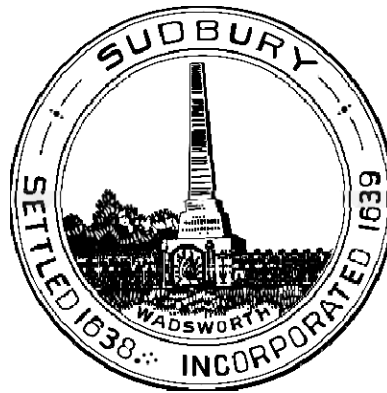


# Town of Sudbury Massachusetts



## OFFICIAL WARRANT

**ANNUAL TOWN MEETING**  
**MONDAY, MAY 1, 2023, 7:30 p.m.**

CONTINUATION DATES, IF NEEDED

**TUESDAY, MAY 2, 2023 – 7:30 p.m.**

**WEDNESDAY, MAY 3, 2023 – 7:30 p.m.**

**MONDAY, MAY 8, 2023 – 7:30 p.m.**

Lincoln-Sudbury Regional High School  
390 Lincoln Road, Sudbury, MA

**BRING THIS BOOK WITH YOU**



**FOR ADDITIONAL ARTICLE INFORMATION**

Go to the Town's website at

<https://sudbury.ma.us/townmeeting/2023atm>

and after accessing, click on the [Link](#) for the specific article.

**TOWN OF SUDBURY  
2023 ANNUAL TOWN MEETING WARRANT**

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## ACCESS TO LINCOLN-SUDBURY REGIONAL HIGH SCHOOL AND PROVISIONS FOR PARTICULAR ACCOMMODATIONS

Note: Please check the Town of Sudbury website for changes or additional information.

The Select Board wishes to accommodate the attendance and participation of persons with disabilities at Town Meeting. As such, we urge those who may require particular accommodations to read the following carefully.

**Parking:** “HP” parking spaces are provided at two different locations: 1) the main entrance at the upper level (which will require using an elevator to the lower level to check in and to access the auditorium) and 2) the main parking lot to the right (east) of the school. From this location, you may also be dropped off at the entry walkway – a clear path to the entrance doors, leading directly to the check-in tables and the auditorium. Police on duty will provide assistance as needed, or requested.

**Auditorium Balcony:** The balcony can only be accessed from the Main Level. From the lower level of the building, you may use either the stairs or the elevator to gain entrance to the balcony – the upper level of the auditorium. The Moderator has ruled that if there is adequate seating on the main floor, the balcony **will not** be opened.

**Persons with Ambulatory Disabilities:** Spaces for persons who use wheelchairs will be available at the front and at the rear of the auditorium. For those who use assistive devices to ambulate, seating will be reserved at the rear of the hall and may be used if desired.

**Persons who are Blind or have Vision Impairments:** Reserved seating will be available at the front of the auditorium for persons with vision impairments who prefer to be close to the overhead projector. Large print materials will be made available where possible. We encourage those making prepared, formal presentations to have copies of viewgraphs, especially motions, available in large print.

**Persons who are Deaf or have Hearing Impairments:** Closed captioning will be available.

**Restrooms:** Restrooms are located across the hall from the auditorium.

# INTRODUCING ELECTRONIC VOTING AT TOWN MEETING

Starting with the May 1, 2023 Annual Town Meeting, voters will be using a wireless remote clicker to cast their vote.

## HOW TO VOTE

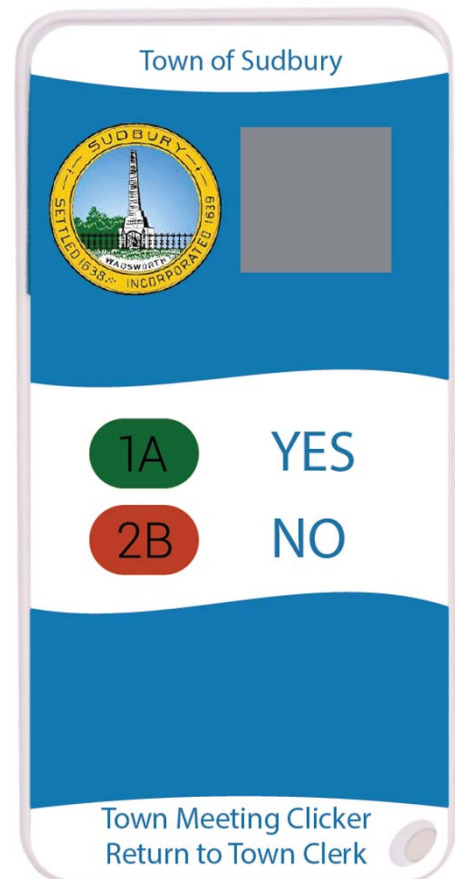
- The Moderator will declare Open Vote and the Close of Vote
- To respond, press the button that matches your answer:  
**1A = YES**  
**2B = NO**
- Vote will be submitted automatically
- Only the last vote counts
- No need to press "Send"

## WHEN IS THE VOTE COUNTED?

- Only respond when the vote is open
- You may correct your previous votes  
**ONLY YOUR LAST VOTE WILL BE COUNTED**
- Recorded results will appear on large overhead screen

**Don't forget to turn in your voting devices to clerk staff before leaving.**

**THEY DO NOT WORK OUTSIDE OF THE AUDITORIUM.**



## **SUMMARY OF BASIC TOWN MEETING PROCEDURES**

### **General Rules of Debate and Voting**

1. Only registered voters, non-resident appointed or elected representatives of the Town, and Town employees may speak without consent of Town Meeting. The Moderator will not vote, even in the case of where the Moderator's vote would break or create a tie.
2. The proponents of an article make the first motion under the article. A voter must then second the motion. The proponents then make a presentation in support of the motion. The Moderator then recognizes the Select Board and Finance Committee for reports, followed by any other boards that are required to report on the article. After the Town boards have spoken, Town Meeting proceeds to general debate on the matter and a vote.
3. Please raise your hand when you wish to speak. After being recognized by the Moderator, please wait for a microphone to be passed to you at your seat. The record of Town Meeting is made on audiotape and your remarks will not be recorded if you do not speak into a microphone. Each and every time you speak, please stand (if you are able) and begin by giving your name and address for the record.
4. Until everyone who wishes to be heard has spoken, no one may speak more than twice on a matter except to correct an error or answer a question. The initial presentation by the proponent(s) of an article is limited to ten minutes, and all other comments are limited to five minutes, unless a majority of those present and voting give consent.
5. All votes are by majority unless otherwise announced. If the count is taken using electronic voting technology, the Moderator shall declare the vote, and provide an opportunity for any voter to notify the Town Moderator that they believe their vote was recorded in error; if so, the Moderator shall direct that the record be corrected by the Town Clerk. If seven or more voters doubt the vote, the Town Moderator may request another vote using the handheld technology, or otherwise set the manner of voting.
6. If Town Meeting approves a motion for reconsideration, the motion at issue immediately prior to the vote will be back before the voters, and the electronic voting system shall be used to record and tabulate the votes taken on the main motion.
7. If such electronic voting equipment is unavailable, the Town Moderator shall notify the Town Meeting as to what manner of voting will be used, and, unless 20 people stand in opposition, such method shall be implemented. If 20 voters do stand, then the Moderator's recommendation 990 is pending before the meeting, subject to amendment like any other motion. If the Moderator is unable to decide the vote or if the declaration by the Moderator is immediately questioned by 10 or more voters rising in their places, the Moderator shall then direct that a count be taken, whether by counting raised hands, raised placards or other indicia of vote, or by secret ballot or otherwise, as determined by the Moderator in the Moderator's sole discretion.



8. In the event of a non-electronic vote, votes will first be taken by a show of hands while voters are seated. If the Moderator is in doubt, then a standing vote will be taken. If the Moderator is still in doubt, then tellers will count the votes. If a voter disagrees with the Moderator's call of a sitting or standing vote, the voter may challenge the call by immediately standing and saying loudly, "I challenge the vote!" If six additional voters support the challenge, the vote will be counted.

### **The Budget**

1. A motion is first made by the Finance Committee proposing a budget that is limited to the amount required to finance the Finance Committee's budget proposal. This limiting motion only seeks a declaration from Town Meeting as to the overall limit on the budget. A vote in favor of the motion does not mean that Town Meeting has voted for the particular distribution of the total amount as set forth in the Warrant.
2. After voting on the limiting motion, Town Meeting will address the budget as follows:
  1. The Moderator will read the budgets in numerical order by title. For example, the Moderator will say "200 Public Safety, does anyone have a motion to amend or a question involving 200 Public Safety?" If you have a motion to amend or a question, please raise your hand.
  2. If you have a motion to amend, it should be in one of two forms:
    - a. For example, "I move to increase 200 Public Safety to the sum of \$X and to reduce 600 Culture and Recreation to the sum of \$Y." X cannot be greater than Y.
    - b. For example, "I move to reduce 200 Public Safety to the sum of \$Z."

A motion simply to increase a line item, without a corresponding reduction in another line item, will not be accepted because the preceding vote on the limiting motion will have capped the total amount of allowable appropriation.
3. Town Meeting will debate and vote on any motion to amend.
4. Town Meeting will arrive at the end of this process with a main motion on the budget as it may be amended, and then vote on it.

### **Consent Calendar**

1. In order to expedite Town Meeting and save valuable time for discussion of key issues, Sudbury utilizes a "Consent Calendar" to speed passage of articles that appear to raise no controversy. The purpose of the Consent Calendar is to allow the motions under these articles to be acted on as one unit and to be passed by a vote without debate. The Consent Calendar will be taken up as the first order of business at the beginning of Town Meeting.
2. Until the 2020 Annual Town Meeting, town tradition had been that a single voter could ask that an article

be held from the Consent Calendar and it would be done. In light of evolving COVID-19 circumstances, and a wish for greater efficiency at town meetings in general, the Moderator will now require that a majority of Town Meeting vote in favor of holding any article that a voter wishes to remove from the Consent Calendar.

3. After calling out each individual article in the Consent Calendar, the Moderator will ask that all articles not removed from the Consent Calendar be passed as a unit. The quantum of vote required to pass the Consent Calendar will be the strictest quantum of vote required for any individual article on it.
4. Please review the list of articles and motions proposed for the Consent Calendar that follow. Complete reports are to be found under each article printed in this Warrant. If you have questions about the articles, motions or procedure, please feel free to call the Town Manager at 978-639-3381 before Town Meeting.

### CONSENT CALENDAR ARTICLES AND MOTIONS

**ARTICLE 8. SNOW AND ICE TRANSFER:** Move in the words of the article with the sum of \$463,451.60 to be transferred from available funds. (See article at page 6.)

**ARTICLE 10. CHAPTER 90 HIGHWAY FUNDING:** Move in the words of the article.  
(See article at page 7.)

**ARTICLE 11. FY24 STABILIZATION FUND:** Move in the words of the article with the sum of \$144,274 to be raised by taxation. (See article at page 7.)

**ARTICLE 12. FY24 REVOLVING FUND SPENDING LIMITS:** Move in the words of the article.  
(See article at page 8.)

**ARTICLE 13. CAPITAL STABILIZATION FUND:** Move in the words of the article with the sum of \$250,000 to be raised by taxation. (See article at page 9.)

**ARTICLE 16. AUTHORIZE SELECT BOARD TO PETITION THE GENERAL COURT TO ADOPT LEGISLATION – AN ACT AUTHORIZING THE TOWN TO ESTABLISH A FEE FOR A CHECKOUT BAG CHARGE:** Move in the words of the article. (See article at page 10)

**ARTICLE 18. SCHOOLS HVAC REPAIRS AND REPLACEMENTS:** Move in the words of the article with the sum of \$450,000 to be transferred from Free Cash. (See article at page 12.)

**ARTICLE 19. CURTIS MIDDLE SCHOOL AUDIO-VISUAL SYSTEM REPLACEMENT:** Move in the words of the article with the sum of \$160,000 to be transferred from Free Cash. (See article at page 13.)

**ARTICLE 22. PURCHASE OF STORAGE BUILDING:** Move in the words of the article with the sum of \$200,000 to be transferred from Free Cash. (See article at page 14.)

**ARTICLE 33. SWAP BODY TRUCK:** Move in the words of the article with the sum of \$185,000 to be transferred from Free Cash. (See article at page 19.)

**ARTICLE 34. SWAP BODY TRUCK:** Move in the words of the article with the sum of \$210,000 to be transferred from Free Cash. (See article at page 20.)

**ARTICLE 35. SPORTS FIELD MOWER:** Move in the words of the article. with the sum of \$160,000 to be transferred from Free Cash. (See article at page 20.)

**ARTICLE 36. MULTI-PURPOSE TRACTOR:** Move in the words of the article with the sum of \$215,000 to be transferred from Free Cash. (See article at page 20)

**ARTICLE 37. FRONT END LOADER:** Move in the words of the article with the sum of \$345,000 to be transferred from Free Cash. (See article at page 21.)

**ARTICLE 42. COMMUNITY PRESERVATION ACT FUND – ACCESSIBLE PATHWAYS ON TOWN PROPERTIES:** Move in the words of the article. (See article at page 37,)

**ARTICLE 43. COMMUNITY PRESERVATION ACT FUND – BRUCE FREEMAN RAIL TRAIL CSX EXTENSION:** Move in the words of the article. (See article at page 38.)

**ARTICLE 44. COMMUNITY PRESERVATION ACT FUND – CURTIS OUTDOOR HEALTH AND WELLNESS SPACE:** Move in the words of the article. (See article at page 39.)

**ARTICLE 46. COMMUNITY PRESERVATION ACT FUND – FENCE AND LIGHTS FOR FAIRBANK MULTISPORT COURT:** Move in the words of the article. (See article at page 40.)

**ARTICLE 47. COMMUNITY PRESERVATION ACT FUND – HISTORIC RESEARCH INVENTORY SURVEYS PHASE V:** Move in the words of the article. (See article at page 41.)

**ARTICLE 48. COMMUNITY PRESERVATION ACT FUND – WATERSHED BASED PLAN, RESTORING WATER QUALITY IN HOP BROOK:** Move in the words of the article.  
(See article at page 42.)

**ARTICLE 49. COMMUNITY PRESERVATION ACT FUND – HOSMER HOUSE HISTORIC STRUCTURE, CULTURAL LANDSCAPE AND COLLECTION STUDY:** Move in the words of the article.  
(See article at page 43.)

**ARTICLE 50. COMMUNITY PRESERVATION ACT FUND – HOUSING TRUST ALLOCATION:**  
Move in the words of the article. (See article at page 44.)

**ARTICLE 51. COMMUNITY PRESERVATION ACT FUND – INDIGENOUS CULTURAL LANDSCAPE STUDY:** Move in the words of the article. (See article at page 45.)

**ARTICLE 52. COMMUNITY PRESERVATION ACT FUND – REGIONAL HOUSING SERVICES OFFICE (RHSO) MEMBERSHIP FEE:** Move in the words of the article. (See article at page 46.)

**ARTICLE 53. COMMUNITY PRESERVATION ACT FUND – RETURN OF UNSPENT FUNDS:** Move in the words of the article. (See article at page 46.)

**ARTICLE 54. COMMUNITY PRESERVATION FUND – GENERAL BUDGET AND APPROPRIATIONS:** Move to appropriate the sums recommended by the CPC in the following Community Preservation Act budget for FY2024 Community Preservation surtaxes:

\$ 114,500 Administrative and Operating Cost

\$ 990,643 Debt Service

(See article at page 47.)

### Motions and Amendments

1. The purpose of an article in the Warrant is to inform the voters of what may come before the meeting and the outside scope of what may be considered. Every matter that is voted on at Town Meeting must come in the form of a motion. It is a motion that puts an article before Town Meeting, and it is the motion, *not the article*, that is actually voted on. Therefore, while speakers may refer to passing, defeating, or otherwise dealing with “the article,” what Town Meeting actually debates and votes on are motions, not articles.
2. A speaker may question whether a certain motion is “within the four corners of the article.” Such a challenge requires the Moderator to determine whether the motion is within a reasonable reading of the article as printed in the Warrant, and therefore should be allowed, or ruled out of order as being beyond the legitimate subject matter of the article.
3. Often, the first or “main” motion under an article will be to “move in the words of the article.” By making this motion, the speaker is adopting the article as his or her motion thereunder. This can only be done if the language of the article is drafted in such a way that it is appropriate for simple adoption as a motion. Whenever the presenter’s motion differs from the wording in the Warrant, the presenter must point out and explain those differences to Town Meeting.
4. All substantive motions, including all main motions and motions to amend a main motion, must be provided to the Moderator, the Town Clerk, and the Technology Administrator in writing before they are made. Please see the guidelines for electronic presentation on the Town website: [www.sudbury.ma.us](http://www.sudbury.ma.us).
5. If you have an amendment, you should e-mail it to the Technology Administrator at [infosystems@sudbury.ma.us](mailto:infosystems@sudbury.ma.us), with a copy to the Moderator at [moderator@sudbury.ma.us](mailto:moderator@sudbury.ma.us), and the Town Clerk at [clerk@sudbury.ma.us](mailto:clerk@sudbury.ma.us). Advance notice to the Technology Administrator, Moderator and Clerk enhances time efficiency at Town Meeting, and the Moderator may be able to suggest language that is both acceptable to you and within the four corners of the article and therefore permissible to proceed to debate and vote. It is also recommended that you discuss your amendment with the presenter of the article as you may be able to convince him or her to include it as part of the main motion and thus avoid having to vote separately on the amendment. The Moderator may reject proposed amendments that fail to adhere to these guidelines.

### **Dismissing Articles, Indefinite Postponement and Withdrawing Motions**

1. It is possible for Town Meeting to decide to take no action on an article. This decision is usually made because new or additional information has come to light after the preparation of the warrant indicating that action on the article is unnecessary, unwise or illegal. In such instances, frequently there will be a motion “to indefinitely postpone” an article. This motion, if adopted, kills the article for all intents and purposes for the Town Meeting. The motion is frequently used when proponents of an article have decided not to proceed with it but want an opportunity to explain to the meeting why they are, in effect, abandoning the article at this time. The motion also may be used by someone who wishes to defeat an article before it can be fully debated on the merits. In such cases, it is important to understand that indefinite postponement can have the same effect as defeat which, in turn, can have significance with respect to some items, notably zoning matters, as to when the matter can again be considered by the Town.
2. If you have made a motion or an amendment, you can move to “withdraw the motion” if you have second thoughts or new information. A motion to withdraw can be made any time during the debate of the motion but cannot be made after the motion has been voted on.

### **Limits on Debate**

1. There is no prescribed limit to debate except common sense. The Moderator can limit debate and can ask speakers to stop if they are straying from the subject, repeating points already made or talking at unnecessary length.
2. Town Meeting itself can also terminate debate. To do so, after being recognized by the Moderator, you may say, “I move the previous question.” This motion is not debatable, and if seconded and voted by a two-thirds majority, debate ends and the motion under discussion will be then put to a vote.
3. The Moderator may defer motions to limit debate when, in his or her reasonable judgment, there are a significant number of voters who have indicated a desire to speak but have not yet been recognized.

### **Points of Order**

1. Once recognized by the Moderator, no speaker may be interrupted in any way except by a “point of order.” A point of order is not a motion, and does not require a second or a vote. It is a question, and on a point of order a voter may raise only three valid concerns:
  - a. Is the speaker entitled to the floor? For example, is the person a non-voter, or spoken for longer than his/her allotted time?
  - b. Is the speaker saying something inappropriate, frivolous, irrelevant, or illegal?
  - c. Is there some error in the procedure of the pending action or motion?

2. The Moderator welcomes proper points of order and will make every effort to explain the procedural issues that shape Town Meeting discussions. When exercising this parliamentary privilege, you should stand and state loudly that you wish to make a point of order, and wait for the Moderator to recognize you. No voter should hesitate to rise and bring to the Moderator's attention an issue that constitutes a proper point of order because, when exercised responsibly, it functions as a tactful hint from a voter regarding important points of procedure that the Moderator may have missed.

### **Motions for Reconsideration**

1. Article II, Section 13 of our Bylaw controls. A motion to reconsider an article previously voted on in the same session (i.e. the same night), is proper, and an affirmative vote of 2/3 of the voters present is required for passage. If Town Meeting has adjourned for the evening, a motion to reconsider an article voted on in a previous session requires a unanimous vote, unless written notice of an intention to move for reconsideration, signed by 15 voters, is given to the Town Clerk by noon of the next weekday, in which case, a 2/3 vote would be required to pass a motion to reconsider.
2. In the event a motion to reconsider is properly made and seconded, all discussion must be confined exclusively to the merits or demerits of reconsideration. In general, the only proper reasons to seek reconsideration are that there occurred such a misstatement of fact or law in the preceding debate, or such an error of procedure, that the voters, if aware of such discrepancies, would have voted differently. It is not a proper basis for reconsideration to argue simply that the voters arrived at the wrong result.

### **Adjournment**

1. Adjournment of any evening session will occur on completion of the article under discussion at 10:30 P.M., unless there is a two-thirds vote to do otherwise. The Moderator will ask for a motion to adjourn the Town Meeting to another time to complete the Warrant. A voter can also make a motion to adjourn. The time and place for resuming Town Meeting must be specified in the motion.
2. When all business on the Warrant has been acted on, the Moderator will ask for a motion to dissolve the meeting, which must be seconded and put to a vote.

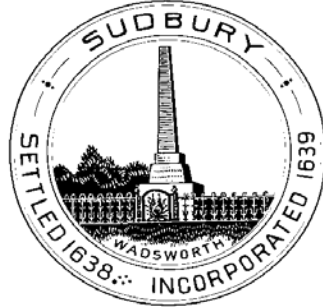
### **Decorum**

We gather at Town Meeting as friends and neighbors, united by a shared commitment to the civic life and governance of Sudbury. The town meeting form of government is unique to New England, and its continued existence links us directly to the founding of Sudbury more than 375 years ago. It is democracy in its finest and purest form, and its value lies in townspeople being forced to have discussions and make decisions together, face to face, in real time. Its proper functioning requires that every speaker be treated with courtesy and respect, no matter how strongly one may disagree with his or her point of view. To that end, the Moderator will not allow any clapping, hissing, booing or other audible noise, for or against any speakers, either before, during or after presentations. The Moderator has the power to terminate the right to speak of anyone who makes disrespectful comments, whether directed at a voter, speaker or Town official.



**PART I**

**TOWN OF SUDBURY  
ANNUAL 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, 390 Lincoln Road, in said Town on Monday, May 1, 2023, at 7:30 p.m., then and there to act on the following articles:

**ARTICLE 1. HEAR REPORTS**

To see if the Town will vote to hear, consider and accept the reports of the Town Boards, Commissions, Officers and Committees as printed in the 2022 Town Report or as otherwise presented; or act on anything relative thereto.

Submitted by the Select Board.

(Majority vote required)

SELECT BOARD POSITION: The Select Board supports this article.

**ARTICLE 2. FY23 BUDGET ADJUSTMENTS**

To see if the Town will vote to amend the votes taken under Article 3, FY23 Budget, of the 2022 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 Select Board.

(Majority vote required)

SELECT BOARD REPORT: This article will allow flexibility to review all accounts within the FY23 Operating Budget to make adjustments at the Annual Town Meeting as necessary.



SELECT BOARD POSITION: The Select Board will report at Town Meeting.

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

**ARTICLE 3. FY24 BUDGET**

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums, or any other sum or sums, for any or all Town expenses and purposes, including debt and interest, and to provide for a Reserve Fund, all for the Fiscal Year July 1, 2023 through June 30, 2024, inclusive, in accordance with the following schedule, which is incorporated herein by reference:

<b>EXPENDITURES</b>	<b>FY24 Recommended</b>	<b>Override Request</b>	<b>FY24 Override</b>
300: Education - Sudbury Public Schools (SPS) <sup>6</sup>	43,380,703	745,460	44,126,163
300: Education - LS Regional High School (LS) <sup>1</sup>	28,936,600	-	28,936,600
300: Education - Vocational	500,000	-	500,000
<b>Total: Schools</b>	<b>72,817,303</b>	<b>745,460</b>	<b>73,562,763</b>
100: General Government	3,598,455	-	3,598,455
200: Public Safety <sup>4</sup>	9,939,791	-	9,939,791
400: Public Works <sup>5</sup>	6,111,600	-	6,111,600
500: Human Services	1,002,310	-	1,002,310
600: Culture & Recreation	1,639,483	-	1,639,483
<b>Total: Town Departments</b>	<b>22,291,639</b>	<b>-</b>	<b>22,291,639</b>
800: Reserve Fund	300,000	-	300,000
800: Town-Wide Operating and Transfers	195,991	-	195,991
700: Town Debt Service	2,781,145	-	2,781,145
900: Employee Benefits (Town and SPS) <sup>2</sup>	15,730,817	-	15,730,817
1000: OPEB Trust Contribution (Town and SPS) <sup>3</sup>	650,000	-	650,000
<b>TOTAL OPERATING BUDGET:</b>	<b>114,766,895</b>	<b>745,460</b>	<b>115,512,355</b>

(not including Capital or Enterprise Funds)

<sup>1</sup> Includes \$334,991 for OPEB and \$469,465 for Debt Service.

<sup>2</sup> Includes \$6,890,967 for Town and \$8,839,849 for SPS.

<sup>3</sup> Includes \$213,434 for Town and \$436,566 for SPS.

<sup>4</sup> Appropriation is partially funded by \$660,000 of ambulance receipts.

<sup>5</sup> Appropriation is partially funded by \$68,525 of solar revolving fund receipts.

<sup>6</sup> Appropriation is partially funded by \$150,000 of MEDICAID reimbursement receipts.

; or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required)

TOWN MANAGER REPORT: See detailed budget information, including details on each of these items in the Finance Section of the Warrant.

SELECT BOARD POSITION: The Select Board supports the both the FY24 Recommended and the FY24 Override budget.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of both the FY24 Recommended and the FY24 Override budget.

**ARTICLE 4. FY24 CAPITAL BUDGET**

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums, or any other sum or sums, or authorize lease purchase agreements of up to five years, for the purchase or acquisition of capital items including but not limited to capital equipment, construction, engineering, design, renovation to buildings, equipping of vehicles, and all incidental and related expenses for projects:

	<b>FY24</b>
	<b><u>Recommended</u></b>
<b>Operating Capital Budget</b>	
Sudbury Public Schools	200,000
LS Regional High School	78,025
Information Systems	165,500
Fire	35,000
Public Works	150,000
Combined Facilities	100,000
<b>Total Operating Capital Budget</b>	<b><u><u>728,525</u></u></b>

; or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required)

TOWN MANAGER REPORT: See detailed budget information, including details on each of these items in the Finance Section of the Warrant.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of the FY24 Capital Budget.

**ARTICLE 5. FY24 TRANSFER STATION ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums set forth in the FY24 budget of the Transfer Station Enterprise, to be included in the tax levy and offset by the funds of the enterprise:

	FY22 Actual	FY23 Appropriated	FY24 Requested
<b>TRANSFER STATION ENTERPRISE FUND</b>			
Direct Costs	253,789	300,124	310,648
Indirect Costs <sup>1</sup>	17,800	17,551	17,551
<b>Total Expenditures</b>	<b>271,589</b>	<b>317,675</b>	<b>328,199</b>
Enterprise Receipts	290,957	317,675	328,199
<b>Total Revenues</b>	<b>290,957</b>	<b>317,675</b>	<b>328,199</b>

<sup>1</sup> Paid for by Enterprise Revenue Transfer to Unclassified Benefits (General Fund)

; or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required)

TOWN MANAGER REPORT: See detailed information in the Finance Section of the Warrant.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 6.      FY24 POOL ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums set forth in the FY24 budget of the Atkinson Pool Enterprise, to be included in the tax levy and offset by the funds of the enterprise:

	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>
	<b>Actual</b>	<b>Appropriated</b>	<b>Requested</b>
<b>POOL ENTERPRISE FUND</b>			
Direct Costs	298,010	462,620	482,280
Indirect Costs <sup>1</sup>	25,383	40,733	45,000
<b>Total Expenditures</b>	<b>323,393</b>	<b>503,353</b>	<b>527,280</b>
Enterprise Receipts	479,855	400,000	527,280
Retained Earnings Used	-	103,353	-
<b>Total Revenues</b>	<b>479,855</b>	<b>503,353</b>	<b>527,280</b>

<sup>1</sup> Paid for by Enterprise Revenue Transfer to Unclassified Benefits (General Fund)

; or act on anything relative thereto.

Submitted by the Town Manager. (Majority vote required)

TOWN MANAGER REPORT: See detailed information in the Finance Section of the Warrant.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 7.           FY24 RECREATION FIELD MAINTENANCE ENTERPRISE FUND**  
**BUDGET**

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums set forth in the FY24 budget of the Recreation Field Maintenance Enterprise, to be included in the tax levy and offset by the funds of the enterprise:

	FY22 Actual	FY23 Appropriated	FY24 Requested
<b>FIELD MAINTENANCE ENTERPRISE FUND</b>			
Direct Costs <sup>1</sup>	171,060	209,796	213,514
Indirect Costs <sup>2</sup>	25,383	26,089	28,000
<b>Total Expenditures</b>	196,443	235,885	241,514
Enterprise Receipts	271,710	235,885	241,514
<b>Total Revenues</b>	271,710	235,885	241,514

<sup>1</sup> Direct costs include \$10,500 of capital expenditures.

<sup>2</sup> Paid for by Enterprise Revenue Transfer to Unclassified Benefits (General Fund)

; or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required)

TOWN MANAGER REPORT: See detailed information in the Finance Section of the Warrant.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 8.           SNOW AND ICE TRANSFER**

*(Consent Calendar)*

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum or sums of money, to be expended under the direction of the Town Manager, for the purpose of funding the Fiscal Year 23 Snow and Ice deficit; or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required)

TOWN MANAGER REPORT: This article will fund any deficit in the snow and ice account required due to the nature of this year’s winter.

SELECT BOARD POSITION: The Select Board will report at Town Meeting.

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

**ARTICLE 9. UNPAID BILLS**

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum or sums of money for the payment of certain unpaid bills incurred in previous fiscal years which may be legally unenforceable due to the insufficiency of the appropriation in the years in which such bills were incurred; or act on anything relative thereto.

Submitted by the Town Accountant.

(Four-fifths vote required)

TOWN ACCOUNTANT REPORT: Invoices that are submitted for payment after the accounts are closed at the end of a fiscal year or payables for which there are insufficient funds (and were not submitted for a Reserve Fund Transfer) can only be paid by a vote of the Town Meeting, a Special Act of the Legislature, or a court judgment.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 10. CHAPTER 90 HIGHWAY FUNDING**

*(Consent Calendar)*

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)

DIRECTOR OF PUBLIC WORKS REPORT: Each year the Legislature allocates funds to cities and towns for the improvement of their infrastructure, to be expended under the Chapter 90 guidelines. The current plans are to continue the implementation of our pavement management program.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 11. FY24 STABILIZATION FUND**

*(Consent Calendar)*

To see if the Town will vote to raise and appropriate or transfer from Free Cash \$144,274, or any other sum or sums, 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 Select Board.

(Majority vote required)

SELECT BOARD REPORT: Based on the Select Board’s Budget and Financial Policies, the Town’s goal is to maintain in the Stabilization Fund an amount equal to 5% of the total projected general fund operating revenues for the last fiscal year. This Fund protects the Town in case of a severe emergency and is beneficial in supporting the Town’s AAA bond ratings, which in turn results in lowering borrowing costs.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 12. FY24 REVOLVING FUND SPENDING LIMITS** (Consent Calendar)

To see if the Town will vote to establish the FY24 spending limits for the use of revolving funds under M.G.L. c.44, s.53E ½, by the following departments of the Town, in accordance with each fund as set forth in Article XXXIII of the Town of Sudbury General Bylaws:

<u>Fund</u>	<u>Department</u>	<u>Maximum Amount</u>
Public Health Vaccinations & Tobacco Control	Board of Health	30,000
Plumbing & Gas Inspectional Services	Building Inspector	65,000
Portable Sign Administration & Inspectional Services	Building Inspector	10,000
Conservation (Trail Maintenance)	Conservation Commission	15,000
Conservation (Wetlands)	Conservation Commission	50,000
Forestry Activities	Conservation Commission	10,000
Council on Aging Activities	Council on Aging	65,000
Council on Aging Van Transportation (MWRTA)	Council on Aging	175,000
Cemetery Revolving Fund	Public Works	20,000
Fire Department Permits	Fire	70,000
Goodnow Library Meeting Rooms	Goodnow Library	20,000
Goodnow Library Services	Goodnow Library	25,000
Recreation Programs	Park and Recreation Commission	650,000
Teen Center	Park and Recreation Commission	10,000
Youth Programs	Park and Recreation Commission	200,000
Bus	Sudbury Public Schools	450,000
Instrumental Music	Sudbury Public Schools	100,000
Cable Television	Town Manager	30,000
Rental Property	Town Manager	50,000
Dog	Town Clerk	75,000
Zoning Board of Appeals	Zoning Board of Appeals	50,000
Solar Energy	Combined Facilities	1,000,000

; or act on anything relative thereto.

Submitted by the Town Finance Director.

(Majority vote required)

FINANCE DIRECTOR REPORT: As set forth in Article XXXIII of the Town of Sudbury General Bylaws, this article seeks authorization for Fiscal Year 2024 for revolving funds previously established pursuant to M.G.L. c.44, s.53E1/2. Expenditures from each revolving fund are 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. The maximum amount stated is the same as the FY22 maximum voted for each revolving fund except for the following: the Board of Health Vaccinations & Tobacco Control Fund decreased from \$40,000 to \$30,000; the Goodnow Library Meeting Rooms Fund increased from \$10,500 to \$20,000; the Goodnow Library Services Fund increased from \$10,000 to \$25,000; the Town Manager’s Rental Property Fund increased from \$40,000 to \$50,000; the Zoning Board of Appeals Fund increased from \$35,000 to \$50,000; and the Solar Energy fund increased from \$550,000 to \$1,000,000.

SELECT BOARD POSITION: The Select Board will report at Town Meeting.

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

**ARTICLE 13. CAPITAL STABILIZATION FUND** *(Consent Calendar)*

To see if the Town will vote to raise and appropriate or transfer from Free Cash \$250,000, or any other sum, to be added to the Capital Stabilization Fund established under Article 13 of the 2018 Annual Town Meeting; or act on anything relative thereto.

Submitted by the Town Manager. (Majority vote required)

TOWN MANAGER REPORT: This transfer is for the purpose of saving funds for future capital needs.

BOARD OF SELECTMEN POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 14. FUNDING OF GO SUDBURY! TAXI AND UBER TRANSPORTATION PROGRAMS FOR FY2024**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$150,000, or any other sum or sums, for the purposes of the continued operations of the Go Sudbury! Taxi and Uber Transportation Programs, including all incidental and related expenses; or act on anything relative thereto.

Submitted by the Select Board (Majority vote required)

SELECT BOARD REPORT: The Go Sudbury! Taxi program started in 2020 and Go Sudbury! Uber in 2021 and has been funded with grants and mitigation fund appropriations, rider co-pays, and an appropriation at the 2022 Annual Town Meeting. Through the end of 2022 the program has provided thousands of rides to Sudbury’s financially vulnerable, residents with a disability, those aged 60+, essential workers, and active duty military, Reserves, National Guard, and veterans of the armed forces to and from healthcare and social service appointments, shopping, community resources, and places of employment. Approval of this article will provide funds to continue the operation of the Go Sudbury! Taxi and Uber Transportation programs into and through fiscal year 2024.



SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 15. FAIRBANK COMMUNITY CENTER AUDIO-VISUAL EQUIPMENT AND ASSOCIATED FUNDING**

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$200,000, or any other sum or sums, to be expended under the direction of the Town Manager, for the purchase of audio-visual and related equipment, and associated design services, and installation services for the Fairbank Community Center project, located at 40 Fairbank Road, to address needs and associated costs therefor; or act on anything relative thereto.

Submitted by the Select Board.

(Majority vote required)

SELECT BOARD REPORT: This Article supports additional funds needed to provide modern audio-visual and assisted listening technology in the Fairbank Community Center. The money allocated during the 2022 Town Meeting provided a limited audio-visual package that met the minimum requirements of the Americans with Disabilities Act and the Massachusetts Architectural Access Board. Article 15 supports the current and future needs of the end users of the Fairbank Community Center. The Article will provide technology to support remote participation, allowing for more flexible programming by the staff and universal access to all programs for persons who would like to be included and participate in what will be offered at the Fairbank Community Center. The Permanent Building Committee has confirmed that installation of the conduit is included as part of the original design of the building, making it cost efficient to provide the audio-visual and assisted listening technology now, rather than wait and incur greater labor and equipment costs later. Additionally, providing the technology now while the building is being constructed will eliminate any future disruption of building use.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 16. AUTHORIZE SELECT BOARD TO PETITION THE GENERAL COURT TO ADOPT LEGISLATION – AN ACT AUTHORIZING THE TOWN TO ESTABLISH A FEE FOR A CHECKOUT BAG CHARGE**

*(Consent Calendar)*

To see if the Town will vote to authorize the Select Board to petition the General Court to adopt legislation, as set forth below, to implement a minimum charge of \$0.10 for all new checkout bags distributed in the Town of Sudbury, which legislation would have the underlying purposes of 1) incentivizing consumers to reuse checkout bags, the most environmentally sustainable and economical option, 2) allowing consumers to have the choice of not paying for unwanted or unneeded new checkout bags, 3) allowing collected money to be retained by the retailer so as to help businesses defray the costs of switching to more environmentally sustainable checkout bag options, and 4) reducing the generation of waste and associated costs of disposal and recycling that must be borne by the Town and its residents; provided, however, that the General Court may make clerical and editorial changes of form only to said bill, unless the Select Board approves

amendments to the bill prior to enactment by the General Court; and provided further that the Select Board shall be authorized to approve any such amendments which shall be within the scope of the general public purposes of this petition; or act on anything relative thereto.

**AN ACT AUTHORIZING THE TOWN OF SUDBURY TO ESTABLISH A FEE FOR CHECKOUT BAGS**

SECTION 1. The following words, unless the context clearly requires otherwise, shall have the following meanings:

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

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

SECTION 2. (a) Notwithstanding any general or special law to the contrary, any retail establishment which makes available checkout bags in the Town of Sudbury shall charge for each such bag equal to or greater than \$0.10 per checkout bag, as established by regulations to be duly promulgated by the Sudbury Board of Health.

(b) All monies collected pursuant to this section shall be retained by the retail establishment.

(c) Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the “checkout bag charge” thereon.

SECTION 3. (a) The Health Agent for the Sudbury Board of Health or his/her designee shall have authority to enforce this law and any regulations promulgated thereunder. This law may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the Town of Sudbury General Bylaws.

(b) The Sudbury Board of Health may adopt and amend rules and regulations to effectuate the purposes of this law.

SECTION 4. If any provision of this law is declared to be invalid or unenforceable, the other provisions shall be severable and shall not be affected thereby.

SECTION 5. This act shall take effect three months after its passage.

SPONSORED BY THE SELECT BOARD ON BEHALF OF THE PEITIONERS: (Majority vote required)

REPORT: The 2020 Annual Town Meeting held on September 12, 2020, approved Petition Article 56 which was the same as this article which was submitted to the Legislature but the bill was not enacted into law. This article would authorize the Select Board to again petition the state legislature for a Special Act requiring that retail establishments in Sudbury charge a minimum of \$0.10 for each new checkout bag distributed.

Any money collected for bags would be retained by the retailer.

The special act must be passed by the state legislature and signed by the governor to go into effect.

SELECT BOARD POSITION: The Select Board supports this article.

**ARTICLE 17. MEDICAID REIMBURSEMENT AND ADDITIONAL CHAPTER 70 FUNDING TRANSFER TO FUND ELA CURRICULUM UPDATE**

To see if the Town will vote to transfer from Free Cash a sum of money totaling \$279,574, equal to the state reimbursement amounts received in fiscal years 2019, 2020, 2021 and 2022 by the Town of Sudbury on behalf of Sudbury Public Schools for Reimbursable Education Medicaid expenses for the purpose of an ELA Curriculum Update for the Sudbury Public Schools that includes professional development, instructional materials, student resources to implement recommendations of Elementary English Language Arts Curriculum Review, and any other associated expenses; or take any other action relative thereto.

Submitted by the Sudbury School Committee.

(Majority vote required)

SCHOOL COMMITTEE REPORT: This article seeks to reimburse Sudbury Public Schools for Medicaid reimbursements received for fiscal years 2019, 2020, 2021, and 2022 and the additional Chapter 70 funding received for fiscal year 2023 to fund an ELA Curriculum Update that includes Professional development, instructional materials, and student resources to implement recommendations of Elementary English Language Arts Curriculum Review.

Medicaid reimbursements were received resulting from and directly related to the District providing medically necessary direct services to eligible MassHealth-enrolled children. Sudbury Public Schools provides these services through their operating budget and processes claims for reimbursement. A total of \$204,844 is Medicaid reimbursement funds received for FY2019, FY2020, FY2021, and FY2022 by the Town Treasurer.

On July 28, 2022 Governor Baker signed the FY2023 state budget that authorizes \$5,998,209,887 in Chapter 70 education aid to Massachusetts school districts (7061-0008 and 7061-0009). The resultant Chapter 70 educational aid for Sudbury Public Schools was increased by \$74,730 after the May 2022 annual town meeting, and therefore, Sudbury Public Schools did not receive the increase.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 18. SCHOOLS HVAC REPAIRS AND REPLACEMENTS** *(Consent Calendar)*

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$450,000 to be expended under the direction of the Sudbury Public School Department for the purpose of the repair and replacement of individual heating, ventilation and air conditioning items in several schools; including all incidental and related expenses; or to act on anything relative thereto.

Submitted by the Sudbury School Committee.

(Majority vote required)

SCHOOL COMMITTEE REPORT: This project will repair and/or replace individual heating, ventilation and

air conditioning items in several schools. These items are critical to maintaining minimum required levels of airflow, air exchange and heat that must be maintained in occupied buildings.

The district has continually addressed needed HVAC and heat issues in schools. This effort has been heavily relied upon as building systems have been required to operate during the pandemic period in good working order with extended schedules.

The items below are a combined request and continuation of the ongoing repair and maintenance of this critical building infrastructure. Operational budgets cannot support the level of effort required to repair and replace this equipment as required. It is more cost effective and efficient to combine these projects.

- Haynes Rooftop HVAC Replacements \$110,000
- Curtis RTU #7 AC Unit Replacement \$95,000
- Curtis RTU #9 & #12 AC Unit Replacement \$210,000
- Haynes Dehumidification Control \$15,000
- Loring Art Room Climate Control \$20,000

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 19. CURTIS MIDDLE SCHOOL AUDIO-VISUAL SYSTEM REPLACEMENT** *(Consent Calendar)*

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$160,000 to be expended under the direction of the Sudbury Public School Department for the purpose of replacing the existing audio-visual system at the Curtis Middle School, and all incidental expenses related thereto; or to act on anything relative thereto.

Submitted by the Sudbury School Committee. (Majority vote required)

SCHOOL COMMITTEE REPORT: This article seeks funding for the purpose of the replacement and installation of the sound, lighting, and control board that is beyond its useful life and provide new ADA compliant assisted listening capacity in the auditorium at Curtis Middle School. The equipment has needed some costly repairs over the past three years.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article

**ARTICLE 20. SUDBURY PUBLIC SCHOOLS SURVEILLANCE CAMERAS**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$310,000, or any other sum, for the purchase or acquisition and installation of surveillance cameras and associated equipment in the Curtis Middle School, Haynes Elementary School, Loring Elementary School, Nixon

Elementary School and Noyes Elementary School, and all incidental and related costs; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

(Majority vote required)

**SCHOOL COMMITTEE REPORT:** This article seeks funding for the purpose of the purchase and installation of surveillance cameras, switches, required licensing, and any necessary supporting hardware in the Curtis Middle School, Haynes Elementary School, Loring Elementary School, Nixon Elementary School and Noyes Elementary School. Interior cameras will improve the safety of students and staff in Sudbury Public Schools. This will ensure an equitable level of safety measures as provided in other Town and School Buildings in Sudbury. It will also assist in reducing probability of vandalism and assist in investigations, thus limiting the risk of damage and loss.

**SELECT BOARD POSITION:** The Select Board supports this article.

**FINANCE COMMITTEE REPORT:** The Finance Committee recommends approval of this article.

**ARTICLE 21. LINCOLN-SUDBURY REGIONAL HIGH SCHOOL CAMERA SYSTEM REPLACEMENT**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$206,652, being the Town's 87.44% share of the total estimated project of \$236,336, to be used together with the amount requested from the Town of Lincoln for its 12.56% share, being the sum of \$29,684, for the purpose of replacing the Safety Camera System on the property of Lincoln-Sudbury Regional High School, including any incidental and related costs; or act on anything relative thereto.

Submitted by: Lincoln-Sudbury School Committee

(Majority vote required)

**LINCOLN-SUDBURY SCHOOL COMMITTEE REPORT:**

**Purpose:** The building-based cameras were installed in the new high school during 2014. The outdated technology and system maintenance is not sufficient for current safety monitoring within the building. No new cameras are said to be installed except for main space viewing capacity. Project scope is one-to-one replacement with enhanced quality and recording capability to be in line with changing safety and security needs for students and staff.

The project benefits provide more accurate camera viewing within the building to assist local authorities as necessary in emergency situations. Outdated cameras have limited visibility and do not provide accurate viewing for first responders.

**Cost:** The estimated cost includes a 4% contingency allocation totaling \$236,336 with Sudbury's share of 87.44% at \$206,652 for the Sudbury Request. LS is also requesting Lincoln's share of 12.56% totaling \$29,684 that has been approved by the Lincoln Capital Committee as an accepted capital project.

**SELECT BOARD POSITION:** The Select Board supports this article.

**FINANCE COMMITTEE REPORT:** The Finance Committee recommends approval of this article.

**ARTICLE 22. PURCHASE OF STORAGE BUILDING**

*(Consent Calendar)*

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$200,000,

or any other sum, for the purchase or acquisition and equipping of a three- bay storage building, including any incidental and related costs, or act on anything relative thereto.

Submitted by the Fire Chief.

(Majority vote required)

FIRE CHIEF’S REPORT: This project will construct a three-bay storage building at Fire Station #1 to support the operations of the Fire Department. Due to the specialized services that the Department provides there is a desperate need for storage space for emergency equipment.

This building will house the Department’s rescue boat, RTV, brush truck, lighting plant and service vehicle. The current fire apparatus floor at Fire Station #1 is full of fire apparatus and ambulances. This new storage will allow for the proper storage of the Department’s specialized resources and will assist in their speedy deployment.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 23. PURCHASE OF FIRE ENGINE**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$1,020,000 or any other sum or sums, for the purchase or acquisition of one Fire Engine/Pumper and associated equipment including any incidental or related expenses, provided, however, that if borrowing is used as the funding source for this purchase, the Treasurer, with the approval of the Select Board, is authorized to borrow said funds pursuant to G.L. c.44, §7 or any other enabling authority and issue bonds and notes therefor; and provided further that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election to raise the principal and interest needed to repay the bond outside of the levy limit imposed by Proposition 2 ½, so called, or take any action relative thereto.

Submitted by the Fire Chief.

(Two-thirds vote, if borrowed)

FIRE CHIEF’S REPORT: This request would replace the current Fire Engine #1 which was in front line service from 2006 until 2017, from 2017 to present Engine #1 has been assigned to Station 1. Engine #1 is currently 17 years old with 126,631 miles, by the time a new Engine is constructed and delivered, Engine #1 will be 20 years old.

The Fire Department depends on reliable and well-equipped fire apparatus to provide emergency medical services and fire suppression throughout the Town, and to assist other towns when called upon.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 24 AMERICANS WITH DISABILITIES ACT TRANSITION PLAN RECOMMENDATIONS**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$200,000 or

any other sum or sums, to be expended under the direction of the Combined Facilities Director for the purpose of making improvements to schools, Town buildings and public spaces pursuant to the Town Wide Americans with Disabilities Act Self Evaluation and Transition Plan including incidental and related expenses; or act on anything relative thereto.

Submitted by the Combined Facilities Director.

(Majority vote required)

COMBINED FACILITIES DIRECTOR REPORT: In 2021 as part of the on-going effort to assess the current level of Americans with Disabilities Act (ADA) compliance in programs, services and activities and town-owned facilities, The Institute for Human Centered Design was contracted to prepare an ADA Self Evaluation and Transition Plan on the Town's behalf to identify deficiencies, compile a prioritized list of recommendations for corrective actions and provide associated costs. The Self Evaluation found many key facilities are generally usable by people with disabilities but are not in full compliance with current accessibility requirements. This article would provide funding to continue addressing identified recommendations in schools, Town buildings and public spaces.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 25. DPW ROOFING PROJECT FUNDING**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, the sum of \$400,000, or any other sum or sums, to be expended under the direction of the Town Manager for the purpose of the repair and or replacement of the roof and appurtenances thereto at the Department of Public Works main building located at 275 Old Lancaster Road, together with all incidental and related costs; or act on anything relative thereto.

Submitted by the Combined Facilities Director.

(Majority vote required)

COMBINED FACILITIES DIRECTOR REPORT: This project will materially extend the useful life of the building and allow for solar panel installation on the roof of the building, both a money and energy saving project.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 26. DPW BUILDING OFFICE RENOVATION**

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money not to exceed \$125,000, to be expended under the direction of the Combined Facilities Director for the purpose of designing, renovating and reconfiguring office space at the Department of Public Works building located at 275 Old Lancaster Road, including all incidental and related expenses; or act on anything relative thereto.

Submitted by the Combined Facilities Director.

(Majority vote required)

COMBINED FACILITIES DIRECTOR REPORT: These funds are required to create one small conference

room, one team meeting room, three offices and storage space for the Board of Health and Facilities

Department staff at the DPW office building. The request for funding includes both the costs of design and renovation.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 27. SPACE USE AND FACILITY CONDITION STUDY**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$300,000 or any other sum or sums, to be expended under the direction of the Combined Facilities Director for the purpose of hiring a consultant to conduct a Space Use and Facility Condition Assessment of Town and PreK-8 School Buildings, or act on anything relative thereto.

Submitted by the Combined Facilities Director. (Majority vote required)

COMBINED FACILITIES DIRECTOR REPORT: This request will fund a space utilization study to understand the function and efficiency of Town and PreK-8 School buildings with the end goal of having high utilization regardless of occupancy. In conjunction with the space utilization study, a facility condition assessment will be conducted to measure the condition and functionality of these same buildings and their infrastructure as suitable and appropriate for the intended functions.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 28. WITHDRAWN**

**ARTICLE 29. WITHDRAWN**

**ARTICLE 30. AMEND GENERAL BYLAWS, SECTION 1, CHAPTER XXXIII - SOLAR ENERGY REVOLVING FUND**

To see if the Town will vote to amend Section 1, Chapter XXXIII of the General Bylaws by revising the row describing the revolving fund for electrical costs and energy saving initiatives by inserting the **bold text** and deleting the ~~struckthrough text~~ as follows and authorizing any funds in the existing revolving fund to be maintained in the revolving account as revised hereunder; or act on anything relative thereto.



<i>Program or Purpose</i>	<i>Authorized Representative Department or Board to Spend</i>	<i>Receipts</i>
Payment of Town electrical costs and funding of energy saving solar landfill initiatives by the Energy <b><u>and Sustainability</u></b> Committee	Facilities Director	<b>Receipts from Solar Landfill renewables, solar arrays or similar equipment installed on land, buildings, or other property owned by the Town of Sudbury, excluding land, buildings, or other property at Lincoln-Sudbury High School</b>

Submitted by the Energy and Sustainability Committee.

(Majority vote required)

ENERGY AND SUSTAINABILITY COMMITTEE REPORT: Article 11 of the 2016 Annual Town Meeting directed receipts only derived from the solar field at the Landfill to the Solar Energy Revolving Fund. Since that time, the Energy and Sustainability Committee has been planning for expanded use of renewables, solar arrays to be placed on various Town and School buildings in addition to placement on land for production of solar energy. Passage of this article will allow expansion of the areas permitted to direct receipts derived from renewables and solar energy.

The original article passed by well over a majority at the May 2, 2016 Annual Town Meeting is follows:

**ARTICLE 11 – ESTABLISH SOLAR ENERGY SAVINGS REVOLVING FUND**

To establish and authorize for Fiscal Year 2017, the use of a revolving fund by the Facilities Director for paying town electrical costs, and to fund energy saving initiatives by the Energy Committee; to be funded by receipts from the solar field at the landfill; said fund to be maintained as a separate account, in accordance with MGL. Chapter 44, Section 53E 1/2 ‘ the amount to be expended therefrom shall not exceed the amount of \$330,000.

The ATM23 Revolving Fund Article includes a Solar Energy Revolving Fund expansion to \$1,000,000 in FY24.

SELECT BOARD POSITION: The Select Board supports this article.

**ARTICLE 31. AUTHORIZATION TO PROCEED WITH THE FAIRBANK COMMUNITY CENTER SOLAR PROJECT**

To see if the Town will vote to transfer the care, custody, management and control of a portion or portions of the Fairbank Community Center property located at 40 Fairbank Road and identified as Assessor Parcel ID number F06-0001 from the Select Board for the purposes for which it is presently held to the Select Board for general municipal purposes and for recreational purposes and also for the purpose of leasing the same to one or more solar energy electricity production entities for the installation of a solar energy facility or facilities, and to

authorize the Select Board to enter into a lease or leases for such portion or portions for a term of at least 20 years from the date of commencement of commercial operations of the solar energy facility or facilities and such additional term as the Select Board shall deem appropriate, all on such terms and conditions, and for such consideration, as the Select Board deems appropriate including a power purchase agreement for electricity and/or solar energy credits; and to authorize the Select Board to grant such access, utility, and other easements in, on, and under said property as may be necessary or convenient to construct, operate, maintain, and replace such solar energy facility or facilities; to authorize the Select Board to take all actions necessary in connection therewith; and to authorize the Select Board, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, or any other enabling authority, to enter into an agreement for payments in lieu of taxes (PILOT Agreement) on account of such facility or facilities for a term of 20 years and such additional term as the Select Board shall deem appropriate, upon such terms and conditions as the Select Board shall deem to be in the best interest of the Town and further, to authorize the Select Board to take such actions as may be necessary to implement such agreements; or act on anything relative thereto.

Submitted by the Energy and Sustainability Committee.

(Majority vote required)

ENERGY AND SUSTAINABILITY REPORT: A 270 kW solar generating facility is proposed to be constructed on the roof of the Fairbanks Community Center under a Power Purchase Agreement (PPA) with a third party developer yet to be identified. Under this agreement the Developer installs, owns, operates, maintains, and decommissions the facility at its sole expense. Sudbury purchases electricity from the Developer at pre-set rates, and receives Net Metering Credits from Eversource (the local distribution company) for supplying the purchased electricity to the grid. There is no cost to the Town associated with the construction, operation, maintenance or removal of the facility. At present, solar generating facilities on municipal property that are owned and operated by a taxable entity are considered by DOER to be subject to personal property tax under M.G.L. c. 59, §2B, even if their operation is for municipal purposes. In this situation, the municipality is in effect taxing itself because any ongoing payments by the facility owner to the host municipality are typically recovered in the price of the electricity supplied. According to DOER guidance, a PILOT (Payment In Lieu of Taxes) can be negotiated by a municipality as an alternative to personal property tax with approval of its governing body. The benefits of a PILOT are:

1. A known and constant expense to the facility owner
2. Lower electricity prices for the host municipality
3. Simplified administration

The goal of this project was to generate electricity cost savings rather than tax revenue. To meet that end and comply with present Massachusetts General Laws on taxation, a PILOT will be negotiated, subject to approval by Town Meeting. The financial value to the Town from the sale of the electricity produced to the grid far exceeds any prospective tax revenue. The PILOT does not add to the pre-tax electricity price, and so provides a small additional benefit to the Town from this use of an otherwise non-producing property.

SELECT BOARD POSITION: The Select Board supports this article.

**ARTICLE 32.        WITHDRAWN**

**ARTICLE 33. SWAP BODY TRUCK**

*(Consent Calendar)*

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$185,000, or any other sum, for the purchase or acquisition and equipping of one (1) swap body truck for the Department of Public Works; or act on anything relative thereto.

Submitted by the Public Works Director

(Majority vote required)

PUBLIC WORKS DIRECTOR REPORT: Approval of this article will provide funds to purchase one (1) new swap body truck with appurtenances to replace an older model pickup truck. It is a goal of the Public Works to focus on standardizing vehicles and specifying vehicles to better suit our multi-disciplinary needs. The Public Works employees use these vehicles to perform their everyday tasks including moving materials and equipment that is carried and towed by these vehicles. These trucks also perform snow removal.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 34. SWAP BODY TRUCK**

*(Consent Calendar)*

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$210,000, or any other sum, for the purchase or acquisition and equipping of one (1) swap body truck for the Department of Public Works; or act on anything relative thereto.

Submitted by the Public Works Director

(Majority vote required)

PUBLIC WORKS DIRECTOR REPORT: Approval of this article will provide funds to purchase one (1) new swap body truck with appurtenances to replace an older model 6-wheel dedicated spreader truck with wing. It is a goal of the Public Works to focus on standardizing vehicles and specifying vehicles to better suit our multi-disciplinary needs. These trucks are used to perform various tasks including construction and winter snow/ice operations.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 35. SPORTS FIELD MOWER**

*(Consent Calendar)*

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$160,000, or any other sum, for the purchase or acquisition and equipping of one (1) sports field mower for the Department of Public Works; or act on anything relative thereto.

Submitted by the Public Works Director

(Majority vote required)

PUBLIC WORKS DIRECTOR REPORT: Approval of this article will provide funds to purchase one (1) new sports field mower with appurtenances to replace an older model mower. This mower performs routine

maintenance for various sports fields throughout Town including, but not limited to, the fields at Haskell, Curtis Middle School, Ti-Sales, Peter Noyes School, Davis, Feeley and the Crime Lab.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 36. MULTI-PURPOSE TRACTOR** *(Consent Calendar)*

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$215,000, or any other sum, for the purchase or acquisition of one (1) multi-purpose tractor for the Department of Public Works; or act on anything relative thereto.

Submitted by the Public Works Director (Majority vote required)

PUBLIC WORKS DIRECTOR REPORT: Approval of this article will provide funds to purchase one (1) new multi-purpose tractor with appurtenances to replace an older model. This equipment, with its various attachments, is critical for its ability to clear the snow and debris from various walkways throughout Town. It also supplements the roadside mowing with the boom flail mower and is outfitted with a sweeper to clean the walks in the spring. The multi-purpose tractor is exposed to many different environments including damaging branches, stone walls, hidden castings and corrosive materials (salt) which cause disintegration of the Public Works equipment.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 37. FRONT-END LOADER** *(Consent Calendar)*

To see if the Town will vote to raise and appropriate, or to transfer from available funds, the sum of \$345,000, or any other sum, for the purchase or acquisition of one (1) front-end loader for the Department of Public Works; or take any other action relative thereto.

Submitted by the Public Works Director (Majority vote required)

PUBLIC WORKS DIRECTOR REPORT: Approval of this article will provide funds to purchase one (1) new front-end loader with appurtenances to replace an older model. The Department currently uses four (4) Front-End Loaders, however the oldest one is over 13 years old and is beyond its useful life expectancy as a front-line, emergency response machine. This article requests funds to purchase a new loader, which will be safe, reliable, efficient, and capable of meeting the needs of the Department during the construction season. This equipment ensures the plowing operations remain efficient, and ultimately provide the staff with the proper equipment to clear the roads and parking lots during the snow and ice season.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 38. AMEND ZONING BYLAW, ARTICLE IX, SECTION 4200. WATER RESOURCE PROTECTION OVERLAY DISTRICTS: INSERT SECTIONS 4243.N. AND 4253.K.**

To see if the Town will vote to amend the Zoning Bylaw, Article IX, Section 4200, entitled Water Resource Protection Overlay Districts, by inserting new Sections 4243.n. and 4253.k., with the text to be inserted shown as underlined text as follows:

4243. The following uses and activities may be allowed by special permit within the Water Resource Protection Overlay Districts - Zone II, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to Section 4242:

...

n. Uses allowed as of right or by Special Permit in the underlying zoning district which are not listed in Sections 4241 or 4242.

4253. The following uses are permitted by special permit within Water Resource Protection Overlay Districts - Zone III, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to section 4252.

...

k. Uses allowed as of right or by Special Permit in the underlying zoning district which are not listed in Sections 4251 or 4252.

; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or act on anything relative thereto.

Submitted by the Planning Board.

(Two-thirds vote required)

PLANNING BOARD REPORT: The Water Resource Protection Overlay Districts Zoning Bylaw currently lists all of the uses which are allowed as of right, prohibited, and allowed by Special Permit in the overlay districts (Zone II and Zone III). Over the last few years, there have been a number of instances where uses which are allowed as of right or by Special Permit in the underlying or base zoning district (ex. Business District, Village Business District, Limited Business District, etc.) are not spoken to in any way as to their permissibility in the Water Resource Protection Overlay Districts. Typically, if particular uses are not specifically mentioned in the Water Resource Protection Overlay Districts Zoning Bylaw, then those uses are prohibited from the overlay district. This is a somewhat peculiar aspect of the overlay district Zoning Bylaw because there are a number of uses which are allowed as of right or by Special Permit in the underlying zoning districts, such business or professional offices, dance studios, banks, medical centers or clinics, and others, but they are not discussed in the Water Resource Protection Overlay Districts Zoning Bylaw. As such, these uses are prohibited uses in the overlay district. Many of these uses would have little, if any, impact on the water resources of the area which the overlay district bylaw is intended to protect.

At the same time, under the current language of the Zoning Bylaw, an Applicant could apply to obtain a Special Permit in the Water Resource Protection Overlay Districts to operate uses that could have far greater negative impacts on the water supply and resources the overlay district is intending to protect. For example, uses which involve the storage of large quantities of animal manure, commercial fertilizers, road salt, de-icing chemicals, and hazardous or toxic materials can all be established by obtaining a Special Permit from the Planning Board, who is the Special Permit Granting Authority in the Water Resource Protection Overlay

Districts. Conversely, the only way a professional office could operate in the Water Resource Protection Overlay Districts is by finding a space which most recently previously contained another non-conforming use and then obtaining a Special Permit from the Zoning Board of Appeals to switch from one non-conforming use to another.

Town staff would prefer all Special Permits in the Water Resource Protection Overlay Districts be handled by the Planning Board. The Planning Board is the Special Permit Granting Authority in the overlay districts and has a bit more expertise in these particular matters. However, the only way for these less noxious uses (such as retail stores, professional offices, banks, etc.), which are not discussed in the Water Resource Protection Overlay Districts Zoning Bylaw, to locate in the overlay district is via a Special Permit process with the Zoning Board of Appeals (again, assuming the use could find a space which previously had another non-conforming use within it). With the above stated, the Planning Board is extremely aware of the sensitivity of the Water Resource Protection Overlay District areas. Therefore, this is why the Planning Board is proposing these uses which are allowed as of right and by Special Permit in the underlying zoning districts all still require Special Permits in order to establish themselves in the overlay district.

In summary, these proposed amendments to the Water Resource Protection Overlay Districts Zoning Bylaw will provide a clearer permitting path for uses which are allowed as of right or by Special Permit in the underlying zoning districts. The proposed amendments will also put the permitting authority for the overlay district fully in the hands of a Town board which is more well equipped to handle the considerations needed to permit these uses in areas where there are sensitive water supplies and resources.

SELECT BOARD POSITION: The Select Board supports this article.

## **ARTICLE 39. AMEND GENERAL BYLAWS – AFFORDABLE HOUSING TRUST BYLAW**

To see if the Town will vote to amend the Town of Sudbury General Bylaws by inserting a new Article XXXVIII, entitled “Sudbury Housing Trust Bylaw”, as follows, or act on anything relative thereto.

### **SUDBURY HOUSING TRUST BYLAW**

Pursuant to a vote on Article 33 of the 2006 Annual Town Meeting, the Town accepted the provisions of Massachusetts General Laws Chapter 44, Section 55C and authorized the establishment of a Housing Trust pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 55C.

#### **SECTION 1. PURPOSE OF TRUST**

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Sudbury for the benefit of low and moderate income households.

#### **SECTION 2. POWERS OF TRUSTEES**

The Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of M.G.L. Chapter 44, Section 55C (Municipal Affordable Housing Trust Fund) as outlined below except that the Trustees shall have no ability to borrow money, or mortgage or pledge Trust assets, purchase, sell, lease, exchange, transfer or convey any interest in real property without prior approval of the Select Board:

- 1) to accept and receive real property, personal property, or money, by gift, grant, contributions, devise, or transfer from any person, firm, corporation or other public entity or organization or

tendered to the Trust in connection with provisions of any ordinance or by-law or any General Law or Special Act of the Commonwealth or any other source including money from M.G.L. Chapter 44B (Community Preservation Act);

- 2) with Select Board approval from Trustee recommendation, to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract;
- 3) to execute, acknowledge, and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust;
- 4) with Select Board approval from Trustee recommendation, to borrow money on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge Trust assets as collateral to the extent of the Trust's assets, and subject to 2/3 vote at any Annual or Special Town Meeting for greater than the extent of the Trust's assets;
- 5) to construct, manage or improve real property; and to abandon any property which the Trustees determine not to be worth retaining;
- 6) with Select Board approval from Trustee recommendation, to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- 7) to hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate;
- 8) to become the lottery and monitoring agent for affordable housing and accept compensation for those services into the Fund;
- 9) to monitor the expiring use of any affordable housing in Sudbury;
- 10) to compensate Town employees for services provided as authorized by the Town Manager, including but not limited to dedicated staff to Trustees, engineering support for project specific activities, and other Town services, as requested by the Trustees to the Town Manager;
- 11) to employ advisors and agents, including but not limited to accountants, appraisers and lawyers as the Trustees deem necessary;
- 12) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;
- 13) to participate or join or form a partnership, corporation or any other legally organized entity to accomplish the purposes of this Trust and to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation, and any other corporation, person or entity;
- 14) to apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- 15) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to

pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;

- 16) to carry property for accounting purposes other than acquisition date values;
- 17) to make distributions or divisions of principal in kind;
- 18) to extend the time for payment of any obligation to the Trust;
- 19) to establish criteria and/or qualifications for recipients and expenditures in accordance with Trust's stated purposes;
- 20) to compromise, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Trustees may deem appropriate;

Notwithstanding anything to the contrary herein, Select Board approval shall be required for any of the following actions:

- a) to purchase real or personal property;
- b) to sell, lease, exchange, transfer or convey any personal, mixed, or real property; and
- c) to borrow money, or to mortgage or pledge Trust assets as collateral to the extent of the Trust's assets.

Notwithstanding anything to the contrary herein, the Trustees may not borrow, mortgage or pledge greater than the current Trust assets unless approved by the Select Board and by a 2/3 vote at any Annual or Special Town Meeting.

The Trustees shall have full power and authority, at any time and from time to time and without the necessity of applying to any court for leave to do so, to expend the 100% of the Trust funds, both principal and interest, to the extent that all funds hereunder may be expended if the Trustees deem such expenditure appropriate. All expenditures shall be made in conformance with the terms of this Trust and M.G.L. Chapter 44, Section 55C.

### SECTION 3. ACTS OF TRUSTEES

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

### SECTION 4. TREASURER/COLLECTOR AS CUSTODIAN

The Town of Sudbury Treasurer/Collector shall be the custodian of the Trust's funds and shall maintain separate accounts and records for said funds.

The Town Treasurer/Collector shall invest the funds in the manner authorized by M.G.L. Chapter 44, Section 55 (Public Funds on Deposit; Limitations; Investments,) Section 55A, (Liability of Depositor for Losses Due to Bankruptcy), Section 55B (Investment of Public Funds).

Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.



Expenditures by the Trust shall be processed through the warrant but shall be controlled by the provisions of M.G.L. Chapter 44, Section 55C. The yearly approved budget, and any approved budget revisions will be recorded by the Town Treasurer/Collector.

As custodian, the Treasurer/Collector shall issue checks as directed by the Trustees.

In accordance with M.G.L. Chapter 44, Section 55C (Municipal Affordable Housing Trust Fund), the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices. The Trust shall be audited as part of the Town audit.

#### SECTION 5. DURATION OF THE TRUST

This Trust shall continue so long as authorized under the Laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, The Trust may be terminated by a majority vote of the Town Meeting in accordance with M.G.L. Chapter 4, Section 4B, provided that an instrument of termination together with a certified copy of the Town Meeting vote are duly recorded with the Middlesex South District Registry of Deeds and the Land Court. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

#### SECTION 6. RECORDING

A Declaration of Trust and any amendments thereto shall be recorded with the Middlesex South District Registry of Deeds and the Land Court.

#### SECTION 7. AMENDMENTS

The Declaration of Trust may be amended from time to time except as to those provisions specifically required under M.G.L. Chapter 44, Section 55C, by an instrument in writing signed by all of the Trustees and approved at a meeting called for that purpose, and approved by the Select Board provided that in each case, a certificate of amendment has been recorded with the Middlesex South District Registry of Deeds and the Land Court.

#### SECTION 8. RECORD TO BE CONCLUSIVE, CERTIFICATE AS TO FACTS

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees as appears from instruments or certificates recorded with the Registry of Deeds and Land Registration Office to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that instruments of amendment pursuant to Section 7 and an instrument of termination pursuant to Section 5 hereof shall be conclusive only if it appears that the delegations, amendments or termination have been executed by all of the Trustees. Any person dealing with the Trust property or the Trustees may always rely on a certificate signed by any person appearing from instruments or certificates so recorded to be Trustee hereunder as to the identity of the then current Trustees or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

Submitted by the Select Board.

(Majority Vote Required)

SELECT BOARD REPORT: The 2006 Annual Town Meeting adopted chapter 44, section 55c of the Massachusetts General Laws. The Affordable Housing Trust Bylaw will be a complement to c. 44, s. 55c.

The bylaw establishes the powers of the trustees, confirms the Town Treasurer/Collector as custodian of trust funds, ensures the separation of trust funds from other municipal funds, and describes how the trust is amended or terminated.

SELECT BOARD POSITION: The Select Board supports this article.

**ARTICLE 40. GENERAL BYLAW FOR THE PLACEMENT OF SMALL WIRELESS FACILITIES IN THE PUBLIC WAYS**

To see if the Town will vote to amend the Town of Sudbury General Bylaws by inserting a new article, to be numbered by the Town Clerk, for the placement of Small Wireless Facilities in the public ways as set forth below:

1. **Purpose.** The purpose and intent of this Article of the General Bylaws of the Town of Sudbury (the “Article”) is to provide a uniform and comprehensive set of requirements and standards for the permitting, development, siting, installation, design, operation and maintenance of small wireless facilities (“SWF”) as defined in 47 C.F.R s.1.6002 in public ways of the Town of Sudbury. The Town’s authority for this Article, includes, among others, 47 USC s.332 et seq. (“Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities”). In addition, and importantly, because of the cumulative impact of incremental decisions regarding SWFs, this Section instructs the permit applicant as to the Town’s minimally acceptable standards for SWFs and directs the applicant to the Town’s preferences for the design and installation of these facilities.
2. **SWFs** (including antennas, transceivers, mounting structures and enclosures, if any) may be installed in the public ways of the Town of Sudbury, subject to the limitations established herein.

3. **Definitions**

**New Pole:** A Substitution Pole or any pole or other structure that is installed without the removal of an existing pole.

**Replacement Pole:** To enable the installation of a SWF, a utility pole that takes the place of an existing utility pole, provided the resulting pole with attachments is no more than 5 feet higher than the existing pole with attachments.

**Small Wireless Facilities (SWFs)** are facilities that meet each of the following conditions as established by the FCC:

- (1) The facilities:
  - a) Are mounted on structures 50 feet or less in height including their antennas as defined in 47 CFR § 1.1320(d); or
  - b) Are mounted on structures no more than 10 percent taller than other adjacent structures; or

- c) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR § 1.1320(d)), is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (4) The facilities do not require antenna structure registration under part 17 of 47 CFR;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

**Substitution Pole:** To enable the installation of a SWF, a utility pole that takes the place of an existing utility pole, wherein the resulting pole with attachments is more than 5 feet higher than the existing pole with attachments.

4. **Goals.** The goals of this Section are to:

- A. Preserve and promote harmonious land uses within the Town, including its public rights-of-way;
- B. Promote and protect public health and safety, community welfare, visual resources, and the aesthetic quality of the Town;
- C. Provide for the orderly, managed, and efficient development of SWFs in accordance with federal and state laws, rules, and regulations and within defined locations within the Town; and
- D. Encourage new and more efficient technology in the provision of SWFs.

5. **Intent.** This Article is not intended to apply to, nor shall it be interpreted to apply to:

- A. Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
- B. Prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulation for rights-of-way management;
- C. Unreasonably discriminate among providers of functionally equivalent services;
- D. Deny any request for authorization to place, construct or modify personal wireless service facilities based on environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions;
- E. Otherwise authorize the Town to preempt any applicable federal or state law or
- F. To conflict with 42 USC s.332 et seq.

6. **Application procedures.**

- A. **Fees.** The dollar amounts of all fees that are established pursuant to this Article shall be recorded in the Town of Sudbury Select Board Fee Schedule.

- B. **Filing.** Applications shall be submitted to the Select Board by filing with the Town Clerk's office in accordance with this Article, accompanied by an SWF Application Fee. The SWF Application Fee will cover up to five locations per application. Each application for more than five installations is subject to an SWF Supplemental Application Fee per additional installation. Each New Pole (including Substitution Poles as established herein) is subject to a SWF New Pole Application Fee per New Pole applied for.
- C. **Public hearing notices.** Pursuant to G.L. c.166 s. 22, the Select Board shall hold a public hearing on all applications for SWFs pursuant to G.L. c.166, s.22 and the costs of the legal notices shall be paid by the applicant, including the costs of mailing notice of the public hearing to property owners within a radius of five (500) hundred feet from the location where the pole for the proposed SWF is or is proposed to be.
- D. **Application completeness verification by the Department of Public Works ("DPW").** No application will be deemed complete unless and until the DPW shall have first verified that the applicant has assembled all the application contents listed in Section 5 below; the same shall constitute a "complete application". To protect the Town's rights under the federal SWF shot clock, the DPW should make a determination of completeness in such time that the Town can inform the applicant of an incomplete application within ten days of original filing.
- E. **Payment of application filing fees and number of application copies.** The applicant shall pay all application filing fees to the Town Clerk's office and shall file the following number of sets of application materials at the offices set forth below:

<u>Number of Sets</u>	<u>Office</u>
1	Town Clerk's office
5	Select Board office

One electronic original copy shall be submitted to the Select Board office. It shall be a PDF document of the original material, with text copy capability, no scanned pages and in color.

- F. **Contents of a Complete Application.** Applications shall include the following information:
  - (1) Applicant's name, address, telephone number and e-mail address.
  - (2) Names, addresses, telephone numbers, and e-mail addresses of anyone acting on behalf of the applicant with respect to the application.
  - (3) Detailed drawings and descriptions of the equipment to be mounted on the pole(s), including:
    - i. Type of equipment;
    - ii. Specifications of equipment (including but not limited to dimensions and weight);
    - iii. Equipment mount type and material;
    - iv. Power source or sources for equipment, including necessary wires, cables, and conduit;
    - v. Expected life of equipment;

- vi. Configuration of the antenna equipment, including:
    - 1. Number of antennas.
    - 2. Antenna model.
    - 3. Antenna length.
    - 4. Antenna height.
    - 5. Antenna mounting scheme
  - vii. Hardening, including:
    - 1. If there is a battery backup;
    - 2. If there is a generator backup;
    - 3. Proposed measures to prevent vandalism and accidental damage.
- (4) Renderings/photo simulations and elevation drawing of the equipment installation.
  - (5) A detailed explanation comparing the characteristics of each proposed SWF with the criteria in the FCC definition of an SWF demonstrating the application is for bona fide SWFs, including without limitation, totals of equipment volumes, antenna volumes, and antenna heights, based on the information above
  - (6) A radio frequency emissions analysis consistent with FCC OET Bulletin 65 procedures demonstrating compliance of each proposed SWF with FCC requirements limiting human exposure to radio frequency energy.
  - (7) A noise assessment by a competent party demonstrating compliance with Massachusetts Department of Environmental Protection guidelines for noise pollution and with any Sudbury noise regulations. If the proposed SWF has no noise-generating apparatus, the applicant shall certify the same with supporting evidence in the application materials and may provide such certification in lieu of a noise assessment.
  - (8) Detailed map with locations of the poles on which equipment is to be located, including specific pole identification number, if applicable, and the geographic areas the equipment will service.
  - (9) Detailed map showing existing and proposed small cell installations within 500 feet of the application site.
  - (10) Certification by a registered professional engineer that the pole will safely support the proposed equipment.
  - (11) Written consent by the pole owner to the proposed installation. If the proposal is for a New Pole that will be owned by a utility, the SWF application shall be accompanied by an application for construction approval per the Select Board regulation contained in its Policies and Procedures.
  - (12) Affidavit from a radio frequency engineer outlining the network/network service requirements in Sudbury and how each installation addresses that need in Sudbury. Such affidavit should characterize, through or with coverage maps, the current level of coverage and how the desired installation(s) will change the current level of coverage, including current and proposed coverage, and include any information the applicant considers relevant to the need, such as evidence supporting any capacity claims regarding the need for the SWF.

- (13) Liability insurance certificate, naming the Town of Sudbury as an additional insured.
- (14) Description as to why the desired location is superior to other similar locations, from a community perspective, including but not limited to:
  - i. Visual aspects;
  - ii. Proximity to single-family residences.
  - iii. Impact on public safety, including without limitation, pedestrian or vehicular traffic during operation and during construction/maintenance activity
- (15) Description of efforts to locate the equipment on existing poles which currently exist or are under construction. A good faith effort to locate on such poles is required and evidence of such efforts must be included within the application.
- (16) An affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC standards and will remove any installation not in such good repair, or not in use, within 60 days of being no longer in good repair or no longer in use.

G. **Public Hearing.** Placement of application on agenda. Once a complete application has been submitted and all filing fees required herein or elsewhere have been paid, the Select Board will schedule and hold a public hearing and thereafter, render a decision on the application.

- 7. **Time for Rendering a Decision (“shot clock”).** Pursuant to federal regulation, the Select Board shall have sixty (60) days from the filing of a complete application for collocation of a SWF using an existing pole, and 90 days for attachment of a SWF proposing a New Pole (see definitions). The “shot clock” may be extended by mutual written agreement of the Select Board and the applicant.
- 8. **Select Board decision.** The Select Board may grant, grant with conditions, or deny the application based on inadequate capacity of the pole or mounting structure, safety concerns, reliability concerns, failure to meet applicable engineering standards, and/or failure to meet applicable design and aesthetic requirements all as set forth in this Article.
- 9. **Annual recertification and affidavit.** Each year on July 1, the SWF owner shall submit an affidavit which shall list, by location, all SWF installations it owns within the Town of Sudbury and shall certify:
  - A. each such installation that remains in use,
  - B. that such in-use installations remain covered by liability insurance naming the Town as an additional insured, and
  - C. the dates of disuse and removal of any disused equipment.

The equipment owner shall pay to the Town of Sudbury an SWF Annual Recertification Fee per installation which remains in place, whether in use or not.

- 10. **Disuse.** Any SWF which is no longer in use shall be removed by the owner, at the owner's expense, within 60 days of disuse.
  - A. *Nonremoval of SWF no longer in use.* Any SWF installation which is not removed by the owner, at the owner's expense, within sixty (60) days of disuse shall be subject to an SWF

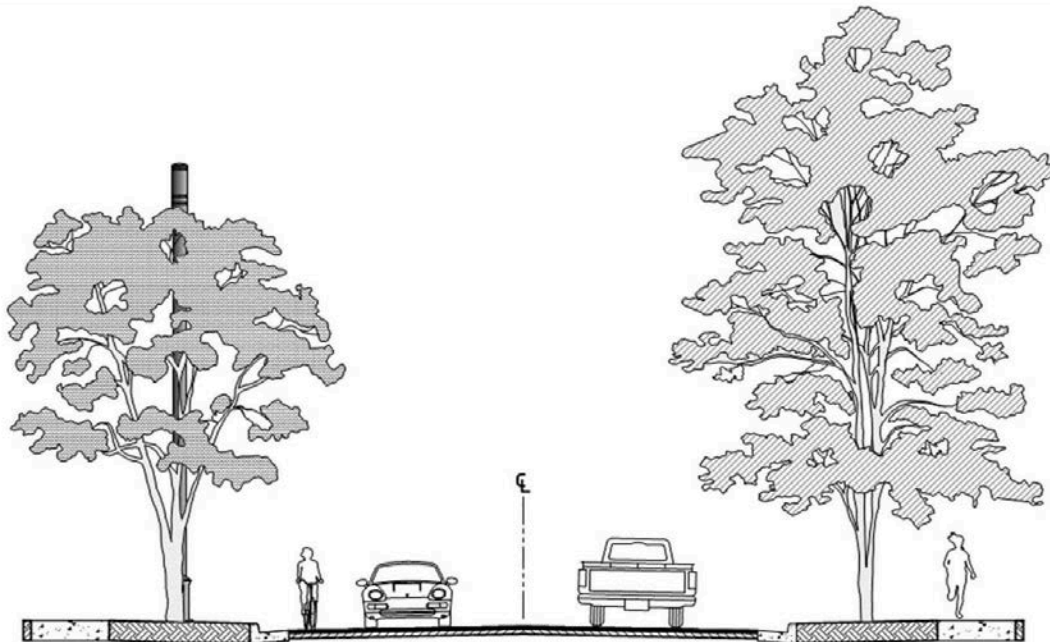
Abandonment Fee (fine) for each day after being listed in the annual recertification affidavit as no longer in use until such installation is removed by the owner.

- B. *Prohibition on new applications.* Where such annual recertification has not been timely submitted, or equipment no longer in use has not been removed within the sixty-day (60) period, no further applications for small cell wireless installations will be accepted by the Town Clerk's office until such time as the annual recertification has been submitted and all fees and fines have been paid.

## 11. Design Guidelines and Aesthetic Requirements.

- A. No SWF equipment shall be installed at locations with double poles, provided that the doubling of poles is permitted for Replacement and Substitution Poles only for the reasonable time necessary to move utilities to the Replacement or Substitution Pole, which time shall not exceed 120 days. If a double-pole condition remains more than 120 days after such an installation, the SWF must cease operation until the double-pole is removed.
- B. Within the public right-of-way, only pole-mounted antennas shall be permitted, provided that at its sole discretion the Select Board may consider other street furniture, such as decorative lamp posts, to provide an appearance that may be more compatible with the location. The Select Board may require new structures in the public way to be of a concealed design that is compatible with the locus of the proposed installation (e.g. a concealed SWF lamp post).
- C. Absent Select Board permission and compliance with this Article, no New Poles are permitted within the public right-of-way that are not Substitution Poles. If an applicant proposes to replace a pole in order to accommodate the SWF, the pole shall match the appearance of the original pole to the extent feasible, including size, height, color, materials and style, unless another design better accomplishes the objectives of this Article as determined by the Select Board.
- D. If a New Pole is permitted by the Select Board to be placed within the public right-of-way, including a Substitution Pole, the New Pole shall be designed to resemble existing poles in the right-of-way, including size, height, color, materials and style, unless another design better accomplishes the objectives of this section as determined by the Select Board. Such New Poles that are not Replacement Poles or Substitution Poles shall be located no closer than 90 feet to an existing pole on the same side of the street. A Substitution Pole shall be placed within 3 feet of the pole that it is substituting for.
- E. SWF installation equipment (meters, enclosures, etc.) shall be mounted on the pole in a manner that preserves pedestrian and vehicular traffic safety and flow.
- F. No SWF installation equipment shall be replaced or altered on a pole without a reapplication, hearing and approval from the Select Board, unless the equipment is being replaced with the same or substantially similar equipment and there is no increase in total equipment volume or antenna volume from that which was previously approved.
- G. Not more than one SWF shall be mounted per pole unless it is a neutral host installation with shared antennas and all equipment meets the standard volume for a single SWF.
- H. The owner of a SWF shall remove all graffiti and repair any other damage on any portion of the SWF and any related equipment no later than ten (10) days from the date the owner receives notice from the Select Board or the Select Board's agent(s).
- I. Each component part of a SWF shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to the public's use of the right-of-way, or safety hazards to pedestrians and motorists.

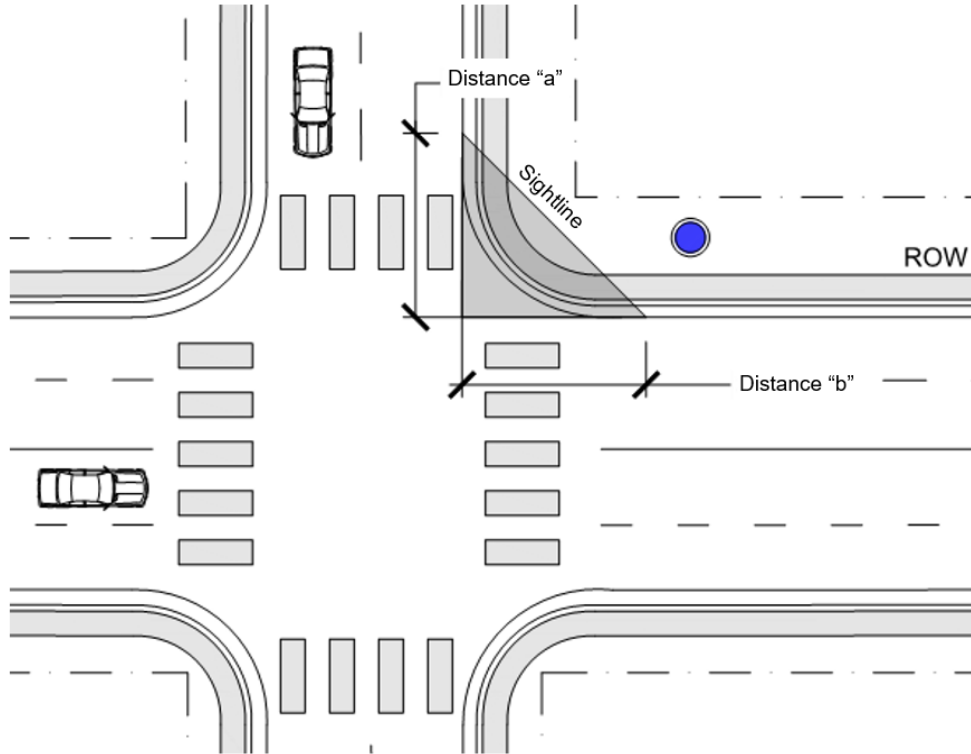
- J. A SWF shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital public health and safety infrastructure.
- K. Unless collocated to the satisfaction of the Select Board, each pole-mounted SWF must be separated from other SWFs in the public way in such a manner as to prevent blight or other undesirable conditions resulting from closely spaced SWFs.
- L. All wires and cables needed to service the SWF must be installed in a neat and workmanlike manner and to prevent substantially increasing the visual mass and clutter of the pole. Any existing attachments that will remain or be restored after construction of the SWF shall be improved in appearance to the extent practicable, in consideration of the additional cables and equipment required for the new SWF.
- M. *Americans with Disabilities Act Compliance.* All SWF installations shall be built and maintained in compliance with the Americans with Disabilities Act (ADA).
- N. The SWF shall be color coordinated to best minimize the visual impact of the facility. To the extent practicable, cabling shall be enclosed in conduit or covers, and exposed cabling shall be neat and workmanlike.
- O. *New Poles - Screening.* New Poles shall be located so as to be well screened and hidden to the maximum extent practicable from public and residential view such as depicted below:



- P. *New Poles – Intersections.* New Poles shall be located to comply with the minimum sight line



requirements pursuant to state highway regulations such as in the manner depicted below (see Mass DOT Highway Division development and design guidelines, referring to AASHTO policy on geometric design):



- Q. *SWF Orientation with Residential Buildings.* SWFs, whether on New Poles or not, shall be located to prevent cluttering residential views, including but not limited to views up driveways and walkways and views to/from residence windows, doors, porches, etc.
- R. If an applicant seeks to place a SWF in a residentially zoned neighborhood, a neighborhood that contains residential structures or otherwise adjacent to an area of Sudbury that contains residential structures the applicant:
  - (1) Shall avoid attaching to poles that are within 20 feet of an existing driveway to enable the property owner to take advantage of trees or other screening that could shield the wireless equipment from view; and
  - (2) Shall avoid attaching to poles where the installation and/or ongoing maintenance will require
    - (a) significant tree trimming that could expose the SWF to view, or
    - (b) obstructing access to driveways or walkways
- S. In the following locations, SWFs are subject to additional criteria:
  - (1) SWFs located on public ways within or abutting an Historic District must be reviewed and approved by the Historic District Commission and such SWFs shall conform to any federal, state and local requirements regarding the impacts of the SWF on such districts.
  - (2) At locations where utilities are required to be underground in the public way, no poles or other structures may be added for mounting an SWF unless the applicant has demonstrated to the Select Board that the service objective cannot be provided by any other means. Such

demonstration may include coverage maps, drive/walk tests of potential coverage from the proposed and alternative locations and other technical information as necessary to support the claim of need for the SWF as proposed.

(3) SWFs proposed for designated Scenic Roads must, singly and in the aggregate, be of limited visibility to people using the Scenic Road, using such techniques as streamlining equipment to the maximum extent practicable, painting all equipment a single color, and selecting existing pole locations that limit such visibility such as in a manner consistent with the requirements for new poles as described in paragraph O. above. To be approved for installation on a Scenic Road, the applicant shall demonstrate to the Select Board that the service objective cannot be provided by any other means. Such demonstration may include coverage maps, drive/walk tests of potential coverage from the proposed and alternative locations and other technical information as necessary to support the claim of need for the SWF as proposed.

12. **Public health, safety and welfare.** The SWF shall be of such material and construction, and all installation and maintenance work shall be done in such manner, as to be satisfactory to the Select Board. No SWF shall be approved if the Select Board determines that such material, construction and/or work is or will:
  - A. pose an actual risk to the public health, safety, and welfare,
  - B. interfere with pedestrian and/or vehicular traffic,
  - C. be difficult to maintain a neat and workmanlike appearance for the life of the facility, and/or cause damage to the public right-of-way or any property adjacent to the location of the pole.
13. **Indemnification.** The applicant shall indemnify and hold harmless the Town against all damages, injuries, costs, expenses, and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of the applicant, its employees, agents and servants, in any manner arising out of the rights and privileges granted herein to the applicant for its SWF. Such indemnification shall not be limited by the amount of the applicant's liability insurance naming the Town as an additional insured.
14. **Town streets and/or sidewalks.** The board may determine on a case-by-case basis whether any new horizontal cable runs or other installations shall be overhead or underground, taking into account aesthetics, reliability and safety. All cutting of and/or digging into Town ways, including pavement and sidewalks, by or on behalf of an applicant in conjunction with its SWF shall be limited to that which is necessary and approved, provided:
  - A. The installation minimizes the area of disturbance; and
  - B. The applicant restores any paved and unpaved surfaces to the satisfaction of the DPW.
15. **Repair of damage.** The applicant shall repair, at its sole cost and expense, any damage, including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to Town streets, sidewalks, walks, curbs, gutters, trees, parkways, streetlights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation or maintenance of an SWF in the public right-of-way. The applicant shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs.

16. **Side of pole on which to mount equipment.** The SWF's equipment, including cabinets, electrical and telecommunication panels, meter and the like, shall be mounted on the side of the pole facing away from the roadway, unless a result more appealing to the Select Board is obtained by a different configuration.
  
17. **Future road reconstruction repair.** Any future road reconstruction or repair project by the Town and/or the Commonwealth requiring the relocation of the pole shall result in the applicant's moving its SWF to another pole in a timely fashion after any necessary electric and telecommunications wiring/infrastructure has been moved to the new location; provided, however, that any such relocation shall require further Select Board approval.
  
18. **Construction and/or installation schedule.** Prior to the commencement of construction and/or installation of the SWF, the applicant shall provide the Select Board with a written construction and/or installation schedule satisfactory to Select Board. The applicant shall provide all notice and obtain all necessary permissions for working in the public way.
  
19. **Removal bond.** Prior to the commencement of construction and/or installation of its SWF or an SWF on a new pole, the applicant shall provide the Select Board with a bond from a surety authorized to do business in Massachusetts and satisfactory to the Select Board in an amount equal to the cost of removal of the SWF from the pole in question, and/or new pole, and for the repair and/or restoration of the public way, in the vicinity of the pole in question, to the condition the public way was in as of the date when the relevant application was submitted to the Town Clerk's office. Said amount of the bond shall be determined by the Select Board. The amount of the bond shall be the total of the estimate by DPW plus an annual increase of 3% for the operating life of the SWF. The applicant shall notify the DPW of any cancellation of, or change in the terms or conditions in, the bond.
  
20. **Failure to comply with conditions.** An applicant's failure to comply with any of the conditions imposed as a condition of approving an application filed pursuant to this Article shall at the Select Board's discretion, require the removal of the facility and appurtenances within the time period set forth by the Select Board.
  
21. **Fees.** The schedule of fees to be charged under this section shall be those established by the Select Board after a public hearing. A copy of the schedule of fees so adopted shall be available in the office of the Select Board and in the office of the Town Clerk.
  
22. **Conflict.** Notwithstanding any conflicting provisions between this bylaw and any other section of the general bylaw or the zoning bylaws, the provisions of this bylaw shall apply.

; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the general bylaws; or act on anything relative thereto.

Submitted by the Select Board.

(Majority vote required)

SELECT BOARD REPORT: Small Wireless Facilities (SWFs) are an emerging category of wireless communications facilities. SWFs support 5G technology. Like cellular towers, SWFs are given broad

protections under federal law. Municipalities are able to regulate the permitting and location of SWFs, including application fees and bonds to ensure removal at the end of their useful life. Municipalities are not allowed to prohibit or unduly restrict the placement of SWFs. Article 40 proposes a bylaw that sets out the permitting of SWFs proposed to be located within public rights of way, establishes parameters for their location, and allows for the setting of fees and penalties for non-removal of facilities no longer in use

SELECT BOARD POSITION: The Select Board supports this article.

**ARTICLE 41. COMMUNITY PRESERVATION ACT FUND – 67-73 NOBSCOT ROAD ACQUISITION, DESIGN, AND CONSTRUCTION**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$438,000 for Community Housing purposes under the Community Preservation Act, from FY24 CPA Estimated Annual Revenues and then from the CPA General Reserve Fund, if needed, as a grant to the Sudbury Affordable Housing Trust for the site feasibility analysis, property acquisition, project design, construction, and creation of ownership and/or rental affordable housing units at 67-73 Nobscot Road and authorize the Select Board to enter into the grant agreement on such terms and conditions as it deems appropriate; or act on anything relative thereto.

Submitted by the Community Preservation Committee.

(Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: This article requests an appropriation to the Housing Trust for the site feasibility analysis, property acquisition, project design, construction, and development of ownership and/or rental affordable housing units on an approximately 5.4 acre piece of land at 67-73 Nobscot Road. In 2021, the Mayflower Council, Inc./Boy Scouts of America approached the Town of Sudbury with an offer to sell land within the Boy Scouts Reservation located off Nobscot Road. The entire property is approximately 29 acres and spans from Sudbury to Framingham. An approximately 5.4 acre portion of the entire property, which is surrounded by a conservation restriction, private residential property, and Nobscot Road, has been offered for purchase to the Town. The Housing Trust and Sudbury Housing Authority have engaged Beals + Thomas and the Cambridge Housing Authority to assist them in conducting a development feasibility analysis of the approximately 5.4 acre piece of land to potentially use for the development of affordable housing.

Beals + Thomas has prepared a development feasibility report for the property, including possible proposed layouts. The Cambridge Housing Authority has been coordinating with Beals + Thomas and is now working to develop a more refined understanding of the exact development possibilities at the property and associated permitting requirements. A more complete understanding of the limitations of the property will better inform the Housing Trust and Sudbury Housing Authority if this is a viable housing development project site. If it turns out a significant housing development project is feasible at the property, the Housing Trust and Sudbury Housing Authority would likely advance their discussions with the Mayflower Council, Inc./Boy Scouts of America to investigate purchasing the approximately 5.4 acre piece of land. These Community Preservation Act funds would be used to finish the site feasibility analysis components (if any) and possibly acquire the parcel. After acquisition, if there were remaining funds available, they would be used toward the design, construction, and development of affordable housing units on the property.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 42. COMMUNITY PRESERVATION ACT FUND –** (Consent Calendar)  
**ACCESSIBLE PATHWAYS ON TOWN PROPERTIES**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$187,744 for Open Space and Recreation purposes under the Community Preservation Act from FY24 CPA Estimated Annual Revenues and then from the CPA General Reserve Fund, if needed, to install Americans with Disabilities Act (ADA) compliant pathways and accessible picnic/bench seating areas at designated town properties including demolition, site preparation, and all other incidental and related expenses; or act on anything relative thereto.

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

COMMUNITY PRESERVATION COMMITTEE REPORT: The Town of Sudbury through its Facilities Department is requesting Community Preservation Act funds to rehabilitate and restore pathways and picnic areas by installing a combination of decomposed granite surface (fine gravel/stone dust and stabilizer) and asphalt paving. These funds would be used at the following locations:

- Davis Field
- Department of Public Works Offices and Garage
- Featherland Park
- Grinnell Park
- Haskell Field
- Heritage Park
- Ti-Sales Field
- Willis Lake Access

The current outdoor athletic fields are limited in their ability to serve and engage individuals of all abilities. Sudbury’s population of individuals with physical challenges are not able to fully enjoy these outdoor spaces. Creating universal access to our athletic fields and outdoor seating areas will promote healthier lifestyles, allow families to enjoy recreation opportunities close to home, and enable those who were otherwise unable to attend events and fully participate. This project advances district and Town equity goals, and aligns with the Americans with Disabilities Act as well as Sudbury’s ADA Self-Assessment and Transition Plan.

There is a significant desire from the community to provide universal access to the users of the Town’s grounds. The Town’s park and recreation areas have limited accessible pathways to athletic fields and accessible picnic and bench seating areas. The Town is committed to providing opportunities for all its residents to engage in physical and social activities. This project request aims to provide safe, accessible, and updated outdoor space for all residents while meeting the needs of over 1,800 people with disabilities.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 43. COMMUNITY PRESERVATION ACT FUND –** (Consent Calendar)  
**BRUCE FREEMAN RAIL TRAIL CSX EXTENSION**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$300,000 for Open Space and Recreation purposes under the Community Preservation Act from FY24 CPA Estimated Annual Revenues and then from the CPA General Reserve Fund if needed, for the purpose of extending the Bruce Freeman Rail Trail extension south of the intersection with the Mass Central Rail Trail, to include hiring a consultant to perform data collection, feasibility study, alternatives analysis, conceptual planning and cost estimate development to create baseline information, undertaking a topographic survey, wetlands delineation, concept development, design and construction of the Bruce Freeman Rail Trail extension south of the intersection with the Mass Central Rail Trail, including demolition, site preparation and all other incidental and related costs; or act on anything relative thereto.

Submitted by the Community Preservation Committee.

(Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: The Town of Sudbury seeks Community Preservation Act funds to advance the design and construction of the Bruce Freeman Rail Trail (BFRT) south of the intersection with the Mass Central Rail Trail. The construction of the BFRT north of this intersection, known as Phase 2D, commenced in January of 2023. The Town reached a monumental milestone in 2020 with the acquisition of the 1.4-mile-long CSX corridor (proposed as BFRT Phase 3A). The Town proposes to build on the success of the corridor acquisition, collect necessary corridor data, evaluate its design options, and advance the trail extension of the BFRT. The request is for funding a \$300,000 project which will be used to advance the design and/or construction of the BFRT into the southern (former CSX) corridor. The funds will be used for the topographic survey, wetlands delineation, alternatives analysis, and concept development for the expansion of the rail trail into the southern corridor, as well as additional design for this section of the trail. This could involve the first quarter mile section to connect the BFRT to Route 20/Boston Post Road, or the project could also involve a much larger section of the corridor as far down to the City of Framingham municipal boundary. The project includes hiring a consultant to perform data collection, feasibility study, alternatives analysis, and conceptual planning and cost estimate development to create baseline information, and to design the next phase of this section of the BFRT. Public engagement will be facilitated to solicit input on the concept that will be advanced. Additionally, depending upon the scale of the next segment of the BFRT as decided upon by the Town, the Community Preservation Act funds may also be used to advance the construction of this next phase of the project. The Town will also seek additional funds through grants to support this work.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 44. COMMUNITY PRESERVATION ACT FUND –** (Consent Calendar)  
**CURTIS OUTDOOR HEALTH AND WELLNESS SPACE**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$480,000 for Open Space and Recreation purposes under the Community Preservation Act from FY24 CPA Estimated Annual Revenue and then from the CPA General Reserve Fund, if needed, for the purpose of creating and equipping an outdoor recreation area at the Curtis Middle School including demolition, site preparation and all other incidental and related costs; or act on anything relative thereto.

Submitted by the Community Preservation Committee.

(Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: This project aims to create an outdoor recreation area at the Curtis Middle School to enhance the outdoor opportunities for students and the general community,

while improving the areas to comply with Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB) regulations, and Sudbury’s ADA Self-Assessment and Transition Plan.

This newly proposed safe and accessible outdoor space would promote social connection and address the emotional and physical needs of 850 middle school students, as well as the broader community. The current outdoor space at Curtis Middle School does not serve the needs of all students. The space has basketball hoops, fields, and limited seating. The project proposes to enhance the space with equipment to provide opportunities for more student engagement and physical challenge.

The design will incorporate additional tables and benches to promote social connection and allow friends to gather. This project advances district and Town equity goals, and aligns with the ADA as well as Sudbury's ADA Self-Assessment and Transition Plan.

Providing a safe, inclusive, and welcoming outdoor space to benefit the health and wellness of the community at Curtis Middle School is a priority of the Sudbury Public Schools. Over the past five years, the Sudbury Public Schools have provided these important, accessible opportunities and resources at the four elementary schools with its new playgrounds. This is an opportunity to bring equity and parity across the district for all students.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 45. COMMUNITY PRESERVATION ACT FUND –  
FRANK FEELEY FIELDS IMPROVEMENTS PHASE II**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$799,668 for Open Space and Recreation purposes of the Community Preservation Act from FY24 Estimated Annual Revenue and then from the CPA General Reserve Fund, if needed, for the purpose of designing, constructing, and equipping improvements to the Frank Feeley Fields located at 200 Raymond Road to rehabilitate and restore these fields, including, but not limited to, playing field upgrades, installing dugouts, erecting bleachers, handicap accessibility enhancements, drainage improvements, irrigation, demolition, site preparation and all other incidental and related costs; or act on anything relative thereto.

Submitted by the Community Preservation Committee.

(Majority vote required)

COMMUNITY PRESERVATION COMMITTEE REPORT: The Frank Feeley Fields are home to the Town tennis courts, several softball fields, and a baseball field. There is one 90-foot, lighted baseball diamond with a press box, bleachers, concession area, and restrooms; three 60-foot softball diamonds on two field levels; six tennis courts; and two pickleball courts. The softball diamonds have several safety issues regarding lack of protection from foul balls and the sun. Further, the swamp-like conditions on the two lower fields limit utilization during the key playing season. Sudbury youth girls’ softball and adult softball operate their programs on all three fields at Frank Feeley Fields. These fields are in need of improvements and have safety concerns which need to be addressed. Some of these improvements are already underway and are being addressed in the previously approved Phase I portion of the project.

These Community Preservation Act funds would be used to complete key repairs to bring all three of the Feeley Fields softball diamonds up to the standards of other Town fields. Sudbury Girls Softball (SGS) feels it

is critical to address the swamp-like conditions at the Feeley #1 and #2 softball diamonds. Due to Upper Feeley and parking lot run-off, combined with generally wet conditions in lower Feeley, large parts of the outfield, third base line, and bench area at Feeley # 1, and the first base line and bench area at Feeley #2 are unusable for weeks at a time due to swamp-like conditions. There have been wet springs were SGS could not use all of their fields until the middle of June when the season is almost over. The puddles create hazards for the players and coaches, and are a breeding ground for insects and mosquitos due to the stagnant water. Stagnant water increases the threat of mosquitoes who may carry diseases such as Eastern Equine Encephalitis (EEE), West Nile, etc. It is critical to minimize areas of stagnant water at these softball fields.

Phase II is extremely critical, but the most disruptive phase of SGS's request is the water remediation work that is needed on both lower Feeley diamonds #1 and #2. Installing interceptor drains to capture the Upper Feeley water run-off combined with a network of field drainage piping would enable SGS and other interested groups and families the ability to enjoy fully functioning softball fields all year round, including the wet season.

SGS has seen a continued growth in girl/family participation. As such, SGS has expanded its age groups and has programs throughout the year ranging from kindergarten to high school. In addition, the work over the past decade that SGS has done building interest and participation in town is showing results at the high school level. The improvements above will bring all three Feeley Fields softball diamonds available and fully operational during all three seasons: spring, summer, and fall.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 46. COMMUNITY PRESERVATION ACT FUND – FENCE AND LIGHTS FOR FAIRBANK MULTISPORT COURT** (Consent Calendar)

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$100,000 for Open Space and Recreation purposes under the Community Preservation Act from FY24 Estimated Annual Revenue and then from the CPA General Reserve Fund, if needed, for the purchase and installation of fencing and lighting at the Fairbank Multisport Court including demolition, site preparation and all other incidental and related costs; or act on anything relative thereto.

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

COMMUNITY PRESERVATION COMMITTEE REPORT: The new multisport court at Fairbank will include basketball and pickleball courts. Due to rising escalation and budget constraints, the fencing and lights for this court are not included in the Fairbank Community Center project. Lights and fencing will expand the use of this court for residents of all ages.

Prior to the Fairbank Community Center construction project, there were two full court basketball courts with lights at Fairbank. They were the only outside full-court courts in town and were used regularly by youth and adults. With shorter days in the fall and spring, the court lights were used daily as kids came there after school, evenings, and on weekends for pickup games. The only other outside courts that are available are half-court nets at Featherland Park, which are unlit. Due to the location of the basketball/pickleball court, it is essential to have this court fenced as the court is between the parking lot and the slope to a lower grass area. The fencing will keep balls in play and players out of danger.



Research has shown that easy access to recreational assets is important for everyone's mental and physical health. Expanding outdoor recreational opportunities in the form of a safe and enjoyable basketball/pickleball court is a response to the community's desire for a healthier lifestyle.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 47. COMMUNITY PRESERVATION ACT FUND – (Consent Calendar)**  
**HISTORIC RESOURCE INVENTORY SURVEYS PHASE V**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$23,000 for Historic Resources purposes under the Community Preservation Act Fund, from CPA Historic Resources Reserves, for the purpose of funding the costs of undertaking additional historic resource inventory surveys to be added to Sudbury's Historic Resource Inventory; or act on anything relative thereto.

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

COMMUNITY PRESERVATION COMMITTEE REPORT: The Historical Commission is requesting Community Preservation Act funds to allow for the surveying of approximately forty individual buildings and one area. This project will focus on historic resources that are not documented, that are presently under-documented, historic resources recommended by the Phase IV Historic Property Survey Update 2020-2021 Final Report; and properties which could not be included as part of the scope of the previous Phase IV project.

Historic resource surveys are important as a tool for the preservation of historic resources by identifying properties eligible, either individually or as an area, for listing in the Massachusetts State Register of Historic Places, the National Register of Historic Places, and/or inclusion in a local historic district. These survey forms provide the legal basis for review by both the Historical Commission (Demolition Delay Bylaw) and the Historic Districts Commission (Certificate of Appropriateness). They are also frequently the only comprehensive documentation of a building or structure after it is lost. Many of the current Sudbury Historic Resource Inventory forms, completed in the 1960's and 1970's, require updating to meet current historic preservation survey documentation standards.

All surveys will follow Massachusetts Historical Commission (MHC) standards and methodology, be completed on MHC survey forms, and will be submitted for inclusion on the Massachusetts Cultural Resource Information System (MACRIS) database. MHC forms record architectural and historic significance – architectural description, photographs, key features, and information about the use, people, activities, and events associated with the resource over time.

Previous requests for historic preservation efforts, and specifically historic resources survey funding, have been supported by Town Meeting and by the Community Preservation Committee as noted as follows:

- Phase I – Completed prior to adoption of the Community Preservation Act in Sudbury
- Phase II – 2005, \$9,800
- Phase III – 2015, \$5,000
- Phase IV – 2020, \$30,000

The Sudbury Historic Resource Inventory aids in protecting and preserving Sudbury's historical, cultural, and archaeological resources of significance, especially those that are threatened. Thorough professional

documentation on MHC inventory forms is the first step in the preservation planning process which assists in identifying areas for additional protection.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 48. COMMUNITY PRESERVATION ACT FUND –** (Consent Calendar)  
**WATERSHED BASED PLAN, RESTORING WATER**  
**QUALITY IN HOP BROOK**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$78,600 for Open Space and Recreation purposes under the Community Preservation Act from FY24 CPA Estimated Annual Revenue and then from the CPA General Reserve Fund, if needed, as a grant to the Hop Brook Protection Association to create a watershed-based plan for the preservation of an historic asset, the Hop Brook waterway and associated ponds, including all incidental and related costs, and to authorize the Select Board to enter into a grant agreement on such terms and conditions as it deems appropriate; or act on anything relative thereto.

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

COMMUNITY PRESERVATION COMMITTEE REPORT: Hop Brook is the largest tributary of the Sudbury River and drains more than half of the land area of Sudbury. Dozens of homes, recreational and historical areas, town wells, and Town property are along this waterway and associated ponds. Until the 1970s, Hop Brook was a major recreational and natural asset – with multiple locations for swimming, fishing, ice skating, and canoeing, and supported a diverse ecosystem with many species of birds and fish. Recorded Sudbury history features activities along Hop Brook since the 1700s, including fishing, saw and grain mills, canoeing, and swimming. However, nutrient pollution – primarily from the Marlborough Easterly wastewater treatment plant – has caused severe degradation of water quality, and overgrowth of invasive plants and toxic algae. As a result, the Hop Brook waterway and associated ponds have become very unpleasant in the summer, are no longer attractive for recreational use, and require increasingly intensive management to reduce unwanted plants.

The goal of this project is to restore water quality in the Hop Brook watershed, and thus reclaim an important recreational and historical asset for all Sudbury citizens. The Hop Brook Protection Association has collected extensive data on sources and variations in pollutant levels throughout Hop Brook, and have collaborated extensively with scientists at the Organization for the Assabet, Sudbury and Concord Rivers (OARS) to better understand how these pollutants, especially phosphorus, created the current situation. OARS has completed an in-depth evaluation using this data.

A watershed-based plan (WBP) is the first step in assembling and evaluating the existing data with the purpose of determining what approaches are most likely to successfully restore acceptable water quality. A well-developed WBP is also necessary to obtain Federal (Section 319) and state grant funding for specific remediation strategies (such as the ones recommended by the WBP). Framingham, Westboro, Andover, and other communities have used their WBPs to successfully obtain government funding that ultimately led to pollution reduction and improved water quality.

The Hop Brook Protection Association, in partnership with the Sudbury Conservation Coordinator and OARS, is well-prepared to successfully manage the process to produce an optimal WBP. Over the past three years, the Hop Brook Protection Association has developed and managed a successful program to reduce invasive water chestnut plants, and have partnered with OARS and the Town's Conservation Commission to obtain two

grants that supported water quality sampling and community education. However, the Hop Brook Protection Association’s research shows there are many other options for the next steps, each with varying return on investment. To ensure the Hop Brook Protection Association takes the right actions, they need expert consultation to develop a concrete plan which they and their community partners can execute with high confidence of good results.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 49. COMMUNITY PRESERVATION ACT FUND –** (Consent Calendar)  
**HOSMER HOUSE HISTORIC STRUCTURE, CULTURAL LANDSCAPE, AND COLLECTION STUDY**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$130,000 for Historic Resources purposes under the Community Preservation Act from the Historic Resources Reserves, for the preservation of the Hosmer House structure at 299 Old Sudbury Road, specifically to fund professional studies to assess current conditions of the House and grounds and its historic collections, objects, and art, and then provide advice, recommendations and preservation strategies; or act on anything relative thereto.

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

COMMUNITY PRESERVATION COMMITTEE REPORT: The historic c. 1793 Hosmer House was gifted to the Town of Sudbury by its last owner, Artist Florence Hosmer in 1978. Like the preservation non-profit Historic New England’s Codman House in Lincoln, Massachusetts, the Hosmer House is a unique historic resource in one unique respect because the house is not empty, but contains a family’s possessions and varied house contents that represent the family’s presence over time. The Hosmer House reflects a Sudbury family’s life in Sudbury and provides an opportunity for a historic interpretation of Sudbury. Ms. Hosmer also bequeathed a collection of her paintings with the property as well.

Since the Town’s acquisition of the Hosmer House, no complete evaluation of the structure, landscape, and its varied house collections has been conducted for their treatment, care, oversight, and management.

The Historical Commission seeks Community Preservation Act funding for a such a comprehensive evaluation – a Hosmer House Historic Structure, Cultural Landscape, and Collection Study – modeled in part after the American Institute of Conservation’s (AIC) Conservation Assessment Program and the National Park Service model structure and cultural landscape study reports. These combined studies are critical for preservation planning for appropriate actions to preserve this historic property.

This project will be comprised of two parts, but not in a phased manner as Part I and Part II will likely be conducted simultaneously. Part I would consist of a Historic Structure and Cultural Landscape (combined) Study conducted by a historical architectural consultant/firm with a landscape architect as part of the team. Part II would be a Collection Study conducted by a professional with expertise in collections and conservation assessment, operations, and management with assistance from specialists such as experts on art, textile, and archival materials assessment and conservation.

The Hosmer House is a prominent, key anchor, and unique contributing historical asset in the National Register of Historic Places Town Center Historic District (NRHD) established in 1973 and local Town Center Historic District (LHD). The structure, its contents, and the property warrant a professional comprehensive level of study in order for it to be preserved for the benefit, use, and enjoyment of the community and residents

of Sudbury, now and for the future.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 50. COMMUNITY PRESERVATION ACT FUND – HOUSING TRUST ALLOCATION** *(Consent Calendar)*

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$292,000 for Community Housing purposes under the Community Preservation Act from FY24 Estimated Annual Revenue, as a grant to the Sudbury Affordable Housing Trust for the acquisition, creation, preservation, and support of community housing as allowed by the Community Preservation Act, and to authorize the Select Board to enter into a grant agreement on such terms and conditions as the Select Board deems appropriate; or act on anything relative thereto.

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

COMMUNITY PRESERVATION COMMITTEE REPORT: This article requests an appropriation to the Housing Trust for the creation of new affordable housing units and continued support for residents struggling to pay their rent due to impacts from COVID or other matters. The Housing Trust last requested Community Preservation Act funds in 2021 for Fiscal Year 2022 and has not created any new units since then, as the Housing Trust relies on Community Preservation Act funds for unit creation.

This funding allocation would assist in creating affordable housing through the Housing Trust’s Home Preservation Program which converts existing smaller market homes to affordable homes and provides affordable homeownership opportunities to income eligible households. The Housing Trust is the main, if not the only, entity with plans to create affordable homeownership in Sudbury. Through its program, the Housing Trust has seen tenants of the Sudbury Housing Authority become owners for their families, and owners of deed restricted properties in Sudbury purchase market rate homes in town. These items demonstrate first-hand the benefits of a homeownership program. Sudbury has had 37 ownership units in its affordable housing portfolio since 2016. The Home Preservation Program conforms to the Town’s Housing Production Plan, contributes long-term affordability towards the MGL Chapter 40B 10% affordable housing threshold, converts market rate to affordable units, and promotes a socioeconomic environment that encourages a diversity of income.

Additionally, the Housing Trust aims to build upon its Sudbury Rent Relief Program (SRRP) which serves low income level households in town by providing rental assistance. The Housing Trust has successfully implemented and administered the Sudbury Rent Relief Program and looks to continue the concept. This program would have the effect of deepening the affordability of rental units in Sudbury and would serve low income households. The Sudbury Rent Relief Program commits six months of rental assistance for apartments with low income tenants. The Rent Relief Program conforms to the Town’s Housing Production Plan, assists in intermingling affordable and market rate housing at levels that exceed state requirements for percentage of affordable units, and promotes a socioeconomic environment that encourages a diversity of income.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 51. COMMUNITY PRESERVATION ACT FUND –  
INDIGENOUS CULTURAL LANDSCAPE STUDY**

*(Consent Calendar)*

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$35,000, for Historic Resources purposes under the Community Preservation Act from Historic Resources Reserves, for a town-wide Indigenous Cultural Landscape Study, for an archaeological sensitivity assessment, also called a reconnaissance survey or overview, and, if and when found, to identify, document, and preserve Indigenous site locations called Traditional Cultural Properties, those sites associated with ceremonial, sacred, or other occupational connections, and any materials found thereat, including all incidental and related expenses thereto; or act on anything relative thereto.

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

COMMUNITY PRESERVATION COMMITTEE REPORT: The Historical Commission is seeking Community Preservation Act funding to complete a town-wide Indigenous Cultural Landscape Study. This study would fulfill a matrix action recommendation of the town-wide 2022 Historic Preservation Plan (HPP), which was a project prescribed by Sudbury’s 2021 Master Plan.

Protection of all of Sudbury’s historic and cultural resources, including archaeological, is an important tenet of both plans. Such resources have unique characteristics and requirements for their identification and management, including the need for intact patterning within undisturbed terrain and also an understanding of any continued cultural ties. Protection and preservation of these resources often falls outside of state and federal regulatory tools, but these items are especially vulnerable to local land-use decisions resulting in ground-disturbance.

Under MGL Chapter 40, Section 8D, the Historical Commission is charged to “protect, preserve and develop the historical and archaeological resources of the town.” Above-ground historical resources have for the most part been well identified and surveyed at the initiation of the Historical Commission. However, archaeological below-ground resources and Indigenous cultural landscapes have not and there is an urgent need to fill in the gap in knowledge about these historical resources.

As recommended within the HPP, the proposed study will include a town-wide archaeological sensitivity assessment (i.e., reconnaissance survey or overview) and, if and when found, identify Indigenous site locations called Traditional Cultural Properties (i.e. locations associated with ceremonial, sacred, or other occupational connections). It is envisioned this study will be comprised of the following four phases:

- Phase I. Preliminary baseline study, environmental conditions, preliminary sensitivity assessment, and preliminary sensitivity map.
- Phase II. Specialized analyses if appropriate and can be accomplished within budget. This may entail coordinating with other interested parties and funding.
- Phase III. Documentation of new sites through public events, targeted field site visits, and discussions with interested groups.
- Phase IV. Preparation of predictive model, final sensitivity map, and report.

This proposed Indigenous Cultural Landscape Study will provide Sudbury with the identification of and planning tools necessary to protect and manage these resources. This study will supplement the Master Plan’s Baseline Report, which concentrated on the post-contact historic resources. Pertinent to the Master Plan’s Action Item Matrix, the current proposed study will address certain Action Items, two of which are short-term

(within 5-years) actions and one of which is a Critical Path Action.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 52. COMMUNITY PRESERVATION ACT FUND –** (Consent Calendar)  
**REGIONAL HOUSING SERVICES OFFICE (RHSO)**  
**MEMBERSHIP FEE**

To see if the Town will vote to appropriate a sum or sums of money not to exceed \$33,000 for Community Housing purposes under the Community Preservation Act, funded from FY24 CPA Estimated Annual Revenue and then from the CPA General Reserve Fund, if needed, for the purpose of supporting and creating community housing by funding of the Town’s portion of the FY24 Regional Housing Services Office (RHSO) membership fee; or act on anything relative thereto.

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

COMMUNITY PRESERVATION COMMITTEE REPORT: In recent years, Sudbury has made great strides towards satisfying the requirements of the State’s Comprehensive Permit Act (Chapter 40B). This Act requires cities and towns to provide certification that the number of dwelling units in the municipality which qualify as “affordable” by statute, meets or exceeds ten percent (10%) of the municipality’s total number of dwelling units. Falling short of that number, as Sudbury had in the past, allows developers to both site and design partially affordable developments with extreme limitations on the Town’s zoning and development requirements, and design oversights. There are a great number of administrative requirements to monitor and certify this approved inventory and to maintain those certifications going forward.

Since 2011, the Town has contracted with the Regional Housing Services Office (RHSO) to provide services to the Town including affordable housing inventory monitoring; supervising lotteries to determine who qualifies for affordable housing; monitoring the Incentive Senior Developments at Frost Farm and Grouse Hill to ensure compliance with eligibility requirements; monitoring all deed restricted properties; providing valuations for deed restricted properties to the Town Assessor; reviewing compliance with Regulatory Agreements and certification to the Department of Housing and Community Development (DHCD) for Local Initiative Program (LIP) rental units; maintaining the affordable housing inventory and providing estimates for 2030 SHI projections; and other administrative work, including annual action plans, 5 year consolidated plans, fair housing reports and programs, and related housing questions which arise during the year. This Article requests funding to continue to contract with the RHSO for these services.

**ARTICLE 53. COMMUNITY PRESERVATION ACT FUND –** (Consent Calendar)  
**RETURN OF UNSPENT FUNDS**

To see if the Town will vote to return the unused funds from appropriations voted at prior Town Meetings, for projects that have been completed and for which no liabilities remain outstanding or unpaid, into the Community Preservation Act Fund as follows:

2014 ATM, Article 32 Bruce Freeman Rail Trail Design to be returned to the category of Open Space and Recreation	\$ 604.49
2019 ATM, Article 29 Playground Modernization for Sudbury Public Schools to be returned to the category of Open Space and Recreation	\$25,059.40

2021 ATM, Article 31 Historic Preservation Plan  
to be returned to the category of Historic Resources Reserves \$16,000.00

=====  
Total: \$41,663.89;

or act on anything relative thereto.

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

COMMUNITY PRESERVATION COMMITTEE REPORT: All projects are completed at this time or will not proceed further. In order to return the funds to the Community Preservation Act general account, an affirmative vote of Town Meeting on this article is necessary.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 54. COMMUNITY PRESERVATION ACT FUND –** (Consent Calendar)  
**GENERAL BUDGET AND APPROPRIATIONS**

To see if the Town will vote to appropriate a sum or sums of money from Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the FY24 Community Preservation Act budget, including the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for FY24, amounts for payment of debt service on the Community Preservation Act projects previously appropriated by Town Meeting, and as may be needed to comply with General Laws Chapter 44B, Section 6 to reserve for future appropriation, amounts for open space, including land for recreational use, historic resources, and community housing; or act on anything relative thereto.

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

COMMUNITY PRESERVATION COMMITTEE REPORT: This article sets forth the entire FY2024 Community Preservation Act budget, including appropriations and reservations as required in connection with the administration of the Community Preservation Act funds. The estimated annual revenue for FY2024 is \$2,920,000. The article appropriates funds for FY2024 debt service obligations totaling \$990,643. These obligations arise from prior Town Meeting approval for the bonding of six projects:

- 1) Purchase of the Dickson property utilizing the Open Space and Recreation category (\$26,316) and Historic Resources category (\$17,544);
- 2) Purchase of land and development rights as well as construction of a sports field on the Cutting property utilizing the Open Space and Recreation category (\$175,440);
- 3) Purchase of the Libby property utilizing the Open Space and Recreation category (\$124,700);
- 4) Purchase of development rights on the Nobscot Boy Scout Reservation Phases I and II utilizing the Open Space and Recreation category (\$392,475)
- 5) Purchase of development rights on Pantry Brook Farm utilizing the Open Space and Recreation category (\$184,043); and

6) Purchase of the Johnson Farm Property utilizing the Open Space and Recreation category (\$70,125)

The article also appropriates funds for administrative and operational expenses of the Community Preservation Committee in the amount of \$114,500. The administrative fund can be used by the Community Preservation Committee to pay for technical staffing and expertise, consulting services (e.g. land surveys and engineering), property appraisals, legal advertisements, publication fees, and other administrative expenses. By statute, the Community Preservation Committee may budget up to five percent (5%) of its annual budget for these administrative and operational expenses, or \$146,000 based upon the projected FY2024 revenue of \$2,920,000. Any funds remaining in the administrative account at the fiscal year’s end revert to the Community Preservation Act Fund Balance, and need to be re-appropriated for administrative use in subsequent years. The Community Preservation Committee believes having access to administrative funds is critically important as it allows the Committee to conduct business on a time-sensitive basis, a vital component of the Community Preservation Act.

The Community Preservation Act requires 10% of the estimated annual income be allocated to current projects or reserved for future expenditures in each of the three core categories: Community Housing, Historic Resources, and Open Space and Recreation. The actual amount reserved each year depends upon whether or not Town Meeting has appropriated money totaling less than 10%, or not appropriated any money at all in any of these three core categories. If there is a balance of unspent Community Preservation Act funds from that fiscal year after such reservations and after Town Meeting has voted the Community Preservation Act articles, it is budgeted in the unrestricted reserve account for future Community Preservation Act projects in all three categories.

SELECT BOARD POSITION: The Select Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

**ARTICLE 55 CONTROL OF FIREARMS - AMEND ZONING BYLAW ARTICLE IX**  
(Citizen Petition Article)

In Section 2230, Appendix A, Table of Principal Use Regulations, add a line after “Marijuana Establishment” in Part C of the table which shows “N” all the way across the table and call it “Sales, Assembly, and/or Manufacturing of Firearms and/or Components thereof, Ammunition, and Explosives”. This amendment would make the Sales, Assembly, and/or Manufacturing of Firearms and/or Components thereof, Ammunition, and Explosives a prohibited use in all zoning district in the Town of Sudbury.

N = prohibited use



PRINCIPAL USE	A-RES	C-RES	WI	BD	LBD	VBD	ID	LID	IP	RD
C. COMMERCIAL										
29. Sales, Assembly, and/or Manufacturing of Firearms and/or Components thereof, Ammunition, and Explosives	N	N	N	N	N	N	N	N	N	N

Submitted by Petition.

(Two-thirds vote required)

PETITION SPONSOR’S REPORT: The intent of this article is to regulate the manufacture and sale of guns and ammunition in Sudbury in the interest of public health and safety. The increasing access to firearms in our society is coupled with ever increasing death rates.

The Commonwealth of Massachusetts has relatively stringent gun laws but as we have seen they are not uniformly enforced and loopholes are always being exploited. Fortunately, the rate of gun deaths is not as high in Massachusetts as it is in some other states, but it is much higher than in many other countries. The ready access to guns everywhere risks violence and death, death both intentional and unintentional, by one’s own hand and by others.

Reduction in the demand for retail and industrial space in Sudbury means that much space languishes on the lease market, encouraging landlords to lease to tenants with unconventional or questionable business models in order to maintain any rental income at all. In the course of the last nine months we have seen a long series of news articles in the Boston Globe about a large nest of unconventional and illegal gun dealers in one building in Littleton operating in violation of State regulations and without regular inspections by local police and Federal authorities. Some of these weapons have been used in criminal activity including straw purchases. This has led the Town of Littleton and its citizenry to orchestrate the sale and demolition of the entire building as a way of halting this unwanted activity.

This warrant article does not prevent hunters from loading ammunition in their own homes but it does ban the building and merchandising of firearms and ammunition within the Town’s borders for commercial purposes. Further, it does not impinge on anyone’s rights under the Second Amendment of the Constitution. However, individuals should not be tempted by ready access to firearms to spontaneously commit violence against themselves, classmates, or family members. The darkest impulses of the human soul should not be exploited for profit.

In Sudbury and in the Commonwealth of Massachusetts we look out for each other’s health and welfare. If after each senseless act of gun violence that is splashed across the news, we ask “Why can’t something be done

about this horror?”, the answer is it can, and this town bylaw amendment is part of our answer.

SELECT BOARD POSITION: The Select Board will report at Town Meeting.

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**TOWN COUNSEL OPINIONS**

It is the opinion of Town Counsel that, if the Zoning Bylaw amendments proposed in the following articles in the Warrant for the 2023 Annual Town Meeting are properly moved, seconded and adopted by a two-thirds vote in favor of the motion, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw:

Article 38. Amend Zoning Bylaw, Article IX, Section 4200, Water Resource Protection Overlay Districts:  
Insert Sections 4243.N. and 4253.K.

It is the opinion of Town Counsel that, if the Bylaw amendments proposed in the following article in the Warrant for the 2023 Annual Town Meeting are properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed changes will become valid amendments to the Sudbury Bylaw:

Article 30. Amend General Bylaws, Solar Energy Revolving Fund  
Article 31. Amend General Bylaws for the Placement of Small Wireless Facilities in the Public Ways  
Article 39. Amend General Bylaws, Affordable Housing Trust Bylaw

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And you are required to serve this Warrant by posting an attested copy thereof at the Town Hall at least seven days before the time appointed for such meeting.

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

Given under our hands this 4<sup>th</sup> day of April, 2023.

SELECT BOARD OF SUDBURY:

Charles G. Russo

Janie W. Dretler

Jennifer S. Roberts

Daniel E. Carty

Lisa V. Kouchakdjian

Part II

**FINANCE SECTION**

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NOTE: If you have suggestions for the Finance Committee (“FinCom”) section of the warrant, please send your suggestions to [FinCom@sudbury.ma.us](mailto:FinCom@sudbury.ma.us).

Please use the following link to the Finance Committee section of the Town’s website for additional information: <https://sudbury.ma.us/financecommittee/>.

## FY24 Finance Committee Report:

### Finance Committee Budget Report

The Finance Committee (“FinCom”) provides its Budget Report and accompanying information to assist residents in understanding Sudbury’s budget for fiscal year 2024 (“FY24,” the period from July 1, 2023 to June 30, 2024), and the related financial articles that will be presented at Town Meeting. We believe that the participation of an informed voter is essential to the success of Sudbury’s democratic process and continued fiscal health.

The mission of the FinCom is to make recommendations to Town Meeting on the annual budget and any other finance-related warrant articles. To achieve this mission, FinCom reviews and considers any matter that may have a long- or short-term fiscal impact on the Town and communicates with other Town Boards, the Town Manager, the Finance Director, the Superintendents of SPS and LSRHS, and others as needed for the purpose of gathering information for evaluation, debate, and the formulation of a recommendation.

FinCom is an independent volunteer body appointed by the Town Moderator. The numbers contained in this document are based on FinCom’s or the Finance Director’s calculations as of March 23, 2023, unless otherwise noted, and in certain cases are approximations to explain the budget concisely. We provide links to detailed budgets for each cost center in the respective sections of this report. Please refer to the actual warrant articles that will be voted for exact amounts.

### Budget Summary and Recommendation

There are three cost centers that make up the majority of the Operating Budget (Article 3): Sudbury Public Schools (“SPS”); Lincoln-Sudbury Regional High School (“LS”); and the Town Departments. Additional line items in the Operating Budget include the Town’s debt service, contributions to the OPEB (other post-employment benefits) Trust Fund for the Town and SPS, and employee benefits for the Town Departments and SPS.

Article 3 of the Warrant requests an FY24 Recommended Budget (within Proposition 2 1/2) of \$114,766,895, representing an increase of 4.37% over the FY23 Operating Budget. Article 3 also contains an FY24 Requested Budget of \$115,512,355, representing an increase of 5.04% over the FY23 Operating Budget. The FY24 Requested Budget includes a Proposition 2 ½ override amount of \$745,460, all of which would be included in the SPS budget line.

**FinCom voted 5 to 2 to recommend approval of the FY24 Requested (override) Budget.** All members of FinCom acknowledge the following: as explained by SPS, there is a critical need for

additional social/emotional and mental health supports for students as we emerge from the pandemic; additional pressures on the SPS budget arise from inflation (particularly in the area of energy costs) and increases in out-of-district tuitions; and the cuts proposed by SPS to operate within the non-override budget would place a high burden on many students and their families. Further, we determine that SPS has a structural budget deficit: its budget cannot accommodate these additional expenses over the long term, particularly if the need for additional support due to the pandemic continues. Even if alternative sources of funding are used to address needs in FY24, that approach will not address needs in future years. A minority believes that sufficient funding for the schools can be obtained from other funds within the budget.

In making its recommendation, FinCom further acknowledges that there is uncertainty around the level of services that SPS will need in future years and therefore over the precise level of funding needed, as well as uncertainty around the level of additional state aid in FY24 that might be available in FY24.

Finally, we wish to acknowledge the following: funding our schools to educate the children of our community is one of the most important functions of town government; and at the same time, tax increases place a significant burden on many members of our community. We weighed both factors heavily in making our final financial recommendation.

**FinCom is required to present a non-override budget to Town Meeting, and for this purpose, we voted 5 to 2 to recommend approval of the FY24 Recommended (non-override) Budget.**

For a non-override option, FinCom recommends the FY Recommended Budget without change. That is, it does not advocate moving money between line items in the budget, as the cost centers have convincingly explained their needs and planned uses of the funds in the Recommended Budget. A minority believes the Town should delay one or more proposed capital spending items and instead use free cash earmarked for those items to help close the SPS deficit if the override fails.

If the override does not pass, we urge SPS to draw on other sources of funding, in particular its bus revolving fund to continue bus service and its circuit breaker carry-over to avoid the cuts that it has otherwise said it must make. As we note above, we recognize this would not be a long-term solution, but it would help to maintain services in FY24 and allow further consideration of the SPS budget with an additional year of post-pandemic data during the next budget cycle.

FinCom worked collaboratively with the three cost centers to analyze their budgets in detail, in particular examining those line items generating budget pressure during both the present and

future budget years. FinCom has highlighted key elements of the budgets in the following sections.

## Town Budget

The Town of Sudbury’s operating budget for Town Departments will increase by 3.42% over FY23.

Item	YoY Change (\$)	YoY Change (%)
Education -- Vocational	(50,000)	-9.09%
General Government	200,720	5.91%
Public Safety	335,838	3.50%
Public Works	174,111	2.93%
Human Services	23,449	2.40%
Culture and Recreation	69,948	4.46%
Town-Wide Operating and Transfers	6,532	3.45%
<b>TOTAL INCREASE</b>	<b>760,634</b>	<b>3.42%</b>

FinCom sees positives from the Town budgeting effort for FY24, especially in the following areas:

- The Town Manager’s capital budget has been brought back into the levy, however an overreliance on capital items funded with Free Cash and other short-term funding like Capital Exclusions or Debt Exclusions needs to be curtailed.
- The Town Manager has initiated a new process for Capital Planning. Improvements are needed in the application of policy guidelines and consistency across the departments.
- Long-term capital planning by the Department of Public Works proactively anticipates needs.

FinCom notes the following areas of concern:

- FinCom recommends additional updates to the Financial Policy budget timetables that allow the FinCom, CIAC, and the Select Board to complete their oversight tasks more effectively, stipulating allowable uses of the Capital Stabilization Fund, more consistency in application of CIP ratings and less exceptions to policy norms.

- A growing number of departmental requests (approximately a dozen) for additional personnel, including public safety, were again not funded in the current year; this accelerating trend is worrisome.
- Need for improved 5-year and 10-year capital planning related to Town policies, documentation of maintenance and replacement costs and updated asset inventories.
- More detailed financial forecasting and planning to anticipate future needs and costs.

The FY24 Preliminary Town Budget can be found at <https://sudbury.ma.us/finance/wp-content/uploads/sites/292/2023/02/FY24-Sudbury-Town-Manager-Preliminary-Budget-Book-1-31-2023.pdf?version=8cee347fe6e4e6bd10181ab32519d481>.

## Sudbury Public Schools Budget

The SPS budget recommended by the Superintendent and voted by the Sudbury School Committee requests an override of \$745,460. If passed, this represents an increase of 5.44% from FY23 (not including benefits and OPEB). The non-override budget would be a 3.66% increase over FY23. Both budgets include an addition of \$150,000, which represents the anticipated amount of Medicaid reimbursement the Town will receive in FY24 for Medicaid-eligible costs incurred by SPS in FY23.

FinCom commends SPS in the following areas of the FY24 SPS budgeting process:

- Clear metrics presented demonstrating the need for additional academic and social, emotional, and mental health supports of students.
- Effort to balance students' needs with creative ways to fund the needs resulting in a lower override request.

FinCom has identified a few areas of concern for the SPS budget or budgeting process:

- The amount of funding for recurring expenses derived from one-time funds.
- The proposed cuts if the override does not pass would be potentially the most disruptive for a large number of students, teachers and families.
- The need for clarity during the budgeting process on the anticipated amounts that will be available to prepay some of the out-of-district tuition and transportation costs and freed capacity in the budget from prior year prepayments.
- Maximizing the use of available funds from the bus transportation revolving fund to maintain service and spend down the surplus in the fund.
- Some FinCom members raised concerns about SPS' long-term energy strategy and the development of solar resources using school property.

The SPS FY24 Budget Book may be accessed at <https://www.sudbury.k12.ma.us/Page/862>.

## Lincoln Sudbury Regional High School Budget

The LS budget represents a 3.3% increase over their FY23 budget. The assessment for Sudbury for FY24 is \$28,797,855. This is a 3.83% increase in funding from Sudbury to LS over FY23. This amount also reflects a 0.15% decrease in the percentage (87.44%) of the total LS budget that is assessed to Sudbury compared to the prior year. Note that the FY24 LS budget includes \$3,766,918 in health insurance benefits for its employees, \$536,900 in debt service, and \$383,109 in funds for its OPEB trust.

FinCom sees several positives from the LS budgeting effort for FY24, especially in the following areas:

- Meets budget guidance from Sudbury and Lincoln while maintaining current service levels and programs.
- Offsets state-mandated 14% increase in Out-Of-District special education tuition costs through prudent planning and use of special education circuit breaker reimbursements.
- Adds three paraprofessionals for the Partners Autism Spectrum Disorder (ASD) program, keeping more students in-district and avoiding an estimated \$632,000 in costly Out-of-District placements.
- Adds partial staff for the Advisory Program and Global Scholars Program—in which student participation has nearly quadrupled since 2015.
- Absorbs inflation-induced increases in bus transportation, utility, and pension costs—without program reductions.
- Demonstrates strong capital planning and management.

FinCom has also identified areas of concern within the LS budget, including:

- Further enrollment declines are expected over the next several years. This may impact future state aid amounts and may necessitate budget cuts.
- Some FinCom members raised concerns about the district's long-term energy contracts—particularly electricity generated from the solar array—and suggested that a review be undertaken to determine whether those agreements may be revised to generate additional savings and revenue.

More detailed information about the FY24 LS budget may be accessed online at [https://www.lsrhs.net/about/school\\_committee/resources\\_presentations](https://www.lsrhs.net/about/school_committee/resources_presentations).



## Other elements of the Town Operating Budget

### Town Debt Service

The debt service will increase by 24.15% in FY24, due to interest costs related to debt approved in prior years for the Fairbank Community Center, Fire Station No. 2, and the Town-wide drainage and reconstruction project.

### Employee Benefits

The Town anticipates that Employee Benefits for the Town and SPS staff will increase by 6.08% in FY24, to a total amount of \$15,730,817.

### Other Post-Employment Benefits (OPEB)

The Town continues to accumulate funds in an OPEB Trust to address its future obligation to current and future retirees. As it did last year, the Town seeks to add \$650,000 to the OPEB Trust during FY24.

## Capital

Capital spending in the Town supports everything from DPW equipment to HVAC units, public safety equipment, Town facilities, and buildings. Capital is presented in the Town Manager's Capital Budget (Article 4), which includes items that cost \$100,000 or less, and in individual warrant articles for projects exceeding \$100,000.

There are several sources of funding for capital:

- **Tax Levy:** the revenue a community can raise through real and personal property taxes. Typically, the tax levy is the funding source for the Town Manager's Capital Budget, as well as limited debt service.
- **Free Cash:** the unencumbered fund balance in the General Fund at the end of a fiscal year. The free cash available as certified by the Commonwealth of Massachusetts on January 25, 2023, is \$4,336,876.
- **Capital Exclusion:** a one-year increase in the tax levy above the Proposition 2 ½ limit to fund a capital project or make a capital acquisition. A capital exclusion must be affirmed both by Town Meeting and by a majority of voters at a town election. There is one capital exclusion article in this year's Warrant.
- **Debt Exclusion:** a multi-year increase in the tax levy above the Proposition 2 ½ limit for the purpose of raising funds for debt service costs; it remains in place only for the life of the debt. A debt exclusion must be affirmed both by Town Meeting and by a majority of voters at a town election. There are no debt exclusions proposed in this year's Warrant.

- **CPC Funds:** the result of a tax surcharge residents pay of 3% beyond the levy, and a portion of matching funds from the State that varies from year to year. Each year, at least 10% of CPA funds must be spent or set aside for each of the following categories: open space and recreation, community housing, and historic preservation. CPC may also designate 5% for administrative costs. The CPC is projected to collect an estimated \$2.92 million in FY24 from CPC surcharge revenues and the State Match. Of this, \$114,500 is requested for administration. After paying current debt service of \$990,643, for past purchases such as Cutting and Dickson, Libby, Nobscot, Pantry Brook and Johnson Farm, this leaves about \$1.81 million for new projects out of FY24 revenue. In addition, Sudbury is projected to have a CPA fund cash balance of approximately \$8.70 million as of 6/30/23.

### Town Manager Capital Budget

For FY24, the Town Manager’s Capital Budget, which appears in Article 4, totals \$728,525. Compared to FY23, this represents a 30% decrease. As in FY23, it is funded within the levy in the FY24 budget.

### Additional Capital Warrant Articles

The FinCom has reviewed each of the additional capital warrant articles, relying on materials submitted by the proponents, information received at hearings, and the reports of the CIAC and, where applicable, the CPC. Its recommendations appear with each article.

Of particular note is Article 23, which seeks a \$1,020,000 capital exclusion to fund the purchase of a fire engine. FinCom recommends approval of Article 23. We recognize the need for this equipment to support public safety. While we considered the idea of funding the fire engine from Free Cash, the Town advised that this would displace funding of too many other important projects. We inquired about financing the vehicle, but we understand that this would be costly and would strain our levy funds during the repayment years. We do urge the Town to continue funding the Capital Stabilization Fund (to save for anticipated capital expenses) to pay for expenses like this and avoid the need for exclusions in future years.

### Your Property Tax Bill

Under the FY24 override budget, the estimated tax increase for an average residential property in Sudbury (assessed at \$956,957 as of FY23) would be \$732, or 4.85% year over year, consisting of

- \$381, attributed to the FY24 operating budget increase.
- \$114, attributed to the override
- \$155, attributed to the capital exclusion
- (\$47), attributed to the FY23 Town Manager’s capital budget decrease
- \$60, attributed to contributions to stabilization funds
- \$68, attributed to previously approved debt exclusions

Under the FY24 non-override budget, the estimated tax increase for an average residential property would be \$463 (the above amounts without the amounts attributed to the override and the capital exclusion), or 3.07% year over year.

These increases do not account for the CPA 3% surcharge, or future bonding costs related to previously approved debt exclusions.

## Conclusion

The Finance Committee notes financial pressures in the coming years, including but not limited to the following:

- Each of our cost centers has communicated positions and programs not included in their current budgets;
- Capital needs will continue, and the Town still does not have a consistent source of funding (for example, in the levy or in stabilization funds) to address those needs;
- In-levy debt from previously approved projects, while approved in line with DLS recommendations, will nonetheless place pressure on the levy;
- Previously-approved debt authorizations, including for projects like the Fairbank Community Center and Fire Station No. 2, will increase tax pressures on residents over the near term.

Preserving town services without placing undue tax pressure on residents will require vigilant monitoring of these budget issues.

The Finance Committee continues to believe that implementing our Financial Policies Manual, as updated in January of 2022, must be a high priority for the Town. Continued progress in this regard is only possible through collaboration with the Town Manager, the Finance Department, the Select Board, and the Capital Improvement Advisory Committee. We are grateful for their service and are committed to working with them to serve the best interests of the Town.

Respectfully submitted,

Susan Berry

Andrew Bettinelli

Michael Ferrari

Michael Joachim (Co-Chair)

Sonny Parente

Eric Poch (Co-Chair)

Henry Sorett

LeYi (Colin) Wang

## FY24 Town Meeting Warrant Data Summary:

### FY24 MONIED ARTICLES WITH FINANCE COMMITTEE RECOMMENDATIONS

<u>Article</u>	<u>Description</u>	<u>Requested Amount</u>	<u>Finance Committee Recommendation</u>
3	FY24 Budget	115,512,355	Approval
4	FY24 Capital Budget	728,525	Approval
5	FY24 Transfer Station Enterprise Fund Budget	328,199	Approval
6	FY24 Pool Enterprise Fund Budget	527,280	Approval
7	FY24 Recreation Field Maintenance Enterprise Fund Budget	241,514	Approval
8	FY23 Snow & Ice Transfer	TBD	Report at Town Meeting
9	Unpaid Bills	14,932	Approval
10	Chapter 90 Highway Funding	N/A	Approval
11	Stabilization Fund	144,274	Approval
12	FY24 Revolving Fund Spending Limits	N/A	Report at Town Meeting
13	Capital Stabilization Fund	250,000	Approval
14	GO Sudbury! Taxi and Uber Transportation Programs for FY24	150,000	Approval
15	Fairbank Community Center A/V Equipment and Associated Funding	200,000	Approval
17	Medicaid reimbursement and additional Chapter 70 Funding Transfer to fund ELA Curriculum update	279,574	Approval
18	Schools HVAC Repairs and Replacements	450,000	Approval
19	Curtis Middle School A/V System Replacement	160,000	Approval
20	SPS Surveillance Cameras	310,000	Approval
21	LSRHS Camera System Replacement	206,652	Approval
22	Purchase of Storage Building	200,000	Approval
23	Purchase of Fire Engine	1,020,000	Approval
24	Americans with Disabilities Act Transition Plan Recommendations	200,000	Approval
25	DPW Roofing Project Funding	400,000	Approval
26	DPW Building Office Renovation	125,000	Approval
27	Space Use and Facility Condition Study	300,000	Approval
30	Amend Solar Energy Revolving Fund	N/A	Report at Town Meeting
31	Authorization to Proceed with the Fairbank Community Center Solar Project	N/A	Report at Town Meeting
33	Swap Body Truck (replaces pickup truck)	185,000	Approval
34	Swap Body Truck (replaces spreader truck with wings)	210,000	Approval
35	Sports Field Mower	160,000	Approval
36	Multi-Purpose Tractor	215,000	Approval
37	Front End Loader	345,000	Approval
41	Community Preservation Act Fund - 67-73 Nobscot Road Acquisition, Design, and Construction	438,000	Approval
42	Community Preservation Act Fund - Accessible Pathways on Town Properties	187,744	Approval
43	Community Preservation Act Fund - Bruce Freeman Rail Trail CSX Extension	300,000	Approval
44	Community Preservation Act Fund - Curtis Outdoor Health and Wellness Space	480,000	Approval
45	Community Preservation Act Fund - Frank Feeley Fields Improvements Phase II	799,668	Approval
46	Community Preservation Act Fund - Fence and Lights for Fairbank Multisport Court	100,000	Approval
47	Community Preservation Act Fund - Historic Resource Inventory Surveys Phase V	23,000	Approval
48	Community Preservation Act Fund - Watershed Based Plan, Restoring Water Quality in Hop Brook	78,600	Approval
49	Community Preservation Act Fund - Hosmer House Historic Structure, Cultural Landscape, and Collection Study	130,000	Approval
50	Community Preservation Act Fund - Housing Trust Allocation	282,000	Approval
51	Community Preservation Act Fund - Indigenous Cultural Landscape Study	35,000	Approval
52	Community Preservation Act Fund - Regional Housing Services Office (RHSD) Membership Fee	33,000	Approval
53	Community Preservation Act Fund - Return of Unspent Funds	N/A	Approval
54	Community Preservation Act Fund - General Budget and Appropriations	1,136,643	Approval

# ESTIMATED IMPACT ON FY24 RESIDENTIAL TAX BILL

<b>ESTIMATED IMPACT OF TOWN MEETING SPENDING ON YOUR FISCAL 2024 TAX BILL</b>						
					<b>FY23 Average Property Value</b>	
<b>Property Value</b>	<b>100,000</b>	<b>300,000</b>	<b>500,000</b>	<b>956,957</b>	<b>1,000,000</b>	
<b>FY23 Residential Tax Bill</b>	1,577	4,731	7,885	15,091	15,770	
<b>FY24 Articles - Estimated Tax Impact:</b>						
3    FY24 Budget:						
Operating Budget	40	120	199	381	399	
Override	12	36	59	114	119	
Debt Exclusions	7	21	36	68	71	
4    FY24 Capital Budget	(5)	(15)	(24)	(47)	(49)	
11   Stabilization Fund	2	7	11	22	23	
13   Capital Stabilization Fund	4	12	20	38	40	
23   Purchase of Fire Engine	16	49	81	155	162	
<b>FY24 Estimated Residential Tax Bill</b>	1,653	4,960	8,267	15,823	16,535	
<b>FY24 Estimated Increase (%)</b>	<b>4.85%</b>	<b>4.85%</b>	<b>4.85%</b>	<b>4.85%</b>	<b>4.85%</b>	
<b>THESE AMOUNTS ARE ESTIMATES AND MAY NOT CORRESPOND WITH THE FINAL FY24 TAX BILLS.</b>						

Notes:

This chart shows the estimated tax impact of Town Meeting Articles. The columns shown above represent the FY23 average home value along with other valuations for reference.

This chart pertains to articles for which approval is sought at Town Meeting to raise required funds via tax levy or appropriation from available funds.

To calculate the estimated tax bill for any specific residence, divide the assessed value of the residence by 100,000 and multiply that ratio by the tax impact in the column for \$100,000 residence value.

## VALUE OF FREE CASH ARTICLES

VALUE OF TOWN MEETING ARTICLES IN RELATION TO FY23 PROPERTY TAX BILL						
FREE CASH SPENDING - NO FY24 TAX IMPACT						
Article	Amount	Property Value (FY23 Average Value is \$956,957)				
		100,000	300,000	500,000	956,957	1,000,000
9 Unpaid Bills	14,932	0.24	0.71	1.19	2.27	2.38
Funding of GO Sudbury! Taxi and Uber						
14 Transportation Programs for FY24	150,000	2.39	7.16	11.94	22.85	23.88
Fairbank Community Center A/V						
15 Equipment and Associated Funding	200,000	3.18	9.55	15.92	30.47	31.84
17 ELA Curriculum Update	279,574	4.45	13.35	22.26	42.60	44.51
18 Schools HVAC Repairs and Replacments	450,000	7.16	21.49	35.82	68.56	71.65
19 Curtis Middle School A/V System	160,000	2.55	7.64	12.74	24.38	25.47
20 SPS Surveillance Cameras	310,000	4.94	14.81	24.68	47.23	49.36
21 LSRHS Camera System Replacement	206,652	3.29	9.87	16.45	31.49	32.90
22 Purchase of Storage Building	200,000	3.18	9.55	15.92	30.47	31.84
Americans with Disabilities Act Transition						
24 Plan Recommendations	200,000	3.18	9.55	15.92	30.47	31.84
25 DPW Roofing Project Funding	400,000	6.37	19.11	31.84	60.94	63.69
26 DPW Building Office Renovation	125,000	1.99	5.97	9.95	19.05	19.90
27 Space Use and Facility Condition Study	300,000	4.78	14.33	23.88	45.71	47.76
33 Swap Body Truck (Replaces pickup truck)	185,000	2.95	8.84	14.73	28.19	29.45
Swap Body Truck (Replaces spreader truck						
34 with wings)	210,000	3.34	10.03	16.72	32.00	33.43
35 Sports Field Mower	160,000	2.55	7.64	12.74	24.38	25.47
36 Multi-purpose Tractor	215,000	3.42	10.27	17.12	32.76	34.23
37 Front End Loader	345,000	5.49	16.48	27.46	52.56	54.93
<b>Total</b>	<b>4,111,158</b>	<b>65.46</b>	<b>196.37</b>	<b>327.28</b>	<b>626.38</b>	<b>654.55</b>

### Notes:

This chart shows the value of the Town Meeting articles that are funded with Free Cash. These articles have **NO** impact on your FY24 tax bill.

The values are presented in relation to the FY23 residential real estate tax bills. The amounts represent the estimated amount that would increase the FY24 residential tax bill if not funded from Free Cash.

## HOW THE RESIDENTIAL TAX RATE IS CALCULATED

The property tax levy is the revenue a community can raise through real and personal property taxes. Property tax is an assessment on the ownership of real and personal property. An owner's property tax is based on the Town's assessment, which is the full and fair cash value of the property.

Proposition 2 ½ places constraints on the amount of the levy raised by a city or town and on how much the levy can be increased from year to year. A levy limit is a restriction on the amount of property taxes a community can levy. A levy limit for each community is calculated annually by the Department of Revenue. It is important to note that a community's levy limit is based on the previous year's levy limit and not on the previous year's actual levy.

Each year, a community's levy limit automatically increases by 2.5 percent over the previous year's levy limit. This does not require any action on the part of local officials; the Department of Revenue calculates this increase automatically. Additionally, a community can increase its levy limit each year to reflect new growth in the tax base. Assessors are required to submit information on growth in the tax base for approval by the Department of Revenue as part of the tax rate setting process.

A community can temporarily or permanently increase the levy limit by approving debt exclusions, capital exclusions, and overrides. Debt exclusions raise the levy limit for the life of the bonds that are issued, capital exclusions raise the levy limit one time, and overrides permanently increase the levy limit.

The Tax Rate is calculated by dividing the total levy to be raised (real estate taxes) by the total value of the property assessment, multiplied by 1,000. Real Estate taxes are determined by dividing the value of a home by 1,000 and multiplying by the tax rate. The following shows a sample calculation:



**Sample Tax Rate Calculation**

Real Estate Taxes to Be Raised	89,689,000
Assessed Value (Town-Wide)	5,687,340,381
Tax Levy/Assessed Value	<u>0.015769937</u>
Tax Rate	15.77

**Individual Tax Calculation Example**

Home Value	956,957.00
Home Value/1,000	956.96
Real Estate Tax	<u>15,091.15</u> = (15.77*956.96)

# GENERAL FUND BUDGET SUMMARY OF REVENUES & EXPENDITURES

<b>EXPENDITURES</b>	<b>FY22 Actual</b>	<b>FY23 Budgeted</b>	<b>FY24 Recommended</b>	<b>FY24 Override</b>	<b>FY24 Requested</b>
Education - Sudbury Public Schools (SPS)	40,942,543	41,849,664	43,380,703	745,460	44,126,163
Education - LS Regional High School (LS)	27,330,369	27,869,764	28,936,600	-	28,936,600
Education - Vocational	360,501	550,000	500,000	-	500,000
General Government	3,174,121	3,397,735	3,598,455	-	3,598,455
Public Safety	9,320,704	9,603,953	9,939,791	-	9,939,791
Public Works	5,604,447	5,937,489	6,111,600	-	6,111,600
Human Services	955,786	978,861	1,002,310	-	1,002,310
Culture & Recreation	1,486,227	1,569,499	1,639,483	-	1,639,483
<b>Total Town Departments</b>	<b>89,174,697</b>	<b>91,756,965</b>	<b>95,108,942</b>	<b>745,460</b>	<b>95,854,402</b>
Reserve Fund	-	300,000	300,000	-	300,000
Town-Wide Operating and Transfers	2,413,830	189,459	195,991	-	195,991
Town Debt Service	2,378,173	2,240,185	2,781,145	-	2,781,145
Employee Benefits (Town and SPS)	13,794,277	14,829,830	15,730,817	-	15,730,817
OPEB Trust Contribution (Town and SPS)	650,000	650,000	650,000	-	650,000
<b>Total Operating Budget</b>	<b>108,410,977</b>	<b>109,966,439</b>	<b>114,766,895</b>	<b>-</b>	<b>115,512,355</b>
Capital Expenditures	1,589,548	1,036,274	728,525	-	728,525
<b>TOTAL EXPENDITURES:</b>	<b>110,000,525</b>	<b>111,002,713</b>	<b>115,495,420</b>	<b>745,460</b>	<b>116,240,880</b>

<b>REVENUES &amp; AVAILABLE FUNDS</b>	<b>FY22 Actual</b>	<b>FY23 Budgeted</b>	<b>FY24 Recommended</b>	<b>FY24 Override</b>	<b>FY24 Requested</b>
Real Estate and Personal Property Taxes	95,059,267	98,572,492	102,164,271	745,460	102,909,731
State Aid	6,489,157	6,725,221	6,866,452	-	6,866,452
SAFER Grant	97,740	-	-	-	-
MEDICAID Reimbursements	204,843	-	150,000	-	150,000
Local Receipts	6,981,792	5,045,000	5,590,000	-	5,590,000
Other Available	728,566	660,000	724,697	-	724,697
<b>TOTAL REVENUES &amp; AVAILABLE FUNDS:</b>	<b>109,561,365</b>	<b>111,002,713</b>	<b>115,495,420</b>	<b>745,460</b>	<b>116,240,880</b>

<b>FUND BALANCE</b>	<b>FY22 Actual</b>	<b>FY23 Budgeted</b>	<b>FY24 Recommended</b>	<b>FY24 Override</b>	<b>FY24 Requested</b>
Beginning Fund Balance	8,745,937	8,306,777	8,306,777	-	8,306,777
Revenues (Increase to Fund Balance)	109,561,365	111,002,713	115,495,420	745,460	116,240,880
Expenditures (Decrease to Fund Balance)	(110,000,525)	(111,002,713)	(115,495,420)	(745,460)	(116,240,880)
<b>ENDING FUND BALANCE:</b>	<b>8,306,777</b>	<b>8,306,777</b>	<b>8,306,777</b>	<b>-</b>	<b>8,306,777</b>

## TOWN MANAGER'S CAPITAL BUDGET

Project Name	Department	Cost	Suggested Funding
Snow Management Building Renovation Design	Facilities	\$ 50,000	Tax Levy
Town and Schools Carpet Replacement	Facilities	\$ 50,000	Tax Levy
Schools classroom VCT Flooring Replacement	SPS/Facilities	\$ 75,000	Tax Levy
Interior Painting of Schools	SPS/Facilities	\$ 50,000	Tax Levy
Gymnasium Padding Replacement	SPS/Facilities	\$ 50,000	Tax Levy
Bathroom Partitions Repair and Replacement	SPS/Facilities	\$ 25,000	Tax Levy
Chevy Silverado or equivalent with plow	DPW	\$ 100,000	Tax Levy
Town-wide Walkway Design/Construction Improvements	DPW	\$ 50,000	Tax Levy
All-Terrain Vehicle	Fire	\$ 35,000	Tax Levy
VoIP Phone System Upgrade	Info Systems	\$ 90,000	Tax Levy
Document Scanning	Info Systems	\$ 50,000	Tax Levy
Copiers	Info Systems	\$ 25,500	Tax Levy
Chevrolet Express Van -14 Passenger	LSRHS	\$ 54,853	Tax Levy
Masonry (Exterior) Design and Engineering	LSRHS	\$ 23,172	Tax Levy
		<b>Total</b>	
		<u>\$ 728,525</u>	

## ENTERPRISE FUNDS BUDGETS

<b>EXPENDITURES</b>	<b>FY22 Actual</b>	<b>FY23 Budgeted</b>	<b>FY24 Recommended</b>	<b>Percentage Increase</b>
<u>Direct</u>				
Transfer Station	253,789	300,124	310,648	3.51%
Atkinson Pool	298,010	462,620	482,280	4.25%
Recreation Field Maintenance	171,060	209,796	213,514	1.77%
<b>Total Direct Expenditures</b>	<b>722,859</b>	<b>972,540</b>	<b>1,006,442</b>	<b>3.49%</b>
<u>Indirect</u>				
Transfer Station	17,800	17,551	17,551	0.00%
Atkinson Pool	25,383	40,733	45,000	10.48%
Recreation Field Maintenance	25,383	26,089	28,000	7.32%
<b>Total Indirect Expenditures</b>	<b>68,566</b>	<b>84,373</b>	<b>90,551</b>	<b>7.32%</b>
<b>TOTAL:</b>	<b>791,425</b>	<b>1,056,913</b>	<b>1,096,993</b>	<b>3.79%</b>

<b>RECEIPTS &amp; RESERVES</b>	<b>FY22 Actual</b>	<b>FY23 Budgeted</b>	<b>FY24 Recommended</b>	<b>Percentage Increase</b>
Transfer Station	290,957	317,675	328,199	3.31%
Atkinson Pool	479,855	503,353	527,280	4.75%
Recreation Field Maintenance	271,710	235,885	241,514	2.39%
<b>TOTAL:</b>	<b>1,042,522</b>	<b>1,056,913</b>	<b>1,096,993</b>	<b>3.79%</b>

## CPA FUNDS BUDGET

	FY22 Actual	FY23 Appropriated	FY24 Recommended
Beginning CPA Fund Balance	6,752,895	8,358,812	8,686,565
<u>Revenues</u>			
CPA Surcharge & Fees	2,240,178	2,100,000	2,200,000
Intergovernmental	1,055,262	646,000	700,000
Investment Income	(95,554)	20,000	20,000
Total Revenues	3,199,886	2,766,000	2,920,000
<u>Expenditures</u>			
Debt Service	1,052,178	1,017,893	990,643
Administrative	20,326	138,300	146,000
Other	521,465	1,282,054	2,897,012
Total Expenditures	1,593,969	2,438,247	4,033,655
Excess / (Deficiency)	1,605,917	327,753	(1,113,655)
Ending CPA Fund Balance	8,358,812	8,686,565	7,572,910
	FY22 Actual	FY23 Appropriated	FY24 Recommended
<u>ENDING FUND BALANCE</u>			
Projects (in-use)	2,087,121	2,087,121	2,087,121
Unassigned	6,271,691	6,599,444	5,485,789
	8,358,812	8,686,565	7,572,910

## LONG-TERM DEBT BY PROJECT

	Current Long-Term Debt (issued prior to 3/23/2023)									Estimated Future Debt	
	Nixon Roof and Other	ESCO Loan	Police Station	Johnson Farm	Broadacres	DPW Fuel Island	Stearns Mill Dam	Camp Sewataro	Total	Projects Approved Prior to 3/29/2023*	Projected Total Annual Debt Service
Principal Balance as of 6/30/2023	120,000	586,202	4,195,000	1,020,000	3,115,000	1,075,000	405,000	9,945,000	20,461,202		
Remaining Debt Service as of 6/30/2023	126,400	649,600	5,034,581	1,226,444	3,624,777	1,208,250	437,400	11,788,085	24,095,537		
Payment 2024	84,400	83,000	495,888	119,213	244,997	170,050	151,200	760,363	2,109,110	672,035	2,781,145
Payment 2025	42,000	86,000	478,138	114,963	237,998	164,650	145,800	743,362	2,012,910	1,095,713	3,108,623
Payment 2026	-	89,200	460,388	110,713	230,997	159,250	140,400	731,763	1,922,710	2,747,399	4,670,109
Payment 2027	-	92,600	449,738	108,163	223,998	153,850	-	720,162	1,748,510	2,698,510	4,447,020
Payment 2028	-	96,000	439,088	105,613	216,997	148,450	-	703,563	1,709,710	2,649,622	4,359,332
Payment 2029	-	99,600	433,438	103,063	209,998	143,050	-	687,062	1,676,210	2,600,733	4,276,943
Payment 2030	-	103,200	422,638	100,513	202,997	137,650	-	675,763	1,642,760	2,551,845	4,194,605
Payment 2031	-	-	411,838	97,963	201,248	131,300	-	664,912	1,507,260	2,502,956	4,010,216
Payment 2032	-	-	376,038	95,413	199,497	-	-	654,063	1,325,010	2,454,067	3,779,077
Payment 2033	-	-	365,988	92,863	197,398	-	-	645,590	1,301,838	2,405,179	3,707,017
Payment 2034	-	-	355,938	90,313	195,297	-	-	636,582	1,278,129	2,356,290	3,634,419
Payment 2035	-	-	345,469	87,656	187,935	-	-	627,017	1,248,077	2,225,352	3,473,429
Payment 2036	-	-	-	-	185,640	-	-	616,918	802,558	2,178,514	2,981,072
Payment 2037	-	-	-	-	183,090	-	-	606,260	789,350	2,131,677	2,921,027
Payment 2038	-	-	-	-	180,540	-	-	595,335	775,875	2,084,840	2,860,715
Payment 2039	-	-	-	-	177,990	-	-	584,410	762,400	2,038,002	2,800,402
Payment 2040	-	-	-	-	175,440	-	-	573,218	748,658	1,991,164	2,739,822
Payment 2041	-	-	-	-	172,720	-	-	561,742	734,462	1,944,328	2,678,790
Payment 2042	-	-	-	-	-	-	-	-	-	1,897,490	1,897,490
Payment 2043	-	-	-	-	-	-	-	-	-	1,850,653	1,850,653
Payment 2044	-	-	-	-	-	-	-	-	-	1,803,816	1,803,816
Payment 2045	-	-	-	-	-	-	-	-	-	1,672,627	1,672,627
Payment 2046	-	-	-	-	-	-	-	-	-	1,297,440	1,297,440
Payment 2047	-	-	-	-	-	-	-	-	-	1,263,803	1,263,803
Payment 2048	-	-	-	-	-	-	-	-	-	1,230,165	1,230,165
Payment 2049	-	-	-	-	-	-	-	-	-	1,196,528	1,196,528
Payment 2050	-	-	-	-	-	-	-	-	-	1,162,891	1,162,891
Payment 2051	-	-	-	-	-	-	-	-	-	1,129,253	1,129,253
Payment 2052	-	-	-	-	-	-	-	-	-	1,095,616	1,095,616
Payment 2053	-	-	-	-	-	-	-	-	-	1,061,979	1,061,979
Payment 2054	-	-	-	-	-	-	-	-	-	1,028,341	1,028,341

### Notes:

The “Projects Approved Prior to 3/23/2023” column represents the estimated future debt service for all debt projects that have been approved prior to 3/23/2023, but the long-term debt has not yet been issued.

The projects that have been approved but not issued include the Fairbank Community Center (\$28.8 million), Town-Wide Drainage (\$3.4 million, Fire Station 2 Living/Office Area (\$3.3 million), the Dutton Road Bridge (\$1.1 million), the CSX Rail Acquisition (\$820,500), and Sewer SRF Loans (\$500,000).

*LS Regional High School Outstanding Debt*

	Total	Annual Debt Service	Principal Remaining
FY23 Principal Balance			1,480,000
FY24 Principal	500,000		
FY24 Interest	36,900	536,900	980,000
FY25 Principal	495,000		
FY25 Interest	21,975	516,975	485,000
FY26 Principal	485,000		
FY26 Interest	7,275	492,275	-
Remaining Debt Service	1,546,150	1,546,150	

NOTE: All of LSRHS' long-term debt is for construction of the high school.

*Community Preservation Outstanding Debt by Project*

Issues	Nobscot I & II	Cutting/ Dickson	Libby	Pantry Brook	Johnson Farm	Total	Annual Debt Service	Principal Balance
FY23 Principal Balance	2,155,000	215,000	235,000	1,850,000	600,000			5,055,000
FY24 Principal	330,000	215,000	120,000	150,000	50,000	865,000		
FY24 Interest	62,475	4,300	4,700	34,043	20,125	125,643	990,643	4,190,000
FY25 Principal	330,000	-	115,000	155,000	50,000	650,000		
FY25 Interest	49,275	-	2,300	30,993	17,625	100,193	750,193	3,540,000
FY26 Principal	340,000	-	-	160,000	50,000	550,000		
FY26 Interest	35,975	-	-	27,843	15,125	78,943	628,943	2,990,000
FY27 Principal	330,000	-	-	160,000	50,000	540,000		
FY27 Interest	24,875	-	-	24,643	13,625	63,143	603,143	2,450,000
FY28 Principal	325,000	-	-	165,000	50,000	540,000		
FY28 Interest	16,525	-	-	21,393	12,125	50,043	590,043	1,910,000
FY29 Principal	320,000	-	-	170,000	50,000	540,000		
FY29 Interest	7,988	-	-	18,043	10,625	36,655	576,655	1,370,000
FY30 Principal	90,000	-	-	170,000	50,000	310,000		
FY30 Interest	1,800	-	-	14,643	9,125	25,568	335,568	1,060,000
FY31 Principal	90,000	-	-	175,000	50,000	315,000		
FY31 Interest	900	-	-	11,193	7,625	19,718	334,718	745,000
FY32 Principal	-	-	-	180,000	50,000	230,000		
FY32 Interest	-	-	-	7,643	6,125	13,768	243,768	515,000
FY33 Principal	-	-	-	180,000	50,000	230,000		
FY33 Interest	-	-	-	4,448	4,625	9,073	239,073	285,000
FY34 Principal	-	-	-	185,000	50,000	235,000		
FY34 Interest	-	-	-	1,526	3,125	4,651	239,651	50,000
FY35 Principal	-	-	-	-	50,000	50,000		
FY35 Interest	-	-	-	-	1,563	1,563	51,563	-
Remaining Debt Service	2,354,813	219,300	242,000	2,046,406	721,438	5,583,956	5,583,956	



## Historical Context:

### REVENUE BY SOURCE (FY2012 – FY2024)

<b>Fiscal Year</b>	<b>Tax Levy</b>	<b>State Aid</b>	<b>Local Receipts</b>	<b>All Other</b>	<b>Enterprise &amp; CPA Funds</b>	<b>Total Revenue</b>
2012	69,007,532	7,091,024	3,657,000	587,892	3,800,380	84,143,828
2013	71,026,410	7,297,881	3,803,864	776,564	7,543,980	90,448,699
2014	72,951,707	7,409,491	4,420,000	2,913,796	3,451,854	91,146,848
2015	73,549,580	7,564,619	4,777,000	2,568,472	3,343,882	91,803,553
2016	76,997,530	7,541,780	4,787,000	8,181,145	3,278,774	100,786,229
2017	79,892,487	7,777,348	4,545,000	1,810,337	3,352,567	97,377,739
2018	83,323,444	8,001,490	4,625,001	4,102,709	3,478,742	103,531,386
2019	86,384,635	8,061,320	4,836,800	2,718,203	5,075,819	107,076,777
2020	89,733,894	8,226,761	4,763,556	2,019,894	3,091,795	107,835,900
2021	92,444,615	8,247,852	4,493,415	3,631,954	3,423,880	112,241,716
2022	95,995,345	6,745,983	4,685,088	5,327,572	3,554,025	116,308,013
2023 (estimate)	99,049,389	7,019,516	5,324,259	5,570,493	3,606,913	120,570,570
2024 (estimate)	103,733,791	7,123,611	5,590,000	4,835,855	4,016,993	125,300,250

Source: Sudbury Finance Department

## ASSESSED VALUES BY PROPERTY CLASS (2012 – 2023)

<b>Fiscal Year</b>	<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Personal Property</b>	<b>Total</b>	<b>Residential % of Total</b>	<b>CIP* % of Total</b>
2012	3,566,779,121	145,365,519	59,764,900	66,426,000	3,838,335,540	92.93%	7.07%
2013	3,590,745,895	146,995,002	59,403,300	66,938,910	3,864,083,107	92.93%	7.07%
2014	3,695,489,903	146,588,764	51,549,800	66,955,670	3,960,584,137	93.31%	6.69%
2015	3,825,857,903	147,618,442	51,552,200	63,887,360	4,088,915,905	93.57%	6.43%
2016	3,953,667,699	153,832,208	52,641,600	70,742,800	4,230,884,307	93.45%	6.55%
2017	4,128,077,415	161,710,160	28,896,800	90,269,320	4,408,953,695	93.63%	6.37%
2018	4,252,412,677	172,317,688	29,891,300	106,053,550	4,560,675,215	93.24%	6.76%
2019	4,396,808,625	189,613,218	30,823,000	111,118,740	4,728,363,583	92.99%	7.01%
2020	4,451,809,500	179,424,076	30,823,000	111,016,580	4,773,073,156	93.27%	6.73%
2021	4,476,309,078	193,733,270	32,737,300	109,526,080	4,812,305,728	93.02%	6.98%
2022	4,804,601,288	215,023,558	34,203,500	144,636,520	5,198,464,866	92.42%	7.58%
2023	5,708,346,257	269,234,148	38,246,300	155,200,260	6,171,026,965	92.50%	7.50%

\* Commercial, Industrial, Personal Property

Source: Massachusetts Department of Revenue, Division of Local Services

PROPERTY TAX RATES BY PROPERTY CLASS (FY2012 – FY2023)

Fiscal Year	Residential	Commercial / Industrial
(Tax rates / \$1,000 valuation)		
2013	17.99	23.52
2014	18.03	24.94
2015	17.60	24.88
2016	17.80	25.11
2017	17.74	25.01
2018	17.93	24.30
2019	17.91	24.30
2020	18.45	24.97
2021	18.83	25.55
2022	18.08	24.57
2023	15.77	20.23

Source: Massachusetts Department of Revenue, Division of Local Services

# ESTIMATED RATE OF INCREASE OF RESIDENTIAL TAX RATE AS IT APPEARS ON AVERAGE RESIDENCE TAX BILL (FY2010 – FY2024)

<b>Fiscal Year</b>	<b>Avg Single Family Home Value</b>	<b>Residential Tax Rate</b>	<b>YoY Change</b>	<b>Avg Single Family Tax Bill</b>	<b>YoY Change</b>
2010	650,508	16.08	N/A	10,460	N/A
2011	627,988	17.03	5.91%	10,695	2.24%
2012	621,410	17.6	3.35%	10,937	2.26%
2013	622,862	17.99	2.22%	11,205	2.45%
2014	640,277	18.03	0.22%	11,544	3.02%
2015	658,974	17.6	-2.38%	11,598	0.47%
2016	678,738	17.8	1.14%	12,082	4.17%
2017	705,763	17.74	-0.34%	12,520	3.63%
2018	726,906	17.93	1.07%	13,033	4.10%
2019	745,653	17.91	-0.11%	13,355	2.46%
2020	746,260	18.45	3.02%	13,768	3.10%
2021	745,255	18.83	2.06%	14,033	1.92%
2022	801,629	18.05	-4.14%	14,469	3.10%
2023	956,957	15.77	-12.63%	15,091	4.30%
2024 (estimate)	956,957	16.37	3.82%	15,688	3.82%

Source: Sudbury Finance Department

This chart shows the tax rate and the rate of increase of the tax bill of the average single-family residence by year.

NEW GROWTH AND RATE OF INCREASE OF TOTAL TAX LEVY ADJUSTED FOR THE EFFECT OF NEW GROWTH (FY2010–FY2024)

Fiscal Year	Total Tax Levy	% Increase	New Growth	% Increase Net of New Growth
2010	65,529,153	N/A	634,221	N/A
2011	67,418,506	2.88%	440,537	2.21%
2012	69,007,532	2.36%	520,929	1.58%
2013	71,026,410	2.93%	526,287	2.16%
2014	72,951,707	2.71%	634,048	1.82%
2015	73,549,580	0.82%	778,976	-0.25%
2016	76,997,530	4.69%	601,228	3.87%
2017	79,892,487	3.76%	1,248,532	2.14%
2018	83,323,444	4.29%	983,400	3.06%
2019	86,384,635	3.67%	1,401,700	1.99%
2020	89,733,894	3.88%	963,941	2.76%
2021	92,444,615	3.02%	855,336	2.07%
2022	95,995,345	3.84%	669,318	3.12%
2023	99,049,389	3.18%	845,255	2.30%
2024 (estimate)	103,733,791	4.73%	900,000	3.82%

Source: Sudbury Finance Department

This chart shows the value of the new property value added each year and the rate of growth of the total tax levy by year.

## CPA FUND REVENUE (FY2011 – 2024)

Fiscal Year	Local Surcharge	State Match Total	Total
2011	1,495,563	431,234	1,926,797
2012	1,530,699	431,743	1,962,442
2013	2,072,600	443,953	2,516,553
2014	1,641,500	895,751	2,537,251
2015	1,662,711	559,382	2,222,093
2016	1,756,562	534,729	2,291,291
2017	1,844,751	391,958	2,236,709
2018	1,961,810	342,975	2,304,785
2019	1,961,331	403,176	2,364,507
2020	2,085,432	525,058	2,610,490
2021	2,171,674	657,465	2,829,139
2022	2,240,178	1,055,262	3,295,440
2023 (estimate)	2,100,000	646,000	2,746,000
2024 (estimate)	2,200,000	700,000	2,900,000

**NOTE:** Under the provisions of the Community Preservation Act (CPA), Sudbury established a Community Preservation Committee in 2002. The CPA Fund is annually supported by the Town plus a variable state match. The Town portion of the annual funding is calculated as a 3% CPA surcharge that is collected on all residential properties, except those whose owners take advantage of an exemption applied for in the Assessors’ Office. The surcharge is applied to the assessed value of each property less \$100,000. The state portion of the annual funding comes from fees collected by the Registry of Deeds which is dedicated for the purpose of funding the state matching funds. The state portion varies year to year.

## Additional Information:

### COLLECTIVE BARGAINING

#### **Bargaining Unit and Contract Financial Terms:**

##### **LS Regional High School**

The three-year agreement for the period covering FY23, FY24, and FY25 provides for COLA increases of 3%, 2%, 2%, respectively.

##### **Sudbury Public Schools, preK-8**

###### Teachers

Three-year contract covering FY23, FY24, and FY25 provides for COLA increases of 2% each year.

###### Support Staff

Three-year contract covering FY23, FY24, and FY25 provides for COLA increases of 2% each year.

###### Nurses

The next three-year contract covering FY23, FY24, and FY25 remains unsettled as of the printing of this document.

###### Custodians

Three-year contract covering FY23, FY24, and FY25 provides for COLA increases of 2% each year.

##### **Town**

###### Fire

*As of the printing of this document, there are no updates to the contracts.*

###### Police – Patrol Officers

*Three-year contract covering FY22, FY23, and FY24 provides for COLA increases of 0.5%, 2%, and 2%, respectively.*

###### Police - Sergeants

*As of the printing of this document, there are no updates to the contracts.*

Public Works

Three-year contract covering FY22, FY23, and FY24 provides for COLA increases of 0.5%, 2%, and 2%, respectively.

Engineering

Three-year contract covering FY22, FY23, and FY24 provides for COLA increases of 0.5%, 2%, and 2%, respectively.

Supervisory

Three-year contract covering FY22, FY23, and FY24 provides for COLA increases of 0.5%, 2%, and 2%, respectively.

Civilian Dispatchers

Three-year contract covering FY22, FY23, and FY24 provides for COLA increases of 0.5%, 2%, and 2%, respectively.



## BUDGET TERMS AND DEFINITIONS

**Abatements and Exemptions (previously called Overlay):** An amount set by the Assessors to create a fund to cover abatements of (and exemptions from) real and personal tax assessments for the current year and raised on the tax levy. An abatement is a reduction provided by the Assessors in the assessed tax because of bona fide specific conditions or situations not considered when the tax was levied. An exemption is provided for a variety of purposes, which include, but are not limited to buildings/property used for religious, government, charity, or pollution control. In addition, exemptions may also be provided to the elderly, handicapped, and veterans under certain conditions.

**Abatement Surplus:** Accumulation of the surplus amounts of Abatements and Exemptions set aside by the Assessors each year to cover abatements of (and exemptions from) real estate and personal property tax assessments. The accumulated amount for previous years no longer committed for abatements may be used by vote of the Town Meeting.

**Benefits and Insurance:** This account in the shared expenses section of the budget is comprised primarily of benefits such as health insurance and retirement for both school and general government employees.

**Capital Exclusion:** A temporary increase in the tax levy to fund a capital project or make a capital acquisition.

**Cherry Sheet:** An annual statement received from the Department of Revenue detailing estimated receipts for the next fiscal year from the various state aid accounts as well as estimated state and county government charges payable to the state. The name "Cherry Sheet" derives from the color of the paper used.

**Circuit Breaker Program:** School districts are eligible for reimbursements for students with disabilities whose programs cost greater than four times the statewide foundation budget. "Circuit Breaker" means the reimbursement program for certain costs of special education as specified in M.G.L. c. 71B, § 5.

**Debt Exclusion:** An override to Proposition 2 ½ for the purpose of raising funds for debt service costs; remains for the life of the debt only.

**Enterprise Fund:** A separate fund, set up to provide a specific Town service, whereby all direct and indirect/overhead costs of providing the service are funded in total from user charges. An appropriation for an enterprise fund is funded in total from enterprise fund revenue unless otherwise noted. Enterprise fund revenue used to fund services provided by other Town departments will be shown in the warrant after the appropriation total for the department. An enterprise fund is required to fully disclose all costs and all revenue sources needed to provide a service.

**Free Cash:** Free cash is the available, undesignated fund balance of the general fund and is generated when actual revenue collections are more than estimates, when expenditures are less than appropriated, or both. A free cash balance is certified as of July 1 each year by the Department of Revenue and once certified, any or all of the certified amount may be used to defray Town expenses by a vote of the Town Meeting.

**Funding Sources for Expenditures:** Authorizations for the Town to expend monies are made in the form of a motion at Town Meeting. The wording of the motions will specify the funding source; that is, the place from where money is going to come or will be raised. When a motion reads, “to appropriate a sum of money” without a source being identified, that amount will be included in the tax calculation, whereby the total of all sums to be appropriated will be reduced by an estimate of local and state revenue. The balance needed will be provided by property taxes. When items in the warrant are offset or raised from available funds, those items will also appear as offsets in the determination of the tax rate.

**Levy Limit:** The maximum amount a community can levy in any given year.

**Local Receipts:** This is the third largest source of revenue for the Town after property taxes and Cherry Sheet receipts. While it is comprised of different items, the largest source is the auto excise tax.

**New Growth:** Proposition 2 ½ allows a community to increase its levy limit annually by an amount based upon the valuation of certain new construction and other growth in the tax base that is not the result of property revaluation. New growth becomes part of the levy limit and thus increases at the rate of 2.5% each year as the levy limit increases.

**Normal Cost (OPEB):** Normal cost represents the portion of the cost of projected benefits for active employees allocated to the current plan year.

**Override:** An override is passed by a majority vote at Town Meeting and at the ballot. There are three types of overrides: An Operating Override, which permanently increases the levy limit; a Debt Exclusion, which increases the levy limit only for the life of the debt; and a Capital Project Override, which increases the levy only for the year in which the project is undertaken.

**OPEB:** Post-employment benefits that an employee will begin to receive at the start of retirement. This does not include pension benefits paid to the retired employee. Other post-employment benefits that a retiree can be compensated for are life insurance premiums, healthcare premiums and deferred-compensation arrangements.

**Proposition 2½:** A Massachusetts General Law enacted in 1980 to limit property taxes.

**Revolving Fund:** Funds that may be used without appropriation and that are established for special uses. Recreation fees, for example, may be paid into a revolving fund. Revolving funds are established by state law or Town bylaw.

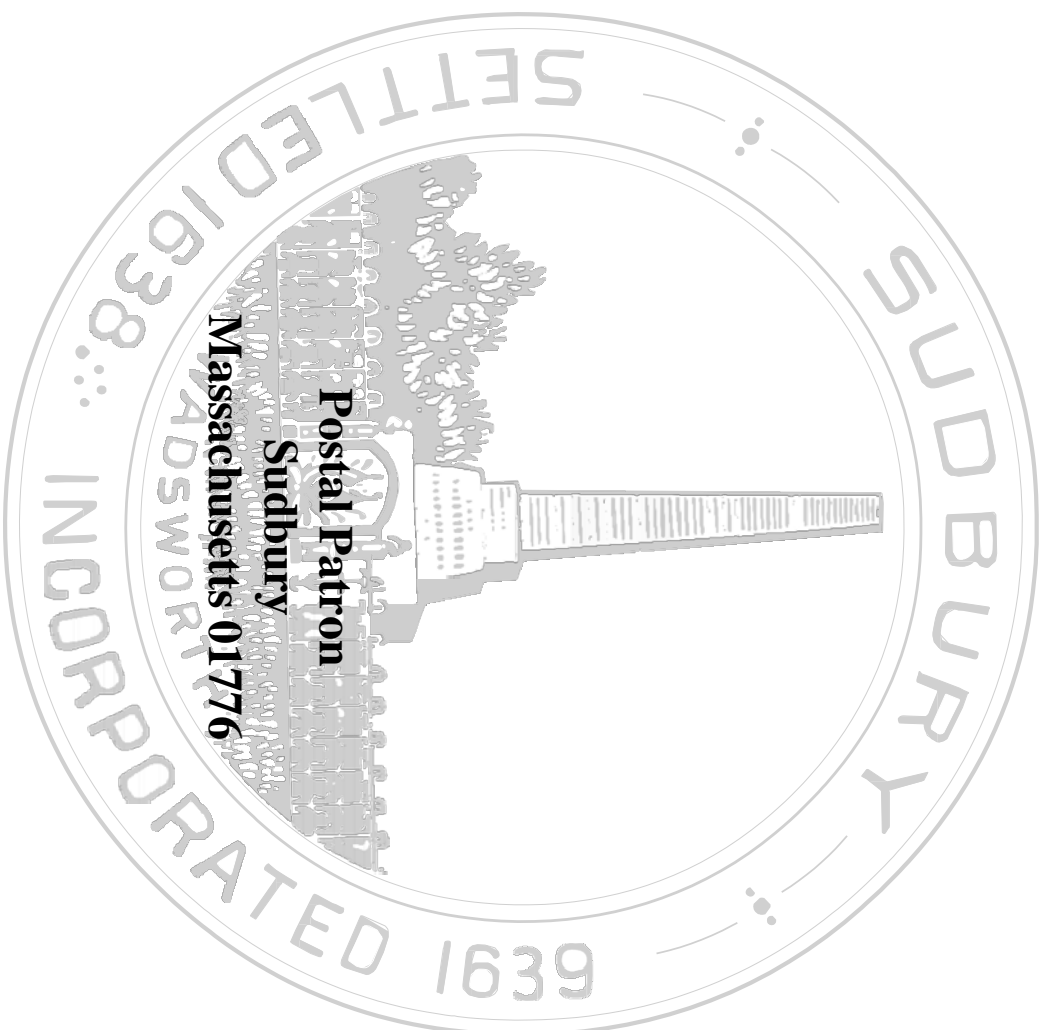
**Reserve Fund:** An amount appropriated by the Annual Town Meeting for emergency or unforeseen purposes. The Finance Committee, by state law, is the sole custodian of the Reserve Fund and approves transfers from the Fund into the operating budgets throughout the year if: (1) the need for funds is of an emergency and/or unforeseen nature, and (2) if, in the judgment of the Finance Committee, the Town Meeting would approve such an expenditure if such a meeting was held. The Reserve Fund is, therefore, a mechanism for avoiding the necessity of frequent Special Town Meetings.

**Stabilization Fund:** Similar to a "savings account", this account has been used to fund large capital projects such as fire trucks and school roofs. A recent amendment to state law allows the Stabilization Fund to be used for the operating budget, as well as capital purchases; however, the Finance Committee would be reluctant to recommend doing so. Placing money into, or taking it out of, the Stabilization Fund requires a two-thirds vote of Town Meeting.

**Tax Levy:** The property tax levy is the revenue a community can raise through real and personal property taxes. In Massachusetts, municipal revenues to support local spending for schools, public safety, general government, and other public services are raised through the property tax levy, state aid, local receipts, and other sources. The property tax levy is the largest source of revenue for most cities and towns.

**Town-wide Operating Expenses:** This account in the general government section of the budget is comprised primarily of operating expenses such as postage, telephone, and property liability insurance, that support town-wide operations and are not assigned to any one department or cost center.

**Select Board  
Sudbury, MA 01776**



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