FIELD MAINTENANCE ENTERPRISE FUND BUDGET**

The Moderator noted that there is a new handout available tonight for Article 7 on the back side of the handout for Article 3.

Selectman Bob Haarde moved in the words below:

*Move 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:*

Submitted by the Finance Committee

(Majority vote required)

The motion received a second.

Town Manager Rodrigues stated retained earnings are no longer being used, and this Enterprise includes some indirect costs. She further stated all other funds are for maintenance of fields. Town Manager Rodrigues stated the Recreation Enterprise Fund FY18 request is for an increase from \$236,758 last year to \$240,337, primarily due to COLAs.

**FINANCE COMMITTEE:** Finance Committee member Adrian Davies stated the Committee unanimously supported the article.

**BOARD OF SELECTMEN: Unanimously supported the article.**

**The Moderator stated a majority vote is required, and that the motion for Article 7 *PASSED UNANIMOUSLY.***

### **ARTICLE 8 - UNPAID BILLS**

**Selectman Pat Brown moved to indefinitely postpone Article 8.**

**Submitted by the Town Accountant**

**(Majority required)**

**The motion was seconded.**

**FINANCE COMMITTEE: Finance Committee member Jeff Atwater stated the Committee unanimously recommended approval of indefinite postponement of the article.**

**BOARD OF SELECTMEN: Unanimously supported the move to indefinitely postpone the article.**

**Sudbury resident Elaine Barnartt-Goldstein, 40 Indian Ridge Road, asked if there are any unpaid bills.**

**Selectman Brown stated that there are none.**

**The Moderator stated a majority vote is required, and that the motion for Article 8 was UNANIMOUSLY VOTED TO INDEFINITELY POSTPONE.**

### **ARTICLE 9 - CHAPTER 90 HIGHWAY FUNDING**

**The Moderator stated he was reminded that he forgot to attend to the Consent Calendar. However, since there are only two articles, Article 9 and Article 10, on the Consent Calendar, the Moderator stated he elected to take them in their regular order.**

**Board of Selectmen Chairman Susan Iuliano moved in the words of the article below:**

*Move to see if the Town will vote 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; or act on anything relative thereto.*

**Submitted by the Director of Public Works**

**(Majority vote required)**

**FINANCE COMMITTEE:** Finance Committee member Jeff Atwater stated the Committee unanimously recommended approval of the article.

**BOARD OF SELECTMEN:** Supported the article.

The Moderator stated a majority vote is required, and that the **motion** for Article 9 **PASSED UNANIMOUSLY.**

## **ARTICLE 10 - TOWN/SCHOOL REVOLVING FUNDS**

Selectman Len Simon **moved** in the words of the article below:

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

*and to confirm that said funds have been established in accordance with M.G.L. c.44 s. 53E ½; or act on anything relative thereto.*

Submitted by the Town Finance Director

(Majority vote required)

The motion was seconded.

**FINANCE COMMITTEE:** Finance Committee member Jeff Atwater stated the Committee unanimously recommended approval of the article.

**BOARD OF SELECTMEN:** Supported the article.

The Moderator stated a majority vote is required, and that the motion for Article 10 **PASSED UNANIMOUSLY.**

**ARTICLE 11 – AMEND BYLAWS BY ADDING NEW ARTICLE XXXIII  
ESTABLISHING REVOLVING FUNDS**

Selectman Bob Haarde moved in the amended words below:

*Move to add a new Article XXXIII Establishing Revolving Funds to the Town Bylaws as stated in the article; and further to set FY18 Spending Limits for such Revolving Funds as stated in the article below:*

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:

<b><u>Program or Purpose</u></b>	<b><u>Authorized Representative or Board to Spend</u></b>	<b><u>Department Receipts</u></b>
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	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

- 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

Submitted by the Finance Director

(Majority vote required)

The motion was seconded.

Town Manager Rodrigues explained the Municipal Modernization Act, Chapter 218 of the Act of 2016 was signed into law on August 9, 2016, and it streamlined many municipal processes. She further explained tonight's article is to reconcile the Town's bylaws with the new statute. Ms. Rodrigues stated revolving accounts used to be submitted for the Consent Calendar to be authorized each year at Town Meeting. Under the new law, she stated the bylaw would be authorized each year, and it would be amended to reflect the maximum amount that can be spent annually from respective accounts. Ms. Rodrigues stated that, this year, the revolving accounts need to be authorized in both the old and new ways, as advised by Town Counsel, awaiting the Attorney General's approval of the bylaw language. In the future, the Town will only need to amend the bylaw to reflect maximum spending amounts or to add or remove a revolving account.

**FINANCE COMMITTEE:** Finance Committee member Jeff Atwater stated the Committee unanimously recommended approval of the article.

**BOARD OF SELECTMEN:** Unanimously supported the article.

The Moderator stated a majority vote is required, and the motion for Article 11 was **VOTED UNANIMOUSLY.**

#### **ARTICLE 12 - FUND LITIGATION COSTS - EVERSOURCE**

Board of Selectmen Chairman Susan Iuliano *moved* in the words of the article below:

*Move to see if the Town will vote 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; or act on anything relative thereto.*

Submitted by the Town Manager

(Two-thirds vote required)

The motion was seconded.

Town Manager Rodrigues stated that, as of March 2017, the Town has spent over \$100,000 in preparing for the Eversource Siting Board filing. She further stated that, now that the filing has occurred, costs are expected to continue to increase. Ms. Rodrigues stated the Stabilization Fund balance is \$4,606,353.19, and tonight's article requests \$200,000 from this Fund to continue to fund the Eversource litigation costs.

**FINANCE COMMITTEE:** Finance Committee member Jeff Barker stated the Committee unanimously voted to recommend approval of the article.

**BOARD OF SELECTMEN:** Supported the article with a vote of 4-0 and one member was recused.

The Moderator noted there is a wealth of information on the Town's website related to the Eversource proposal. He also stated a two-thirds vote was required.

The Moderator declared the motion for Article 12 was UNANIMOUSLY VOTED.

### **ARTICLE 13 – FUND LITIGATION COSTS – SUDBURY STATION PROJECT**

Selectman Pat Brown moved in the words of the article below:

*Move to see if the Town will vote 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; or act on anything relative thereto.*

Submitted by the Town Manager

(Two-thirds vote required)

The motion was seconded.

Town Manager Rodrigues stated the Town transferred funds last year for these purposes. She explained the Town is involved in several related litigations in land court and in the Housing Appeals Committee. She stated the Stabilization Fund balance (after a transfer for Eversource litigation) is \$4,406,353.19, and tonight's article requests \$150,000 from this Fund to continue to fund the Sudbury Station litigation costs.

**FINANCE COMMITTEE:** Finance Committee member Jeff Barker stated the Committee unanimously voted to recommend approval of the article.

**BOARD OF SELECTMEN:** Unanimously supported the article.

Sudbury resident Kevin Matthews, 137 Haynes Road, stated the Town transferred \$50,000 last year for this purpose, and now, three times more money is being requested. Mr. Matthews stated he is concerned about how much more money the Town will request for this purpose next year because he is not sure the strategy being used is the right one to defeat the proposed project. He emphasized there are storied old properties in Town, owned by original Sudbury families, which will have a rail trail going right through these properties. Mr. Matthews stated the Town had to pay \$7 million a few years ago to the Wolfe Family to stop developments, and he believes this will continue with other property owners like Cavicchio, Maurer and Haynes, and the outcome could change the nature of this Town. He believes there is still time to try to work with the developers about a possible



swap rather than trying to beat them in Land Court. Mr. Matthews stated he believes the Town is pursuing the wrong strategy and it is spending more and more money.

Sudbury resident Scott Smigler, 125 Plympton Road, stated a partial summary judgement was received from Land Court regarding easements, and he believes it is possible some issues could be resolved this year. Mr. Smigler believes the Town should continue to be aggressive with the abutter and Town lawsuits, noting positive developments have occurred.

Sudbury resident Cindy Fenichel, 114 Old Lancaster Road, stated she is concerned that the Town will keep running into these litigation situations unless it addresses its 10% Chapter 40B requirements, and she asked what is being done to avoid this from continuing.

Sudbury resident Sarika Pundit, 62 Ridge Hill Road, stated she attended a prior Town Meeting where a swap was approved to enable this project based on incorrect advice from the former Town Counsel, but she had thought it was for a single home. Ms. Pundit asked what recourse the Town has about this and how much money will need to be spent in litigation.

The Moderator stated he did not accept that the prior advice had been incorrect, and he asked if Ms. Pundit had a specific question regarding tonight's article.

Ms. Pundit asked what the Town is doing to pursue other sources to offset litigation costs.

The Moderator stated the Town's approach has been to fund litigation directly against the developer.

Town Manager Rodrigues stated this is the only funding source at this time, and that there is a Land Court case which speaks to Ms. Pundit's question, but she is unable to discuss the details at this time.

Sudbury resident David Hornstein, 22 Candy Hill Road, asked if the Selectmen could speak to the Chapter 40B threshold question and whether the Town has met its requirement.

Board of Selectmen Chairman Susan Iuliano summarized how the 10% affordable housing quota is calculated. She stated the Town has met its threshold, and it projects to maintain this threshold through 2020. However, Ms. Iuliano stated the Town needs to begin planning now to ensure it can maintain this threshold through 2030. She stated it is critical for the Town to have control regarding development for the Town.

Sudbury resident Mara Huston, 578 Peakham Road, stated this is the second article presented to use Stabilization Funds tonight, and she asked how much of the Fund should be used at this Town Meeting.

Town Manager Rodrigues stated the Selectmen and Finance Committee have a policy to maintain 5% of the budget in the Stabilization Fund. She noted there would be another article later in this Meeting to transfer \$113,000 to the Fund. Town Manager Rodrigues stated the plan is to bring the Fund back to its 5% balance with another transfer at the October Town Meeting.

The Moderator stated a two-thirds vote was required, and the motion for Article 13 was **VOTED BY WELL MORE THAN THE TWO-THIRDS REQUIRED.**

#### **ARTICLE 14 - BRUCE FREEMAN RAIL TRAIL DESIGN FUNDING**

Selectman Len Simon **moved** in the words of the amended motion below:

*Move in the words of the article with the sum of \$330,000 to be transferred from Free Cash.*

Submitted by the Town Manager

(Majority vote required)

The motion was seconded.

Sudbury's Environmental Planner Beth Suedmeyer provided a brief overview of the Bruce Freeman Rail Trail (BFRT) and a status update on the project. Ms. Suedmeyer stated the Selectmen voted unanimously in March 2017 to approve a request for \$330,000 for additional design funds for the BFRT. She further stated previously appropriated funds allow for the completion of the 25% design, which is anticipated to be in June. Ms. Suedmeyer stated a lot of progress has been made in the past year. She noted Town Meeting voters previously supported pre-design work and work for the 25% design and a portion of the 75% design. Ms. Suedmeyer explained tonight's request will allow for continuity in the project design and for preparing the project to advance to the construction phase where State and federal funds are expected to be utilized.

Ms. Suedmeyer displayed a slide of the project area for Phase 2D, which she described as 4.4 miles from Station Road to the Concord Town line. She stated the full BFRT is approximately 25 miles, running from towns to the north of Sudbury, and she briefly described the status of the trail in the other towns. Ms. Suedmeyer stated Sudbury is the next phase of development for the trail in this regional corridor. She summarized recent progress, including the Boston Metropolitan Planning Organization (MPO) vote last month to include Sudbury's BFRT section on the draft Transportation Improvement Program (TIP) to schedule construction funding. Ms. Suedmeyer explained the MPO reviews its construction plans on a five-year schedule. She stated Sudbury was put on the draft TIP list for construction of the BFRT funding in 2022. Thus, it is anticipated the estimated \$7 million construction costs will be paid for by State and federal funds.

Ms. Suedmeyer also summarized the project's public progress, including four public meetings conducted by VHB, the project design team, and the creation of the BFRT Design

Task Force by the Selectmen, which met numerous times regarding design and concerns from residents, abutters and businesses. She stated the Task Force had considerable outreach to Town committees, abutters and residents. Ms. Suedmeyer noted the Selectmen unanimously approved the Task Force's recommendations in March and April 2017.

Ms. Suedmeyer summarized VHB's progress towards the 25 % design, including survey work, the Order of Resource Area Delineation issued by the Conservation Commission in November 2016, preliminary design plans, preliminary structural analysis (Hop Brook and Pantry Brook Bridges), evaluation of alternative treatment options in wetlands' challenge areas, parking study, and review of roadway crossings' traffic counts.

Ms. Suedmeyer provided several reasons for why Sudbury should pursue the BFRT, noting it provides a safe and separate recreational and commuter path for a variety of users, it promotes transportation options and it offers connections to schools, retail districts, the West Concord rail station and other points of interest without the use of vehicles. She highlighted it is important to have healthy recreation options in communities. Ms. Suedmeyer reviewed the project's timeline and estimated budget, noting 25% design completion is anticipated in June 2017, a Design Public Hearing with the Massachusetts Department of Transportation (DOT) is anticipated to occur by the end of 2018, 75% design to begin in the fall of 2017 through to the summer of 2018, with 100% design anticipated possibly in the fall of 2018. She noted there is not an estimate yet for the cost of the 100% design. Ms. Suedmeyer also stated the Town will be periodically reviewing the TIP schedule, once it is finalized, to be sure timing for Sudbury's project has not changed.

Ms. Suedmeyer stated the Town has spent approximately \$300,000 for the 25% design. She further stated \$330,000 is being requested tonight to complete the 75% design, to ensure no time is wasted on the project. Ms. Suedmeyer stated it is anticipated the construction funding for the project will be available from State and federal funds.

**FINANCE COMMITTEE:** Finance Committee member Jeff Barker stated the Committee voted to recommend approval of the article by a vote of 4-3, noting those that supported the article wanted to keep the project on track for State and Federal funding. He further noted those who voted to oppose the article believed the Town should wait to see if alternative funding is available at the October 2017 Town Meeting.

**BOARD OF SELECTMEN:** Unanimously supported the article.

Sudbury resident Dan DePompei, 35 Haynes Road, stated he wished to amend the motion.

The Moderator stated Mr. DePompei had consulted with him previously about the amendment, and the Moderator has deemed it to be a valid motion.

Mr. DePompei made a motion in the amended words below:

*Move to insert “the WPA and the local bylaws” after “MassDOT Standards.” The motion’s new wording would be:*

*Move to see if the Town will vote to raise and appropriate, or transfer from available funds, \$330,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of advancing the ongoing design to Mass DOT standards, the WPA and the local bylaws of the 4.4-mile Bruce Freeman Rail Trail, or act on anything relative thereto.*

The motion was seconded.

Mr. DePompei stated he considers his amendment as clarification for legal and technical standards. He reviewed previous statements which have led to this amendment. In August 2012, he stated former Selectman Drobinski stated that, if the Town did not follow its own bylaws, it would be hypocritical. Mr. DePompei stated the 25% design contract was awarded to VHB in 2014, which included proposed environmental standards to insure an appropriate design is prepared and permitted under the WPA and Sudbury’s Wetlands’ Protection Bylaw. At the Rail Trail Forum in January 2015, he noted the Selectmen stated the trail would comply with Sudbury’s bylaws. However, in November 2015 at a Community Preservation Committee (CPC) Meeting, he stated the former Planning Director stated the Mass. DOT would be the applicant for the project and the State would not be subject to local bylaws. Mr. DePompei stated the CPC did not address the legal basis for disregarding the local bylaws and it recommended approval of funds for the preliminary 75% design to the Selectmen for Town Meeting. He also stated the temporary Town Planner Michelle Ciccolo stated on May 3, 2016 that it would be inappropriate for the Town not to comply with its own bylaws and that the Town would have to pay for compliance. Mr. DePompei further stated the Selectmen voted on May 3, 2016, by a majority 3-2 vote, to not have the partial 75% design of the BFRT comply with Town bylaws. He also stated he does not believe the Selectmen have the discretionary legal authority to suspend or delete Town bylaws on a case-by-case basis for projects. Mr. DePompei stated Town Meeting 2016 voted to support Article 42 and CPC funding was appropriated for this article, which the Selectmen had presented as legal and appropriate. He stated Sudbury’s new Town Counsel opined using CPC funds for the BFRT is inappropriate in March 2017. Mr. DePompei stated this is why the article tonight is now being presented as being funded by Free Cash.

Mr. DePompei stated he believes the way forward is to support the amended motion tonight, if one really believes the BFRT design funds need to be advanced at this time. He stated the Town is responsible for the administration and adjudication of environmental bylaws and this needs to be included as a local cost for the trail. Mr. DePompei stated he believes that as long as this is a Sudbury project, the Bylaws should apply as they would for any other local project. He urged the Hall to support the proposed amendment so as to eliminate the confusion and to avoid any potential legal challenges.

Sudbury resident Matthew Proujansky, 348 Old Lancaster Road, asked if Town Counsel agrees that legal problems could arise if the article motion is not amended as proposed.

**Town Counsel Barbara Saint Andre stated the main motion and the amended motion are both legal motions. Ms. Saint Andre stated this is a policy decision as to whether the Town wants to have the BFRT design according to the original motion or the amended motion.**

**Sudbury resident Robert Stein, 7 Thompson Drive, asked Mr. DePompei if he is an abutter to the proposed BFRT.**

**The Moderator asked Mr. Stein to direct questions to him, and the Moderator asked if Mr. DePompei wished to answer.**

**Mr. DePompei stated he is an abutter to the BFRT.**

**Mr. Stein asked if the amended motion to follow the Town bylaws is supported tonight whether this would essentially jeopardize the Town receiving the estimated \$7 million for construction of the project.**

**Selectman Len Simon stated the Selectmen appointed the BFRT Design Task Force to work with the Conservation Commission to ensure there are environmental protections.**

**The Moderator asked Selectman Simon to focus his response on Mr. Stein's question.**

**Selectman Simon stated that, if the bylaws which mandate a change in the BFRT design proposal are beyond what the State will pay for, or if they are considered to be inappropriate, the State could require the Town to pay for their costs. He further stated the Town could be risking over \$7 million for the BFRT project.**

**Sudbury resident Dick Williamson, 21 Pendleton Road, stated all of the towns to the north of Sudbury which have worked on the BFRT used State DOT funds. Mr. Williamson believes it is premature to discuss some issues, and the Town should wait until the design is finished before it discusses whether it meets the wetlands' standards.**

**Sudbury resident Mara Huston, 578 Peakham Road, stated bylaws are very important because they protect residents from things which could harm the wetlands. Ms. Huston stated she would like to hear from the Conservation Commission regarding what the differences are between the local and State laws.**

**Sudbury resident and Conservation Commission member and representative to the BFRT Design Task Force, Charles Russo, 30 Juniper Road, stated there are essentially two differences, noting the Town's bylaw for streams is more stringent and the Town bylaw requires a 100-foot offset from wetland resource areas. Mr. Russo further stated an all or nothing approach is not always appropriate.**

**Sudbury resident Richard Flynn, 68 Stock Farm Road, stated he served on the regional transportation advisory committee and he is familiar with the TIP list. Mr. Flynn**

stated he supports the amendment because the project is still in the design phase and there is time to put something in which keeps the Town in compliance with the WPA and local bylaw, especially because Sudbury is an environmentally-conscious Town.

Sudbury resident Dianne Cincotta, 262 Willis Road, stated she supports the amendment because she believes not supporting it weakens the Town's case against the Eversource project. Ms. Cincotta does not believe the Town can pick and choose when it upholds its bylaws and when it does not.

Sudbury resident Jan Hardenbergh, 7 Tippling Rock Road, stated he believes the amended motion is a naked attempt to defeat a rail trail in Sudbury. Mr. Hardenbergh believes tonight's vote is essentially for Town Meeting to decide whether Sudbury wants a rail trail or not.

Sudbury resident Eric Truebenbach, 5 Firecut Lane, stated he heard Mr. DePompei at a previous meeting support a crushed stone surface. Mr. Truebenbach stated such a surface would not be used by bicyclists and it would be basically a way of not having a rail trail. He believes the more the Town amends motions the more it lessens its chances for getting what it wants.

The Moderator stated there was a motion to call the question, which was seconded. He stated this motion would require a two-thirds vote, and the motion to call the question was **VOTED BY WELL MORE THAN TWO-THIRDS.**

The Moderator stated the amended motion would require a majority vote, and the amended motion **FAILED.**

Sudbury resident Linda Cass, 7 Hayden Circle, stated that, similar to the Finance Committee, she wonders if there are other sources of funding for the design costs and whether the article can wait, given the Town is laying off teachers.

Town Manager Rodrigues stated there is no other source of funding available at this time other than Free Cash.

Sudbury resident Rory Richards, 65 Ford Road, asked if Free Cash is the only way the Town is allowed to fund the project, or whether there could be private funding.

Town Manager Rodrigues noted the State will not fund the design phase of the project, and she is unaware of any private funding options.

Sudbury resident Matt Shedd, 51 Morse Road, stated he is an abutter to the rail trail, and he thinks it will cause damage and traffic issues, and it will result in a loss of privacy. Mr. Shedd referenced the Special Town Election next week for the override, noting this project is nice to have, but it is not a "must have." He believes protecting the Town's citizens and educating its youth should be higher priorities.

Sudbury resident Dave Leger, 33 Morse Road, stated he is not an abutter to the rail trail, but he has concern as a taxpayer regarding whether abutters would be able to sue the Town for being in violation of the WPA and Town Bylaws.

The Moderator stated that, in essence, anyone can sue anyone for anything.

Town Counsel Barbara Saint Andre stated the Town would not be violating its own wetlands' bylaws, noting that, if the State constructs the trail, the State is exempt from local bylaws. She further stated that, if the State chooses not to be governed by local bylaws, it has the exemption to do so.

Sudbury resident Christina Granahan, 95 Shadow Oak Drive, asked how this is a necessary government function.

Town Counsel Barbara Saint Andre stated the Mass. DOT and the MBTA have many statutes and provisions for bike trails, and she noted several previous legal cases had broad readings.

Sudbury resident Bill Schineller, 37 Jarman Road, congratulated the Task Force for getting the project to the stage of being put on the draft TIP list. Mr. Schineller asked if the design team thinks this can be accomplished with a 16-foot trail, and he questioned whether this would be attractive to a utility company for use in the future.

Selectman Simon stated the BFRT runs north and south, and it has never been designated as a corridor for a utility transmission line. He also emphasized the trail is not 16-feet wide, but only a proposed paved ten-foot trail with two-foot shoulders, with a few exceptions in some locations. Selectman Simon also emphasized the proposed trail is 100% accessible for emergency vehicles, and thus it is important that the trail be constructed as proposed.

The Moderator stated there was a motion to call the question, which was seconded. He stated this motion would require a two-thirds vote, and that the motion to call the question was **VOTED BY WELL MORE THAN TWO-THIRDS.**

The Moderator noted Article 14 required a majority vote, and that the motion for Article 14 was **VOTED BY WELL MORE THAN A MAJORITY.**

## **ARTICLE 15**

The Moderator stated Article 15 was withdrawn.

A motion was made to adjourn tonight's Meeting until May 2, 2017, in the Lincoln-Sudbury Regional High School Auditorium at 7:30 p.m. The motion was received, seconded and **PASSED.** The meeting was adjourned at 10:32 p.m.

## TOWN MEETING

May 2, 2017

Pursuant to a Warrant issued by the Board of Selectmen and a quorum being present, the inhabitants of the Town of Sudbury qualified to vote in Town affairs reconvened in the Lincoln-Sudbury Regional High School (L-SRHS) Auditorium on Tuesday, May 2, 2017, for the second and final session of the Annual Town Meeting. Michael Fee, the Moderator, called the meeting to order at 7:32 p.m.

The Moderator noted approximately 500 people attended last night's Meeting. He asked for a motion for the Hall's approval to appoint Robert Coe to serve as the second Assistant Moderator, since Assistant Moderator Myron Fox is absent tonight, however, Mr. Coe was also absent from the Meeting. The Moderator asked for a motion, which was made and seconded, to appoint Beth Quirk as the second Assistant Moderator for the May 2017 Town Meeting, which the Moderator declared UNANIMOUSLY VOTED.

The Moderator reviewed the fire exits and he announced there were no snacks available tonight. He thanked Boy Scouts from Troop 63, acting as runners with microphones tonight, and their leader Peter Fishman and the Police Officers manning the Hall for safety. The Moderator also thanked the staff and volunteers of SudburyTV, who are taping the Meeting, and Kathleen Dwyer, who was offsite providing closed-captioning services. He also thanked the Lincoln-Sudbury Environmental Club for providing reusable water bottles tonight. The Moderator stated there are 20 articles left for consideration (some will be indefinitely postponed or withdrawn) and he encouraged speakers to focus their remarks in the hope of concluding Town Meeting tonight.

### ARTICLE 16 – GOODNOW LIBRARY CHARTER AMENDMENT

Goodnow Library Trustees Vice-Chairman Barbara Pryor, 221 Nobscot Road, moved in the words of the amended motion below:

*Move to indefinitely postpone.*

Submitted by the Trustees of the Goodnow Library

(Majority vote required)

The motion was seconded.

The Moderator noted a majority vote was needed and that the motion for Article 16 was UNANIMOUSLY VOTED TO INDEFINITELY POSTPONE.



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

Selectman Pat Brown moved in the words of the amended motion below:

*Move to add a new Section 4800 to the Zoning Bylaw, Art. IX, as stated in the article.*

Submitted by the Town Manager

(Two-thirds vote required)

The motion was seconded.

Town Manager Rodrigues stated there was a ballot question throughout the State on November 18, 2016 which approved personal marijuana use. Since then, she explained there have been concerns expressed throughout the State regarding implementation and enforcement issues. Ms. Rodrigues stated the new law allows anyone over 21 years old to use marijuana for personal use and for marijuana retail and manufacturing establishments. She summarized towns have the ability to regulate the law in two ways: 1. a bylaw regulating the time, place and manner of operations of marijuana establishments in a manner which is reasonable practical, or 2. as a ballot question to prohibit or limit the number of establishments in a municipality. Ms. Rodrigues further stated a bill was passed in January which delayed the retail operations opening until July 2018. She also stated the State is still drafting related regulations, and there could be additional changes to the law.

Ms. Rodrigues stated a zoning moratorium allows the Town reasonable time so it can engage in a legitimate planning study. The moratorium has been proposed to last through June 30, 2018.

**FINANCE COMMITTEE:** Took no position on this article.

**BOARD OF SELECTMEN:** Unanimously supported the article.

**PLANNING BOARD:** Supported the article.

Sudbury resident Lydia Pastuszek, 15 Griffin Lane, stated she supports the legalization of marijuana so there will be a regulated product. Ms. Pastuszek stated she does not believe a zoning amendment is necessary, and she thinks having retail establishments may eliminate the potentially shady clientele.

Sudbury resident John Riordan, 12 Pendleton Road, stated he wanted to amend the motion. The Moderator reviewed the procedures to submit the amendment in triplicate first. Mr. Riordan stated he had one copy, but he could quickly prepare two more. The Moderator asked for the one copy which he reviewed with Town Counsel. The Moderator announced the proposed amendment has been deemed to be within the scope of the article.

Mr. Riordan made a motion, which was seconded, *to amend Article 17 by striking in Section 4830 the following language: “or until such time as the Town adopts Zoning Bylaw Amendments that regulate marijuana establishments, whichever arrives earlier.”* He stated he believes a fixed time limit for the moratorium should be definitely set for the Town to make its decision as to how marijuana will be regulated.

Sudbury resident Martha Coe, 14 Churchill Street, stated she does not believe the amendment is needed because the deadline is already stated as June 2018 or anything earlier.

The Moderator noted a majority vote was needed. The Moderator declared that the motion to amend ***FAILED***.

The Moderator referred to the original motion, noting a two-thirds vote was needed for this zoning article. The Moderator declared that the motion for Article 17 ***PASSED BY WELL MORE THAN TWO-THIRDS***.

#### **ARTICLE 18 – AMEND ARTICLE XVII OF THE TOWN OF SUDBURY BYLAWS – LICENSES AND PERMITS SUBJECT TO UNPAID TAXES AND FEES**

Board of Selectmen’s Chairman Susan Iuliano moved in the words of the amended motion below:

*Move to amend the Town Bylaws Article XVIII Licenses and Permits Subject to Unpaid Taxes and Fees, as stated in the article.*

Submitted by the Town Manager

(Majority vote required)

The motion was seconded.

Town Manager Rodrigues stated the Municipal Reform Act changed the statutory requirements in this law, and tonight’s article is to allow the Town’s bylaw to comply with the new State law. She displayed a slide noting a comparison of the old bylaw to the new bylaw and she read aloud the differences.

**FINANCE COMMITTEE:** Took no position on this article.

**BOARD OF SELECTMEN:** Unanimously supported the article.

The Moderator noted a majority vote was needed and that the motion for Article 18 ***PASSED BY WELL MORE THAN A MAJORITY***.

**ARTICLE 19 – AMEND TOWN BYLAWS, ART. XXVII.4 – IN-GROUND IRRIGATION SYSTEMS**

Selectman Len Simon moved in the words of the amended motion below:

*Move to indefinitely postpone.*

Submitted by the Board of Health

(Majority vote required)

The motion was seconded.

FINANCE COMMITTEE: Took no position on the article.

BOARD OF SELECTMEN: Unanimously supported the article.

BOARD OF HEALTH: Board of Health Chair Carol Bradford stated the Board supported indefinite postponement.

Board of Health Director William Murphy stated there is pending State legislation regarding imposing restrictions during drought conditions. He also stated the Department of Environmental Protection's (DEP) updated model water restrictions bylaw should be considered as a more comprehensive approach to regulating water use during droughts. Thus, Mr. Murphy stated indefinite postponement of the article is recommended at this time.

The Moderator noted a majority vote was needed. The Moderator declared that the motion for Article 19 was UNANIMOUSLY VOTED TO INDEFINITELY POSTPONE.

**ARTICLE 20 – AMEND ZONING BYLAW, ARTICLE 1230, CONFORMANCE**

Planning Board Chairman Peter Abair moved in the words of the amended motion below:

*Move to amend the Zoning Bylaw, Art. IX Section 1230, Conformance, as stated in the article.*

Submitted by the Planning Board

(Two-thirds vote required)

The motion was seconded.

Mr. Abair stated the article proposed to bring the local bylaw in line with the State's current law. He explained the Town's current bylaw allows a building permit or special permit to be in force for six months. However, the State has extended this time to twelve months, which allows the permit holder more time to obtain approvals and to pursue financing. Mr. Abair stated the Planning Board supports the article.

FINANCE COMMITTEE: Took no position on the article.

**BOARD OF SELECTMEN: Unanimously supported the article.**

The Moderator noted a two-thirds vote was needed for this zoning article and that the motion for Article 20 was UNANIMOUSLY VOTED.

**ARTICLE 21 – DEPARTMENT OF PUBLIC WORKS ROLLING STOCK  
REPLACEMENT**

The Moderator recognized Combined Facilities Director Jim Kelly, who moved in the words of the amended motion below:

*Move in the words of the article with the sum of \$182,000 to be transferred from Free Cash.*

Submitted by the Director of Public Works

(Majority vote required)

The motion was seconded.

Department of Public Works (DPW) Director Dan Nason stated the Warrant stated \$175,000, but the amended motion for \$182,000 is correct, and it is based on an updated quote received. Mr. Nason stated this request was approved at last year's Town Meeting, but it failed to be approved at the ballot. He stated the article is to fund a multi-purpose tractor to replace a 2005 model, which is past its 10-year useful life expectancy. Mr. Nason displayed photographs of the deteriorated condition of the current equipment. He highlighted there have been \$15,000 of repairs to the equipment done in the past three years, and currently \$5,000 more in repairs is needed. Mr. Nason also showed photographs of what the similar new model would be of this specialized equipment.

**FINANCE COMMITTEE:** Finance Committee member Jose Garcia-Meitin stated the Committee voted to recommend approval of the article with a vote of 5-3, noting some who opposed the article believed the estimated \$10,000 to \$15,000 for annual repairs was reasonable, but the consensus of those that supported the article was that, due to the worn condition of the current equipment, the purchase is warranted.

**BOARD OF SELECTMEN: Unanimously supported the article.**

**CIAC:** Capital Improvement Advisory Committee (CIAC) Chairman Mark Howrey stated the Committee supported the article.

Sudbury resident Sue Stine, 53 Stone Road, asked if this article would also need to be approved by a Town vote at an election.

The Moderator stated no other vote is required because it would be funded by Free Cash. He stated the motion needed a majority vote and that the motion for Article 21 PASSED BY WELL MORE THAN A MAJORITY.

## **ARTICLE 22 – PURCHASE OF FIRE DEPARTMENT LADDER TRUCK**

Combined Facilities Director Jim Kelly moved in the words of the amended motion below:

*Move in the words of the article with the sum of \$670,000 to be transferred from Free Cash.*

Submitted by the Fire Chief

(Majority vote required)

The motion was seconded.

Fire Chief Miles stated the request is for replacement of a 1999 ladder truck/pumper combination and associated equipment. He explained the current truck has a 75' ladder and a pump, and the new truck would have a 107' ladder, a larger water tank and a similar pump, which will provide greater reach and capability for the Department. He displayed photographs to emphasize the extended ladder reach is important and how it is used. Chief Miles stated the Town typically uses its first-line apparatus for approximately 15 years. He explained that, if the article is approved tonight, the truck would be ordered around July 1, 2017 and it would arrive in late 2018 or early 2019. Chief Miles emphasized it is far better, and often cheaper, to plan well for these types of purchases versus having to make an emergency acquisition. He explained a new truck is needed because the current one is aging and it is difficult to obtain repair parts. He also highlighted this equipment is depended on every day and a new truck will increase safety for all.

Chief Miles reviewed the cost, stating the contract price is \$1,030,199, with a minimum anticipated trade-in value of \$50,000 for the current truck. Tonight's request is for \$670,000 and \$325,000 will be used from the National Development mitigation funds received by the Town. He also stated the remaining \$14,801 would be used for radios and other equipment accessories.

**FINANCE COMMITTEE:** Finance Committee member Jose Garcia-Meitin stated the Committee recommended approval of the article by a vote of 7-1, noting it understands the current truck will be 19 years old when the new piece of equipment is delivered. He stated the Committee supports the idea of providing the Town's emergency response personnel with reliable equipment. It was noted the Committee did have some discussion regarding alternative funding.

**BOARD OF SELECTMEN:** Unanimously supported the article.

**CIAC:** Supported the article.

Sudbury resident Rebecca Chizzo, 21 Whitetail Lane, stated she found it very difficult to be outside at midnight watching a house burn down near her home. Ms. Chizzo stated the Fire Department performed heroically, and she believes a truck with a longer

ladder might have helped even more. She stated this type of equipment need cannot be ignored by the community.

The Moderator stated a majority vote is needed. The Moderator stated that the motion for Article 22 was UNANIMOUSLY VOTED.

### **ARTICLE 23 – TOWN AND SCHOOL ROOFTOP HVAC UNIT REPAIRS**

The Moderator recognized Combined Facilities Director Jim Kelly who moved in the words of the amended motion below:

*Move in the words of the article with the sum of \$55,000 to be transferred from Free Cash.*

Submitted by the Facilities Director

(Majority vote required)

The motion was seconded.

Mr. Kelly noted the article proposes to repair two HVAC units at the Curtis School for approximate costs of \$15,000 per unit, one unit at the Senior Center for an estimated cost of \$9,000 and a unit at the Goodnow Library estimated to cost \$16,000. He stated that, as the equipment ages, repairs are needed which can prolong the life of the unit and delay the need for full replacement of the unit for possibly a few years. He stated there has been good preventative maintenance performed, but, over time, equipment will show signs of wear. Mr. Kelly displayed photographs of the Goodnow units which are 19 years old, and he showed two units at Curtis, which have internal rusting and leaking problems needing to be repaired. He also showed a picture of the Natatorium HVAC unit which is about five years old, which is working very well, and thanked the Town for supporting these types of projects. Mr. Kelly displayed a chart listing all the HVAC units in Town, noting he monitors their performance.

**FINANCE COMMITTEE:** Finance Committee member Jose Garcia-Meitin stated that the Finance Committee unanimously recommended this article, noting the Committee recognizes that a methodical maintenance plan for all Town-wide HVAC equipment is necessary to manage the Town's assets.

**BOARD OF SELECTMEN:** Unanimously supported the article.

**CIAC:** Supported the article.

Sudbury resident Mara Huston, 578 Peakham Road, asked how much Free Cash is available, how much will be left if all articles to be funded with Free Cash are passed tonight, and will the Town have enough left over.

Town Manager Rodrigues stated the certified Free Cash announced at the start of this Town Meeting was \$2,641,750. She stated there is a policy for the Town to save 5% of its budget. If all of tonight's articles funded with Free Cash are approved, the balance would be \$471,989 plus \$86,870 for an approximate total of \$550,000.

Sudbury resident Shirley Huettig, 54 Wake Robin Road, stated she appreciates the repairs being done to prolong the need for unit replacement. However, she asked why this type of expense is not in the operating budget versus coming back every year to ask the Town for an appropriation.

Mr. Kelly stated the size of the needed repairs is more than what is typically available in the budget for preventative maintenance, and they fall more into capital-life expenditures.

Town Manager Rodrigues stated there are several Town groups which go through a process discussing how best to fund the Town's capital needs, and those which are estimated to cost less than \$50,000 in one year tend to be put in the operating budget. She stated groups are working on finding the best ways to put more of these items in the operating budget.

Sudbury resident Kurt Larson, 95 Water Row, noted each repair mentioned is less than \$50,000 and the article amount is only over \$50,000 because the items have been aggregated. He suggested this should not be done in the future and the items should be put in the operating budget.

The Moderator stated a majority vote is needed, and that the motion for Article 23 was VOTED BY WELL MORE THAN A MAJORITY.

#### **ARTICLE 24 – TOWN AND SCHOOL PARKING LOTS AND SIDEWALKS IMPROVEMENTS**

The Moderator recognized Combined Facilities Director Jim Kelly who moved in the words of the amended motion below:

*Move in the words of the article with the sum of \$250,000 to be transferred from Free Cash.*

Submitted by the Facilities Director and DPW Director (Majority vote required)

The motion was seconded.

DPW Director Dan Nason explained the article requests funds to complete driveways, sidewalks and parking lots in need of major repair primarily at the Sudbury Fire Department Station on Hudson Road and at the Loring School. Mr. Nason showed photographs of the pavement failures at the Fire Station, noting the pavement is over 24

years old and it needs to be resurfaced. He also explained a new tight tank mandated by DEP will be installed and it will disrupt an approximate 15 x 20 foot area. Mr. Nason also showed photographs of the Loring School repairs needed, noting the pavement is almost 20 years old, and new concrete cement curbing is needed, access ramp upgrades are required and some areas will need to be resurfaced.

Mr. Nason emphasized the timing for the Loring School work project is only approximately two summer months for reconstruction, and he noted the work might need to be phased. He noted detailed specifications and construction drawings will be needed for a proper public bidding process. Mr. Nason also highlighted how complex the federal regulations are for upgrading handicap-accessible ramps. He displayed more pictures of the upgrades needed at the front of the Loring School and showed examples of the cracked asphalt.

**FINANCE COMMITTEE:** Finance Committee member Tammie Dufault stated the Committee recommended approval of the article with a vote of 5-3, noting those who supported it consider this as an investment in Town and School assets. She also stated those who voted against the article believe the Town and Schools need to prioritize capital investment requests to ensure the Town is investing in the most prudent manner.

**BOARD OF SELECTMEN:** Unanimously supported the article.

**CIAC:** Supported the article.

Sudbury resident, Arthur Huston, 578 Peakham Road, asked for the breakdown of costs for the Fire Station work and the Loring work, and whether regrading is necessary.

Mr. Nason stated the Fire Station work is estimated to cost \$200,000 and the Loring work is estimated at \$50,000. He stated the scope of work includes proper drainage, and thus regrading would be needed.

Sudbury resident Greg Henderson, 65 Puffer Lane, stated the Loring work is at the \$50,000 threshold limit, and this makes him inclined to vote against the entire article because the \$50,000 was thrown into another Free Cash-related article instead of being put in the operating budget.

Town Manager Rodrigues read aloud a relevant section of the capital bylaw. She explained the Town's capital budget within the operating budget is only \$413,000, which is not adequate to maintain all of the Town assets each year. Ms. Rodrigues stated many Town officials have discussed the need to find alternative funding sources. Tonight's approach is one way of using Free Cash for non-repetitive items that are one-time requests.

Sudbury resident Jill Falvey, 409 Dutton Road, stated she understands the Town has a multitude of assets to maintain. She asked if there is a master plan, whether it is known what projects will be asked for next year, and if funds have tried to be coordinated.



Town Manager Rodrigues stated the Town has a five-year and fifteen year plan for both projects and funding and they are posted on the Town website. She stated several Town committees work on planning and prioritizing projects and they are trying to always improve the process. Ms. Rodrigues also stated planning includes the projects being spread out over several years so as not to overly burden taxpayers.

Sudbury resident Kevin Matthews, 137 Haynes Road, stated the \$413,000 capital budget appears to him to be severely under-funded. At some point, Mr. Matthews believes it will be on the residents to own up and take action to increase taxes enough to increase this line item to reflect more realistically what the Town needs to spend on capital improvements.

Board of Selectmen Chairman Susan Iuliano stated the Capital Funding Committee has been working on a multi-year plan to bring more items into the operating budget, and its draft report will be reviewed in the coming fiscal year with the hope of presenting options for FY19.

DPW Director Dan Nason stated he has had good success in other towns planning projects in a multi-phased manner so voters can have a real bid document with real figures to evaluate for construction costs, and he will try to utilize this approach in Sudbury.

The Moderator stated a majority vote is needed, and that the motion for Article 24 was **VOTED BY WELL MORE THAN A MAJORITY.**

#### **ARTICLE 25 – WIRELESS TECHNOLOGY INFRASTRUCTURE IMPROVEMENTS – SUDBURY PUBLIC SCHOOLS**

The Moderator recognized Combined Facilities Director Jim Kelly moved in the words of the amended motion below:

*Move in the words of the article with the sum \$175,000 to be transferred from Free Cash.*

Submitted by the Facilities Director

(Majority vote required)

The motion was seconded.

Mr. Kelly stated this is an expansion project that has covered the needs for the four elementary schools. He stated computers are now used as a standard in teaching and most assessments are done online. Mr. Kelly stated this technology allows the schools to manage the use of technology in the Schools and its reliability is critically important. He stated the total estimated project cost in \$250,000, but there is a grant opportunity for reimbursement of \$100,000. Mr. Kelly further stated this cost includes a project contingency of \$25,000. He displayed a chart comparing the number of devices and the percent of wireless

technology from 2005 (600 devices and 15% wireless) to 2017 (3,400 devices and 90% wireless), and he asked for the Hall's support.

**FINANCE COMMITTEE:** Finance Committee member Tammie Dufault stated the Committee recommended approval of the article with a vote of 6-2, noting those who supported it consider this as an investment in School assets. She stated those who voted against the article believe the Town and Schools need to prioritize capital investment requests to ensure the Town is investing in the most prudent manner.

**BOARD OF SELECTMEN:** Unanimously supported the article.

**CIAC:** Supported the article.

The Moderator stated a majority vote was needed, and that the **motion** for Article 25 was **VOTED BY WELL MORE THAN A MAJORITY.**

#### **ARTICLE 26 – SUDBURY PUBLIC SCHOOLS PLAYGROUND IMPROVEMENTS**

Combined Facilities Director Jim Kelly **moved** in the words of the amended motion below:

*Move in the words of the article with the sum \$25,000 to be transferred from Free Cash.*

Submitted by the Facilities Director

(Majority vote required)

The **motion** was seconded.

The Moderator stated this article has changed significantly from the request previously published in the Warrant for \$150,000.

Mr. Kelly explained the objective is to bring to fruition a long-term plan to enhance the accessibility and social, emotional and learning opportunities for all children in a safer environment at the Schools' playgrounds. He stated wood chips are not an accessible surface material and there are pieces of worn equipment. Mr. Kelly explained more time is needed to develop a plan for the best design, and thus only \$25,000 is being requested tonight to complete the most immediate repairs needed. He displayed photographs of the playgrounds, noting the playground surfaces are 16-22 years old and they have accessibility issues. The hope is to make improvements at one or two playgrounds in a year. Mr. Kelly also displayed a list of the immediate repairs needed and anticipated cost as follows: Haynes \$5,261, Nixon \$11,961, Noyes \$602 and Loring \$5,956.86.

Mr. Kelly stated this type of project is likely to be eligible for Community Preservation Act funds and this will be pursued as well as other funding sources. He stated it is possible another article would be presented at the October 2017 Town Meeting.

**FINANCE COMMITTEE:** Finance Committee member Tammie Dufault stated the Committee unanimously recommended approval of the article, and it supports the reduced amount, which allows for necessary repairs to be made and for better planning for playground improvements.

**BOARD OF SELECTMEN:** Unanimously supported the article.

**CIAC:** Took no position on this article.

Sudbury resident Jean Nam, 81 New Bridge Road, stated the playgrounds need to be fixed and this will cost a lot of money over a few years. Ms. Nam urged voters to consider this as they vote on other articles tonight.

The Moderator stated a majority vote was needed, and the **motion** for Article 26 was **VOTED BY WELL MORE THAN A MAJORITY.**

#### **ARTICLE 27 – STABILIZATION FUND**

Selectman Len Simon **moved** in the words of the amended motion below:

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

Submitted by the Board of Selectmen

(Majority vote required)

The **motion** received a second.

Town Manager Rodrigues reviewed the Selectmen's policy for the "Town to work toward the goal of maintaining in the Stabilization Fund an amount equal to five percent (5%) of the total projected general operating revenues for the previous fiscal year." She described the Fund as the Town's savings/rainy day account. Ms. Rodrigues stated the current Fund balance at the beginning of Town meeting was \$4,606,353.19. The transfer amount requested tonight is \$113,532. She highlighted two transfers were made last night at Town Meeting, and thus the ending balance after this requested transfer will be \$4,369,885. Ms. Rodrigues stated that, after the Free Cash is certified in the fall, the Town will request an additional transfer to the Stabilization Fund at the October 2017 Town Meeting to bring the amount to the Fund's policy-dictated balance.

**FINANCE COMMITTEE:** Finance Committee member Bryan Semple stated the Committee unanimously supported the article.

**BOARD OF SELECTMEN:** Unanimously supported the article.

Sudbury resident Rami Alwan, 119 Pantry Road, asked if it is possible to add more to the Stabilization Fund tonight with monies from other articles which have been reduced.

Town Manager Rodrigues stated it is important to keep to the 5% policy threshold, and thus the additional transfer at the October 2017 Town Meeting will be important.

The Moderator noted a majority vote was required and that the motion for Article 27 was UNANIMOUSLY VOTED.

#### **ARTICLE 28 – LYONS PRIDE/S.M.I.L.E HASKELL FIELD PLAYGROUND SURFACING**

The Moderator recognized Community Preservation Committee (CPC) Chairman Chris Morely, who moved in the words of the amended motion below:

*Move to indefinitely postpone.*

Submitted by the Community Preservation Committee (Majority vote required)

The motion was seconded.

The Moderator asked Mr. Morely to present the overview of the Community Preservation Act (CPA) and the work of the CPC.

In the interest of time, Mr. Morely stated he would provide an abbreviated overview of the CPA program, and he encouraged those who want more information to go to the Town website under General News, and select the “Report of 2009.” He also stated there is additional CPA fund information in the Warrant Finance Committee pages 40 and 46. Mr. Morely stated the question most often asked is where does CPA money come from. He displayed a slide showing approximately 63% comes from surcharge revenues, 32% from State matching funds and 5% from interest received on reserves. Mr. Morely stated the State’s match of local funds has dropped in recent years from 100%, but there is new pending legislation to raise the State contribution from its current rates. Mr. Morely explained that, for the last three years, special legislative appropriations have kept the match percentage up more than what had been projected. Last year, he reported the Town received \$392,000, which is not an insignificant amount of money. Mr. Morely stated the Town has also received \$900,000 additional dollars in State grants that recognize Sudbury’s commitment to land preservation. He explained Sudbury’s portion of CPA funds is a tax on real estate taxes, and the average house in Town, assessed this year at \$706,000, will pay a CPA surtax of \$322, with which the Town gets a lot done.

Mr. Morely stated the CPA in Sudbury program was, in its inception, adoption, and operation, largely an open space preservation program, and that is how most of the expenditures to date have been used (protecting almost 600 acres of land), but it has also allowed the Town to accomplish many more things. He showed slides of a chart indicating that the largest number of projects have been in the Historic category. Mr. Morely stated many important small historic projects have been completed, and, tonight, there will be a

vote on the first step for the largest historic project to date, to renovate Town Hall. He noted the state's CPA program is popular and flexible, and he highlighted Town Hall revitalization is one of the most popular uses of CPA funds in the State.

Mr. Morely stated the CPC's most important charge for Town Meeting is to determine if a given project is statutorily eligible, and its second most important charge is to maintain the financial flexibility of the program into the future, balanced against time-sensitive opportunities. He explained the Committee's work is project specific with what is presented, but it also keeps its eye on the future. Mr. Morely stated this approach has served the Town well for 15 years. Two years ago, he stated \$1 million in CPA cash was used as a portion of the Town's larger, bonded purchase of the Johnson Farm property, which was a worthy cause. Tonight, Mr. Morely stated there will be an article proposing using \$600,000 in cash for the initial work on the Town Hall project. He stated the cash reserves are approximately \$5.2 million dollars before tonight's votes. Mr. Morely emphasized cash gives the Town flexibility to act when an urgent unanticipated project arises. For future large projects, such as the Town Hall project construction phase, he stated they would likely be funded with a combination of bonding and cash.

Mr. Morely thanked residents for their support, and he stated a presentation would now be given for Article 28.

Park and Recreation Commission member Dick Williamson, 21 Pendleton Road, stated the Haskell S.M.I.L.E. Playground is a wonderful Town asset. Mr. Williamson stated the Commission would like more time to investigate the best way to resurface the entire Haskell surface with the pour-in-place material to make it more accessible. He further stated another article might be presented at the October 2017 Town Meeting if a plan is ready at that time.

**FINANCE COMMITTEE:** Finance Committee member Bryan Semple stated the Committee unanimously supported the indefinite postponement of the article.

**BOARD OF SELECTMEN:** Unanimously supported the indefinite postponement of the article.

The Moderator noted a majority vote was required and that the motion for Article 28 was **UNANIMOUSLY VOTED TO INDEFINITELY POSTPONE.**

#### **ARTICLE 29 – COMMUNITY PRESERVATION FUND - FEATHERLAND MULTISPORT COURT RECONSTRUCTION**

CPC Chairman Chris Morely *moved* in the words of the amended motion below:

*Move to appropriate the sum of \$220,000 from Community Preservation Act Funds, as stated in the article.*

**Submitted by the Community Preservation Committee**

**(Majority vote required)**

**The motion was seconded.**

**Park and Recreation Commission member Mara Huston, 578 Peakham Road, provided a brief history of the tennis courts, noting they were built in 1961 and 1965 and then rebuilt in 1987. In 2014-2015, Ms. Huston stated snow plows damaged the posts and fencing, and at some point, and without the knowledge of the Park and Recreation Commission, the fencing, posts, nets and surrounding trees were removed. She displayed photographs of examples of the numerous cracks currently in the courts. Ms. Huston stated the Commission's request is for \$220,000 to rebuild four tennis courts and to add the capability for two pickle ball courts and four half-court basketball courts on two of the tennis courts. She also stated the proposal includes a dividing fence, wheel-chair accessible gates and ramps, and the tall trees on Concord Road will remain. Ms. Huston emphasized the Commission is dedicated to providing many recreational opportunities for all ages in Town. She displayed a slide of the proposed layout after reconstruction, and she reviewed plans for parking. Ms. Huston highlighted the Featherland location is ideal and it can be accessed by many. She stated the Commission wished to thank the CPC, Board of Selectmen, Finance Committee, and CIAC for supporting the article.**

**FINANCE COMMITTEE: Finance Committee member Bryan Semple stated the Committee unanimously recommended approval of the article.**

**BOARD OF SELECTMEN: Unanimously supported the article.**

**Sudbury resident Dianne Cincotta, 262 Willis Road, stated she plays tennis, but she has never heard of pickle ball. She thinks the multi-purpose courts are confusing.**

**Sudbury resident Michael Miller, 2 Candlewood Circle, stated he strongly supports the article as a multi-generational project. Mr. Miller stated he believes residents should not feel they have to choose between playgrounds and tennis courts, and he thinks this is an excellent use of CPA funds.**

**Sudbury resident Dean Casey, 85 Pokonoket Avenue, asked how many bids have been received for the project or will be received.**

**Ms. Huston stated the budget bid was received from a company in Westboro and it was compared with similar projects in other towns. She explained the project will go out to bid, if it is approved.**

**The Moderator clarified as many bids will be received as is required by State law.**

**Sudbury resident Michael Goulet, 27 Middle Road, asked if any analysis has been done regarding need for this project. Mr. Goulet stated he plays tennis and he has never had problems finding courts available in Town.**

Ms. Huston stated there has not been a detailed study done regarding demand. She displayed a slide regarding “Sudbury Research and Users” noting the courts are mentioned in the Open Space Plan of 2009, and, at a Public Hearing in 2015, residents expressed a clear message that they wanted the courts restored. Ms. Huston noted a similar proposal was approved at Town Meeting last year, but it failed at the ballot. However, she highlighted that, at last year’s Election, the proposal received 724 votes of support. She reiterated the project is for all ages and abilities. Ms. Huston emphasized the Lincoln-Sudbury High School Junior Varsity Girl’s and Boy’s Tennis Teams need these courts for practices and matches, and she highlighted the Featherland courts are centrally located.

Sudbury resident Grant Grummer, 15 Pine Street, stated the trees in front of Featherland do not provide sufficient screening, and he hopes this situation can be improved.

Sudbury resident Ursula Lyons, 157 Wayside Inn Road, asked how use of the courts for various sports will be prioritized.

Ms. Huston stated the proposed design should be adequate to accommodate potential users and that the chances of all the sports being used at the same time is considered to be slim.

The Moderator noted a majority vote was required and that the **motion** for Article 29 was **VOTED BY WELL MORE THAN A MAJORITY.**

### **ARTICLE 30 –WITHDRAWN**

### **ARTICLE 31 – COMMUNITY PRESERVATION FUND – TOWN HALL RESTORATION/REHABILITATION**

The Moderator recognized CPC Chairman Chris Morely who **moved** in the words *of the amended motion below:*

*Move to appropriate the sum of \$600,000 from Community Preservation Act Funds, as stated in the article.*

Submitted by the Community Preservation Committee (Majority vote required)

The **motion** was seconded.

Combined Facilities Director Jim Kelly provided a brief history of the Town Hall, and he displayed photographs of the original building built in 1846 which was destroyed by

a fire in 1930, and the current Town Hall, which was built in 1932. Mr. Kelly showed photographs of the building's exterior as he described the leaks which have occurred at the top and bottom of the structure, roof slates which are slipping, flashing which is leaking, no insulation, an inadequate handicap entrance and bathrooms which are in major need of upgrades. He mentioned most people are unaware there is a beautiful auditorium on the second floor. Mr. Kelly stated the Town has a lot of building needs, and he listed some of them. However, he highlighted Town Hall was part of a Master Plan in the 2002 Facility Study, and it is now this building's turn to be addressed. Mr. Kelly described the building as having a robust structure, but he does not believe the Town can wait much longer to address its deteriorating condition and systems. He emphasized funding for this project, from CPA historic funds, does not compete with other Town building projects.

Town Hall Blue Ribbon Committee member Frank Riepe displayed slides showing renderings of the proposed restoration. Mr. Riepe stated the Committee was charged by the Selectmen to reevaluate Town Hall. After thoughtful deliberation, he stated the Committee concluded the building should be restored to its original function as the focus of the community. Mr. Riepe stated Town Halls are currently undergoing a period of revival and they are being restored architecturally and functionally to be the focus of civic life. He briefly summarized the proposal to renovate Town Hall from top to bottom, and he emphasized all systems will need to be rebuilt. Mr. Riepe also stated the Town Clerk Offices would be expanded, a small addition would be built on the northeast corner, the lobby would be restored, an elevator would be added, and rest rooms would be renovated. He further stated the second floor meeting hall would be brought back to life. Mr. Riepe highlighted studies indicated the introduction of office space in Town Hall would be financially impractical. He stated many towns, including Acton, Weston, Sandwich, Chelmsford, Provincetown, Lincoln and Concord have worked on their Town Halls. Mr. Riepe also stated the project has been supported by the Selectmen, the Finance Committee, the CIAC, the Planning Board, the Historic Commission and the Historic Districts Commission.

The Moderator informed the speaker the allotted presentation time had expired.

Mr. Morely stated a short video had been planned, but due to technical difficulties, he suggested concluding the presentation and he welcomed questions.

**FINANCE COMMITTEE:** Finance Committee member Bryan Semple stated the Committee recommended approval of the article by a vote of 5-3, noting those who supported it agree with the prioritization of the project and the need for renovation and those that opposed the article were concerned about the operating cost model for the new facility and if there is a need for all of the proposed building uses.

**BOARD OF SELECTMEN:** Unanimously supported the article.

Sudbury resident and CIAC member Tom Travers, 32 Old Framingham Road, thanked the Blue Ribbon Committee for its work, however, he stated he disagrees with the Committee's conclusion and its proposed limited uses. Mr. Travers believes the Town



should receive more for the estimated \$6 million cost. He stated Town Hall does need to be renovated, but he believes an adaptive re-use strategy is needed. Mr. Travers believes Town Hall should be the center of the Town's government, and that as many Town offices and departments should be consolidated there. He stated tonight's proposed project is essentially a preservation strategy. Mr. Travers stated Town offices are spread out throughout the Town, and he believes it would be more efficient to consolidate and relocate them. He stated he believes the Town should update its space needs' study before any administrative building is invested in for renovation. Mr. Travers also stated he does not think Town Hall should be a social place where parties and private events are held. He suggested the Flynn Building could be used to house the SPS Administration and the Information Technology departments, noting another proposal to build a 9,000 square-foot building for SPS at the Nixon School is currently being discussed. Mr. Travers recommended defeat of the article until a space needs' study is done for the entire Town.

Sudbury resident Timothy Coyne, 24 Taylor Road, stated he knows Mr. Travers has affection for the Town similar to his, however, he disagrees with him. Mr. Coyne stated the current Town Hall was built in 1932, it has served the Town well, and it is a vital part of Sudbury's historic Town Center. He emphasized preservation has become a rarity in this country and everything seems to be done anew every 15 years. Mr. Coyne urged the Hall to pass the article to start the process of having a better Town Hall, noting it would be better to do this sooner rather than later. He emphasized Town Hall's value to the community, and he stated it is worth the amount of money being requested.

CIAC Chairman Mark Howrey, 55 Old Coach Road, stated the CIAC supported this article with a majority vote. Mr. Howrey then spoke only for himself as a resident, noting he had some concerns with how often the proposed building would be used and how the project fits in with other Town projects. He questioned whether the proposal is the highest and best use of the building.

Sudbury resident Charlie Russo, 30 Juniper Road, stated he plans to support the article. He asked what the CPA fund balance would be if all articles presented tonight were approved.

Mr. Morely stated the CPA has \$5.2 million in cash and this article proposes using \$600,000. He also stated construction for the Town Hall project would likely be funded by a combination of CPA debt and CPA cash. Mr. Morely stated there is funding capacity for this project.

Sudbury resident Jean Nam, 81 New Bridge Road, asked about parking, noting it is sometimes difficult when there are activities at Noyes.

Mr. Morely encouraged residents to access the Blue Ribbon Committee's Report on line, noting the Town owns 27 acres in Town Center. He stated parking is not as efficient as it could be, and it is possible the plan could improve access and parking for this entire area.

The Moderator stated the motion required a majority vote to pass, and that the motion for Article 31 was **VOTED BY WELL MORE THAN A MAJORITY.**

**ARTICLE 32 - COMMUNITY PRESERVATION FUND – REGIONAL HOUSING SERVICES OFFICE ALLOCATION**

The Moderator recognized CPC Chairman Chris Morely who moved in the words of the *amended motion below*:

*Move to appropriate the sum of \$30,000 from Community Preservation Act Funds, as stated in the article.*

Submitted by the Community Preservation Committee (Majority vote required)

The motion was seconded.

Town Manager Rodrigues stated a request has been made for \$30,000 to fund a portion of the Town's Regional Housing Services Office (RHSO) membership fee. She explained this had been funded in the past from the CPA Administrative Funds, but it has been determined that funding through this process is appropriate. Ms. Rodrigues stated the funds would be used for the acquisition, creation, preservation and support of community housing. She briefly described the RHSO as having started in Sudbury in 2011 to regionalize affordable housing services, noting it is now a regional collaborative of seven towns which have Intermunicipal Agreements. Ms. Rodrigues stated Sudbury has a three-year Agreement with the RHSO which will be up for renewal in June/July 2017. She displayed a slide of the breakdown for Sudbury's RHSO funding, noting \$30,000 would be funded with this CPA request for the Town's services, and \$29,350 would be funded by the Sudbury Housing Trust (SHT) for services provided to the Trust. Ms. Rodrigues briefly summarized some of the services provided to the Town by the RHSO, including affordable-housing inventory monitoring, general support and annual assessment valuations. She noted the funding for these services is important to help ensure the Town maintains its 10% affordable housing threshold, which Sudbury has worked so hard to achieve. She also noted the Town is obligated to fund the existing contract, and it would need to hire more staff to attend to these duties if it were not a member of the RHSO.

**FINANCE COMMITTEE:** Finance Committee member Joan Carlton stated the Committee unanimously supported approval of the article.

**BOARD OF SELECTMEN:** Unanimously supported the article.

The Moderator stated the motion required a majority vote to pass, and that the motion for Article 32 was **UNANIMOUSLY VOTED.**

**ARTICLE 33 – COMMUNITY PRESERVATION FUND – SUDBURY HOUSING  
AUTHORITY ALLOCATION**

The Moderator recognized Community Preservation Committee member and Sudbury Housing Authority (SHA) Board Commissioner and Vice-Chair Sherrill Cline, who moved in the words of the amended motion below:

*Move to appropriate the sum of \$212,600 from Community Preservation Act Funds, as stated in the article.*

Submitted by the Community Preservation Committee (Majority vote required)

The motion was seconded.

Ms. Cline stated the SHA has existed in Town since it was approved at the 1971 Town Meeting. She stated the SHA is a quasi-government entity which is overseen by the State's Department of Housing and Community Development. Ms. Cline described the function of the SHA as managing rental properties for low-income individuals, senior citizens, the disabled, and low-income families. She summarized some of the SHA properties and locations in Town. Ms. Cline stated the SHA's goal is to increase its number of units, but this can be difficult due to increases in land prices and the sizes of homes.

Ms. Cline stated the CPA requires 10% of the CPA projected annual revenues each year be allocated for affordable housing. She explained the SHA plans to use tonight's request along with funds it already has to create one affordable housing unit to add to the Town's rental inventory. Ms. Cline emphasized there are very few vacancies which become available each year. She stated the SHA closed its waiting list in 2012 because it was too long. In the fall of 2016, the waiting list was re-opened for only two months, and there were 450 applications received, of which approximately half were selected by lottery to be added to the waiting list. She stated there is significant need in Town for this type of housing, and she urged the Hall to support the article.

**FINANCE COMMITTEE:** Finance Committee member Joan Carlton stated the Committee recommended approval of the article with a vote of 5-3, noting those who opposed the article believed the amount requested should be reduced by the \$30,000 voted in Article 32, and they do not believe in using these funds to build rental housing.

**BOARD OF SELECTMEN:** Unanimously supported the article.

Sudbury resident Michael Goulet, 27 Middle Road, asked if the SHA has anything to do with the houses on Marlboro Road, and the Moderator responded it does not.

The Moderator noted the article requires a majority vote to pass, and that the motion for Article 33 was VOTED BY WELL MORE THAN A MAJORITY.

**ARTICLE 34 - COMMUNITY PRESERVATION FUND – FY18 GENERAL BUDGET**  
**AND APPROPRIATIONS**

**Mr. Morely *moved* in the amended words of the article below:**

*Mote to appropriate the sums as recommended by the Community Preservation Committee, in the following Community Preservation budget for fiscal year 2018 Community Preservation surtaxes:*

<i>Administrative and Operating Cost</i>	\$ 57,500
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**Debt Service** **\$1,229,779**

**Submitted by the Community Preservation Committee (Majority vote required)**

**The motion was seconded.**

**The Moderator stated the amounts noted in the motion are different than what was in the Warrant.**

**Mr. Morely stated the figure in the Warrant for Administrative and Operating Cost was \$87,500. He stated the requested adjustments are based on the final accounting done based on all other appropriations approved.**

**FINANCE COMMITTEE:** Finance Committee member Joan Carlton stated the Committee unanimously recommended approval of the article.

**BOARD OF SELECTMEN:** Unanimously supported the article.

**Sudbury resident Eric Poch, 28 Ruddock Road, referred to the \$900,000 in CPA-related grants received by the Town, and he asked if those funds are used to reduce debt service or if they are returned to the CPA fund.**

**Mr. Morely stated he thinks those funds are returned to the CPA fund.**

**Sudbury resident Elaine Barnartt-Goldstein, 40 Indian Ridge Road, stated she was confused as to why most of the CPA budget is for debt service.**

**Mr. Morely explained Sudbury's CPA has had a general thrust to preserve open space, and thus property purchases have been bonded to preserve approximately 600 acres.**

The Moderator stated a majority vote was required, and that the motion for Article 34 was *UNANIMOUSLY VOTED*.

The Moderator thanked the Town Manager and staff Patty Golden, Leila Frank, Elaine Jones, and Mark Thompson for their work to organize this Town Meeting. He also thanked the Town Clerk and Town Counsel for helping to ensure the Town fulfills its legal obligations and for their advice. The Moderator also thanked the citizen legislators for participating in Town Meeting, noting the civility displayed by all participants was excellent. On behalf of the Town Clerk, he reminded residents of the Special Town Election scheduled for May 9, 2017, and he asked any newly elected Town officials who have not been sworn in to see the Town Clerk at the close of tonight's proceedings.

The Moderator stated it is his tradition to discuss his appointments to the Finance Committee, which he is required to make before the close of the Town Meeting for vacant seats. He stated that, this year, Fred Floru, Adrian Davies, and Jose Garcia- Meitin have expiring terms. The Moderator stated he spoke with the Finance Committee and Mr. Davies and Mr. Garcia-Meitin expressed their willingness to continue to serve on the Committee. Thus, the Moderator stated he informed the Town Manager that he has re-appointed them for new three-year terms. On behalf of the Town, he thanked Mr. Floru for his service for the past three years in various capacities. The Moderator stated he solicited applications from a variety of sources, and he received four resumes. He stated he interviewed the candidates, who were all highly qualified, and he solicited input from members of the Finance Committee. The Moderator stated he thought it was important to add a member who had both a business background and experience with Town government. The Moderator stated he has informed the Town Manager of his appointment of Eric Poch to a three-year term on the Finance Committee. He noted Mr. Poch has been a consistent volunteer on many Town committees and boards for the past 20 years, and he believes Mr. Poch's breadth of experience will be an asset for the Committee. The Moderator thanked all of the other applicants, noting he hopes they will find ways to lend their expertise and contribute to the Town.

On a personal note, Mr. Fee stated his term as Moderator expires in March 2018, and he will not be a candidate for re-election. The Moderator stated he and his family have purchased a home in Truro and that leaving Sudbury will be bitter-sweet after living here for 25 years. He encouraged anyone interested in the position of Moderator to contact him as soon as possible, noting he would share his notes and do everything possible to make the transition a smooth one. The Moderator highlighted that, if his home sells and he is no longer a resident of Sudbury prior to the October Town Meeting, the Hall would need to elect a Moderator for the October Town Meeting. Mr. Fee stated he has enjoyed serving as the Town's Moderator, noting he has learned a lot, and he hopes the next person enjoys the position as much.

The Moderator received a standing ovation from the Hall.

#### **ARTICLE 35 – PLASTIC CHECK-OUT BAG BAN BYLAW (PETITION)**

The Moderator announced Article 35 is a petition article sponsored by the Lincoln-Sudbury Regional High School Environmental Group, and he acknowledged Sustainable Sudbury

member Bob Morrison, 16 October Road, to make a motion. Mr. Morrison moved in the amended words below:

*Move in the words of the article except that in Section III. Regulated Conduct, paragraph a., the implementation date in the first sentence shall be replaced with the date of June 30, 2018; and in Section V, Enforcement, the words "Police officers and" are removed from the first sentence.*

Submitted by Petition

(Majority vote required)

The motion was seconded.

The Moderator introduced members of the Environmental Group in attendance as: Cecilia Barnes, Lucy Bergeron, Julie Concannon, Elizabeth Concannon, Nicole Garay, Anjuli Das, Elizabeth Kaufmann, and Kirsten Kelly.

Lincoln-Sudbury Regional High School Environmental Group member Cecilia Barnes stated the group has been working hard for the past few months on educating people on the need for this article and the next one. She stated Article 35 would limit the sale of plastic bags with handles given out by large stores defined as being greater than 3,500 square feet.

Group member Nicole Garay displayed a slide noting 75% of the trash collected on Earth Day was plastic, 15% was Styrofoam and 15% was glass, paper and other materials.

Group member Anjuli Das stated plastic bags take 500-1,000 years to decompose and they never fully biodegrade. Ms. Das also stated the bags are dangerous for animals and marine life which often mistake them as food, and more than 100,000 animals die each year from entanglement or consumption of bags.

Group member Elizabeth Kaufman stated the average family takes home 1,500 bags a year and statistics indicate only 5-10% of the bags are properly recycled.

Group member Lucy Bergeron explained the students realize change will not happen right away, and thus the two articles presented tonight are proposed as a way to start educating the public on such issues. She stated the intent is to change the Town's culture as well as its laws. Ms. Bergeron emphasized the proposed bylaws will impact all citizens equally and in a lasting way.

As of January 2017, Group member Kirsten Kelly stated 47 towns have banned single-use plastic bags, which is 16% of the State's population. Ms. Kelly showed a slide listing local groups which have supported the article. She asked the Hall to help reduce the Town's carbon footprint and make the Town more beautiful.

**FINANCE COMMITTEE:** Took no position on the article.

**BOARD OF SELECTMEN:** Took no position on the article, anticipating that an amended motion might be offered.

Board of Health member Carol Bradford moved to amend the article as follows:

*Move in the words of the article except that in Section III. Regulated Conduct, paragraph a., the implementation date in the first sentence shall be replaced with the date of June 30, 2018; and in the last phrase in paragraph a., the words “or after July 1, 2017 for Retail Establishments less than 3,500 square feet” shall be deleted; and in Section V, Enforcement, the words “Police officers and” are removed from the first sentence.*

The motion was seconded.

Ms. Bradford stated the amendment proposes to limit the bylaw to retailers 3,500 square feet or greater. It is believed that small retailers would need funding to administer this and there would need to be more staff for the Health Department to ensure compliance. Ms. Bradford stated it is believed more staff will be needed to identify small retailers and help educate them on the transition.

Board of Health Director Bill Murphy stated the amendment is to limit retailers to those 3,500 square feet or greater. Mr. Murphy stated there is a need to identify small stores which may be impacted, and more staff may be needed to do this.

Mr. Morrison stated the petitioners are sensitive to the Health Department’s staffing needs. He stated businesses have expressed the need for there to be a level playing field. Mr. Morrison stated Sustainable Sudbury and the Environmental Group are willing to help the Health Department as extra staff for outreach. He stated the amendment is fine except for the exclusion of retailers under 3,500 square feet.

The Moderator stated the motion to amend requires a majority vote and that the motion to amend Article 35 FAILED.

The Moderator asked the Hall to consider the original motion.

Sudbury resident Dan DePompei, 35 Haynes Road, asked what feedback has been received from the large businesses in Sudbury.

Mr. Morrison stated the businesses were surveyed and 55-60% were neutral and 15% were in favor of the article. He stated the larger stores have been expecting this based on what has happened in other communities.

Sudbury resident Shirley Huettig, 54 Wake Robin Road, asked if this article passes tonight, would it also go to a Town Election or would it just become a bylaw.

Group member Lucy Bergeron stated it would become a bylaw.

Sudbury resident Kristen Roopenian, 45 Harness Lane, stated she has concerns regarding enforcement, and she asked about the jurisdictional authority for the Club to help the Health Department to avoid hiring more staff.

Mr. Morrison stated the Groups would not help with enforcement, but they would help with outreach and education. He also stated the petitioners are sensitive to the initial burden which will be shouldered by the Health Department.

Ms. Roopenian asked the Health Director and the Town Manager how this additional requirement would be compensated.

Town Manager Rodrigues stated she has discussed this with Mr. Murphy and the current contract would need to be reviewed for a possible change of scope at an additional cost.

Sudbury resident James Brownell, 97 Horse Pond Road, asked if stores will be able to obtain enough paper bags and whether any hardships are anticipated.

Mr. Morrison stated many of the stores have anticipated this and they would likely encourage people to use re-usable bags.

Sudbury resident Ellen Joachim, 6 Craig Lane, asked for clarification of the effective date for small retailers.

Mr. Morrison stated the effective date will be the same for all retailers.

Sudbury resident Martha Coe, 14 Churchill Street, stated she was very concerned about the addition to the Town of stores like Whole Foods, noting anchor stores for retail developments are critically important for a development's success. She noted several grocery stores are Sudbury's anchor stores and she would not want them to be forced to close.

Sudbury resident Paula Weiman, 114 Old Lancaster Road, stated she is in favor of the article, noting she lived in Europe for a period of time and bringing a re-usable bag is common place there.

The Moderator stated a majority vote was required for the original motion and that the motion for Article 35 was *VOTED BY WELL MORE THAN A MAJORITY.*

## **ARTICLE 36 – REGULATION OF SALE AND USE OF BOTTLED WATER BYLAW** **(PETITION)**



The Moderator stated a motion was needed to continue tonight's Meeting past 10:30 p.m. The motion was made and seconded. The Moderator declared that the motion was **VOTED BY WELL MORE THAN A MAJORITY.**

The Moderator announced Article 36 is a petition article sponsored by the Lincoln-Sudbury Regional High School Environmental Group, and he asked Sustainable Sudbury member Bob Morrison, 16 October Road, to make a motion. Mr. Morrison moved in the amended words below:

*Move in the words of the article except that in Section II. Regulated Conduct, first paragraph, third sentence, the Proposed effective date shall be replaced with the date of June 30, 2018; and in Section III, Enforcement, the words "Police officers and" are removed from the first sentence.*

Submitted by Petition

(Majority vote required)

The motion was seconded.

Lincoln-Sudbury Regional High School Environmental Group member Cecilia Barnes stated Article 36 proposes to limit and ban the sale of water bottles that are one liter or less, noting this does not include carbonated drinks or flavored water. Ms. Barnes stated the article is intended to encourage the use of re-usable water bottles. She stated only 20% of plastic water bottles are recycled each year and the rest find their way to the trash and they never fully biodegrade.

Group member Elizabeth Kaufman stated the average American uses approximately 167 bottles a year.

Group member Lucy Bergeron stated the petitioners are concerned about the impacts to local businesses and they will offer ideas to help businesses. She also stated they have concerns about sugary drinks replacing the banned bottled water. Ms. Bergeron noted there are healthy drinks available and water is still available in containers greater than one liter. She stated the Group and Sustainable Sudbury are working with businesses on solutions to concerns raised.

Group member Anjuli Das displayed a photograph of local trash picked up in one day, noting some of it will find its way to the oceans.

Group member Nicole Garay stated there are environmental impacts because it takes 17 million barrels of oil to meet the American demand for water bottles and it costs three times more for the amount of water needed to make the bottle as it does to fill it with water.

Group member Kirsten Kelly stated the bottles use excessive amounts of energy and there are possible health concerns from chemicals in plastics.

Group member Elizabeth Kaufman stated the EPA regulates tap water several times a day and results are shared with the public. However, Ms. Kaufman further stated the FDA regulates bottled water, but, only weekly testing is required, and results are not shared with the EPA or the public. She also stated purchased bottled water is not tested for chemicals leached from the plastic. A slide was displayed listing local groups which have supported the article.

**FINANCE COMMITTEE:** Took no position on the article.

**BOARD OF SELECTMEN:** Took no position on the article.

**BOARD OF HEALTH (BOH):** Member Carol Bradford stated the BOH supports the intent of the article, but it would suggest indefinite postponement.

BOH Director Bill Murphy stated the BOH has funding and staffing issues with compliance for the article. Mr. Murphy stated he has consulted with Concord and Brookline officials. He suggested provisions be added to the bylaw to prevent water bottles from being replaced with sugary drinks and those with refined sweeteners, to provide for filtered water stations at fields and parks and to address free water given by retailers.

The Moderator informed the BOH that to request indefinite postponement requires a motion.

Sudbury resident Jack Kaiser, 66 Willow Road, stated he uses re-usable water bottles all the time, however, he is opposed to the article because he thinks it will be onerous for businesses and for enforcement. Mr. Kaiser believes the Town needs to be business-friendly. He believes recycling should be encouraged.

Sudbury resident Melissa Gough, 16 Wildwood Lane, believes stores need to have better business models if they are relying on the sale of bottled water for success. Ms. Gough stated people did not die of thirst prior to individual plastic water bottles, and she believes people can figure out alternatives to them.

Sudbury resident Jill Falvey, 409 Dutton Road, stated she recycles, but she has a concern regarding unintended consequences and that this is moving forward too quickly. Ms. Falvey thinks more time is needed to consider the BOH concerns.

The Moderator stated a **motion** was needed to allow a non-resident from Marlboro to speak, who he introduced as Kenny Hiltz, an employee of Sudbury Wine and Spirits. The **motion** was received, was seconded, and the Moderator declared **VOTED BY WELL MORE THAN THE MAJORITY REQUIRED.**

Mr. Hiltz stated he was speaking on behalf of the owner of Sudbury Wine and Spirits. He commended the students for their proactive work to bring this article forward, however, he agrees with the BOH and others who believe this is moving forward too quickly. Mr. Hiltz believes that, if consumers have to travel to other cities to buy bottled

water, they will also do other shopping outside of Sudbury. He requested more time be taken to study the potential consequences.

Sudbury resident John Riordan, 12 Pendleton Road, congratulated the students on taking action to help the environment. Mr. Riordan stated this is not a new idea and other towns are doing it. He believes people can adapt to changes.

Sudbury resident Graham Taylor, 221 Goodman's Hill Road, stated Sudbury has great water, and he encouraged people to drink tap water.

Sudbury resident Adrian Sheldon, 48 Mill Pond Road, commended the students, noting he does not believe the articles will effect businesses.

Sudbury resident Dick Williamson, 21 Pendleton Road, stated he moved to Town 40 years ago, and for several years he commuted to Lexington by bicycle. Mr. Williamson stated he observed a lot of litter of plastic bottles, noting they do not have a deposit for return.

Sudbury resident Doris Goldthwaite, 141 Goodman's Hill Road, stated she often walks to the Town Center and much of the trash she sees is from water bottles. Ms. Goldthwaite stated college campuses now have filling stations. She believes it is the Town's responsibility to approve the article. Ms. Goldthwaite also believes that, if some money is needed for enforcement, it is well worth it. She commended the students for their work.

Sudbury resident Kirsten Roopenian, 45 Harness Lane, stated she has concerns regarding funding for this, given that the BOH recently had a \$10,000 budget reduction. She asked where would the money come from and how much it would be. Ms. Roopenian also asked the Selectmen if they are going to take a position on the article.

Town Manager Rodrigues stated adjustments were made so the BOH's budget did not have to be reduced by \$10,000. She stated finances are a concern, and she noted the Selectmen could petition a change through a Public Hearing process if it were to become too costly.

Sudbury resident Dan DePompei, 35 Haynes Road, stated he supports the initiative and goal, but he has concerns about approving an unfunded mandate of sorts.

The Moderator asked the Board of Health if it wanted to move to indefinitely postpone the article, and they made a motion as follows:

*Move to indefinitely postpone Article 36.*

The motion was seconded.

Ms. Bradford stated the motion to indefinitely postpone the article is for more time to vet all the issues discussed.

Sudbury resident Lisa Kouchakdjian, 30 Meadowbrook Circle, asked if there has been thought given to the effect this would have on students in the Schools who use the water bottles. She also asked if the PTO's have been contacted.

Ms. Bradford stated the Schools do not provide students with water bottles and she did not know if the PTOs had been contacted.

Sudbury resident Chris Morely, 321 Old Lancaster Road, stated a part of him feels as though the time is now to pass this article. Mr. Morely stated he understands the concern regarding the cost for enforcement, but he does not read the bylaw as requiring enforcement. He stated he does not believe the world would end if this particular bylaw were not enforced.

Town Manager Rodrigues stated she believes the bylaw requires enforcement, but enforcement could be suspended by the Selectmen if they were to petition it through a Public Hearing.

Sudbury resident Cindy Fenichel, 114 Old Lancaster Road, stated she applauds the students for proposing the article. Ms. Fenichel believes all plastic bottles should be banned to do the right thing. She believes more time is needed to think through the issues.

The Moderator stated the motion to indefinitely postpone required a majority vote, and **FAILED TO RECEIVE THE REQUIRED MAJORITY.**

The Moderator asked the Hall to consider the original motion for Article 36.

**BOARD OF SELECTMEN:** Board Chairman Susan Iuliano stated the Board is split with a 2-2 vote on the article, and thus it has no position on the article.

There was a **motion** to call the question, which was seconded.

The Moderator stated the motion to call the question required a two-thirds vote, and the motion was **VOTED BY THE REQUIRED TWO-THIRDS.**

The Moderator stated the motion for Article 36 required a majority vote, and that the motion was **PASSED BY WELL MORE THAN A MAJORITY.**

There being no further business, a motion was received and seconded to dissolve the Town Meeting. The Moderator declared the motion **PASSED.**

The 2017 Annual Town Meeting was dissolved at 11:02 p.m.

## **SPECIAL TOWN MEETING**

**October 16, 2017**

Pursuant to a Warrant issued by the Board of Selectmen and a quorum being present, Town Clerk Rosemary Harvell, at the Lincoln-Sudbury Regional High School Auditorium, called the meeting to order at 7:32 p.m., on Monday, October 16, 2017. She explained that, due to the resignation of Michael Fee as Moderator, tonight's first order of business would be to accept nominations for, and to elect, a Temporary Moderator to preside over this Meeting. Ms. Harvell stated that the term for the Temporary Moderator would end upon dissolution of this Special Town Meeting (STM). She presented a brief summary of the duties of the Moderator, and she asked for nominations from the Hall.

The Town Clerk received a **motion** and a second to nominate Elizabeth Quirk.

Ms. Harvell asked if there were any other nominations, and none were offered. She asked for a **motion** and a second, which she received, to close the nominations.

A **motion**, which was seconded, was made to appoint Elizabeth Quirk as the Temporary Moderator for the October 16, 2017 Special Town Meeting. Ms. Harvell declared it was **VOTED BY WELL MORE THAN A MAJORITY.**

The Town Clerk administered the oath of office to Elizabeth Quirk as the temporary moderator. The Moderator then thanked the Town for the privilege and honor to serve in this role.

Ms. Quirk, asked Kirsten Roopenian, 45 Harness Lane, to lead the Hall in the Pledge of Allegiance.

The Moderator announced that tonight's proceedings were being closed-captioned and stated she had examined and found in order the Call of the Meeting, the Officer's Return of Service and confirmation of delivery of the Warrant to residents. She announced the certified Free Cash, according to Town Accountant Christine Nihan, is \$2,793,163.

Ms. Quirk asked for a **motion**, a second and declared it **UNANIMOUSLY VOTED** to dispense with the Reading of the Call of the Meeting, and the Officer's Return of Service, Notice and the reading of the individual Articles of the Warrant.

Ms. Quirk asked for and received a **motion**, which was seconded, to request the Hall's approval to appoint Lisa Gutch as Assistant Town Moderator for tonight's Meeting. Ms. Quirk declared the motion **UNANIMOUSLY VOTED**.

Ms. Quirk introduced Town Officials, Town staff members, Finance Committee Members and Police Officer John Longo who were present in the Hall. She reviewed the fire exit locations, and noted extra warrants and handouts on some articles were available, if needed. She thanked the Boy Scouts from Troop 63, who are acting as runners with microphones tonight. She also thanked the staff and volunteers of SudburyTV, who were taping the Meeting.

Ms. Quirk briefly reviewed procedures for the Special Town Meeting, including how to be recognized to speak, and how to amend a motion. She also reminded those making motions they must explain any changes to the motion from the articles published in the Warrant. Ms. Quirk also stated a motion must be made to call a question and she would remind the Hall of the quorum of votes required to pass prior to each vote. She further stated she would be sure to call for a count of votes if a vote were too close to call by a visual inspection. Ms. Quirk reviewed her rules for maintaining decorum throughout the Meeting. She emphasized reasonable minds can differ on an issue, but she expects everyone to treat each other with respect and courtesy and to act in the best interests of the Town.

#### **ARTICLE 1 – FY18 BUDGET ADJUSTMENTS**

To see if the Town will vote to amend the votes taken under Article 3, FY18 Budget, of the 2017 Annual Town Meeting, by adding to or deleting from line items thereunder, by transfer between or among accounts or by transfer from available funds; or act on anything relative thereto.

Submitted by the Town Manager

(Majority vote required)

Ms. Quirk recognized Selectman Len Simon, who **moved** in the words below:

*Move 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 Other & 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.*

The **motion** received a second.

Town Manager Rodrigues stated the Town can transfer funds within major clusters of the budget, but not between the clusters. She explained the Town had unsettled collective bargaining agreements this year, and a Salary Reserve Account was budgeted to help fund agreements when they were settled. She stated a transfer is needed from the

Salary Reserve account to General Government for \$30,000 and a transfer from the Salary Reserve Account to Public Safety for \$62,500.

**FINANCE COMMITTEE:** Recommended approval by a vote of 8-0.

**BOARD OF SELECTMEN:** Supported the article.

Ms. Quirk announced a majority vote was required for Article 1.

The motion under Article 1 was **VOTED UNANIMOUSLY**.

## **ARTICLE 2 – CONSERVATION REVOLVING FUND**

To see if the Town will vote to amend the General Bylaws, Article XXXIII Revolving Funds, to add 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”;

or act on anything relative thereto.

Submitted by the Conservation Commission.

(Majority vote required)

Ms. Quirk recognized Conservation Coordinator Debbie Dineen, who moved in the words below:

*Move to amend Article XXXIII of the Town Bylaws, Establishing Revolving Funds, as stated in the article.*

The motion was seconded.

Ms. Dineen stated the article proposes creating a new revolving fund related to the incidental sale of timber to help fund costs of land stewardships. She emphasized there are no large-scaled timber harvesting programs planned. Ms. Dineen stated the Conservation Commission has been working with the State’s Department of Conservation, Recreation and Forestry program through a grant regarding three Town properties. She displayed a slide of King Philip Woods’ Conservation Land, which is one of the properties, and she summarized the goals for the program, including eliminating invasive weeds. Ms. Dineen also displayed a slide of a map of King Philip Woods, and she indicated the two-acre area, which would be the focus for removing the invasive weeds that have strangled many trees. She explained the effected trees will be cleared to create a meadow to enhance safety for trail users and wildlife. Ms. Dineen emphasized no herbicides will be used. The goal is to use any money earned from the timber to maintain and restore King Phillip Woods or any other Town-owned conservation land. By establishing this revolving fund, Ms. Dineen

stated the Commission does not have to ask taxpayers for an increase to its budget. She highlighted tonight's vote would only establish the revolving fund and that no appropriation is being requested tonight. She noted Town Meeting would need to approve depositing future funds for specific projects. Ms. Dineen displayed slides of two photographs from King Philip Woods, one that reflected a healthy area and a second area that has been choked by invasive vines and plants.

**FINANCE COMMITTEE:** Recommended approval by a vote of 8-0.

**BOARD OF SELECTMEN:** Supported the article by a vote of 4-1.

Selectman Len Simon stated he supports the objectives of the Commission, but he has concerns about the process. He believes the trees which will be harvested are capital assets of the Town and that the Town should retain direct control of the assets. Selectman Simon further stated he believes establishing a revolving fund fractionalizes the asset somewhat from the Town. He noted that, if the Conservation Commission needs additional funding for stewardship, it could request an increase to the operating budget as other groups do versus establishing the revolving fund, which will divert a capital asset to an operating asset. Selectman Simon stated he believes the Town should be able to decide and prioritize how to use these capital funds, which should go into the Town's General Fund. He stated he believes the concept is worthy, but the article as proposed is not in the Town's best interests.

Sudbury resident Robert Coe, 14 Churchill Street, stated the interpretation of a few cut trees being capital assets is interesting, and he asked for other opinions regarding this perspective.

Town Counsel Barbara Saint Andre stated the question of whether trees are capital assets is beyond her expertise. However, she emphasized the article which has been presented tonight has been properly presented, and the Hall has the choice of voting no, which would result in the revenue being deposited to the General Fund.

Sudbury resident Rebecca Chizzo, 21 Whitetail Lane, stated she has worked with the Commission as a volunteer since 2010 in King Philip Woods. Ms. Chizzo stated she has seen first-hand the damage and devastation caused by the invasive vines that have engulfed the trees. She urged the Hall to support the article, stating that, by not doing so, she fears an historic wildlife area will be lost.

Conservation Commission member Dave Henkels, 17 Twin Pond Lane, stated he believes the Town has an obligation to steward its conservation land, and he asked for the Hall's support of the article.

Sudbury resident Carolyn Lee, 28 Mossman Road, asked if proper management of King Philip Woods would be impacted, if the revolving fund is not established.



Ms. Dineen stated it is not known at this time what the impact would be. She highlighted the timber sales are estimated to be between \$3,000 and \$8,000.

Sudbury resident Marianne Buttner, 333 Peakham Road, stated she believes Selectman Simon's point is that the Commission has a good idea, but it should follow the procedures to compete with other projects just as other groups do. Ms. Buttner stated she believes the article is asking to avoid procedures followed by others.

Sudbury resident Abba Shocair, 240 Mossman Road, asked why a meadow is being created.

Ms. Dineen stated the meadow can be mowed, which will help to keep the invasive plants from returning. She also stated the meadow will add biological diversity to the wildlife habitat.

Ms. Quirk announced a majority vote was required for Article 2.

The Moderator declared that the motion for Article 2 **PASSED BY WELL MORE THAN A MAJORITY.**

### **ARTICLE 3 – TRANSFER CARE & CUSTODY OF TOWN-OWNED LANDHAM ROAD PARCEL TO CONSERVATION COMMISSION**

To see if the Town will vote 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; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Two-thirds vote required)

Ms. Quirk recognized Selectman Len Simon, who **moved** in the words of the article.

The **motion** was seconded.

Town Manager Rodrigues stated the Town purchased land formerly known as Johnson Farms in February 2015 to preserve farmland of 33.48 acres (renamed Landham Brook Marsh Conservation Land). She noted the intent was for the property to be used for conservation and passive recreation purposes. She also stated that, under the current deed,

the Board of Selectmen has control of this land and the responsibility for its care, custody and management. Town Manager Rodrigues stated it seems appropriate to request this control be transferred to the Conservation Commission, as is the case with other parcels, as management documents are finalized.

**FINANCE COMMITTEE:** Took no position on the article.

**BOARD OF SELECTMEN:** Unanimously supported the article.

Ms. Quirk stated a two-thirds vote is required for Article 3.

The Moderator declared that the motion for Article 3 was UNANIMOUSLY VOTED.

#### **ARTICLE 4 – LAND CONVEYANCE TO FISH AND WILDLIFE SERVICE**

To see if the Town will vote 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; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Two-thirds vote required)

Ms. Quirk recognized Selectman Patricia Brown, who moved in the words of the article.

The motion was seconded.

Town Manager Rodrigues stated there are two lots that were taken for failure to pay taxes: one is 12 acres with an assessed value of \$6,100 and the other is five acres, with an assessed value of \$2,500. She further stated that, currently, no taxes are being collected, and the amount that could be collected would total \$152.56. Town Manager Rodrigues stated the parcels are not needed by the Town, and they are considered to be undevelopable according to Town staff. She reviewed criteria met by both parcels, and she displayed a slide of a map of the parcels, showing the parcels are surrounded by federally owned land. Town Manager Rodrigues stated the Town Meeting is being asked tonight to allow the Board of Selectmen to dispose of these properties, and she noted a two-thirds vote is needed.

**FINANCE COMMITTEE:** Recommended approval by a vote of 8-0.

**BOARD OF SELECTMEN:** Supported the article.

Sudbury resident Margaret Peppercorn, 28 Sawmill Lane, stated she is opposed to giving away land on the river. She stated U.S. Fish and Wildlife allows hunting with guns, and residents who live nearby fear for their safety and the safety of wildlife in the area. If the parcels are sold to U.S. Fish and Wildlife, Ms. Peppercorn believes even more hunters will come to this area.

Sudbury resident Mario Mummolo, 71 Stock Farm Road, asked what would happen if the parcels are not sold.

Town Manager Rodrigues stated there would be no tax consequences either way, but, if the parcels are sold, the Town will be paid for them at fair market value. She explained U.S. Fish and Wildlife will conduct an appraisal and the Town will conduct a peer review of the appraisal. Town Manager Rodrigues stated the Town would benefit from the sale by getting paid for the parcels.

Sudbury resident James Brownell, 97 Horse Pond Road, asked if there are trails or development currently on the parcels.

Conservation Coordinator Debbie Dineen stated there are no trails, the properties are under water, and they can only be accessed by boat. She stated the Conservation Commission supports the article, and she noted the properties are not surveyed and there is likely hunting already happening in the area. Ms. Dineen stated the Town can receive some money for the parcel from the sale and U.S. Fish and Wildlife will patrol the parcels and area in the future.

Ms. Quirk stated that Article 4 requires a two-thirds vote.

The Moderator stated that the motion for Article 4 was **VOTED BY WELL MORE THAN TWO-THIRDS.**

#### **ARTICLE 5 – AMEND BYLAW – TOWN PROPERTY**

To see if the Town will vote 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 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 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:

Advertised<sup>1</sup> solicitation of at least three oral or written quotations;

Advertised<sup>1</sup> silent auction;

Advertised<sup>1</sup> yard sale;

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

<sup>1</sup>“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.”

;or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

Ms. Quirk recognized Selectman Susan Iuliano, who moved in the words below:

*Move to amend Article XII, Section 1 of the Town Bylaws, Town Property, as stated in the article, with the addition of the words “or another municipality,” after the words “transfer to another department”.*

Submitted by the Board of Selectmen

(Majority vote required)

The motion was seconded.

Town Manager Rodrigues stated Town property is the Town’s possessions, excluding real estate. She explained the article proposes to change the threshold for disposition of goods from \$5,000 to \$10,000 to match the threshold number in Massachusetts General Law and to make sure proper methods for disposal are being followed. She further stated the change is being proposed because the State’s procurement

laws govern Town property. Town Manager Rodrigues noted language has also been added to ensure proper methods for disposition are used and to allow the Town to sell the property to other communities. She stated approval of the article would allow the Town to more easily dispose of property in compliance with State and local laws.

**FINANCE COMMITTEE:** Recommended approval of the original article by a vote of 8-0. Finance Committee Chairman Bryan Semple stated the Committee might need to convene briefly to vote on the amended motion.

Sudbury resident Dan DePompei, 35 Haynes Road, asked for clarification on the amendment procedure.

Ms. Quirk explained amendments are to motions and they are not to the warrant articles.

Sudbury resident Robert Coe, 14 Churchill Street, clarified the word “amend” is in the article to ask to amend the Town bylaws, but there is no amendment to the motion on the floor.

Ms. Quirk thanked Mr. Coe for his accurate clarification.

**FINANCE COMMITTEE:** Requested a brief recess, and following the recess, it recommended approval of the amended motion by a vote of 8-0.

**BOARD OF SELECTMEN:** Supported the motion.

Sudbury resident Martha Coe, 14 Churchill Street, read aloud a section of the article from the Warrant, and she asked how this article would affect the crossing of municipal properties from town to town.

Town Manager Rodrigues stated no impacts are anticipated because this does not apply to real estate.

Ms. Quirk announced a majority vote is needed for Article 5.

The motion for Article 5 was **VOTED UNANIMOUSLY.**

#### **ARTICLE 6 – AMEND LEGAL AFFAIRS BYLAW – TOWN COUNSEL**

To see if the Town will vote 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.”

;or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

Ms. Quirk recognized Selectman Patricia Brown, who moved in the words below:

*Move to amend Article VII, Section 5 of the Town Bylaws, Legal Affairs, as stated in the article.*

The motion was seconded.

Selectman Brown stated this article proposes to streamline the process of evaluating Town Counsel services by requiring a periodic discussion and not mandating a Request for Proposal process be initiated every 36 months. She displayed slides reflecting relevant sections of the current bylaw and the proposed amended bylaw. Selectman Brown summarized the extensive RFP process followed, noting it should only be undertaken if the Town is seriously considering changing the current provider of services. She stated this article is being proposed for efficiency and transparency, noting future discussions will be held in public sessions.

FINANCE COMMITTEE: Took no position on the article.

BOARD OF SELECTMEN: Supported the article.

Ms. Quirk announced a majority vote is required for Article 6.

The Moderator declared the motion for Article 6 was UNANIMOUSLY VOTED.

#### **ARTICLE 7 – STABILIZATION FUND**

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$167,354 to be added to the Stabilization Fund established under Article 12 of the October 7, 1982 Special Town Meeting, pursuant to General Laws Chapter 40, Section 5B; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

Ms. Quirk recognized Selectman Daniel Carty, who moved in the words below:

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

Submitted by the Board of Selectmen

(Majority vote required)

The motion was seconded.

Town Manager Rodrigues stated tonight's request is to transfer \$167,354 to the Town's Stabilization Fund. She reviewed the Town's policy of maintaining an amount equal to 5% of the total projected General Fund operating revenues for the last fiscal year in the Fund. She stated the Fund's balance is \$4,407,108.59.

Finance Committee Chairman Bryan Semple stated Article 7 is the first of nine articles requesting spending which the Finance Committee evaluated. Mr. Semple stated the Committee reviewed the proposed funding sources, potential tax impacts on residents, the life of the asset and the priority for the proposals. He displayed slides summarizing the amounts requested for the next seven articles, and he briefly described the possible funding sources available. Mr. Semple also displayed a slide noting there are possible large capital projects or land purchases estimated to cost \$73 million in the next five years, approximately \$57 million in OPEB liability and \$20 million in possible rolling stock purchases and other small capital projects. He explained tonight's requests for spending would equate to approximately \$1,750 over 20 years for the average median household based on a \$705,000 valuation, and he displayed a slide noting how the Committee voted on Articles 7, 8, 9, 10, 11, 12, 14, 15 and 16.

**FINANCE COMMITTEE:** Recommended approval of Article 7 by a vote of 8-0.

**BOARD OF SELECTMEN:** Unanimously supported the article.

Ms. Quirk announced a majority vote is needed for Article 7.

The motion for Article 7 was UNANIMOUSLY VOTED.

## **ARTICLE 8 – CONSTRUCTION OF NEW FIRE STATION #2**

To see what sum the Town will vote to raise and appropriate, or transfer from available funds or borrow, 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 documents, supervision of work, relocation, and borrowing costs and expense, and to see whether said sum shall be raised by borrowing or otherwise and determine whether such sum will be subject to a Proposition 2 ½ exclusion; or act on anything relative thereto.

Submitted by the Fire Chief.

(Two-thirds vote required, if borrowed.)

Ms. Quirk recognized Board of Selectman Chairman Bob Haarde, who moved in the words below:

*Move 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 documents, 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.*

Submitted by the Fire Chief

(Two-thirds vote required, if borrowed.)

The **motion** was seconded.

In a slide presentation, Fire Chief Bill Miles displayed photographs of the current Fire Station, noting it was built in 1961, it is too small to accommodate modern fire engines and there are no accommodations for female firefighters. Chief Miles stated the proposal is to construct a new Station on the same site. He also displayed photos of the current Station's interior, noting how cramped the area is with narrow bays and low ceilings. Chief Miles further noted the current Route 20 Widening Project has resulted in the Station's location losing critical apron space.

Chief Miles noted National Development Mitigation Funds provided \$80,000 for the schematic design and \$25,000 for utility installation. Chief Miles stated the schematic design involved numerous meetings with designers and architects in order to reach a better cost estimate. He explained it has been determined that larger gas and water lines need to be moved onto the property and this work has been coordinated with the current Route 20 Widening Project to save money. Chief Miles highlighted the significant contributions made to this project by the National Development Agreement, including deeding Lot 6 to the Town, taking all the Station's property sewerage and all of its stormwater into its systems, granting easements for apparatus entry to the rear of Lot 6 from the western driveway and providing traffic engineering and signal installations in front of Station #2.

Chief Miles stated the initial feasibility study had estimated a cost of \$6 million. He stated an architectural team was selected and he and Combined Facilities Director Jim Kelly participated in several meetings and they visited six recently constructed fire stations in other communities. He explained several design concepts were considered by the



Permanent Building Committee (PBC) and input was received from the Design Review Board (DRB). He also stated he and Mr. Kelly met with the Planning Board, Capital Improvement Advisory Committee (CIAC), Parks and Recreation Commission, Board of Selectmen and the Finance Committee.

Ms. Quirk requested and received permission from the Hall, to allow Chief Miles to continue his presentation beyond the allotted time.

Chief Miles reviewed slides of the proposed new Station, noting its hip roof design, and the proposed floor plan. He emphasized the plan has taken into account a building which meets the needs of today and into the future. With the schematic design phase completed, Chief Miles stated the proposed cost is \$7,100,000, which includes all costs. He noted the exact final cost would be determined when the project goes out to bid. Chief Miles stated the estimated tax impact for the average taxpayer, with a home valued at \$705,763 and assuming a 20-year bond at 4%, is approximately \$100 per year for 20 years.

**FINANCE COMMITTEE:** Four members recommended approval of the article and four members did not. Finance Committee Chairman Bryan Semple stated the net tax impact of approximately \$31 per year for 20 years for the average household is estimated to be reduced to this figure by \$7 million of debt that will be retired over the next three years. He noted those in favor believe there is sufficient debt capacity. Mr. Semple stated the Committee generally agreed there is need for expanded public safety services in the southern part of Town; however, it disagreed on the funding source and other items. He explained that those in favor believe the current Station does not meet the current needs, and this will become a larger detriment as the former Raytheon property is developed. He further explained those opposed to the article generally support a need for the Station, but some thought the \$7 million burden should not be all on the taxpayers, when Meadow Walk mitigation funds were spread to other Town groups. Some members believe Free Cash or remaining mitigation public safety funds should be used to reduce the long-term tax impact for residents. Some members who opposed the article would support doing a design study at this time.

**BOARD OF SELECTMEN:** Supported the article, with a vote of 4-1.

**CIAC:** CIAC Chairman Mark Howrey stated the CIAC unanimously supported the article.

Sudbury resident Kate Marchand, 101 Victoria Road, stated she attended a recent Park and Recreation Meeting where it was stated that, during construction, a temporary Fire Station would be located at Feeley Field. She noted it was also stated that the fire engines would move from the temporary location when Feeley Field is heavily used during softball season and that the Fire Department would help to move batting cages as needed.

Fire Chief Miles stated he has met with the Park and Recreation Commission regarding the logistics of placing a temporary mobile Fire Station at Feeley, and he believes this option will be able to work for all parties involved.

**Sudbury resident Geoff Phillips, 125 Hudson Road, asked what the square footage is for the current building and for the proposed building.**

**Fire Chief Miles stated the current Station is approximately 3,300 square feet and the proposed Station would be 9,300 square feet.**

**Sudbury resident Bill Schineller, 37 Jarman Road, stated the Station design looks great and a new Station is needed. However, he believes it is a shame that the poles and utility lines on Route 20 in front of the Station could not have been buried underground.**

**Sudbury resident Kevin Matthews, 137 Haynes Road, stated this project is a large investment for the Town. He asked about the current status and plans for Fire Station #3.**

**Fire Chief Miles stated Station #3 was built in 1963 and it has many similar issues to the current Station, i.e., too small and no accommodations for female firefighters. He stated there are no current plans for Station #3 because the focus has been on Station #2. Chief Miles also stated Station #3 is in a more residential area on Route 117, and he does not foresee its site supporting a building design such as the one presented tonight.**

**Sudbury resident Mara Huston, 578 Peakham Road, stated she is surprised a new Station is needed which is three times the size of the current Station, and she questioned the length of time the proposal station will be sufficient.**

**Chief Miles stated the design is proposed to be sufficient for at least 30 years. He emphasized nothing has been oversized in the proposed plans. Chief Miles also stated he hopes to have four people staffed at the new Station and to house an ambulance and a fire engine there. He emphasized that, as Sudbury has grown and continues to grow, the services provided by the Department have grown faster than had been anticipated.**

**Sudbury resident Rami Alwan, 119 Pantry Road, asked if solar panels were considered for the new building.**

**Fire Chief Miles stated solar panels were considered, and Mr. Kelly believes they could possibly be added after construction for less money.**

**An unidentified Sudbury resident asked how the \$7.1 million cost was vetted.**

**Fire Chief Miles stated the costs per square foot of other similar buildings were evaluated. He also noted the cost estimate provided includes contingency fees because construction costs are likely to increase six months from now. Chief Miles stated the design plan presented tonight is comparable to what has been done in other towns.**

**Sudbury resident Janie Dretler, 286 Goodman's Hill Road, stated she supports the article because there was a need for this new Station even before the Meadow Walk development came to Sudbury. Ms. Dretler opined that plans for Fire station #3 should be taken into consideration for whatever future plans there are for the Melone property.**

Sudbury resident Adrian Sheldon, 48 Mill Pond Road, stated the Fire and Police Departments do great work for residents. However, he stated tonight's presentation has not convinced him there is a need to spend \$7.1 million. He asked if the current Station could be renovated, and he asked where the \$2 million in mitigation funds from National Development have gone.

Fire Chief Miles stated they considered renovating the current Station, but the doors are not tall enough or wide enough, and none of the systems are up to current codes. It was determined that renovation would potentially cost more than a new structure. Fire Chief Miles emphasized a new Station #2 was discussed as being needed long before Meadow Walk came to Town. He also noted the Mitigation Funds received were allocated for many Town needs and they were given to a variety of entities.

Sudbury resident Jim Gish, 35 Rolling Lane, stated he supports the article and he urged the Hall to vote in favor of it tonight. Mr. Gish emphasized that delays on large projects almost always result in a compromised project at a higher cost.

Ms. Quirk asked if there was anyone who wished to speak who had anything new to add to the discussion.

Sudbury resident Kathleen Bell, 348 Old Lancaster Road, asked for clarification regarding whether the Finance Committee believes there is capacity to borrow money for the project.

Finance Committee Chairman Bryan Semple stated the Finance Committee believes there is sufficient debt capacity for the project.

Selectman Susan Iuliano stated the Board of Selectmen recognized the need for a new Station #2 long before the Meadow Walk development became a reality. She emphasized Meadow Walk has also afforded the Town the advantage of coordinating significant project components, at a savings for the Town. Selectman Iuliano also stated the Mitigation Funds were allocated in a manner intended to reduce tax impacts for residents based on current and future needs as prioritized in 2017.

Sudbury resident Hayley Barnes, 42 Mary Catherine Lane, stated she has similar concerns regarding the future for Station #3 as expressed by others tonight. She stated the plans do not feel as comprehensive to her as they could be.

Ms. Quirk announced this article requires a two-thirds vote.

The Moderator stated that the motion for Article 8 was **VOTED BY WELL MORE THAN TWO-THIRDS.**

## **ARTICLE 9 - FUND EVERSOURCE LITIGATION**

To see if the Town will vote to transfer \$220,000 from available funds, 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; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

Board of Selectmen Chairman Bob Haarde moved in the words below:

*Move in the words of the article with the sum of \$300,000 to be transferred from Free Cash.*

The motion was seconded.

Town Manager Rodrigues stated this article is requesting to transfer \$300,000 from Free Cash for the purpose of legal fees, hiring of experts and all related costs to litigation of the Eversource Sudbury to Hudson reliability project, which is an underground transmission line proposed in Sudbury and Hudson along the MBTA right-of-way. She explained there are current litigations underway in Land Court and with the Energy Facilities' Siting Board. Town Manager Rodrigues reviewed previous funding requests for this issue totaling to date \$346,545.10. She shared information noting bills received this month would bring the account to zero, and, if tonight's article is passed, the account balance would be \$685,000. She also stated the additional request is based on estimates to cover the case with the Siting Board, but not any appeals.

**FINANCE COMMITTEE:** Recommended approval by a vote of 8-0. It was noted the article is funded from Free Cash, which equates to approximately \$45 for a median household, and there is no increase to homeowners' tax bills.

**BOARD OF SELECTMEN:** Unanimously supported the article.

Sudbury resident Bill Schineller, 37 Jarman Road, read aloud a recent *Letter to the Editor* he sent to the *MetroWest Daily News* to express opposition to the Eversource project. Mr. Schineller supports this article and believes the project can be avoided by challenging it with the Siting Board and in court. He urged the Hall to vote in favor of the article.

Sudbury resident Jerry Sherman, 255 Peakham Road, stated he supports the article, noting he has walked the proposed MBTA trail site. Mr. Sherman stated he liked what he saw on his walk and he does not want to see high voltage wires in Sudbury.

Sudbury resident Tom Hollocher, 623 Concord Road, stated the Eversource project seems sensible to him to be placed along the MBTA route. Mr. Hollocher believes the statements of the damage to the Town, which would be caused by Eversource, is greatly overestimated. He noted a rail trail would cause a clearing of approximately 20 feet on its

own. Mr. Hollocher stated he is opposed to throwing good money after bad money, and he is opposed to the article.

Sudbury resident Michael Pincus, 25 Blueberry Hill Lane, asked why an additional \$80,000 is being requested from what was published in the Warrant.

Town Manager Rodrigues stated a case has been filed in Land Court and Town Counsel has provided new cost estimates.

Sudbury resident Allan Wallack, 67 Thompson Drive, asked if the probability for success in these litigations has been assessed.

Town Counsel Barbara Saint Andre had no comment.

Sudbury resident Renata Aylward, 265 Dutton Road, urged the Hall to support the article, noting there are questions regarding whether the Eversource project is needed at all. She believes the natural beauty of the area and the integrity of the water supply can be preserved by opposing the Eversource project.

Sudbury resident Marie Rock, 26 Whispering Pine Road, stated she has lived in Town for 17 years, but prior to that, she witnessed the contamination of Woburn's water supply. Ms. Rock stated she supports the article.

Sudbury resident Jim Gish, 35 Rolling Lane, stated he supports the article to continue to fight Eversource placing above ground transmission lines in Sudbury.

Ms. Quirk stated a majority vote was required.

The Moderator declared that the motion for Article 9 was **VOTED BY WELL MORE THAN A MAJORITY.**

#### **ARTICLE 10 – FUND SUDBURY STATION LITIGATION**

To see if the Town will vote to transfer \$55,000 from available funds, 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; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

Selectman Susan Iuliano **moved** in the words below:

*Move in the words of the article with the sum of \$55,000 to be transferred from Free Cash.*

The **motion** was seconded.

Town Manager Rodrigues stated this article request is for a transfer of \$55,000 from Free Cash for the purpose of legal fees, hiring of experts and other costs related to the litigation of the Sudbury Station project, which is a Chapter 40B project proposed for a 39.87-acre parcel off Concord Road behind the Town Cemetery. She further stated the Town is currently involved in three separate litigations, two in Land Court and one with the Housing Advisory Committee. Town Manager Rodrigues explained the developer proposed 250 units, but the project was issued a Comprehensive Permit by the Zoning Board of Appeals for 30 units. She reviewed previous funding for this issue, which would total \$285,000, including tonight's request. She noted funds spent to date total \$170,655.82. She also stated the additional request is based on estimates to cover the current cases, but not any appeals.

**FINANCE COMMITTEE:** Recommended approval by a vote of 8-0. It was noted the article is funded from Free Cash, which equates to approximately \$8 for a median household, and there is no increase to homeowners' tax bills.

**BOARD OF SELECTMEN:** Unanimously supported the article.

Ms. Quirk stated a majority vote was required, and the **motion** for Article 10 was **VOTED BY WELL MORE THAN A MAJORITY.**

#### **ARTICLE 11 – SUDBURY PUBLIC SCHOOLS ADMINISTRATIVE OFFICES**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150,000 or some other amount, to be expended under the direction of the Permanent Building Committee, for the purpose of a needs assessment, conceptual design, and cost estimates for a new location for the Sudbury Public School's administrative office; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

Selectman Susan Iuliano **moved** to ***INDEFINITELY POSTPONE Article 11.***

The **motion** was seconded.

Selectman Iuliano stated the Selectmen have been working with the Sudbury Public Schools (SPS) to find a new location for the Schools' administrative offices. She further stated identifying and providing space for SPS Administration is a crucial component in the Town's long-term facility planning. Selectman Iuliano explained Article 11 proposed one of two approaches the Board identified last summer to present to this Special Town Meeting. Given recent developments, she explained the School Committee has focused on administrative transition issues and questions concerning space utilization, and the School

Committee does not support the process as envisioned in this article. Selectman Iuliano stated the Board of Selectmen remains committed both to the ongoing assessment of Town and School needs and to planning for the future of the Fairbank Community Center. She emphasized postponement of this article will not impede the efforts of the Fairbank Community Center Study Task Force or Town staff in planning for a revitalized Community Center. Selectman Iuliano also stated the Selectmen recognize the urgency of meeting the immediate needs of the Senior Center and the Park and Recreation Department and the importance of developing a responsible design for our community center. While that work continues, she explained the Selectmen will pursue a parallel path, working collaboratively with SPS to find alternative space for the SPS administrative offices. The Selectmen will develop a plan for the SPS offices, even if a temporary solution is required, to support the best outcome for the future of the Fairbank Community Center. Thus, Selectman Iuliano stated the Board of Selectmen asks for the Hall's support for the indefinite postponement of Article 11.

**FINANCE COMMITTEE:** Finance Committee member Eric Poch stated the Committee did not recommend the article by a vote of none in favor, seven opposed and one abstention. The Committee believes a solution is needed for suitable SPS office space, but members expressed a variety of reasons for opposing the article. It was noted the Town lacks a long-term strategy for dealing with all Town office needs and some believe the Town needs to evaluate global space needs and to construct flexible offices to support multiple needs. He stated the Committee would rather see money allocated for a Town-wide plan for all Town buildings. In addition, it was noted the SPS School Committee does not support this article.

**BOARD OF SELECTMEN:** Supported indefinite postponement.

**CIAC:** Had no report for this article.

Ms. Quirk stated a majority vote was required and the motion for Article 11 was VOTED BY WELL MORE THAN A MAJORITY TO INDEFINITELY POSTPONE.

## **ARTICLE 12 – SUDBURY PUBLIC SCHOOLS PLAYGROUND MODERNIZATION**

To see what sum the Town will vote to raise and appropriate, or transfer from available funds, or appropriate from Community Preservation Act Funds funded from FY18 Revenue and allocated from the recreation category; 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; or act on anything relative thereto.

Submitted by the Facilities Director.

(Majority vote required)

Combined Facilities Director Jim Kelly moved in the words below:

*Move in the words of the article with the sum of \$275,000 to be transferred from Free Cash.*

The motion was seconded.

Superintendent Anne Wilson stated the goal of this article is to provide safe and accessible playgrounds for all SPS students and Sudbury residents by renovating and modernizing all elementary school playgrounds over the next two to three years. She explained tonight's article is for Phase One of a multi-year project. Superintendent Wilson provided a brief background for the article, noting that, at the May 2017 Town Meeting, funds were requested to provide necessary repairs. She also stated PTO donations have been required to meet some ADA regulations. Superintendent Wilson stated the planning for this article has been a collaborative effort of SPS Staff, Town staff, and parents. She stated the project is needed now because the equipment is aging, with many large structures being 16-20 years old (typical lifespan is 10-15 years). Superintendent Wilson emphasized many of the older structures do not meet the 2011 ADA regulations for playground accessibility, and the playground surfacing does not meet current code requirements.

Sudbury Public Schools Early Childhood Administrator Stephanie Juriansz displayed a slide of the FY18 Plan for the Haynes Playground. Ms. Juriansz highlighted the many groups who have worked together to bring this article forward. She stated she believes this request warrants a partnership between the Town and Schools to address the need to modernize the playgrounds in the short and long-terms. Ms. Juriansz stated Sudbury's playground equipment is older than the typical life span of 15 years. She stated this project would modernize the playgrounds and make them accessible for all ages and children to enjoy. If the article passes tonight, Ms. Juriansz stated work could be initiated in the summer of 2018. She described the site areas which would be resurfaced and where new equipment would be located. Ms. Juriansz stated \$275,000 from Free Cash is being requested for the acquisition and installation of a new play structure in Area 4 and replacement of the wood chips with poured-in-place surfacing. She noted some of the existing play structures would be preserved.

Superintendent Wilson stated SPS will actively seek grant opportunities, and she noted no new taxes are needed to support the article. She also stated no SPS Operating Fund monies would be used. Superintendent Wilson stated there is strong community support for this project and the community group, PlaySudbury, has been established. She also stated future SPS savings are anticipated due to the discontinued need to replace wood chips and mulch. Superintendent Wilson thanked the following Town groups for their support: the SPS School Committee, the Board of Selectmen, the Finance Committee, the Capital Improvement Advisory Committee and the Park and Recreation Commission, and she requested the support of the Hall.

**FINANCE COMMITTEE:** Recommended approval of the article by a vote of 8-0.



It was noted the article is funded from Free Cash, which equates to approximately \$41 for a median household, and there is no increase to homeowners' tax bills. It was further noted this is part one of a multi-year project and that the operating costs for the playgrounds are being reduced and replaced with this capital expense. It was also noted the proposed surface would likely need to be replaced in 10-15 years.

**BOARD OF SELECTMEN:** Supported the article.

**CIAC:** There was no report given for this article.

Sudbury resident Jean Nam, 81 New Bridge Road provided a slide presentation. Ms. Nam stated that she is a Sudbury parent who has worked to create a volunteer group, *Play Sudbury*, which is dedicated to helping to advocate for upgrades and raise funds for Sudbury Public Schools' playgrounds. Ms. Nam stated the playground structures are reaching their end-of-life, and they are not ADA-compliant. She provided some examples of fundraising possibilities, including major donor naming options and peer-to-peer fundraising, and local companies and foundations will be approached. Ms. Nam stated SMILE Mass is *Play Sudbury's* fiscal sponsor and that the project has received unanimous support from several Town groups. She thanked the Town's Facility Department for its assistance.

Sudbury resident Dick Williamson, 21 Pendleton Road, stated he spent a lot of time years ago rebuilding equipment at the Haynes' Playground, and it is time to upgrade the equipment. As a member of the Park and Recreation Commission, he shared that the Commission unanimously supported the article. Mr. Williamson emphasized the Commission does not oversee School playgrounds. He also noted the Commission is looking to evaluate the Haskell playground regarding accessibility needs.

Sudbury resident Martha Coe, 14 Churchill Street, stated she objects to the way SPS submits Warrant articles to see how much the Town is willing to pay and that all pertinent financial information is not made available. Ms. Coe emphasized this is a multi-year project, but all of the costs have not been presented in the Warrant or in tonight's presentation. She also noted a lot of Free Cash is being spent on articles.

Sudbury resident Leslie Strong, 200 Hudson Road, asked for clarification regarding whether there is an associated tax increase to the article.

Finance Committee Chairman Bryan Semple stated this is to be funded from Free Cash, which has already been collected from taxpayers, so there will be no additional effect on tax bills.

Sudbury resident Siobhan Hullinger, 55 Washington Drive, stated she saw some disturbing information in a playground report, and she questioned why funding for the entire project has not been requested at one time so the project can be completed without having to request more funds at another Town Meeting.

Superintendent Wilson stated requesting all the funds for the four playgrounds was considered for an approximate cost of \$1.3 million. However, she explained the work for all four playgrounds could not be completed in one summer, so the decision was made to proceed with the one playground with the immediate need.

Ms. Hullinger asked if the \$1.3 million estimated cost includes fundraising, and Superintendent Wilson stated it does not.

Sudbury resident Jennifer Roberts, 14 Griffin Lane, asked if there would be a penalty for the playgrounds not being ADA-compliant.

Superintendent Wilson stated receiving a penalty/fine is always a possibility.

Ms. Quirk took a moment to thank the Boy Scouts who have done an outstanding job as runners tonight with microphones.

Sudbury resident Janie Dretler, 286 Goodman's Hill Road, asked if there is a legal risk for the Town if only one playground is upgraded now.

Superintendent Wilson stated there can always be a risk for liability. However, she noted the Town has made intermittent upgrades and repairs, and it has tried to put forth a good effort.

Ms. Quirk stated a majority vote was required, and the motion for Article 12 was VOTED BY WELL MORE THAN A MAJORITY.

### ARTICLE 13 – WITHDRAWN

### ARTICLE 14 – UPDATE MASTER PLAN

To see if the Town will vote to raise and appropriate, or transfer from available funds an amount not to exceed \$75,000, as recommended by the Planning Board, for the purpose of updating the 2001 Master Plan; or act on anything relative thereto.

Submitted by the Planning Board.

(Majority vote required)

Ms. Quirk recognized Planning Board Chairman Steve Garvin, who moved in the words below:

*Move in the words of the article with the sum of \$75,000 to be transferred from Free Cash.*

The motion was seconded.

Mr. Garvin stated the Town received a \$25,000 Community Compact Grant from the State to update its Master Plan, and the Master Plan must be completed by June 30, 2019. He noted a Master Plan process typically can cost approximately \$70,000-\$100,000 to complete. Mr. Garvin stated this project has been listed as a goal by the Selectmen, and he referenced M.G.L. Ch. 41, section 81D, which suggests that Master Plans be updated, and he stated they are typically done every ten years. He noted the Town last completed its Master Plan in 2001. Mr. Garvin stated there have been a lot changes regarding population and land use since 2001. He briefly summarized the requirements of a Master Plan, including Land Use and Growth Management, Housing, Economic Development, Natural and Cultural Resources, Open Space and Recreation, and Services and Facilities. Mr. Garvin mentioned funding opportunities and noted some grants, which could be pursued. He also stated an updated Master Plan helps the Town receive a better bond rating. Mr. Garvin urged the Hall to support the article.

**FINANCE COMMITTEE:** Supported the article by a vote of 8-0. It was noted the article is funded from Free Cash, which equates to approximately \$8 for a median household, and there is no increase to homeowners' tax bills.

**BOARD OF SELECTMEN:** Supported the article.

Sudbury resident Kevin Matthews, 137 Haynes Road, asked about the scope of the Master Plan and whether it would encompass Town-wide space planning for offices.

Mr. Garvin stated a Master Plan touches on this briefly, but that type of information would likely be part of a facilities' study.

Ms. Quirk stated a majority vote is needed.

The motion for Article 14 was **VOTED BY WELL MORE THAN A MAJORITY.**

Ms. Quirk announced the next two articles relate to Lincoln-Sudbury Regional High School (L-SRHS) requests. She stated her husband is on the L-SRHS School Committee. Ms. Quirk stated she consulted with Town Counsel and it was determined that Ms. Quirk can preside over the debates for Articles 15 and 16 without violating any conflict of interest laws. She also stated she filed the M.G.L. required disclosure form with the Town Clerk's Office.

#### **ARTICLE 15 – REPLACE GYM 4 FLOOR - LINCOLN-SUDBURY REGIONAL HIGH SCHOOL**

To see if the Town will vote to raise and appropriate, or transfer from available funds, its proportionate share of \$50,000, or any other sum, 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; and to determine whether said

sum shall be raised by borrowing or otherwise; and to determine whether such funding will be subject to a Proposition 2 ½ exclusion; or act on anything relative thereto.

Submitted by the Lincoln-Sudbury School Committee. (Two-thirds vote, if borrowed)

Ms. Quirk recognized Selectman Daniel Carty, who moved in the words below:

*Move in the words of the article with the sum of \$42,985 to be transferred from Free Cash.*

The motion received a second.

Lincoln-Sudbury Regional High School (L-SRHS) Superintendent Bella Wong presented slides of photographs of the L-SRHS Gym 4 Floor, stating the floor is the original one installed in 2004, and it has an expected life span of 15 years. However, she explained the original installation was done improperly, the floor is wavy and slippery, and programming activities have been modified for safety purposes. Superintendent Wong stated this is the most highly utilized gym, and the Buildings' and Grounds' Department has exhausted all options to repair the floor. She further stated the recommended remedy is to pull up the floor and to reinstall it. She stated the projected cost is \$50,000, of which Sudbury's portion would be \$42,895 and Lincoln's portion would be \$7,015. Superintendent Wong stated she would like for the bidding process to occur in the winter, given there is a limited time during the summer recess in 2018 to complete capital projects. It was noted Sudbury's CIAC and Board of Selectmen approved the project, and Lincoln's Finance Committee, Capital Committee and Board of Selectmen all approved the request.

**FINANCE COMMITTEE:** Supported this article by a vote of 8-0. It was noted the article is funded from Free Cash, which equates to approximately \$7 for a median household, and there is no increase to homeowners' tax bills.

**BOARD OF SELECTMEN:** Unanimously supported the article.

**CIAC:** CIAC member Susan Ciaffi stated the Committee unanimously supported the article.

**STRATEGIC FINANCIAL PLANNING FOR CAPITAL FUNDING COMMITTEE:** Strategic Financial Planning for Capital Funding member Tom Travers stated the Committee unanimously approved the article.

Sudbury resident Helen Marie Casey, 85 Pokonoket Avenue, asked why this request is being made outside of the L-SRHS budget.

Superintendent Wong stated this is a capital request, and the L-SRHS budget is an Operating Budget.

Sudbury resident Janie Dretler, 286 Goodman's Hill Road, asked if repairs by the original installer were requested.

Superintendent Wong stated the original installer is no longer in business.

Sudbury resident Tom Hollocher, 623 Concord Road, asked if the cause of the floor imperfections has been determined to ensure it does not occur again with a new floor.

Superintendent Wong stated the original floor was not installed properly and all options to repair the floor have been exhausted.

Ms. Quirk stated Article 15 required a majority vote and the motion was **VOTED BY WELL MORE THAN A MAJORITY.**

At 10:31 p.m., Ms. Quirk stated the Town Bylaws require Town meetings to be adjourned at 10:30 p.m., unless there is a vote to continue the proceedings.

A **motion** was received and seconded to extend tonight's Special Town Meeting beyond 10:30 p.m. for the purpose of completing the business at hand for all articles. Ms. Quirk stated a two-thirds vote would be required, and that this motion was **VOTED BY WELL MORE THAN TWO-THIRDS.**

#### **ARTICLE 16 – COOLING TOWER RECONSTRUCTION SERVICE - LINCOLN-SUDBURY REGIONAL HIGH SCHOOL**

To see if the Town will vote to raise and appropriate, or transfer from available funds, its proportionate share of \$110,000, or any other sum, 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; and to determine whether said sum shall be raised by borrowing or otherwise; and to determine whether such funding will be subject to a Proposition 2 ½ exclusion; or act on anything relative thereto.

Submitted by the Lincoln-Sudbury School Committee.

(Two-thirds vote required, if borrowed)

Ms. Quirk recognized Selectman Carty, who **moved** in the words below:

*Move in the words of the article with the sum of \$94,567 to be transferred from Free Cash.*

The **motion** received a second.

L-SRHS Superintendent Bella Wong stated the L-SRHS water cooling tower is at the end of its 15-year life span, and she briefly explained the major repair needed for this closed system. She explained the proposal is to replace the galvanized steel walls of the holding tanks with stainless steel walls and to replace the PVC honeycomb. Superintendent Wong presented slides of the current unit, noting rust is present at the lower insertion

points of the walls, and she showed slides of the deterioration of the PVC honeycomb. She stated the project cost is for \$110,000, of which Sudbury's portion would be \$94,567 and Lincoln's portion would be \$15,433. She also noted this type of unit must be repaired in the winter.

**FINANCE COMMITTEE:** Supported this article by a vote of 8-0. It was noted the article is funded from Free Cash, which equates to approximately \$7 for a median household, and there is no increase to homeowners' tax bills.

**BOARD OF SELECTMEN:** Unanimously supported the article.

**CIAC:** CIAC member Susan Ciaffi stated the Committee unanimously approved the article.

**STRATEGIC FINANCIAL PLANNING FOR CAPITAL FUNDING COMMITTEE:** Strategic Financial Planning for Capital Funding member Tom Travers stated the Committee unanimously approved the article.

Ms. Quirk stated Article 16 required a majority vote and the motion was **VOTED BY WELL MORE THAN A MAJORITY.**

#### **ARTICLE 17 – BOTTLE BAN REPEAL**

To see if the Town will vote to amend the General Bylaws by deleting, in its entirety, a bylaw entitled "The Regulation of Sale and Use of Bottled Water", which was adopted under Article 36 of the 2017 Annual Town Meeting, or take any other action relative thereto.

Submitted by Petition.

(Majority vote required)

Ms. Quirk recognized Board of Selectmen Chairman Bob Haarde, who **moved** in the words of the article.

The **motion** received a second.

Ms. Quirk stated a motion was required to ask the Hall's permission for non-Sudbury resident Daniel Kenn to make a presentation. The **motion** was made, seconded and declared **VOTED BY WELL MORE THAN A MAJORITY.**

Sudbury Coffee Works Owner Daniel Kenn read aloud an article passed at the May 2017 Town Meeting. Mr. Kenn stated this new Bylaw has hurt small businesses like his. He stated the intent of the new Bylaw was noble, but it has had unintended consequences which punish small business owners. Mr. Keen stated it is harder and harder to operate a small business in this State, and this local law makes it even harder. He urged the Hall to

repeal the ban on small plastic water bottles passed last year. Mr. Keen stated bottled water used to be a healthy item he could have on his shelves for customers. He only wants to be able to sell small water bottles, and he does not believe that the environmental health of Sudbury is under attack. Mr. Keen stated he has heard the small water bottles cause litter issues in Town, however, he has noticed more alcohol-related, lottery tickets and fast-food containers as litter. Mr. Keen stated he encourages recycling, and he wants what most people want -- a better environment for Sudbury families, but he does not want this at the expense of small business owners.

**FINANCE COMMITTEE:** Took no position on the article.

**BOARD OF SELECTMEN:** Took no position on the article.

**BOARD OF HEALTH:** Board of Health Director Bill Murphy stated the BOH has taken no position on this article.

Sudbury resident Dick Williamson, 21 Pendleton Road, stated he walked a mile along Route 27 last weekend, and he found many small plastic water bottles disposed of as litter and he sees this problem all over Town. Mr. Williamson stated he would like to see this article defeated tonight.

Sudbury resident Rami Alwan, 119 Pantry Road, asked to hear from the Lincoln-Sudbury Regional High School students who were the petitioners for last year's bottle ban article.

Ms. Quirk stated a motion would be required to ask the Hall's permission for non-Sudbury voters who are under-aged to make a presentation, and require a two-thirds vote. The motion was made, seconded and declared **VOTED BY WELL MORE THAN TWO-THIRDS.**

Lincoln-Sudbury Regional High School Environmental Group Member Lucy Bergeron stated this Group presented the article to ban small plastic water bottles last year.

Group member Anjuli Das explained the Town voted for a plastics reduction bylaw last year because of its positive environmental impact.

Group member Julie Concannon stated the ban was also voted last year because of health concerns.

Group member Nicole Garay stated the bottle ban is not anti-business, and she noted it only effects single-use water bottles, and she provided a few examples of non-plastic alternatives which could be used.

Group member Kirsten Kelly stated the intent was to encourage people to use reusable water bottles. Ms. Kelly also encouraged businesses to add refill stations to help attract customers. She stated the Group is working to create a Tap Map, which would

show residents where reusable bottles could be filled. Ms. Kelly also showed a list of local supporters of the bottle ban, currently in place.

Ms. Bergeron stated the petitioners are concerned about the impacts to local businesses and they will offer ideas to help businesses thrive while also supporting the environment.

Sudbury resident Jack Kaiser, 66 Willow Road, stated he agrees with the small business owners, and he believes the bottle ban is anti-business. Mr. Kaiser also stated the Town does not need the bottle ban.

Sudbury resident Glenn Pransky, 102 Barton Drive, stated he was concerned about small businesses last year. However, since that time, Mr. Pransky stated he asked people in Concord about the impact their bottle ban has had, and they told him there have been no impacts and they are making more revenues from refilling stations.

Sudbury resident Siobhan Hullinger, 55 Washington Drive, stated she believes last year's bottle ban bylaw was presented prematurely. Ms. Hullinger also stated she believes the issue should be looked at in a more global way regarding how the Town could be greener at the Transfer Station and find ways to work with business owners on a more comprehensive plan.

Sudbury resident James Brownell, 97 Horse Pond Road, stated he believes both sides of this issue have presented good points. Mr. Brownell believes starting with small plastic bottles is a good step, and he is not sure that there is proof that the ban hurts small businesses. He stated plastic water bottles are not healthy. Mr. Brownell believes Sudbury's children are setting a good example for their elders, which should be followed. He stated he believes the current bylaw deserves to remain.

Sudbury resident Milton Jones, 29 Moran Circle, stated it does not take people a long time to travel to another city to buy bottled waters, and he asked what is the source of the bottled water.

Sudbury resident Scott Smigler, 125 Plympton Road, stated other small businesses have also expressed concerns. Mr. Smigler stated Sudbury likes small businesses to be successful, and he noted Sudbury Coffee Works has been a great corporate neighbor. He highlighted there are emergency situations when bottled water would be needed. Mr. Smigler stated he is against plastic bottles, but he is not sure the bottle ban is the right solution because he thinks it gives the message to a small business owner that Sudbury is not the Town for them.

Sudbury resident Elaine Barnartt-Goldstein, 40 Indian Ridge Road, urged business owners to think more broadly, and she referenced a time when there used to be water fountains everywhere. She thanked the students for their work, and she urged the Hall to vote against the proposed repeal.



Board of Selectmen Vice-Chairman Len Simon stated the State-wide ban on plastic water bottles failed because the beverage industry spent approximately \$8 million to defeat it. Selectman Simon believes it is up to the people at a local level to do the right thing. He believes the Town took a good first step with the ban last year, and he urged the Hall to not take a step backwards. Selectman Simon stated business owners have other alternatives to increase profits. He emphasized Sudbury is a business-friendly Town, but it is also an environment-friendly Town.

Sudbury resident Chris Morely, 321 Old Lancaster Road, made a motion, which was seconded, to call the question.

Ms. Quirk stated the motion to call the question required a two-thirds vote, and the motion was **VOTED NEARLY UNANIMOUSLY BY WELL MORE THAN TWO-THIRDS.**

Ms. Quirk stated the motion for Article 17 required a majority vote, and the motion was **VOTED AND IT FAILED BY WELL MORE THAN A MAJORITY.**

Ms. Quirk took a moment to thank Town staff who work so hard to prepare for this Special Town Meeting and throughout the year, noting it is a lot to ask them to do this preparation twice a year. She also thanked Mark Thompson for coordinating the closed captioning of tonight's proceedings.

## **ARTICLE 18 – ADOPT SUDBURY WELCOMING TOWN POLICIES**

To see if the Town will vote to ensure that Sudbury is a Welcoming Town by approving the policies attached to this petition.

“The Town of Sudbury has long valued diversity and the fair and respectful treatment of all. Aligned with our country's core values our town government, the Town's police department, and schools have always welcomed individuals regardless of their ethnicity, religion, race, or sexual preference. The following policies are proposed for adoption to let it be known that Sudbury is a safe and welcoming community for all individuals should they choose to visit, work, or live here.

### **Sudbury Welcoming Town Policies**

1. The enforcement of the nation's federal civil immigration laws is the primary responsibility of the federal government, not the Sudbury Police Department. Accordingly, the Sudbury Police Department shall not undertake immigration-related investigations and shall not routinely inquire into the specific immigration status of any person(s) encountered during normal police operations. No police officer of Sudbury shall arrest, detain, or continue to detain a person based solely on the belief that the person is not legally authorized to remain in the United States or that the person has committed a federal civil immigration violation.

2. No police officer of Sudbury shall inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police, or any other member of the public with whom the employee has contact, unless necessary to investigate criminal activity by that individual.

3. No police officer of Sudbury shall arrest, detain, or continue to detain an individual or prolong his or her detention on the sole basis of a civil immigration detainer or administrative document unless such detainer or document is accompanied by a court order or judicial warrant. The following exceptions apply: 1.) a.) if there is probable cause to believe that the individual has illegally re-entered the country after a previous removal; and b) the individual has been convicted at any time of a violent felony, terrorism-related offense, trafficking in individuals or drugs, or participation in a criminal organization using violence or 2.) there is probable cause to believe that the individual has or is engaged in terrorist activity.

4. No police officer of Sudbury or employee of Sudbury, shall allow Immigration and Customs Enforcement (ICE) or Customs Border Protection (CBP) agents access to municipal facilities or a person in custody for investigative interviews or investigative purposes unless acting under a court order or other legitimate law enforcement purpose that is not related solely to the enforcement of a civil immigration violation.

5. No Sudbury police officer shall respond to any ICE voluntary notification requests by providing any federal agent or agency information about an individual's incarceration status, hearing information, length of detention, home address, or personal information. The Sudbury Police Department may provide information regarding citizenship or immigration status in accordance with state or federal law.

6. No Sudbury police officer or employee shall perform the functions of a federal immigration officer, nor shall any department of the Town of Sudbury use Town funds, resources, facilities, property, equipment or personnel to assist in the enforcement of federal civil immigration laws. Nothing in this section shall prevent an officer, employee or department from lawfully discharging his or her duties in compliance with and in response to a court order, lawfully issued judicial warrant, judicial subpoena, or judicial detainer.

7. Nothing in this Policy shall prohibit or restrain any Sudbury law enforcement officer from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373 or an order from a court of competent jurisdiction."

Submitted by Petition.

(Majority vote required)

The Moderator recognized Petitioner and Sudbury resident Fred Taylor, 38 Cider Mill Road, who *moved to indefinitely postpone Article 18.*

The motion received a second.

Mr. Taylor described the article as a set of policies, which would protect the rights of all immigrants. He stated the petitioners have met with stakeholders, including the

Chief of Police Scott Nix. Leading up to tonight's Meeting, he stated several meetings were held, including with the Board of Selectmen, and policies were revised.

Sudbury resident Andrew Novick, 38 Cranberry Circle, made a point of order, stating the petitioner was not speaking to the motion, but he was presenting a political position.

Ms. Quirk stated she would allow the petitioner to continue with brief remarks.

Mr. Taylor stated there were primarily two reasons for deciding to indefinitely postpone the article, including a lot of misunderstandings regarding the objectives of Welcoming Town. He stated it was decided more time was needed to educate the community on its goals and forums are in the process of being planned. Mr. Taylor stated the other reason was that Police Chief Nix expressed some concerns. He emphasized it was never the intent to ask the Police Department to support something if it believed the safety of Sudbury residents could possibly be compromised.

FINANCE COMMITTEE: Took no position on the article.

BOARD OF SELECTMEN: Supported indefinite postponement.

Ms. Quirk stated a majority vote was required and that it was voted **VOTED BY WELL MORE THAN A MAJORITY TO INDEFINITELY POSTPONE.**

There being no further business, a motion was received and seconded to dissolve the Special Town Meeting. The Moderator declared the motion was **PASSED.**

The October 16, 2017 Special Town Meeting was dissolved at 11:14 p.m.

## December 11, 2017 Special Town Election

The Special Town Election was held at two locations. Precincts 1, 1A, 2 & 5 voted at the Fairbank Community Center, 40 Fairbank Road, and Precincts 3 & 4 voted at the Town Hall, 322 Concord Road. The polls were open from 7:00 AM to 8:00 PM. There were 1,176 votes cast, representing 9.4% of the town's 12,582 registered voters.

### BALLOT QUESTION 1

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to construct a new Fire Station #2 and appurtenant structures on Town-owned land, for site development, purchasing additional equipment, technology, furniture, landscaping, and all expenses connected therewith, including professional, engineering, and architectural services and preparation of plans, specifications and bidding documents, supervision of work, relocation, and borrowing costs and expenses?

	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Totals
Yes	77	106	119	98	109	<b>509</b>
No	125	140	141	117	144	<b>667</b>
Blanks	0	0	0	0	0	<b>0</b>
<b>Totals</b>	<b>202</b>	<b>246</b>	<b>260</b>	<b>215</b>	<b>253</b>	<b>1176</b>

A true copy, Attest:



Rosemary B. Harvell  
Town Clerk

