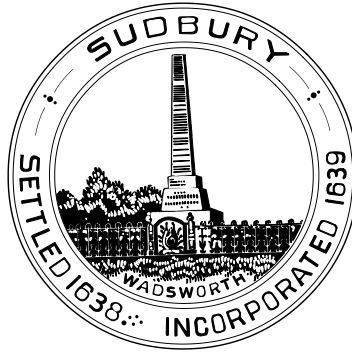


**Town of Sudbury  
Massachusetts**



**OFFICIAL WARRANT**

**SPECIAL TOWN MEETING**

**MONDAY, OCTOBER 16, 2017      7:30 P.M.**

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

**TOWN OF SUDBURY  
SPECIAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts  
Middlesex, ss.

To the Constable of the Town of Sudbury:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury qualified to vote in Town affairs to meet at the Lincoln-Sudbury Regional High School Auditorium in said Town on Monday, October 16, 2017, at 7:30 o'clock in the evening, then and there to act on the following articles:

**ARTICLE 1.**                    **FY18 BUDGET ADJUSTMENTS**

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

Submitted by the Town Manager.

(Majority vote required)

**TOWN MANAGER REPORT:** This article will allow flexibility to review all accounts within the FY18 Operating Budget to make adjustments at the Special Town Meeting as necessary.

**ARTICLE 2.**                    **CONSERVATION REVOLVING FUND**

To see if the Town will vote to amend the General Bylaws, Article XXXIII Revolving Funds, to add a new revolving fund.

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

or act on anything relative thereto.

Submitted by the Conservation Commission.

(Majority vote required)

**CONSERVATION COMMISSION REPORT:** The Conservation Commission seeks to establish a revolving fund for the purpose of placing any money received from the sale of timber as part of forestry operations on conservation land. This fund will partially off-set the costs of land stewardship. Forestry projects will not involve large-scale timber harvests. Forestry work will be performed on a small scale only for the purpose of wildlife habitat management and public safety and enjoyment on public conservation land. State law requires the funding amounts proposed to be expended to be authorized at Town Meeting each year. The funding limit will be established at the Annual Town Meeting.

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

To see if the Town will vote to transfer the care, custody, management and control of the following parcel of land from the Board of Selectmen to the Conservation Commission for conservation and passive recreation purposes pursuant to General Laws chapter 40 section 8C: a parcel of land located on Landham Road constituting approximately 33.48 ± acres, said parcel having been purchased by the Town for conservation and passive recreation purposes and described in a deed recorded in the Middlesex South Registry of Deeds at Book 64967, Page 93, and shown as “Parcel A” on a plan of land entitled “Plan of Land in Sudbury, Mass, Owner and Applicant Madison Place Sudbury LLC” prepared by Thompson-Liston Associates, Inc., dated December 16, 2014, recorded at the Middlesex South Registry of Deeds as Plan 131 of 2015; or act on anything relative thereto.

Submitted by the Board of Selectmen. (Two-thirds vote required)

**BOARD OF SELECTMEN REPORT:** In 2015 the Town of Sudbury purchased a parcel of land on Landham Road for conservation purposes. As the Town finishes the documentation and planning for that land, it became evident that it would be more prudent for that land to come under the care and custody of the Conservation Commission.

**ARTICLE 4.**                    **LAND CONVEYANCE TO FISH AND WILDLIFE SERVICE**

To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveying, and authorize the Board of Selectmen to convey, on the terms and conditions established by the Board of Selectmen, the following parcels of Town land: Assessors Parcel G12-0013, Water Row and Assessors Parcel G12-0015, Water Row; said real estate disposition to be made in compliance with General Laws Chapter 30B to the extent applicable, and further to authorize the Board of Selectmen and other Town officials to take all actions to carry out this Article; or act on anything relative thereto.

Submitted by the Board of Selectmen. (Two-thirds vote required)

**BOARD OF SELECTMEN REPORT:** The Town of Sudbury has two tax title parcels which the US Fish and Wildlife Service is interested in purchasing from the Town. The two parcels, which are assessed at a total of \$8,600, are located on the Sudbury River, are non-buildable floodplain wetlands and are comprised of the typical vegetation that characterize that part of the river. Before Town Meeting, this property was deemed by the Town Finance Director as no longer needed for any specific purpose.

**ARTICLE 5.**                    **AMEND BYLAW - TOWN PROPERTY**

To see if the Town will vote to amend the Town’s General Bylaws by deleting Section 1 of Article XII Town Property in its entirety and replacing it with:

**“SECTION 1. DISPOSAL OF TOWN-OWNED PERSONAL PROPERTY.** Any board or officer in charge of a department of the Town may, with the approval of the Town Manager for property having an aggregate value of less than \$10,000\* or with the approval of the Board of Selectmen for property having an aggregate value of \$10,000\* or more, transfer to another Town department or transfer by sale any personal property of the Town within the possession or control of the department which has become obsolete or is not required for further use by the department or any other Town department; provided, however, that in the case of transfer by sale of such property which has, in the opinion of the Town

Manager, an aggregate value in excess of \$2,000, or in the case of transfer by sale of personal property (regardless of its value) which, in the opinion of the Board of Selectmen, the Historical Commission and the Committee for the Preservation and Management of Town Documents and is contained in a list maintained by them, is historically significant to the Town, the sale shall be by public bid in a manner prescribed by said Board of Selectmen; and provided further that in the case of transfer by sale of such historically significant property the Board of Selectmen shall send advance written notice of such transfer by sale and such public bid to the Historical Commission and to the Committee for the Preservation and Management of Town Documents. For purposes of this Section 1, all personal property located in the Hosmer House shall be deemed to be historically significant to the Town. The disposal of personal property with an estimated resale or salvage value of \$10,000 or more shall also be in accordance with all requirements of General Laws, including but not limited to General Laws chapter 30B, section 15.

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

- Advertised<sup>1</sup> solicitation of at least three oral or written quotations;
- Advertised<sup>1</sup> silent auction;
- Advertised<sup>1</sup> yard sale;
- Use of an established market, such as an on-line auction service (eBay, e.g.).

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

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

;or act on anything relative thereto.

Submitted by the Board of Selectmen. (Majority vote required)

**BOARD OF SELECTMEN REPORT:** This amendment will bring the Town Bylaw in line with State law regarding surplus goods and allow the Town to operate in a more efficient manner.

**ARTICLE 6. AMEND LEGAL AFFAIRS BYLAW - TOWN COUNSEL**

To see if the Town will vote to amend its General Bylaws, Article VII Legal Affairs, Section 5. Selection of Town Counsel, by deleting the first two sentences and inserting the following in its place:

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

;or act on anything relative thereto.

Submitted by the Board of Selectmen. (Majority vote required)

**BOARD OF SELECTMEN REPORT:** This Bylaw change will allow the Board of Selectmen to maintain its relationship with Town Counsel, while being open and transparent in regards to its decisions.

The Bylaw will require the Board to discuss Town Counsel's performance in open session and also to explore whether other applicants for Town Counsel should be sought. It removes the requirement that the Town go through a competitive bidding process automatically every three years. At times, that requirement is not in the Town's best interest.

**ARTICLE 7.**                    **STABLIZATION FUND**

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

Submitted by the Board of Selectmen.

(Majority vote required)

**BOARD OF SELECTMEN REPORT:** Based on the Board of Selectmen'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. In the past year, the Town has made transfers from the Stabilization Fund to fund litigation.

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

To see what sum the Town will vote to raise and appropriate, or transfer from available funds or borrow, to be expended under the direction of the Permanent Building Committee, for the purpose of constructing a new Fire Station #2 and appurtenant structures on Town-owned land located at its present location on the Boston Post Road, purchasing additional equipment, technology, and furniture, landscaping, and all expenses connected therewith, including professional, engineering, and architectural services and preparation of plans, specifications and bidding documents, supervision of work, relocation, and borrowing costs and expense, and to see whether said sum shall be raised by borrowing or otherwise and determine whether such sum will be subject to a Proposition 2 ½ exclusion; or act on anything relative thereto.

Submitted by the Fire Chief.

(Two-thirds vote required, if borrowed.)

**FIRE CHIEF REPORT:** The Fire Department is seeking to replace the current Boston Post Road Fire Station #2 located in front of the old Raytheon facility.

As many are aware, there has been a great deal of development in Sudbury in the past few years, much of it concentrated along the Route 20 corridor. The most recent project is the purchase of the former Raytheon plant by the National Development Corporation. The re-development of this site will see an addition of 250 apartments, 48 units of assisted living memory care units, and 60 active adult residential condominiums. We anticipate a considerable impact to requests for service from the fire department, estimating an increase of approximately 360 calls annually. This will constitute about a 15 per cent increase in our total calls from this development alone. In addition, the Coolidge Properties has recently been approved for another 50 units of housing on Route 20 near Landham Road.

The May 2017 Town Meeting authorized an addition of four Firefighter/Paramedic positions to the fire department, and we will be seeking four more in the near future. We currently run one Paramedic

ambulance on a 24/7 basis, and a second ambulance on a part time basis. In order to reduce our unfair dependence on the ambulances in neighboring towns, we need to put our second ambulance into service on a full time basis. To be sure we can keep two ambulances running, we need to add a third ambulance to be sure that two are running at all times. Like any other vehicle, ambulances need periodic maintenance or can be out of service for unexpected repairs. Just as we currently own two ambulances to be sure one is available at all times, we need three ambulances to be sure two are running at all times.

It is critical that the Sudbury Fire Department grows in concert with the increases in the Town's housing stock and commercial properties, and the resulting population and patrons. An expanded and modern Station 2 is needed for greater capacity to house additional personnel and apparatus.

The current Station 2 was built in 1961 as a two person station to respond the south side of Sudbury. It has served the Town well in the last 56 years, but the building is now inadequate in many ways. Fire apparatus and ambulances have grown much larger in size since 1961. The small bay doors and low ceiling heights require limiting the specifications when we purchase modern apparatus. In addition, the widening of Route 20 will be taking away some ramp space in front of the old fire station, making it difficult to back the fire engine into the present station without interrupting the traffic flow on Route 20. The most glaring deficiency is the one bunkroom and one bathroom at Station 2. There are presently no accommodations for female firefighters. This is a situation that needs to be addressed as soon as possible.

Our proposal is to demolish the old building and set up a temporary fire station and living quarters on a site to be determined on the south side of Town. The new fire station will be built in the same property location as the present station and will feature three wide bays that will hold two vehicles each, for a total storage capacity of six pieces of apparatus. The floor plan also calls for four bunkrooms and appropriate bathrooms, providing proper accommodations for female firefighters. To address the widening of Route 20, there will be a drive through feature, so returning apparatus will enter through the west side driveway near Whole Foods, and turn right, and right again to enter the new station from the rear. This will eliminate the dangerous practice of turning the apparatus into Route 20 traffic in an attempt to back into the old station through the front doors.

As of the writing of this report, the construction budget for this article is based on an April 2016 feasibility study and is approximately 6,000,000 dollars. The final appropriation request, based on updated estimates, will be presented at Town Meeting. The actual construction cost will depend on the accepted lowest bid, and will determine the amount of final borrowing.

To fund this project, based on the 2016 Feasibility Study which did not include temporary station relocation costs, the approximate average yearly cost to a taxpayer living in the average home in Sudbury would be 84 dollars per year over the 20 year life of the bond. The impact will be mitigated by the decrease in existing debt service beginning in FY 19, which will be approximately 48 dollars per year for a taxpayer in the average home.

## **ARTICLE 9.**                    **FUND EVERSOURCE LITIGATION**

To see if the Town will vote to transfer \$220,000 from available funds, to be expended under the direction of the Town Manager, for the purpose of legal fees, hiring of experts, and all related costs related to litigation of the Eversource/Hudson reliability project; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

**BOARD OF SELECTMEN REPORT:** The Town of Sudbury is actively involved in the Energy Facilities Siting Board process, including presenting a full case as an Intervening Party. This transfer will fund legal fees, experts and other litigation costs.

**ARTICLE 10.            FUND SUDBURY STATION LITIGATION**

To see if the Town will vote to transfer \$55,000 from available funds, to be expended under the direction of the Town Manager, for the purpose of legal fees, hiring of experts, and all related costs related to litigation of the Sudbury Station project; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

**BOARD OF SELECTMEN REPORT:** The Town of Sudbury is actively involved in multiple lawsuits concerning the proposed development at Sudbury Station including in front of the Housing Appeals Committee. These funds will support the Town's efforts in these lawsuits.

**ARTICLE 11.            SUDBURY PUBLIC SCHOOLS ADMINISTRATIVE OFFICES**

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

Submitted by the Board of Selectmen.

(Majority vote required)

**BOARD OF SELECTMEN REPORT:** The Sudbury Public Schools have been housed in the Fairbank Community Center. Due to space needs of the Senior Center and Parks and Recreation, as well as the condition of that building, it is imperative that the Town find a new location for the administrative offices. These preliminary funds will allow the Town to assess the space needs for the offices, determine the optimum location for those offices and produce preliminary conceptual designs and cost estimates to give a future town meeting the best possible information when making future deliberations for the construction.

**ARTICLE 12.            SUDBURY PUBLIC SCHOOLS PLAYGROUND MODERNIZATION**

To see what sum the Town will vote to raise and appropriate, or transfer from available funds, or appropriate from Community Preservation Act Funds funded from FY18 Revenue and allocated from the recreation category; to be expended under the direction of the Facilities Director for the purpose of constructing, reconstructing, or making extraordinary repairs to the Sudbury Public Schools Playgrounds; and all expenses therewith including professional and engineering, the preparation of plans, specifications and bidding documents, and supervision of work; or act on anything relative thereto.

Submitted by the Facilities Director.

(Majority vote required)

**FACILITIES DIRECTOR REPORT:** This article seeking funding is presented for the purpose of addressing the playground condition at one or more of the schools as part of the process to improve the School playgrounds initiated by the Facilities Department with consultation from the Sudbury Public Schools Administration. A citizens group, PlaySudbury, was formed to help with design and community involvement working toward modernizing the school playgrounds.

This initial article seeking funding for playground improvement is part of a multi-year project goal which, in its totality, will bring the four elementary school playgrounds into compliance with ADA and MAAB accessibility requirements and develop a new outdoor area at the middle school. These projects will involve playground improvement at the Haynes and Noyes Elementary School, an update to the playgrounds at Nixon and Loring, and creation of a space at the Curtis Middle School. Fundraising, grant applications, and in-kind donations are currently being pursued by PlaySudbury in the hopes of mitigating the costs of these improvements.

It is intended to apply concepts of Universal Design in order to create not just playgrounds, but multigenerational recreational spaces so that the entire community can utilize and enjoy our school grounds.

As PlaySudbury states, every student deserves equal access to their school playground. Despite being meticulously maintained, the Sudbury School playgrounds are outdated. The surfaces are not up to Massachusetts Architectural Access Board (MAAB) standards, and much of the equipment is not ADA compliant and nearing end-of-life. Due to lack of accessibility, some students are being denied an equal opportunity to participate alongside their peers in outdoor play activities. In order to provide a safe, accessible play environment for our children to grow and thrive, something needs to be done.

Both the SPS School Committee and the Community Preservation Committee have scheduled this matter for discussion at meetings prior to the Special Town Meeting.

**ARTICLE 13.            WITHDRAWN**

**ARTICLE 14.            UPDATE MASTER PLAN**

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

Submitted by the Planning Board.

(Majority vote required)

**PLANNING BOARD REPORT:** It is recommended that a Master Plan be updated every ten years. The landscape and demographics change, as do the goals and priorities of the community. The current Master Plan was written in 2001 and while some aspects are still timely, the document in its entirety is in need of updating. The Planning Board and the Board of Selectmen see this update as a necessary priority. The funds appropriated will go toward supplementing other funding sources in hand and applied for to pay for completing said document and will ensure another decade of long-range planning for the Town of Sudbury.





**PETITIONERS' REPORT:** PLEASE HELP SUPPORT SMALL BUSINESS IN SUDBURY. A recent article passed by a handful of voters at Town Meeting banned the use of single use unflavored plastic water bottles under 1 liter in size for sale in a retail setting. **Other identical plastic water bottles are still allowed to be sold if they contain any flavoring, carbonation or electrolytes.** The only purpose this law ultimately serves is that it hurts small business within the community.

Until a true ban occurs on the manufacture of these types of bottles any merchant in a town that is unable to sell water will be at a competitive disadvantage. Furthermore, as any flavored or specialty water has an approximate 200% markup over regular water, every merchant will lose money on a daily basis as a result of the ban. The original intent of the ban which is noble and well meaning has the unintended effect of punishing small business. The people who want water will still buy water bottles despite this law, they will just buy them elsewhere.

Small business owners are finding it increasingly difficult to do business in this town and in this state. Laws are continually passed at a local and state level with seemingly no regard for small business. Additional fees and decreased revenues as a result of these laws will eventually make it impractical to continue opening or running a small business. A small business owner's salary is not guaranteed. There are no benefits such as health insurance, paid vacation or sick days. Yet those who have all that and more and whose salary is being paid for with our tax dollars are the ones creating laws that are choking small business.

Do the right thing by bringing your own reusable water bottle to work and shopping bags to the grocery store. Encourage your friends, neighbors and co-workers to do the same. Lobby your local and state representative to change the way bottles are manufactured, but don't punish local business owners who have families to support. Please vote to repeal the ban on single use water bottles.

## **ARTICLE 18.**

## **ADOPT SUDBURY WELCOMING TOWN POLICIES**

To see if the Town will vote to ensure that Sudbury is a Welcoming Town by approving the policies attached to this petition.

“The Town of Sudbury has long valued diversity and the fair and respectful treatment of all. Aligned with our country’s core values our town government, the Town’s police department, and schools have always welcomed individuals regardless of their ethnicity, religion, race, or sexual preference. The following policies are proposed for adoption to let it be known that Sudbury is a safe and welcoming community for all individuals should they choose to visit, work, or live here.

### **Sudbury Welcoming Town Policies**

1. The enforcement of the nation’s federal civil immigration laws is the primary responsibility of the federal government, not the Sudbury Police Department. Accordingly, the Sudbury Police Department shall not undertake immigration-related investigations and shall not routinely inquire into the specific immigration status of any person(s) encountered during normal police operations. No police officer of Sudbury shall arrest, detain, or continue to detain a person based solely on the belief that the person is not legally authorized to remain in the United States or that the person has committed a federal civil immigration violation.

2. No police officer of Sudbury shall inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police, or any other member of the public with whom the employee has contact, unless necessary to investigate criminal activity by that individual.

3. No police officer of Sudbury shall arrest, detain, or continue to detain an individual or prolong his or her detention on the sole basis of a civil immigration detainer or administrative document unless such detainer or document is accompanied by a court order or judicial warrant. The following exceptions apply: 1.) a.) if there is probable cause to believe that the individual has illegally re-entered the country after a previous removal; and b) the individual has been convicted at any time of a violent felony, terrorism-related offense, trafficking in individuals or drugs, or participation in a criminal organization using violence or 2.) there is probable cause to believe that the individual has or is engaged in terrorist activity.

4. No police officer of Sudbury or employee of Sudbury, shall allow Immigration and Customs Enforcement (ICE) or Customs Border Protection (CBP) agents access to municipal facilities or a person in custody for investigative interviews or investigative purposes unless acting under a court order or other legitimate law enforcement purpose that is not related solely to the enforcement of a civil immigration violation.

5. No Sudbury police officer shall respond to any ICE voluntary notification requests by providing any federal agent or agency information about an individual's incarceration status, hearing information, length of detention, home address, or personal information. The Sudbury Police Department may provide information regarding citizenship or immigration status in accordance with state or federal law.

6. No Sudbury police officer or employee shall perform the functions of a federal immigration officer, nor shall any department of the Town of Sudbury use Town funds, resources, facilities, property, equipment or personnel to assist in the enforcement of federal civil immigration laws. Nothing in this section shall prevent an officer, employee or department from lawfully discharging his or her duties in compliance with and in response to a court order, lawfully issued judicial warrant, judicial subpoena, or judicial detainer.

7. Nothing in this Policy shall prohibit or restrain any Sudbury law enforcement officer from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373 or an order from a court of competent jurisdiction.”

Submitted by Petition.

(Majority vote required)

**FINANCE COMMITTEE REPORT:** The Finance Committee will report on the articles presented at the Special Town Meeting.

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

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

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, two thousand and seventeen.

SELECTMEN OF SUDBURY:

Robert C. Haarde

Leonard A. Simon

Patricia A. Brown

Daniel E. Carty

Susan N. Iuliano



**Board of Selectmen  
Sudbury, MA 01776**

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