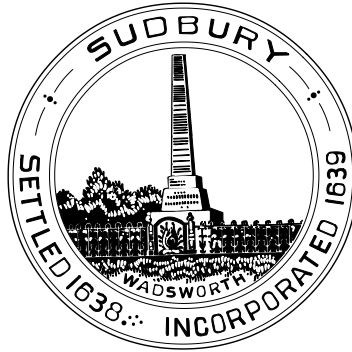


**Town of Sudbury
Massachusetts**



OFFICIAL WARRANT

SPECIAL TOWN MEETING

MONDAY, OCTOBER 23, 2023

7:30 P.M.

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

FOR ADDITIONAL ARTICLE INFORMATION

Go to the Town's website at

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

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

**TOWN OF SUDBURY
2023 SPECIAL 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.

Persons requiring an accommodation in order to attend Town Meeting are urged to contact the Sudbury Senior Center at 978-443-3055 or senior@sudbury.ma.us by Thursday, October 19 at 4PM.

INTRODUCING ELECTRONIC VOTING *AT TOWN MEETING*

HOW TO VOTE

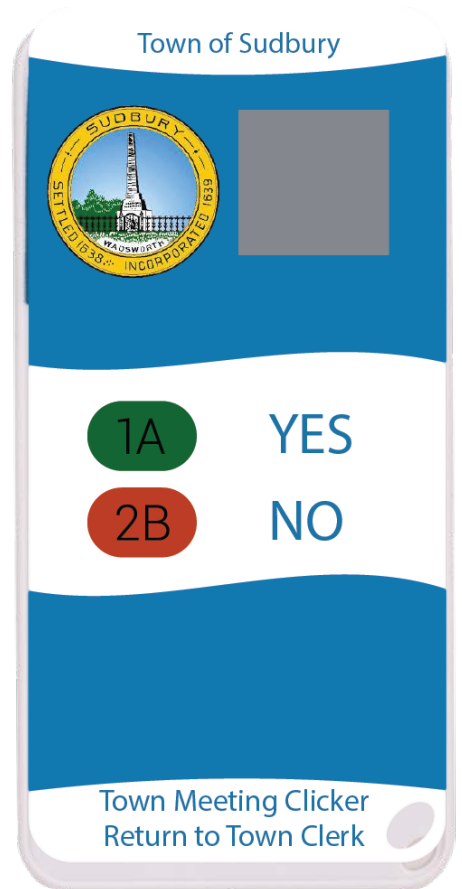
- The Moderator will declare Open Vote and the Close of Vote
- To respond, press the button that matches your answer:
1A = YES
2B = NO
- Vote will be submitted automatically
- Only the last vote counts
- No need to press "Send"

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 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.

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.
5. If you have an amendment, you should e-mail it to the Technology Administrator at infosystems@sudbury.ma.us, with a copy to the Moderator at moderator@sudbury.ma.us, and the Town Clerk at 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
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.

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, 390 Lincoln Road, in said Town on Monday, October 23, 2023, at 7:30 o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. CODIFICATION OF GENERAL BYLAWS: RENUMBERING AND NON-MINISTERIAL REVISIONS

To see if the Town will vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter/article number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, section and subsection titles; and (d) updating internal references to reflect the new numbering system, as well as the following non-substantive clerical and ministerial changes, all as set forth in the Final Draft of the Code of the Town of Sudbury, dated September 2023, on file with the Town Clerk; and, further, to authorize Town Counsel, following consultation with the Town Clerk and the Town Manager, to make clerical and ministerial non-substantive revisions to grammar and the like as needed for consistency; or act on anything relative thereto.

A. Clerical and Ministerial Revisions:

- i. References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § ____.
- ii. Numbers one through nine are written out in text format; 10 and above, fractions, and decimals appear in numeric format.
- iii. Spelling and punctuation errors are corrected; "Town" is capitalized when referring to the Town of Sudbury.
- iv. Pronouns and nomenclature are revised to be gender neutral (for example, terms such as "he," "him," "his," "she," "her," "he/she," and "his/her" are replaced with "them," "they," or "their"; "spokesman" is replaced with "spokesperson"; the terms "Board of Selectmen," "Selectmen," and "Selectboard" are replaced with "Select Board").
- v. The terms "Town Treasurer," "Treasurer/Collector," and "Tax Collector" are replaced with "Town Treasurer-Collector," where applicable; the term "Highway Surveyor" is replaced with "Department of Public Works"; the term "Board of Appeals" is amended to read "Zoning Board of Appeals"; the term "elderly" is amended to read "older adult."

- vi. In Chapter 151, Earth Removal, the term "removal permit" is amended to read "earth removal permit."

B. Bylaws Specifically Repealed:

- i. Article VIII, Planning Board, as amended January 3, 1946, STM by Arts. 2 and 3; and April 5, 1984, ATM by Art. 15.
- ii. Article XXIII, Water Resource Protection Committee (WRPC) Annual Report to the Town of Sudbury.

Submitted by the Town Clerk.

(Majority vote required)

TOWN CLERK REPORT ON ARTICLES 1 THROUGH 4: All of the articles submitted by the Town Clerk are housekeeping articles. In 2021, the Town retained General Code to professionally codify the Town's General and Zoning Bylaws. General Code has undertaken a complete review of the Town's bylaws to ensure that they do not contain inconsistencies, errors and outdated information. The Town Code will be renumbered and will incorporate gender-neutral language to the Code.

After the bylaw amendments are approved by Town Meeting and by the Attorney General's office, the Code will be available to staff and residents as a fully searchable on-line version of the Code. This new platform will make it easier and quicker to update the Town Code after each Town Meeting.

ARTICLE 2. CODIFICATION OF GENERAL BYLAWS: ADDITIONAL SPECIFIC CHANGES

To see if the Town will vote to adopt the following minor substantive specific changes to the General Bylaws as set forth in the Final Draft of the Code of the Town of Sudbury, dated September 2023, on file with the Town Clerk, with text to be inserted shown in underline and text to be deleted shown in ~~strike through~~, and, further, to authorize Town Counsel, following consultation with the Town Clerk and the Town Manager, to make clerical and ministerial non-substantive revisions to grammar and the like as needed for consistency:

Ch. 1, General Provisions.

Art. I, General Penalty.

Section 1-1: "Every violation of these bylaws not otherwise provided for herein or by the General Laws or Special Laws of the Commonwealth shall be subject to a penalty of ~~\$50~~ \$300."

Art. III, Bylaw Amendments.

Section 1-8:

The Select Board, upon the submission to ~~them~~ it for insertion in the warrant for any Annual or Special Town Meeting of all articles relating to the adoption of any bylaw or amendment to any bylaw...

Ch. 5, Boards and Committees.

Art. III, Council on Aging.

Sections 5-11 and 5-12 "Commonwealth of Massachusetts Executive Office of Elder Affairs"

Insert a new Section 5-13, as follows:

The names, addresses, telephone numbers, or other identifying information about older adults in the possession of the Council shall not be public records, but the use of these records shall comply with MGL c. 19A, § 14 et seq., as a condition of receiving a government contract, program grant or other benefit, or as otherwise required by law.

Art. IV, Community Preservation Committee.

Section 5-15A

The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation, including the consideration of regional projects for community preservation.

Insert a new sentence at the end of Section 5-15B:

With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited; provided, however, that any project approved by the Town for the acquisition of artificial turf for athletic fields prior to July 1, 2012, shall be a permitted use of community preservation funding.

Ch. 20, Equal Opportunity.

Section 20-4, definition of "discriminatory, discriminate, or discrimination:

Includes all action which denies or tends to deny equal employment opportunity because of race, color, ~~religion, sex, national origin or age,~~ religious creed, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, genetic information, pregnancy or a condition related to said pregnancy, including, but not limited to, lactation or the need to express breast milk for a nursing child, ancestry or status as a veteran (as defined by state statutes).

Ch. 52, Officers and Employees.

Art. I, Holding Elective Office.

Section 52-1:

In addition, Charter Commission members are eligible to serve on the Finance Committee ~~and Personnel Board~~

Ch. 61, Records and Reports.

Insert the following new sentence at the end of Section 61-3: "Complete public records request guidelines for the Town of Sudbury are available on the Town website."

Ch. 68, Town Meetings.

Art. II, Procedures.

Section 68:

A motion to reconsider a matter after adjournment of the session at which it was acted upon shall require a unanimous vote of those present and voting unless written notice of an intention to move reconsideration of the matter, signed by 15 voters who attended that session, is given to the Town Clerk on or before 12:00 noon of the next weekday (legal holidays excluded) following the session at which the matter for which reconsideration is sought was acted upon.

Ch. 72, Town Property.

Section 72-2A:

The Select Board ~~are~~ is hereby empowered to sell at public auction all or any of the Town property acquired by virtue of sale for nonpayment of taxes, which sales have been confirmed by the Land Court or the ~~Tax Commissioner~~ Commissioner of the Department of Revenue, and ~~they~~ are it is authorized to give deeds therefor.

Section 72-2B:

~~At such sale or any adjournment thereof,~~ The Select Board may reject any and all bids at such sale or any adjournment thereof, if, in ~~their~~ its opinion, no bid is made which approximates the fair value of the property.

Ch. 105, Advertising.

Art. II, Outdoor Advertising.

Sections 105-3 and 105-4:

~~"Division of Highways of the Department of Public Works"~~ to
Replace "Division", when that word appears on its own with, "Department."

Ch. 109, Alarm Systems.

Art. I, Burglar Alarm Systems.

Section 109-1, original definition of "direct connect," is repealed.

Original Sec. V(B)3, Direct Connection to the Police Department, of the General Bylaws is repealed.

Original Sec. V(B)5C, Testing of Equipment, of the General Bylaws is repealed.

Section 109-5C:

Any user of an alarm system which transmits false alarms shall be assessed a fine of ~~\$20~~ \$35 for a third false alarm occurring within a calendar year, ~~\$35~~ \$50 for a fourth false alarm occurring within a calendar year, and ~~\$50~~ \$100 for a fifth and all subsequent false alarms occurring during a calendar year.

Art. II, Fire Alarm Systems.

Section 109-8.

Subsection A(1): "Annual fee for churches and nonprofit organizations: ~~\$75~~ shall be determined by vote of the Select Board."

Subsection A(2): "Annual fee for all others: ~~\$200~~ shall be determined by vote of the Select Board."

Subsection B(1): "Permit fee: ~~\$20~~ shall be determined by vote of the Select Board."

Subsection B(2): "Connection fee: ~~\$100~~ shall be determined by vote of the Select Board."

Subsection B(3): "Annual fee for churches and nonprofit organizations: ~~\$75~~ shall be determined by vote of the Select Board."

Subsection B(4): "Annual fee for all others: ~~\$200~~ shall be determined by vote of the Select Board."

Section 109-9.

Subsection A(1): "Permit fee: ~~\$20~~ shall be determined by vote of the Select Board."

Subsection A(2): "Connection fee: ~~\$100~~ shall be determined by vote of the Select Board."

Subsection A(3): "Annual fee for churches and nonprofit organizations: ~~\$75~~ shall be determined by vote of the Select Board."

Subsection A(4): "Annual fee for all others: ~~\$200~~ shall be determined by vote of the Select Board."

Ch. 117, Animals.

Art. I, Animal Control.

Section 117-1:

No person shall tie or fasten any horse, cattle or team to any of the trees in the public ways of the Town, nor drive into the same any ~~neither~~ nails, spikes, hooks or clasps, nor affix any boards or signs thereto.

Section 117-2:

No person shall pasture or tether any animal in any way or street in the Town in such a manner as to obstruct the streets or sidewalks.

Art. II, Dogs.

Section 117-6.

definition of "livestock or fowl,":

Animals or fowl kept or propagated by the owner for food or as a means of livelihood; also deer, elk, cottontail rabbits and northern hares, pheasants, quail, partridge and other birds and quadrupeds determined by the ~~Department of Fisheries, Wildlife and Environmental Law Enforcement~~ Division of Fisheries and Wildlife to be wild and kept by, or under a permit from, said ~~department~~ Division in proper houses or suitable enclosed yards.

definition of "personal kennel":

"... dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit."

Section 117-7C:

No Animal Control Officer shall be a licensed animal dealer registered with the United States Department of Agriculture, and no Animal Control Officer, either privately or in the course of carrying out official assignments as an agent for this Town, or ~~shall~~ any other agent of the Town[,] shall give, sell, or turn over any animal which may come into custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture.

Section 117-11E:

The fee for a duplicate tag shall be ~~\$1~~ determined by the ~~the~~ Town Clerk.

Section 117-12C:

The provisions of ~~§§ 138 and 138A~~ MGL c. 140, § 138, shall be expressly incorporated herewith and shall henceforth apply under this bylaw."

Section 117-14:

All owners or keepers of dogs kept in the Town of Sudbury during the preceding six months and who, on the first day of April of each year, have not licensed said dog or dogs, as prescribed by MGL c. 140, § 137, shall pay a late fee of ~~\$25~~ as determined by the Town Clerk, payable to the Town, in addition to the license fee, for each dog so unlicensed.

Section 117-18:

The dog owner shall, immediately and within 24 hours, notify the ~~animal inspector, agent for the Board of Health,~~ Animal Control Officer if the dog bites a person.

Section 117-19B” ~~“Dog/~~Animal Control Officer”.

Section 117-23C:

If the Select Board determines, after notice to parties interested ~~of~~ and a hearing, the identity of the person who is the owner of any dog which is found to have worried, maimed or killed livestock, fowl, or domesticated animals, thereby causing damages for which their owner may become entitled to compensation from the Dog Fund under this bylaw, they shall serve upon the owner of such dog a notice directing him/her within 24 hours to confine the dog or have it humanely euthanized.

Section 117-26A:

With the exception of §§ 117-16 and 117-17 (see Subsection B below), and except as otherwise provided in this bylaw, a violation of any other section of this bylaw shall be punishable by a fine or noncriminal penalty of \$50 for each offense.

Section 117-27:

If any part, section or provision of the bylaw is found to be invalid, the ~~remains~~ remainder of this bylaw shall not be affected thereby.

Ch. 124, Boating.

Insert a new Section 124-4:

Violations of this bylaw are subject to a penalty as provided in Chapter 1, Article I, General Penalty.

Ch. 129, Buildings and Building Construction.

Art. I, Pumping Water from Private Buildings.

Section 129: "Second call: ~~\$20~~ fee shall be determined by vote of the Select Board."

Section 129-1C: "Third and subsequent calls: ~~\$50~~ fee shall be determined by vote of the Select Board."

Art. II, Public Buildings.

Section 129-2:

~~It shall be the duty of the Selectmen to prosecute all parties who may~~ It shall be unlawful to cut, mark, deface, defile or in any manner damage or injure any public building belonging to the Town or any outbuilding connected with said public buildings, or who may to damage or injure any fence enclosing any land belonging to the Town. It shall be the duty of the Select Board to

prosecute all parties who violate this section. The penalty for violation of this section shall be as provided in Chapter 1, General Provisions, Article I, General Penalty.

Art. III, Building Code.

Section 129-3:

~~This article is replaced by~~ The State Building Code, which is incorporated herein by reference, adopted under Chapter 802 of the Acts of 1972, including 780 CMR, ~~Appendix 120-AA 115AA,~~ "Stretch Energy Code." ~~and the following sections:~~

Section 129-4:

Fees to be paid shall be set by the Select Board. No fee shall be charged for the issuance of any building permit to the Town or for work upon any building owned by the Town.

Ch. 137, Burning, Open.

Section 137-2: "Violation of this bylaw shall be subject to a penalty of ~~\$25~~ \$100."

Ch. 145, Demolition Delay.

Section 145-4E:

... to the owners of all adjoining property and other property deemed by the SHC to be materially affected, to the Select Board, Planning Board, Zoning Board of Appeals and to such other persons as the SHC shall deem entitled to notice. The Commission shall determine that a building or structure should preferably be preserved only if it finds that the building or structure is an historically significant building or structure which, because of the importance made by such building or structure to the Town's historical and/or architectural resources, ~~it~~ is in the public interest to preserve, rehabilitate or restore (as defined in § 145-2).

Section 145-5:

In the event that a Board of Survey is convened under the provisions of MGL c. 143, § 8, with regard to any building or structure identified in § 145-3 of this bylaw, the Building Inspector shall request the ~~Chairman~~ of the SHC or their designee to accompany that Board of Survey during its inspection.

Ch. 156, Environmental Protection.

Art. I, Plastic Bag Ban.

Section 156-5B:

If noncriminal disposition is elected, violators will be subject to fines as established by the Board of Health. ~~then any retail establishment that violates any provision of this bylaw shall be subject to the following penalties:~~

- ~~(1) First offense: written warning.~~
- ~~(2) Second offense: \$50 penalty.~~
- ~~(3) Third and subsequent offense: \$200 penalty.~~

Art. II, Sale of Bottled Water.

Section 156-11C:

If noncriminal disposition is elected, violators will be subject to fines as established by the Board of Health. ~~then any person that violates any provision of this bylaw shall be subject to the following penalties:~~

- ~~(1) First offense: written warning.~~
- ~~(2) Second offense: \$25 penalty.~~
- ~~(3) Third and subsequent offense: \$50 penalty.~~

Art. III, Polystyrene Containers.

Section 156-18C:

If noncriminal disposition is elected, violators will be subject to fines as established by the Board of Health. then any food or retail establishment that violates any provision of this bylaw shall be subject to the following penalties:

- ~~(1) First offense: written warning.~~
- ~~(2) Second offense: \$50 penalty.~~
- ~~(3) Third and each subsequent offense: \$300 penalty.~~

Art. IV, Disposable Plastic Items.

Section 156-26C:

If noncriminal disposition is elected, violators will be subject to fines as established by the Board of Health. then any food establishment or retail establishment that violates any provision of this bylaw shall be subject to the following penalties:

- ~~(1) First offense: written warning.~~
- ~~(2) Second offense: \$50 penalty.~~
- ~~(3) Third and each subsequent offense: \$300 penalty.~~

Ch. 170, Fees and Charges.

Art. I, Gasoline Tank Removal.

Section 170-1:

Applications for underground gasoline tank removal or relocation permits under MGL c. 210, § 1, shall be accompanied by a per-tank application fee as follows: determined by vote of the Select Board.

A. Tank size:

- ~~(1) One gallon to 500 gallons: \$10 \$50.~~
- ~~(2) 501 Five hundred one gallons to 1,000 gallons: \$50 \$100.~~
- ~~(3) Over 1,000 gallons: \$100 \$150.~~

Art. III, Wiring Permits.

Section 170-3:

The fee to be paid for the issuance of an electrical wiring permit and inspections thereunder shall be as follows: determined by vote of the Select Board.

- ~~A. All units, residential, commercial (or industrial): \$3 per \$100 value of work (rounded up to nearest \$100).~~
- ~~B. Low voltage permit: \$3 per \$100 value (rounded up to nearest \$100).~~
- ~~C. Minimum fee: \$30.~~
- ~~D. Reinspection fee: \$30.~~
- ~~E. Industrial maintenance: \$200 annual fee.~~

Art. IV, Town Clerk Fees.

Section 170-5:

The ~~schedule~~ of fees to be charged by the Town Clerk in accordance with the authority of MGL c. 262, § 34, shall be those established by the Town Clerk pursuant to MGL c. 40, § 22F.

Ch. 175, Fire Prevention.

Art. II, Storage of Inflammable Fluids.

Section 175-4A: "License: \$100 as determined by vote of the Select Board."

Section 175-4B: "Annual registration: ~~\$25~~ as determined by vote of the Select Board."

Ch. 199, Licenses and Permits.

Art. I, Denial or Revocation for Failure to Pay Taxes or Fees.

Section 199-2:

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector...

Section 199-4:

The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of their immediate family, as defined in ~~section one of Chapter 268~~ MGL c. 268A, § 1, in the business or activity conducted in or on said property.

Section 199-5:

This article shall not apply to the following licenses and permits: open burning, MGL c. 48, § 13; ~~Bicycle Permits, section 11 A. of Chapter 85~~; sales of articles for charitable purposes, MGL c. 101, § 33; children work permits, MGL c. 149, § 69; clubs, associations dispensing food or beverage licenses, MGL c. 140, § 21E; dog licenses, MGL c. 140, § 137; fishing, hunting, trapping licenses, MGL c. 131, § 12; marriage licenses, MGL c. 207, § 28; theatrical events, public exhibition permits, MGL c. 140, § 181; and special permits granted by the Zoning Board of Appeals, MGL c. 40A.

Ch. 221, Peddling and Soliciting.

Section 221-4A(1):

If the application is approved, the Chief shall cause ~~to have~~ a registration card to be issued within three business days.

Ch. 232, Scenic Roads.

Section 232-5F:

Relationship of road design to the standards of the Planning Board's subdivisions regulations and of the Massachusetts ~~D.P.W.~~ Department of Transportation;

Ch. 243, Storage Tanks, Underground.

Section 243-2, definition of "abandoned":

...in the case of aboveground storage of any fluid other than water, where a permit is required from the ~~Commissioner State Fire Marshal or their designee~~ under provisions of MGL c. 148, § 37, it shall mean out of service for a continuous period in excess of 60 months and it has been deemed to be unsafe and a threat to the public safety by the head of the Fire Department and by the ~~Department of Public Safety Division of Inspectional Services~~ Office of Public Safety and Inspections.

Sections 243-2, definition of "code":

The Board of Fire Prevention Regulations Governing Tanks and Containers as set forth at 527 CMR ~~9.00~~ 1.00 and following.

Section 243-5E:

Notwithstanding § 243-5A and B, any underground tank that meets the requirement of 527 CMR 9.08(3)(a) 1.00 shall be emptied and removed no later than 30 years following the date of installation.

Section 243-6A:

In the event of a spill or leak, the owner, operator, or person in control shall comply with the provisions of the Board of Fire Prevention Regulations Massachusetts Comprehensive Fire Safety Code, 527 CMR ~~9.20~~ 1.00, entitled "Response to Leaks," in its entirety.

Ch. 248, Storm Sewers.

Art. I, Illicit Discharges and Connections.

Section 248-2, definition of "surface water discharge permit: "314 CMR 3.00".

Section 248-8H: "40 CFR 35.2005(b)(20)".

Section 248-13:

Residential property owners shall have 180 days from the effective date of the bylaw to comply with its provisions. An extension may be granted, provided good cause is shown for the failure to comply with the bylaw during that period.

Ch. 256, Streets and Sidewalks.

Art. III, Driveways.

Section 256-5:

The Town Engineer shall use the standards contained within the "Highway Design Manual" by the Commonwealth of Massachusetts Department of ~~Public Works~~ Transportation and "A Policy on Geometric Design of Rural Highways" by the American Association of State Highway and Transportation Officials when issuing said access permit.

Art. V, Public Way Access Permits.

Section 256-13B(3):

Nonresidential: 250 trips per day as defined in the ITE Trip Generation Manual, ~~4th Ed.~~ current edition;

Section 256-14B:

Evidence of compliance with the Massachusetts Environmental Policy Act by the Executive Office of Energy and Environmental Affairs of the Commonwealth, if determined to be necessary;

Section 256-15B

Where the Board denies said application, it shall state specific findings for the denial of ~~its decision~~ the permit.

Section 256-15C:

Where site or access conditions do not allow the proposed access to meet recognized design standards (hereinafter governed by the Rules and Regulations of the Planning Board Governing the Subdivision of Land, and other standards utilized by the Massachusetts ~~Highway~~ Department of Transportation), the Board may vary application of the design standards...

Ch. 265, Utility Lines and Poles.

Art. II, Removal of Double Poles.

Section 265-8:

In the event of an emergency caused by weather conditions, accidents or acts of God, temporary repairs may be made to damaged poles resulting in a multiple pole, so long as the multiple pole is removed and replaced by a single pole within a reasonable period of time not to exceed ~~60~~ 90 days; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, such pole shall be removed within six months of the date of installation of the new pole.

Section 265-9:

All future replacement utility pole installations shall be coordinated between all occupants to provide for the transfer of all wires to a new replacement pole so that all old poles or temporary devices are removed within a reasonable period of time not to exceed ~~60~~ 90 days; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, such pole shall be removed within six months of the date of installation of the new pole.

Ch. 283, Wetlands.

Section 283-4.

Subsection D:

(1) At the time of the permit application, the applicant shall pay a filing fee ~~according to the following schedule:~~ specified in the regulations of the Commission. These fees shall be made available to and used by the Commission only for the administration and enforcement of the Sudbury Wetlands Administration Bylaw.

~~(a) Single minor project — i.e., house addition, tennis court, swimming pool, or other accessory residential activity: \$25 per project.~~

~~(b) New single family dwelling: \$250.~~

~~(c) Subdivision road and utilities only: \$500 plus \$2 per foot of road sideline within a resource area.~~

~~(d) Drainage, detention/retention basins: \$500 plus \$2 per 100 cubic feet of basin within a resource area.~~

~~(e) Multiple dwelling structure: \$500 plus \$100/unit, all or part of which is within a resource area.~~

~~(f) Commercial and Industrial Projects: \$500 plus \$0.50 per square foot of disturbance in an undeveloped resource area.~~

~~(g) Application filed after Enforcement Order: double the above fee.~~

~~(h) Determination of Applicability: no charge.~~

~~(i) Remediation of a Contaminated Site or Enhancement of a Degraded Resource (excluding violations): \$25 per project.~~

(2) This fee is not refundable. The fee is in addition to that required by the Wetlands Protection Act, MGL c. 131, § 40, and Regulations, 310 CMR 10.00. Town, county, state, and federal projects are exempt from the filing fee. ~~The fee for an application for a modification of a permit will be the excess of the fee for the modified project as calculated above over the fee paid for the original permit but in no instance will it be less than \$25.~~

Subsection F:

Should an applicant choose to proceed; the Commission shall require the applicant to pay the reasonable costs and expenses borne by the Commission for these consulting services ~~as listed below.~~

Original Art. XXII, Sec. 4, 10th, 11th, and 12th paragraphs, regarding consultant fees and project costs, is repealed.

Section 283-5A:

Any person filing a permit application or an RFD with the Commission, ~~except an application for a minor project (such as a house addition, tennis court, swimming pool, or other accessory residential activity)~~ shall within seven days ~~after such person is informed of the date and time of the hearing thereon, prior to the scheduled hearing~~ give written notice, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the ~~most recent applicable tax list of the Assessors~~ certified abutters' list obtained from the Assessor's office, including owners of land directly opposite on any public or private street or way, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, along with proof of mailing, shall be filed with the Commission. When a person requesting a determination is other than the owner, ~~the request~~, the notice of the hearing[,] and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

Section 283-7A:

If it issues a permit, the Commission shall impose such conditions as it deems necessary or desirable to protect ~~those values~~ the wetlands values protected by this bylaw, and all activities shall be done in accordance with those conditions.

Section 283-9A, definition of "vernal pool":

... regardless of whether the site has been certified by the Massachusetts Division of ~~Wildlife and Fisheries~~ and Wildlife; or act on anything relative thereto.

Submitted by the Town Clerk.

(Majority vote required)

ARTICLE 3. CODIFICATION OF ZONING BYLAW: RENUMBERING

To see if the Town will vote to renumber and recaption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 295 of the Code of the Town of Sudbury; (b) inserting article, section and subsection titles; and (c) updating internal references to reflect the new numbering system, as well as the following non-substantive clerical and ministerial changes, and, further, to authorize Town Counsel, following consultation with the Town Clerk and the Town Manager, to make clerical and ministerial non-substantive revisions as to grammar or the like as needed for consistency, all as set forth in the Final Draft of the Code of the Town of Sudbury, dated September 2023, on file with the Town Clerk; or act on anything relative thereto.

A. Clerical and Ministerial Revisions:

- i. References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § ____.
- ii. Only proper nouns are capitalized; the word "Town" is consistently capitalized when it refers to the Town of Sudbury.

- iii. Numbers in the text of the bylaws are cited in a consistent manner, so that: a) numerals one through nine are spelled out as words, and numerals 10 and higher are cited in number form only; and b) so that all monetary amounts, fractions, decimals and percentages are cited in numeric form only.
- iv. Errors in spelling and punctuation have been corrected.
- v. Pronouns and nomenclature are revised to be gender neutral (for example, terms such as "he," "him," "his," "she," "her," "he/she," and "his/her" are amended to read "them" or "their"; the terms "Board of Selectmen," "Selectmen," and "Selectboard" are amended to read "Select Board"; the term "Chairman" is amended to read "Chair").
- vi. The term "occupancy permit" is amended to read "certificate of occupancy."
- vii. The term "Board of Appeals" is amended to read "Zoning Board of Appeals."
- viii. The term "Zoning Enforcement Agent" is amended to read "Zoning Enforcement Officer."
- ix. The terms "Middlesex County Registry of Deeds," "Middlesex South District Registry of Deeds," and "Middlesex County South District Registry of Deeds" are amended to read "Middlesex South Registry of Deeds."
- x. The terms "elderly," "elderly persons," and "elderly individuals" are amended to read "older adults."

Submitted by the Town Clerk.

(Two-thirds vote required)

ARTICLE 4. CODIFICATION OF ZONING BYLAW: ADDITIONAL CHANGES

To see if the Town will vote to adopt the following changes to the Zoning Bylaw as set forth in the Final Draft of the Code of the Town of Sudbury, dated September 2023, on file with the Town Clerk, with text to be inserted shown in underline and text to be deleted shown in ~~striketrough~~, and, further, to authorize Town Counsel, following consultation with the Town Clerk and the Town Manager, to make clerical and ministerial non-substantive revisions as to grammar or the like as needed for consistency:

Specific Revisions:

Section 1310:

Buildings, structures or signs may not be erected, structurally altered, moved, or changed in use and land may not be substantially altered or changed in principal use unless such action is in compliance with then-applicable zoning and ~~that~~ all necessary permits have been received under federal, state, or local law. All building permits shall be posted conspicuously on the premises to which ~~it applies~~ they apply during the time of construction.

The second paragraph of original Sec. 2210, regarding the meaning of symbols in the Table of Principal Use Regulations, of the Zoning Bylaw is repealed.

Sections 2326 and 2327: "See Appendix B, Table of Dimensional ~~Regulations~~ Requirements."

Section 3113e:

The reduction in the number of required spaces will not create undue congestion or traffic hazards, and ~~that~~ such relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this bylaw."

Section 3147:

The access fee per space shall ~~equal \$800~~ be determined by vote of the Planning Board, indexed to change subsequent to 1994, in the Consumer Price Index for all urban consumers as published by the U.S. Bureau of Labor Statistics.

Section 3259Aj:

A permit for a portable sign shall be issued at the discretion of the Building Inspector for a period not to exceed one year and ~~at a fee of \$250 annually~~ an annual fee to be determined by vote of the Select Board.

Section 3290:

In granting such ~~permission~~ special permit, the Zoning Board of Appeals shall specify the size and location of the sign or signs and shall impose such other terms and restrictions as it may deem to be in the public interest.

Section 3294B:

~~Which~~ Has been destroyed or damaged to the extent that the cost of repair or restoration will exceed 1/3 of the replacement value as of the date of destruction.

Section 4130, under the heading "Floodplain Boundaries,":

The FIRM and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building ~~Official~~ Inspector, Conservation Commission and Engineering Department.

Sections 4230, 4242a and b, 4243j, 4252b, and 4253h: Section ~~4224~~ 7110":

Sections 4242p and 4252n:

Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR ~~2.00~~ 10.00).

Section 4261e: "Treasurer-Collector of the Town".

Section 4270:

The special permit granting authority under ~~this bylaw~~ Section 4200 shall be the Planning Board.

Section 4623b:

The applicant demonstrates that the medical marijuana treatment center will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to ~~405 CMR 725.004~~ 935 CMR 500 et seq.

Section 4642:

The permit holder shall file a copy of any incident report required under ~~105 CMR 725.110(F)~~ 935 CMR 501.110 with the Zoning Enforcement Officer and the Sudbury Police Department within 24 hours of creation by the medical marijuana treatment center.

Section 4720A:

Except as explicitly provided elsewhere in Section 4700A, the provisions and requirements of other applicable zoning districts, and any rules, regulations, approval processes and/or design or performance standards contained elsewhere in this Zoning Bylaw, shall not apply to any project developed pursuant to Section 4700A[.]; notwithstanding the above, Section 3200 (Signs and Advertising Devices), shall apply.

Section 4700B, Subsection I2b:

Upon receipt by the approving authority, applications shall be distributed to the Building Inspector, Fire Chief, Police Chief, Health Department, Conservation ~~Committee~~ Commission, the Town Manager, the Select Board, and the Department of Public Works.

Sections 5151, 5361c, and 5461c: "Natural Resources ~~Soil~~ Conservation Service".

Section 5332:

An SRC shall constitute housing intended for persons of age 55 or over within the meaning of MGL c 151B, § 4, ~~46 Subdivision 6~~, and 42 U.S.C. § 3607(b)(2)(C).

Section 6132:

There must be a substantial hardship to the owner, financial or otherwise, if the provisions of the ~~ordinance or~~ bylaw were to be literally enforced.

Section 6134:

Granting the variance must not nullify or substantially derogate from the intent of purpose of the ~~ordinance or~~ bylaw."

Section 7110.

Definition of "sign."

definition of "fuel pump sign":

In accordance with MGL c. 94, § 295c, standard gasoline fuel pump signs on service station fuel pumps bearing thereon in usual size and form the name, type and price of the gasoline."

definition of "nonconforming sign":

Any sign that existed on the effective date of this ~~ordinance~~ bylaw (or amendment thereto) and does not comply with the regulations set forth herein.

Appendix A, Table of Principal Use Regulations, attached to this bylaw is amended as follows:

In entry C28, marijuana establishment, insert a new superscript "8" after the type of permitted use in each district.

In the notes following the table, insert a new Note 8 as follows: "For medical marijuana treatment centers, see Section 4620."; or act on anything relative thereto.

Submitted by the Town Clerk.

(Two-thirds vote required)

ARTICLE 5. ESTABLISH OPIOIDS STABILIZATION FUND

To see if the Town will vote, pursuant to G.L. c.40, §5B, effective July 1, 2023, to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the state Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled “Massachusetts Abatement Terms”, and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; to transfer to said fund from Free Cash the sum of \$86,232.76, an amount equal to the opioid settlement receipts already received by the Town in the previous fiscal year; and, further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; or act on anything relative thereto.

Submitted by the Health Director.

(2/3 Majority vote required)

HEALTH DIRECTOR REPORT: This article will create a special purpose stabilization fund to hold all monies received under the various national opioid settlements. Under the terms of the settlements the funds may only be used for supplementing and strengthening the resources available to individuals and families for substance use disorder prevention, harm reduction, treatment, and recovery, including without limitation: opioid use disorder treatment; supporting and promoting recovery and treatment programs such as through housing, job placement, childcare, and healthcare; at-risk connections and school-based services and training or safe station partnerships; harm reduction programs and treatment; diversion programs for criminal-justice involved persons; support for pregnant and parenting persons and babies with neonatal abstinence syndrome; opioid prevention and misuse education; and/or for the purpose of funding any such programs and projects set out in the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements and the National Opioid Settlement Agreement

ARTICLE 6. ATKINSON POOL FUNDS

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$100,000 or any other sum or sums, to be expended under the direction of the Combined Facilities Director for the design and replacement of the Atkinson Pool dehumidification equipment, including installation of destratification fans, repairs and/or replacement of the roof, structural repairs and supports for the rooftop dehumidification equipment, creation of a chemical room separate from the boiler room and repairs and/or maintenance of the Atkinson Pool, and all other incidental and related expenses; or act on anything relative thereto.

Submitted by the Combined Facilities Director.

(Two-thirds vote required if borrowed)

COMBINED FACILITIES DIRECTOR REPORT: This Article will design envelope, structural and mechanical replacements/enhancements to the existing Atkinson Pool. The roof and dehumidification unit has reached its life cycle expectancy. The installation of destratification fans will provide enhanced ventilation within the Natatorium. The pool's deck and pool surround require a full grouting and significant tile repair.

ARTICLE 7. FAIRBANK COMMUNITY CENTER - SUPPLEMENTAL FUNDS

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$900,000 or any other sum or sums, to be expended under the direction of the Town Manager, to supplement the appropriation made under Article 18 of the 2020 Annual Town Meeting for reconstruction of the Fairbank Community Center Design and Construction, demolition of the existing building and including all incidental or related expenses; or act on anything relative thereto.

Submitted by the Town Manager.

(Two-thirds vote required if borrowed)

TOWN MANAGER REPORT: The new Fairbank Community Center is currently expected to open in November, approximately 6 weeks later than the original schedule. This delay is in part a result of delays in the supply chains, which have an impact on the critical path schedule such that work originally planned for the fall will be delayed until spring due to winter conditions. There are costs associated with schedule delays that will be funded through the remaining but dwindling contingency. When the bids came in high and the original contingency funds were used to award the contract, ARPA funds were committed to provide enough contingency to begin construction. Now those funds are not expected to be sufficient to complete the project with the extended schedule. The final phase of the project is the demolition of the existing building and completion of site work on that side of the new building. It is slated to be substantially complete in the spring, too late for any necessary funding at Annual Town Meeting. Should the contingency run out mid-winter, the project will have to stop mid-construction.

ARTICLE 8. FUND COLLECTIVE BARGAINING AGREEMENT - FIREFIGHTERS

To see what sum or sums the Town will vote to raise and appropriate, or transfer from available funds, to fund the collective bargaining agreement with the Sudbury Permanent Firefighters Association, Local 2023, for the period from July 1, 2021 through June 30, 2024; or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required)

TOWN MANAGER REPORT: The Town and the Firefighters' union, in August 2023, executed a memorandum of agreement for a new three-year collective bargaining agreement. Ratification of the agreement is dependent on funding of the financial provisions. This article will fund the financial provisions of the agreement.

ARTICLE 9. REPURPOSE MELONE STABILIZATION FUND

To see if the Town will vote to transfer the remaining balance of \$1,100,000 in the special Stabilization Fund (Melone) established under Article 13 of the 2015 Annual Town Meeting, as such funds are no longer needed for that purpose, to the Capital Stabilization Fund established under Article 13 of the 2019 Annual Town Meeting; or act on anything relative thereto.

Submitted by the Select Board.

(2/3 Majority vote required)

TOWN MANAGER REPORT: This article will close out the Special Stabilization Fund (Melone) and transfer the balance to the Capital Stabilization Fund. The Melone property was mined for sand for the Town’s use. The Melone Stabilization Fund, so called, was created in 2015 to restore or reclaim the property or prepare it for reuse or redevelopment. The Melone property has since been sold and developed. Funds to restore or reclaim the property or prepare it for reuse or redevelopment are no longer needed. The remaining unexpended funds are proposed to be transferred to the Capital Stabilization Fund where they will be used to fund capital improvements. The Massachusetts Department of Revenue, Division of Local Services, in its April 2020 *Town of Sudbury: Review of Capital Improvement Program*, recommended the Town close the Melone Stabilization Fund and transfer the balance of funds to the Capital Stabilization Fund. The Melone Stabilization Fund has a balance of \$1,100,000.

ARTICLE 10. ROUTE 117/MOSSMAN/POWDER MILL ROADS INTERSECTION IMPROVEMENTS

To see if the Town will vote to appropriate from the Capital Stabilization Fund the sum of \$800,000 or any other sum or sums to fund improvements and installation of traffic signals at the intersection of Route 117 (North Road) and Mossman Road and Powder Mill Road, including all incidental and related expenses; or act on anything relative thereto.

Submitted by the Select Board.

(2/3 Majority vote required)

DPW DIRECTOR REPORT:

This article will fund improvements to the intersection of Route 117 (North Road) and Mossman Road and Powder Mill Road. Improvements include signaling the approaches to the intersection and related improvements to enhance vehicular and pedestrian safety. Improvements will include: new traffic signals, pedestrian signals with count down timers, accessible pedestrian signals (APS) push buttons with signage, emergency vehicle preemption, geometric highway improvements, ADA compliant pedestrian ramps, traffic signs, and pavement markings.

ARTICLE 11. NIXON ELEMENTARY SCHOOL ROOF SCHEMATIC DESIGN FEES

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Permanent Building Committee for schematic design for the replacement of the roof at the Nixon Elementary School located at 472 Concord Road, Sudbury, MA, including the payment of all costs incidental or related thereto, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), with the Town acknowledging that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

(Two-thirds vote required if borrowed)

SCHOOL COMMITTEE REPORT: The roof on the Nixon Elementary School building is 30 years old and the District intent is to apply for State funding to offset total project costs of replacing the roof.

The intent of this article is to fund a schematic design required by the Massachusetts School Building Authority (“MSBA”) in order to qualify for MSBA grant program project reimbursements under the MSBA Accelerated Repair Program (“ARP”).

Included in the MSBA grant program process, Sudbury Public Schools must submit a Statement of Interest (“SOI”) in January/February 2024. In accordance with the MSBA process, an SOI should only be filed for a facility where a district has the ability to fund a schematic design within two months of invitation and a total project budget within 12 months of invitation should the district be selected in the MSBA Accelerated Repair Program.

The current project estimate for replacing the roof at the Nixon Elementary School totals \$2,480,000. While the MSBA grant program reimbursement rate is adjusted for a number of factors, the statutory formula starts all districts at a Bases Rate of 31% reimbursement.

ARTICLE 12. INCREASE TO FY2024 SUDBURY PUBLIC SCHOOLS GENERAL FUND APPROPRIATION FOR ADDITIONAL CHAPTER 70 STATE AID

To see if the Town will vote to raise and appropriate the additional amount of \$232,380 to be added to the amount appropriated under Article 3 of the 2023 Annual Town Meeting for the FY2024 Sudbury Public Schools, which amount shall be offset by the increase to the FY2024 Chapter 70 funding approved by the Commonwealth of Massachusetts dedicated to local school districts; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

(Majority vote required)

SCHOOL COMMITTEE REPORT: This article seeks to increase the FY24 General Fund appropriation for Sudbury Public Schools for the amount of additional state aid funding not previously known at the Annual Town Meeting held in May 2023 and not included in the FY24 General Fund appropriation for Sudbury Public Schools.

On August 9th, 2023, Governor Maura Healey signed a \$55.98 billion State budget for Fiscal Year 2024 including \$6.59 billion in Chapter 70 K-12 public education funding, which dedicated an increase of \$604 million beyond Fiscal 2023.

ARTICLE 13. FUNDING OF STATE APPROVED SPECIAL EDUCATION OUT-OF-DISTRICT TUITION COST INCREASE

To see if the Town will vote to raise and appropriate the additional amount of \$184,755 to be added to the amount appropriated under Article 3 of the 2023 Annual Town Meeting for the FY2024 Sudbury Public Schools, which amount shall be offset by the increase in the funds made available to the Town for special education out-of-district tuition; or act on anything relative thereto.

Sponsored by the Sudbury School Committee.

(Majority vote required)

SCHOOL COMMITTEE REPORT: The Massachusetts Operation Services Division (“OSD”) authorized a 14% increase in tuition for special education out-of-district placement centers in FY2024, a substantial budget burden to every school district.

The Governor of Massachusetts is seeking to provide relief to school districts in Fiscal Year 2024 for these approved additional costs through the State Supplemental Budget that would provide school districts with current year funding for these additional costs in order to provide school districts the required time necessary to submit circuit breaker reimbursement claims in July 2024 and receive these reimbursement funds in Fiscal Year 2025.

To date, this supplemental budget is in the approval process at the State level.

The purpose of this article is to provide Sudbury Public Schools with the manner to access these funds in FY2024.

ARTICLE 14. RESOLUTION: MASSACHUSETTS OFFICIAL SEAL AND MOTTO

Whereas, the Commonwealth of Massachusetts seal and flag portrays a sword being held over an indigenous man’s head

BE IT RESOLVED that the Town of Sudbury hereby adopts this resolution in support of the work of the Special Commission on the Official Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2021 and appointed by the Governor to recommend changes to the current flag and seal of Massachusetts, and in support of a new flag and seal for the Commonwealth that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The Town Clerk shall forward a copy of this resolution to Senator Jamie Eldridge and Representative Carmine Gentile, with the request that they continue their strong advocacy and support for the work of the aforementioned Special Commission and a new flag and seal for the Commonwealth.

Submitted by Citizen Petition.

(Majority vote required)

The Select Board and the Finance Committee will report on all articles 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 twenty-three.

SELECT BOARD:

Janie W. Dretler

Lisa V. Kouchakdjian

Daniel E. Carty

Jennifer S. Roberts

Charles G. Russo

Select Board
Sudbury, MA 01776

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