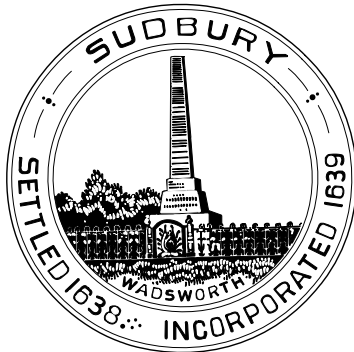


Town of Sudbury Massachusetts



OFFICIAL WARRANTS

SPECIAL TOWN MEETING

TUESDAY, JANUARY 18, 2011 7:30 P.M.
Lincoln-Sudbury Regional High School Auditorium
and

SPECIAL TOWN ELECTION

TUESDAY, JANUARY 25, 2011
POLLS OPEN 7:00 A.M. – 8:00 P.M.

Precincts 1, 2 and 5: Fairbank Community Center, 40 Fairbank Road
Precincts 3 and 4: Town Hall, 322 Concord Road

If you are not a registered voter, the Town Clerk will have extended voter registration hours from 9 a.m. – 8 p.m. on Wed., January 5, 2011 (deadline for registering to vote at the Special Town Election) and on Fri., January 7, 2011 (deadline for registering to vote at the Special Town Meeting).



**TOWN OF SUDBURY
SPECIAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts
Middlesex, ss.

To the Constable of the Town of Sudbury:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury qualified to vote in Town affairs to meet at the Lincoln-Sudbury Regional High School Auditorium in said Town on Tuesday, January 18, 2011, at 7:30 o'clock in the evening, then and there to act on the following article:

ARTICLE 1: **ROOF, BOILERS AND WINDOW REPLACEMENTS –
PETER NOYES SCHOOL, MSBA GREEN REPAIR PROGRAM**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Permanent Building Committee/School Building Committee for the purpose of the repair/replacement of the roof, boilers, and windows and all expenses connected therewith, at the Peter Noyes School, 280 Old Sudbury Road, which project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. The Massachusetts School Building Authority's (MSBA) grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that Sudbury may receive from the MSBA for the Project shall not exceed the lesser of (1) 35.42 percent (35.42%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

Submitted by the School Committee, Sudbury Public Schools. (Two-thirds vote required)

SUDBURY SCHOOL COMMITTEE REPORT: In August, 2010, the Massachusetts School Building Authority (MSBA) announced its Green Repair program, which provides for cost sharing for repair or replacement of school roofs, boilers, and windows. Under this program, MSBA would contribute 35.42 percent (35.42%) of eligible, approved project costs, as determined by the MSBA.

The Noyes School is in urgent need of a new roof, its 40-year-old boiler has exceeded its useful life, and its windows are old, energy-inefficient and in need of replacement. Given this, SPS and Town staff and committee members, working closely with the Permanent Building Committee [PBC] and members of the Energy Committee, submitted a Statement of Interest [SOI] by the September 13 deadline for a Green Repair project at the Noyes School to replace the roof, boilers, and windows, at an estimated cost of \$2.4 Million plus \$40,000 issuance costs for debt. On November 17, 2010, the MSBA acted on the SOI and invited Sudbury to participate in the Green Repair program. In order to be eligible for approximately \$850,000 in MSBA funds, the project must be approved at both a Town Meeting and a Town election that are required to take place within 90 days of MSBA's invitation into the program. The Town is further required to obtain approval for the full cost of the project, including the local share and the MSBA share, but will bond only for the amount of the project less the MSBA share. Unlike other MSBA programs, the state funding is provided concurrently with Town expenditures, rather than at the end of the project. If approved, the project must be completed by December 31, 2011. The current goal is to have the work performed during the summer of 2011 to avoid disruption of the educational operations of the school.

Depending on the section, the Noyes roof is between 25 and 28-years-old. While the roof has been patched for years on an as needed basis, leaks continue in various areas. Water stains are apparent on tiles, interior walls and the underside of roof decking. Prior to the inception of the Green Repair Program, the PBC identified the Noyes roof as in critical need of replacement, and engaged a building envelope consultant, Russo Barr, to conduct a detailed evaluation of the Noyes roof and other town building roofs to develop a systematic roof replacement plan. This report indicated that the Noyes roof is in poor condition and should be replaced as soon as possible.

The Noyes boilers are 40-years-old and are less efficient than current technologies. The PBC's mechanical consultant, BLW Engineers, has advised that the boilers have exceeded their operational life and should be replaced with high efficiency systems. In 2009, energy auditors for the Massachusetts Department of Energy Resources made similar recommendations. Given the state reimbursement opportunity, Sudbury should replace these outdated systems before their failure disrupts operations and requires expedited replacement, without state contribution.

The windows at Noyes are estimated to be 35 and 25 years old. The older windows (about 55%) are energy inefficient, single pane windows. About 25% of the newer windows have failed seals and as many as half of the newer windows will not open due to failed spring balances. According to the PBC's consultant, the windows are inefficient, pose a security risk and allow air and water infiltration into the building. The windows contribute to the school being either too hot (due to windows being inoperable) or too cold (due to cold air coming in), making for a difficult learning environment for students and teachers.

The replacement of all three of these building components at this time will preserve the building envelope, as well as maximize the energy savings benefits of a newly-insulated roof and high-efficiency boilers. Moreover, together, these changes will improve the learning environment for the more than 600 students that populate this school.

As of the time of the printing of the warrant, the estimated annual debt service impact for residents in connection with this project is \$0.05 per \$1,000 of property assessment. The estimated annual debt service impact for the current average home assessment is \$34 of tax in year one, declining over a ten-year period to a low of \$26.

In short, the Green Repair program presents Sudbury with the opportunity to make repairs that will be necessary in any event to ensure the long-term utility of the Noyes School, with the MSBA paying more than a 1/3 of the eligible, approved costs. It is the view of the School Committee that making these repairs at this time, while taking advantage of the MSBA reimbursement, is a more prudent course than waiting for one or more of these systems to seriously fail in a way that disrupts the educational experience of the students and requires premium replacement costs at a time when MSBA contributing funds will be unavailable.

The Committee will report further at the Special Town Meeting.

BOARD OF SELECTMEN POSITION: The Board will report at the Special Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at the Special Town Meeting.

ARTICLE 2.

HOME RULE PETITION - MEANS TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION

(Majority vote required)

To see if the Town will vote to petition the General Court of the Commonwealth of Massachusetts to enact special legislation as follows:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the town of Sudbury there shall be a cap on property taxes equal to 10 per cent of the total annual household income, except that if the cap described in Section 3 is exceeded by a higher percentage and except that in no event shall property taxes be reduced by more than 50 per cent of the tax due, including all tax abatements and exemptions, but excluding state circuit breakers. The exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes.

SECTION 2. Real property shall qualify for the exemption set forth in section 1 if all the following criteria are met:

- (a) the qualifying real estate is owned and occupied by a person or family where the total annual household income shall not exceed the following: single applicant \$51,000; single head of household applicant \$64,000 married applicant filing jointly \$77,000;
- (b) the qualifying if the real estate is owned by a single applicant having reached age 65 at the close of the previous tax year of if a joint application the real estate is owned by the joint applicants at least one of said joint applicants must have reached age 65 and the other reached age 60 at the close of the previous tax year;
- (c) the qualifying real estate is owned and occupied by the applicant or joint applicants at least 6 months plus 1 day each year;
- (d) the applicant or at least one of the joint applicants has resided in the town of Sudbury for at least 10 consecutive years before filing an application for the exemption; and
- (e) the maximum assessed value of the applicant's or joint applicant's primary residence is no greater than the average assessed value of a single family residence in the town of Sudbury plus 10 per cent, as measured for the tax year immediately previous to the tax year for which the application for exemption is filed.

SECTION 3. The exemption provided for in this act shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on all the exemptions granted by this act equal to 0.50% of the previous fiscal year's total tax levy for Sudbury including the levy for the regional high school if not included in Sudbury's tax levy at some subsequent date. After the first year of enactment, the total cap on the exemptions granted by this act, shall be set annually by the board of selectmen within a range of 0.50% and 1.00% of the previous fiscal year's total tax levy for Sudbury including the levy for the regional high school. In the event that benefits to the applicants must be limited because the percentage of the levy as established annually by the selectmen would otherwise be exceeded, the benefits shall be allocated by establishing a higher than 10% of annual income paid in property tax as required to not exceed the 0.5% to 1.0% cap on total exemptions from this act.

SECTION 4. A person who seeks to qualify for this exemption shall file with the board of assessors an application for abatement on a form to be adopted by the board of assessors and

available at the assessor's office with the supporting documentation as described in the application. The application shall be filed by January 31 each year for which the applicant seeks the exemption for the fiscal year commencing the following July 1, except that for the first year following adoption, the board of assessors shall set the deadline in a manner that provides at least 60-days in which to apply for the fiscal year that begins following the act becoming effective.

SECTION 5. For the purposes of this act, "parcel" shall be a unit of real property as defined by the assessors in accordance with the deed for the property and shall include a condominium unit.

SECTION 6. For purposes of the exemption, "total annual household income" shall be the sum of the applicant's or joint applicant's "total taxable 5.3 per cent income" on Massachusetts Form 1 and those same incomes for other income-producing members of the household. The income shall be increased by amounts that may have been excluded or subtracted from calculation, such as income from social security benefits, cash public assistance, tax-exempt interest and dividends, capital gains, income from a partnership or trust, returns on capital reported on schedule C and excluded income from any other source.

SECTION 7. Acceptance of this act by the town of Sudbury shall be by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance was placed on the ballot. This act shall become effective on the thirtieth day following the affirmative vote.

SECTION 8. The acceptance of this act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation has been placed on the ballot by a two-thirds vote of then sitting members of the board of selectmen. Revocation of this act shall become effective on the thirtieth day following that affirmative vote and shall thereafter apply only for applications received following revocation.

SECTION 9. Acceptance of this act by the town of Sudbury shall automatically expire after 3 years of implementation unless reaffirmed by the affirmative vote of a majority of the voters at a town meeting and no further action of the general court shall be necessary. Once reaffirmed, pursuant to this section, it shall then take an affirmative vote by two-thirds of the voters at a regular or special election at which the question of revocation has been placed on the ballot by a two-thirds vote of then sitting members of the board of selectmen for this act to be revoked.

SECTION 10. The income limits of subsection 2(a) shall be adjusted annually for inflation using the either the income limits for the Massachusetts Income Tax Circuit Breaker for the prior year unless changes in Consumer Price Index of all items for Boston for November of the previous Fiscal Year where the base for the amounts listed above shall be the Consumer Price Index of all items for Boston without seasonal adjustments for July 2010 as determined by the U.S. Bureau of Labor Statistics and published by the Federal Reserve Bank of Boston in its on-line database of Economic Indicators would yield higher income limits.

;or act on anything relative thereto.

PETITIONERS REPORT: The state legislature has long recognized the burden property taxes place on many lower income senior citizens. In response they enacted a Circuit Breaker tax credit for senior citizens who pay more than 10% of their income in local property taxes. Unfortunately, the maximum benefit available from this program is very limited providing a maximum benefit of \$960 per year. This limit is a large percentage of the average tax bill in many cities and towns but is less than 10% of the average property tax bill in Sudbury.

On April 29, 2010 a special act for the Town of Hamilton was enacted by the legislature and signed by the governor that enables Hamilton to provide a means tested circuit breaker designed

to reduce property taxes for their senior citizens who pay more than 10% of their income in property taxes. At the November 9, 2010 special election 75.7% of those voting voted to adopt the special act where only a majority was required. The adoption of the Hamilton special act was the inspiration for doing something very similar for Sudbury.

In previous years extensive study has taken place in Sudbury on the burden property taxes place on many of its senior citizens. Not only are their incomes much lower than those of younger Sudbury households, but because of their lower incomes far less, if any of their property tax payments are subsidized by federal income tax reductions from property tax deductions. Furthermore, senior citizen households receive few municipal services such that their property taxes subsidize municipal services consumed by others with far higher average incomes. Finally it is well established that when Sudbury's senior citizens move out of Sudbury their houses are most often purchased by families with children who will consume more town services than their property taxes.

Summary of the Provisions of this Article:

1. Must be Age 65 and pay more than 10% of income in property taxes to qualify.
2. Exemption only reduce property taxes exceeding 10% of income but the maximum exemption is limited to 50% of their homes property tax
3. This is means tested by household income: Single applicants \$51,000; Single Head of Household applicant \$64,000; and married joint applicants \$77,000, the income limits for the circuit breaker tax credit for 2009 Massachusetts income tax returns;
4. There is a cap on all exemptions provided by this act of 0.5% of the tax levy in the first year and between 0.5% and 1.0% thereafter as set annually by the selectmen. In other words this will have a very modest impact on everyone else's property taxes;
5. This will not become effective until enacted by the legislature and then adopted by a majority vote at an annual or special town election;
6. These exemptions will expire in 3 years unless reaffirmed by a majority vote of town meeting.
7. There are provisions enabling this exemption to be revoked in subsequent years.

BOARD OF SELECTMEN POSITION: The Board will report at the Special Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at the Special Town Meeting.

And you are required to serve this Warrant by posting an attested copy thereof at the Town Hall and such other places as the Selectmen deem appropriate, but not less than three in each precinct, and not less than a total of fifteen in the Town, at least fourteen days before the time appointed for said meeting.

Hereof fail not and make due return by your doing thereon to the Town Clerk at or before the time of meeting aforesaid.

Given under our hands this twenty-first day of December, two thousand and ten.

SELECTMEN OF SUDBURY: John C. Drobinski
Lawrence W. O'Brien
Robert C. Haarde

TOWN OF SUDBURY
SPECIAL TOWN ELECTION WARRANT
Commonwealth of Massachusetts
Middlesex, ss.

To the Constable of the Town of Sudbury:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury qualified to vote in Town Elections, that voters residing in Precincts 1, 2 and 5 should meet at the Fairbank Community Center and voters residing in Precincts 3 and 4 should meet at the Town Hall in said Town on Tuesday, January 25, 2011, between the hours of seven o'clock in the forenoon and eight o'clock in the evening, to cast their votes on the following question:

BALLOT QUESTION NO. 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 remodel, reconstruct, or make extraordinary repairs consisting of roof, boilers, and window replacements, at the Peter Noyes School at 280 Old Sudbury Road, and to pay for all expenses connected therewith, including professional, engineering, and architectural services and preparation of plans, specifications and bidding documents, supervision of work, and borrowing costs and expenses?

YES ___

NO ___

SUMMARY:

Under Article 1, of the January 18, 2011 Special Town Meeting, the Town will be asked to approve an expenditure of \$2,440,000 (\$2,400,000 project cost +\$40,000 issuance costs for debt) to replace the roof, boilers and windows, and pay all expenses connected therewith at the Peter Noyes School, 280 Old Sudbury Rd., which project is eligible for grant funding under the Massachusetts School Building Authority's (MSBA) Green Repair Program with the exception of bonding costs. This ballot question seeks to exclude the principal and interest to pay for the Town's portion of this project from the Proposition 2 ½ levy limit. Funding approval at the Special Town Meeting together with a favorable vote on this Ballot Question is a prerequisite of the MSBA grant.

As usual, the Town's share of the project would be temporarily funded during the course of construction through the issuance of Bond Anticipation Notes. The amount of the bond issued at the completion of the project would be net of MSBA grant funding received and would be based upon the actual costs incurred on the project. As an example, if the amount of the bond issued for the Town's portion of the project is \$1,605,000, the estimated annual debt service impact on the tax rate beginning in FY13 would be \$ 0.05 per \$1,000 of property assessment. In this example, the tax impact on a \$628,000 home valuation is estimated at \$34 in year one, declining to a low of \$26 over the ten-year bond period.

A “yes” vote on this question will authorize the Town to fund this project outside of the Town’s levy limit and therefore allow the project to proceed to the MSBA for grant approval; a “no” vote will mean the project cannot proceed.

ARGUMENT FOR PASSAGE:

Peter Noyes School, Sudbury’s oldest and largest elementary, is the only school which has not undergone major renovation since 1970. Noyes is in critical need of a new roof. Its boilers are 40-years-old, less efficient than current technologies and are kept operational with costly repairs and maintenance. Its out-dated windows currently allow air and water infiltration into the building, are inefficient and many are inoperable. All these components should be replaced. Each element of this project has been reviewed by the Sudbury Permanent Building Committee [PBC], consulting engineering firms, and the Massachusetts School Building Authority [MSBA], which invited Sudbury to participate in its Green Repair Program which will fund up to 35.42% of eligible, approved costs. In 2009, Massachusetts Department of Energy Resources energy auditors also recommended boiler replacement with high efficiency systems. The Green Repair program offers a one-time opportunity to capture approximately \$850,000 in state funding for these important repairs. Given the state reimbursement opportunity, Sudbury should replace these outdated systems before their failure disrupts operations while requiring expedited replacement, without state contribution. In any event, the roof requires replacement immediately. The boilers will need replacement soon. The windows should be replaced to preserve the integrity of the building envelope, improve the learning environment for students, as well as to realize the energy benefits of a newly-insulated roof and high-efficiency boilers. Leveraging state funding to complete necessary work, while reducing energy consumption and annual repair/maintenance costs, make this project a sound investment.

ARGUMENT IN OPPOSITION:

In these difficult economic times any increase in the Town’s debt, which is now in decline, will cause hardship to many residents because of the real estate tax revenue needed to pay debt service. Exempting the debt from the limits of Proposition 2 ½ and thus not affecting the levy limit also undermines the efforts of those seeking to control costs by limiting discretionary spending. Under the present circumstances, the Town should not undertake any capital projects that are not immediately necessary, even if that results in forfeiture of the present state funding opportunity. While roof replacement may be needed immediately, the boilers and windows, however obsolete and inefficient, remain serviceable, and replacement can be deferred. The Town should replace the roof without State contribution rather than undertake unnecessary projects because State funds are available.

And you are required to serve this Warrant by posting an attested copy thereof at the Town Hall and such other places as the Selectmen deem appropriate, but not less than three in each precinct, and not less than a total of fifteen in the Town, at least fourteen days before the time appointed for said meeting.

Hereof fail not and make due return by your doing thereon to the Town Clerk at or before the time of meeting aforesaid.

Given under our hands this twenty-first day of December, two thousand and ten.

SELECTMEN OF SUDBURY:

John C. Drobinski
Lawrence W. O’Brien
Robert C. Haarde



**Board of Selectmen
Sudbury, MA 01776**

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