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Robert H. Kelley		7	
John F. McGovern		7	
John R. McLean		7	
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" " -Legal errors (Art. II, 15)	40	104 & 182
" " -Length of speeches (Art. II, 11)	38	103 DEF
" " -Notice of (Art. I, 4)	36	101
" " -Reconsideration (Art. II, 13)	39	103
" " -Resolutions (Art. II, 8)	37	102
" " -Starting time (Art. I, 2) Motion #1	35	98 DEF
" " " " Motion #2	35	98
Town Report	30	95 DEF
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PRESIDENTIAL PRIMARY ELECTION

1.

March 8, 1988

The Presidential Primary Election was held at the Peter Noyes School with the polls open from 7:00 AM to 8:00 PM. There were 1,240 Republican ballots cast including 30 Absentee Ballots; there were 1,967 Democratic ballots cast including 84 absentee ballots; a total of 3,207 ballots were cast. Twenty-three voting machines were used. The results were announced by Town Clerk, Jean M. MacKenzie at 11:45 PM.

DEMOCRATIC BALLOT

REPUBLICAN BALLOT

Presidential Preference

Presidential Preference

Michael S. Dukakis	1116
Albert Gore, Jr.	101
Florenzo DiDonato	2
Paul Simon	113
Bruce Babbitt	22
Richard E. Gephardt	172
Jesse L. Jackson	394
Gary Hart	13
Lyndon H. LaRouche, Jr.	0
No Preference	16
Write-in	3
Scattering	0
Blanks	15

Pierre S. duPont, IV	15
Marion G. (Pat) Robertson	19
George Bush	657
Alexander M. Haig, Jr.	3
Jack Kemp	88
Bob Dole	436
No Preference	11
Write-in	0
Scattering	0
Blanks	11

State Committee Man

(Middlesex and Worcester District)

State Committee Man
(Middlesex and Worcester District)

Robert A. Durand	916
Scattering	0
Blanks	1051

Kenneth J. Dwyer II	84
William C. Sawyer	121
Richard L. Warren	670
Scattering	0
Blanks	365

State Committee Woman

(Middlesex and Worcester District)

State Committee Woman
(Middlesex and Worcester District)

Barbara H. Rowe	1108
Scattering	0
Blanks	859

Mary-Lee King	401
Karey D. Brown	416
Scattering	0
Blanks	423

Town Committee

Town Committee

Margaret Burns Surwilo	66
Virginia M. Allan	91
John F. Walsh, Jr.	43
Frederick J. Gumbs	44
Mary J. Long	45
Henry P. Sorett	50
Madeleine R. Gelsinon	37
Dorothy M. Sears	63
Mary E. Farry	44
Helga Andrews	44
Winifred C. Fitzgerald	65
Esther M. Ovian	53
Lawrence A. Ovian	52
Rudy Termini	35
Jeremy M. Glass	44
Maurice J. Fitzgerald	80
Judith Deutsch	37
JoAnn Savoy	68
Jeanne M. Maloney	52
Thomas R. Carroll	41
Carmine L. Gentile	59
William S. Farrell	85
Stephen B. Shugrue	42
Jane C. Carroll	49
Hester M. Lewis	43
Maxine J. Yarbrough	101
Willie L. Hoover	47
Eric A. Long	40
Alan D. Fridman	35

Margaret S. Jones	563
F. Daniel Buttner	586
Martha J. Coe	594
Mitchell J. Bistany	529
Susan B. Bistany	544
Edith L. Hull	557
Robert Holzwasser	521
Fred H. Hitchcock, Jr.	567
Richard C. Rubin	525
William R. Duckett	604
Anne R. Smith	547
Elizabeth W. Newton	565
Clifford A. Card	578
Anne N. Lehr	539
Nicholas Polio	559
Dorothy I. Polio	560
Theodore A. Barten	522
Linda Peterson Warren	532
Ruth M. Brown	574
Joseph E. Brown	567
Catherine M. Lynch	538
Margaret R. Frederickson	539
Bonnie B. Ouellette	550

A true copy, Attest:

Jean M. MacKenzie
Jean M. MacKenzie, CL
Town Clerk

PRESIDENTIAL PRIMARY ELECTION

2.

RECOUNT
MARCH 17, 1988

Pursuant to a certificate of the Town Clerk issued under the provisions of Chapter 54 Section 135A of the General Laws, a recount of the Presidential Primary ballots was held March 17, 1988 in the Town Clerk's office. The results were as follows:

DEMOCRATIC BALLOT

<u>Presidential Preference</u>	
Michael S. Dukakis	1116
Albert Gore, Jr.	101
Florenzo DiDonato	2
Paul Simon	113
Bruce Babbitt	22
Richard E. Gephardt	172
Jesse L. Jackson	394
Gary Hart	13
Lyndon H. LaRouche, Jr.	0
No Preference	16
Write-in	3
Scattering	0
Blanks	15

State Committee Man
(Middlesex and Worcester District)

Robert A. Durand	916
Scattering	0
Blanks	1051

State Committee Woman
(Middlesex and Worcester District)

Barbara H. Rowe	1108
Scattering	0
Blanks	859

Town Committee

Margaret Burns Surwilo	66
Virginia M. Allan	91
John F. Walsh, Jr.	43
Frederick J. Gumbs	44
Mary J. Long	45
Henry P. Sorett	50
Madeleine R. Gelsinon	37
Dorothy M. Sears	63
Mary E. Farry	44
Helga Andrews	44
Winifred C. Fitzgerald	65
Esther M. Ovian	53
Lawrence A. Ovian	52
Rudy Termini	35
Jeremy M. Glass	44
Maurice J. Fitzgerald	80
Judith Deutsch	37
JoAnn Savoy	68
Jeanne M. Maloney	52
Thomas R. Carroll	41
Carmine L. Gentile	59
William S. Farrell	85
Stephen B. Shugrue	42
Jane C. Carroll	49
Hester M. Lewis	43
Maxine J. Yarbrough	101
Willie L. Hoover	47
Frederick A. Long	40
Jonathan D. Fridman	35

REPUBLICAN BALLOT

<u>Presidential Preference</u>	
Pierre S. duPont, IV	15
Marion G. (Pat) Robertson	19
George Bush	657
Alexander M. Haig, Jr.	3
Jack Kemp	88
Bob Dole	436
No Preference	11
Write-in	0
Scattering	0
Blanks	11

State Committee Man
(Middlesex and Worcester District)

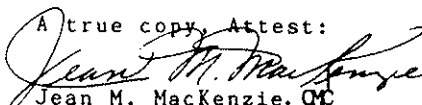
Kenneth J. Dwyer II	84
William C. Sawyer	121
Richard L. Warren	670
Scattering	0
Blanks	365

State Committee Woman
(Middlesex and Worcester District)

Mary-Lee King	401
Karey D. Brown	416
Scattering	0
Blanks	423

Town Committee

Margaret S. Jones	563
F. Daniel Buttner	586
Martha J. Coe	594
Mitchell J. Bistany	529
Susan B. Bistany	544
Edith L. Hull	557
Robert Holzwasser	521
Fred H. Hitchcock, Jr.	567
Richard C. Rubin	525
William R. Duckett	604
Anne R. Smith	547
Elizabeth W. Newton	565
Clifford A. Card	578
Anne N. Lehr	539
Nicholas Polio	559
Dorothy I. Polio	560
Theodore A. Barten	522
Linda Peterson Warren	532
Ruth M. Brown	574
Joseph E. Brown	567
Catherine M. Lynch	538
Margaret R. Frederickson	539
Bonnie B. Ouellette	550

A true copy, Attest:

Jean M. MacKenzie, MC
Town Clerk

ANNUAL TOWN ELECTION

3.

March 28, 1988

The Annual Town Election was held at the Peter Noyes School with the polls open from 7:00 A.M. to 8:00 P.M. There were 3,129 votes cast, including 74 absentee ballots. Twenty voting machines were used. The results were announced by Town Clerk, Jean M. MacKenzie at 11:20 P.M.

MODERATOR: For One Year

Thomas G. Dignan Jr.	2,347
Scattering	0
Blanks	782

SELECTMEN: For Three Years

Judith A. Cope	1,691
Marjorie R. Wallace	1,160
Scattering	0
Blanks	278

ASSESSOR: For Three Years

Linda Z. Buxbaum	1,858
Tyler Fulton	633
Scattering	0
Blanks	638

CONSTABLE: For Three Years

Michael P. Jennette	2,001
Scattering	0
Blanks	1,128

GOODNOW LIBRARY TRUSTEES:

For Three Years
(Vote for no more than two)

Ivan H. Lubash	1,605
Catrine E. Barr	1,290
Martha W. Dow	944
Scattering	0
Blanks	2,419

GOODNOW LIBRARY TRUSTEES:

For Two Years

Carol Henley	2,069
Scattering	0
Blanks	1,060

BOARD OF HEALTH:
For Three Years
(Vote for one)

Michael Guernsey	1,472
Walter Stadnisky	1,114
Scattering	0
Blanks	543

HIGHWAY SURVEYOR:
For One Year

Robert A. Noyes	2,161
Scattering	1
Blanks	967

BOARD OF PARK AND RECREATION

COMMISSIONERS: For Three Years
(Vote for no more than two)

Jane Neuhauser	1,979
Donald R. Soule	1,797
Scattering	0
Blanks	2,482

BOARD OF PARK AND RECREATION

COMMISSIONERS: For One Year

Gerald B. Berenson	1,958
Scattering	0
Blanks	1,171

PLANNING BOARD: For Three Years
(Vote for no more than two)

Lael M. Meixsell	1,591
Richard A. Brooks	1,592
David J. Lyons	1,180
Scattering	0
Blanks	1,895

SUDBURY HOUSING AUTHORITY:
For Five Years

Stephen P. Garabedian	1,874
Scattering	0
Blanks	1,255

SUDBURY HOUSING AUTHORITY:
For Three Years

Carole E. Smith	1,875
Scattering	0
Blanks	1,254

SUDBURY HOUSING AUTHORITY:
For One Year

Richard D. Paris	1,824
Scattering	0
Blanks	1,305

TREE WARDEN: For One Year

William M. Waldsmith	1,960
Scattering	0
Blanks	1,169

SUDBURY SCHOOL COMMITTEE:

For Three Years
(Vote for no more than two)

Stephen Bober	1,727
Ann H. Loos	1,717
Scattering	0
Blanks	2,814

ANNUAL TOWN ELECTION
(continued)

March 28, 1988

LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT SCHOOL COMMITTEE:
For Three Years
(Vote for no more than two)

Catherine Briggs Hanafi	1,317
William C. Hewins	1,713
Sarah Holden	1,101
Scattering	0
Blanks	2,127

(NOTE: Members of the Lincoln-Sudbury Regional School District School Committee were elected on an at large basis pursuant to the vote of the Special Town Meeting of October 26, 1970, under Article 1, and subsequent passage by the General Court of Chapter 20 of the Acts of 1971. The votes recorded above for this office are those cast in Sudbury only.)

QUESTION 1

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to construct a senior citizens center, as proposed under Article 24 of the Warrant for the 1988 Annual Town Meeting?

YES	1,314
NO	1,618
BLANKS	197

QUESTION 2

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to obtain engineering and architectural services for remodeling, reconstructing, or making extraordinary repairs to existing school buildings and/or the construction of new school buildings, as proposed under Article 4 of the Warrant for the April 4, 1988 Special Town Meeting?

YES	1,610
NO	1,306
BLANKS	213

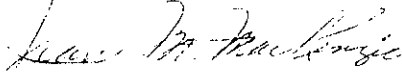
ANNUAL TOWN ELECTION
(continued)
March 28, 1988

QUESTION 3

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to remodel, repair, and purchase equipment for the Lincoln-Sudbury Regional School District building, and to reconstruct and make improvements to outdoor recreational and athletic facilities, and roadways and parking lots at the Lincoln-Sudbury Regional High School, which indebtedness was approved under Articles 4 and 6 of the April 6, 1987 Special Town Meeting?

YES	1,533
NO	1,359
BLANKS	237

A true record, Attest:



Jean M. MacKenzie, CMC
Town Clerk

PROCEEDINGS
ANNUAL TOWN MEETING

April 4, 1988

A quorum having been declared present, the 1988 Annual Town Meeting for the Town of Sudbury was called to order by Moderator Thomas G. Dignan, Jr. at 8:00 P.M. at the Lincoln-Sudbury Regional High School Auditorium.

Reverend Deborah Pope-Lance, pastor of the First Parish Church in, Sudbury delivered the invocation, followed by the Pledge of Allegiance by Andrew Surwilo of Old Lancaster Road, who was chosen for this honor because of his outstanding community and school achievements---President of the Senior Class at Lincoln-Sudbury Regional High School, Captain of the gymnastics team, State runner-up for the Good Citizen of the Year award by the D.A.R. among others.

The Moderator announced that Free Cash available for the April 4, 1988 Special Town Meeting and the 1988 Annual Town Meeting was certified as \$838,814, as advised by the Town Accountant. The Call of the Annual Town Meeting, the Officer's Return of Service and the Town Clerk's Return of Mailing were examined and found to be in order by the Moderator

Upon a motion made by the Chairman of the Board of Selectmen, David Wallace, it was

UNANIMOUSLY VOTED: TO DISPENSE WITH THE READING OF THE CALL, THE RETURN, THE NOTICE AND THE SEPARATE READING OF ARTICLES.

The Moderator introduced to the voters the various town officials and members of town boards as well as four students visiting Sudbury on the Foreign Student Exchange Program from Spain, Sweden, Turkey and West Germany.

In memory of those citizens of Sudbury who passed away during the past year, the following resolution was read by Selectman Wallace:

WHEREAS: THE TOWN OF SUDBURY IS FIRST AND FOREMOST THE SUM OF ALL ITS PEOPLE; AND

WHEREAS: CONTRIBUTIONS AND CIVIC DUTY AND PUBLIC SERVICE HAVE BEEN RENDERED BY SOME OF ITS CITIZENS AND EMPLOYEES WHO HAVE PASSED FROM AMONG US;

NOW, THEREFORE, BE IT

RESOLVED: THAT THE TOWN EXTEND ITS HEARTFELT SYMPATHY TO THE FAMILIES OF THESE PERSONS AND TAKE COGNIZANCE OF THEIR SERVICES AND DEDICATION:

RONALD G. ADOLPH 1932-1987, MOVED TO SUDBURY IN 1960
BOARD OF APPEALS ASSOCIATE 1963-1965
BOARD OF APPEALS 1965-1987
EARTH REMOVAL BOARD 1966-1969
CONSTABLE 1975-1982

CLARENCE E. BALDWIN 1895-1987, MOVED TO SUDBURY IN 1898
SCHOOL BUS DRIVER AND
SCHOOL CUSTODIAN 1957-1967

April 4, 1988

DAVID S. BALDWIN 1898-1988, MOVED TO SUDBURY IN 1912
 PLANNING BOARD 1938-1946
 ELECTION OFFICER 1945-1966
 BOARD OF APPEALS FOR SUBDIVISIONS 1946-1964
 RESUSCITATOR COMMITTEE 1951-1952
 DEPUTY FIRE CHIEF 1963

STANLEY BARRON 1926-1987, MOVED TO SUDBURY IN 1959
 TOWN NEEDS COMMITTEE 1966-1967
 SIGN REVIEW BOARD 1974-1977

SHIRLEY M. BELFREY 1922-1987, MOVED TO SUDBURY IN 1952
 CLERICAL AID, LIBRARY AIDE
 AND PART TIME SECRETARY IN
 SUDBURY SCHOOLS 1974-1986

ALTON F. CLARK 1911-1988, LIFELONG SUDBURY RESIDENT
 PLANNING BOARD 1937-1946
 FINANCE COMMITTEE 1947-1948
 BOARD OF APPEALS 1954-1959
 BOARD OF ASSESSORS 1957-1963
 INDUSTRIAL DEVELOPMENT
 BOARD 1961-1971
 SUBSTANDARD DWELLING
 STUDY COMMITTEE 1962-1963

JAMES L. DOWSE 1939-1987, SUDBURY RESIDENT 1975-1981
 HIGHWAY DEPARTMENT EMPLOYEE 1972-1987

REV. JOHN F. HARTIGAN 1921-1987, MOVED TO SUDBURY IN 1978.
 JUVENILE RESTITUTION
 COMMITTEE (ALTERNATE) 1980-1987

ROBERT H. KELLEY 1925-1988, SUDBURY RESIDENT 1961-1986
 MUNICIPAL LIGHT DEPARTMENT
 STUDY COMMITTEE 1964-1966
 DEPUTY WIRING INSPECTOR 1967-1971

JOHN F. MC GOVERN 1909-1987, MOVED TO SUDBURY IN 1949
 CHIEF OF POLICE 1948-1971
 RESUSCITATOR COMMITTEE 1951-1952
 CONSTABLE 1958-1971
 KEEPER OF LOCKUP 1960-1971
 TRAFFIC STUDY COMMITTEE 1964
 TOWN NEEDS COMMITTEE 1966-1967

JOHN R. MC LEAN 1903-1987, MOVED TO SUDBURY IN 1929
 SPECIAL POLICE OFFICER 1966-1976
 SPECIAL CONSTABLE
 (PAID DETAIL) 1976-1979

WILLIAM E. RICE 1921-1987
 MUSIC TEACHER IN LINCOLN-SUDBURY
 REGIONAL HIGH SCHOOL 1971-1981

JOSEPH E. SMITH 1902-1987
 SCHOOL CUSTODIAN 1964-1970

LYNN D. B. SPENCER 1903-1987, MOVED TO SUDBURY IN 1942
 SCHOOL CUSTODIAN 1955-1973

ALAN P. THAYER 1917-1987, MOVED TO SUDBURY IN 1966
BOARD OF REGISTRARS 1984-1987

AND BE IT FURTHER

RESOLVED: THAT THE TOWN OF SUDBURY, IN TOWN MEETING ASSEMBLED,
RECORD FOR POSTERITY IN THE MINUTES OF THIS MEETING,
ITS RECOGNITION AND APPRECIATION FOR THEIR EFFORTS
TO OUR TOWN.

After the Moderator reviewed the procedures that would be in effect throughout the Annual and Special Town Meetings, Chairman David Wallace of the Board of Selectmen gave the following account of the Town.

Board of Selectmen Report: (D. Wallace)

As stated in the Town Report, Sudbury is alive, vibrant and full of action. All you have to do is look around. The town is growing, but the population is staying about the same. New residential housing construction is still increasing at a steady pace, but new commercial construction has slowed or nearly stopped altogether. It is time again for the town to take a hard look at itself and decide what road it wants to take for the future as far as transportation, housing and land use are concerned. The current quality of life is excellent, but we don't want to short-change future generations. Indeed the subject is the focus for all present town boards and committees. These past few years we have heard, on occasion, news stating local concerns about Sudbury's changing character and that some qualities may not be up to certain standards. Sometimes we are so caught up in our concerns about what's bad, in some people's opinion, that we forget about what is good about Sudbury.

What is good about Sudbury? Plenty! Among other things--a plentiful clean water supply which everyone wants to protect for generations to come. Newspapers are full of stories of other towns' contaminated resources, major and minor. Days of looking to our neighbors for assistance are gone. Sudbury's growth must always consider impact on ground water quality. It is. It will. Fantastic schools... academically and extracurricularly! We have the highest basic skill test scores and high aspirations for many new programs; outstanding parks and playgrounds, being copied everywhere in the state; the best people. There are always improvements to be made and we're always seeking them and hoping for new volunteers with fresh ideas. Sudbury is real grass roots government by its people. What we put into it is what we get out of it. Our motto for this Town Meeting should be "Let's put pride back in our community."

We apologize for the weight of this year's Warrant. It contains more diversity of topics than any in recent memory or history. You are the legislative body of the town, and the Board of Selectmen, as the chief executive officers, carries out your wishes. You may accept or reject any Article or budget item. You may wish to take guidance from the Board of Selectmen which has thoroughly reviewed advantages and disadvantages of every component with all affected boards and parties.

Sudbury town government, to say the least, is getting more complicated. We have spent many hours trying to provide accurate information on all Articles. Some items may still be confusing to you, or lack sufficient information for you to make a decision. It is our duty to provide that information to you. Please do not be embarrassed or shy or hesitate to ask the Selectmen or Finance Committee any questions. If we cannot answer your questions, our staffs and department heads are available to help us do so.

REVENUE AND EXPENDITURE ANALYSIS

	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
Sudbury Pub. Schls. (Gross)	6,945,953	7,628,113	8,581,627	8,258,181
Sudbury Pub. Schls: Offsets	142,166	166,506	105,595	105,595
SUDBURY PUB. SCHLS. (Net)	6,803,787	7,461,607	8,476,032	8,152,586
L.S.R.H.S.(Assessment)	4,904,995	5,412,355	5,804,551	5,804,551
M.R.V.T.H.S.(Assessment)	367,533	457,070	449,347	369,425
TOTAL SCHOOLS	12,076,315	13,331,032	14,729,930	14,326,562
200: Debt Service	340,448	250,293	208,183	208,183
300: Protection	2,686,358	2,817,272	3,176,108	3,010,085
400: Highway	1,278,255	1,340,338	1,495,044	1,425,168
500: General Govt.	959,117	1,089,773	1,156,559	1,110,151
600: Library	298,931	320,059	361,283	351,649
700: Recreation	185,150	451,051	573,278	535,028
800: Health	211,945	301,748	308,791	304,556
900: Veterans	2,945	7,751	5,751	5,251
950: Unclassified/Sal.Adj.Acct.	1,678,852	2,120,640	2,549,810	2,521,075
TOTAL TOWN	7,642,001	8,698,925	9,834,807	9,471,146
TOTAL OPERATING BUDGET	19,718,316	22,029,957	24,564,737	23,797,708
STM Articles:	562,500	30,000	780,245	758,902
ATM Articles:	386,280	766,633	8,883,877	1,288,705
TOTAL ARTICLES	948,780	796,633	9,664,122	2,047,607
TOTAL APPROPRIATIONS	20,667,096	22,826,590	34,228,859	25,845,315
Cherry Sheet Charges & Underest.	482,240	541,914	308,503	308,503
Cherry Sheet Offsets	341,333	311,352	318,324	318,324
Recap, Snow&Ice & other charges	0	89,877	112,000	112,000
Abatements & Exemptions	247,448	252,370	500,000	500,000
TOTAL CHARGES	1,071,021	1,195,513	1,238,827	1,238,827
TOTAL TO BE RAISED	21,738,117	24,022,103	35,467,686	27,084,142
Cherry Sheet Receipts & Overest.	3,396,722	3,572,763	3,467,838	3,467,838
Borrowing	239,200	0	8,860,000	1,750,000
Local Receipts	1,676,200	1,882,700	2,037,454	2,037,454
Enterprise Fund Receipts	0	185,800	306,800	306,800
Use of ATM 87 Article 16	0	0	71,995	71,995
Free Cash applied	413,000	1,424,398	838,814	838,814
Federal Revenue Sharing	75,000	27,695	0	0
Sale of Town Real Estate	30,193	82,535	0	0
Dog Licenses (& St Aid)	9,163	2,000	2,000	2,000
Abatement Surplus	60,000	100,000	280,000	280,000
Cemetery Fund	16,291	16,000	20,500	20,500
Stabilization Fund	169,000	0	130,000	130,000
Add'l Lottery Revenue	0	32,245	0	0
Ambulance Fund	0	55,000	0	0
TOTAL RECEIPTS&REVENUE	6,084,769	7,381,136	16,015,401	8,905,401
REQUIRED TAX LEVY	15,653,348	16,640,967	19,452,285	18,178,741
Previous Limit +2.5%	15,051,422	16,223,774	17,324,154	17,324,154
New Construction	776,650	677,840	756,000	756,000
LEVY LIMIT	15,828,072	16,901,614	18,080,154	18,080,154
UNDER LEVY LIMIT	174,724	260,647	0	0
OVER LEVY LIMIT	0	0	1,372,131	98,587
OVER LL IF EXEMPTIONS ARE PASSED:			1,271,083	(2,461)

1988 FINANCE COMMITTEE REPORT

Sudbury voters will be wondering why, after several apparently uneventful years under Proposition 2-1/2, the Finance Committee is recommending three bonding exemptions. The heart of the problem is that our normal revenue growth allowed under 2-1/2 plus our proliferating new construction is enough to keep the Town functioning like it is, but it is not enough to build a new senior citizen center or new schools. These new services need new funding outside of Proposition 2-1/2. We, therefore, support these projects only if the Town votes bonding exemptions for them. It is the FinCom's opinion that if the Town wants these new services it must vote for increased taxes.

Proposition 2-1/2 limits the increase each year in total property taxes to 2-1/2%, with an extra allowance for any new construction added to the Town's tax rolls. Over the last few years, our total tax revenues have risen 5.83% in 1985-86; 6.52% in 1986-87; 6.16% in 1987-88; and 6.97% for this year's 1988-89 budget. Our main revenue source (\$18 million out of our total \$25 million budget) is intact. Of course, when new construction in Sudbury stops, property tax revenues will fall back to a 2-1/2% increase and we will have a serious problem.

This major long-term problem is that wage settlements negotiated by unions in Massachusetts are averaging around 5.5% with 4% step increases for a total of 9.5% yearly raises for our personnel. 75% of the town budget is personnel. Most of the town personnel belong to unions - teachers, firemen, policemen, engineering, highway, and supervisors - so the biggest piece of our budget is going up 9 1/2% a year. The cost of benefits - health insurance, workman's compensation, and the retirement fund - are also increasing by 15% this year. The Finance Committee recognizes this problem and has asked the High School, Sudbury schools, and the Town to be cognizant of this problem in planning their budgets. Accordingly, we are recommending budgets with no new personnel.

Several unrelated items have negatively impacted the Town's budget this year:

- a) Free cash is down \$600,000 from last year = lost revenue.
- b) The Assessor's abatements are up \$250,000 this year = lost revenue.
- c) Growth of state aid is slowing to affluent suburbs - up only 4% this year; it was up 6% the last several years = lost revenue.
- d) It is snowing more and snow and ice materials and personnel cost more. Snow and ice total expenditures for 1985-86 were \$95,000 - for 1988-89 will be around \$180,000.
- e) Property and Liability Insurance was down \$44,000 last year. This year they are up \$34,000. This costs the Town \$78,000 year to year in this budget.
- f) The extras of pre-2-1/2% budgets have been cut in past years and are no longer around to be cut.
- g) Our county retirement assessment is \$80,000 more than last year.
- h) Federal Revenue Sharing is gone. In 1985 it was \$140,000.
- i) Health insurance costs are going up \$250,000 this year.

This year's total revenue growth is only 2.2% because of these factors listed above. In order to keep current Town services on a 2.2% revenue increase, the FinCom needed some hard and fast priorities.

April 4, 1988

11.

Nine voters are appointed to the Finance Committee by the Town Moderator. Our recommendations to Town Meeting are the product of roughly eighty hours of Committee meetings, hearings with the various departments, commissions and boards, and as many additional hours of contacts between those groups and liaison members of the FinCom. Our job, as we see it, is to bring a set of recommendations to the Town Meeting which would enable the voters to appropriate funds to run the Town without an override. Voters may then make a decision about whether that level of funding is insufficient, in their opinion, and if so may choose to vote an "override budget" -- a combination of budget and monied articles which cannot be funded within the levy limit. The Finance Committee does not believe that an override is necessary in FY89. We believe that within the proposed budget current town services can be maintained despite our mere 2.2% revenue increase.

These are the hard and fast priorities we employed to reach a no override budget. The Town's essential services - schools, fire, and police - are our highest priority departments. Non-essential services have lower priority. From an operational viewpoint we wish to maintain current town services. This means maintenance of existing assets and keeping current personnel levels as high priority. But acquiring new assets or adding new personnel has low priority. Any new capital items have to have the recommendation of the Long Range Planning Committee. We want to keep current services, but we cannot afford to add new services or new personnel.

Should individual boards rise at Town Meeting to ask for higher salaries, more personnel, more computers, a new car, more hours for part-time personnel, new consultants, and new studies, you now know why we did not recommend them. Our priorities are to maintain current services. We cannot afford this year to add new services or new personnel unless we have an override of Proposition 2-1/2.

After the FinCom set its budgeting priorities we held hearings with these boards and departments. Each one vigorously defended its own budget. Sudbury is blessed with many hard working, intelligent, and articulate citizens who serve the Town on various boards. Each board is committed to its own agenda and skillfully works for its own ends - to the Town's benefit. For instance, last year's park and recreation board promoted the concept of a new pool for the Town and through their energy and talents made it happen. These hard working, intelligent, articulate board members helped the Town to obtain a beautiful pool by promoting their board's special interests.

We have tried to be consistent and fair in recommending to you, the voter at Town Meeting, how we think the Town's revenue should be allocated. We have recommended what we think is best for the Town. The Finance Committee does not believe that it is infallible and we invite your comments. Town Meeting has the final vote.

We would like to thank all those who have assisted us in our work this year. The Long Range Planning Committee has spent many hours at many hearings and is playing a very important role in our process. We also thank Terri Ackerman, the Town's Budget Analyst, for her invaluable contributions in verifying the budgets and providing us with technical support. We especially appreciate the cooperation of Town departments, boards, committees, and commissions, whose members always approach their budget hearing with a bit of apprehension, but manage nevertheless to give us an honest and open appraisal of their work and its importance.

Explanations of several terms which are used in our presentations and an overview of Proposition 2-1/2 are appended to this report.

Respectfully submitted,
Finance Committee

David P. Wilson, Chairman
John B. Hepting, Vice Chairman
Helen Marie Casey
Stephen D. Ellis
Carolyn S. Stowell
Robert K. Coe
Cary J. Corkin
Richard H. Pettingell
John J. Ryan, Jr.

Budget Terms and Definitions.

FREE CASH: The unreserved fund balance (amount of money remaining) after deducting from surplus revenue all uncollected taxes from prior years. Free Cash is certified on July 1 by the Director of Accounts; any or all of the certified amount may be used to defray Town expenses by a vote of the Town Meeting. Last July 1, a sum of \$838,814 was certified, all of which remains available for use in April 1989. In the analysis on the next page, Free Cash is being applied to offset items of the budget.

OVERLAY: Amount set by the Assessors to create a fund to cover abatements of real and personal tax assessments for the current year, and raised on the tax levy. This line item is up \$250,000 because this is a ten-year revaluation year. More abatements are asked for and given in a revaluation year.

ABATEMENT SURPLUS: Accumulation of the surplus amounts of Abatements and Exemptions set aside by the Assessors each year to cover abatements of (and exemptions from) real estate and personal property tax assessments. The accumulated amount for previous years no longer committed for abatements may be used by vote of the Town Meeting. For FY89, \$125,000 of the Abatement Surplus is proposed to defray the funding of the Reserve Fund in the 950 Budget and \$155,000 is proposed to fund highway equipment. This would leave \$228,000 in this emergency fund.

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

CHERRY SHEET: Details of State and County charges and reimbursements used in determining the tax rate. Name derives from the color of the paper used.

Proposition 2-1/2The Overall Limit

Proposition 2-1/2 contains two separate, distinct levy limits. The first is 2-1/2% of the full and fair valuation of the Town each year. The valuation can change each year so the overall levy changes. The Town can vote by referendum to exclude past or future debt from the limit. There are No Other Exemptions Or Exclusions From The Overall Limit. To beat this dead horse: Even a 100% Town ballot vote to assess taxes at 2.51% of fair valuation would be void. The overall limit is town wide. Each property can be a bit over or under \$25/\$1,000 (or a lesser tax rate) depending on its assessment.

The Growth Limit

By coincidence the second levy limit, as to the annual increase in levy authority, is also pegged at 2-1/2%. Once there was a special rule as to some towns in 1979 or 1981. Now all towns have as a base their FY1982 levy. Once the increase was 1.025 on a base of the prior year's actual levy. Now the growth limit never changes (except for local growth and an override) since the computation is retroactive to FY1982. If a town had a levy of \$1,000,000 in 1981, it has a limit of \$1,025,000 in 1982, \$1,050,625 in 1983 and \$1,077,160.60 in 1984 if the valuation was static and if it voted no overrides.

New Construction

To simplify the arithmetic, for the growth limit, (but not for the overall limit), new construction is counted only if it adds at least 50% in value to any one tax bill. Doubling the size of a house would thus probably be counted; adding a garage would be ignored. (They both will count as to the overall limit.) Properties burned or demolished will reduce the total. A bar in 1983 may be a church in 1984 and go off the tax rolls. Raw land may have been subdivided and be worth more. Each changed item is figured at last year's rate using last year's classification, if there was such, to arrive at the total growth limit.

Overrides in General

There may be an override for debt for the overall limit. Other overrides are only as to the growth limit. All overrides are by ballot votes at a town election, a special election or the November state and federal election. A debt override is permanent so long as the debt is outstanding. Growth limit overrides have to be readopted every year. In order to pass, overrides need a majority vote at town elections.

Override in Growth Limit

A town which is at or below 2-1/2% may have a levy limit not only of 102.50% of the past years' limit but also a dollar amount which is up to its overall limit.

Debt Overrides, Exclusion

New debt, being the amount needed each year to pay interest and principal on local or regional bonds or notes, or both, may be exempted by a majority ballot vote. The purpose of the new borrowing is stated in the referendum question. This debt exclusion is what the FinCom is recommending to the Town as a vehicle to finance the proposed new senior citizen center, the expansion of the K-8 school system, and last year's high school's maintenance bonds.

The Chairman of the Finance Committee had a verbal report for the meeting which was substantially the same as above.

Long Range Planning Committee Report: (J. Mooney)

The Long Range Planning Committee's Report which appears in the Warrant represents a summary of the updated five-year Capital Improvement Programs submitted to this Committee this year by the various Town Boards, Commissions, Committees and Departments.

The updated five-year Capital Improvement Program Totaled \$12,464,229.13; an increase of 13.36% over last year's amount of \$10,995,141.

Capital expenditure monies requested for Fiscal 1989, and for all projects valued over \$5,000, total \$9,392,579.13. Total capital expenditure requests received for submission at last year's Annual Town Meeting, for Fiscal 1988, were \$2,973,491.

The Long Range Planning Committee again prepared a separate report identifying and prioritizing the individual Fiscal 1989 capital expenditure projects submitted for funding approval at the April 1988 Annual Town Meeting. The report, entitled "Long Range Planning Committee Report, Including Capital Expenditure Plan for Fiscal Years 1989-1993", will be available through the Board of Selectmen's office at the Loring Parsonage and at the Annual Town Meeting. Also contained within this report will be the Committee's results (to date) on the Town's space/needs study.

Five-Year Capital Improvement Program Update

Fiscal Years 1989 through 1993

	Requested for Fiscal 1989	5-YR Total
GOODNOW LIBRARY	\$ 25,816.13	\$ 25,816.13
FIRE DEPARTMENT	\$ 155,000.00	\$ 420,000.00
ENGINEERING DEPARTMENT	\$ 12,500.00	\$ 45,500.00
BOARD OF HEALTH	---N/A---	\$ 9,500.00
OPERATIONAL REVIEW COMMITTEE	DEBT SERVICE, NOT INCLUDED	
POLICE DEPARTMENT	\$ 99,000.00	\$ 99,000.00
HISTORICAL COMMISSION	\$ 13,200.00	\$ 44,350.00
BOARD OF ASSESSORS	\$ 7,500.00	\$ 22,500.00
TOWN CLERK	\$ 44,500.00	\$ 44,500.00
K-8 SCHOOLS	\$ 534,041.00	\$ 534,041.00
COUNCIL ON AGING	\$ 1,000,000.00	\$ 1,000,000.00
BUILDING AND INSPECTIONS DEPT	\$ 109,700.00	\$ 109,700.00
PARK & RECREATION DEPT	\$ 152,000.00	\$ 539,000.00
HIGHWAY DEPARTMENT	\$ 425,000.00	\$ 2,125,000.00
PLANNING BOARD/WALKWAY COMMITTEE	\$ 129,322.00	\$ 529,322.00
BOARD OF SELECTMEN	\$ 20,000.00	\$ 150,000.00
CONSERVATION COMMISSION	\$ 6,665,000.00	\$ 6,766,000.00
REPORT SUMMARY	\$ 9,392,579.13	\$12,464,229.13

(The full text of the discussions under each article is available at the Town Clerk's Office.)

ARTICLE 1. HEAR REPORTS

To see if the Town will vote to hear, consider and accept the reports of the Town Boards, Commissions, Officers, and Committees as printed in the 1987 Town Report or as otherwise presented; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Board of Selectmen Position: The Board supports this article.

Finance Committee Report: Recommend approval.

Ann Donald, the most recent retired member of the Board of Selectmen, made the motion under Article 1.

The motion was *UNANIMOUSLY VOTED*

Chairman Wallace of the Board of Selectmen *moved* to recess the Annual Town Meeting and to reconvene at the dissolution or adjournment of the Special Town Meeting.

This motion was *VOTED*.

SPECIAL TOWN MEETING

April 4, 1988

The Moderator called the Special Town Meeting to order at 8:45 PM. He declared a quorum to be present and the certified Free Cash to be \$838,814. Having examined and found in order the Call of the Meeting, the Officer's Return of Service and the Town Clerk's Return of mailing he recognized Chairman Wallace for the motion to dispense with the reading of the Call, the Return of Notice and the separate reading of the Articles.

UNANIMOUSLY VOTED: TO DISPENSE WITH THE READING OF THE CALL OF THE MEETING AND THE OFFICER'S RETURN OF SERVICE AND TO WAIVE THE READING OF THE ARTICLES.

STM ARTICLE 1. UNPAID BILLS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum of money to pay for any one or more of the following unpaid bills, incurred in previous fiscal years, totalling \$8,901.02:

\$8,327.52 to pay Nicholas Lombardi for Sick-leave Buy-back (Police)
\$ 573.50 to pay Framingham Orthopedic Associates, Inc. (Police);

or act on anything relative thereto.

Submitted by the Town Accountant.

Mr. Wallace of the Board of Selectmen *moved* to appropriate \$8,902 for the payment of Unpaid Bills incurred which may be legally unenforceable due to the insufficiency of the appropriation in the year in which the bill was incurred, or received after the close of the fiscal year as follows: \$8,327.52 to pay Nicholas Lombardi for sick leave buy-back, Police Department. And the sum of \$573.50 to pay Framingham Orthopedic Associates, Inc. for the police, said sum to be raised by a transfer from Free Cash.

Finance Committee : (C. Corkin) Recommend approval

Board of Selectmen: (D. Wallace) Recommend approval.

The motion was *UNANIMOUSLY VOTED*.

STM ARTICLE 2. FY88 POLICE PAID DETAIL

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$15,000, or any other sum, as an addition to line item 320-110, Police Salaries, voted by the 1987 Annual Town Meeting under Article 5 for Fiscal Year 1988; or act on anything relative thereto.

Submitted by the Board of Selectmen

Board of Selectmen: (D. Wallace) Chairman Wallace *moved* Indefinite Postponement.

This motion was made as there was no longer a need for this money.

Finance Committee: (R. Coe) Recommend support for this motion.

The motion was *UNANIMOUSLY VOTED*.

STM ARTICLE 3. FY88 SALARIES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$6,343, or any other sum, as additions to the following line items voted by the 1987 Annual Town Meeting under Article 5 for Fiscal Year 1988, as provided below:

504-100	Assistant Assessor's Salary	\$1,973
512-100	Town Planner's Salary	\$2,944
521-100	Town Accountant's Salary	\$1,426

or act on anything relative thereto.

Submitted by the Board of Selectmen.

Board of Selectmen: (D. Wallace) Chairman Wallace *moved* to appropriate the sum of \$6,343 as additions to the following line items voted by the 1987 Annual Town Meeting. Under Article 5 for fiscal year 1988, as provided below.

504-100	Assistant Assessor's Salary	\$1,973
512-100	Town Planner's Salary	\$2,944
521-100	Town Accountant's Salary	\$1,426

said sum to be raised by a transfer from Abatements Surplus.

Finance Committee Report: (R. Pettingell)

The Finance Committee recommended disapproval of this Article, stating the opposition had nothing to do with the performance of the individuals involved, but with the manner in which the salary increases were being proposed. All five of the individuals involved, the Town Accountant, the Town Planner, the Assistant Assessor, the Police Lieutenant and the Supervisor of Town Buildings at last year's Annual Town Meeting were non-union employees, who fell within the purview of the Personnel Board and its Classification and Salary Plan. These five positions and their salaries were included in the FY88 budget, approved and set by Town Meeting vote. Subsequent to that Town Meeting, these five individuals elected to join the Sudbury Supervisory Association (SSA), then they elected also to re-negotiate their salaries for FY88. In effect, that is the purpose of STM Article 3 based upon the re-negotiation and why the Finance Committee has difficulty with this Article. These individuals would receive salaries for FY88 far in excess of what the Town voted and approved last year.

	FY85	FY86	FY87	FY88 (as voted)	FY88 (as proposed)
Town Accountant:	\$34,026	\$36,748	\$40,682	\$44,425	\$45,582
Supervisor of Town Buildings:	\$21,254	\$23,525	\$26,671	\$28,004	\$27,994
Assistant Assessor:	\$25,020	\$27,603	\$30,207	\$32,984	\$34,957
Town Planner:	\$25,000	\$26,500	\$31,414	\$34,304	\$37,248
Police Lieutenant:	---	\$30,503	\$32,181	\$33,802	\$36,515

This chart breaks down the salaries for these five positions over the past three years, with the exception of the Supervisor of Town Buildings. These are substantial raises. In FY88 these individuals will be receiving increases over their FY87 salaries from \$4,300 to \$5,800 or translated into raises over and above what the Personnel Board recommendations were of \$1,100 to \$2,900. If individuals elect to join a union that is their right. When they elect to join the union in the middle of a fiscal year, after

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the Town has set their salary for that year, we fail to see why the mere act of joining a union should also entitle them to renegotiate their salary for that year, prior to the end of the fiscal year in question. This is not analogous to a situation where someone goes before the Personnel Board to seek an adjustment of their position on the Town grid. With the Town's adoption of the Classification and Salary Plan, in effect the Town accepted the Personnel Board's judgment as to the relative market value for the positions on that Plan and that included the five positions at issue here.

When an individual goes before the Personnel Board and seeks an adjustment to his position, he is at all time remaining within the confines of the Personnel Classification and Salary Plan. In this instance, the five individuals elected to remove themselves, both from the jurisdiction of the Personnel Board and that of the Town's grid, where they seek to get a mid-year salary increase, when their salaries have already been set and voted upon at Town Meeting. It is the opinion of the FinCom that before those increases can be funded, they must be presented to the Town for approval or disapproval.

The Finance Committee opposed this article also as it appears to ignore the judgment of the Personnel Board. The Personnel Board was charged with making decisions as to the relative market value of the different jobs the Town employees perform, and presented its determination to the Town last year. This was accepted by the Town when it voted to accept the Plan.

The FinCom fails to see why these individuals should be receiving substantial increases in excess of what the Personnel Board presented to the Town and what the Town accepted, merely because they joined a union. Recommend disapproval of this Article.

Personnel Board Report (L. Costa)

The Personnel Board shares the FinCom's concern regarding the apparent restructuring of the salaries of the individuals in question. We don't object to the adjustment of these salaries as a result of the collective bargaining process. We find ourselves in the position of watching the collective bargaining process at work and finding that an agreement has been struck that exceeds what the Planning Board would have recommended had it been consulted.

There has been an established salary structure in the Town, as well as an established salary range. The increases in question surpass by far, any general increase that may have been negotiated and therefore the Personnel Board feels the better action would have been for the Board to have been consulted prior to striking any final agreements with the union.

The motion under STM Article 3 failed.

STM ARTICLE 4. SCHOOL ENGINEERING AND ARCHITECTURAL SERVICES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$750,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of obtaining engineering and architectural services, including preparation of plans, specifications, bidding documents and supervision of work, to implement the findings of the Sudbury School Committee regarding remodeling, reconstructing, constructing additional space, or making extraordinary repair to existing school buildings and/or the construction of new school buildings; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Sudbury School Committee.

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Mr. James Flanagan of the Sudbury School Committee moved to appropriate \$750,000, to be expended under the direction of the Permanent Building Committee for the purpose of obtaining engineering and architectural services, including preparation of plans, specifications, fitting documents and supervision of work to implement the findings of the Sudbury School Committee regarding remodeling, reconstructing, constructing additional space, or making extraordinary repairs to existing school buildings and/or the construction of new school buildings, and to raise this appropriation the Treasurer, with the approval of the Selectmen is authorized to borrow \$750,000, under Massachusetts General Laws, Chapter 44, § 7(21) and §7(22).

Sudbury School Committee Report: (J. Flanagan)

In support of this motion Mr. Flanagan reported that the school space plan is an important project for Sudbury and requires a multi-step Town authorization process.

1. Authorization of the architectural services, (The voters approved the exemption of these costs from the tax levy limit at the Town Election the week before.) Tonight the School Committee is requesting your approval to spend up to \$750,000, for this purpose.
2. Authorization of the school construction project. Construction approval will be requested at a future Town Meeting, after design work has been completed, and construction bids are received and exact costs have been determined.

To assist the voters in their decision, the following information was presented: space planning process, enrollment projections, school capacity, as well as details and estimated costs of the entire space plan.

In the fall of 1986, after years of decline, enrollments were markedly increasing. The Early Childhood Study indicated this increase would continue for many years. An educational planning consulting firm was hired to prepare enrollment projections and to analyze the capacity and condition of our school buildings. A Space Planning Committee was also appointed with representation from a broad spectrum of community interests. This Committee was charged with the tasks of reviewing the enrollment projections, developing and analyzing alternative plans for providing needed space and recommending a plan that was in the best long-term interests of Sudbury.

The Superintendent of the Sudbury Schools reported on student enrollment projections and school capacity data. He pointed out that there are two major factors behind enrollment projections. First the number of births that occur in Town each year. He presented a graph that showed an increase in the number of births from 1977 through 1987. The second major factor the in-migration of students through young families moving into Town with young children. The increase in the number of students from birth to the year of kindergarten entry was estimated to be 37%, which means the 173 births in 1986 would result in 237 kindergarten children in 1991. It was projected that there would be a 38% increase in enrollment by 1992, or nearly 1,500 students; an additional 10 to 50% by 1996, or nearly 1,600 students in grades K-6.

It was noted that providing accurate enrollment projections is very important to the scope of the project being proposed. Therefore three different independent demographers were contracted to provide projections. All three agreed on the basic scope and size of the enrollment projections. School capacity is the next major issue, which has two important factors: class size and curricula programs. The guidelines provided by the School Committee for class size were as follows:

Kindergarten:	15-20 students
Grades 1 & 2:	20-20 students
Grades 3 - 5:	22-25 students

The second major issue is the space allocated to curricula and support programs. Superintendent Jackson presented a list of curricula programs for which dedicated space is necessary: art, music, catalyst, computer education and some space for future programs and/or increased enrollment. The support programs include special education, remedial reading, speech and guidance. The projections for 1992 are for approximately 1,500 students or 400 more than the current capacity, which in terms of space means approximately 500 more student spaces needed by 1996. Alternatives for providing this space, were put into three categories: Small Scale Solutions, which represent the least amount of change and potential for the least amount of construction - i.e. moving the fifth grade to Curtis which would require a sizeable addition to that school or using space at the Lincoln-Sudbury Regional High School.

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Large Scale Solutions, which would have the potential for a large amount of construction were 1) a campus school, which provides maximum flexibility and space utilization, but requires the maximum amount of construction and would be the most costly, or 2) building a new elementary school with K-5 grades which would not effectively utilize available buildings and would be more costly than re-opening an existing building.

Medium Scale Solutions, which provide better balance of costs and benefits for long term solutions were:

- a) Expand two K-5 elementary school (Haynes and Noyes), each having provision for 750 students
- b) Three elementary schools of K-5 for approximately 500 students each
- c) Four K-5 elementary schools which would include the re-opening of the Nixon and Loring Schools.

The School Committee and the Space Planning Committee developed the following criteria for evaluating these alternatives:

- 1. Educational quality
- 2. Fiscal responsibility
- 3. Stability
- 4. Equity - equitable space at each school and equal educational opportunity for all students
- 5. School size that must be appropriate to both financial and educational criteria.

The School Committee's plan was presented as the establishment of three elementary schools, with grades K-5, each with four classes of each grade for a total enrollment of approximately 500. At each school there will be equal space for all programs: music, art, special education, as well as enhancement or increased enrollment. This plan which includes complete maintenance and repair of all four schools, was stated to be a fiscally responsible plan which qualified for state reimbursement of 64% of the total cost.

To summarize, the facility improvements would be:

- 1. Reopening of the Nixon or Loring School with 500 students, the building to be expanded to include additional classroom space, a new gymnasium and a new library.
- 2. The Haynes School enrollment would increase to 500 and that building would also have additional classroom space added, as well as a gymnasium and an expanded and renovated library.
- 3. The Noyes School would be reduced to 500 students and the remaining space would be for central maintenance and school supply offices.
- 4. The Curtis Middle School would continue with grades 6-8.
- 5. All necessary repairs and renovation costs are included in this plan.
- 6. The School's Central Offices would remain located at the Nixon site.

The total gross cost of all construction and renovation work was estimated at \$13,165,000. The net cost to the Town, after the 64% reimbursement was estimated at \$5,500,000, which includes all construction and long-term maintenance costs, which were approximated to be \$2,500,000 over the next ten years. The estimated impact on the residential tax rate is \$.95/\$1,000 of assessed valuation in the first year. It was stated this rate will decline approximately \$.05/\$1,000 of valuation in each successive year over the life of the twenty-year loan. It was also stated that any cost estimate at this stage is built upon many assumptions, all of which may change. Emphasis was placed on the fact that all the costs are maximum cost estimates representing turn-key construction costs, which include architectural fees, site preparation, construction, landscaping and classroom furnishings. It was further emphasized that this article was only the beginning step in the school space plan, as it would authorize the spending of up to \$750,000 for engineering and architectural work needed to obtain constructional bids. The selection of the architectural firm will be made under the direction of the Permanent Building Committee.

Finance Committee Report: (S. Ellis)

Recognizing the Sudbury Schools are undergoing a lot of growth, the Finance Committee recommended approval of this Article.

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Board of Selectmen Report: (D. Wallace)

The Selectmen strongly supported passage of this Article.

Permanent Building Committee: (B. Langmuir)

It is the opinion of the Permanent Building Committee that the turn-key or ready-to-occupy-and-operate costs of \$130/sq. foot for construction new and/or refurbishing of existing buildings is a realistic figure that should properly cover construction contingencies. Based on this cost/sq. ft., the estimated cost for 100,000 sq. ft. approximately, is proper. The expending of this \$750,000, or 6% of the estimated \$13,000,000 is actually on the "low" side. Normally 8-10% is used. The P.B.C. will assist the School Committee in design or selection of the firm to perform the work. The role of the PBC is to provide technical support to the School Committee and staff throughout this whole process.

When the School Committee was asked if the 64% reimbursement was a sure thing, it was noted that this rate of reimbursement is guaranteed by the new State law which was written by the legislature in January, contingent upon monies being appropriated. It was noted that in 1987 the appropriation was insufficient to fund all projects. In 1988 \$21,000,000 was approved, but only \$10,000,000 was initially released, with 18 towns waiting on the balance to be approved. No guarantees are written you will get this money. However, Sudbury would not be eligible for reimbursement--or to be approved for reimbursement--until, at best, a year from now; and the first payment of reimbursement would be a year after that--two years from now. It would be fiscal 1990 before Sudbury would be eligible to receive its first reimbursement payment. It was also noted that the \$.95 effect on the tax rate was based on receiving the 64% reimbursement.

Welles Hotchkiss of Nashoba Road moved to amend the motion to delete the words "and/or the construction of new school buildings".

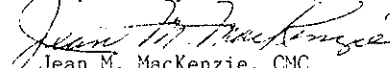
This motion was seconded and Mr. Hotchkiss in support of his motion to amend noted that the discussion on the School Plan offered change to the Loring and Nixon Schools but did not present any new school buildings. To protect the main motion from going astray by the successors of the present Committee and the administration, this motion was being offered.

The motion to amend was VOTED.

The main motion as amended was UNANIMOUSLY VOTED.

Selectmen Wallace moved to dissolve the Special Town Meeting and return to the Annual Town Meeting. This was seconded and UNANIMOUSLY VOTED at 10:27 PM.

Respectfully submitted,


Jean M. MacKenzie, CNC
Town Clerk

ANNUAL TOWN MEETING

(Reconvened session)

April 4, 1988

The Annual Town Meeting was reconvened at 10:27 PM. The next order of business was the Consent Calendar. The Moderator explained the procedure to be used and read the number of each article which had been placed on the Calendar. The following articles were held and removed from the Consent Calendar: 6, 8, 10 and 11.

UNANIMOUSLY VOTED: To take out of order and together at this time Articles 2,9,31,32,42,43,44,48,49,52,53,54,57,58, 60 and 61.

UNANIMOUSLY VOTED: In the words of the Consent Calendar motions as printed in the warrant for Articles 2,9,31,32,42,43,44,48,49, 52,53,54,57,58,60 and 61.

(See individual articles for motions voted.)

Article 3. AMEND PERSONNEL BYLAW, ARTICLE XI

To see if the Town will vote to amend Article XI of the Town of Sudbury Bylaws, entitled, "The Personnel Administration Plan":

- A. By Deleting the Classification and Salary Plan, Schedules A & B, in its entirety, and substituting therefor the following:

"1988 - 1989
SCHEDULE A - CLASSIFICATION PLAN
AND SCHEDULE B - SALARY PLAN

GRADE 1 Custodian (40 hrs/week) Pool Receptionist	GRADE 8 Conservation Coordinator Director, Council on Aging Senior Librarian
GRADE 2 Childcare Helper Clerk I Groundsperson (40 hrs/week) Switchboard Operator/Receptionist	GRADE 9 Administrative Assistant to the Board of Selectmen Budget Analyst Tax Collector
GRADE 3 Clerk II/Senior Clerk Library Clerk Recording Secretary	GRADE 10 Town Clerk
GRADE 4 Fire Dispatcher (40 hrs/week) Grounds Foreman (40 hrs/week) Library Technician Secretary I Senior Account/Data Processing Clerk Van Driver, Senior Citizen Center	GRADE 11 Assistant Assessor Library Director Pool Director Superintendent, Parks & Grounds Management Town Planner
GRADE 5 Assistant Pool Director Board of Health Coordinator Outreach Case Manager Library Office Coordinator	GRADE 12 Director of Public Health Inspector of Buildings/Zoning Enforcement Agent Town Treasurer
GRADE 6 Assistant Tax Collector Associate Librarian Dog Officer Police Dispatcher (40 hrs/wk) Secretary/Legal Secretary Secretary II/Office Supervisor Supervisor of Town Buildings	GRADE 13
GRADE 7 Assessors Office Coordinator Assistant Town Accountant Assistant Town Clerk Assistant Town Treasurer	GRADE 14 Director of Finance/Town Accountant Highway Surveyor Town Engineer
	GRADE 15 Fire Chief Police Chief
	GRADE 16
	GRADE 17

NOTE: UNION POSITIONS, INDIVIDUALLY CONTRACTED POSITIONS, AND ELECTED POSITIONS WHICH APPEAR ABOVE ARE GRADED FOR ADVISORY PURPOSES ONLY.

GRADE		INTERMEDIATE STEPS						
		1	2	3	4	5	6	7
1	Hourly	6.63	6.88	7.16	7.44	7.74	8.05	8.38
	Weekly							
	Annual							
2	Hourly	7.15	7.44	7.74	8.05	8.37	8.70	9.05
	Weekly	250.41	260.43	270.85	281.67	292.95	304.66	316.85
	Annual	13,071	13,594	14,138	14,703	15,292	15,903	16,540
3	Hourly	7.73	8.04	8.36	8.69	9.04	9.40	9.78
	Weekly	270.45	281.27	292.51	304.22	316.39	329.04	342.20
	Annual	14,117	14,682	15,269	15,880	16,515	17,176	17,863
4	Hourly	8.34	8.68	9.03	9.39	9.76	10.15	10.56
	Weekly	292.07	303.76	315.91	328.54	341.67	355.35	369.55
	Annual	15,246	15,856	16,490	17,150	17,835	18,549	19,291
5	Hourly	9.01	9.37	9.75	10.14	10.54	10.97	11.40
	Weekly	315.46	328.07	341.21	354.85	369.05	383.81	399.16
	Annual	16,467	17,126	17,811	18,523	19,264	20,035	20,836
6	Hourly	9.73	10.12	10.53	10.95	11.39	11.84	12.32
	Weekly	340.69	354.30	368.49	383.23	398.56	414.49	431.08
	Annual	17,784	18,495	19,235	20,005	20,805	21,636	22,503
7	Hourly	10.51	10.93	11.37	11.83	12.30	12.79	13.30
	Weekly	367.94	382.67	397.97	413.89	430.44	447.66	465.56
	Annual	19,207	19,975	20,774	21,605	22,469	23,368	24,302
8	Hourly	11.46	11.92	12.39	12.89	13.40	13.94	14.50
	Weekly	401.03	417.06	433.76	451.10	469.14	487.91	507.44
	Annual	20,934	21,771	22,642	23,547	24,489	25,469	26,488
9	Hourly	12.49	12.99	13.51	14.05	14.61	15.20	15.80
	Weekly	437.14	454.62	472.80	491.73	511.38	531.84	553.12
	Annual	22,819	23,731	24,680	25,668	26,694	27,762	28,873
10	Hourly	13.61	14.16	14.72	15.31	15.93	16.56	17.23
	Weekly	476.48	495.55	515.36	535.98	557.43	579.71	602.91
	Annual	24,872	25,868	26,902	27,978	29,098	30,261	31,472
11	Hourly	14.84	15.43	16.05	16.69	17.36	18.05	18.78
	Weekly	519.37	540.15	561.75	584.22	607.59	631.89	657.18
	Annual	27,111	28,196	29,323	30,496	31,716	32,985	34,305
12	Hourly	16.17	16.82	17.49	18.19	18.92	19.68	20.47
	Weekly	566.11	588.76	612.32	636.80	662.26	688.76	716.31
	Annual	29,551	30,734	31,963	33,241	34,570	35,953	37,392
13	Hourly	17.63	18.34	19.07	19.83	20.63	21.45	22.31
	Weekly	617.07	641.75	667.41	694.11	721.89	750.75	780.78
	Annual	32,211	33,499	34,839	36,232	37,682	39,189	40,757
14	Hourly	19.22	19.99	20.79	21.62	22.48	23.38	24.32
	Weekly	672.60	699.52	727.50	756.58	786.86	818.32	851.06
	Annual	35,110	36,515	37,975	39,494	41,074	42,716	44,426
15	Hourly	20.95	21.79	22.66	23.56	24.51	25.49	26.50
	Weekly	733.15	762.48	792.97	824.69	857.68	892.00	927.66
	Annual	38,270	39,801	41,393	43,049	44,771	46,562	48,424
16	Hourly	22.83	23.75	24.70	25.68	26.71	27.78	28.89
	Weekly	799.13	831.09	864.34	898.92	934.86	972.26	1,011.16
	Annual	41,714	43,383	45,119	46,923	48,800	50,752	52,782
17	Hourly	24.89	25.88	26.92	27.99	29.11	30.28	31.49
	Weekly	871.06	905.90	942.14	979.82	1,019.02	1,059.78	1,102.16
	Annual	45,469	47,288	49,180	51,147	53,193	55,320	57,533

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CLASSIFICATION	HRS/WEEK	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
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FIRE DEPARTMENT

ANNUALLY RATED

Fire Captain	42	26,911	27,533	28,171	28,795	29,470
Lieutenant	42	24,391	24,956	25,534	26,100	26,714
Firefighter	42	21,875	22,382	22,901	23,408	23,959
Firefighter/EMT	42	21,875	22,382	22,901	23,408	23,959

SINGLE RATED

Call Firefighter	\$105.44/Yr	\$10.14 HR				
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OTHER SINGLE RATED

Emergency Medical Technician (EMT)	870/YR stipend					
Fire Prevention Officer	600/YR					
Fire Alarm Superintendent	600/YR					
Master Mechanic	600/YR					
Training Officer	600/YR					
EMT Coordinator	600/YR					
Fire Alarm Foreman	300/YR					

POLICE DEPARTMENT

ANNUALLY RATED

Lieutenant		33,790				
Sergeant	37	27,183	27,812	28,463	29,104	29,684
Patrolman	37	22,651	23,175	23,720	24,254	24,736

SINGLE RATED FY88

Crime Prevention Officer	700/YR					
Photo/Fingerprint Officer	700/YR					
Juvenile Officer	700/YR					
Safety Officer	700/YR					
Detective	700/YR					
Training Officer	700/YR					
Parking Clerk	700/YR					
Mechanic	700/YR					
Matron	9.45/HR					

HIGHWAY DEPARTMENT

	START	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
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ANNUALLY RATED

Foreman Hwy	21,823	22,287	22,751	23,249	23,713	24,187	24,669
Foreman Tree/Cem	21,823	22,287	22,751	23,249	23,713	24,187	24,669

HOURLY RATED

Master Mechanic	10.20	10.53	10.88	11.21	11.51	11.80	12.10
Asst. Mechanic	9.73	10.06	10.41	10.74	11.04	11.33	11.63
Hvy. Eq. Op.	9.18	9.45	9.72	9.93	10.26	10.59	10.93
Tree Surgeon	9.18	9.45	9.72	9.93	10.26	10.59	10.93
Trk &/or Lt.Eq.Op.	8.65	8.88	9.11	9.36	9.54	9.73	9.93
Tree Climber	8.65	8.88	9.11	9.36	9.54	9.73	9.93
Laborer (Heavy)	8.20	8.37	8.61	8.80	9.03	9.27	9.51
Laborer (Light)	7.47	7.64	7.84	8.02	8.23	8.44	8.66
Temp. Laborer	5.96	6.12	6.31	6.48	6.73	7.00	7.28
Landfill Monitor	6.93						

SINGLE RATED

Lead Foreman	\$1,050 per year					
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CLASSIFICATION	HRS/WEEK	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
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LIBRARY

HOURLY RATED

Library Page		4.61	4.81	4.97		
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PARK & RECREATION DEPT.

ANNUALLY RATED

Recreation Director P/T		9,194	9,563	10,038	10,561	11,090
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HOURLY RATED

Lifeguard		4.50	4.88	5.25	5.63	6.00
Water Safety Instructor		5.25	5.63	6.00	6.38	6.75

April 4, 1988

CLASSIFICATION HRS/WEEK MINIMUM STEP 1 STEP 2 STEP 3 MAXIMUM
PARK & RECREATION DEPT. cont'd

SEASONALLY RATED

Playground Supervisor		1,962	2,043	2,144	2,253	2,367
Arts & Crafts Supervisor		1,962	2,043	2,144	2,253	2,367
Playground Instructor		5.85 -	6.76			
Temp. Laborer		5.23 -	6.12			
Monitors		5.23 -	6.12			
Teen Center Coordinator		8.86 -	13.29			

TOWN ADMINISTRATIONSINGLE RATED

Vets. Agent & Dir.	3,000/YR
Animal Inspector	1,323/YR
Cust. - Voting Machines	7.30/HR
Census Taker	5.55/HR
Elect. Warden	5.55/HR
Elect. Clerk	5.55/HR
Dep. Elect. Warden	5.55/HR
Dep. Elect. Clerk	5.55/HR
Elect. Off. & Teller	5.26/HR
Plumbing Insp.	FEES
Assistant Dog Officer	8.00/HR When called

<u>SUDBURY SUPER. ASSOC.</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
Library Director	28,863	29,730	30,621	31,540	32,485	33,459
Director of Health	33,875	34,889	35,936	37,015	38,126	39,269
Town Engineer	39,610	40,798	42,022	43,283	44,580	45,919
Supt Parks/Grds Mgmt	26,501	27,296	28,115	28,959	29,827	30,722
Asst. Highway Surveyor	29,907	30,803	31,729	32,680	33,660	34,669
Highway Oper. Asst.	25,255	26,011	26,792	27,595	28,426	29,277
Building Inspector	32,949	33,937	34,957	36,005	37,084	38,196
Supv. of Town Bldgs.*	24,872	25,618	26,387	27,179	27,994	28,834
Assistant Assessor	32,950	33,939	34,957	36,006	37,086	38,199
Town Planner	35,110	36,163	37,248	38,365	39,516	40,701
Police Lt./Adm. Asst.	35,451	36,515	37,610	38,738	39,900	41,097
Dir. of Fin./Town Acct.	41,714	42,965	44,254	45,582	46,949	48,357

* 40 hours/week.

<u>ENGINEERING ASSOC.</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
E-1 Engineer, Aide I	14,759	15,201	15,658	16,128	16,613	17,114
E-2 Engineer, Aide II	16,973	17,483	18,006	18,547	19,103	19,678
E-3 Engineer, Aide III	19,520	20,104	20,708	21,330	21,969	22,628
E-4 Jr. Civil Eng.	22,446	23,122	23,814	24,529	25,263	26,022
E-5 Civil Eng.	25,255	26,011	26,792	27,595	28,426	29,277
E-6 Sr. Civil Eng.	28,411	29,264	30,142	31,046	31,978	32,935
E-7 Asst. Town Eng.	31,962	32,923	33,909	34,927	35,974	37,055

NOTE: FULL-TIME EMPLOYEES ARE NORMALLY SCHEDULED TO WORK 35 HOURS PER WEEK. FULL-TIME EMPLOYEES WHO ARE DENOTED AS NORMALLY SCHEDULED TO WORK 40 HOURS PER WEEK ARE PAID FOR A WEEK'S WORK AT 40 TIMES THE STATED HOURLY RATE. THE ANNUAL RATE IS BASED ON 52.2 WEEKS PER YEAR.;

April 4, 1988

- B. By deleting Section 4, Salary Plan, Part (1) application, and substituting therefor the following:

"Section 4. Salary Plan.

(1) Application

The minimum and maximum salaries, or the single rate salaries, for the groups and positions in the Classification Plan are to be established by vote of the Town in Town Meeting, and are to be set forth in this Bylaw in Schedule B, entitled 'Salary Plan'. The salary range, or rate, for a group shall be the salary range, or rate, for all positions in the group.

The minimum salary set for any position in the Salary Plan shall be the starting salary for that position, unless the Personnel Board authorizes a higher starting salary under Section 8, Paragraph (6).

Where the salary plan provides both a maximum and minimum salary for a position, both regular part-time and regular full-time employees holding the position shall be entitled to the salary set therefor in Steps 2 through 7 after continuous satisfactory performance, as recommended by the appropriate department head with notice to the Personnel Board to insure compliance with its performance review plan, with the Town for the following periods:

Minimum							Maximum
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 7
(start)	1 year	2 years	3 years	4 years	5 years	6 years	6 years

Employees receive step increases effective on the anniversary of the date the employee began continuous employment with the Town (anniversary date of hire), regardless of promotions or reclassifications of the employee since date of hire.

The preceding sentence shall not affect the present anniversary date of hire of employees hired before 6/30/88.

When an employee is reclassified to a higher salary grade, the increase in salary will be effective as of the first pay period after the request for reclassification was submitted to the Personnel Board, unless the Personnel Board determines otherwise. When an employee is promoted to a higher salary grade, the increase in salary will be effective as of the date the employee starts in the new position.

Temporary employees shall be paid the starting wage for the position they hold unless the Personnel Board authorizes a higher step within the range, based on the experience, and qualifications of the employee. No employee of the Town at the time of amendment of the Salary Plan shall suffer a reduction of pay by virtue of such amendment.

Positions set forth in the Salary Plan, Schedule B, which are currently in a certified or recognized collective bargaining unit shall only be

subject to the Salary Plan, Schedule B, portion of the Personnel Bylaws, to the extent that it is not inconsistent with a valid current collective bargaining agreement.";

C. By deleting Section 7, Incidental Benefits, Part (2), Sick Leave, in its entirety and substituting therefor the following:

"(2) Sick Leave: Each regular employee is eligible for sick leave after completing one full month of employment.

Regular full-time employees: Each regular full-time employee shall be entitled to one (1) day of sick leave per calendar month. The one (1) day of sick leave is credited to the employee at the end of each month. Unused sick days may be accumulated from fiscal year to fiscal year up to a maximum of 120 days.

Regular part-time employees: Each regular part-time employee shall be entitled to annual sick leave earned at the rate of 12 hours multiplied by the number of hours that the employee is normally scheduled to work per week and divided by five (5). The applicable amount of sick leave hours will be credited at the end of each month. Payment for time taken as sick leave shall be the payment that the employee would have normally received for that day up to the amount of sick leave hours available to the employee.

Unused sick time may be accumulated from fiscal year to fiscal year up to a maximum of ten (10) times the employee's annual rate of accrual.

Part-time employees with irregularly scheduled hours: Part-time employees who do not work regularly scheduled hours (e.g., Recording Secretaries) may receive sick leave (1) for time that the employee would have been required to work (e.g., a meeting of the Town Board in question) and (2) for the period of an extended disability but excluding the first two (2) weeks of absence. The amount of paid sick leave per year which such an employee may take and the total amount which may be accumulated shall be computed and earned in the same manner as for other part-time employees.

Sick Leave Buy-back: Regular full-time employees with 120 days of accumulated sick leave may each year sell back to the Town up to twelve (12) days at 50% of the applicable rate, effective July 1, 1988 (FY1989).

A regular full-time employee who retires from service in the employ of the Town of Sudbury and retires into the state or county retirement system shall receive from the Town payment at the then current rate of pay equal to 50% of the daily pay times the number of unused accumulated sick days.

Sick Leave Bank. A sick leave bank shall be created for regular full-time employees and regular part-time employees with regularly scheduled working hours which will be jointly administered by a committee of one (1) Personnel Board designee and two (2) Town employee designees. The Joint committee may establish rules and

regulations for the administration and operation of this bank, provided said rules and regulations do not conflict with the Personnel Administration Plan. To be eligible to use the bank, an employee must contribute three (3) days of his sick leave each year. Further, an employee must exhaust his own accumulated sick days before he is eligible to use the bank. The maximum number of bank days any employee may be granted is twelve (12) times the number of years of his service. Although employees to be eligible are required to deposit three (3) days per year, the total number of days available in the bank shall not exceed seven hundred twenty (720) days. The contribution of, and grant to, a regular part-time employee shall be appropriately pro-rated.

For every week an employee receives Workmen's Compensation benefits, he shall be entitled to 1-1/2 days of available sick leave, not to exceed his regular pay nor his sick leave entitlement.

An employee granted sick leave of five (5) consecutive days or more shall, prior to returning to work, submit to the department head and the Personnel Board satisfactory medical evidence of good health. An employee absent due to personal illness or injury shall upon request submit to the department head or the Personnel Board, as the case may be, satisfactory medical evidence of the personal illness or injury.";

April 4, 1988

D. By deleting Section 7, Incidental Benefits, Part (3), Vacations, and substituting therefor the following:

"(3) Vacations: A regular employee with at least five (5) months continuous service shall be entitled to paid vacation during the first fiscal year of employment in accordance with the following schedule:

	<u>1st Year of Employment</u> <u>Date of Employment</u>	<u>Paid Vacation Entitlement</u>	
		<u>Dept. Heads</u>	<u>Others</u>
(Employed during this period)	July or August	12 days	10 days
	September thru January	6 days	5 days
	February thru June	none	none

After the first fiscal year of employment, vacation entitlement shall be based on the years of continuous town service which shall be completed during the fiscal year as follows:

<u>Years of Continuous Town Service</u>	<u>Paid Vacation Entitlement</u>	
	<u>Dept. Heads</u>	<u>Others</u>
One (1) and two (2)	15 days	10 days
Three (3) and four (4)	15 "	12 "
Five (5) thru seven (7)	17 "	15 "
Eight (8) and nine (9)	20 "	17 "
Ten (10) and eleven (11)	20 "	20 "
Twelve (12) thru fourteen (14)	22 "	20 "
Fifteen (15) thru nineteen (19)	25 "	20 "
Twenty and above	25 "	25 "

In no case shall an employee be entitled to paid vacation prior to completing five (5) months continuous service. The vacation period shall be the fiscal year, i.e., July 1 through June 30. However, eligibility shall be determined by the anniversary date of hire, e.g. if an employee shall complete ten (10) years of continuous service during a fiscal year, he/she shall be entitled to twenty (20) days of vacation in that period of July 1 through June 30.

In the event that an employee voluntarily terminates his/her employment with the Town, his/her paid vacation entitlement for that fiscal year shall be calculated as follows:

$$\frac{\text{Work days between July 1 and termination}}{260 \text{ work days per year}} \times \text{Annual Vacation Entitlement} = \text{Vacation}$$

If the employee has taken paid vacation in excess of the entitlement so calculated, such excess pay shall be deducted from his/her final paycheck.

A regular part-time employee's daily vacation pay shall be equal to the present hourly rate, multiplied by the average weekly hours worked for the previous 12 months divided by 5. In the first year such an employee's daily vacation pay is based upon the average weekly hours worked since the employee was hired.

Vacation may not be carried forward from one fiscal year to the next. Leave granted for temporary military service may not be charged against an employee's vacation without the employee's consent. The vacation schedule compensates department heads for additional work burdens outside the normal working hours, and compensatory time, if it ever existed for said professionals, is hereby abolished.";

April 4, 1988

E. By adding to Section 7, a new subsection (8) as follows:

"(8) Maternity/paternity leave: Employees shall be granted maternity/paternity leave in accordance with applicable state and federal law.";

or act on anything relative thereto.

Submitted by the Personnel Board.

Mr. Leonard Costa, Chairman of the Personnel Board moved to amend Article XI of the Town of Sudbury Bylaws entitled "The Personnel Administration Plan" as set forth on pages 13 through 21 of the Warrant for this meeting, except for the deletion of the following positions and salaries from the Sudbury Supervisory Association grid: Supervisor of the Town Buildings, Assistant Assessor, Town Planner, Police Lieutenant, Director of Finance/Town Accountant.

In support of this motion, Mr. Costa explained the bylaw was changed in eight (8) places:

- Classification Plan—employees working 40 hours/week would be paid the hourly rate times 40 hours.
- Section 4 - Employees would receive step increases on their anniversary date of hire as opposed to the date that they may have received a reclassification or promotion.
- Sick Leave changes dealing with part-time employees would
 - a) allow part-time employees to accumulate a pro-rata amount of full-time allowance based on the number of days they work
 - b) Sick leave for part-time employees with irregularly scheduled hours would be added to the Bylaw
 - c) Sick Leave buy-back provision would be added, as is currently enjoyed by Town personnel who are covered by the collective bargaining agreement
- Vacation - An additional week of vacation would be allowed for any employee who has 20 years of Town service as is currently enjoyed by Town personnel covered by the collective bargaining agreement.
- Vacation eligibility for part-time employees would be based on the average weekly hours they worked in the previous 12 months, rather than the previous 5 months.
- Maternity and Paternity provisions, to be in compliance with State provisions.

Finance Committee Report: (R. Pettingell) The Finance Committee supports this Article.

Board of Selectmen: (D. Wallace) The Selectmen support this motion

The motion under Article 3 was *VOTED*.

April 4, 1988

ARTICLE 4. LANDFILL ENTERPRISE

To see if the Town will vote to accept the provisions of M.G.L. C.40, s. 39K inserted by Chapter 306 of the Acts of 1986, in order to establish a separate account, to be classified as the Landfill Enterprise Fund, maintained by the Town Treasurer, and used for the Town's Sanitary Landfill and its operation; or act on anything relative thereto.

Submitted by the Board of Selectmen and Highway Surveyor/Landfill Agent

John Drobinski of the Board of Selectmen moved in the words of the article.

Board of Selectmen Report: (J. Drobinski)

The establishment of an Enterprise Fund to operate the Landfill is the first step toward a self-sustaining operation with the added goal of funding recycling and composting programs, as well as building an account which will be needed to support future solid waste disposal operations and, in particular, landfill closing costs.

Finance Committee Report: (J. Hepting)

The Finance Committee is very much in favor of monitoring the expenditures and revenues of the Landfill outside of the normal Highway budget. With an Enterprise Fund, any excess revenues can then be used to fund future programs for the Landfill and Resource Recovery operations directly, rather than have that increased revenue simply revert back to the General Fund the way it does now. We think it is a very forward-thinking process when you consider what problems we potentially will have with the Landfill in the coming years. Therefore, the Finance Committee strongly recommends approval of Article 4.

Neal Drawas of the Resource Recovery Committee gave a lengthy presentation supporting the enactment of the Landfill Enterprise Fund, which would dedicate the funds necessary, in anticipation of the expenditures, for necessary equipment, materials and engineering services.

The motion under Article 4 was *VOTED*.

A motion to adjourn was made. This received a second and was *UNANIMOUSLY VOTED*.

The first session of the Annual Town Meeting adjourned at 11:00 PM.

Attendance: 785

ADJOURNED ANNUAL TOWN MEETING

April 5, 1988

A quorum was declared present, and the Moderator called the meeting to order at 8:03 P.M. at the Lincoln-Sudbury Regional High School Auditorium.

ARTICLE 5 BUDGET

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums, or any other sum or sums, for any or all Town expenses and purposes, including debt and interest and out-of-state travel, to fix the salaries of all elected officials and to provide for a Reserve Fund, all for the Fiscal Year July 1, 1988 through June 30, 1989, inclusive, in accordance with the following schedule, which is incorporated herein by reference; and to determine whether or not the appropriation for any of the items shall be raised by borrowing; or act on anything relative thereto.

Submitted by the Finance Committee

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
100 EDUCATION					

SUDBURY PUBLIC SCHOOLS					
Salaries	5,124,106	5,566,291	5,976,553	6,789,446	6,516,000
Expenses	1,265,173	1,305,997	1,518,083	1,597,181	1,597,181
Equipment	36,735	57,907	133,477	195,000	145,000
Community Use	12,000	15,758	0	0	0
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Subtot Sudbury Pub.Scls	6,438,014	6,945,953	7,628,113	8,581,627	8,258,181
Offsets, including METCO	114,810	142,166	166,506	105,595	105,595
110 Net Sudbury Public Scls	6,323,204	6,803,787	7,461,607	8,476,032	8,152,586
L-S REGIONAL H.S.					
130 Sudbury Assessment	4,373,089	4,904,995	5,412,355	5,804,551	5,804,551
MINUTEMAN VOC. H.S.					
140 Sudbury Assessment	308,493	367,533	457,070	449,347	369,425
TOTAL 100 BUDGET	11,004,786	12,076,315	13,331,032	14,729,930	14,326,562
(See detailed school budgets starting on Page 47)					

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
200 DEBT SERVICE					
-201 Temp. Loan Int.	26,380	15,408	50,000	40,000	40,000
-203 Other Bond Int.	50,336	38,540	21,293	74,183	74,183
-205 Principal, Others	272,067	286,500	179,000	94,000	94,000
200 TOTAL DEBT SERVICE	348,783	340,448	250,293	208,183	208,183
(Police Sta: P & I)	119,963	109,988	0	0	0
(Roof Repairs: P & I)	104,125	96,475	88,825	0	0
(Stone Tavern: P & I)	71,390	68,440	66,080	63,720	63,720
(Septage: P & I)	26,925	50,137	45,388	43,213	43,213
(Sr. Center: 1/2 yr I)	0	0	0	35,000	35,000
(Schl.Arch.Fees: 1/2 yr I)	0	0	0	26,250	26,250
300 PROTECTION					
310 FIRE DEPT					
-100 Chief's Salary	40,145	45,245	49,294	51,231	51,231
-110 Salaries	756,279	806,106	856,392	871,910	871,040
-120 Overtime	94,175	96,818	103,795	104,833	104,833
-130 Clerical	14,380	16,695	18,239	18,337	18,337
-140 Dispatchers	27,071	44,272	57,577	68,334	68,334
-151 Sick Buyback	13,029	9,949	4,815	12,433	10,898
Total Personal Services	945,079	1,019,055	1,090,112	1,127,078	1,124,673
-210 General Expense	9,324	13,611	13,510	18,010	17,010
-310 Maintenance	31,120	30,512	34,015	30,350	29,915
-420 Travel, Out of State	353	509	600	1,000	1,000
-510 Equipment	12,215	9,692	10,450	11,550	11,550
-620 Alarm Maint.	2,461	830	2,500	1,500	1,500
-710 Uniforms	10,416	14,938	15,200	15,200	15,200
-810 Tuition	2,465	1,836	2,500	2,000	2,000
Total Expenses	68,354	71,928	78,775	79,610	78,175
-901 Capital Items	10,000	125,000	11,648	154,118	154,118
Total Capital Spending	10,000	125,000	11,648	154,118	154,118
310 Total	1,023,433	1,215,983	1,180,535	1,360,806	1,356,966
Offset:Revenue Sharing	65,000	37,500	13,848	0	0
Offset:Stabiliz. Fund	0	125,000	0	130,000	130,000
Net Budget	958,433	1,053,483	1,166,687	1,230,806	1,226,966

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
320 POLICE DEPT					
-100 Chief's Salary	41,184	50,554	55,203	55,203	55,203
-110 Salaries	713,619	773,812	885,144	918,170	914,671
-120 Overtime	140,430	167,662	170,773	170,773	164,172
-130 Clerical	16,881	32,704	35,775	38,106	38,106
-151 Sick Buyback	422	820	1,481	1,892	1,892
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Total Personal Services	912,536	1,025,552	1,148,376	1,184,144	1,174,044
-210 General Expense	23,489	38,819	34,085	48,910	45,910
-255 Contracted Services	0	0	0	25,000	0
-310 Maintenance	16,004	17,274	18,915	21,565	19,915
-410 Travel	3,114	2,521	3,100	4,600	3,500
-420 Travel, Out of State	180	340	700	1,000	1,000
-510 Equipment	0	0	5,700	6,800	6,800
-710 Uniforms	12,853	17,749	18,000	18,200	17,400
-810 Tuition	8,842	2,728	10,000	3,000	3,000
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Total Expenses	64,482	79,431	90,500	129,075	97,525
-901 Capital Items	63,144	59,161	42,084	99,000	49,000
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Total Capital Spending	63,144	59,161	42,084	99,000	49,000
320 Total	1,040,162	1,164,144	1,280,960	1,412,219	1,320,569
Offset:Revenue Sharing	65,000	37,500	13,847	0	0
Net Budget	975,162	1,126,644	1,267,113	1,412,219	1,320,569
340 BUILDING DEPT.					
-100 Inspector's Salary	33,684	37,105	38,960	38,960	38,960
-110 Assistant Bldg Inspector	0	0	0	22,819	0
-120 Overtime	1,606	1,620	2,000	2,000	1,500
-130 Clerical	17,496	19,550	21,648	22,647	22,647
-140 Deputy Inspector	1,646	2,640	5,640	5,640	5,640
-150 Custodial	55,499	62,755	67,798	83,248	69,401
-160 Plumbing Inspector	10,179	9,500	9,500	9,500	9,500
-170 Retainer: Plumbing	2,000	2,000	2,000	2,000	2,000
-180 Sealer of Weights	1,500	1,500	1,500	1,500	1,500
-190 Wiring Inspector	6,240	6,480	6,480	6,264	6,264
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Total Personal Services	129,850	143,150	155,526	194,578	157,412

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
340 BUILDING DEPT (cont.)					
-210 General Expense	782	933	1,000	1,000	1,000
-310 Vehicle Maintenance	338	1,091	1,500	1,500	1,500
-320 Town Bldg. Maint.	70,115	63,868	72,080	70,880	63,580
-325 Hosmer House	0	11,864	10,970	16,900	11,000
-327 Haynes Meadow House	0	0	2,000	500	500
-330 Excess Bldg.	9,425	11,365	11,700	27,200	23,700
-410 Travel	603	577	650	1,150	650
-420 Travel, Out of state	0	150	200	200	200
-510 Equipment	0	0	1,117	0	0
Total Expenses	81,263	89,848	101,217	119,330	102,130
Total Capital Spending	0	0	0	0	0
340 Total	211,113	232,998	256,743	313,908	259,542
350 DOG OFFICER					
-100 Dog Officer's Salary	16,182	17,445	19,728	20,605	20,605
-120 Overtime	510	320	1,085	0	0
-140 Extra Hire	0	0	0	1,085	500
Total Personal Services	16,692	17,765	20,813	21,690	21,105
-210 General Expense	2,777	2,381	3,082	3,082	2,500
-310 Vehicle Maintenance	0	0	200	200	200
Total Expenses	2,777	2,381	3,282	3,282	2,700
Total Capital Spending	0	0	0	0	0
350 Total	19,469	20,146	24,095	24,972	23,805
360 CONSERVATION COMMISSION					
-100 Conservation Coordinator	13,520	18,253	20,072	20,186	20,186
-130 Clerical	0	0	4,000	4,177	4,177
-140 Extra Hire	0	0	0	0	0
Total Personal Services	13,520	18,253	24,072	24,363	24,363
-210 General Expense	2,975	3,143	5,000	5,000	5,000
-220 Computer	0	0	2,250	350	350
-256 Contracted Services	0	0	0	5,000	0
-310 Maintenance	1,993	10,673	10,000	10,000	10,000
-410 Travel	224	277	350	350	350
-510 Equipment	0	0	350	750	750
Total Expenses	5,192	14,093	17,950	21,450	16,450
-900 Conservation Fund	0	15,000	25,000	10,000	0
Total Capital Spending	0	15,000	25,000	10,000	0
360 Total	18,712	47,346	67,022	55,813	40,813

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
370 BOARD OF APPEALS					
-130 Personal Services (Cler)	4,046	4,660	6,667	6,640	6,640
-210 Expenses (Gen. Exp.)	1,234	1,081	1,250	1,750	1,750
-901 Total Capital Spending	0	0	0	0	0
370 Total	5,280	5,741	7,917	8,390	8,390
TOTAL 300 BUDGET	2,318,169	2,686,358	2,817,272	3,176,108	3,010,085
Offsets	130,000	200,000	27,695	130,000	130,000
NET 300 BUDGET	2,188,169	2,486,358	2,789,577	3,046,108	2,880,085
410 HIGHWAY DEPT					

-100 Surveyor's Salary	38,478	40,402	46,202	48,975	48,975
-110 Salaries	420,450	460,244	523,247	556,889	518,431
-120 Overtime	8,657	5,733	11,921	16,915	16,915
-130 Clerical	14,314	17,453	19,815	19,827	19,827
-140 Tree Warden	670	725	800	850	850
-151 Sick Buyback	0	792	6,753	2,012	2,012
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Total Personal Services	482,569	525,349	608,738	645,468	607,010
-210 General Expense	4,812	4,498	4,500	5,700	4,500
-218 Roadwork	155,484	193,077	212,655	232,354	228,854
-310 Bldg. Maintenance	6,147	6,136	7,770	7,770	7,770
-311 Trees	12,999	12,994	13,000	13,000	13,000
-334 Utilities	18,594	18,551	18,700	21,000	19,000
-410 Travel	23	53	100	100	100
-420 Travel, Out of State	500	800	800	800	800
-450 Landfill	3,495	4,651	5,600	17,672	3,672
-451 Cemeteries	4,987	6,395	11,350	12,700	11,350
-510 Equipment	0	0	3,000	0	0
-511 Vehicle Maintenance	122,929	122,902	122,800	135,968	130,000
-700 Street Lighting	56,402	63,000	63,000	71,000	68,000
-710 Uniforms	7,135	8,489	8,650	9,050	8,650
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Total Expenses	393,507	441,546	471,925	527,114	495,696
-901 Capital Items	72,775	125,000	150,000	200,000	200,000
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Total Capital Spending	72,775	125,000	150,000	200,000	200,000
-121 Snow & Ice Overtime	35,363	74,636	33,113	33,372	33,372
-301 Snow & Ice Materials	91,827	111,724	76,562	89,090	89,090
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Total Snow & Ice	127,190	186,360	109,675	122,462	122,462
TOTAL 410 BUDGET	1,076,041	1,278,255	1,340,338	1,495,044	1,425,168

April 5, 1988

35.

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
TOTAL 410 BUDGET	1,076,041	1,278,255	1,340,338	1,495,044	1,425,168
Offset:Cemetery Fund	22,886	16,291	16,000	20,500	20,500
Offset:Sale of Town Land	69,000	0	82,535	0	0
Offset:Add'l Lottery Rev	0	0	32,245	0	0
Offset:Stabiliz. Fund	0	44,000	0	0	0
Offset:Abatement Surplus	0	0	0	0	0
Total Offsets	91,886	60,291	130,780	175,500	175,500
NET 410 BUDGET	984,155	1,217,964	1,209,558	1,319,544	1,249,668

NOTE: If the Landfill Enterprise Fund is approved under Article 4, several of the line items in 410 Highway Budget will be reduced and voted instead under the proposed 460 Landfill Enterprise Budget which follows.

460 LANDFILL #		
-100 Administration		
-110 Salaries	18,704	18,704
-130 Clerical	139,398	139,398
	13,707	13,707
Total Personal Services	171,809	171,809
-210 General Expense	4,228	4,228
-310 Maintenance	41,966	41,966
-500 Depreciation	31,561	31,561
Total Expenses	77,755	77,755
-901 Capital Items	0	0
Total Capital Spending	0	0
460 Total	249,564	249,564

460 LANDFILL ENTERPRISE: If Article 4 of this Town Meeting is passed, it is the Board of Selectmen's responsibility to recommend to Town Meeting the budget for the Landfill Enterprise Fund. The recommendation of the Board of Selectmen, in accordance with Chapter 306 of the Acts of 1986, is as follows: Total Budget: \$249,564; Income Estimate: \$249,564; Amount to be Raised: \$0.

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
500 GENERAL GOVERNMENT					

501 SELECTMEN					
-100 Exec. Sec'y Salary	53,760	58,419	61,759	61,936	61,936
-110 Admin. Salaries	0	15,542	51,803	54,859	54,859
-120 Overtime	1,850	1,850	500	500	500
-130 Clerical	58,916	64,280	58,067	60,321	60,321
-140 Selectmen's Salary	3,200	3,200	3,200	3,200	3,200
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Total Personal Services	117,726	143,291	175,329	180,816	180,816
-210 General Expense	6,845	7,628	5,700	8,000	8,000
-310 Maintenance	1,928	1,787	2,200	1,200	1,200
-410 Travel	1,646	2,440	2,100	1,000	1,000
-420 Travel, Out of State	600	631	1,200	1,000	1,000
-510 Equipment	0	690	600	500	500
-811 Surveys & Studies	1,193	0	0	10,000	8,000
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Total Expenses	12,212	13,176	11,800	21,700	19,700
-901 Capital Items	0	0	0	0	0
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Total Capital Spending	0	0	0	0	0
501 Total	129,938	156,467	187,129	202,516	200,516
502 ENGINEERING DEPT.					
-100 Engineer's Salary	42,696	35,116	45,919	44,995	44,995
-110 Salaries	108,410	94,154	128,829	128,633	128,633
-120 Overtime	356	591	0	1,000	0
-130 Clerical	14,880	16,759	18,304	19,059	19,059
-151 Sick Buyback	0	779	857	857	857
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Total Personal Services	166,342	147,399	193,909	194,544	193,544
-210 General Expense	5,958	5,975	6,500	10,700	8,450
-310 Maintenance	1,290	7,184	1,995	1,850	1,850
-410 Travel	27	0	50	100	100
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Total Expenses	7,275	13,159	8,545	12,650	10,400
-901 Capital Items	6,172	7,579	10,100	12,500	0
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Total Capital Spending	6,172	7,579	10,100	12,500	0
502 Total	179,789	168,137	212,554	219,694	203,944

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
503 LAW					
-100 Retainer	20,670	21,807	22,897	22,897	22,897
Total Personal Services	20,670	21,807	22,897	22,897	22,897
-210 General Expense	29,875	5,509	5,100	6,450	6,450
-255 Contracted Services	11,146	0	0	0	0
-256 Legal Expense	7,962	39,075	39,071	36,571	36,571
-500 Equipment	0	0	0	200	200
Total Expenses	48,983	44,584	44,171	43,221	43,221
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	0	0
503 Total	69,653	66,391	67,068	66,118	66,118
504 ASSESSORS					
-100 Asst. Assessor's Salary	27,603	30,207	32,984	36,006	34,305
-120 Overtime	2,069	2,481	2,500	2,500	2,500
-130 Clerical	42,492	47,579	53,137	55,457	55,457
-140 Assessors' Salaries	2,433	2,500	0	0	0
Total Personal Services	74,597	82,767	88,621	93,963	92,262
-210 General Expense	18,463	12,415	7,500	8,000	8,000
-255 Contracted Services	0	0	38,800	26,400	26,400
-310 Maintenance	175	235	1,450	2,250	350
-410 Travel	1,053	1,425	250	250	250
-510 Equipment	277	0	0	0	0
-810 Tuition	550	1,067	1,200	1,500	1,500
Total Expenses	20,518	15,142	49,200	38,400	36,500
-901 Capital Items	0	38,481	7,000	7,500	6,500
Total Capital Spending	0	38,481	7,000	7,500	6,500
504 Total	95,115	136,390	144,821	139,863	135,262
Offset: Sale of Town Bldg	0	30,193	0	0	0
Net Budget	95,115	106,197	144,821	139,863	135,262

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
505 TAX COLLECTOR					
-100 Tax Collector's Salary	18,232	19,144	24,680	27,207	27,207
-120 Overtime	975	1,032	500	1,000	1,000
-130 Clerical	31,293	35,497	32,139	31,695	31,695
-140 Attorney's Salaries	0	0	0	0	0
Total Personal Services	50,500	55,673	57,319	59,902	59,902
-210 General Expense	1,321	996	1,545	1,500	1,500
-310 Maintenance	48	48	110	110	110
-410 Travel	150	144	300	300	300
-521 Service Bureau	16,947	31,552	34,000	35,000	35,000
Total Expenses	18,466	32,740	35,955	36,910	36,910
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	0	0
505 Total	68,966	88,413	93,274	96,812	96,812
506 TOWN CLERK & REGISTRARS					
-100 Town Clerk's Salary	23,320	24,486	28,547	35,000	31,470
-120 Overtime	267	1,433	500	1,500	1,000
-130 Clerical	43,381	52,276	57,741	57,186	57,186
-140 Registrars	600	600	600	600	600
Total Personal Services	67,568	78,795	87,388	94,286	90,256
-210 General Expense	7,807	6,716	9,719	16,924	13,100
-220 Computer	0	0	1,889	5,849	1,850
-310 Maintenance	995	443	3,450	885	685
-410 Travel	629	541	800	800	800
-420 Travel, Out of State	410	0	0	0	0
-510 Equipment	0	0	2,336	2,437	2,437
-615 Elections	3,547	10,845	8,945	15,460	13,140
-810 Tuition	0	0	0	600	300
Total Expenses	13,388	18,545	27,139	42,955	32,312
-901 Capital Items	0	10,769	0	0	0
Total Capital Spending	0	10,769	0	0	0
506 Total	80,956	108,109	114,527	137,241	122,568

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
507 TREASURER					
-100 Treasurer's Salary	11,872	12,466	15,673	17,280	17,280
-130 Clerical	16,246	18,857	20,525	22,220	22,220
Total Personal Services	28,118	31,323	36,198	39,500	39,500
-210 General Expense					
-210 General Expense	1,249	8,057	9,000	10,000	10,000
-310 Maintenance	0	0	100	100	100
-410 Travel	935	974	1,200	1,300	1,300
-610 Tax Title Expense	225	120	3,000	3,000	3,000
-711 Bond and Note Issue	365	315	1,000	1,000	1,000
-810 Tuition	0	0	250	250	250
Total Expenses	2,774	9,466	14,550	15,650	15,650
507 Total	30,892	40,789	50,748	55,150	55,150
508 FINANCE COMMITTEE					
-130 Personal Services (Cler)	3,320	1,455	4,083	3,922	3,922
-210 Expenses (Gen. Exp.)	163	145	180	200	200
508 Total	3,483	1,600	4,263	4,122	4,122
509 MODERATOR					
-100 Personal Services (Sal.)	0	0	0	0	0
-210 Expenses (Gen. Exp.)	0	98	150	150	0
509 Total	0	98	150	150	0
510 PERMANENT BLDG. COM.					
-130 Personal Services (Cler)	90	484	604	611	611
-210 Expenses (Gen. Exp.)	0	0	0	0	0
510 Total	90	484	604	611	611
511 PERSONNEL BOARD					
-130 Personal Services (Cler)	1,741	2,391	2,641	3,569	3,569
-210 General Expense	54	96	200	200	200
-510 Equipment	0	0	200	0	0
Total Expenses	54	96	400	200	200
511 Total	1,795	2,487	3,041	3,769	3,769

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommnd FY 89
512 PLANNING BOARD					
-100 Town Planner	26,500	31,414	34,304	38,365	34,305
-130 Clerical	11,144	12,616	19,675	17,285	17,285
-140 Extra Hire	0	0	0	361	361
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Total Personal Services	37,644	44,030	53,979	56,011	51,951
-210 General Expense	1,624	2,459	3,600	3,600	3,600
-310 Maintenance	0	447	90	0	0
-410 Travel	0	0	650	650	650
-510 Equipment	356	0	1,000	530	530
-810 Tuition	0	791	800	800	800
-811 Surveys & Studies	0	2,500	0	0	0
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Total Expenses	1,980	6,197	6,140	5,580	5,580
-901 Capital Items	0	0	0	0	0
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Total Capital Spending	0	0	0	0	0
512 Total	39,624	50,227	60,119	61,591	57,531
513 ANCIENT DOCUMENTS COM.					
-210 Expenses (Gen. Exp.)	531	1,600	1,600	1,600	1,600
513 Total	531	1,600	1,600	1,600	1,600
514 HISTORIC DIST. COM.					
-130 Personal Services (Cler)	45	36	75	75	75
-210 Expenses (Gen. Exp.)	74	72	80	85	85
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514 Total	119	108	155	160	160
515 HISTORICAL COMMISSION					
-130 Personal Services (Cler)	0	0	0	0	0
-210 General Expense	827	537	1,000	1,675	875
-510 Equipment	0	0	4,365	1,500	1,200
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Total Expenses	827	537	5,365	3,175	2,075
515 Total	827	537	5,365	3,175	2,075
516 CABLE TV COMMISSION					
-130 Personal Services (Cler)	0	0	0	0	0
-210 Expenses (Gen. Exp.)	0	0	0	1,000	400
516 Total	0	0	0	1,000	400

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
517 DESIGN REVIEW BOARD					
-130 Personal Services (Cler)	0	0	0	2,357	2,357
-210 General Expense	0	0	0	175	175
-810 Tuition	0	0	0	400	0
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Total Expenses	0	0	0	575	175
517 Total	0	0	0	2,932	2,532
518 COUNCIL ON AGING					
-100 Director's Salary	8,021	8,462	10,101	17,694	17,694
-110 Van Driver	5,713	8,435	9,712	11,660	11,660
-120 Outreach Worker	2,248	2,199	4,535	6,781	6,781
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Total Personal Services	15,982	19,096	24,348	36,135	36,135
-210 General Expense	3,873	4,096	4,420	5,120	5,120
-310 Maintenance	2,967	2,835	3,260	3,260	3,260
-410 Travel	0	0	0	250	250
-420 Out of State Travel	0	0	0	100	100
-510 Equipment	343	511	250	250	250
-611 Programs	0	250	250	0	0
-622 Transportation	1,247	1,268	1,550	1,710	1,710
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Total Expenses	8,430	8,960	9,730	10,690	10,690
-901 Capital Items	0	0	0	0	0
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Total Capital Spending	0	0	0	0	0
518 Total	24,412	28,056	34,078	46,825	46,825
519 TALENT SEARCH					
-120 General Expense	89	0	0	0	0
519 Total	89	0	0	0	0
521 ACCOUNTING					
-100 Town Accountant's Salary	36,748	40,682	44,425	47,888	45,314
-120 Overtime	143	554	700	728	728
-130 Clerical	34,088	37,875	41,358	43,065	43,065
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Total Personal Services	70,979	79,111	86,483	91,681	89,107

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
521 ACCOUNTING (cont.)					
-210 General Expense	19,129	20,703	3,192	3,615	3,115
-220 Computer	6,201	8,854	19,123	16,424	16,424
-310 Maintenance	69	266	359	370	370
-410 Travel	235	275	590	590	590
-510 Equipment	129	16	280	300	300
-616 Outstanding Receivables	3,931	0	0	0	0
-810 Tuition	75	0	250	250	250
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Total Expenses	29,769	30,114	23,794	21,549	21,049
-901 Capital Items	0	0	0	0	0
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Total Capital Spending	0	0	0	0	0
521 Total	100,748	109,225	110,277	113,230	110,156
TOTAL 500 BUDGET	827,027	959,117	1,089,773	1,156,559	1,110,151
Offsets		30,193			
NET 500 BUDGET	827,027	928,924	1,089,773	1,156,559	1,110,151
600 GOODNOW LIBRARY					
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-100 Director's Salary	30,205	32,271	34,129	33,011	33,011
-110 Salaries	157,790	179,839	200,355	199,652	192,331
-120 Overtime	1,779	2,403	2,200	3,069	3,069
-150 Custodial	8,064	9,820	10,385	10,045	10,045
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Total Personal Services	197,838	224,333	247,069	245,777	238,456
-210 General Expense	5,410	5,780	5,050	6,700	6,000
-310 Maintenance	16,126	18,282	10,325	15,900	14,400
-410 Travel	75	85	175	250	250
-420 Travel, Out of State	0	0	0	0	0
-510 Equipment	605	499	3,000	1,000	1,000
-520 Books	44,704	49,952	54,440	59,840	59,727
-616 Automation	0	0	0	6,000	6,000
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Total Expenses	66,920	74,598	72,990	89,690	87,377
-901 Capital Items	0	0	0	25,816	25,816
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Total Capital Spending	0	0	0	25,816	25,816
600 Total	264,758	298,931	320,059	361,283	351,649
Offset: State Aid	11,081	7,014	0	0	0
Offset: Dog Licenses	2,345	2,149	2,000	2,000	2,000
NET 600 BUDGET	251,332	289,768	318,059	359,283	349,649

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
700 PARK AND RECREATION					
-100 Supervisor's Salary	27,734	30,136	31,644	31,644	31,644
-110 Salaries	68,913	88,811	111,575	106,300	102,550
-120 Overtime	699	1,128	1,500	1,500	1,500
-130 Clerical	4,234	5,883	4,977	6,674	6,674
Total Personal Services	101,580	125,958	149,696	146,118	142,368
-210 General Expense	1,625	1,715	4,700	5,000	5,000
-310 Maintenance	24,117	23,618	44,545	27,000	27,000
-410 Travel	647	656	660	660	660
-510 Equipment	0	0	3,100	2,900	2,900
-610 Special Programs	9,135	10,677	14,400	14,000	14,000
-623 Teen Center	5,899	5,545	8,500	10,500	10,500
-710 Uniforms	843	824	850	1,200	1,200
Total Expenses	42,266	43,035	76,755	61,260	61,260
-901 Capital Items	0	16,157	7,300	36,000	23,000
Total Capital Spending	0	16,157	7,300	36,000	23,000
700 Total	143,846	185,150	233,751	243,378	226,628
Offset: Free Cash			33,453		
Net 700 Budget	143,846	185,150	200,298	243,378	226,628
701 TOWN POOL #					
-100 Director's Salary	0	0	30,000	28,000	28,000
-110 Salaries	0	0	82,000	98,500	98,500
-130 Clerical	0	0	18,000	16,800	16,800
Total Personal Services	0	0	130,000	143,300	143,300
-210 General Expense	0	0	17,500	19,500	19,500
-310 Maintenance	0	0	50,000	40,000	40,000
-410 Travel	0	0	0	200	200
-420 Out of State Travel	0	0	0	800	800
-500 Depreciation	0	0	0	67,000	67,000
-510 Equipment	0	0	0	0	0
-610 Programs	0	0	3,000	8,000	8,000
-803 Insurance & Benefits	0	0	0	28,000	28,000
Total Expenses	0	0	70,500	163,500	163,500
-901 Capital Items	0	0	5,300	0	0
Total Capital Spending	0	0	5,300	0	0
701 Total	0	0	205,800	306,800	306,800

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
701 Total	0	0	205,800	306,800	306,800
Offset: Free Cash			20,000	0	0
Net 701 Budget	0	0	185,800	306,800	306,800
710 YOUTH COMMISSION					
-110 Salaries	0	0	0	0	0
-130 Clerical	0	0	0	0	0
Total Personal Services	0	0	0	0	0
-210 General Expense	0	0	0	100	100
-611 Community Programming	0	0	1,500	8,000	1,500
Total Expenses	0	0	1,500	8,100	1,600
710 Total	0	0	1,500	8,100	1,600
715 350th CELEBRATION					
-210 Expenses (Gen. Exp.)	0	0	10,000	15,000	0
715 Total	0	0	10,000	15,000	0
TOTAL 700 BUDGET					
Offsets	143,846	185,150	451,051	573,278	535,028
NET 700 BUDGET	0	0	53,453	0	0
	143,846	185,150	397,598	573,278	535,028

701 TOWN POOL ENTERPRISE: In accordance with Chapter 306 of the Acts of 1986, the Board of Selectmen recommends the FY1989 Town Pool Enterprise Fund Budget as follows: Total Budget: \$306,800; Income Estimate: \$306,800; Amount to be Raised: \$0.

April 5, 1988

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	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
800 BOARD OF HEALTH					
-100 Director's Salary	33,414	36,310	39,269	39,269	39,269
-120 Overtime	660	909	0	0	0
-130 Clerical	16,746	18,756	20,510	21,322	21,322
-140 Animal Inspector	1,193	1,260	1,323	1,323	1,323
-141 Extra Hire	0	0	2,000	2,000	1,000
Total Personal Services	52,013	57,235	63,102	63,914	62,914
-210 General Expense	1,120	1,510	1,600	1,700	1,700
-310 Maintenance	396	538	600	200	200
-221 Lab Expense	2,771	4,300	4,300	4,500	4,500
-510 Equipment	267	0	0	0	0
-612 SVNA	31,438	32,224	33,520	34,545	34,545
-614 Community Outreach Prog	0	0	34,838	37,932	37,932
-712 Mosquito Control	15,000	15,000	18,000	19,000	19,000
-750 Septage: Interest	0	4,441	15,000	15,000	15,000
-751 Septage: Operation. Exp.	33,379	81,347	65,000	100,000	100,000
-811 Studies & Surveys	0	0	37,000	3,000	0
-910 Mental Health	6,000	6,000	8,788	9,000	8,765
-920 Hazardous Waste	4,200	9,350	20,000	20,000	20,000
Total Expenses	94,571	154,710	238,646	244,877	241,642
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	0	0
800 TOTAL	146,584	211,945	301,748	308,791	304,556
900 Veterans					
-100 Agent's Salary	2,709	2,859	3,001	3,001	3,001
Total Personal Services	2,709	2,859	3,001	3,001	3,001
-210 General Expense	584	0	750	750	750
-613 Veteran's Benefits	2,172	86	4,000	2,000	1,500
Total Expenses	2,756	86	4,750	2,750	2,250
900 TOTAL	5,465	2,945	7,751	5,751	5,251

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
950 UNCLASSIFIED					
EMPLOYEE BENEFITS					
-800 Health Insurance	665,592	707,500	790,890	940,000	940,000
Town Share:	299,050	317,880	355,347	418,770	418,770
Scl Share:	366,542	389,620	435,543	521,230	521,230
-801 Life Insurance	3,800	3,800	4,000	4,000	4,000
Town Share:	1,707	1,707	1,797	1,782	1,782
Scl Share:	2,093	2,093	2,203	2,218	2,218
-810 FICA/Medicare	0	6,785	12,000	28,000	28,000
Town Share:	0	3,049	5,392	12,474	12,474
Scl Share:	0	3,736	6,608	15,526	15,526
-811 Worker's Compensation	55,565	69,470	115,000	125,000	125,000
Town Share:	24,965	31,213	51,670	81,250	81,250
Scl Share:	30,600	38,257	63,330	43,750	43,750
-813 Retirement Fund	455,661	499,191	630,500	700,000	700,000
Town Share:	318,051	348,435	440,089	553,070	553,070
Scl Share:	137,610	150,756	190,411	146,930	146,930
-952 Pension Liab. Fund	20,000	20,000	20,000	20,000	20,000
Town Share:	13,960	13,960	13,960	15,802	15,802
Scl Share:	6,040	6,040	6,040	4,198	4,198
Total Employee Benefits	1,200,618	1,306,746	1,572,390	1,817,000	1,817,000
OPERATING EXPENSES					
-803 Property/Liab. Insurance	129,813	240,239	311,200	230,000	230,000
Town Share:	36,335	67,243	87,105	162,448	162,448
Scl Share:	93,478	172,996	224,095	67,552	67,552
-804 Print Town Report	6,649	6,571	5,000	6,000	6,000
-805 Memorial Day	1,025	619	1,115	1,275	1,275
-808 School Tuition	0	0	4,000	0	0
-812 Hydrant Availability Fee	23,485	24,360	24,885	25,235	0
-814 Town Meetings	9,372	13,444	11,800	13,800	12,800
-815 Postage	13,700	16,300	15,700	19,000	19,000
-816 Telephone	15,581	16,999	19,000	20,000	20,000
-818 Gasoline	40,573	34,332	40,000	40,000	40,000
-950 Volunteers Expen. Reimb.	0	0	0	2,500	0
-951 Copying	7,991	9,773	10,000	10,000	10,000
-953 Copiers: Equipment	0	0	5,550	0	0
Total Operating Expenses	248,189	362,637	448,250	367,810	339,075
950 TOTAL UNCLASSIFIED	1,448,807	1,669,383	2,020,640	2,184,810	2,156,075

April 5, 1988

100 EDUCATION: 130 LINCOLN-SUBBURY REGIONAL SCHOOL DISTRICT

	<u>1986-87 Actual</u> <u>Expenditures</u>	<u>1987-88</u> <u>Budget</u>	<u>1988-89 Proposed</u> <u>& Recommended</u>
(Pupils)	(1297)	(1240)	(1190)
I. INSTRUCTION			
Art	7,048	7,950	7,000
Business	23,838	33,035	34,185
Computer	109,363	132,486	120,206
English/2nd Lang	11,708		
English	13,787	16,900	15,850
Foreign Language	12,936	10,700	12,100
History	10,480	12,300	13,050
Home Economics	6,389	8,970	8,770
IS West	7,162	6,550	8,050
Mathematics	7,843	8,225	7,225
Music	8,750	9,500	9,300
Physical Education	9,624	13,058	15,400
Science	18,649	19,030	21,800
Technology	14,870	15,775	27,840
Work Experience	5,642	2,800	3,125
Heys Seminar		1,000	
Human Relations	1,889	4,000	2,500
General Supplies	43,306	35,000	35,000
	<u>313,284</u>	<u>337,279</u>	<u>341,401</u>
II. EDUCATIONAL SUPPORT			
House Services	15,224	14,000	17,300
Student Services	43,228	44,080	51,246
Special Needs	409,467	525,900	661,450
Audio-Visual	22,653	25,000	23,150
Library	22,667	15,050	17,050
Student Activities	4,861	10,000	12,500
Athletics	93,814	88,000	104,400
Transportation	250,417	255,000	277,000
Development	4,828	7,500	10,000
	<u>867,159</u>	<u>984,530</u>	<u>1,174,096</u>
III. OPERATIONS			
Custodial	67,335	45,800	56,500
Grounds	21,457	25,000	25,500
Maintenance	127,116	155,468	178,000
Utilities	234,154	300,000	283,400
Insurance	52,304	60,175	60,200
	<u>502,366</u>	<u>586,443</u>	<u>603,600</u>

April 5, 1988

<u>110 SUDBURY PUBLIC SCHOOLS</u>	<u>Budget 1986-87</u>	<u>Budget 1987-88</u>	<u>Request 1988-89</u>
<u>B ACCOUNTS - SUPPLIES, CONTRACTED SERVICES, TEXTS, ENERGY</u>			
00 Administration	\$ 74,250	\$ 89,940	\$ 94,140
56 Kindergarten	3,500	3,650	3,803
57 Art	9,516	9,860	9,193
58 Music	12,506	13,857	16,206
59 Physical Education	4,190	4,031	6,367
60 English	17,825	20,638	22,188
61 Reading	28,071	29,996	30,558
62 Science	15,466	15,609	15,632
63 Health Education	3,588	3,588	7,500
64 Mathematics	20,515	19,675	19,340
65 Social Studies	20,305	20,637	18,592
66 Keyboard	800	2,000	3,250
67 Foreign Language	2,630	2,750	2,650
68 Home Economics	4,900	5,150	5,500
69 Industrial Arts	7,500	7,550	7,500
71 Curriculum	75,209	94,425	130,225
72 Guidance	100	400	600
73 Health Services	61,452	74,144	87,251
76 Special Education	71,200	110,326	136,130
77 Tuition	133,250	250,750	275,750
78 Pupil Personnel Services	15,800	23,775	13,890
80 Transportation	291,840	301,589	324,073
85 School Management	14,547	16,230	16,538
86 Central Management	15,060	16,200	17,300
10 Custodial	27,700	28,362	29,825
20 Maintenance of Buildings	75,000	80,841	57,150
21 Utilities	241,420	234,290	237,030
30 Maintenance of Equipment	31,800	37,800	39,000
TOTALS	\$1,279,940	\$1,518,083	\$1,627,181
School Committee Reduction			- 30,000
TOTAL REQUEST			\$1,597,181
<u>C ACCOUNT - EQUIPMENT</u>	<u>\$31,328</u>	<u>\$133,477</u>	<u>\$225,000</u>
School Committee Reduction			- 30,000
TOTAL REQUEST			\$195,000
<u>STAFF PUPIL SUMMARY</u>	<u>1986-87</u>	<u>1987-88</u>	<u>1988-89</u>
Number of Pupils	1,697	1,709	1,740
Teaching Staff	123.9	128.2	137.1
Other Staff	57.3	58.6	62.6
Cost Per Pupil (Gross)	\$4,097	\$4,463	\$4,932

April 5, 1988

100 EDUCATION: 110 SUDBURY PUBLIC SCHOOLS

<u>BUDGET SUMMARY</u> 110	<u>BUDGET</u> 1986-87	<u>BUDGET</u> 1987-88 <u>Adjusted</u>	<u>BUDGET</u> 1988-89 <u>Request</u>
A Account-Salaries	\$ 5,629,289	\$ 5,976,553	\$ 6,789,446
B Account-Supplies/Services	758,680	982,204	1,036,078
B' Account-Energy Related	533,260	535,879	561,103
C Account-Equipment	31,328	133,477	195,000
Total	\$ 6,952,557	\$ 7,628,113	\$ 8,581,627

OFFSETS:

METCO	40,235	40,235	40,235
METCO	40,000	65,000	5,000
PL 94-142	62,608	59,171	55,810
PL 89-313	2,625	2,100	4,550
Total Offsets	(145,468)	(166,506)	(105,595)
NET BUDGET	\$ 6,807,089	\$ 7,461,607	\$ 8,476,032
		9.6%	13.6%

<u>A ACCOUNT - SALARIES</u>	<u>1987-88 Staffing</u>		<u>1988-89 Staffing</u>	
PROGRAM & NUMBER	1987-88 NO. OF PERSONNEL	1987-88 SALARIES	1988-89 NO. OF PERSONNEL	PROJECTED 1988-89 SALARIES
00 - Contract & Adm.	1.2	272,490	1.2	371,298
18 - Middle/Gr. 6	8.0	298,028	8.0	315,770
35 - Elem.Gr. 1-5	42.0	1,468,597	46.0	1,726,763
56 - Kindergarten	10.0	211,599	13.0	309,508
57 - Art	2.8	80,925	3.0	91,507
58 - Music	4.7	157,495	5.0	184,437
59 - Physical Ed.	6.0	220,920	6.0	234,174
60 - CORE/Gr. 7-8	18.0	597,372	17.0	637,835
61 - Reading	5.0	186,870	5.0	199,056
66 - Keyboard/Comp.	3.0	79,851	4.0	131,132
67 - Foreign Language	2.0	67,666	2.0	73,330
68 - Home Economics	1.8	49,159	1.8	52,614
69 - Industrial Arts	2.0	76,978	2.0	81,596
71 - Curriculum/Media	14.5	348,683	16.4	420,813
72 - Guidance	6.5	231,582	7.5	289,690
76 - Special Ed.	21.6	607,403	24.1	771,519
85 - School Mgmt.	13.5	342,271	13.5	378,693
86 - Central Mgmt.	6.1	234,827	6.1	236,958
87 - Catalyst	4.0	137,452	4.0	148,727
10 - Custodial	11.0	222,001	11.0	225,698
20 - Maintenance	3.1	84,384	3.1	93,096
TOTALS	186.8	5,976,553	199.7	6,974,214
School Committee Reduction				- 184,768
TOTAL REQUEST				6,789,446

April 5, 1988

PROPOSED WRAP-UP MOTION:

That appropriations within departmental budgets are funded hereunder as integrated line items, provided, however, that the departmental appropriations set forth within the following categories: Personal Services, Expenses, Total Equipment, Total Snow and Ice, Net Sudbury Public School, Sudbury Assessment (Schools), Total Debt Service, Total Unclassified, and Out-of-State Travel must be expended within those categories unless, in each instance, the Finance Committee grants prior approval.

1987-1988 RESERVE FUND TRANSFERS

Reserve Fund Appropriation	\$100,000.00
<u>ACCOUNT NUMBER/DESCRIPTION</u>	<u>AMOUNT</u>
518-110 Council on Aging: Van Driver Salary	\$ 937.00
518-100 Council on Aging: Director, Council on Aging Salary	6,340.00
504-510 Assessors: Equipment	1,225.00
521-210 Accounting: General Expense (Audit)	19,000.00
310-210 Fire: General Expense	4,375.00
501-110 Selectmen: Admin. Salaries	890.00
BALANCE AS OF 1/31/88:	\$ 67,233.00

In addition, the Finance Committee and Selectmen have jointly approved spending in excess of appropriation (under the provisions of M.G.L. Ch. 44, §31D) for accounts 410-121, Snow and Ice Overtime, and 410-301, Snow and Ice Materials, for a total of \$85,000. The deficit will be raised in the FY1989 Tax Rate.

April 5, 1988

	Expend. FY 86 *	Expend. FY 87 *	Approp. FY 88 **	Request FY 89	Recommend FY 89
950 TOTAL UNCLASSIFIED	1,448,807	1,669,383	2,020,640	2,184,810	2,156,075
(Total Town Related)	812,445	905,885	1,092,410	1,383,406	1,354,671
(Total School Related)	636,362	763,498	928,230	801,404	801,404
Offset: Free Cash	0	0	1,125,945	829,912	829,912
NET 950 BUDGET	1,368,807	1,609,383	794,695	1,354,898	1,326,163
970 TRANSFER ACCOUNTS **					
-110 Salary Adjustment Acct.	0	148,985	0	240,000	240,000
-807 Reserve Fund	80,164	99,225	100,000	125,000	125,000
970 TOTAL TRANSFER ACCOUNTS	80,164	248,210	100,000	365,000	365,000
Offset: Abatement Surplus	80,000	60,000	100,000	125,000	125,000
NET 970 BUDGET	164	188,210	0	240,000	240,000
TOTAL OPERATING BUDGET	17,584,266	19,708,847	22,029,957	24,564,737	23,797,708
Total Offsets	315,312	359,647	260,475	432,500	432,500
Free Cash Applied	0	0	1,179,398	829,912	829,912
NET OPERATING BUDGET	17,268,954	19,349,200	20,590,084	23,302,325	22,535,296

** Transfer accounts are appropriated to the 970 account and then transferred to other line items as needed. Thus for FY86 and FY87 this account is not included in the Total Operating Budget.

* Includes Reserve Fund and Line Item transfers, as well as transfers from the Salary Adjustment Account.

** Does not include Reserve Fund and Line Item transfers for FY88 to date.

<u>130 LSRHS</u>	<u>1986-87 Actual Expenditures</u>	<u>1987-88 Budget</u>	<u>1988-89 Proposed & Recommended</u>
IV. DISTRICT SERVICES			
School Committee	38,250	37,201	29,001
Administration	21,614	54,700	33,500
Business Office	11,867	11,650	13,150
Central Office	33,529	14,200	19,500
Benefits	535,692	637,000	649,000
Contingency	0	25,000	25,000
Special Reserve		56,300	
	<u>640,952</u>	<u>836,051</u>	<u>769,151</u>
V. SALARIES			
Administration	464,390	482,500	569,900
Professional Staff	3,370,371	3,634,887	3,818,838
Educational Support	201,049	228,050	259,839
Athletics & Extra-curricular	144,183	172,640	186,000
Clerical	258,792	269,413	318,210
Maintenance	392,482	406,400	430,390
	<u>4,831,267</u>	<u>5,193,890</u>	<u>5,583,177</u>
VI. DEBT AND CAPITAL			
Building Debt	20,400		
Roof Debt	71,625	66,975	62,325
Capital Projects	187,739	50,000	
Renovation Debt			46,250
	<u>279,764</u>	<u>116,975</u>	<u>108,575</u>
TOTAL EXPENDED	7,434,792		
TOTAL BUDGET	7,584,453.37	8,055,168	8,580,000
OFFSETS:			
Chapter 70	636,997	707,774	707,774
Chapter 71	435,964	470,440	494,300
Transportation	245,000	220,000	240,000
Residential Tuition	100,000	100,000	100,000
Supplemental Aid	53,253		
Construction Aid	52,310.15	52,309	52,309
STATE AID sub-total	<u>1,523,524.15</u>	<u>1,550,523</u>	<u>1,594,383</u>
Adjustment for prior years	264,378.46	169,688.95	257,333.28
TOTAL OFF-SETS	<u>1,787,902.61</u>	<u>1,720,211.95</u>	<u>1,851,716.28</u>
TOTAL ASSESSMENT	5,796,550.76	6,334,956.05	6,728,283.72
SUDBURY ASSESSMENT	4,904,994.46	5,412,354.09	5,804,551.00
FINANCE COMMITTEE RECOMMENDED ASSESSMENT			5,804,551.00

April 5, 1988

100 EDUCATION: 140 MINUTEMAN REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL

	Program Amount FY88	Requested & Recommended FY89	Diff.	%
<u>VOCATIONAL</u>				
Building Trades	\$ 74,100	\$ 74,700	\$ 600	
Commercial Services w/D.E.	18,618	17,373	- 1,245	
Electronics	34,362	33,724	- 638	
Technology	16,805	17,555	750	
Graphics	84,840	86,066	1,226	
Drafting	9,175	10,234	1,059	
Health Instruction w/Child Care	26,602	26,192	- 410	
Metal Fabrication	45,015	43,263	- 1,752	
Power Mechanics	29,615	31,360	1,745	
Afternoon Program/Summer Prog.	13,801	14,600	799	
Regional Occupational Program	11,285	9,930	- 1,355	
<u>ACADEMIC</u>				
Reserve Officer (LDRSHP)	2,800	1,000	- 1,800	
Communications	16,900	16,900	0	
Human Relations	6,500	6,500	0	
Foreign Language	2,700	2,500	- 200	
Mathematics	10,000	10,000	0	
Science	21,200	21,000	- 200	
Physical Education	9,790	9,745	- 45	
Athletics w/o coach, salaries	78,329	77,157	- 1,172	
Business Instruction	13,450	13,407	- 43	
Art	11,765	11,765	0	
Music	750	500	- 250	
Driver Education	500	500	0	
<u>SUPPORT</u>				
Instructional Resources	55,375	58,875	3,500	
Pupil Support	37,907	37,726	- 181	
Principal	64,275	83,275	19,000	
Transportation	804,742	766,342	-38,400	
Vocational Coordinator	8,750	8,750	0	
Computer Services	68,800	72,630	3,830	
Dean	2,400	2,400	0	
Superintendent	7,350	7,350	0	
Planning & Academics	43,260	43,260	0	
Food Service	11,250	9,800	- 1,450	
<u>OTHER</u>				
District Programs	4,740	4,740	0	
Legal Fees	30,000	30,000	0	
Audit Fees	9,000	16,000	7,000	
Business Office	22,950	22,400	- 550	
Risk Insurance	160,000	172,575	12,575	
Retirement/Employ. Benefits	525,540	588,000	62,460	
Debt Management	192,330	161,012	-31,318	
Equipment	209,602	209,323	- 279	
Operations/Maintenance	754,350	759,600	5,250	
Salaries	5,511,771	5,719,223	207,452	
Medicare (new)	8,947	18,200	9,253	
Final Total	\$9,072,241	9,327,452	255,211	+2.8%

April 5, 1988

54.

MMRVTHS
DISTRICT APPORTIONMENT
1988 - 1989

I. OPERATING BUDGET:

Total Operating Budget	\$ 9,123,660
Aid/Revenue	<u>-3,929,880</u>
Operating Budget Apportionment	\$ 5,193,780

II. SPECIAL OPERATING:

Special Operating Costs	\$ 42,780
Credits	<u>- 25,000</u>
Special Costs Apportionment	\$ 17,780

III. CAPITAL BUDGET:

Capital Payments - New Town's Surcharges	\$ 45,200
Original Town's Credits	- 45,200
Debt Service	<u>161,012</u>
	\$ 161,012

Credit Ch. 645	<u>- 107,817</u>
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Capital Apportionment, net	\$ 53,195
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TOTAL APPORTIONMENT	5,264,755
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Apportionment Formula:

% of Students	Operating	+	Spec. Oper.	+	Capital	=	Apportionment
SUDBURY:	8.640		448,754	+	652	+	(59) = 449,347

April 5, 1988

FINANCE COMMITTEE BUDGET REPORTS: Where a report is not given on a particular budget or category of spending, the Finance Committee recommends approval of the amount given in the Recommended column.

110 SUDBURY PUBLIC SCHOOLS: The Sudbury Public School System continues to feel the pressure of increased student enrollment. The 1989 budget, which represents approximately 34% of the Town's total operating budget, has increased 9.2% over fiscal year 1988. The Finance Committee has agreed with requested increases in professional and support staff to serve the additional students. This is consistent with the School Committee's current class size guidelines. The Finance Committee has not supported other staffing requests aimed at "program enhancement" beyond the existing program. Recommend approval of \$8,152,586.

130 LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT: Sudbury's assessment for FY89 is \$5,804,551, which represents a 7.2% increase over last year's budgeted assessment. The total of the proposed district budget is \$8,580,000, which represents a 6.5% increase from FY87. The disparity in the percentages results from a continuing increase in the percent of Sudbury students attending the school.

The Finance Committee met with both the Regional District School Committee and the Lincoln Finance Committee in order to discuss both the Town's financial position and the school budgetary needs. All three bodies were most cooperative in reaching a compromise budget satisfactory to both the school committee and the member towns.

During the entire budget process, it was the position of the Finance Committee that though it would negotiate the grand total of the district budget request, the determination of the specific line item reductions to be made during those negotiations was within the province of Regional District School Committee. Recommend approval of \$5,804,551.

140 MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL: Sudbury has thirteen fewer students enrolled at Minuteman this year than last, and the Town's contribution to the student body has dropped from 9.05 percent of the total to 8.64 percent. However, most of the anticipated 19.2% reduction in Sudbury's assessment comes not from this decline in enrollment but from a new and more generous State aid formula provided by the recently adopted Chapter 731 of the General Laws. Without this new formula, Sudbury's assessment would be \$449,347, a 9.83% reduction from last year.

Minuteman, like most public secondary schools in the Commonwealth, continues to experience a long-term enrollment decline. This puts financial pressure on the School, whose plant and equipment costs are able to change very little, resulting in upward pressure on the per-pupil cost. One area which is subject to discretionary adjustment is staff size, and the Minuteman School Committee and the School's administration have done a commendable job of reducing staff to match the enrollment decline.

At the time this report was written, the Governor's Office had not yet certified the exact amount of additional aid to Minuteman under Chapter 731; therefore, the assessment figure of \$369,425 printed in the warrant is an estimate. It is possible that the final figure presented at Town Meeting will be different, but the difference if any, is expected to be small. Recommend approval of \$369,425.

200 DEBT SERVICE: There are a number of changes in this account for FY89. These include retirement of the debt service for Roof Repairs. This brings the net debt service that is included under the guidelines of Proposition 2½ to \$146,933 which is essentially level funded from FY88. Temporary loan interest is budgeted at \$40,000, down from \$50,000 for last year. This reflects the competitive interest rates the Town Treasurer has negotiated, as well as an expected decrease in required short-term borrowing. We have also recommended that the articles covering construction of the Senior Center and the School Architectural Fees be included as ballot questions in the March election, to determine if the Town will allow the debt service for these articles to be excluded from the limits of Proposition 2½. Exempt borrowing would be \$61,250 for FY89, which represents the first six months' interest only, with total debt service at \$208,183. With the budget constraints facing the Town, we believe this is the only way to finance the above articles and maintain other essential town services. Recommend approval of \$208,183.

310 FIRE DEPARTMENT: This year's budget includes \$130,000 for the purchase of a new fire engine, as provided in the Town's long-range capital plan. Other increases over last year are due mainly to increased personnel costs (step increases and cost-of-living adjustments). The fire engine will have a very long useful life expectancy (upwards of 25 years), and we feel that it is reasonable to pay for it out of the Stabilization Fund. Recommend approval of \$1,356,966.

320 POLICE DEPARTMENT: The Finance Committee supports most of the Police Department's requests, proposing relatively minor reductions in a few accounts notably Overtime and General Expense. Two accounts in which we have proposed significant cuts are Contracted Services and Capital Items, reflecting our recommendation that purchase of a computer for records management be deferred until next year. We recognize the ultimate necessity of replacing the Department's manual records management procedures with a computerized system, but don't see how we can afford to do it in such a tight budget year. Recommend approval of \$1,320,569.

340 BUILDING DEPARTMENT: The recommended budget of \$259,542 represents a slight decrease from last year. \$8,100 is included for repairs and maintenance to the Hosmer House, \$9,500 for necessary improvements to Fairbank School, and \$4,800 for the replacement of the flat roof of the Town Hall. Faced with the budgetary constraints of Proposition 2-1/2, we are recommending against the Department's request for the hiring of an Assistant Inspector of Buildings at an annual salary of \$22,819. We likewise recommend against the the Department's request for \$7,300 to fund the installation of new storm windows on the Loring Parsonage and the replacement of windows in the Flynn Building. Recommend approval of \$259,542.

350 DOG OFFICER: This year's budget proposes the elimination of the overtime account in favor of a new account for a part-time on-call assistant to fill in when the Dog Officer is unavailable. The Finance Committee's reluctance to fully fund this account and the General Expense account at the requested level is due to the fact that the Overtime Account and the General Expense account have been underspent in recent years. Recommend approval of \$23,805.

April 5, 1988

360 CONSERVATION: In keeping with a fiscally conservative posture which has necessitated serious cuts to other town budgets, the Finance Committee cannot recommend the allocation of funds to the Conservation Fund this year. It sees maintenance of existing parcels as a priority and cannot support additional land purchases at this time. The amount recommended reflects a decrease in the contracted services line item by \$5,000 and does not fund the Conservation Fund. Recommend approval of \$40,813.

410 HIGHWAY: Consistent with the Finance Committee's position on holding the line on personnel costs, we have restricted new hires with cuts to the salary line item. Additional cuts have been made to general expense, utilities, vehicle maintenance, street lighting, uniforms, landfill and cemetery line items. Recommend approval of \$1,425,168.

501 SELECTMEN: Increases in the Selectmen's Budget reflect only step increases for current personnel. The \$8,000 study is for the Residential Wastewater Treatment Advisory Committee to give the Town a plan for dealing with above ground septage treatment plants. We feel that this issue's importance makes it an exception to our "no new studies" guidelines. Recommend approval of \$200,562.

502 ENGINEERING: Have eliminated funding of new car, overtime and of educational training line item. Recommend approval of \$203,944.

503 LAW: The Law Budget is lower than last year due to an anticipated reduction in the need for Labor Counsel in 1989. Recommend approval of \$66,118.

504 BOARD OF ASSESSORS: The budget request from the Board of Assessors includes \$6,500 to develop and install a software package that will allow tax bills to be processed in house. This is a joint effort between the Assessors, Tax Collector, Treasurer and Town Accountant, and represents an example of centralizing the Town's computer functions to reduce cost and increase efficiency. Recommend approval of \$135,262.

506 TOWN CLERK/BOARD OF REGISTRARS: The Town Clerk's budget showed a requested increase of 20% for the department, including a 23% increase for the Town Clerk's salary. While the Finance Committee is responsible for recommending salaries for several elected officials, we rely to a large degree on the Personnel Board. As the Town Clerk's position was reviewed and regraded last year, we have included a (6%) COLA and 4% Longevity to be consistent with other elected town officials, and therefore recommend a salary for FY89 at \$31,470. We recognize that FY89 is a major election year, and that there are resulting increased costs to this department. This increase is identified as \$6,515, which we maintain should be \$4,195 based on actual expenditures in past election years. We have also allowed an increase of \$500 in the overtime costs because of the elections. In addition, the cost of printing the List of Persons will now be borne by the Town, which was previously donated by a local business. It is estimated that this will cost \$3,000. A request was made in the budget for \$5,849 for computer costs, including \$3,000 for a consultant and \$2,000 for new programs and support services. It is believed that the computer problems in the Town Clerk's office are due to the department's purchase of personal computers rather than tying in with the Town's mainframe, as had been approved in FY87. We, therefore, recommend that Town personnel look into the situation with the intention to tie in with Town's computer in the future, and recommend \$1,850 for this account for supplies and support services. Recommend approval of \$122,568.

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511 PERSONNEL BOARD: The Personnel Board is asking for a \$728 increase in its budget to cover a 2-hour-per-week increase in its recording secretary's hours. This request is based upon a heavier workload due to the Personnel Board's triannual update of its salary and classification plan, the upgrading of its personnel data base and rating manual comparison grid, and a survey of other towns in order to determine current market rates. Recommend approval of \$3,769.

512 PLANNING: Recommend budget of \$57,531, which represents maintenance of planner's salary at existing approved level of \$34,305, a cut of \$4,060. Recommend approval of \$57,531.

516 CABLE TELEVISION COMMITTEE: The Cable Television Committee had requested funding for two townwide mailings; however, it suggests that one mailing will suffice. Recommend approval of \$400.

517 DESIGN REVIEW BOARD: Recommend a cut of \$400 from tuition request, a request which has hitherto never been funded. Recommend approval of \$2,532.

518 COUNCIL ON AGING: The major increase over the past year is in salaries. Before the summer of 1987, all Council on Aging personnel were individually rated. In July 1987, all positions were graded by the Personnel Board and placed on the Town classification grid. The resulting increase in salaries is a one-time event to bring these positions within reasonable market levels. Recommend approval of \$46,825.

600 GOODNOW LIBRARY: Increases in the library budget are due to: the addition of an enclosed emergency exit from the children's department as proposed in the Maintenance Line Item, a \$6,000 fee to the Minuteman Library Network formerly paid from a challenge grant, increases in the book budget as determined by a state reimbursement formula to which the Town subscribes, and, principally, the replacement of carpeting in the entire library exclusive of the children's department. The existing carpet is beyond any further attempts at repair. A reduction in requested staff hours is recommended consistent with the Finance Committee's policy this year of not recommending personnel increases. Recommend approval of \$358,949.

700 PARK AND RECREATION: The Finance Committee recommends a reduction in the Salaries Line Item due to a reduction in the number of playground staff from 10 to 7. It also recommends disapproval at this time of the basketball court reconstruction at Haskell Field. Recommend approval of \$226,628.

701 ATKINSON POOL: Since the Atkinson Pool operates under an Enterprise Fund and is intended to be self-supporting, recommend approval of \$306,800.

710 YOUTH COMMISSION: We believe that many of the proposed services represent duplicate efforts with a number of existing town programs and departments. The Finance Committee believes that the Youth Commission should be funded as a clearing house and sponsor for educational programs conducted by other organizations. Recommend approval of \$1,600.

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715 SUDBURY 350TH ANNIVERSARY CELEBRATION COMMITTEE: In light of significant cuts that have been made to several town budgets, including the school systems, police and highway, the Finance Committee does not find it possible to recommend money into the anniversary fund this year. It recommends the solicitation of funds, as has already begun, from local businesses and the continuation of efforts at fundraising by ongoing sales of memorabilia.

800 BOARD OF HEALTH: Decrease of \$4,235 reflects elimination of funding of studies and surveys and a decrease in line item for extra hire. The remaining decrease of \$235 brings into conformity the actual mental health cost. Recommend approval of \$304,556.

900 VETERANS: Recommend approval of \$5,251.

950 UNCLASSIFIED: The recommended budget of \$2,156,075 represents a 6.7% increase over FY88. Although there has been a decrease in the estimated cost of property and liability insurance, health insurance costs are projected to rise approximately 15 percent over last year. Likewise, a change in federal regulations requiring the Town to make increased FICA payments for town employees hired after April 1, 1986 has resulted in a \$16,000 increase in the FICA/Medicare account. In an attempt to further reduce the Unclassified budget, we are recommending against funding a \$25,235 hydrant rental fee from the Sudbury Water District. We would prefer to see that cost borne by the Water District rather than the Town. Recommend approval of \$2,156,075.

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60.

Chairman David Wilson of the Finance Committee moved that the town appropriate the sums of money set forth in the "recommend" column of the Warrant under Article 5, Budget, for fiscal year 1989, except:

200-203 (Debt Service Other Bond Interest) for which the recommended sum shall be \$39,183;
310-151 (Fire Dept. Sick Buyback) for which the recommended sum shall be \$5,851;
410-110 (Highway Salaries) for which the recommended sum shall be \$366,528;
410-130 (Highway Clerical) for which the recommended sum shall be \$6,120;
410-218 (Highway Roadwork) for which the recommended sum shall be \$232,354;
410-334 (Highway Utilities) for which the recommended sum shall be \$21,000;
410-450 (Highway Landfill) for which the recommended sum shall be \$50,000;
410-511 (Highway Vehicle Maintenance) for which the recommended sum shall be \$94,002;
410-700 (Highway Street Lighting) for which the recommended sum shall be \$69,500;
600-110 (Goodnow Library Salaries) for which the recommended sum shall be \$196,006;

ALL OF SAID SUMS TO BE RAISED BY TAXATION EXCEPT:

\$130,000 of line item 310-901, Fire Capital Items, which is to be raised by transfer from Abatement Surplus Account;
\$ 20,500 of line item 410-110, Highway Operating Salaries, which is to be raised by transfer from the Cemetery Fund;
\$ 50,000 of line item 410-450 Highway Landfill, which is to be raised by transfer from Free Cash;
\$155,000 of line item 410-901, Highway Equipment, which is to be raised by transfer from Abatement Surplus Account;
\$ 2,000 of line item 600-520, Library Books, which is to be raised by transfer from the County Dog License Refund Account;
\$377,098 of line item 950-800, Health Insurance, which is to be raised by transfer from Free Cash;
\$ 90,000 of line item 950-803, Property/Liability Insurance, which is to be raised by transfer from Abatement Surplus;
\$125,000 of line item 970-807, Reserve Fund, which is to be raised by transfer from the Abatement Surplus Account;
\$400,000 of line item 950-813, Retirement Fund, which is to be raised by transfer from Free Cash;

AND FURTHER, THAT APPROPRIATIONS WITHIN DEPARTMENTAL BUDGETS ARE FUNDED HEREUNDER AS INTEGRATED LINE ITEMS, PROVIDED, HOWEVER, THAT THE DEPARTMENTAL APPROPRIATIONS SET FORTH WITHIN THE FOLLOWING CATEGORIES: PERSONAL SERVICES, EXPENSES, TOTAL EQUIPMENT, TOTAL SNOW AND ICE, NET SUDBURY PUBLIC SCHOOLS, SUDBURY ASSESSMENT (SCHOOLS), TOTAL DEBT SERVICE, TOTAL UNCLASSIFIED, AND OUT-OF-STATE TRAVEL, MUST BE EXPENDED WITHIN THOSE CATEGORIES UNLESS, IN EACH INSTANCE, THE FINANCE COMMITTEE GRANTS PRIOR APPROVAL.

This received a second and Mr. Wilson gave the following presentation supporting his motion. By state law, each town in Massachusetts must have a Finance Committee. In Sudbury, the Moderator appoints nine members to the Finance Committee. The Finance Committee is charged with recommending a budget to Town Meeting. In the process of conducting the hearings that lead to Town Meeting, the Finance Committee is part Town Meeting voter, part budgeter, part long-range planner and part watchdog. We held 80 hours of hearings of our own and attended many other Town Committee meetings. The Finance Committee carefully went over each line item of the Town's budget and cut many of them. We met the Town's union negotiator, Mr. Murphy, and looked at the problem of how to keep personnel expenses down. We met with John Foran, the Town's health insurance outside advisor to learn about the costs and alternatives in health insurance. We looked at the Town's other insurance coverage to see if it was fairly priced and to see what we were getting for our money.

In short, we stuck our noses into the major budget items and came away with the opinion that the Town is paying a fair price for its personnel and for its various insurance coverages.

Of all the union negotiations and insurance bills and coverages that the Town has, we only objected to the Supervisors' Union Contract which Town Meeting dealt with at the Special Town Meeting and in the Personnel Article last night. The net result of last night's Town Meeting votes on these two items is that the Supervisors' Union Contract

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will be renegotiated. This being a negotiation year for the Town's unions, there is a Salary Adjustment Account in the Unclassified Budget to cover the negotiated salary increases. This means that the Personnel line items are shown as level funded from last year, which understates all the budgets with Personnel in them.

The Finance Committee's job is to recommend a budget to Town Meeting. Our recommendation this year is not to add new personnel or new services. It is our opinion that we can get by this year without increasing taxes by a growth override. In spite of the Town's revenue growing by only 2.2% this year, we think that services can be maintained with the funds we are recommending in this budget.

These are the hard and fast priorities employed to reach a no-override budget. The Town's essential services: schools, fire and police, are our highest priority departments. From an operational viewpoint, we wish to maintain current Town services. Any new capital items must have the recommendation of the Long Range Planning Committee. Should individual boards rise here at Town Meeting to ask for higher salaries, more personnel, more computers, a new car, more hours for part-time personnel, new consultants, new studies...you now know why we did not recommend them. Our priorities are to maintain current services. We cannot afford this year to add new services or new personnel unless we have an override of Proposition 2-1/2. We have tried to be consistent and fair in recommending to you, the voter, how we think the Town's revenues should be allocated. We have recommended what we think is best for the Town. However, the Finance Committee does not believe that it is infallible and we invite your comments. Town Meeting has the final vote.

At this point, Mr. Wilson presented a chart that indicated general purpose funds that would be available if all of the Finance Committee's recommendations on the total Warrant were voted: 1) Abatement Surplus Account: \$8,005; 2) Free Cash: \$2,814; for a total of \$13,825 or \$3,006 under the levy limit. It was explained that should more than \$13,825 be spent by Town Meeting for any of the Warrant Articles, an override would be necessary. If an override should fail, voters would have to come back to Town Meeting and start deliberations all over again on the Warrant. It was the position of the Finance Committee that an override was unnecessary to maintain current town services and assets.

Motions to amend the budget were as follows:

Mr. David Wallace, Chairman of the Board of Selectmen, *moved* to increase line item 340-110, Assistant Building Inspector, by the sum of \$11,000 said sum to be raised by a transfer of \$8,000 from the Abatement Surplus and the balance of \$3,000 to be raised by taxation.

In support of his motion to amend, Mr. Wallace noted that the Building Inspector's workload had increased substantially in recent years with the volume of new housing starts and other building permit applications. Due to the increasing burden of inspections and review of applications, other responsibilities of the Building Inspector, such as zoning enforcement, have suffered greatly. In order to meet these responsibilities, the Board supports the creation of a new position, Assistant Building Inspector, whose primary function would be zoning enforcement. Enforcement of the Zoning Bylaw is necessary and is a vital goal of the Board of Selectmen. This position would do much towards attaining this goal.

Finance Committee member, David Wilson, reported that other departments had also requested additional personnel this year, and if all requests had been funded, the total bill would be around \$400,000 plus benefits. He pointed out that personnel costs are rising by approximately 9-1/2% each year without these new personnel. The only fair way to stop the personnel cost spiral was to recommend no new positions for anyone. The Finance Committee noted that last year, a part-time Building Inspector position for the Building Department was funded, but the position created was not effectively managed in the direction of inspection and enforcement of Town Bylaws. A secondary concern would be the management of the position, should it be created. The Finance Committee recommended disapproval of this motion to amend line item 340-110.

The motion to amend *failed*.

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John Nixon of the Conservation Commission *moved* to increase line item 360-256, Contracted Services, to \$5,000, the sum to be taken from the Abatement Surplus Account.

Mr. Nixon supported his motion by noting that in the past the Commission has had to hire consultants on various occasions for major wetlands projects, either because information submitted by the applicants was inadequate, or thought to be erroneous. The Commission has hired consultants by using its General Expense Line Item. However, the November 1, 1987 revision to the State Wetlands Protection Act will require the commission to use consultants on a more regular basis. This motion to amend, it was emphasized, was not requesting a new position to be created, but the means to use, more frequently, outside contracted services.

Mr. Nixon explained the November 1, 1987 revision of the Wetlands Protection Act involves wildlife habitats, as a wetland resource. The habitats are defined as areas subject to the Wetlands Protection Act, which due to their plant, community, composition and structure, hydrologic regime or other characteristics, provide important food, shelter, migratory or overwintering areas, or breeding areas for wildlife. He noted that there is a resident botanist on the Commission, but the expertise required to resolve wetlands boundaries disputes, site drainage characteristics or wildlife habitats, will have to be hired from outside.

State law requires a public hearing be held within 21 days of an application filed for approval of a project that includes wetlands. Once the information has been presented, the hearing is closed and the project must be approved or rejected within the next 21 days. Additionally, an Order of Conditions, based upon the project's impact on the wetlands and wildlife habitat, must be issued. With the funds now available, it was noted how difficult it is to contact and hire a consultant within the time frame allowed. Extensions of time are only allowed by agreement of the applicant. A consultant must visit a site and submit his report to the Commission so it can make a competent decision within the allotted time.

Mr. Nixon noted that the only alternative to this funding was to seek a Reserve Fund Transfer, which required approval of the Board of Selectmen, the Town Accountant and the Finance Committee, prior to the hiring of the consultant, a process estimated to take 3 to 4 weeks, which would be far in excess of the 21 days requirement. The cost of a consultant for a recent project was \$1,500, which he considered a good ballpark figure. As to how many consultants would be needed in the course of the year, he could not say. He observed that if the Package Sewage Treatment Plant for residential projects is approved by the DEQE, the Commission would be overwhelmed by the number of submissions, however barring this eventuality, the \$5,000 requested would probably be sufficient.

Without the funds for consultants, inaccurate decisions may be made which will either cause adverse effects meant to be protected by State law, or cost the Town additional funds in legal defense on appeals. To review projects correctly from the beginning makes sense and the hall was urged to support this motion to amend.

Finance Committee member, Helen Casey, reported the FinCom would have liked to fund this line item but given the FinCom's insistence on funding essential services, it was not possible to do so. In response to the comment about the Reserve Fund transfer, she pointed out that a phone call to the Commission's liaison to the FinCom next year could see that action would be taken at the next FinCom meeting, and if a special meeting needed to be called, that could be done too, as the FinCom is aware of the expansion of the mandates to which the Commission must adhere.

The motion to increase line item 360-256, Contracted Services, to the sum of \$5,000, said sum to be raised out of the Abatement Surplus Account was defeated.

Jean MacKenzie, Town Clerk, *moved* to restore line item 506-110, Town Clerk's salary, to the requested amount of \$35,000, said additional amount to come from the Salary Adjustment Account, Line Item 970-110.

In support of her motion, she stated that four years ago, she addressed Town Meeting regarding the discrepancies that existed between the salaries of the appointed

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and the elected Town officials, by means of a chart that was indicative of those years, and was able to indicate to the voters then, that it took 16 years for the Town Clerk to attain a salary level of \$19,000 while all the appointed Town officials' salaries increased in a far more rapid progression, annually.

After these inequities were finally brought to light, increases have been granted. But it remains that the Town Clerk's base salary has been and continues to be so low, relative to those of other public officials, that it is necessary to request an increase sufficient enough to provide compensation equal to the responsibilities of the position which are at least as demanding as the responsibilities of some officials, and more than others.

The issue of the disparity in salaries prompted a Classification and Salary Plan study which was undertaken and completed by the Fall of '86. Since the study was completed just about all the Town's appointed department heads have been placed in the Sudbury Town union--The Sudbury Supervisory Association--which is not available to elected officials. The union utilizes a salary plan that is a full 3% higher this year than that which is used for the elected officials and the Town's support personnel. For fiscal year 1986, the SSA Salary Plan was 12% higher and for fiscal years '87 and '88 the Plans were 9% higher. Not only is there a discrepancy in the salaries between SSA members and non-members, but there is also a serious discrepancy between the salaries of the one full-time male elected Town official and the full-time position of the Town Clerk. The one fellow male colleague's job was rated a Grade 14, yet his requested salary and the salary recommended by the Finance Committee is a Grade 16, somewhere between Steps 5 and 6. By contrast, the Town Clerk's requested salary was rejected by the Finance Committee and an unsuitably lower one was recommended instead. This request would have placed her salary at a level nearer to that of her male colleague, which she considered appropriate, as her level of responsibility is at least equal to his and her performance deserves a commensurate wage.

For eight years, I have worked with dedication and integrity in the Town Clerk's department. As has been cited here over and over again, the complexities of Town Government have grown considerably in the last ten years and they have been fully acknowledged by the Finance Committee. However, one of the difficulties with this position is the very title itself: "Clerk", or "Town Clerk". Whenever we hear "clerk", we automatically think "clerical" which in most business contexts is actually a position equal to, or in many cases, below that of a secretary. While this position was indeed that back in the 1700's, it has evolved into one of the busiest and most reliable and responsible positions in municipal government, and it has become a separate department unto itself requiring management skills, advanced education and a professional attitude.

It is well known that in the Town Clerk's office we license dogs, and issue marriage licenses, maintain birth, marriage and death records and many of those sort of services. However, there are a vast number of things far more important that this office is responsible for such as carrying out the Annual Town Census. We don't just oversee elections, but prepare, organize and monitor them. This requires extensive detail far beyond the imagination of a lay person who has never been associated with an election. Town Meeting--every action that takes place here in these sessions must be recorded and reported and it is put into a publication by your Town Clerk. As the official Town Archivist, the Town Clerk maintains and preserves all the Town's historical records. Town Clerk is the timekeeper and the recordkeeper for all subdivision filings, hearing extensions and decisions for the Planning Bd., as well as those for the Zoning Board of Appeals and whatever other appeals may result.

These are just some of the duties I am responsible for, and this doesn't begin to list the myriad of miscellaneous needs and services the public relies on my department for daily. We are all concerned for the finances of the Town and this is one of the more weighty responsibilities that your Town Clerk has, as she is part of the Town's financial structure as well.

The setting of the Town's tax rate each year is a three-part effort of reporting by the Town Accountant, the Board of Assessors and the Town Clerk. It is required of this office to report on all fiscal matters voted at Town Meeting. Additionally, it is the Town Clerk who is solely responsible for the accounting and the certification of all the monies and their sources, that are appropriated here at Town Meeting and to provide this information to the Town Accountant and the Board of Assessors.

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If the perception remains that somehow the Town Clerk's duties of office are worth significantly less to the Town than the services provided by the Pool Director, the Library Director, the Assistant Assessor, the Planning Coordinator, or the Superintendent of Park and Ground Maintenance, none of whom has the responsibility for their departments, but all of whom are graded higher than your Town Clerk, then I would ask you to realize that there is a serious lack of understanding for what my position entails.

During my tenure, there have been many initiatives in this office also such as providing for student voter registration at the High School and at the Minuteman Regional Vocational Technical High School. By computerizing the Town Clerk's office, there have been many new programs and services made available to the School Department, the Board of Selectmen, and the Council on Aging, as well as many private groups and agencies.

An obvious consequence of the Town's rapid growth is the increased volume of records to be kept, not to mention the adaptations and implementation of numerous changes to municipal legislation and other operational aspects of Town government.

I am most pleased and proud to say that my department works with efficiency and accuracy and it has kept pace with all phases of change and development in this town without, and I emphasize, without increasing the staff. The Town Clerk's staff has not been increased in over ten years, and is probably the only department that can say that, nor have the staff's hours been increased either, although excessively late hours are not unusual given the volume of work we are responsible for and the constant deadlines placed upon us.

There is a general public awareness of the Town Clerk's office and its services. Nonetheless, it is true, that its duties, responsibilities and services have increased, but the Town Clerk's salary has not, and it does not reflect the quantity and the calibre of work produced. The Town Clerk has annually received an increase on the second-lowest base salary of all Town Department Heads. Appointed Department Heads enjoy benefits not available to elected officials, such as: 1) Automatic Step Increases; 2) Longevity Increases; 3) Merit Increases that recognize performance and advanced studies; 4) Overall Salary Plans that have been 9-12% higher and one that is presently 3% higher. One other interesting point--unlike other Department Heads, your Town Clerk is required to be a resident. Presently all but two of Sudbury Appointed officials have the benefit of not having to personally incur the cost of living in Sudbury.

I believe my performance these past years has been of significant value to the Town. Unfortunately, the assessment of my department's worth and the subsequent re-classification which caused the resignation of one of the department's key workers of seven years, when her position was down-graded for some inexplicable reason, all these judgements and decisions were made without one person ever setting foot in my department to actually observe a typical work day or to talk with myself. It is still a highly sensitive issue in the Town Clerk's Department that individual jobs and salaries were re-classified, and across the board, basically demoted and reduced in importance, none of which made any sense in light of the ever increasing responsibilities and workload and the excessive overtime which results.

My request this evening is that there be equity and parity among all town officials' salaries, particularly among those of us who are department heads and therefore have not only our duties of office but our administrative and managerial responsibilities to our respective staffs. I would also ask that each department be viewed for the contribution it makes to the Town and not by the gender of its department head.

I believe you can understand my need to speak out and ask your support. Criteria should be the same for all department heads, and it should be the same for all support staff. The standards used to rate supervisory personnel should be the same. As I stated earlier, the Town Clerk's salary has lagged behind for many years because the inequity had never been addressed publicly, as it should have been. The position has grown considerably over the years, as well as its responsibilities, yet the Finance Committee continues to underestimate, underacknowledge and overlook the Town Clerk's position which is overburdened and sorely underpaid. As our community has grown, so has our town government. It is logical that as the Town grows so does the work involved in local government. You have acknowledged this growth and have willingly paid for it in the past by providing salaries that are commensurate with the work and the services.

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You may not always see the details of the work performed by my department, but the details are many. It takes skill, professionalism, dedication and integrity to work as hard as my office does, under what is often the adverse condition of failure to understand or recognize all that we do and the consequent and unfair assumption that our work is worth little to the Town and therefore not worthy of higher compensation! This attitude is ill-formed and wrong.

It was not of my choosing to turn to my fellow citizens at Town Meeting to seek your support tonight. However, as an elected official, Town Meeting is the appropriate place to decide and act upon this issue. As you have duly considered individual employees in the past, I ask you for that same consideration for an equitable solution to this problem of inadequate wages for the Town Clerk.

Finance Committee Report (C. Corkin)

The budget for the office of the Town Clerk tends to vary from year to year which is due, in part, to elections. Keeping this in mind, our recommended budget allows for the presidential election year during fiscal 1989, while covering the tight financial constraints in the entire Town during the same period.

The salary increase requested by the Town Clerk was 23% for the coming year. However, as the position was reviewed by the Personnel Board last year and set at a new and higher grade and step, it was our recommendation that the increase be a cost-of-living allowance as well as longevity. While we recognize that the FinCom is responsible for setting salaries for several elected Town officials, we do rely to a large degree on the recommendations of the Personnel Board.

We then use the same procedures that were used for all Town employees as set by the Personnel Board, which in the case of the Town Clerk, included a cost-of-living allowance, a step increase and longevity. Our recommendation increases the salary of the Town Clerk by 10% for fiscal 1989 from \$28,547 to \$31,470. This would reflect an increase in the Town Clerk's salary for three fiscal years between 1986 and 1989 of 35%.

The Town Clerk requests an increase of 74% in the General Expense for 1989, although a smaller amount was also recommended by the FinCom. Our recommended amount allows for an 8% increase in the cost of General Expense items for the coming year and also allows for the increased cost of printing the List of Persons, which will now have to be done by the Town. This was previously donated by a business in Sudbury. Our recommended budget for this line item allows a 35% increase.

In the account for Computer Expenses, \$3,000 for a consultant was deleted by the FinCom. In addition, half of the amount for program and services was deleted. This leaves the requested amount for supplies as well as half of the normal amount requested for normal outside support services.

The Maintenance Account was left as requested with the amount of \$200 deducted for a Computer Service Contract. The account for Elections was reduced from the requested \$15,460 to \$13,140. This is based on the amount that was actually spent in this account in past years compared to the amounts that were appropriated. For fiscal years from 1985--1988, actual expenditures ranged from 73 to 91% of appropriated amounts. It should be noted that in the years with the highest election appropriation the smallest percentage was actually spent. In 1985, the last Presidential year, 73% of the appropriated amount was spent in comparison to 1987, 84% of the appropriated amount was spent, which was a relatively quiet election year. We therefore feel that the amount recommended by the FinCom of 85% is a reasonable amount and certainly allows for the Presidential Election year coming up.

Mrs. MacKenzie, wishing to make a correction on the salary percentages, pointed out that there had been, percentage wise, an increase since she first addressed salary inequities. She noted that the base salary for all other officials were substantially higher and their salary percentage increases were not the same as given to her but substantially higher. She further explained that the year before, when she brought to the attention of the FinCom the fact benefits were attributed to the appointed officials that were not attributed to elected officials, whereupon they recognized they had been giving longevity to the one male elected official. Fortunately, because of this, longevity was provided to the Town Clerk this current year, for which the Town Clerk expressed appreciation. The issue at this time is that the Town Clerk

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had not received any benefits over a period of years, but they were available to all others. Mrs. MacKenzie noted that in the Warrant there was an amount of \$240,000 set aside for salary adjustments. She informed the voters that they would be voting for the salaries listed under individual budgets, but following Town Meeting, these salaries would all be increased with salary adjustments for longevity, step increases, merit or performance, none of which is available to your elected officials. She repeated that what she was asking for was not longevity every year, but a base salary commensurate with the work of the position of Town Clerk. I believe the time has come to recognize this position for what it really is and the worth it is to the Town.

The Moderator when calling for the vote on this motion to amend believed the motion passed, but asked if anyone wished to have a counted vote. A counted vote was taken.

The motion was VOTED YES: 166 NO: 146 TOTAL: 312

Jean MacKenzie, Town Clerk moved to restore Line Item 506-21, General Expense to the requested amount of \$16,924, said sum to come for the Abatement Surplus Fund.

In support of this motion to amend Mrs. MacKenzie explained that the term "General Expense" was inappropriate for this account as this line item includes all the expenses for the Annual Town Census, the List of Persons, Publication of the Town Proceedings, printing of the Town bylaws, in addition to the printing costs for the various special forms and books required. It was noted that the difference in this line item with that of the previous year is \$3,000, the cost for publishing the List of Persons, which in the past has been underwritten by Raytheon, but is no longer able to provide.

This motion to amend was defeated.

Jean MacKenzie moved to restore Line Item 506-615, Elections to the requested amount of \$15,460, said additional amount to come from Abatement Surplus Account.

In support of this motion to amend Mrs. MacKenzie addressed the need to recognize that each election is different, in that they are conducted differently, the preparation for each is different and the printing costs and personnel costs differ substantially from year to year. This fall the town will be encountering another primary which is very expensive, as it is conducted as two separate elections. The November election is the largest and that must be conducted as four elections in one. It cannot be held in one polling center--each precinct is a separate polling area. A minimum of eight workers must be stationed all day long in each precinct. A major cost is the programming of the voting machines. The cost of ads to notify voters about the elections and questions on the ballot keeps rising substantially each year. Other printer costs mentioned were the Voting Authority Slips and the printer packs for the voting machines, which continue to escalate in price.

Mrs. MacKenzie noted that in 1986 due to the lack of questions on the state ballot, it wasn't necessary for her to print a flyer and do a separate mailing on issues. Therefore, she didn't expend that portion of her election budget. As it wasn't expended, the FinCom looked to that budget as overappropriated. This fall there is expected to be several ballot questions, possibly five. The voting in November could be accelerated if the mailing covering the ballot issues with the "Yes" "No" cards could be realized. Without this there will be a tremendous slow down at the polls as voters read each question on the machine, while hundreds of other voters are waiting in line to vote. The difference being requested here is \$2,320.

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Mrs. MacKenzie asked the voters for their understanding and support in assisting her to protect their voting rights by providing a fair and honest election.

The motion to amend list item 560-615 was defeated.

Richard Thompson, Executive Secretary moved to amend to increase line-item 715-210, 350th Celebration, to the sum of \$8,000, said sum to come from Abatement Surplus.

In support of this motion Mr. Thompson stated the Committee has worked hard, there is a little extra money and it is a community town-wide event. Therefore, some thought should be given to this motion.

Finance Committee Report (Helen Casey) Mrs. Casey stated that mindful that the Finance Committee last year urged the voters to allocate money for this celebration, this year, the financial picture was substantially different. Consistent with the position taken this year by the FinCom, this item was not considered one of the essential items that should be funded. Instead voters and residents were urged to purchase sweatshirts, buy posters, and to do creative fund-raising.

The motion to amend line item 715-210 was defeated.

There being no other motions to amend, the main motion under Article 5, Budget, as amended, was placed before the voters. The motion was UNANIMOUSLY VOTED.

ARTICLE 6. UNPAID BILLS

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

Submitted by the Town Accountant.

Chairman Wallace of the Board of Selectmen moved to appropriate the sum of \$1,524 for the payment of unpaid bills incurred which may be legally unenforceable due to the insufficiency of the appropriation in the year in which the bill was incurred, or received after the close of the fiscal year as follows:

\$44.97	to pay Harriet Ritchie (Historical Commission)
\$50.00	to pay Daniel A. Loughlin (Board of Assessors)
\$15.54	to pay Charrette Products (Engineering)
\$902.83	to pay Leland Hall (Sudbury Schools)
\$108.31	to pay the Institute for Developmental Disabilities Inc. (Sudbury Schools)
\$288.20	to pay Emerson Hospital (Police)
\$42.00	to pay Dr. Melvyn W. Kramer (Park & Recreation)

said sum to be raised by taxation.

Finance Committee Report (C. Corkin) Recommend approval

Steven Wishner of Fox Run Road moved to amend the motion by striking out the words "raise by taxation" and inserting in place thereof "to be paid out of Surplus Abatement Account".

In support of his motion, Mr. Wishner explained that if there are Surplus Abatement Funds available, payment of these bills would be an excellent use of these funds, as it seems unnecessary to increase taxation for these bills.

Town Counsel, Paul Kenny, in response to the question "What is a Surplus Abatement Account", gave the following statement. "This account was formerly known as the Overlay Reserve Account and it is a sum of money that the Assessors put aside each year for abatements that they anticipate may or may not be granted on the Real Estate Tax. The money that is left over when all the abatements are over--anything that's been handled--is now called the Abatement Surplus Account, but it used to be called the Overlay Reserve."

The motion to amend was *VOTED*.

The main motion under Article 6, as amended was *UNANIMOUSLY VOTED*.

ARTICLE 7. STABILIZATION FUND

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

Submitted by the Finance Committee.

D. Wilson, Chairman of the Finance Committee moved to Indefinitely Postpone Article 7.

Mr. Wilson explained that there was no money for the Account, therefore there was no purpose in having the Article.

The motion to Indefinitely Postpone Article 7 was *VOTED*.

ARTICLE 8. STREET ACCEPTANCES

To see if the Town will vote to accept the layout of any one or more of the following ways:

- | | |
|---------------------|---|
| BECKWITH STREET | From Pelham Island Road to a dead end,
a distance of 973 feet, more or less; |
| GUZZLEBROOK DRIVE | From Beckwith Street to a dead end,
a distance of 895 feet, more or less; |
| HAWES ROAD | From Dakin Road to a dead end,
a distance of 1,007 feet, more or less; |
| MAYNARD FARM CIRCLE | From Maynard Farm Road to a dead end,
a distance of 671 feet, more or less; |

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MAYNARD FARM ROAD From the southwesterly terminus of the 1980 Town layout of Maynard Farm Road to Powers Road, a distance of 1,102 feet, more or less:

TANTAMOUSE TRAIL From Hawes Road to a dead end, a distance of 1,035 feet, more or less;

as laid out by the Board of Selectmen in accordance with the descriptions and plans on file in the Town Clerk's Office; to authorize the acquisition by purchase, by gift, or by a taking by eminent domain, in fee simple, of the property shown on said plans; and to raise and appropriate, or appropriate from available funds, \$500, or any other sum, therefore and all expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Mr. Wallace of the Board of Selectmen *moved* in the words of the article.

The motion under Article 8 was *UNANIMOUSLY VOTED*.

ARTICLE 9. METROWEST AND M.A.G.I.C. PLANNING FUNDS

To see if the Town will Vote to raise and appropriate, or appropriate from available funds, \$10,000, or any other sum, to be expended under the direction of the Board of Selectmen, as follows: \$5,000 for support of the MetroWest Growth Management Committee regional planning activities, and \$5,000 for support of the Minuteman Advisory Group for Interlocal Coordination (M.A.G.I.C.) planning activities; or act on anything relative thereto.

Submitted by the Board of Selectmen.

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

ARTICLE 10. POLICE PAID DETAIL ACCOUNT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$15,000, or any other sum, to be added to the Police Paid Detail Account; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Chairman Wallace *moved* to appropriate \$10,000 to be added to the Police Paid Detail Account, said sum to be raised by taxation.

Chairman Wallace explained that it has been the custom to pay Police details when the work has been done. This money is to open up the account so there is actually money in it. The Town would bill the party afterwards, and then the Town would be reimbursed from the private individual or business afterwards.

Finance Committee Report (Robert Coe) The Finance Committee recommended approval of the \$10,000 for this fund. When Policemen are hired for special paid detail by the Electric Company or others that need somebody for road work, etc. the Town is reimbursed for this time by the organization who requested the detail.

The reason the Town has this account is that the reimbursements have been lagging behind significantly following the time the police officers were paid by the Town for this duty. It is the position of the Finance committee that the Town Treasury should not function as a lending institution. In effect, that is what has been done. It was

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explained that the Reserve Fund will be used to clear up the shortage for this year and the \$10,000 requested in this article will be put in the Police Paid Detail Account to make sure there will be no shortages for next year. The FinCom strongly urged the Board of Selectmen to require organizations requiring police detail to deposit money with the Treasurer in advance, so the town does not get into a position of lending money out of the Treasury.

Paul Kenny, Town Counsel, stated "The effect of this money is basically seed money for the account to insure that the Police officers get paid promptly when they do the detail. The problem you have is there are two statutes involved. One is a Federal statute under the Internal Revenue Code which requires the Town to disburse the funds rather than having the individual private companies disburse the funds and that's for tax purposes, obviously. And the other is that the Town not pay anything until there has been an appropriation to fund the account or, in fact, the funds have been collected."

The motion under Article 10 was *VOTED*.

ARTICLE 11. CODIFY TOWN BYLAWS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$10,000, for any other sum, to be expended under the direction of the Town Clerk, to retain a consultant for the purpose of codifying the Town's Bylaws and Rules and Regulations and providing a format for future changes thereto, and to supplement the code, in the format established with the amendments thereto; or act on anything relative thereto.

Submitted by the Town Clerk and the Board of Selectmen

Town Clerk, Jean MacKenzie moved to appropriate \$10,000 to be expended under the direction of the Town Clerk to retain a consultant for the purpose of codifying the Town's Bylaws and Rules and Regulations, and providing a format for future changes thereto, and to supplement the Code in the format established with the amendments thereto, said sum to be raised by taxation.

In support of this motion, Mrs. MacKenzie stated that it has been 21 years since the Town's bylaws have been edited and reviewed. In that time the Zoning Bylaw has had major revisions and amendments so it in no way resembles what it was in 1967. The number of General Bylaws enacted since then are innumerable and they have been extensively amended as well.

It was pointed out the Warrant for this town meeting has 15 major amendments proposed to the Zoning Bylaw and 18 to the General Bylaws, with no corrections as to internal references and/or sections that may no longer apply. Continuation of this manner of amending bylaws makes it extremely difficult to tract down current versions of the law or pertinent requirements.

One of the many important factors necessary to effectively govern our town are the Town's laws and regulations which should be clear, concise and above all accurate, which is what a professionally prepared Code will provide.

Finance Committee Report: (C. Corkin)

The Finance Committee recognizes that after a period of time it is reasonable to consider having the Bylaws edited and reviewed. We also recognize the number of changes that have taken place in the General and Zoning laws in the period of time mentioned by the Town Clerk. In fact, at the time the Consent Calendar was originally voted which was relatively early in the budget hearing process, it was voted to include this Article on the Consent Calendar. However, as the budget hearings continued, it was necessary to make additional cuts and items for this year were eliminated. We therefore recommend disapproval of this Article.

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71.

Board of Selectmen (J. Drobinski)

While the Board of Selectmen support the concept of codifying the Town Bylaws, available funds are not present, therefore the Board of Selectmen cannot support this.

Chairman of the Finance Committee, David Wilson, stated that due to the different money movements tonight, currently the town was \$4,530 under the levy limit. There was \$6,481 in the Abatement Surplus Account and \$2,814 in Free Cash. So, with a combination of these funds there would be enough money to fund this Article.

Russel Kirby *moved* to amend the main motion by striking out the words "said sum to be raised by taxation; and inserting in place thereof \$6,000 of said sum to be transferred from Surplus Abatement and \$4,000 to be raised by taxation".

The motion to amend *failed*.

The main motion under Article 11 *failed*.

ARTICLE 12. PURCHASE VOTING EQUIPMENT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$37,000, or any other sum, to be expended under the direction of the Town Clerk, for the purchase of optical scan voting equipment; or act on anything relative thereto.

Submitted by the Town Clerk

Town Clerk, Jean MacKenzie *moved* for Indefinite Postponement.

The reason for this motion being there were insufficient funds. She noted that there are serious problems with the voting machines now and hoped that they would hold up. Looking forward to next year, maybe we can make a change before any additional problems develop.

The motion to Indefinitely Postpone was *VOTED*.

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ARTICLE 13. NIXON SCHOOL ROOF

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$125,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of making extraordinary repairs to and/or reconstructing the Nixon School roof, or portions thereof, and all expenses connected therewith, including professional, engineering, and architectural services including plans, specifications, bidding documents, and supervision of work; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Permanent Building Committee

Michael Melnick of the Permanent Building Committee made the motion under this article as follows:

Move to appropriate the sum of \$125,000 to be expended under the direction of the Permanent Building Committee, for the purpose of making extraordinary repairs to and reconstruction of the Nixon School roof or portions thereof and all expenses connected therewith, including professional engineering and architectural services including plans, specifications, bidding documents and supervision of work, said sum to be raised by transfer of \$71,995 from Article 16, Noyes School Roof, of the 1987 Annual Town Meeting and the balance to be raised by taxation.

Mr. Melnick reported that during 1980 at the suggestion of the School Committee, the Permanent Building Committee engaged a consulting engineering firm to study all school building roofs and to develop a five-year roof maintenance program. On the basis of the investigation and report, it was recommended that the Nixon School roof be replaced during 1983.

A roofing consultant was engaged specifically to review the then 22-year old school roof for the purpose of replacement. It was advised that with minor repair work an additional three years could be obtained. This work was performed by the School maintenance personnel and the town successfully postponed replacement of this roof for nearly six years.

During 1987 thirteen leaks were reported and repaired. More will occur during 1988. The roof is now 28 years old and far beyond the expected useful life expectancy of a tar and gravel roof system.

Early this year an Engineering firm was selected to prepare plans and specifications for this roof replacement, by the Permanent Building Committee. Bid documents are targeted for completion during late spring and bid proposals are expected prior to July 1st, with an estimated cost of \$125,000.

The Permanent Building Committee took into consideration the following factors when submitting this article:

1. The Nixon School is currently occupied by the School Administration Dept. and is considered an asset to the Town.
2. This school may be considered for re-opening as an elementary building in accordance with School Committee Space Needs Programs.
3. Implementation of this roof replacement program would assure a water-tight roof for a 10 to 15 year period.
4. Incorporation of roof insulation within the roofing system would reduce the annual fuel oil prices.
5. Further delays in the replacement of this roof could result in structural deterioration and/or damage to the roof's supporting system, thus costing the Town far more than the amount requested.

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Finance Committee Report: (D. Wilson)

The Finance Committee had hoped the roof would last a little longer and would be included in the general school renovation project, but it was convinced that the need was now, to protect a major asset in the Town. Recommend approval.

Board of Selectmen: (D. Wallace) Recommend approval.

Discussion followed concerning the Town having already voted \$750,000, for major school reconstruction of Nixon, which would involve and possibly include cuts into the new roof. Was there any interim step that could be taken to safeguard what we have until the school architectural studies are complete and a decision is made what school will be enlarged?

Mr. Melnick responded that the roof is badly deteriorated. Current plan would be to maintain what is existing and then add on and plan an extension of the wings. However, the roof still requires repairing.

Superintendent Jackson commented that it was his understanding from information from the Permanent Building Committee that any delay in the repair of the Nixon roof would result in damage, not only to the roof, but to the structure of the roof, placing the Town at risk for substantial increased repair costs.

The motion under Article 13 was *UNANIMOUSLY VOTED*.

The time was 11:04 P.M. and the Moderator received a motion to adjourn.

This motion was seconded and *UNANIMOUSLY VOTED*

The meeting was adjourned to the following night at 8:00 P.M.

Attendance: 378

ADJOURNED ANNUAL TOWN MEETING

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Moderator, Thomas Dignan, declared a quorum present and at 8:15 PM the third session of the 1988 Annual Town Meeting of the Town of Sudbury was called to order at the Lincoln-Sudbury Regional High School Auditorium. The new appointees to the Finance Committee were presented to the voters, then the Chairman of the Finance Committee, David Wilson, gave a brief update of the Town's financial picture. He reminded the voters that if the Finance Committee's budget recommendations were followed, \$13,825 would remain from the following sources: under the levy limit, \$3,006; Free Cash, \$2,814 and Overlay Surplus Account, \$8,005. He further explained the Town was under the levy limit by the amount of the "recommended" articles, before any budget articles are passed. As this third session begins, the Town is \$218,050 under the tax levy limit. At the start of Town Meeting the Town had two savings accounts: (1) Overlay Surplus Account, \$508,000, which the Town has, at the first two sessions, almost fully expended. Changes in State Law allow this money to now be used for general Town purposes, and not just emergencies. This being a "tight" budget year, the Finance Committee recommended using this money. (2) The Stabilization Fund, \$566,000, can be used only for bondable, capital items, such as Town buildings. a two-thirds vote of Town Meeting is required to expend this Fund. The Finance Committee recommended this money not be used as the Town must have long-term savings and emergency funds.

ARTICLE 14 SCHOOL EQUIPMENT AND FACILITIES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$600,000, or any other sum, to be expended under the direction of Sudbury School Committee, for the purpose of making extraordinary repairs to and/or remodeling, and purchasing additional equipment for, the Curtis Middle School, the Haynes Elementary School, the Noyes School and the Nixon Administrative Building, including facility repairs, furniture replacement and building improvements, and all expenses connected therewith, including professional, engineering and architectural services including preparation of plans, specifications and bidding documents, and supervision of work; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the School Committee

Jeffrey Moore of the School Committee moved to appropriate \$40,000 to be expended under the direction of the Sudbury School Committee for the purposes of making extraordinary repairs to and/or remodeling and purchasing additional equipment for the Curtis Middle School, the Haynes Elementary School, the Noyes School, and the Nixon Administration Building, including facility repairs, furniture replacement and building improvements and all expenses connected therewith, including professional engineering and architectural services, including preparation of plans, specifications and bidding documents, and supervision of work, said sum to be raised by taxation.

Mr. Moore reported this article was originally submitted for \$60,000 as part of a long-term five-year capital improvement and maintenance plan for the Sudbury Schools, and had been filed before the School Expansion Space Plan Article. The requested amount has been reduced, so as to provide only maintenance of a routine nature for next year, such as replacement of broken windows, and lavatory partitions.

Finance Committee Report: (S. Ellis)

The Finance Committee recommends approval of this Article for \$40,000.

Board of Selectmen Report: (Chairman David Wallace)

The Board of Selectmen supports the passage of this article.

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In response to a question as to why this article was not included as part of the regular budget, Mr. Moore stated the normal maintenance money was taken out and placed as a lump sum into all the capital improvements and maintenance items for this year. Mr. Daniel Greenberg of Dutton Road pointed out there was a considerable amount of money, \$57,150, in the school's "B" accounts for Maintenance of Buildings, and stated his disapproval of this method of budgeting. He further stated it may be simplistic but it makes sense to ask for \$57,150 for FY89, but to state you have pared down Article 14 and are only asking for \$40,000 for FY89 sounds like you are taking things in the back door and I don't like it. The voters applauded these comments.

Mr. Moore responded that this article was submitted for maintenance of items on a long-term basis, to which Mr. Greenberg further commented that it was his understanding that broken windows and partition repairs do not come under "long-term" maintenance programs but rather under "annual" maintenance programs.

Town Treasurer, Chester Hamilton, noted the article had some broad language which had previously been stricken. As this requested money was for broken windows and partitions, he made the following motion: *Move to amend the main motion by striking out the words "including professional, engineering, and architectural services, including preparation of plans, specifications and bidding documents and supervision of work."*

Both the Finance Committee and the Sudbury School Committee supported this amendment.

The motion to amend was seconded and *VOTED*.

The main motion, as amended, was *VOTED*.

ARTICLE 15 SURFACE DRAINS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$100,000, or any other sum, to be expended under the direction of Highway Surveyor, for construction and re-construction of surface drains as follows:

Bowker V:	open ditch drainage cleaning east & west of Willis Road;
Emerson Way:	at the intersection of Morse Road;
French Road:	west of Old Garrison Road;
Goodman's Hill Road:	general upgrading of existing drainage between Nashoba Road and Brewster Road;
Hilltop Road:	at the intersection of Morse Road;
Meadow Road:	at the intersection of Pheasant Avenue;
Raymond Road:	between Route 20 and Feeley Park;
Ronald Road:	intersection of Hudson Road;
Wagonwheel Road:	west of Landham Road;

or act on anything relative thereto

Submitted by Highway Surveyor

Robert Noyes, Highway Surveyor, *moved to appropriate \$50,000 to be expended under the direction of the Highway Surveyor for construction and re-construction of surface drains as follows: Emerson Way, at the intersection of Morse Road; French Road, west to Old Garrison Road; Goodman's Hill Road, general upgrading of existing drainage between Nashoba and Brewster Roads; Hilltop Road, at the intersection of Morse Road; Ronald Road, at the intersection with Hudson Road; said sum to be raised by taxation.*

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Highway Surveyor Report: (R. Noyes)

In Fiscal 1988, the Highway Department re-established the Drainage Program originally abolished by Proposition 2 $\frac{1}{2}$. As a result of this program we corrected several hazardous conditions during the last construction season, and are planning to complete the remaining projects this spring.

We feel that this Drainage Program is beneficial to the Town and are requesting to continue this program in Fiscal 1989. Throughout the Town there still exists a number of serious drainage conditions which need to be corrected.

The drainage construction, designed by the Sudbury Engineering Department, will be constructed by Highway Department personnel and equipment, or by contract services.

By constructing and re-constructing surface drains, troublesome drainage situations and hazardous roadway conditions can be remedied as outlined in our Master Drain Plan.

Finance Committee Report: (L. Stowell) Recommend approval.

Board of Selectmen Report: (J. Drobinski) Recommend approval.

Donald Oasis of Willis Road *moved* to amend the motion by substituting the words "said sum to be raised by taxation" with "said sum to be raised by transfer of \$35,000 from the Stabilization Fund and the balance of \$15,000 by taxation." This received a second.

In support of his amendment, Dr. Oasis explained that by restoring \$35,000 to Free Cash, this would allow the Council on Aging to have funds to finance a new senior center for the first year, if and when Article 24 is successful.

The Moderator advised the hall that this amendment would require a majority vote to pass, but the amended main motion would require a 2/3rds vote, as it will be a vote to "tap" the Stabilization Fund.

Chairman David Wilson of the Finance Committee reported that his committee was opposed to this amendment for two reasons: A sufficient amount of the Town's savings have already been spent in one year; and the amount of money freed up would fund one year's interest for the Council on Aging's project---one half of one year's interest. He further noted that a ballot question to override for this project had been defeated, and it was believed that this was not the way for the Council on Aging to get its money, just part of it a little at a time. It was suggested that the Council should reach some accommodation with the Goodnow Library, find some other site or do something to build Town support before going through with this.

The motion to amend *failed*.

The main motion under Article 15 was *VOTED*.

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ARTICLE 16 DESIGN FUNDS - SHERMAN BRIDGE

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$20,000, or any other sum, to be expended under the direction of Highway Surveyor, as the Town's share of the design costs for reconstructing or replacing Sherman's Bridge on Lincoln Road over the Sudbury River and all expenses connected therewith, including professional, engineering, and architectural services including preparation of plans, specifications, and bidding documents, said costs to be shared equally by the Towns of Sudbury and Wayland; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Highway Surveyor

Mr. Noyes, the Highway Surveyor, *moved for Indefinite Postponement.*

The explanation for this motion was that the Town of Wayland, which owns half of the Sherman Bridge, had withdrawn their Article for this project. Mr. Noyes is presently working with the State in seeking funding to possibly "rehab" the bridge through total State funding.

Finance Committee Report: (L. Stowell) Finance Committee supports this motion.

Board of Selectmen: (J. Drobinski) We support the Indefinite Postponement.

The motion under Article 16 was *VOTED*.

ARTICLE 17 RENOVATE TENNIS COURTS - FEELEY PARK

To see if the Town will vote to raise and appropriate or appropriate from available funds, the sum of \$82,000, or any other sum, to be expended under the direction of the Park and Recreation Commission, for the renovation of the Town-owned tennis courts, located on the land known as "Frank Feeley Park" off Raymond Road which is shown on Town Property Maps K08 (parcel L08-012) and L08 (parcel 012); or act on anything relative thereto.

Submitted by the Park and Recreation Commission.

Ms. Rosalyn Drawas of the Park & Recreation Commission *moved to postpone consideration of Article 17 until after the disposition of Article 25.*

The reason for this motion was to provide the voters an opportunity to decide on the many important monied articles in the Warrant before dealing with this article.

Finance Committee Report: (J. Hepting) Finance Committee has no objection to postponing this article until after Article 25.

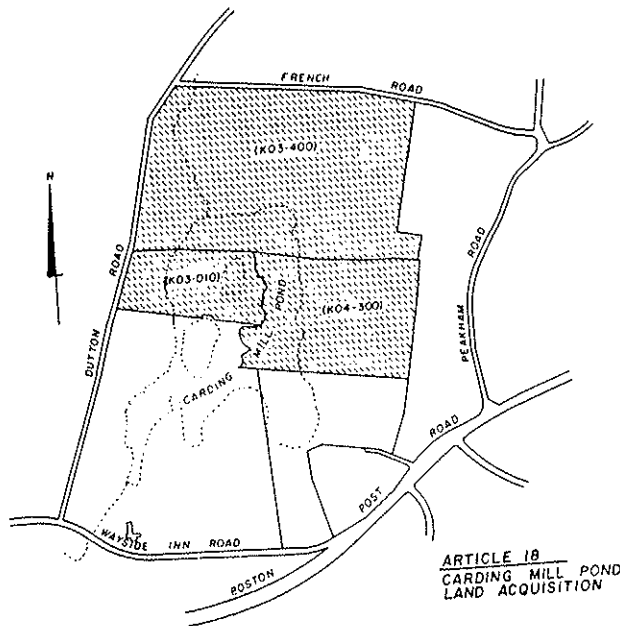
Board of Selectmen (J. Drobinski) The Selectmen have no objection.

The motion to postpone Article 17 was *VOTED*.

ARTICLE 18 CARDING MILL LAND ACQUISITION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$6,020,000, or any other sum, to be expended under the direction of the Conservation Commission, for the purchase of the MacNeill property located between Dutton and Peakham Roads, consisting of approximately 105 acres, designated as Parcels K-03-400, K-03-010 and a portion of Parcel K-04-300 on the Town Property Maps, and shown on the conceptual plan dated August 19, 1987 and drawn by Beals and Thomas for Northland Development Corporation; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Conservation Commission



Ms. D. Montermerlo, Conservation Coordinator, moved for Indefinite Postponement.

The explanation for this motion was that as a result of the efforts of the Board of Selectmen, Planning Board, Historic Districts Commission, the Wayside Inn Trustees, the Conservation Commission, the Development Company and the property owners, a creative compromise had been realized after almost two years of negotiations, resulting in a conceptual plan and written agreement for the first cluster plan to come before the Town.

The plan includes the purchase of 129 acres by the Northland Investment Corporation with an eventual total of 31 house lots on the parcel. 60% of the property will be permanently protected with 42 acres gifted to the Town. Included in the gift will be the Mill Building, the field along Dutton Road and a large portion of the Pond and Hop Brook. In exchange, the Town will release its option to purchase a portion of the property and the Wayside Inn Trustees will release their five-acre deed restrictions eight years prior to their expiration.

The overall density of the site will be one house for each 4.2 acres. The buffer area required under the cluster zoning bylaw will remain under private ownership with a permanent conservation restriction placed on it, preventing further development. The remaining area will be available for house lot development with a density not to exceed 30 new house lots. The proposed subdivision will include a looped road off French Road

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with a cul-de-sac off the looped road. Emergency access will be provided through Garrison House Lane. Final road layout is subject to Planning Board approval through the subdivision control process and citizen input at public hearings.

Finance Committee Report: (H. Casey) The Finance Committee supports Indefinite Postponement.

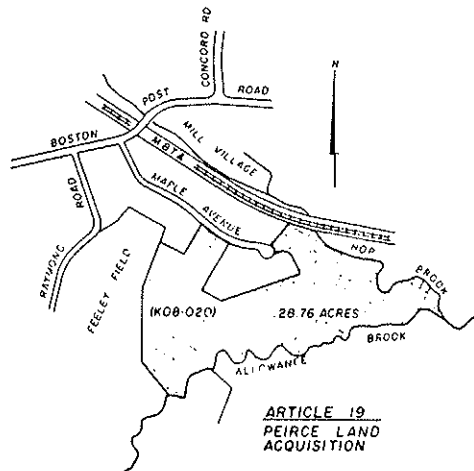
Board of Selectmen: (J. Drobinski) The Selectmen support Indefinite Postponement.

The motion under Article 18 to Indefinitely Postpone was *VOTED*.

ARTICLE 19 PEIRCE LAND ACQUISITION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$490,000, or any other sum, to be expended under the direction of the Conservation Commission, for the purchase of 28.76 acres of land, more or less, located to the rear of 55 Maple Avenue, presently owned by Peirce Rose, Inc., and shown as Parcel 020 on Town Property Map K-08; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Conservation Commission



Frances Clark of the Conservation Commission *moved* to postpone consideration of Article 19 until the Town disposed of Article 75.

In explanation of this motion, Ms. Clark explained that of the 28 acres involved, six of these are under consideration for purchase by the Town with the assistance of the Sudbury Valley Trustees. Negotiations are not complete at this time. They will be continuing for the next few days. We wish to return to you and tell you what are the real options, when they are completed.

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Board of Selectmen: The Board of Selectmen support the postponement.

Finance Committee: (H. Casey) One of the disadvantages that we've labored under is that negotiations have been ongoing and have not been completed. In order to take a position we must have the completed facts. Presently there is no more money to spend, but I think we've been unwilling to stand in the way of the negotiations.

The motion under Article 19 to postpone the consideration of Article 19 until after the Town disposes of Article 75 was VOTED.

(See page 181 for the vote under Article 19)

ARTICLE 20 HOP BROOK BRIDGE CONSTRUCTION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$15,000, or any other sum, to be expended under the direction of the Conservation Commission, for the construction of a bridge over Hop Brook in the Haynes Meadow Conservation Land, and all expenses connected therewith, including professional, engineering and architectural services including preparation of plans, specifications and bidding documents, and supervision of work; or act on anything relative thereto.

Submitted by the Conservation Commission.

Robert Lancaster of the Conservation Commission moved to *Indefinitely Postpone Article 20*.

In explanation for this motion, it was stated that the Commission has been pursuing alternative funding for this bridge. With the help of several developers and suppliers in Town we are working to obtain material at cost. We feel that we can significantly reduce the cost and fund the project from our own maintenance fund.

Board of Selectmen: We support Indefinite Postponement.

Finance Committee: The Finance Committee have taken a position not to support this article. They did not take a position on Postponement.

The motion under Article 20 to Indefinitely Postpone was VOTED.

ARTICLE 21 WITHDRAWN

ARTICLE 22 WALKWAYS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$129,332, or any other sum, for the planning, engineering and construction of walkways, such funds to be expended in the following manner:

1. Construction funds as necessary to be expended under the direction of the Highway Surveyor, for walkways (approximately 4,571 feet) along the following roads:
 - a. Goodman's Hill Road from the northwesterly corner of Parcel Number 401 as shown on Town Property Map H09 to Green Hill Road; and
 - b. Fairbank Road from Phillips Road to Maynard Road;

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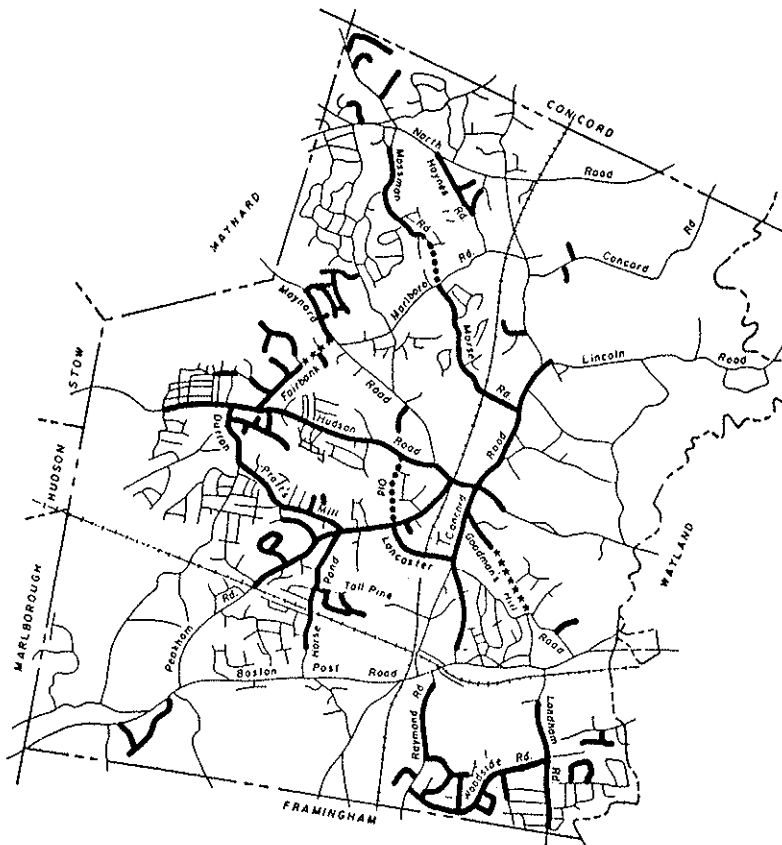
ARTICLE 22 (Continued)

2. Planning and engineering funds as necessary to be expended under the direction of the Planning Board, through the office of the Town Engineer, for a walkway along the following roads:

- a. Old Lancaster Road from Peakham Road to Hudson Road; and
- b. Mossman Road from Farm Lane to Marlboro Road;

or act on anything relative thereto.

Submitted by the Planning Board

ARTICLE 22 WALKWAYS

- Existing & Authorized Walkways
 Proposed Walkway Planning/Engineering Funds
 - - - - - Proposed Walkway Construction Funds

Richard A. Brooks of the Planning Board *moved* to appropriate \$123,520 for the *planning, engineering and construction of walkways, such sum to be expended in the following manner:*

- 1) \$121,270 for construction funds to be expended under the direction of Highway Surveyor for a walkway along the following roads:
 - a. Goodman's Hill Road from the northwesterly corner of Parcel No. 401 as shown on the Town Property Map H09 to Green Hill Road; and
 - b. Fairbank Road from Phillips Road to Maynard Road;

ARTICLE 22 (Continued)

- 2) \$2,250 for planning and engineering funds to be expended under the direction of the Planning Board, through the office of Town Engineer, for a walkway along the following road:

Mossman Road from Farm Lane to Marlboro Road;

said sum to be raised by taxation.

The Planning Board reported that this Article provides construction of walkways which have been funded for planning and engineering at previous Town Meetings. This article allows for expending funds so authorized on a priority basis and allows for the completion of previously engineered walkways. The Planning Board believes this Article provides funds which can be used to plan and build walkways on a cost-effective and flexible basis. The monies requested are as follows:

\$ 93,150	- Goodman's Hill Road, construction of the walkways
28,120	- Fairbank Road, construction
<u>2,250</u>	- Mossman Road - engineering and planning
\$121,270	- Total cost for Town Construction
<u>2,250</u>	- Engineering costs
\$123,520	- Total Town Cost

In addition to the proposed walkway for Fairbank Road, the Planning Board has successfully solicited developer contributions totaling \$87,000 for further walkway construction. This money will be used to extend the proposed walkway along Fairbank Road from Butler to Phillips Roads, and along Maynard Road from Fairbank to Wyman Drive. It is the belief of the Planning Board that it would be a most beneficial and expeditious use to have the Town build on these developer contributions, especially in light of the Town's recreational facilities on Fairbank. Completion of this walkway would enhance pedestrian safety in this growing recreation area.

It was noted also that the Planning Board took the recommendations of the Finance Committee and removed the funding request for planning and engineering for Old Lancaster Road walkways. This will be coming to the next Annual Town Meeting. The Planning Board and the Walkway Subcommittee strongly feel this walkway program is needed and is in the best interest of Town safety.

Finance Committee Report: (H. Casey)

The Finance Committee supports this Article with the amount that you see described for you. That is different from what is printed in the Warrant. There was vigorous debate among Committee members and we agree that this was a safety issue and so far as we could decipher the will of the hall has consistently been to go forward with the construction of walkways.

Board of Selectmen: The Selectmen support this Article.

Mr. Richard Wilsack of 363 Old Lancaster Road moved to amend the motion by inserting in place of the figure \$123,520, the figure of \$129,332, and by amending paragraph 2) of the motion, as presented, by inserting a paragraph "a. Old Lancaster Rd. from Peakham to Hudson Road;" and then putting a "b." in front of the line beginning "Mossman Road" and then amending the last line to read "said sum to be raised by transfer of \$5,812, from Abatement Surplus and the balance by taxation".

In support of this amendment, Mr. Wilsack noted that there was an obvious need that the walkway on Old Lancaster be included, as there are so many walkers and young children who walk to school, because it is within the prescribed walking distance to Curtis. The Town should move forward and complete that wing so there will be a continuous walkway to the Curtis Middle School.

This motion to amend was VOTED.

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ARTICLE 22 (Continued)

A general question was asked of the Planning Board as to whether there was a basic policy with new developments requiring the construction of walkways as part of the general construction. It was explained that often times there are circumstances under which the developer will provide some funds for such things as walkways outside of a subdivision. There is very little that the Town can do under the present laws to require that they do so, but there are often times when we are in a position to negotiate something of that nature with a developer. When we can, we do.

The main motion under Article 22, as amended was *VOTED*.

ARTICLE 23 TRANSFER LAND FOR SENIOR CITIZENS CENTER

To see if the Town will vote to transfer the custody and control of a portion of the land located off Concord Road as shown on Town Property Map K08 as Parcel 33, said portion containing between one and two acres, to the Board of Selectmen for the purpose of erecting a Senior Citizen Center; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Donald Oasis for the Council on Aging *moved* to transfer the custody and control of a portion of the land located off Concord Road and shown as Parcel 33 on Town Property Map K08, said portion containing between one and two acres, to the Board of Selectmen for the purpose of erecting a Senior Citizen Center.

After making this motion it was requested by Dr. Oasis that the merits of Articles 23 and 24 be discussed at this time. The Moderator allowed this as these articles seemed to be related, and noted they would be debated and voted separately.

Finance Committee Report: (J. Hepting)

As can be seen in the Finance Report in the Warrant, the committee had recommended approval of this article. However, in light of the vote taken a week ago last Monday, the Town-wide vote on Question No. 1 which failed, we are going to withdraw our support for Article #23 until such time as an appropriate and acceptable funding mechanism can be determined. Currently, Dr. Oasis was asking for \$35,000 and that would fund one-half of one year interest only. A 7% bond over 20 years, starting in roughly 1990, would represent approximately \$120,000/year to the Town with decreasing interest of course. That would be the maximum amount, but decreasing interest over a period of 20 years. The Council on Aging has not addressed how they plan to pay for that, other than the fact that it would have to come out of the Town Budget if, in fact Article 23 and 24 pass.

The Finance Committee feels this is an inappropriate funding mechanism and strongly recommends the Town not be encumbered to the tune of \$120,000 worth of debt service for 20 years for such a funding mechanism. It is far better to get a project we can all stand behind with a funding mechanism that is acceptable to the Finance Committee and the Town, and go forward at that time. As it currently stands, without an exemption from Proposition 2-1/2 for the funding of the debt service on the bond, which was voted down a week ago Monday, the Town would be forced to fund it out of the Budget, which means every year the Council on Aging would have to come to the Finance Committee and ask for somewhere around \$120,000 or less. This would be out of the budget, and frankly that is just an unacceptable funding mechanism. However, we do agree that the Center is needed. We agree the site they've proposed is in fact a very good site, and we have worked with them to achieve this. It's a blow that the exemption vote failed. However, we have no other stance at this particular point in time from a financial standpoint to do anything other than recommend disapproval of this Article.

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Board of Selectmen: (D. Wallace)

Several months ago, when the Selectmen reviewed this Warrant, we voted very strongly--unanimously, to support this Article because it is very clear that our Seniors deserve and need a new Senior Citizens Center. However, in light of the fact the Town recently voted against exempting the debt service on a proposed bonding for this facility from Proposition 2-1/2 just a few weeks ago, and because we have already reached our levy limit this year, we very sadly withdraw our vote.

Carol Henley, a Goodnow Library Trustee, addressed the hall and recommended the voters defeat Article 23 on the basis of four factors: 1) the future of the Library Building; 2) the ability to meet current and future parking needs; 3) the safety of Library users; and 4) resources needed to provide quality librarian services to the community. She informed the voters that early last fall, the library trustees hired a library consulting firm, Fish, Fish and Katz, to study the existing facility and determine what space requirements would be in the next 20 years. In summarizing the findings, it was found that the library is currently about 5,100 square feet smaller than needed to support current needs. Up to 15,728 square feet will be required.

Following a great deal of discussion on this article, the main motion under Article 23 was placed before the voters. The motion was defeated.

It being 11:00 PM, the Moderator invited a motion to adjourn. This was received and seconded and UNANIMOUSLY VOTED,

The meeting was adjourned at 11:01 until Monday, April 11th at 8 o'clock, in the evening.

Total attendance: 549

ADJOURNED ANNUAL TOWN MEETING

April 11, 1988

The fourth session of the 1988 Annual Town Meeting was brought to order by Moderator, Thomas G. Dignan, at 8:03 PM at the Lincoln-Sudbury Regional High School Auditorium. The Moderator declared a quorum to be present and after a few announcements turned the meeting over to David Wilson, Chairman of the Finance Committee, for an update of the Town's financial status.

Mr. Wilson reported the Town was \$4,530 under the levy limit after having acted upon the Budget at the last session, with \$2,814 in Free Cash and \$669 remaining in the Abatement Surplus Account. He reminded everyone if more than the aggregate of these sums were voted, the Town would be over the tax levy limit and an override of Proposition 2-1/2 would be necessary. If such an override failed, Town Meeting would be reconvened to re-vote all that had gone on before. The Finance Committee strongly urged the Stabilization Fund remain in tact, as the Town needs some flexibility in savings, especially since the Overlay Surplus Account of \$508,000 has already been expended.

ARTICLE 24 CONSTRUCT SENIOR CITIZEN CENTER

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$1,000,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of constructing and furnishing a Senior Citizen Center, and all expenses connected therewith, including professional, engineering and architectural services including preparation of plans, specifications and bidding documents, and supervision of work; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Council on Aging

Dr. Donald Oasis *moved Indefinite Postponement.*

The Finance Committee and the Board of Selectmen both supported this motion to postpone.

The motion to Indefinitely Postpone as UNANIMOUSLY VOTED.

ARTICLE 25 USE OF FREE CASH

To see what sum the Town will authorize the Assessors to use from Free Cash in the determination of the Fiscal Year 1989 tax rate; or act on anything relative thereto.

Submitted by the Board of Selectmen

Chairman Wallace *moved to Indefinitely Postpone the use of Free Cash.*

The motion to Indefinitely Postpone was UNANIMOUSLY VOTED.

At this time the Moderator returned to Article 17 which was postponed for consideration until after Article 25 had been disposed of by Town Meeting.

ARTICLE 17 RENOVATE TENNIS COURTS - FEELEY PARK

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$82,000, or any other sum, to be expended under the direction of the Park and Recreation Commission, for the renovation of the Town-owned tennis courts, located on the land known as "Frank Feeley Park" off Raymond Road which is shown on Town Property Maps K08 (parcel L08-012) and L08 (parcel 012); or act on anything relative thereto.

Submitted by Park and Recreation Commission

Rosalyn Drawas moved to appropriate the sum of \$82,000 to be expended under the direction of the Park and Recreation Commission for the renovation of the Town-owned tennis courts located on the land known as the Feeley Park, off Raymond Road, which is shown on the Town Property Maps K08 (parcel L08-012) and L08 (parcel 012); said sum to be raised by the Stabilization Fund.

The Moderator informed the hall that this motion would require a 2/3rds vote, the source of funds being the Stabilization Fund.

In support of her motion, Ms. Drawas reported that for three consecutive years the Park and Recreation Commission had presented this article to the voters, as the condition of the Feeley tennis courts was so deplorable. A slide show was presented which clearly indicated serious cracks two to three inches wide that stretched across all six courts. It was noted that the Town has always had a commitment to maintain its facilities. If the commitment to take care of these courts is not made, then the Town will be throwing their investment away.

Finance Committee Report - (J. Hepting)

Chairman Hepting reported that the Finance Committee was very reluctant to recommend against the reconstruction of the Feeley Park Tennis courts, as Ms. Drawas was positively correct. However, the amount of money requested was a very large sum. It is the intent of the FinCom to prioritize these courts next year, in the future, as a front line item for consideration. Additionally, to raid the Stabilization Fund, the only remaining emergency account for this project, would not be an appropriate funding mechanism for the maintenance of a relatively luxury item, when there are items like the landfill that will hit the town hard and other unknown items, such as retirement funds and things of that nature, we really can't foresee. Therefore the FinCom recommended against Article 17.

Board of Selectmen - (J. Drobinski)

Originally we voted to support this Article but we believe the Stabilization Fund should be used for extraordinary expenses in the town such as fire trucks and items such as these. We would hope the Town would agree with Mr. Hepting and vote that way.

Long Range Planning Committee (J. Mooney)

We support the FinCom and the Board of Selectmen and recommend against this Article via Stabilization Fund funding.

The motion under Article 17 failed.

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ARTICLE 26 TRANSFER LAND OFF FAIRBANK ROAD, HORSE POND ROAD AND PINE STREET TO SELECTMEN FOR THE PURPOSE OF SALE TO SUDBURY HOUSING AUTHORITY

To see if the Town will vote to transfer from the control of the Selectmen to the Selectmen for the purpose of sale to the Sudbury Housing Authority for the construction of family housing, the following described parcels of land:

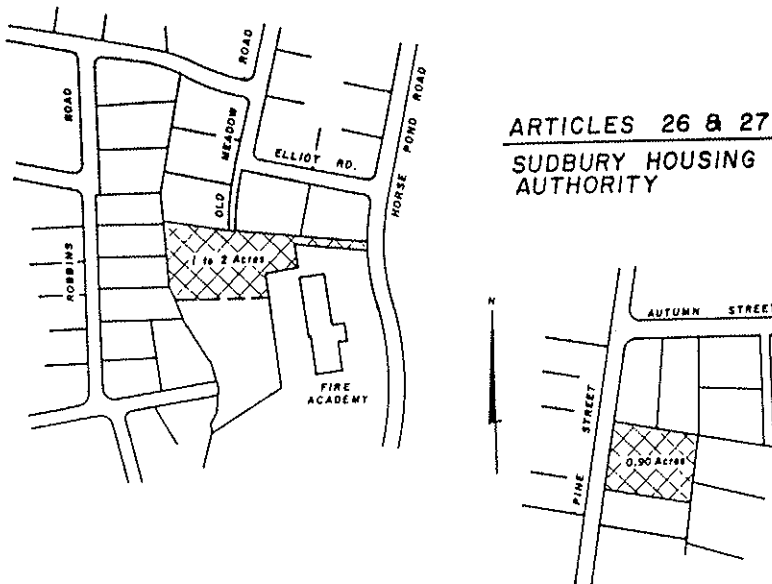
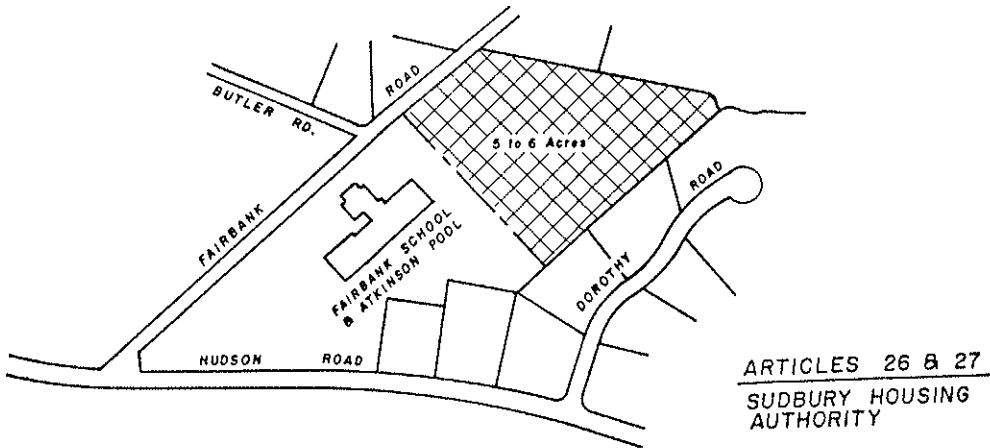
A portion of the land adjacent to the former Fairbank School containing approximately five to six acres, being a portion of the entire site shown as Parcel 001 on Town Property Map F06, for the construction of no more than four duplexes, and

A portion of the land adjacent to the Massachusetts Firefighting Academy containing approximately one to two acres exclusive of the playfield area, being a portion of the entire site shown as Parcel 036 on Town Property Map K06, for the construction of no more than one duplex, and

The land on Pine Street containing approximately .90 acres shown as Parcels 277 and 278 on Town Property Map H04, for the construction of no more than one duplex;

or act on anything relative thereto.

Submitted by Sudbury Housing Authority



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Chairman Stephen Swanger of the Sudbury Housing Authority moved in the words of the Article.

Both Articles 26 and 27 were discussed together, but were voted separately, with the approval of the Moderator.

Sudbury Housing Authority Report - Articles 26-29: In recognition of the need for affordable family housing, as evidenced by a 10-15 year wait for current applicants, the Sudbury Housing Authority requests the transfer of town-owned land for the purpose of building twelve units, in the form of six duplexes, under the state's family housing program. They would be owned by the Housing Authority, constructed with state funding, and rented to families from our waiting list of 70, up from last April's list of 50 families in need of housing.

In 1986 the Housing Authority hired a consulting firm to help with site selection and the two sites chosen were not given by the Town due to a very narrow defeat at last year's Town Meeting. Since that time, we have undertaken a new site selection process and have encouraged all interested town residents to participate. All assumptions made prior to last year's Town Meeting regarding what constitutes a good site have been examined and all publicly-owned land has been evaluated. In addition, all land-holding town boards were asked to inventory their land with respect to excess parcels which may be available for housing and private landowners were contacted who the Housing Authority thought might be interested in contributing to the provision of affordable housing. All available land was walked by interested residents over several weekends and public comment was solicited on all sites in four open meetings prior to final site selection. As a result of these efforts it was found that sites at school properties had to be eliminated because the school department is in the process of doing a long-term needs study and cannot declare property as excess until the study's completion. Also, some sites were eliminated due to the Conservation Commission's concerns regarding wetlands, and others were considered less desirable because they required long access roads or were too close to existing parking lots. Based on the information obtained in more than a year of study, we offer these articles to the Town for consideration.

While all twelve rental units could have been placed at the Fairbank site, we propose to place four duplexes at Fairbank with one additional duplex at Old Meadow and one more at Pine Street. This plan responds to the desire expressed by many residents for a decrease in the density of units from last year's proposal, and as much scattering of the housing as possible.

An entirely separate project would be considered for the Parkinson land, to be constructed under the Massachusetts Homeownership Program (MHOP). This site is not well-suited to Housing Authority-owned family units alone because of its geographical isolation from an existing neighborhood and long access road. However, it would be very very suitable for a mixed-income homeownership program, with some units sold at market value, others sold at affordable levels to moderate income families, and some sold to the Housing Authority for subsidized rental to low-income families. The Town, through a Homeownership Committee, would formulate its own plan for the parcel with regard to the type of housing and number of units desired, and proposals responsive to this plan would be solicited from developers interested in working with the Town in such a partnership. In all cases there will be no monetary costs to the Town as the state will absorb the costs of development and maintenance of publicly-owned housing. The Town will control all development of these parcels through its Housing Authority and Homeownership Committee.

These proposals reflect the Sudbury Housing Authority's dual commitment to preservation of the diverse character of the Town while beginning to address the Commonwealth's goal of 10% of each community's housing stock as affordable. Other long-term avenues of approach towards this commitment include working with the Planning Board in formulating accessory apartment and inclusionary zoning bylaws.

It should be noted that some discretionary state funds may be contingent upon the Town of Sudbury continuing to provide affordable housing. Failure to do so could jeopardize open space and recreation funds, conservation land grants, technical assistance grants, sewer and water system grants, elderly housing grants, and others.

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In presenting the position of the SHA, Mr. Swanger offered three hypothetical cases of families who are typical of those presently on the Town's waiting list. He informed the voters that approximately thirty meetings were held this past year, four of which were separate public hearings reviewing possible sites, and seeking input from the general public on the sites. The voters were informed that the State had set a minimum of four units of housing per site, that is two duplexes. After looking at the potential sites, it was agreed to reduce this minimum to two units per site or one duplex. A second change that affected the site selection process was the SHA had to reject all school loan sites as the School Committee informed them they would not consider parting with any of their land until school expansion plans were finalized. In the final analysis, there were four top sites, three of which were the same as last year, 1. The Parkinson or Ti-Sales site--deemed too isolated for low-income development but appropriate for mixed-income housing as proposed in Articles 28 and 29.

The other three sites were incorporated in the SHA proposal: one 2-family house on 1.9 acres at the end of Old Meadow Road; four 2-family houses on 5.7 acres on Fairbank Road on the left of the school and one 2-family house on .9 acres on Pine Street. At the Fairbank site four houses are proposed whereas five were last year; at the Pine Street site last year serious consideration was given to building two 2-family houses, but this year just one. A very slight increase in density was requested at the Fairbank site--an increase of 8/100ths of an acre; at Pine Street 4/100ths of an acre and a density reduction at the Old Meadow site.

This request to transfer these pieces of Town land represented, after two years of planning, the first steps in a comprehensive plan for affordable housing, rental housing, in Sudbury.

Finance Committee Report: (R. Coe)

The Finance Committee enthusiastically supported the motion under Article 26, as the need for affordable housing in Sudbury is obvious. The moral imperative and the legal requirements to do something about it are clear.

Board of Selectmen Report: (J. Drobinski)

The Selectmen strongly support this Article and urge the Town people of Sudbury to support it also.

Conservation Commission Report: (Frances Clark)

The Conservation Commission voted unanimously in favor of accepting the Old Meadow Road Fairbank Road, and Pine Street parcels as suitable for affordable housing from an environmental standpoint and also to support affordable housing in Sudbury.

Planning Board Report: (James Watterson)

The Planning Board reviewed the sites proposed and recommends each of them. The Board reviewed the final selections and recommended a minimum density for each site. Review and input from neighbors and the Design Review Board was also recommended. It was the Planning Board's opinion that integrating the housing into the existing areas was desirable, and appropriate for each site.

After considerable discussion, mostly in support of this article, Marc Shpritzer of Crescent Lane *moved to delete there from the first subparagraph thereof beginning with the words "A portion of the land" and ending with "than four duplexes, and".*

In support of his motion, Mr. Shpritzer explained that he was opposed to giving away the Fairbank's site for various reasons, one of which was he didn't believe it was in the best interests of the senior citizens or the other citizens of this town. Two major problems discussed the week before were 1) need for more planning regarding schools and education for our Town's youth, and 2) need for a site for the Senior Citizens Center. This Fairbank site was one of those being considered and it is considered a most ideal one. The family housing issue should be evaluated on its own merits but not at the expense of the prime remaining sites for other needs of Sudbury citizens. He asked that his amendment be looked at as not a neighborhood issue, but a Town life-style issue for current and future generations.

This motion to amend failed.

Following further discussion, the vote was taken on the main motion.

This motion required a 2/3rds vote. As it was not possible to get unanimous approval, the Moderator called for a counted vote.

A total of 610 votes were cast: 469 in favor 141 in the negative

The motion under Article 26 was VOTED.

(The full discussion under Article 26 is available at the Town Clerk's office.)

ARTICLE 27 AUTHORIZE SALE OF LAND OFF FAIRBANK ROAD, HORSE POND ROAD, AND PINE STREET TO SUDBURY HOUSING AUTHORITY

To see if the Town will vote to authorize the Selectmen, acting on behalf of the inhabitants of the Town of Sudbury, to execute a deed or deeds conveying in fee simple the following described land to the Sudbury Housing Authority for the purpose of constructing family housing, for a sum of no less than \$1.00 and upon such other terms as the Selectmen shall consider proper:

A portion of the land adjacent to the former Fairbank School containing approximately five to six acres, being a portion of the entire site shown as Parcel 001 on Town Property Map F06, for the construction of no more than four duplexes, and

A portion of the land adjacent to the Massachusetts Firefighting Academy containing approximately one to two acres exclusive of the playfield area, being a portion of the entire site shown as Parcel 036 on Town Property Map K06, for the construction of no more than one duplex, and

The land on Pine Street containing approximately .90 acres, shown as Parcels 277 and 278 on Town Property Map H04, for the construction of no more than one duplex;

or act on anything relative thereto.

Submitted by Sudbury Housing Authority

(See Sudbury Housing report under Article 26)

Mr. Swanger moved in the words of the article.

Finance Committee Report:

The Finance Committee supports the motion under the article.

Board of Selectmen: (John Drobinski)

The Selectmen support this Article and reaffirm that the Board will be closely involved in the development of this site.

Conservation Commission: (Ms. Clark)

The Conservation Commission is in support of housing for the Town of Sudbury, but we do wish to continue to be involved in the ongoing plans of the site selection and the housing proposal.

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Marjorie Teig of Robbins Road asked if the motion on the floor would restrict the construction to the amount of building that is set forth in the motion.

Town Counsel, Paul Kenney, stated "It is the practice of my office to draft the deed for the sale of these parcels with all of the restrictions voted in the Article itself which would include the number of buildings that can be constructed on the site."

Mr. George Hamm of Mossman Road asked when the deeds are drawn in the form indicated by Town Counsel, would that forever preclude anyone from coming back to have the deed restrictions, in essence, amended by vote of Town Meeting?

Town Counsel reported that "A Warrant Article could be placed in a Warrant for a future Town Meeting asking the Town to release the restrictions."

A motion was made to amend Article 27 by striking the word "duplex" and substitute in its place "one-family dwelling", so that the last line would read "no more than one-family dwelling."

This motion received a second.

Fred DiMatteo of Old Lancaster Road asked Town Counsel if the motion under consideration should pass, would any of the activities contemplated thereby be in violation of the zoning laws. Counsel responded "The answer is that the Housing Authority would not be subject to the zoning bylaws under these circumstances."

The Finance Committee expressed opposition to the motion to amend.

The Board of Selectmen opposed the motion to amend.

Paul Weiss of Lee-Anne Circle asked Town Counsel if the amendment passed, would it be legal to build a single-family home on the land just transferred to the Selectmen for the construction of no more than one duplex?

Paul Kenny, Town Counsel, stated "If I understand the question correctly, it seems to indicate that we've already voted for a duplex on that lot, can we now vote something different under this Article? The answer is 'Yes'. The last Article simply authorized the transfer to the Selectmen for the purpose of sale for that purpose. This is to authorize the sale itself."

A motion to move the question was made. This motion was *VOTED*.

The motion to amend Article 27 failed.

Discussion continued on the main motion. Mitchell Bistany of Old Meadow Road stated he understood when the Housing Authority receives permission to build, the State automatically gives them a comprehensive permit. He requested Town Counsel to explain what a comprehensive permit is and what it involves.

Town Counsel, explained, "A comprehensive permit, if one is granted on these sites, and I'm not sure they're going to apply for one, but if one is granted, it would be granted by the Board of Appeals. The Board of Appeals will be sitting as the sole municipal agency to make any determinations under a comprehensive permit. That means the Planning Board, the Board of Health, whatever local board would have any jurisdiction under a comprehensive permit of the Board of Appeals, would assume that jurisdiction."

At this point in the consideration of Article 27, Wendy Jenkins of Elliot Road stated her property abuts the land at the end of Old Meadow Road where the Housing Authority is planning to construct one duplex. She stated in 1962 the previous owners of her property,

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deeded the land in question to the Town so one of the neighbors would be able to access their driveway. Sudbury subsequently paved this section and made it a street, or a way. The Town forgot to register the transfer of land and it is still registered on the deed as belonging to her. This is the access to the lot to be built upon. There is another access off Horse Pond Road, but it is about 212 feet long and would have to be paved to get into the site and it would go over the basketball court. She inquired if this would affect the proposed construction of the duplex. She further commented that she searched the records back to 1958 at the Registry of Deeds and was told by an attorney that because it is registered land, even though it was deeded to the town prior, it is considered a "stale document" and cannot now be transferred.

Mr. Swanger of the Housing Authority responded there was another access to the property off Horse Pond Road. While it would be a more complicated and more costly access, it would not render the site useless by the Housing Authority. Obviously, as no one knew of this situation until this evening, there was little that could be said in response.

Statements and questions continued on the alternate access as to its close proximity to the Firefighters Academy entrance, the additional cost of a longer driveway and who, the State or Town, would bear the cost.

A motion was made to move the question. Mr. George Hamm raised a Point of Order wherein he inquired as to the legalities of these two Articles if it turns out the land described therein was not owned by the Town.

Town Counsel stated "Based on what I've heard here tonight, the land in question is going to be sold by the Town, is in fact owned by the Town. No land is going to be sold that isn't owned by the Town."

There being no further discussion, the motion under Article 27 was placed before the voters. The vote required was 2/3rds. As there appeared to be substantial opposition, the Moderator called for a counted vote.

A total of 473 votes were cast: 395 in favor 78 in the negative.

The motion under Article 27 was VOTED.

(The full text of the discussion under this article is available at the Town Clerk's office.)

It being two minutes before 11:00 PM, a motion was received and seconded to adjourn.

This motion was UNANIMOUSLY VOTED.

The meeting was adjourned until tomorrow evening at 8:00 PM.

Total attendance: 667

APRIL 12, 1988

The Moderator welcomed the voters to the fifth session of the 1988 Annual Town Meeting. He declared a quorum present and began the business of the evening with Article 28.

ARTICLE 28. TRANSFER LAND OFF HUDSON ROAD TO SELECTMEN FOR PURPOSE OF SALE TO SUDBURY HOUSING AUTHORITY.

To see if the Town will vote to transfer from the control of the Selectmen to the Selectmen for the purpose of sale to the Sudbury Housing Authority for the construction of mixed-income housing, the following described parcel of land:

The Parkinson land off Hudson Road and adjacent to Ti-Sales containing twelve acres, shown as Parcel 200 on Town Property Map G09;

or act on anything relative thereto.

Submitted by Sudbury Housing Authority.

Carol Smith of the Sudbury Housing Authority *moved in the words of the motion.*

Ms. Smith addressed both Articles 28 and 29. She remarked that the concept of the Articles and the intent are quite different. The Housing Authority spent many hours with the Housing Partnership Committee discussing these articles and it was their decision to bring Article 28 to a vote. Regardless of the outcome of Article 28, a motion will be placed to Indefinitely Postpone Article 29. Article 28 only approves the use of the land for future construction of mixed-income housing, subject to another Town Meeting approval.

Finance Committee Report: (Robert Coe)

The Finance Committee recommends approval of the motion under Article 28.

Board of Selectmen Report: (J. Drobinski)

The Board of Selectmen supports this article and recommends that the Town support it also.

Joseph Klein of Stone Road *moved to amend Article 28 by adding the following to the end of the Article: "for the sole purpose of constructing residential units which shall consist of no more than 6 duplexes".*

In support of this amendment, Mr. Klein stated that it was his belief the Housing Authority was running interference for commercial developers to get around the Town's Zoning law. Looking at the proposal as tentatively made tonight, at least 70% of the housing will be market value housing - that is housing built for a profit, built to sell at current prices. In return for 2 or 3 units, the Housing Authority will give away all our zoning regulations. The Housing Authority is not subject to the Zoning Bylaw of this town or any of the bylaws. If land is given or sold to the Housing Authority there is no longer any control by the Town as to what may be built there. Approval of the Planning Board is not required and in particular, neither is any further approval by this Town Meeting. Once the Sudbury Housing Authority is given control of the land, you've lost all control over what goes on that land. Developers should welcome this, as it provides them with an end-run around our Zoning law. We have had one example in Town where the developer has used this scheme - Longfellow Glen. This vote tonight could set a precedent, a very bad precedent.

They wish to build six duplexes, let's make sure they don't build more, and let's make sure they build duplexes, not anything else. The only control that this Town has over any development by the Housing Authority are Articles 28 and 29. In closing he noted that the Finance Committee's comments on Article 29 were "the final plan is likely to call for a pattern of land use currently not found in Sudbury".

Finance Committee: (R. Coe)

The Finance Committee unanimously opposes the motion to amend.

The motion to amend failed.

The question was asked if the motion under Article 28 was voted, would that mean all other uses of the land are excluded. The Moderator explained that what will be excluded is the right of the Selectmen to transfer it to anyone but the Housing Authority. The Moderator than asked Town Counsel if Article 28 should pass, and the land was restricted to transfer only to the Housing Authority, would the Selectmen still be allowed to lease it in the interim as they are now doing.

Paul Kenny, Town Counsel, stated "if Article 28 were to pass, they could. If Article 29 were to pass, they could not. Article 28 not being the one that transfers the land."

A motion was received to move the question. The motion for the question was carried.

The motion under Article 28 failed.

The motion under Article 28 having been defeated, Article 29 was passed over.

ARTICLE 29. AUTHORIZE SALE OF LAND OFF HUDSON ROAD TO SUDBURY HOUSING AUTHORITY

To see if the Town will vote to authorize the Selectmen, acting on behalf of the inhabitants of the Town of Sudbury, to execute a deed conveying in fee simple the following described land to the Sudbury Housing Authority for the purpose of constructing mixed income housing for a sum of no less than \$1.00 and upon such other terms as the Selectmen shall consider proper:

The Parkinson land off Hudson Road and adjacent to Ti-Sales containing twelve acres, shown as Parcel 200 on Town Property Map G09;

or act on anything relative thereto.

Submitted by the Sudbury Housing Authority

Passed Over

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ARTICLE 30. AMEND BYLAWS, ART. III, 2 - TOWN REPORT

To see if the Town will vote to amend Article III, Section 2, of the Town of Sudbury Bylaws by deleting said section in its entirety (paragraphs 1 and 2) and substituting therefor the following:

"Section 2. ANNUAL TOWN REPORT. All Town Boards, committees, commissions and officials, whether appointed or elected, shall make written report in detail of their activities during the preceding calendar year and of all financial transactions during the preceding financial year, which report shall be delivered to the Board of Selectmen at a date specified by the Selectmen. The Selectmen shall cause all such reports, as well as any other reports or data as the laws of the Commonwealth, bylaws of the Town, or the Selectmen require, to be printed in an Annual Town Report. Sufficient copies shall be printed for public distribution at the Town Hall and/or Public Library and made available to the citizens of the Town at least ten days before the Annual Meeting,";

or act on anything relative thereto.

Submitted by the Board of Selectmen and Town Report Committee

Marge Wallace of the Town Report Committee *moved in the words of the Article.*

Ms. Wallace reported it has been the custom to mail these reports to each household and with the budgetary constraints, it is being suggested to change the distribution method by having the Reports available by picking them up at the Town Hall and the Library. The second part of the Article eliminates having the Town Accountant do an annual audit of written financial reports submitted by all town boards, officials and committees, whether elected or appointed.

Finance Committee Report: (J. Ryan) Recommends approval.

Jean MacKenzie, Town Clerk noted that the town report has been for many years distributed by the DeMolay of Sudbury, under the jurisdiction of the Town Clerk. It has cost the Town between \$500 and \$600 a year. When the DeMolay membership became all adults, they were no longer able to provide the service. For one year only, when there was not sufficient time to find another civic group willing to take on this project, the Town Report was mailed at a cost of \$994, and not the \$2,500 as printed in the Warrant. This year the Boy Scouts took on the distribution of the Town Report as a Community Project and did a wonderful job. The Scouts earn the money to finance their trip to Europe for the Boy Scout Conferee. This way both the Scouts and the Town of Sudbury are well served and the cost to the Town is kept down.

The motion under Article 30 was *defeated.*

ARTICLE 31. TRANSFER PARK & RECREATION PARCEL 111, WILLIS LAKE DRIVE, TO SELECTMEN FOR PURPOSE OF SALE

To see if the Town will vote to transfer from the control of the Park and Recreation Commission to the Board of Selectmen for the purpose of sale, the following described land:

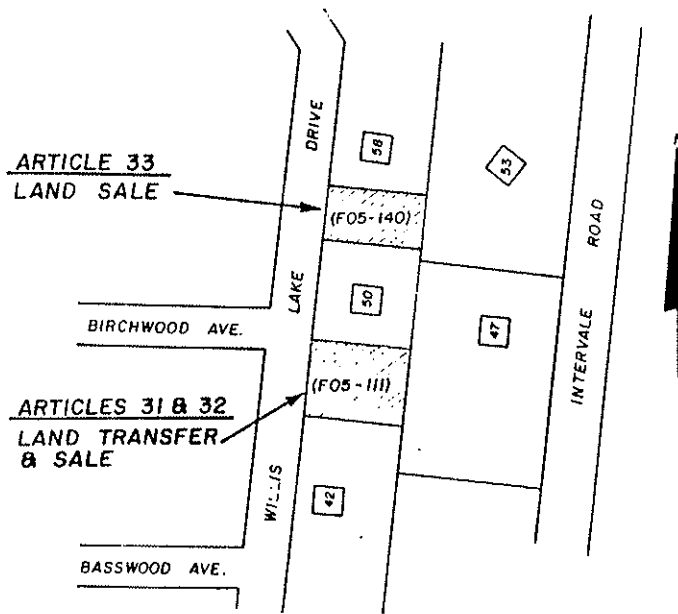
Land on Willis Lake Drive shown as Parcel 111 on Town Property Map F05 and containing .17 acres according to said map;

or act on anything relative thereto.

Submitted by the Park and Recreation Commission. (Two-thirds vote required.)

UNANIMOUSLY VOTED: *MOVED IN THE WORDS OF THE ARTICLE* (Consent Calendar)

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ARTICLE 32. AUTHORIZE SALE OF PARCEL #111, WILLIS LAKE DRIVE, TO ABUTTER

To see if the Town will vote to authorize and empower the Board of Selectmen to sell and convey, upon such terms and conditions as it deems necessary or desirable, land in Sudbury off Willis Lake Drive, shown as Parcel 111 on Town Property Map F05 and containing .17 acres according to said map, at private sale to a direct abutter, and to determine the minimum amount to be paid therefor; or act on anything relative thereto.

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

UNANIMOUSLY VOTED: MOVED TO AUTHORIZE THE BOARD OF SELECTMEN TO SELL AND CONVEY, AT PRIVATE SALE TO A DIRECT ABUTTER, FOR A SUM OF NO LESS THAN \$1,500 AND UPON SUCH TERMS AND CONDITIONS AS IT DEEMS NECESSARY OR DESIRABLE: THE LAND OFF WILLIS LAKE DRIVE SHOWN AS PARCEL 111 ON TOWN PROPERTY MAP F05 AND CONTAINING .17 ACRES ACCORDING TO SAID MAP.
(Consent Calendar)

ARTICLE 33. AUTHORIZE SALE OF PARCEL 140 WILLIS LAKE DRIVE, TO ABUTTER.

To see if the Town will vote to authorize and empower the Board of Selectmen to sell and convey, upon such terms and conditions as it deems necessary or desirable, land in Sudbury off Willis Lake Drive shown as Parcel 140 on Town Property Map F05 and containing .11 acres according to said map, at private sale to a direct abutter, and to determine the minimum amount to be paid therefor; or act on anything relative thereto.

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

John Drobinski of the Board of Selectmen moved to authorize the Board of Selectmen to sell and convey, at private sale to a direct abutter, for a sum of no less than \$1,500 and upon such terms and conditions as it deems necessary or desirable, the land off Willis Lake Drive, shown as Parcel 140, on the Town Property Map F05, and containing .11 acres according to said map.

Mr. Drobinski reported that at the 1987 Annual Town Meeting, under petition Article #30, the Board was authorized to transfer a .11 acre tax possession title, shown as Parcel 140, to the Selectmen for the purpose of sale to a direct abutter. However, subsequently, under Article 32, voters failed to authorize the sale of this and two other parcels. The Board has ascertained that a direct abutter is interested in purchasing this parcel. Therefore this Article has been placed in the Warrant for required authorization.

Finance Committee Report: (J. Hepting) Finance Committee recommends approval of this article.

The motion under Article 33 was *UNANIMOUSLY VOTED.*

ARTICLE 34. AMEND BYLAWS, ART. I, 1 - EFFECTIVE DATE OF ELECTION

To see if the Town will vote to amend Article I of the Town of Sudbury Bylaws by adding to section 1 thereof the following sentences:

"Those elected at the Annual Town Election, with the exception of the Town Clerk and the Moderator, shall take office at the close of the Annual Town Meeting. The Town Clerk shall take office seven days after election. The Moderator shall take office on the day after election, or as soon thereafter as qualified.";

or act on anything relative thereto.

Submitted by Town Meeting Procedures Committee.

M. J. Sanders of the Town Meeting Procedures Committee *moved in the words of the Article.*

Mrs. Sanders stated that the effect of this amendment is to delay the installation of those elected at the Annual Town Election until the close of Annual Town Meeting. It was the belief of the Committee that voters at town meeting would be better served if the officials who had taken part in the deliberations and voted on the matters at hand at Town Meeting remained in office throughout Town Meeting. The Town Clerk and Moderator would not be affected by this amendment to the bylaw, as their terms of office are mandated by Mass. General Laws.

Finance Committee Report: (J. Ryan) Recommends approval.

Board of Selectmen Report: (D. Wallace) Board of Selectmen support passage of this Article.

Paul McNally of Evergreen Road *moved to Indefinitely Postpone this Article.*

After a brief explanation by the Moderator it was understood by Mr. McNally that the motion to postpone could be accepted only for the motion but not the article.

In support of this motion to postpone, he stated that it was his belief that the voters owe something to the electorate who have elected the Town Officials and expect them to serve. It seems that the current practice of having people serve immediately upon election has worked well for over 25 years. I don't hear any real concern for change. I don't see what it's going to do for us by changing it now and having people sit around, after they have gone through an election, waiting to begin to serve in their office. He urged the voters to consider the candidate and the people who voted for that candidate and to support this motion to postpone.

The motion to Postpone under Article 34 *failed.*

After considerable discussion a motion was made to *move the Question.*

The motion was VOTED.

As the hand vote was rather close the vote was counted.

YES:	122	OPPOSED:	109	TOTAL VOTE:	231
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The main motion under Article 34 was VOTED.

ARTICLE 35 AMEND THE BYLAWS, ART. I, SECTION 2 - TIME OF TOWN MEETING.

To see if the Town will vote to amend Article I of the Town of Sudbury Bylaws by deleting therefrom Section 2 and substituting therefor the following:

"Section 2. The Annual Business Meeting shall begin on the first Saturday after the first Monday in April at such place as the Selectmen shall determine. The Saturday session of the meeting shall begin at 10:00 A.M. and shall continue until completion of the article under discussion at 4:00 P.M. and shall be adjourned, if necessary, to 7:30 P.M. on the following Monday (legal holidays excluded). The Monday session and any other weekday sessions shall begin at 7:30 P.M. and shall continue until completion of the article under discussion at 10:30 P.M. unless otherwise voted by two-thirds of those present and voting; except that any such meeting shall be adjourned before the designated time if a quorum shall be declared to have been lost, or if a quorum has not assembled thirty minutes after the designated starting time.";

or act on anything relative thereto.

Submitted by Town Meeting Procedures Committee.

Ms. Wallace *moved in the words of the Article.*

In support of this motion Ms. Wallace stated that the Town Meeting Procedures Committee has been requested to see what they could do to change the Town Meeting procedures, specifically so as to encourage greater participation and to streamline the process. One of the areas the Committee looked at was changing the time of the Town Meeting, along with looking at the length of speeches. It was the feeling that a great deal of apathy existed in Town and as a part of the process, a questionnaire was published in the Town Crier to which about 100 responses were received. Some people said they didn't like starting at 8:00, they wanted Town Meeting to begin and end earlier. Others stated: Town Meeting was too long; they can't drive at night; can't get babysitters; interferes with business travel. Less than one-third of the respondents attended all sessions of Town Meeting. There seemed to be a preference for starting on a Saturday and finishing up on Monday or Wednesday nights.

The other section of this article states that when Town Meeting goes to a Monday and Wednesday evening, it would start at 7:30 PM, a half hour earlier, which would inconvenience those voters who work in Boston.

Finance Committee Report: (J. Ryan) Recommends approval.

Board of Selectmen: (D. Wallace) Recommends approval.

In the many arguments put forth to defeat this article, the main objection throughout was that many voters would be deprived of their right to participate in the decision making process of Town Meeting due to their religious commitments. Many others would also be deprived, such as those of a lower income bracket who must work on weekends.

John Parker of Old Sudbury Road, spokesman for the Sudbury Clergy Association stood in opposition to this Article. He stated that attendance on any given night of Town Meeting really depends on what articles are coming up. Senior Citizens pack the hall at late hours as do couples, obviously of child-bearing age. Although they are not in attendance this evening it may have to do with the intensity of their interest in the articles. With all due respect for the convenience factor, there are at times other issues that arise that are far more important and this is one of those. The founders of this nation, again and again, affirmed the importance of religious faith and the worshiping faith community as a support for the basic unit of society, the family in preserving and transmitting the foundational values that make our communities and/or nation what it is. For quite a few years now, there have been a number of community activities that have been scheduled in such a way that there's sort of been a creeping intrusion into that sabbath worship opportunity whether we're talking Saturday or Sunday, especially with youth activities. Young people have had to choose between their youth activities and participation in sabbath worship.

Mr. Parker expressed his belief, along with that of his colleagues in the Sudbury

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Clergy, that this would reach really a new low level of insensitivity were the Town Meeting to force even a minority of its citizens to choose between their regular practice of sabbath worship or give up their vote at Town Meeting. He urged the voters to defeat this Article.

Anne Donald, of Hudson Road and past member of the Board of Selectmen, in support of this article, stated that this article was a simple request to give part of one day a year to help govern the Town people have chosen for their homes. She asked "How many people within the sound of my voice have not passed up one day's worship to spend a day at the beach, attend a football game, or go skiing?" Her observations were that a great deal of Temple Beth El's sabbath activities take place on Friday or Saturday evenings.

For clarification purposes it was noted that this article was to allow only one Saturday session, the very first one and thereafter it would be sessions on weekdays as selected by a majority of the hall voting on the motion to adjourn

Steven Wishner of Fox Run made the following observations: people who normally worship on Saturdays would be torn and feel resentful if they had to choose between their ability to worship or fulfill a very real and personal obligation at Town Meeting. The argument for this article was to increase participation. It is the issues at hand that will increase the number of people in attendance. He reminded everyone that the first night this year there was standing room only, which was not a result of it being a Saturday or a Monday, but more to the point the issues at hand for the evening. That is what brings people out. He stated that people will always come up with reasons for not attending. If one doesn't care enough to be present, any excuse can be found. Mr. Wishner also disagreed with the argument that more can be accomplished during a six-hour Saturday session than three 3-hour evening sessions. On a more personal concern, he objected to the Saturday session as it would take precious time away from his family. As to the argument of not being able to find babysitters during the week, how will anyone ever find a babysitter on a Saturday, during the day. Voters will have to bring their families with them and the hall would be overrun with children, interrupting Town Meeting.

Daniel Greenberg of Dutton Road noted that both the Board of Selectmen and the Finance Committee have carefully and meticulously paid thoughtful attention to article after article of extremely controversial nature of this town meeting. They defend the administrative and fiscal integrity of the Town, but where are they today on the issue of moral integrity of the Town. The recommendation of these two boards and that of the Town Meeting Procedures Committee reflects a fundamental ignorance of a fact of Jewish religious observance - that fact being the religiously observant Jew may not participate in Town Meeting on a sabbath. The motion before you makes it impossible for an observant Jew to attend Town Meeting.

The Moderator in an unusual move, requested permission of the voters to speak to the motion before the hall. There were no objections, he stated he was frankly quite disturbed that any one citizen, never mind whether it be a group - feels that coming to Town Meeting would conflict with his religious belief. There is enough that can divide this Town on occasion. I do not think we should add to that possibility the fact that any of our citizens would be alienated from governing this Town because of a religious belief. He thereupon urged the voters to defeat this Article with the full realization that this Committee worked very hard and gave it very careful consideration before bring it to them.

The motion under Article 35 was defeated.

At this time Mrs. Sanders proposed another main motion under this article, as she had requested to do so in advance. The Moderator declared it was within the four corners of the Article and it might save a portion of the article that people might be interested in.

Asked by Henry Sorett of Longfellow Road if it was in order to propose another main motion after the defeat of a main motion, the Chair ruled that it was. Mr. Sorett questioned the ruling of the Chair. The Moderator in turn stated that an appeal can be allowed only if the Moderator allows it, whereupon he stated that no appeal will be allowed. It was stated a second main motion under an article is perfectly in order. The only thing that blocks a second main motion is passage onto the next Article which had not occurred.

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Mrs Sanders moved to amend Article I, section 2 of the Town of Sudbury Bylaws by replacing the words "8:00 P.M." with the words "7:30 P.M.." and the words "11:00 P.M." with the words "10:30 P.M."

Mrs. Sander explained that the defeat of the previous motion meant that we revert to Monday, Tuesday and Wednesday evenings. This motion was being offered now as there had been throughout the discussion this evening some sentiment for beginning and recessing Town Meeting earlier.

Finance Committee Report: (D. Wilson) Recommends approval.

Board of Selectmen: (D. Wallace) Recommends approval.

Daniel Greenberg of Dutton Road expressed his belief that this kind of a shift in time involves a major rescheduling of many people, therefore it at least deserves to be printed in the Warrant. He pointed out also the small number of people remaining in the hall who would be voting on this motion would not be a sufficient enough indication of this kind of an issue.

After considerable discussion on this second main motion under Article 35, to amend Article I, section 2 of the Town of Sudbury Bylaws this motion was VOTED.

The Moderator then advised the hall that these changes will not go into effect until the next Town Meeting.

It being close to 11:00 PM a motion was received to adjourn. This was seconded and UNANIMOUSLY VOTED.

The meeting was adjourned at 11:00 PM

Attendance: 312

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The sixth session of the 1988 Annual Town Meeting was convened at 8:15 PM. Moderator, Thomas G. Dignan, Jr. called the meeting to order and declared a quorum present.

ARTICLE 36. AMEND BYLAWS, ART II, 1, WARRANT CLOSING DATES;
ARTICLE III, 10, WARRANT REPORT; AND ARTICLE I, 4, NOTICE
OF MEETINGS

To see if the Town will vote to amend the Town of Sudbury Bylaws by deleting Section 1 of Article II and substituting therefor the following:

Section 1. The Warrant for each Annual Town Meeting shall be closed December 31 in each year. No article, including articles consisting of resolutions, shall be taken up at Town Meeting unless it appears in the printed warrant. Except as hereinafter specified, the warrant for any Special Town Meeting shall be closed at least twenty-five days prior to the scheduled date of the meeting; provided further that there shall be at least ten days between the call of any Special Town Meeting and the closing of the warrant therefor. This section shall not apply to any Special Town Meeting held for the purpose of considering the approval or disapproval of an amount of debt authorized by a Regional District School Committee, in accordance with General Laws, Chapter 71, Section 16 (d), or held for an emergency purpose.";

By deleting Section 10 from Article III, placing the said section in Article I immediately after Section 2, and rewording the said section to read as follows:

"Section 3. The Selectmen shall cause a Warrant Report to be printed and distributed to the citizens of the Town at least seven days prior to commencement of the Annual Town Meeting and fourteen days prior to commencement of a Special Town Meeting. The Warrant Report will contain a copy of the articles as set forth in the official warrant, a summary of the intent and scope of each article prepared by the submitter, the report and recommendations of the Finance Committee, reports by other Town officials, boards or committees having an interest in a specific article, and supporting data such as maps and charts. The individual or group submitting information shall meet requirements for timing, format and brevity established by the Selectmen.";

and by renumbering and rewording Section 3 of Article I to read as follows:

"Section 4. Notice of every Town Meeting shall be given by posting a printed attested copy of the warrant therefor at the Town Hall at least seven days before the Annual Meeting and at least fourteen days before any Special Town Meeting.";

or act on anything relative thereto.

Submitted by the Town Meeting Procedures Committee

Mary Jane Sanders, Chairman of the Town Meeting Procedures Committee *moved in the words of the Article except that the following sentence shall be added as the third sentence in Section 1, after the sentence reading "No article, including articles consisting of resolutions, shall be taken up at Town Meeting unless it appears in the printed Warrant." "The preceding sentence shall not apply to resolutions memorializing townspeople and Town employees."*

In support of this motion, it was stated that the Committee on Town Meeting Procedures overlooked the matter of resolutions honoring the memory of persons who have served the Town and did not recognize this until after the printing of the Warrant. The purpose of the article is to make it easier for boards, committees, Town officials and petitioners to follow the required procedures involved with the preparation of the Warrant. The first of the three amendments designates December 31 as the date when

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all articles, including resolutions, must be submitted for the Annual Town Meeting. The second amendment places the responsibility for the distribution of the Warrant with the Selectmen, and the third requires the Warrant for all meetings be posted. The Selectmen's office is required to post at least three copies in each precinct presently. As the Warrant is mailed to each household, the precinct posting is not needed.

Finance Committee Report: (J. Ryan) Finance Committee recommends approval

Board of Selectmen: (J. Cope) Selectmen support this article.

Daniel Greenberg of Dutton Road moved to amend by deleting the sentence "No article, including articles consisting of resolutions, shall be taken up at Town Meeting unless it appears in the printed Warrant."

In support of his amendment Mr. Greenberg stated the striking of this sentence would bar Town Meeting from passing resolutions as they traditionally do at the end of the meeting after all Articles have been taken up.

The Moderator remarked that another tradition is that the Moderator will not allow a resolution to come before the Town on the last night if the request to do so comes on the last night. Tradition has been resolutions not printed in the Warrant, will be allowed if the presentors advise the Moderator in advance of Town Meeting of their requests so as to provide sufficient notice to the voters.

George Hamm of Mossman Road noted that should this amendment be voted upon, the amendment itself should be amended by also striking from the motion the words "The preceding sentence ..." The Moderator agreed and asked the consent of the hall to amend the amendment, which the hall did.

Approved: 69 Opposed: 72 Total Vote: 141

The motion to amend failed.

Considerable discussion followed on the main motion. The main motion was VOTED.

ARTICLE 37. AMEND BYLAWS, ART. II, 8-RESOLUTIONS

To see if the Town will vote to amend Article II of the Town of Sudbury Bylaws by adding to Section 8 thereof the following sentence:

"Articles consisting of resolutions shall be considered after action has been taken on all other articles.";

or act on anything relative thereto.

Submitted by Town Meeting Procedures Committee.

Joseph Klein of Stone Road, member of the Town Meeting Procedures Committee, moved to amend Article II of the Town of Sudbury Bylaws by adding to section 8 thereof the following sentence: "Articles consisting of resolutions, with the exception of resolutions memorializing Townspeople and Town employees, shall be considered after action has been taken on all other Articles."

Mr. Klein stated it was not the purpose of this article to eliminate resolutions but to segregate them by placing them at the end of the Warrant. Town Meeting, as the legislative body of the Town, has as its primary business to pass the laws and budgets of the Town, and in so doing, should not be interrupted by discussions on resolutions.

Finance Committee Report: (D. Wilson) The Finance Committee recommended approval.

Board of Selectmen Report: (D. Wallace) The Board of Selectmen recommended approval.

The motion under this article failed.

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ARTICLE 38. AMEND BYLAWS, ART. II, 11 - LENGTH OF SPEECHES

To see if the Town will vote to amend Article II of the Town of Sudbury Bylaws by deleting Section 11 thereof and substituting therefor the following:

"Section 11. No person shall speak more than once upon any question, except to correct an error or answer a question, until all others who have not spoken upon the question and desire to do so shall have had an opportunity. The initial presentation by the proponent(s) of an article may not exceed fifteen minutes in length and no other speech may exceed five minutes in length unless consent is given by a majority of those present and voting.";

or act on anything relative thereto.

Submitted by Town Meeting Procedures Committee

Mary Jane Sanders *moved in the words of the article.*

Mrs. Sanders reported the purpose of the Article is to improve the exchange of ideas on Town Meeting floor by enabling everyone to contribute and share with the Town their views on a particular issue. Under the present bylaw, no one may speak more than twice upon a question until all others have had an opportunity to speak. Any speech may be as long as fifteen minutes. By limiting follow-up speeches to five minutes and allowing everyone to be heard before individuals have a second turn, this article will improve the quality of debate. If required, a speaker may receive additional time with the consent of the hall.

Finance Committee Report: (J. Ryan) Finance Committee recommends approval.

Board of Selectmen Report: (D. Wallace) Board of Selectmen recommends approval.

Mr. Russell Kirby of Boston Post Road, Chairman of the Planning Board commented that this article not only limited a person's opportunity to express his or her view on a subject under discussion to some arbitrary unit of time, but it in no way takes under consideration the ability of a speaker to stand before a crowd and present an argument in concise terms, particularly if the subject is an emotional one. A picture was placed on the hall screen of Norman Rockwell's FOUR FREEDOMS, which was a background for Mr. Kirby's presentation for the defeat of this motion under Article 38.

The motion under Article 38 *failed.*

ARTICLE 39. AMEND BYLAWS, ART. II, 13 - RECONSIDERATION

To see if the Town will vote to amend Article II of the Town of Sudbury Bylaws by deleting Section 13 thereof and substituting therefor the following:

"Section 13. A motion to reconsider a matter previously acted upon at the same session shall require an affirmative vote of two-thirds of those voters present and voting. 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 fifty voters who attended that session is given to the Town Clerk on or before noon of the next weekday (legal holidays excluded) following the session at which the matter for reconsideration is sought was acted upon. The Town Clerk shall publish notice of such intention by advertisement or by posting in his office or elsewhere in the Town Hall. The Moderator shall at the start of the next session announce the matter on which reconsideration is sought and shall further announce that the motion for reconsideration shall be the first order of business at the next succeeding session of the Town Meeting unless all business is completed prior to 10:30 P.M. of the same session, in which case the motion for reconsideration shall be the last item of business that evening. When the matter to be reconsidered comes before the meeting, the Moderator shall recognize for the motion the person who gave notice to the Town Clerk, unless he shall defer to another. All discussion on the motion must be confined exclusively to the merits or demerits of reconsideration. Passage of a motion to reconsider shall

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require an affirmative vote of two-thirds of those present and voting. If notice of reconsideration is given on more than one matter, they shall be taken up in the order in which they were submitted to the Town Clerk.";

or act on anything relative thereto.

Submitted by Town Meeting Procedures Committee

Joseph Klein of the Town Meeting Procedures Committee moved in the words of the Article, as printed in the Warrant.

Mr. Klein explained the major change in this article is fifty (50) voters would become necessary to bring a vote back for reconsideration rather than any single voter in this Town presently may do. Additionally, these fifty (50) voters must have been present during the session in which the article to be reconsidered was discussed.

Finance Committee Report: (J. Ryan) Finance Committee recommends approval.

Board of Selectmen Report: (D. Wallace) Board of Selectmen recommends approval.

Substantial discussion in support and for defeat of this article were forwarded. Paul McNally of Evergreen Road moved to amend the number of voters required to propose "Reconsideration" from fifty (50) voters to fifteen (15).

In support of his motion to amend, Mr. McNally stated that where the quorum limit is 100, it would be more reasonable to have the number of people to offer "Reconsideration" be fifteen rather than fifty.

The motion to amend was *VOTED*.

The main motion under Article 39, which was a motion in the words of the article except as amended to substitute "fifteen" for "fifty" was *"VOTED"*.

ARTICLE 40. AMEND BYLAWS, ART. II, 15 - LEGAL ERRORS

To see if the Town will vote to amend Article II of the Town of Sudbury Bylaws by adding thereto a new Section 15 to read as follows:

"Section 15. If a legal error in an action of the Town Meeting, attested to by the Town Counsel, is discovered, the Moderator shall, when presented with such error, recognize the Town Counsel for the purpose of identifying the error and explaining its effect. Following the explanation of the Town Counsel, the Moderator shall request a motion by the Board of Selectmen to correct the error. Such motion shall be non-debatable, shall not be subject to the rules of reconsideration and shall require a simple majority unless otherwise mandated.";

or act on anything relative thereto.

Submitted by Town Meeting Procedures Committee

Mary Jane Sanders of the Town Meeting Procedures Committee moved in the words of the Article.

The explanation for this article noted that at times articles are passed which contain subtle legal errors. With this amendment it would be possible to reconsider automatically any article that the Town Counsel rules illegal without going through the standard Reconsideration process. Any legal error discovered after the fact will be promptly and expeditiously corrected.

Finance Committee Report: (J. Ryan) Finance Committee recommends approval.

Board of Selectmen Report: (D. Wallace) Board of Selectmen recommends approval.

Henry Sorett of Longfellow Road moved to amend Article 40 by striking from the sixth line the words "shall be non-debatable" as the article is printed in the Warrant.

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Mr. Sorrett in support of his amendment stated that when and if Town Counsel does suggest an error, with this amendment, he would come before Town Meeting and the matter would be reconsidered and all sides of the issue would be heard. In errors of a technical nature, i.e. the wrong statute being cited, there would probably be no more than a few seconds of debate. However if the legal interpretation of something involves a policy question, there absolutely must be debate in order for the hall to vote in an informed manner.

Questions followed as to whether Town Counsel rules at Town Meeting or gives opinions, if he has the right to bring an Article up for reconsideration and must he be a voter of the Town. The Moderator clarified these concerns by stating the Town Counsel gives opinions and the Moderator rules; the policy of the present Moderator is always to accept the advice of Town Counsel, and not overrule the Town Counsel's legal opinions; as to Town Counsel bringing a motion before the hall, it was noted that the article contemplated would request a motion from the Board of Selectmen to correct an article. As to Town Counsel making a motion, the response was "Yes", as non-residents of the Town who are employees of the Town are permitted to do so, under the bylaws. They are made non-voting members of Town Meeting.

Many questions and further discussion took place before the vote on the amendment was *VOTED*.

Much questioning and answering took place between the Moderator and Mr. Kirby of the Planning Board over the main motion as amended, followed by comments of many voters.

Harold Olsen of Goodman's Hill Road *moved* to postpone further consideration of the matters under Article 40 until the completion of the balance of the Warrant as it exists at this time.

The motion to postpone was *VOTED*.

ARTICLE 41. AMEND BYLAWS, ARTICLE II, 16 - ACCOUNTING ERRORS

To see if the Town will vote to amend Article II of the Town of Sudbury Bylaws by adding thereto a new Section 16 to read as follows:

"Section 16 If the Town Accountant, or in his absence, the Assistant Town Accountant, discovers that information presented to the Town Meeting contains an accounting error, he shall request to be recognized for the purpose of identifying the error and explaining its effect. The Moderator shall recognize the Town Accountant for such purpose. Following the explanation, the Moderator shall request a motion by the Board of Selectmen to correct the error. Such motion shall be non-debatable, shall not be subject to the rules of reconsideration and shall require a simple majority unless otherwise mandated. Any voter or Town official who discovers such an accounting error shall notify the Town Accountant, who if he concurs, shall proceed as described above.";

or act on anything relative thereto.

Submitted by Town Meeting Procedures Committee.

Marjorie Wallace of the Town Meeting Procedures Committee *moved* in the words of the article as printed in the Warrant.

It was explained this article has no other meaning than to correct an accounting or mathematical error and to have the error brought to the attention of the Town Accountant, who would be able to explain it to Town Meeting. The Board of Selectmen would then make a motion to correct the error. It was further stated that there was nothing "subversive" or "underhanded" intended when preparing this article. The purpose is to try to correct an accounting or mathematical error.

Finance Committee Report: (J. Ryan) Finance Committee recommends approval, if the words "shall be non-debatable" are stricken .

Board of Selectmen Report: (D. Wallace) Board of Selectmen recommends approval.

Henry Sorett of Longfellow Road *moved* to delete the words "shall be non-debatable".

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In support of this amendment, Mr Sorett stated if the article referred only to mathematical errors, you wouldn't have to debate it, as one and one generally do equal two. However accounting requires the concept of overlays and Stabilization Funds and "2½ Caps" and many concepts which the Finance Committee spends considerable time debating and can reasonably differ upon. The Town is entitled to the wisdom of a reasoned debate from those who have that financial expertise.

If we can debate it and ascertain what is a mathematical error and differentiate that from what would be a policy decision, Mr. Sorett would support the article. If it is not debatable, it opens us up to a kind of tyranny by backdoor action that is unacceptable.

The motion to amend was *VOTED*.

The main motion as amended continued under discussion.

Robert Abrams of Chanticleer Road *moved* to amend Article 41 by substituting the word "mathematical" for the word "accounting" in both places where it appears in the Article.

Mr. Wilson of the Finance Committee explained that the term "accounting" seemed more appropriate for resolving situations, such as in the past, when Free Cash had been overspent. Additionally it was important to be certain that an accounting mistake would be covered under this article.

Town Counsel advised at this time that in his opinion the word "mathematical" would not cover such a situation as outlined.

Mr. Wilson then stated the Committee's opposition to the amendment as the spirit of the Article's original amendment was to cover those times when an account has been overspent and could throw the Town into an override or bring an overlay account below "zero".

The motion to amend *failed*.

A motion was received to *move* the question. This was *VOTED*, and further debate and discussion on Article 41 was terminated.

The main motion under Article 41, as amended by removing the words "shall be non-debatable" was *VOTED*.

ARTICLE 42. AMEND BYLAWS, ART. V, 25 - STORAGE OF INFLAMMABLE FLUIDS

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article V by deleting therefrom Section 25, Storage of Inflammable Fluids, in its entirety and substituting therefor the following:

"Section 25. Storage of Inflammable Fluids

Applications for a license under M.G.L. c. 148, §13, for the storage of petroleum products or any articles named in section 9 of said Chapter shall be accompanied by an application fee determined from time to time by the Board of Selectmen to cover the cost of the publication and mailing of notice for the public hearing on the application. In addition, the following fees shall apply to such license:

License	\$100.00
Annual Registration	25.00

The Fire Chief shall issue permits for such storage in accordance with the regulations and requirements of the Board of Fire Prevention Regulations."

or act on anything relative thereto.

Submitted by the Board of Selectmen and the Fire Chief.

BOARD OF SELECTMEN AND FIRE CHIEF REPORT: The intent of this bylaw change is to increase the licence fee and the annual registration fee for licenses granted under MGL Chapter 148, Section 13, and to bring the bylaw into conformance with state regulations governing underground storage of inflammable products.

The increase in license and annual registration fees is to collect in revenue fees that more accurately reflect the costs to the town in granting these licenses. The changes in content of the bylaw are due to changes in state regulations. The Town was previously ahead of the state in regulating underground storage tanks and leaks associated with tanks, however, in the past two years the state regulations have become stricter than the Town's, necessitating this change. The state regulation referred to is 527 CMR 9.00 in its entirety. By voting this article you will not be increasing or decreasing underground storage regulations but rather bringing the bylaw into conformance with the state regulations which prevail. The Board of Selectmen and Fire Chief support this article.

Finance Committee Report: Recommend approval.

UNANIMOUSLY VOTED; IN THE WORDS OF THE ARTICLE (Consent Calendar)

ARTICLE 43. AMEND BYLAWS, ART. V, PUBLIC SAFETY - PENALTIES

To see if the Town will vote to amend Article V of the Town of Sudbury Bylaws by making the following changes to the following sections:

Section 1: Add the following paragraph:

"Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.";

Section 2: Delete the last sentence and insert the following:

"Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation."

Section 4: Add the following sentence:

"Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.";

Section 5: Delete the present section and insert the following:

"No person shall pasture or tether any animal in any street in the Town in such manner as to obstruct the streets or sidewalks. Violation of this section shall be subject to a penalty of \$50.";

Section 6: Delete the present section and insert the following:

"No person shall pasture any animal upon any street or way in the Town, with or without a keeper, except within the limits of such way adjoining his own premises and on the same side of the street therewith. Violation of this section shall be subject to a penalty of \$50.";

Section 8: Delete the last sentence and insert the following:

"Violation of this section shall be subject to a penalty of \$50.";

Section 9: Delete the last sentence and insert the following:

"Violation of this section shall be subject to a penalty of \$50.";

Section 10: Delete the last sentence and insert the following:

"Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.";

Section 15: Add the following sentence:

"Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.";

Section 16: Add the following sentence:

"Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.";

Section 17: Add the following sentence:

"Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.";

Section 18: Delete the last sentence and insert the following:

"Violation of this section shall be subject to a penalty of \$50 per day for every day such person is in violation of such notice, commencing with the fourth day after the receipt of such notice.";

Section 19: Add the following sentence:

"Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.";

Section 20: Delete the last sentence and insert the following:

"Violation of this section shall be subject to a penalty of \$50. All alcoholic beverages being used in violation of this bylaw shall be seized and safely held until final disposition of the violation, at which time they shall be returned to the person entitled to lawful possession.";

Section 21: Add the following sentence:

"Violation of this section shall be subject to a penalty of \$50.";

Section 23: Add the following sentence:

"Violation of this section shall be subject to a penalty of \$50.";

Section 28: Delete subsection (c) and insert the following:

"(c) Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.";

or act on anything relative thereto.

Submitted by the Board of Selectmen.

Board of Selectmen Report: At the April 6, 1987 Special Town Meeting, the Town voted to amend the Town Bylaws to provide for non-criminal disposition of violations of the Bylaws and rules and regulations of Town boards or departments.

The section of the General Laws authorizing non-criminal disposition contains the condition that the bylaw or regulation must state a specific penalty for its violation. Currently, most of the penalty provisions in the Bylaws contain a penalty range and not a specific amount. This article and the following three articles establish specific penalties and will enhance the enforcement of the bylaws through the imposition of a civil penalty rather than criminal proceedings in court. The Board supports this article.

Finance Committee Report: Recommend approval

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE

(Consent Calendar)

ARTICLE 44. AMEND BYLAW, ART. V(B), BURGLAR ALARMS - DESIGNATE PENALTY

To see if the Town will vote to amend Section 5.B.(2) of Article V(B) of the Town of Sudbury Bylaws by deleting therefrom the last sentence and inserting in its place the following:

"The reasonable costs and expense of abating a disturbance in accordance with this section may be assessed to the alarm user. In addition to reasonable costs and expenses, the alarm user shall be subject to a penalty of \$50.";

or act on anything relative thereto.

Submitted by the Board of Selectmen.

Board of Selectmen Report: At the April 6, 1987 Special Town Meeting, the Town voted to amend the Town Bylaws to provide for non-criminal disposition of violations of the Bylaws and rules and regulations of Town boards or departments.

The section of the General Laws authorizing non-criminal disposition contains the condition that the bylaw or regulation must state a specific penalty for its violation. Currently, most of the penalty provisions in the Bylaws contain a penalty range and not a specific amount. This article and the following three articles establish specific penalties and will enhance the enforcement of the Bylaws through the imposition of a civil penalty rather than criminal proceedings in court. The Board supports this article.

Finance Committee Report: Recommend approval.

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE (Consent Calendar).

ARTICLE 45. AMEND ZONING BYLAW, ART. IX, V.L, SPECIAL REGULATIONS UNREGISTERED MOTOR VEHICLES - ESTABLISH PENALTY

To see if the Town will vote to amend Section V.L. of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by adding thereto the following sentence:

"Violation of this subsection shall be subject to a penalty of \$50.";

or act on anything relative thereto.

Submitted by the Board of Selectmen.

Chairman Wallace of the Board of Selectmen *moved in the words of the Article.*

Board of Selectmen Report: Chairman Wallace stated this article will allow the Town to ticket violators who store or keep unregistered motor vehicles, and provide a specific penalty of \$50. This would be a non-criminal violation wherein the Zoning Enforcement Agent could ticket an individual for violating the Zoning Bylaw and not have to go through a criminal disposition. The article would provide an easy manner of enforcing the bylaw.

Finance Committee Report: (R. Coe) The Finance Committee recommends approval of the motion under Article 45.

Planning Board Report: (R. Kirby) The Planning Board has been striving for strict and consistent enforcement of the Zoning Bylaw for years without a great deal of success. Perhaps one of the reasons is that there is no minimum penalty that must be assessed when a violation occurs. You have before you two articles and I'd like to address both of them in one report. The Planning Board applauds the Selectmen's efforts to move in the right direction by presenting articles for establishing modest penalties as a means of dealing with a long-standing problem.

The next step in the process is for the Zoning Enforcement Agent for the Town to take prompt action when a violation is found and the violator refuses to comply. The voters of the Town debate and pass every Zoning Bylaw amendment by a two-thirds majority, and they are deserving of strict and consistent enforcement of the laws they enact.

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When considering the abandoned motor vehicle article, I suggest you recall the item that appeared sometime ago in the Boston papers about the deadly attraction that an abandoned car presents to unsupervised children at play. That item reported the disastrous results of a child dropping a match into the gas tank of an abandoned car.

Discussion followed as to the article's definition of "unregistered motor vehicles" as being vague, as it defines them as unfit for use, permanently disabled or have been dismantled or otherwise inoperative, when in fact, one man stated, it could be an antique car someone is restoring on his property.

Considerable discussion ensued until a motion was made to move the question.

This motion to move the question was *VOTED*, by a clear two-thirds, as declared by the Moderator.

The motion under Article 45 was *UNANIMOUSLY VOTED*.

It being after 11:00 P.M., the Moderator accepted a motion to adjourn. The Moderator declared there was a clear two-thirds vote. The motion to adjourn was *VOTED*.

The meeting adjourned until April 25, at 8:00 P.M.

Total attendance: 200

ADJOURNED ANNUAL TOWN MEETING

April 25, 1988

The seventh session of the 1988 Annual Town Meeting was convened at 8:12 PM, when the Moderator, Thomas A. Dignan, called the meeting to order and declared a quorum present. The first order of business was Article 46.

ARTICLE 46. AMEND ZONING BYLAW, ART. IX, VI, D. ADMINISTRATION - PENALTY

To see if the Town will vote to amend Section VI of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by deleting therefrom subsection D and substituting therefor the following:

"D. PENALTY.

Violation of any provision of this bylaw, not otherwise provided for herein, shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.";

or act on anything relative thereto.

Submitted by the Board of Selectmen

Chairman David Wallace *moved in the words of the Article*. Selectmen Wallace stated this article was an effort to try and assess specific penalties for various violations of the Zoning Bylaw. Although this was passed last year, state statute requires there be a specific penalty in order to have non-criminal enforcement of these violations of the Zoning Bylaw.

Finance Committee Report: (R. Coe)

The Finance Committee recommended approval of the motion under Article 46.

Planning Board Report: (R. Kirby)

The Planning Board reported on this article along with the preceding one at the last session of Town Meeting. The Board applauded any efforts the Town puts forth to enforce the zoning regulations.

George Hamm of Mossman Road stated this was once again a zoning bylaw amendment where the voters don't know on what they are being asked to place a \$50 fine. He suggested the article be defeated until the Selectmen stand up and explain what the article represents.

Mary Jane Hillery of Willow Road addressed the hall and remarked she too didn't understand what was being asked of the voters and expressed hope that when the Selectmen wished to have an article passed they would provide all the information needed so the voters would know what they are voting upon.

The motion under Article 46 was *defeated*.

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ARTICLE 47. AMEND BYLAWS ART. V, 14, PUBLIC SAFETY, CONDUCT IN PUBLIC AREAS -- ENFORCEMENT PROCEDURE

To see if the Town will vote to amend Section 14 of Article V of the Town of Sudbury Bylaws by deleting therefrom subsections (b) and (c) and substituting therefor the following:

"(b) Violation of this section shall be subject to a penalty of \$50.
 (c) Any police officer may arrest without a warrant any person who commits a willful violation of this section, and keep such person in custody until he can be taken before a court having jurisdiction of the offense.";

or act on anything relative thereto.

Submitted by the Board of Selectmen

Chairman Wallace *moved in the words of the article.*

Board of Selectmen Report: (D. Wallace)

Mr. Wallace explained this was something that already existed in the Town's Zoning Bylaw and the article merely places a specific penalty on it. The Moderator noted this was a General Bylaw and not a Zoning Bylaw.

Finance Committee Report: (R. Coe)

The Finance Committee recommended approval of the motion under Article 47.

Martha Coe of Churchill Street commented that just as in the previous article, the voters do not understand what they are being asked to amend. The Moderator explained that in the Town's General Bylaws, Article 5, Public Safety, there were a number of provisions one of which would be amended by Article 47. He read the pertinent sections and concluded by saying that in order to get in step with the State Statute that the Town had already accepted, a specific \$50 non-criminal penalty had to be included. He further noted that section "c" had been changed slightly.

After further discussion, the motion under Article 47 was *VOTED*.

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ARTICLE 48. AMEND BYLAWS, ART. V, 7, OPEN BURNING/LITTERING

To see if the Town will vote to amend Article V of the Town of Sudbury Bylaws by deleting therefrom Section 7 in its entirety and substituting therefor the following:

"Section 7. Open Burning

No person shall burn or cause to be burned, material of any kind within or on any public or private property, including but not limited to public or private ways, except in accordance with a permit issued by the Sudbury Fire Department. Violation of this section shall be subject to a penalty of \$25.";

or act on anything relative thereto.

Submitted by Selectmen and Fire Chief

(UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE) (Consent Calendar)

ARTICLE 49. DESIGNATE ENFORCEMENT AGENT - LITTER LAWS

To see if the Town will vote to designate the Town's Director of Public Health as an enforcing officer in accordance with the provisions of section 16 of Chapter 270 of the Massachusetts General Laws: or act on anything relative thereto.

Submitted by the Board of Selectmen

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE (Consent Calendar)

ARTICLE 50. SPECIAL ACT: APPOINT TREASURER/COLLECTOR

To see if the Town will vote to approve the petition set forth herein providing for the appointment of the combined office of a Town Treasurer and Collector and authorize and request the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact the special legislation set forth in said petition and without further submission to a Town Meeting:

"The Commonwealth of Massachusetts

In the year one thousand nine hundred and eighty-eight.

An Act authorizing the Selectmen of the Town of Sudbury to appoint a Town Treasurer and Collector of said Town.

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

Section 1. Notwithstanding the provisions of section one of chapter forty-one of the General Laws, the Board of Selectmen of the Town of Sudbury shall appoint a suitably qualified person to the office of Town Treasurer and Collector of said Town, and upon the appointment and qualification of the person initially so appointed the term of the incumbents of said offices shall terminate, but in no case shall said terms of office of said incumbents terminate before the next annual election at which said offices are normally filled following the passage of this Act. The Town Treasurer and Collector so appointed shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred or imposed by law on town treasurers and collectors of taxes. The term of initial appointment shall expire on April 30 of the third year following appointment, and thereafter the

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Town Treasurer and Collector shall serve for a term of three years and until his successor is appointed and qualified. He may be removed for cause at a public hearing by the Selectmen and the vacancy filled by appointment for the remainder of the expired term in the same manner as in the case of an original appointment. The salary or compensation shall be such as the Selectmen may vote from time to time. Said Board shall fill any vacancy in such office by appointing a qualified successor for the remainder of any unexpired term. The position or office of Town Treasurer and Collector shall not be subject to the laws and rules pertaining to Civil Service.

Section 2. In the event that either or both the Town Treasurer or Collector of Taxes shall resign, be permanently disabled or otherwise be unable to perform the duties of their offices before the provisions of section one of this Act shall become operative, then the Board of Selectmen of said Town may implement any and all the provisions of this Act as may be necessary to continue the orderly administration of these offices.

Section 3. The present Town Treasurer may be appointed or reappointed to Town Treasurer and Collector.

Section 4. This Act shall take effect upon its passage.";

or act on anything relative thereto.

Submitted by the Board of Selectmen

Dave Wallace of the Board of Selectmen moved to approve the petition set forth in Article 50 of the Warrant for this meeting providing for the appointment of the combined office of Town Treasurer and Collector and authorize and request the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact the special legislation set forth in said petition without further submission to a Town Meeting.

Board of Selectmen Report: The purpose of this article is to combine the offices of the Tax Collector and Town Treasurer into one appointive position, as the current Tax Collector has stated she will be retiring. In the future, this position will be appointed by the Board of Selectmen. It is the intention of the Board, if this article passes, to appoint the current Town Treasurer.

Finance Committee Report: (C. Corkin) The Finance Committee recommended approval of this Article. The FinCom believed the two offices are very close in function and the Town would realize efficiencies in combining the offices and appointing one individual. Many things have changed, including the size of the Town's budget and the complexity of the two offices in question.

Dan Claff of Dutton Road noted that the positions had two different grades in the Classification and Salary Plan and inquired what grade the new position would have. It was reported the position would be referred to the Personnel Board for classification.

George Hamm of Mossman Road noted this type of article had come before the voters many times in the past and was repeatedly defeated. He expressed concern a conflict of interest existed between the two jobs and that the positions should remain separate. In referring to a comment made by the FinCom that "We can no longer take a chance on the electoral process," Mr. Hamm facetiously said "We voters might do something bad that those experts might not do."

Board of Assessors: Linda Buxbaum stated that the current arrangement of "separation" works very well for the Board of Appeals and it cannot be predicted what the outcome would be if changed.

Michael Guernsey of Silver Hill Road inquired if the phrase "expired term" in the motion should be "unexpired term". Town Counsel Kenny noted his belief that in this context, "expired" would have the same meaning as "unexpired".

After several people spoke in support of the Article, Chester Hamilton, Town Treasurer, addressed the hall noting it would be the first time, as far as he knew, in the history of Sudbury, practically speaking, where there is going to be a vacancy in one of the two offices.

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Before, the Town has had to face the very difficult problem of combining the offices and then being forced to choose: who do we keep and who do we not keep? A dilemma the Town simply was not prepared to face. That problem does not exist this time. He noted too that the Article consists of two parts: combining the two offices and the appointing vs the electing question. It was said that of the 351 cities and towns in the Commonwealth, over 50 percent have separate offices and most of these are in small communities in the western part of the state where the job is definitely part-time and it is difficult to get anyone to run or be appointed.

In the surrounding area, Acton and Carlisle do not have these positions combined either, but others do, i.e. Concord, Framingham, Hopkinton, Hudson, Lincoln, to mention some. They are functioning well and there is no conflict. A combined office has the total interest of the Town's finances right in a single management grasp. As for the position being appointed, Mr. Hamilton admitted he had a terrible time with this aspect of the issue. The job does have some peculiarities to it. It requires training, and it does require experience. He noted the requirements for the position had been described by the Personnel Board's job description and it was concerning that someone who is electable could run for this office and be totally unskilled. The Town is approaching rapidly a period of very significant bonding. Not claiming to be the only person experienced in this area, he did note he was above most the people present in the hall and it was this kind of talent he would hope to continue bringing to the Town. Strongly believing in the elective system, he also expressed belief that the position of Town Treasurer and Tax Collector is not an appropriate office to be elected in this day and age. He ended his comments by saying, "If you have confidence in the Selectmen you have elected, who carry out as one of their functions the appointing of a competent person, than you have to express your faith and confidence in them and their ability to select, to choose, to screen, to find somebody and to keep somebody and to manage somebody, if necessary, to see that the job is done correctly."

Martha Coe of Churchill Street *moved* to amend the word "expired" to "unexpired". Town Counsel suggested the better amendment would be just to delete the word "expired", which was acceptable to Mrs. Coe.

The new motion to amend was *moved* to amend by deleting the word "expired" as it appears in the third line from the bottom of page 87 in the Warrant.

This motion to amend was *VOTED*.

The main motion under Article 50, as amended, was *VOTED*.

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ARTICLE 51. ESTABLISH TRAFFIC MANAGEMENT COMMITTEE

To see if the Town will vote to establish a permanent Traffic Management Committee (TMC), as described herein, to study and monitor traffic and related issues; to develop, recommend, and assist in implementing traffic management plans; and to make recommendations to the appropriate Town committees regarding traffic and traffic-related issues.

Appointment of TMC Membership:

The TMC shall have five members with three members appointed by the Board of Selectmen and two members by the Planning Board. The initial appointees of the Board of Selectmen shall have terms of one, two and three years, respectively; initial appointees of the Planning Board shall have terms of two and three years, respectively. All five initial appointments shall commence with the termination of the Route 20 Task Force. The TMC shall elect a chairman and vice-chairman from its members. All subsequent appointments shall be for a term of three years. Upon expiration of a TMC member's term of office, his or her successor shall be appointed by the same board that appointed the member whose term has expired. Members may be reappointed if the appointing board so chooses.

Associate Members:

The TMC may appoint up to two associate members, who shall be non-voting members. Terms of associate members shall be one year. Duties of associate members shall be assigned by the TMC. Upon expiration of their terms, associate members may be reappointed as associates or appointed to the TMC by the Planning Board or Selectmen, as applicable, to fill a vacancy on the TMC.

TMC responsibilities shall be as follows:

1. Continue the town-wide traffic circulation study begun by the Route 20 Task Force.
2. Advise and formulate programs for traffic management and for Sudbury to include, but not be limited to:
 - A) Review projected changes in traffic patterns and roadways caused by town local and regional development proposals and alterations to existing sites; and forward, in writing, its findings and recommendations to the appropriate Town boards;
 - B) Recommend to appropriate Town boards and committees short and long-range strategies and programs for traffic management and traffic related issues, such issues to include issues reported upon and discussed in October, 1986 Report of Route 20 Task Force and HMM report for Route 20 and Town Wide Program.
3. Review site plans and subdivision plans and make recommendations thereon to the Board of Selectmen and Planning Board, respectively.
4. Implement the Route 20 and Town Wide Traffic Study and traffic management plans, and programs and strategies developed thereafter in cooperation with the Town Engineer and Town Highway Department and consult, advise and assist the Selectmen and Planning Board in connection with the implementation of both short and long-term strategies.

Or act on anything relative thereto.

Submitted by the Route 20 Task Force and the Board of Selectmen.

Gilbert Wright, member of the Route 20 Task Force *moved* in the words of the article.

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It was explained the Route 20 Task Force was established by vote of the 1986 Town Meeting, as an advisory committee. Article 51 requests this Task Force become a Town Committee. The name would change to Traffic Management Committee to indicate the scope of its assignment, - it would be town-wide and not just Route 20. The membership would consist of five (5) rather than seven (7) members. The main reason for this is there are so many openings on many other committees and boards for assistance. Three members will be appointed by the Selectmen and two by the Planning Board. This Traffic Management Committee would continue the work of the Task Force and would assist in an advisory capacity throughout the rest of the Town when requested by the Planning Board or the Board of Selectmen.

Finance Committee Report: (H. Casey)

The Finance Committee supported the establishment of the Traffic Management Committee, noting it seemed a reasonable and logical outgrowth of the Route 20 Task Force Committee.

Board of Selectmen Report: (J. Cope)

The Selectmen supported this article. Mrs. Cope pointed out this is not a highway committee to design Route 20. It is obvious the Town will benefit from a permanent committee charged with assessing development impacts in the Town. Traffic is a real concern for residents, for the Boards and for commuters. Town boards need traffic analyses for new development use and changes while they are in the planning stages.

The Route 20 group worked with traffic experts and one result is a highly useful computer model for analyses. A permanent committee will have a head start. Sudbury is growing and the need is for on-going analyses. Mrs. Cope urged the voters to support this article.

Conservation Commission: (S. Yeo)

The Commission commented it would like to set up an informal communication link with the future committee so issues such as wetland protection may be established and addressed early in the planning stages.

Planning Board Report: (R. Kirby)

The Planning Board having benefited considerably from the efforts of the Route 20 Study Committee and also from the Traffic Study Committee, urged support for this article.

The motion under Article 51 was *VOTED*.

At this time, two voters expressed confusion with the vote taken on Article 50 (Special Act: Appoint Treasurer/Collector) as amended. The Moderator accepted from Mary Jane Hillery a motion to *reconsider Article 50*. This received a second, but the motion was defeated.

ARTICLE 52. INCREASE HISTORICAL COMMISSION MEMBERSHIP

To see if the Town will vote to increase the membership of the Historical Commission from five to seven members pursuant to M.G.L. Chapter 40, Section 8D, so that each of the two new members will be appointed for a three-year term to expire in 1991; or act on anything relative thereto.

Submitted by the Historical Commission

HISTORICAL COMMISSION REPORT:

It is the feeling of the present Commission members that the Commission's growing number of tasks and responsibilities necessitates an increase in the Commission's membership. Two particular matters which require Commission attention are the establishment and maintenance of a Registry of Old Homes in accordance with a request of the Massachusetts Historical Commission (MHC), and the appointment of a member liaison to the MHC. The present Commission voted unanimously for an increase in its membership to seven.

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE (Consent Calendar)

ARTICLE 53. AMEND BYLAW, ART. XI(A), COUNCIL ON AGING - MEMBERSHIP

To see if the Town will vote to amend Article XI(A) of the Town of Sudbury Bylaws by deleting therefrom Section 1 and substituting therefor the following:

"Section 1. The Board of Selectmen shall appoint a Council on Aging to consist of nine residents of the Town. Appointments shall be for terms of three years. The Selectmen shall annually appoint three members. No less than two of the members shall be over sixty-five years of age. Members may serve no more than two consecutive terms. However, upon the expiration of one year after completion of a second consecutive term, a former member shall be eligible for reappointment.";

or act on anything relative thereto.

Submitted by the Council on Aging

Council on Aging Report:

When the Council on Aging was established in June 1973 by town meeting vote, the Bylaw XI(A) provided for the appointment of seven Sudbury residents by the Selectmen to identify the total needs of the elderly population, to design, promote and implement services to fill these needs and promote and support other programs to assist the elderly in the community. At that time, it was estimated that 725 of our population were elderly citizens and it was desirable to have planned social activities addressed to their needs and to have a center which would be a clearing house for information. Today the Council on Aging and our staff fulfill that charter in a variety of ways. We offer seniors activities throughout the year including meals, current events discussion groups, speakers, a walking club, exercise and music, bridge for fun, cook-outs and day trips. Hot lunches are provided three days a week at our very limited rented facility which serves as our Senior Center. The Outreach Worker assists our seniors with Medicare health concerns, fuel assistance applications and answers questions and makes referrals when required. The Sudbury Visiting Nurses Association actively participates in providing health information and services.

Our present senior population is approximately 1600 and an anticipated increase of an additional 1800 (the current 50-60 year age bracket) requires the Council to plan ahead for both leadership and facilities to meet the needs of our current and future elderly community. It follows that a larger and more representative Council is desirable to expand the expertise available within the Council. This would provide the more diverse leadership which will be required for our planned expanded programs and our proposed new Senior Center. Therefore, the Council on Aging recommends this bylaw amendment for the increase of membership on the Council to nine members and urges your support for this article.

Note: Section 1 of Article XI(A) currently reads:

"Section 1. The Board of Selectmen shall appoint a Council on Aging to

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consist of seven (7) residents of the Town. Appointments shall be for three (3) year terms, except for original Appointments. No less than two of the members shall be over sixty (60) years of age. The original appointments shall be as follows - three (3) members shall be appointed for three (3) years, two (2) for two years, and two (2) for one (1) year. Thereafter, all terms shall be for three (3) years. Members can be reappointed for concurrent terms."

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE (Consent Calendar)

ARTICLE 54. COUNCIL ON AGING APPOINTMENT PROCEDURE

To see if the Town will vote to authorize the Board of Selectmen to appoint members of the Council on Aging in the following manner for the following years such that the terms of the present members shall expire according to their appointments and by 1991 the terms of three members will expire each year thereafter: in 1988, three members for three years, one member for two years, and one member for one year; in 1989, three members for three years; in 1990, three members for three years; or act on anything relative thereto.

Submitted by the Council on Aging

Council on Aging Report:

This article implements the article amending Bylaw XI(A) - Council on Aging membership by outlining the appointment procedure which will be followed to increase the Council on Aging to nine members. Recommended approval.

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE (Consent Calendar)

ARTICLE 55. AMEND ZONING BYLAW, ART. IX,V,A - SITE PLAN SPECIAL PERMIT:
APPLICABILITY, COMPLIANCE, INTERPRETATION

To see if the Town will vote to amend Section V of Article IX of the Town of Sudbury Bylaws (the Zoning Bylaw) by deleting in its entirety subsection A.1, Applicability, and substituting therefor the following:

1. Applicability - No business, industrial, research or institutional building, nor any building to be used for any of those nonresidential uses designated in Section III, subsections B, C or D of this bylaw shall hereafter be erected or externally enlarged and no area for parking, loading or vehicular service (including driveways giving access thereto) shall be established or substantially altered and no use shall be changed except in conformity with a site plan bearing an endorsement of approval by the Board of Selectmen; provided, however, that the temporary use of trailers for storage or office purposes is allowed where they conform to procedural regulations adopted by the Board of Selectmen.
2. Site Plan Compliance - No Certificate of Occupancy shall be issued by the Building Inspector until the site has been developed in compliance with the approved site plan, unless completion is delayed by seasonal considerations. In such instances, the Building Inspector may issue a temporary occupancy permit and shall require sufficient security to insure full compliance within six months.
3. Interpretation - Change in use means a change in part or all of an existing building or lot from one of the use categories listed in the chart to another. Uses not included in the following chart shall be deemed to be included in the most nearly comparable use category. However, in a mixed or multi-use building, change or rearrangement of uses that does not result in an increase of required parking or loading spaces according to the Schedule of Uses in subsection V.C hereof shall not be construed as a change in use. For a use not included in said Schedule of Uses, the requirement for the most nearly comparable use appearing in the Schedule of Uses shall apply.

Classification of Uses

Number	Use Category
1.	Educational
2.	Religious
3.	Philanthropic
4.	Medical Center and Nursing Home
5.	Lodge and Club
6.	Hotel and Motel
7.	Retail Store
8.	Personal Service Shop
9.	Restaurant
10.	Indoor Amusement
11.	Outdoor Amusement
12.	Funeral Home
13.	Repair Shop and Building Trade
14.	Veterinary and Kennel
15.	Financial and Business Office
16.	Professional Office
17.	Medical Center and Laboratory
18.	Auto Service Station
19.	Auto Body Shop
20.	Vehicular Dealership
21.	Warehouse
22.	Storage Yard
23.	Manufacturing, Packaging, Processing and Testing
24.	Laboratory Research and Development

Substantial alteration to areas for parking, loading or vehicular access shall include a change in the layout or location of parking spaces, an increase in pavement area or any relocation, addition or change in driveways. Resurfacing shall not be construed as a substantial alteration unless it involves a change of surface material.";

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and by renumbering existing subsections A.2 through A.11 as follows; 4. Rules and Regulations and Fees, 5. Application, 6. Reports from Town Boards or Agencies, 7. Public Hearing and Decision, 8. Site Design Standards for Site Plan Special Permits, 9. Reserve Parking Spaces, 10. Action by the Board of Selectmen, 11. Special Permit Conditions, 12. Time Limitation on Site Plan Special Permit, 13. Effective Date of Special Permit;

or act on anything relative thereto.

Submitted by the Planning Board

Russell Kirby, Chairman of the Planning Board *moved* in the words of the Article as printed in the Warrant.

In support of this Article, Mr. Kirby stated the Planning Board found it advisable to add language to the "Applicability" section of the Zoning Bylaw pertaining to Site Plan Special Permits. A recent proposal to convert the Bowladrome on Route 20 to office space, resulted in a dispute as to how this section should be interpreted. To avoid future misunderstandings, three changes are proposed. One, to list the research district in the first paragraph. Language found elsewhere in this bylaw points to this section and ties the Site plan process to the research district. As all other types of non-residential buildings are listed, it was believed, under certain circumstances, the research district could possibly be overlooked.

The second change was to define what constitutes "a non-residential property change of use" and to specify that any such changes require the issuance of a Site Plan Special Permit by the Board of Selectmen. "Change of use" language was omitted from this section of the Bylaw originally, as it was believed the full Site Plan process would be unnecessarily burdensome to property owners and to the Town, unless such changes were to increase the density of usage.

Language pertaining to parking restrictions was intended to provide this level of protection. Experience has indicated this is not necessarily the case. In the proposal to convert the Bowladrome, it was obvious to the Planning Board that significant changes to the parking and loading areas, which were already in violation of zoning regulations, would be unavoidable and that Site Plan approval was therefore required.

The third and final change is to prohibit the issuance of a permanent Certificate of Occupancy for buildings undergoing construction or changes, and are subject to the provisions of this section of the Bylaw until all Site Plan requirements have been fulfilled. This was added to provide increased enforcement leverage. The Planning Board urged support of this article so that reasonable control may be exercised over future proposals to re-develop commercial properties.

Finance Committee Report: (H. Casey)

The Finance Committee supported this Article.

Board of Selectmen Report: (J. Drobinski)

The Selectmen urged passage of this article.

The Design Review Board reported favorably on this Article.

George Hamm of Mossman Road expressed some difficulty following the current bylaw and the proposed changes. He *moved* that the Article be postponed until the next session of Town Meeting at which time the Planning Board would bring in the present Bylaw.

This motion to postpone was *defeated*.

The main motion under Article 55 was UNANIMOUSLY VOTED.

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122.

At this time in the Town Meeting, The Moderator received from David Wallace, Chairman of the Board of Selectmen, a motion of Reconsideration. He moved to reconsider Article 46 which involved the penalty under Zoning Bylaw Article IX, VI, D. This motion received a second.

Mr. Wallace explained his motion came as a result of the comments made this evening as to the need for further clarification under Article 46. He provided a specific example of how the amended bylaw would be implemented in comparison to the way it is presently handled.

David Wilson, Chairman of the Finance Committee, supported this motion to reconsider. However, several voters spoke strongly in opposition as a matter of principle.

The Moderator declared the motion for reconsideration was VOTED. However, a counted vote was requested and taken. (2/3 vote required)

YES: 95 OPPOSED: 60 TOTAL VOTE: 157

The motion for reconsideration was defeated.

ARTICLE 56. AMEND ZONING BYLAW, ART. IX, III, A, 2 - PERMITTED USES,
RESIDENCE DISTRICTS: SINGLE ACCESSORY DWELLING UNITS

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX, Section III, A, entitled: "Residence Districts", by adding a new subsection 2, entitled: "Special Provisions for Single Accessory Dwelling Units in Residence District A and C", to read as follows:

"2. SPECIAL PROVISIONS FOR SINGLE ACCESSORY DWELLING UNITS IN RESIDENCE DISTRICT A AND C

- a. Definition - A single accessory dwelling unit is a second dwelling unit located within a structure constructed as a detached one family dwelling, subordinate in size to the principal dwelling unit and separated from it, in a manner that maintains the appearance of the structure as a one family dwelling.
- b. General Purpose - The existing development patterns of the Town have resulted in conditions which make it difficult for Town employees, young people, older people and persons of low and moderate income to find suitable housing within the Town. The special regulations contained in this Section III.A.2 have been enacted for the purpose of encouraging the construction of a limited number of housing units suitable for occupancy by such persons, while ensuring compliance with local planning standards and policies concerned with land use, building design, and requirements of the health, safety, convenience and general welfare of the inhabitants of the Town.
- c. Conditions and Requirements - An owner or owners of a single-family dwelling in Single Residence District "A" or "C", including the Historic Districts, may after consultation with the Planning Board, apply to the Board of Appeals for a special permit for the construction and occupancy of a single accessory dwelling unit in a detached one family dwelling. After notice and public hearing, and after due consideration of the reports and recommendations of the Planning Board, the Board of Health, (and the Historic Districts Commission, where applicable), the Board of Appeals may grant such special permit provided that each of the following conditions and requirements are met:

1) General

- a) The area of the lot on which the single family dwelling is located shall not be less than 40,000 square feet.
- b) The accessory dwelling unit shall be located within the single family dwelling as it existed on January 1, 1988 which shall be verified in the records of the Building/Inspection Department or on a document entitled "Total Living Area of Dwellings as of January 1, 1988 (property record card)", prepared by the Board of Assessors.
- c) The dwelling unit shall be a use incidental to the single family dwelling, shall contain no more than 1,200 square feet and shall occupy no more than 30% of the floor area of the single family dwelling exclusive of any garage, shed, or similar structure of accessory use attached to the single family dwelling. Floor area is defined as the actual heated living area and does not include unfinished basements, attics, or storage spaces.
- d) There shall be no more than one single accessory dwelling unit within a single family dwelling.

- e) The owner of the dwelling in which the single accessory dwelling unit is created shall occupy either of the dwelling units in the structure, except for temporary absences as provided in subsection 2.g.

For the purpose of this section the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence for voting purposes. If the lot on which the single accessory dwelling unit is to be located is owned by the Town of Sudbury, the owner-occupancy requirement of this paragraph shall not be applicable as long as the lot and the structures thereon continue to be owned by the Town of Sudbury.

- f) Neither unit of a dwelling with a single accessory dwelling unit shall be used as a boarding or lodging house.
- g) Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such single accessory dwelling unit in accordance with the requirements of the Board of Health.
- h) A separate outside entrance to the single accessory dwelling unit shall be provided.
- i) The construction and occupancy of the single accessory dwelling unit shall not be detrimental to the neighborhood in which the lot is located or injurious to persons or property.
- j) Adequate provision shall be made for off-street parking of motor vehicles in such a fashion as is consistent with the character of a single family residence and in accordance with subsection 2.c.3.
- k) Applicable requirements of the Massachusetts State Building Code must be met.
- l) The Special Permit shall be issued to the owner of the property. Should there be a change in ownership, the Special Permit use and certificate of occupancy for the accessory dwelling unit shall become null and void.
- 2) Exterior Appearance of a Dwelling with a single accessory dwelling unit - The single accessory dwelling unit shall be designed so that the appearance of the structure remains that of a one family dwelling, subject further to the following conditions and requirements:
- a) All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.
- b) There shall be no enlargements or extensions of the dwelling in connection with a single accessory dwelling except for minimal additions necessary to comply with building, safety or health codes, or the enclosure of an entryway, or for enclosure of a stairway.
- c) Any new entrance shall be located on the side or in the rear of the dwelling.
- d) Where there are two or more existing entrances on the front facade of a dwelling, modifications made to any entrance shall be carried out in such a fashion that one appears to be the principal entrance and other entrances appear to be secondary.

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- 3) Off-Street Parking - There shall be at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space for the single accessory dwelling unit. In order to maintain the appearance of a single family neighborhood all parking spaces on the lot shall be subject further to the following conditions and requirements:
- a) Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicles shall be regularly parked on the premises other than in such a parking space.
 - b) No more than two parking spaces shall be located in the required front yard. All other parking spaces shall be either:
 - (1) outdoor parking spaces located in a side or rear yard or
 - (2) in a garage or carport.
 - c) There shall be no more than four outdoor parking spaces on the lot.
 - d) No parking space shall be located within the boundary of a street right-of-way.
 - e) Parking spaces shall be located so that both the principal dwelling unit and single accessory dwelling unit shall have at least one parking space with direct and unimpeded access to the street without passing through a parking space designated to serve the other dwelling unit.
 - f) Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence, or a combination thereof in the area between the parking spaces and the nearest side lot line and, if the parking space is in the front yard and parallel to the street, in the area between the parking space and the front lot line. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single family appearance of the neighborhood.
- d. Board of Health Report - In order to ensure compliance with subsection 2.c.1.g above, the applicant shall obtain and submit to the Board of Appeals prior to the hearing, a written report of the Board of Health certifying that the conditions of subsection 2.c.1.g have been met.
- e. Planning Board Report - In connection with an application for a special permit under this section, the applicant shall consult with the Planning Board prior to the hearing and the Planning Board shall submit in writing, prior to the hearing, its recommendations and report to the Board of Appeals. The report of the Planning Board shall include as a minimum:
- 1) a determination of the area of the lot on which the single accessory dwelling unit is located;
 - 2) a general description of the neighborhood in which the lot lies and the effect of the proposed accessory dwelling unit on the neighborhood;
 - 3) the Planning Board's recommendations as to the advisability of granting the special permit and as to any restrictions which should be imposed as a condition of such permit.
- f. Consideration of Planning Board Report - The Board of Appeals shall review the report of the Planning Board and, where its decision differs from the recommendation of the Planning Board, shall state the reasons therefor in writing.

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- g. Temporary Absence of Owner - An owner of a dwelling containing an accessory dwelling unit who is to be absent for a period of less than two years may rent the owner's unit as well as the second unit during the temporary absence provided:
- 1) Written notice thereof shall be made to the building inspector on a form prescribed by him.
 - 2) The owner shall be a resident in the house for at least two years prior to the temporary absence.
 - 3) The residence shall be owner-occupied for at least two years between such temporary absences.
 - 4) The house shall remain the owner's primary legal residence for voting purposes.
- h. Number of Accessory Dwelling Units - The number of accessory dwelling units permitted under this bylaw shall not exceed five percent of the total number of single-family residences existing in the Town at the beginning of the year in which the application was filed nor more than two percent in any single precinct as delineated on April 1, 1988. For the purpose of this bylaw, a single family residential structure which contains an accessory dwelling unit shall be counted as a single-family residence.
- i. Other Requirements - Except as provided herein, all requirements of Single Residence Districts apply as provided in this Bylaw.";

or act on anything relative thereto.

Submitted by the Planning Board

James Watterson of the Planning Board moved in the words of the Article.

Mr. Watterson explained that an Accessory Dwelling Unit (ADU) is part of a single-family dwelling which is subordinate in size to the principal dwelling and is separate internally from the principal dwelling unit. It could be called an "add-on", a "studio apartment", a "living quarters", an "attached wing" or a "mother-in-law apartment". It must be an integral part of the principal dwelling unit and must maintain the appearance of that building. An ADU could be for sons and daughters who find renting too costly or for elderly people whose only asset may be their homes which are too large and expensive to maintain. It could be for in-town employees who cannot afford to live in Sudbury on their salaries. It could be for any homeowner so he wouldn't have to subvert the Town laws when the need for a dwelling of this kind becomes evident.

This article proposes stringent standards for eligibility - a separate entrance and complete separation from the main unit; parking is limited and requires screening if there is more than two spaces; the house lot may be no less than 40,000 square feet, the minimum size allowed by the Town's Zoning Bylaw; the size of the accessory unit is limited to 1200 square feet, but not more than 30 percent of the habitable space within the dwelling; the standards of the Board of Health will apply to these units, just as they do for any other dwelling; and the unit must not be a detriment to the neighborhood.

Mr. Watterson presented the hall with slides showing ADU's in other communities and typical floor plans. In addition to the physical standards for eligibility, Mr. Watterson noted other standards that would be enforced and explained some of the things this article would not do, i.e. automatically legalizing pre-existing illegal apartments in Town or create a hybrid-type unit for houses constructed in the future. He noted ADU's will provide homes for members of our community who presently are forced to move away to find homes they can afford.

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127.

Finance Committee Report: (H. Casey)

The Finance Committee recommended approval of this article as it addressed an existing need.

Board of Selectmen: (J. Cope)

The Selectmen supported this article and expressed hope the Planning Board would see fit to expand the legalization in time for pre-existing units. Mrs. Cope stated the Town may as well take advantage of the affordability, whether the State considers them affordable or not, and suggested that voluntary placement of the units under the jurisdiction of the Housing Authority could be possible, providing some official affordable units and tax breaks for home owners at the same time.

The Board of Assessors reported that it didn't see a particular incremental effect on property values.

Lengthy discussions followed on this article, until there was a motion to move the question. This motion was VOTED.

The main motion under Article 56 failed.

ARTICLE 57. AMEND ZONING BYLAW, ARTICLE IX, III, A, 1, b(4) - PERMITTED USES, RESIDENCE DISTRICTS: SIGNS

To see if the Town will vote to amend Section III, A, 1, b(4) of Article IX of the Town of Sudbury Bylaws by deleting the first clause thereof and substituting therefor the following:

"(4) there is no exterior display and no exterior sign pertaining to such use, except for a name plate, not exceeding two square feet in area, indicating the occupation.";

or act on anything relative thereto.

Submitted by the Planning Board

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

ARTICLE 58. AMEND ZONING BYLAW, ARTICLE IX, I, D, 3 - NON-CONFORMING BUILDING AND USES
DELETE HARDSHIP CLAUSE

To see if the Town will vote to amend Section I, D, 3, Art. IX, of the Town of Sudbury Bylaws (The Zoning Bylaw) by deleting therefrom subparagraph 2) and renumbering subparagraph 3) as follows:

"2) That it will not be substantially more detrimental or objectionable to the neighborhood than the existing non-conforming use.";

or act on anything relative thereto.

Submitted by the Planning Board.

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

ARTICLE 59. WITHDRAWN

ARTICLE 60. AMEND ZONING BYLAWS, ARTICLE IX, IV, D, 7 INTENSITY REGULATIONS
CLUSTER DEVELOPMENT - HEARING AND DECISION

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX, IV, D, Cluster Development, by deleting Paragraph Number 7, Public Hearing and Decision, thereof in its entirety and substituting therefor a new Paragraph Number 7, to read:

"7. Public Hearing and Decision - The Planning Board shall hold a public hearing no later than sixty-five (65) days after the filing of an application. The Planning Board shall have the power to continue a public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the special permit application. The Planning Board shall act within ninety days of the close of the public hearing for which notice has been given. Failure by the Planning Board to take final action upon an application for a special permit within said ninety days shall be deemed to be a grant of the permit applied for. The Planning Board shall make a detailed record of its proceedings, a copy of which shall be filed within fourteen days of such proceedings in the office of the Town Clerk. Notice of such decision shall be mailed forthwith to the applicant, to the parties in interest designated by law, and to every person present at the hearing who requested that notice be sent to him and stated the address to which the notice was to be sent. Said notice shall specify that appeals, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed within twenty days after the date of filing of such notice in the office of the Town Clerk.";

of act on anything relative thereto.

Submitted by the Planning Board.

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

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ARTICLE 61. AMEND ZONING BYLAW, ARTICLE IX, V, A, SPECIAL REGULATIONS
SITE PLAN SPECIAL PERMIT - HEARING AND DECISION

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX, V, A, Site Plan Special Permit, by deleting Paragraph Number 5, Public Hearing and Decision, thereof in its entirety and substituting therefor a new Paragraph Number 5, to read:

"5. Public Hearing and Decision - The Board of Selectmen shall hold a public hearing no later than sixty-five (65) days after the filing of an application. The Board of Selectmen shall have the power to continue a public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the special permit application. The Board of Selectmen shall act within ninety days of the close of the public hearing for which notice has been given. Failure by the Board of Selectmen to take final action upon an application for a special permit within said ninety days shall be deemed to be a grant of the permit applied for. The Board of Selectmen shall make a detailed record of its proceedings, a copy of which shall be filed within fourteen days of such proceedings in the office of the Town Clerk. Notice of such decision shall be mailed forthwith to the applicant, the parties in interest designated by law, and to every person present at the hearing who requested that notice be sent to him and stated the address to which the notice was to be sent. Said notice shall specify that appeals, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed within twenty days after the date of filing of such notice in the office of the Town Clerk.";

or act on anything relative thereto.

Submitted by the Planning Board.

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

At this time a motion to adjourn was received, seconded and *VOTED*.

Attendance: 199

ADJOURNED ANNUAL TOWN MEETING

April 26, 1988

The eighth session of the 1988 Annual Town meeting was called to order at 8:06 PM when Moderator Thomas G. Dignan declared a quorum to be present. The first matter under discussion was Article 62.

ARTICLE 62. AMEND BYLAWS WETLANDS PROTECTION

To see if the Town will vote to amend the Town of Sudbury Bylaws by adding thereto a new Article to be numbered by the Town Clerk, entitled "Wetlands Protection", to read as follows:

"SECTION 1: Purpose

The purpose of this bylaw is to protect the wetlands, related water resources, and adjoining land areas by prior review and control of activities deemed to have a significant or cumulative effect upon wetland values including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution prevention, fisheries, shell fish, wildlife habitat (including but not limited to breeding and spawning areas), recreation, aesthetics and agriculture values (collectively the "wetland values protected by this bylaw").

SECTION 2: Jurisdiction

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, alter or build upon the following resource areas: within 100' of or in any freshwater wetland, marsh, wet meadow, bog or swamp; within 100' of or on any bank or flat; within 100' of or within any lake, river, pond, or stream; any land under said waters; and within 100' of or on any land subject to flooding or inundation by groundwater or surface water. Except as permitted by the Conservation Commission or as provided in this bylaw, no effluent in excess of 15,000 gallons per day may be discharged within 100' of the above resource areas.

SECTION 3: Exceptions

The permit and application required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunications services, provided that written notice has been given to the Conservation Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

The permit and application required by this bylaw shall not be required for work performed for normal maintenance or improvement of land in agricultural use, provided that written notice has been given to the Conservation Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission. Expansion of an agricultural use to land not being used for agricultural purposes shall require a permit under this bylaw.

The permit and application required by this bylaw shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the United States, or of the Commonwealth, or a political subdivision thereof, and provided that advance notice, oral or written has been given to the Commission prior to commencement of work or within 24 hours after commencement, and provided that the Conservation Commission or its agent certifies the work as an emergency project, and provided that the work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency, and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Conservation Commission for review as provided in this bylaw. Upon failure to meet these and other requirements of the Commission, imposed in accordance with this bylaw, the Commission may, after notice and a public

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hearing, revoke or modify an emergency project approval and order restoration and mitigation measures. Other than stated in this section the exceptions provided in the Wetlands Protection Act (M.G.L. c.131 s.40) shall not apply under this bylaw.

SECTION 4: Applications for Permits and Requests for Determination

Written application to perform activities regulated by this bylaw shall be filed with the Conservation Commission. No application shall be filed until all other variances and approvals required by any other bylaw, regulation Subdivision Control Law have been obtained or applied for. The application shall include such information and plans as are necessary to describe the proposed activities and their effects on the environment. No activities shall commence except upon receipt of and in compliance with a permit issued pursuant to this bylaw.

The Conservation Commission may accept as the application and plans under this bylaw the Notice of Intent and plans filed under the Wetlands Protection Act, M.G.L. c.131 s.40.

Any person desiring to know whether proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission.

At the time of an application or request the applicant shall pay a filing fee specified in regulations of the Commission. Each application shall be accompanied by a fee established by the Commission to cover the costs of notice and advertising of the public hearing. In addition, the Commission is authorized to require the applicant to pay the costs and expenses of any expert consultant hired by the Commission to review the application or request up to a maximum of \$2,500.00. The Commission may waive the filing fee and costs and expenses for an application or request filed by a government agency and shall waive them for a request for determination filed by a person having no financial connection with the property which is the subject of the request.

SECTION 5: Notice and Hearings

Upon receipt of an application or a request for determination the Conservation Commission shall give written notice thereof, to all abutters at their mailing addresses shown on the most recent applicable tax list of the Assessors. The notice to abutters shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters free of charge.

The Conservation Commission shall conduct a public hearing on any application or request for determination, with written notice, given at the expense of the applicant, at least five days prior to the hearing, in a newspaper of general circulation in Sudbury.

The Commission shall commence the public hearing within 21 days from receipt of an application or request for determination unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, M.G.L. c. 131 s.40.

The Commission shall have authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, or information and plans required of the applicant and deemed necessary by the Commission in its discretion, or comments and recommendations of boards and officials listed in Section 6. In the event the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

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SECTION 6: Coordination with other Boards

Upon receipt of a permit application or a request for determination the Conservation Commission shall provide a copy thereof to the Board of Selectmen, Planning Board, Engineering Department, Board of Health, Water District and the Building Inspector. Copies necessary for distribution shall be provided by the applicant at the time of submission. The Commission shall not take final action until such boards and officials have had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any such comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

SECTION 7: Pre-Acquisition Violation

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this bylaw or in violation of any permit issued pursuant to this bylaw, shall forthwith comply with any such order to restore such land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person.

SECTION 8: Permits, Determinations and Conditions

If the Conservation Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems are necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission, for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent substantial adverse effects upon the wetland values protected by this bylaw provided that no permit shall be denied solely for adverse aesthetic effects; and where no conditions are adequate to protect those values.

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one year period, provided that a request for a renewal is received in writing by the Commission prior to expiration of the permit.

For good cause, after notice to the holder of the permit, notice to the public, abutters, and town boards, and a public hearing, the Commission may revoke or modify a permit issued under this bylaw.

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Middlesex South District Registry of Deeds or, if the land affected thereby be registered land, in the registry section of the Land Court for said District, and until the holder of the permit certifies in writing to the Commission that the permit has been so recorded. Upon completion of the work in compliance with the permit, the Commission shall issue a certificate of compliance in a form suitable for recording.

SECTION 9. Regulations

After public notice and public hearing the Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

At a minimum these regulations shall define key terms in this bylaw not inconsistent with this bylaw.

SECTION 10: Definitions

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, the Town of Sudbury, and any other legal entity, its legal representatives, agents, or assigns.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- (a) Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
- (b) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- (c) Change in drainage and runoff or other disturbance of water level or water table;
- (d) Dumping, discharging or filling with any material which may degrade water quality;
- (e) Placing of fill, or removal of material, which would change elevation;
- (f) Driving of piles, erection or repair of buildings, or structures of any kind;
- (g) Placing of obstructions or objects in water;
- (h) Destruction of plant life including cutting of trees;
- (i) Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;
- (j) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;
- (k) Application of pesticides or herbicides.

Except as otherwise provided in regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act, M.G.L. c.131 s.40, and the regulations promulgated pursuant thereto.

SECTION 11. Security

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency or official, the Conservation Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

- (a) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit;
- (b) By a covenant or other enforceable undertaking, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Sudbury whereby the permit conditions shall be performed and observed before the property on which the work is to be performed may be conveyed, other than by mortgage deed. Such covenant shall be recorded with the Middlesex South Registry of Deeds, or if the land affected be registered land, in the registry section of the Land Court for said district. A mortgagee who acquires title to the mortgaged premises by foreclosure or

otherwise may sell the same, subject to such covenant. Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to the permit and all its conditions, and such covenant, of the entire parcel of land of which the area that is the subject of the permit is a part, as described by the deed or deeds establishing ownership of the area subject to the permit at the time the permit is issued. If this form of security is used, the permittee shall deliver to the Commission, prior to issuance of the permit, certified copies of said deeds.

SECTION 12: Enforcement

The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions.

Upon request of the Commission, the Board of Selectmen shall direct Town Counsel to take legal action for enforcement under civil law. Upon request of the Commission the Chief of Police shall take legal action for enforcement under criminal law.

Town boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this bylaw, regulations thereunder, or permits issued thereunder, is subject to a penalty of \$100.00 Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, or permit violated shall constitute a separate offense.

SECTION 13. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the wetland values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

SECTION 14: Relation to the Wetlands Protection Act

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statues, independent of the Wetlands Protection Act, M.G.L. c.131 s.40, and regulations thereunder.

SECTION 15: Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which has been previously issued.";

or act on anything relative thereto.

Submitted by the Conservation Commission

Cheryl Baggen of the Conservation Commission moved to Indefinitely Postpone
Article 62.

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135.

In support of this motion, Ms. Baggen reported that the model bylaw, used as a basis for the proposed Article, was found to need many technical changes. Therefore, the Commission felt it should spend more time developing a clear, concise bylaw with more specific thresholds, procedures and wetland values. It intends to redraft the bylaw and return in the fall at the Special Town Meeting. The new bylaw will provide the Town with a better developed planning tool with which it can protect its resources.

Finance Committee Report:

The Finance Committee supported the Indefinite Postponement.

Board of Selectmen: (J. Cope)

The Selectmen supported the Indefinite Postponement.

The motion under Article 62 to Indefinitely Postpone was *Voted*.

ARTICLE 63 WITHDRAWN

ARTICLE 64. AMEND ZONING BYLAW, ART. IX, I, I, II, C & III, G -
WATER RESOURCE PROTECTION DISTRICTS

To see if the Town will vote to amend the Sudbury Zoning Bylaw:

A. ARTICLE IX, SECTION I, GENERAL, BY ADDING A SUBSECTION I TO READ AS FOLLOWS:

"I. Water Resource Protection Districts

For purposes of this bylaw, there are hereby established certain Water Resource Protection Districts, consisting of aquifers, aquifer contribution zones (Zone II) and aquifer recharge zones (Zone III). The Water Resource Protection Districts are delineated on a map at a scale of 1 inch to 1,000 feet entitled: "Water Resource Protection Districts, Town of Sudbury". This map is hereby made a part of this zoning bylaw and is on file in the Office of the Town Clerk. These Water Resource Protection Districts shall be considered as overlaying other existing zoning districts.";

and

B. ARTICLE IX, SECTION II, LOCATION OF ALL OTHER DISTRICTS, BY DELETING THE FIRST PARAGRAPH OF SUBSECTION C. AND SUBSTITUTING THEREFOR THE FOLLOWING:

" The Business Districts, Limited Business Districts, Industrial Districts, Limited Industrial Districts, Industrial Park Districts, Research Districts and Open Space Districts shall be denoted on said zoning map by letters as follows: Business Districts, BD; Limited Business Districts, LBD; Industrial Districts, ID; Limited Industrial Districts, LID; Industrial Park Districts, IPD; Research Districts, RD; Open Space Districts, OSD. Water Resource Protection Districts shall be denoted on the map entitled "Water Resource Protection Districts, Town of Sudbury." Districts as now established or as hereafter may be established and denoted on the zoning map, with a description of the boundaries thereof, shall be numbered consecutively in the order in which they were established or may hereafter be established; and written descriptions of such districts as now constituted are as follows:";

and

C. ARTICLE IX, SECTION III, PERMITTED USES, BY ADDING A SUBSECTION G TO READ AS FOLLOWS;

"G. Water Resource Protection Districts

1. Purpose of Districts - The purposes of these Water Resource Protection Districts are:

- a. To promote the health, safety, and general welfare of the community;
- b. To protect, preserve and maintain the existing and potential water supply and groundwater recharge areas within the town;
- c. To preserve and protect present and potential sources of water supply for the public health and safety;
- d. To conserve the natural resources of the town; and
- e. To prevent the pollution of the environment.

Water Resource Protection Districts are delineated on the basis of the location of aquifers, aquifer contribution zones and aquifer recharge zones, as defined in subsection 2, within the Town. It is intended that this bylaw will serve as a framework whereby additional such areas may be identified for mapping and inclusion within the protection of this bylaw.

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2. Definitions

- a. Animal Feedlot - A plot of land on which 25 livestock or more per acre are fed on a regular basis.
- b. Aquifer - An area of permeable deposits of rock or soil, containing significant amounts of potentially recoverable potable water.
- c. Aquifer Contribution Zone (Zone II) - That area of an aquifer which contributes water to a well under the most severe recharge and pumping conditions that can be realistically anticipated.
- d. Aquifer Recharge Zone (Zone III) - The land area beyond the area of the aquifer contribution zone from which surface water and groundwater drain into the aquifer contribution zone (Zone II).
- e. Groundwater - All the water found beneath the surface of the ground. In this bylaw the term refers to the subsurface water present in aquifers and recharge areas.
- f. Impervious Surface - Material covering the ground, including, but not limited to, macadam, concrete, pavement and buildings, that does not allow surface water to penetrate into the soil.
- g. Leachable Wastes - Waste materials, including, but not limited to, solid wastes, sewage, sludge, and agricultural wastes that are capable of releasing pollutants to the surrounding environment.
- h. Hazardous Waste - A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed.
- i. Mining of Land - The removal or relocation of geologic materials such as topsoil, sand and gravel, metallic ores, or bedrock.
- j. Pollutant - Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, which is or may be discharged, drained or otherwise introduced into any surface or subsurface disposal or conveyance system, or waters of the commonwealth.
- k. Process Liquids - Liquids used in cooling, cleaning or in manufacturing processes which contact raw materials, products, wastes or machinery and which because of that contact may contain pollutants as defined in subsection 2.j above.
- l. Radioactive Materials - Any of the materials which have a concentration which exceeds the limits set forth in Appendix B, Table II of 10 CFR Part 20 (Standards for Protection Against Radiation) or any other applicable provisions of federal or state law or regulation.
- m. Solid Wastes - Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, combustion residues, garbage, scrap materials, junk, inert fill material, demolition debris, construction wastes and refuse.

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- n. Toxic or Hazardous Materials - Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, environmental quality, or to human health, if such substance or mixture were discharged to land or waters of this town. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive materials, pathogenic or infectious wastes, solvents, thinners and other materials which are listed as toxic, hazardous or a priority pollutant by the United States Environmental Protection Agency under any of the following laws: (1) Toxic Substances Control Act 15 U.S.C. s.2601 et seq.; (2) Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C. s.136 et seq.; (3) Resource Conservation and Recovery Act of 1976 42 U.S.C. s.6901 et seq.; (4) Comprehensive Environmental Response, Compensation and Liability Act of 1980 42 U.S.C. s.9601 et seq.; and (5) Federal Water Pollution Control Act 33 U.S.C. s.1251 et seq.
3. Scope of Authority - The Water Resource Protection Districts shall be considered as overlaying other zoning districts. Uses not permitted in the portions of the districts so overlaid shall not be permitted in the Water Resource Protection Districts.
4. Delineation of Water Resource Protection Districts - Water Resource Protection Districts, consist of aquifers, aquifer contribution zones (Zone II) and aquifer recharge zones (Zone III). Zone II is that area of an aquifer which contributes water to a well under the most severe recharge and pumping conditions that can be realistically anticipated. It is scientifically determined by the groundwater divides which result from pumping the well and by the contact of the edge of the aquifer with less permeable materials such as till and bedrock. It is presently delineated as that area within a one-half mile (2,640 feet) radius of the well head of each public water supply well. Zone III is the land area beyond the area of Zone II from which surface water and groundwater drain into Zone II as determined by topography and surface water and groundwater drainage characteristics. In locations where surface and groundwater drainage are not coincident Zone III shall consist of both the surface drainage and the groundwater drainage areas. It is presently delineated on the basis of topography and surface water drainage. The Water Resource Protection Districts are delineated on a map at a scale of 1 inch to 1,000 feet entitled: "Water Resource Protection Districts, Town of Sudbury".
- If any land designated as lying within a Water Resource Protection District is proved not to possess the characteristics by which such districts are delineated and which this bylaw seeks to protect, the Planning Board may permit uses of the land otherwise prohibited or requiring a special permit under this section if it finds that such use will not be detrimental to the environment or the health, safety and general welfare of the community. If any land designated as lying within a Water Resource Protection District, Zone II, is proved not to possess the characteristics by which such zone is delineated, but rather, characteristics by which Zone III is delineated, the Planning Board may permit use of the land in accordance with the uses permitted in Zone III if it finds that such use will not be detrimental to the environment or the health, safety and general welfare of the community. The burden of proof in such cases concerning the proposed designation of the land at issue shall be upon the owner(s) of the land in question. At the request of the owner(s) the town may engage a professional geologist, hydrologist or soil scientist to determine more accurately the location and extent of an aquifer, aquifer contribution zone or recharge area, and may charge the owner(s) for all or part of the cost of the investigation.

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5. Use Regulations - Within the Water Resource Protection Districts, these regulations shall apply:
- a. The following uses are permitted within Water Resource Protection Districts, Zone II, subject to subsection 5.b, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:
- 1) Conservation of soil, water, plants and wildlife;
 - 2) Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
 - 3) Foot, bicycle and/or horse paths and bridges;
 - 4) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
 - 5) Maintenance, repair and enlargement of any existing structure provided there is no increase in impervious surface;
 - 6) Residential development, if permitted in the underlying district, provided that no more than fifteen percent (15%) of a building lot is rendered impervious; and
 - 7) Farming, gardening, nursery, conservation, forestry, harvesting, or grazing provided that agricultural chemicals including but not limited to, fertilizers, herbicides, pesticides, manure or other leachable materials are not stored or used in any manner which may adversely affect the Water Resource Protection District.
- b. The following uses are specifically prohibited within Water Resource Protection Districts, Zone II:
- 1) Solid waste disposal facilities, including, without limitation, landfills and junk and salvage yards that require a site assignment from the Board of Health under Massachusetts General Laws, Chapter 111, Section 150A (the landfill assignment law) and regulations adopted by the Department of Environmental Quality Engineering, 310 CMR 19.00;
 - 2) Storage of petroleum or petroleum products, including, without limitation, gasoline, waste oil, heating oils, diesel fuel and any other liquid hydrocarbons, except within buildings which the product will heat or in quantities for normal household use and except for replacement or upgrading of existing storage vessels without increasing capacity provided there is compliance with all local, state and federal laws;
 - 3) Storage of road salt or other deicing chemicals in quantities greater than for normal individual household use;
 - 4) Dumping of snow, containing road salt or other deicing chemicals, which is brought in from outside the district;
 - 5) Manufacture, use, storage or disposal of toxic or hazardous materials, excluding normal household activities;
 - 6) Storage or disposal of hazardous waste, including, without limitation, chemical wastes, radioactive wastes, and waste oil other than in the course of normal household activities;
 - 7) Industrial uses which discharge process liquids on-site;

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- 8) Disposal of liquid or leachable wastes, except by individual on-site domestic sewage disposal systems serving one- or two-family residences or serving business, industrial or institutional uses discharging not more than 1,000 gallons per day per 40,000 square feet of lot area in compliance with Title V of the State Environmental Code;
 - 9) Rendering impervious more than fifteen percent (15%) of the surface area of any lot as defined in subsection 2.f;
 - 10) Permanent removal or regrading of the existing soil cover resulting in a finished grade at a level less than five (5) feet above the average high water level for the preceding five years as determined by the Board of Health;
 - 11) Boat or motor vehicle service or repair shops, animal feed lots, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, and establishments conducting drycleaning activities on the premises;
 - 12) Storage of uncovered manure; and
 - 13) Mining of land, except as incidental to a permitted use.
- c. The following uses are permitted by special permit within Water Resource Protection Districts, Zone II, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to subsection 5.b.
- 1) The application of agricultural chemicals, including, but not limited to, pesticides, herbicides, fertilizers and soil amendments for nondomestic or nonagricultural uses provided that all necessary precautions shall be taken to prevent any adverse impact on the Water Resource Protection District and the interests to be protected thereunder. Such precautions include, but are not limited to, erosion control techniques, the control of runoff water and the prevention of volatilization and deposition of agricultural chemicals; and
 - 2) Those business, industrial and institutional activities permitted in the underlying district with a site plan review to prevent any adverse impact on the Water Resource Protection District and the interests to be protected thereunder.
- d. The following uses are permitted within Water Resource Protection Districts, Zone III, subject to subsection 5.e, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:
- 1) Conservation of soil, water, plants and wildlife;
 - 2) Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
 - 3) Foot, bicycle and/or horse paths and bridges;
 - 4) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
 - 5) Residential development, as permitted in the underlying district; and
 - 6) Farming, gardening, nursery, conservation, forestry, harvesting, or grazing provided that agricultural chemicals including, but not limited to, fertilizers, herbicides, pesticides, manure or other leachable materials are not stored or used in any manner which may adversely affect the Water Resource Protection District.

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- e. The following uses are specifically prohibited within Water Resource Protection Districts, Zone III:
- 1) Solid waste disposal facilities, including, without limitation, landfills and junk and salvage yards that require a site assignment from the Board of Health under Massachusetts General Laws, Chapter 111, Section 150A (the landfill assignment law) and regulations adopted by the Department of Environmental Quality Engineering, 310 CMR 19.00;
 - 2) Storage of petroleum or petroleum products, including, without limitation, gasoline, waste oil, heating oils, diesel fuel and any other liquid hydrocarbons, except within buildings which the product will heat or in quantities for normal household use and except for replacement or upgrading of existing storage vessels without increasing capacity provided there is compliance with all local, state and federal laws;
 - 3) Manufacture, use, storage or disposal of toxic or hazardous materials, excluding normal household activities;
 - 4) Storage or disposal of hazardous waste, including, without limitation, chemical wastes, radioactive wastes, and waste oil other than in the course of normal household activities;
 - 5) Industrial uses which discharge process liquids on-site;
 - 6) Disposal of liquid or leachable wastes, except by individual on-site domestic sewage disposal systems serving one- or two-family residences or serving business, industrial or institutional uses discharging not more than 1,000 gallons per day per 40,000 square feet of lot area in compliance with Title V of the State Environmental Code;
 - 7) Boat or motor vehicle service or repair shops, animal feed lots, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, and establishments conducting drycleaning activities on the premises; and
 - 8) Mining of land, except as incidental to a permitted use.
- f. The following uses are permitted by special permit within Water Resource Protection Districts, Zone III, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to subsection 5.e.
- 1) The application of agricultural chemicals, including, but not limited to, pesticides, herbicides, fertilizers and soil amendments for nondomestic or nonagricultural uses provided that all necessary precautions shall be taken to prevent any adverse impact on the Water Resource Protection District and the interests to be protected thereunder. Such precautions include, but are not limited to, erosion control techniques, the control of runoff water and the prevention of volatilization and deposition of agricultural chemicals;
 - 2) Those business, industrial and institutional activities permitted in the underlying district with a site plan review to prevent any adverse impact on the Water Resource Protection District and the interests to be protected thereunder;

- 3) Construction of dams or other water control devices, including the temporary alteration of the water level for emergency or maintenance purposes and periodic cleaning upon demonstration that said dams or other water control devices will not adversely affect the quantity or quality of water available in the Water Resource Protection District;
- 4) Ponds, pools or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements upon demonstration that said changes, uses or improvements will not adversely affect the quantity or quality of water available in the Water Resource Protection District;
- 5) Storage of uncovered manure, except within 100 feet from the average highwater line for the preceding five years of any water bodies and courses within Water Resource Protection Districts as determined by the Planning Board, provided that such storage will not adversely affect the quantity or quality of water available in the Water Resource Protection District;
- 6) Storage of road salt or other deicing chemicals in quantities greater than for normal individual household use; and
- 7) Dumping of snow, containing road salt or other deicing chemicals, which is brought in from outside the district;

6. Procedures for Issuance of Special Permit

- a. Special Permit Granting Authority - The Special Permit Granting Authority under this bylaw shall be the Planning Board. Such special permit shall only be granted if the Special Permit Granting Authority determines that the intent of this bylaw as well as each of its specific criteria are fully met. In making such determination, the Special Permit Granting Authority shall give consideration to the demonstrated reliability and feasibility of the use and pollution control measures proposed and the degree of threat to water quantity and quality which would result if the control measures perform at less than design efficiency. The Special Permit Granting Authority may impose such conditions, safeguards and limitations as it deems appropriate. The Special Permit Granting Authority shall document the basis for any departures from the recommendations of the other town boards or agencies in its decision.
- b. Rules and Regulations - The Special Permit Granting Authority may adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this bylaw and Chapter 40A and other provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk.
- c. Technical Assistance - The Special Permit Granting Authority may engage a Massachusetts Professional Engineer experienced in groundwater evaluation, hydrogeology or hazardous and toxic materials to review the application for completeness and correctness and shall charge the applicant for the cost of the review.
- d. Application Contents - In addition to the requirements of Massachusetts General Laws, Chapter 40A, Section 9 and the Rules and Regulations of the Special Permit Granting Authority, the following additional requirements shall apply:

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- 1) Each application for a Special Permit shall be filed with the Special Permit Granting Authority and shall comply with the Rules and Regulations of the Special Permit Granting Authority. The application, including any plans and accompanying text shall be sufficient to allow full evaluation of the proposed use on the Water Resource Protection District;
 - 2) The application shall be prepared in accordance with the data requirements of the proposed development, (e.g., site plan review, erosion and sedimentation control plan, etc.);
 - 3) The application shall include an analysis by a hydrogeologist or engineer experienced in groundwater evaluation and/or hydrogeology to demonstrate that the proposed activity will not be detrimental to the purposes of the district as set forth in subsection 1. At a minimum, the analysis shall fully describe the seasonal profile of volumes and directions of groundwater and surface water flows with and without the proposed use, the location and use of all historical, present, and potentially suitable future drinking water supplies that could be affected by the use, and the location and use of any other surface and/or groundwater that could be affected by the proposed use. In describing drinking water supplies, the applicant shall document all previously delineated Massachusetts Department of Environmental Quality Engineering aquifer classification information for the potentially affected area; and
 - 4) A full profile of potential events which could adversely affect the normal range of quantity or quality of water leaving the site. Such events shall include any which could reasonably be expected to occur at least once in the lifetime of the proposed use.
- e. Review by Other Town Boards or Agencies - Upon receipt of the special permit application, the Special Permit Granting Authority shall transmit forthwith a copy of the application and plan to the Sudbury Water District, Board of Health, Conservation Commission, Town Engineer, and such other boards, departments, or committees as it may deem necessary or appropriate for their written reports. Any such board or agency to which petitions are referred shall make recommendations or submit such reports as they deem appropriate and shall send a copy thereof to the Special Permit Granting Authority and to the applicant within thirty-five (35) days of receipt of the application by such board or agency. Failure of such board or agency to make a written recommendation or submit a written report within thirty-five (35) days of receipt of the application shall be deemed a lack of opposition.
- f. Public Hearing and Decision - The Special Permit Granting Authority shall hold a public hearing no later than sixty-five (65) days after the filing of an application. The Special Permit Granting Authority shall have the power to continue a public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the special permit application. The Special Permit Granting Authority shall act within ninety (90) days of the close of the public hearing for which notice has been given. Failure by the Special Permit Granting Authority to take final action upon an application for a special permit within said ninety (90) days shall be deemed to be a grant of the permit applied for. The Special Permit Granting Authority shall make a detailed record of its proceedings, a copy of which shall be filed within fourteen (14) days

of such proceedings in the office of the Town Clerk. Notice of such decision shall be mailed forthwith to the applicant, to the parties in interest designated by law, and to every person present at the hearing who requested that notice be sent to him and stated the address to which the notice was to be sent. Said notice shall specify that appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after the date of filing of such notice in the office of the Town Clerk.

- g. **Special Permit Approval Criteria** - After notice and public hearing, and after due consideration of the reports and recommendations of the other town boards or agencies, the Special Permit Granting Authority may grant such a special permit provided that it finds that the proposed use:

- 1) Will not cause the groundwater quality to fall below the standards established in 314 CMR 6.00, Massachusetts Groundwater Quality Standards or for parameters where no standards exist, below standards, established by the Board of Health and, where existing groundwater quality is already below those standards, upon determination that the proposed activity will result in no further degradation;
- 2) Is in harmony with the purpose and intent of the bylaw and will promote the purposes of the Water Resource Protection District;
- 3) Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
- 4) Will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district; and
- 5) Will not adversely affect an existing or potential water supply.

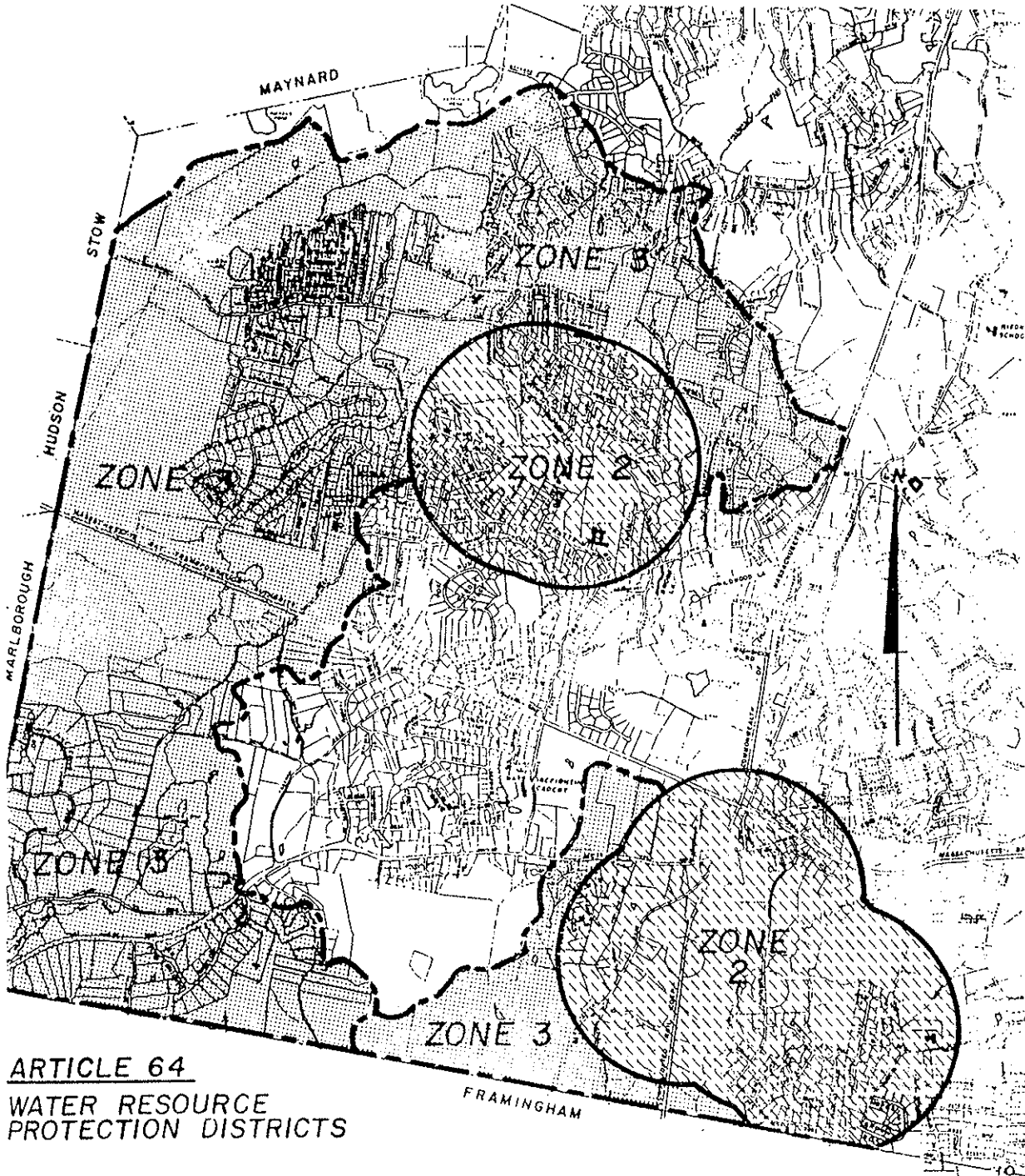
7. Design and Operation Guidelines - At a minimum the following design and operation guidelines shall be observed within Water Resource Protection Districts:

- a. **Fill** - Fill material used in the Water Resource Protection District shall contain no solid waste, toxic or hazardous materials, or hazardous waste. Adequate documentation shall be provided to the Special Permit Granting Authority to guarantee the chemical quality of the fill. The Special Permit Granting Authority may require testing by a certified laboratory at the applicant's expense.
- b. **Drainage** - All runoff generated on the site shall be recharged on-site in a manner demonstrated to assure full protection of the water quality in the Water Resource Protection District. The Special Permit Granting Authority may require off-site disposal of said runoff if it is determined that either on-site recharge is infeasible because of site conditions or is undesirable because of risks to water quality from such recharge.";

or act on anything relative thereto.

Submitted by the Planning Board, Conservation Commission and Water District.

April 26, 1988



ARTICLE 64
WATER RESOURCE
PROTECTION DISTRICTS

Morton Brond of the Planning Board moved in the words of the Article.

Mr. Brond was recognized by the Moderator to make a motion to amend the motion.

It was explained the amendments were prepared based upon advice of Town Counsel and unfortunately they were received after the Warrant was printed. Clarification for which specialists may be hired in reviewing a development for an aquifer-protected area needed to be inserted. The language in the bylaw had to be more specific as to consultants and the basis upon which applicants would be charged for consulting services. Additionally a new section, "Severability", had to be included, in case any section of the total bylaw should be found to be invalid, that would not invalidate the entire bylaw.

Mr. Brond then moved to amend the motion under Article 64 as follows:

1) Delete the last sentence of Subsection 4, as appearing on page 113 of the Warrant, and substitute therefor the following: At the request of the owner and the Planning Board, the P.B. may engage a professional geologist, hydrologist, soil scientist, or Massachusetts engineer experienced in ground water evaluation or hydrogeology, for the purpose of determining whether the land in question possesses the characteristics by which Water Resource Protection Districts are delineated, or whether land designated as lying within Zone II, actually possesses the characteristics by which Zone III is delineated, and may charge the owner for the cost of making such determination. The Planning Board shall provide the owner with a statement of work performed and the cost thereof when charging an owner hereunder.

2) Delete subsection 6.C as appearing on page 118 of the Warrant and substitute the following:

C. Technical Assistance

1) To assist its review of applications for special permits, the Special Permit Granting Authority may engage a professional geologist, hydrologist, soil scientist, or Massachusetts engineer experienced in groundwater evaluation or hydrogeology to review the application for completeness and accuracy and shall charge the applicant for the cost of such review. The Special Permit Granting Authority may retain a professional geologist, hydrologist, soil scientist, or Massachusetts engineer hereunder only for reviewing the applicant's projections of the impact of the proposed activity on the purposes of the district described in subsection 1, verifying information contained in the application, and verifying the inclusion of the subject land within Zone II or Zone III, whichever is proposed.

2) If an application submitted to the Special Permit Granting Authority does not contain adequate data, including field and laboratory measurement results and fully documented calculations, performed or certified by a professional, geologist, hydrologist, soil scientist or Massachusetts engineer experienced in groundwater evaluation or hydrogeology, which verifies groundwater, surface water and drinking water supply information submitted in support of the application and inclusion of the subject land within Zone II or Zone III, whichever is proposed, the Special Permit Granting Authority may engage a professional geologist, hydrologist, soil scientist, or Massachusetts engineer experienced in groundwater evaluation or hydrogeology to perform analyses and prepared data necessary to provide the information required by subsection 6.D.3) and shall charge the applicant for the cost of providing such information. The Special Permit Granting Authority shall provide the applicant with a statement of work performed and the cost thereof when charging an applicant hereunder. The Special Permit Granting Authority shall not engage such professional geologist, hydrologist, soil scientist, or Massachusetts engineer experienced in groundwater evaluation or hydrogeology unless it notifies the applicant that the information in the application is not in compliance with said subsection 6.D.3) and provides the applicant an opportunity to supplement the application with information prepared by a professional geologist, hydrologist, soil scientist, or Massachusetts engineer experienced in groundwater evaluation or hydrogeology approved by the Special Permit Granting Authority or is notified by the applicant that the applicant will not supplement the information.

3) Delete subsection 6.D.3) as appearing on page 118 of the Warrant and

substitute therefore:

The application shall include an analysis by a professional geologist, hydrologist, soil scientist or Massachusetts engineer experienced in groundwater evaluation or hydrogeology to demonstrate that the proposed activity will not be detrimental to the purposes of the district as set forth in subsection 7. At a minimum, the analysis shall fully describe the seasonal profile of volumes and directions of groundwater and surface water flows with and without the proposed use, the location and use of all historical, present and potentially suitable future drinking water supplies that could be affected by the use, and the location and use of any surface and/or groundwater that could be affected by the proposed use. The application shall contain adequate data, including field and laboratory measurement results and fully documented calculations. In describing drinking water supplies, the applicant shall document all previously delineated Massachusetts Department of Environmental Quality Engineering aquifer classification information for the potentially affected areas; and

4) Add after subsection as printed on page 120 of the warrant, the following subsection 8:

8. Severability. The invalidity of any portion or provision of this subsection 9., Water Resource Protection Districts, shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.

In explanation for this lengthy amendment Mr. Brond again stated the original wording of this bylaw was too general and in order for a Zoning Bylaw of this nature to be valid, the types of consultants a town or an applicant would hire, must be more specifically spelled out in the bylaw. The intent of the bylaw would not be changed. The amendment is necessary to comply with State law and some of the interpretation. One section on severability was added, as it had been omitted.

The motion to amend was *VOTED*.

The presentation for Article 64 was given by John Drobinski of the Board of Selectmen and Morton Brond of the Planning Board.

Mr. Drobinski noted Article 64 represented the second attempt in recent years to begin the long-range process of protecting our valuable and irreplaceable water supplies under real threat of contamination from toxic substances. Past land use activities already have reduced the water quality in Sudbury. Two significant reasons provided for supporting this Article were 1. Public Health: the need for clean, non-toxic water for the present and future inhabitants of Sudbury; and 2. Financial Considerations: once the water supply is contaminated, options are limited and costly...the options being pollutant clean-up, exploration for additional supplies and the real threat of property devaluation. As a geologist, he unequivocally stated Sudbury needs water supply protection. He remarked, at the State level, a special legislative committee on water supply had filed a bill for this legislative session to present similar legislation to the State. The Town of Sudbury on numerous instances has set State-wide precedents and he noted this was the time once again to demonstrate to the State our long-range thought process. The need is now to show the communities throughout the State the value of protecting our present and future heritage. Sudbury's entire supply of water comes from groundwater which is extracted from high-volume pumping wells. Only the Pratts Mill and Raymond well fields are currently used. Two wells have already been lost to contamination. The one near Old Lancaster Road was lost due to salt contamination and the Route 117 well was lost due to solvent contamination resulting from the inappropriate subsurface disposal of trichlorethylene. Inappropriate land use and disposal practices in Sudbury such as these will result in loss of supply. Via several overhead viewgraphs, the Water Resource Protection Zones, as defined by the State Department of Environmental Quality Engineering (DEQE) and approved by Dr. Chang, the Water District Consultant, were delineated. Zone II is the land within one-half mile, approximately 2,600 feet radius of the wellhead, of the water supply. It was defined as the area which contributes water to the well under the most severe recharge and pumping conditions. During the stressing of the groundwater by a pumping well, the Zone II boundary may cross into an adjoining water shed. Where large-scale field tests have been conducted, Zone II can be considerably larger or smaller.

Zone III, also approved by Dr. Chang, is the recharge area for Zone II, for the Raymond well field and for the Pratts Mill well field. Zone II and Zone III, with the current zoning land uses, would be basically within the area. In the Route 20 area, the uses are industrial and commercial, elsewhere the uses are open-space and residential. One pie chart indicated the pre-existing use of the Water Protection Districts is residential followed by open space.

In zones allowing residential use, i.e. Zone A-1 and C-1, the major impacts on groundwater quality are run-off, waste water, and road salt. Within Sudbury's commercial and industrial districts, predominantly along Route 20, Union Avenue and Nobscoot Road areas, the major threats to groundwater quality are road run-off, road salt and underground storage tanks.

The specific purpose of the bylaw is to limit specific uses and activities that have been proven to be detrimental, long-range and short-term, to municipal and private water supplies. Land use activities which pose a threat to water supply sources will be prohibited. The bylaw will have very little effect on the private homeowner. Its greatest impact will be in areas zoned for business and industrial uses, those uses most likely to produce effluent or by-products that would affect the quality of our water supply.

The objectives of the Water Resource Protection Districts are as follows:

1. To promote the health, safety and general welfare of the community;
2. To protect and preserve existing and potential sources of water;
3. To conserve natural resources; and
4. To identify present and potential water sources for protection from environmental pollution.

With the use of additional viewgraphs, Mr. Drobinski indicated the specific uses prohibited in Zone II as well as those allowed in Zone II by a Special Permit granted by the Planning Board who would be the Special Permit Granting Authority for these Water Resource Protection Districts, and uses permitted in Zone III, the recharge area for Zone II. In summation, it was stated this Article not only protects the quality of drinking water within Sudbury, but gives the people of Sudbury a mechanism to allowing co-existence of benign land use and excellent water quality.

Finance Committee Report: (H. Casey)

The Finance Committee agreed with the Planning Board that the quantity and quality of water in Sudbury have been excellent. To further protect the quality and quantity it makes good sense to create Water Resource Protection Districts. Nothing would lead to the deterioration of our property values faster than the degradation of our water.

Board of Selectmen Report: (J. Cope)

The Selectmen wholeheartedly supported this Article, and further commented that to affect water quality in our wells, official regulations on any detrimental uses in the critical areas around the well heads must begin. Mrs. Cope noted that there were many people present with commercial interests in the Town and it was her hope that this faction as well as the "just plain residents" appreciate the values in protecting our water supply.

Representatives from the following boards individually stated their support for Article 64: Conservation Commission, Board of Health, League of Women Voters and the Sudbury Water District. Winthrop Fairbanks of the Sudbury Water District stated there was a little problem with the definition for Zone 2 and wished it to be called Zone 4 until such time it can be accurately defined. He requested to amend the motion respectively. After considerable discussion and consideration of this request to amend, the Moderator refused to consider the motion to amend as the complexity of the problem being addressed could not be solved by Mr. Fairbank's motion. Additionally, the material in the Article refers only to numerical Zones 2 and 3---there are no references to Zone 4.

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Mr. Fairbank then moved to *Indefinitely Postpone Article 64 until such time as Zone II can be better defined.*

This motion to Indefinitely Postpone, after considerable discussion was defeated.

Additional support was received for this Article from the Sudbury-Assabet-Concord Rivers Watershed Association, and the Residential Wastewater Treatment Advisory Committee.

Michael Dunne of Meadowbrook Road referenced page 113, section 5.a.5 and inquired of the Planning Board if this bylaw would in effect prevent any kind of an addition to property within the district, in relation to impervious surfaces.

Town Counsel advised the Moderator that in his judgment, the paragraph referred to did have the effect that Mr. Dunne indicated, in that it would preclude a landowner from adding at all,--horizontally, to his structure.

Whereupon Mr. Dunne moved to amend section 5.a.5 as it appeared on page 113 in the Warrant by deleting the words "there is no increase in impervious surface" and replacing them with the words "that no more than 15% of the lot in total is rendered impervious."

Mr. Ralph Hawes of Dudley Road, after being informed that a driveway would be included in this 15%, moved to amend the amendment on the floor by adding after the word "total" the words in parentheses (excluding any driveway). This amendment of the second degree received a second.

This motion to insert after the words "total" the words in parenthesis (excluding driveways.) was defeated.

Mr. Dunne's motion to amend was *VOTED*.

Immediately following there was a motion to *Move the Question*. The motion on the Question was *VOTED*.

The main motion, under Article 64, as amended, was placed before the voters.

This motion was *UNANIMOUSLY VOTED*.

ARTICLE 65. AMEND BYLAWS, ART. V.16 - RECREATION VEHICLES

To see if the Town will vote to amend the Town of Sudbury Bylaws by deleting Article V, Section 16, and substituting therefor the following:

"Section 16. No person shall operate for recreational purposes a snowmobile, motorcycle, mini-bike, all terrain vehicle (ATV), or any other motor driven vehicle, on or through the land of another or within seventy-five (75) feet of the land of another, without first obtaining written permission from the property owner or owners affected, except that any such vehicle registered for highway use may be driven on the driveway of another and on any public way. All such vehicles must be equipped with an operating exhaust muffler that meets or exceeds the current industry standards for sound suppression. The off-highway use of such vehicles shall be limited to the hours from 9 o'clock in the morning to 5 o'clock in the evening, unless a special permit is obtained from the Board of Selectmen. The operation of such vehicles on Town-owned property is only permitted on those areas designated for the purpose by the cognizant authority."; or act on anything relative thereto.

Submitted by Petition

Robert Shoemaker of Paddock Way, speaking for the petitioners *moved* to amend Section 16 of Article V of the Town of Sudbury Bylaws as set forth in Article 65 of the Warrant for this meeting, except to add the following two sentences at the end thereof: "Violation of this Section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation."

Petitioners' Report

Mr. Shoemaker in explanation of the unusual wording of the motion stated the current Recreational Vehicle Bylaw contains no specific penalty provision. To address this problem, Article 43 was passed on the Consent Calendar. This Article specified a \$50 fine for each day during which a violation of the current Recreational Vehicle Bylaw occurs. As this penalty provision should also be a part of the amended Recreational Vehicle Bylaw, proposed under Article 65, Town Counsel suggested the main motion be structured to include the penalty provision.

Article 65 is to increase restrictions on the off-road use of recreational vehicles. This includes snowmobiles, all terrain vehicles, commonly known as ATV's, mopeds, minibikes and motorcycles. The regulatory structure for recreational vehicles is four-fold: First--under Massachusetts State law, only mopeds and motorcycles can be licensed for use on public roads. ATV's, snowmobiles and minibikes can never be used on public roads. Second, the State also requires that all Recreational Vehicles, not licensed by the State for on-road use, must be licensed for off-road recreational use. Many, if not most, vehicle owners apparently do not comply with this requirement. Third, under the current Sudbury Bylaw, the off-road use of Recreational Vehicles is not allowed on the land of another person without that person's written permission, and it is not presently permitted on Town-owned land at all. Article 65 would amend this provision to prohibit off-road use within 75 feet of the land of another without written permission. Fourth, the off-road use of Recreational Vehicles may now occur only between the hours of 8:00 AM and 9:00 PM. Article 65 would change these hours to 9:00 AM to 5:00 PM.

Three specific problems with recreational vehicles were cited:

1. RV's are dangerous for their operators and riders;
2. They are dangerous to innocent bystanders; and
3. They are an unnecessary source of noise pollution.

Mr. Shoemaker expressed a desire for Sudbury to be thought of as a semi-rural, almost pastoral community, as our Town does retain many of those desirable qualities. Most of Sudbury residents live in neighborhoods, not on farms, and in this type of residential environment, innocent neighbors need additional protection from the out-of-control recreational vehicles which may reside next door. He commented further he had no illusions that the passage of Article 65 will do away with all of the dangers and noise pollution of off-road recreational vehicles used in Sudbury, but hopefully the additional restrictions will affect behavior. Perhaps a life will be saved or serious injury avoided.

Finance Committee Report: (R. Pettingell)

The Finance Committee opposed this article as it is the Board's opinion that this article appears to be unenforceable.

Board of Selectmen Report: (D. Wallace)

The Board supported this Article.

The motion under Article 65 was *VOTED*.

At this time, the Moderator received from Selectmen Wallace a motion *to advance Articles 70 and 71 at this time.*

The Moderator reminded the hall he had asked for this motion. Each voter this evening had been provided with three paper ballots to vote on these two articles, and he wished to take up these Articles this evening and avoid having to reprint the ballots for tomorrow evening. The motion to advance Articles 70 and 71 received the required 4/5th or 80% vote. The motion was *VOTED*.

ARTICLE 70. AMEND LINCOLN-SUDBURY REGIONAL AGREEMENT - APPORTIONMENT: EXCESS AND DEFICIENCY FUND

To see if the Town will approve either or both of the following two Amendments to the Lincoln-Sudbury Regional School District Agreement, dated March, 1954, and as heretofore amended (the "Agreement"), as proposed by vote of the Lincoln-Sudbury Regional District School Committee:

AMENDMENT A

1. Section 5 of the Agreement is amended to read in its entirety as follows:

"5. Apportionment of Expenses and Other Items

(a) Apportionment of Costs

The several costs of construction and operation of the District and payments of principal of and interest on its bonds, notes and other obligations shall be apportioned to the member towns as follows: each member town's share for each fiscal period shall be determined by computing the ratio which the sum of its pupil enrollments in the regional school district on October 1 of the three years next preceding the start of such fiscal period bears to the sum of the pupil enrollments in the regional school district of all the member towns on October 1 of the same three years. The Treasurer of each member town shall pay to the Treasurer of the District the amount of such town's share of each installment of principal of and interest on bonds, notes and other obligations of the District at least thirty days before the due date thereof. The Treasurer of each member town shall pay to the Treasurer of the District the amount of such town's apportioned and certified share of all other expenses in twelve equal installments on the tenth day of each month.

(b) Apportionment of State and Federal Aid

Any Federal, State or other aid or grants received by the District shall be credited by the District to its budgeted expenses, and the apportionment to the member towns under subpart (a) above shall be the net costs after the application of said aid or grants.

(c) Miscellaneous Income Defined

Miscellaneous Income shall include all income of the District other than the assessments paid by the member towns pursuant to subpart (a) above and any Federal, State or other aid or grants."

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2. Section 7 of the Agreement is amended by substituting for the last sentence of the first paragraph the following:

"The withdrawing town's share of future maturing principal and interest shall be computed in accordance with Section 5(a), with credit for State aid as provided in Section 5(b), at the time of giving of such notice."
3. Section 9 of the Agreement is amended as follows:
 - (A) By amending the last sentence of the third-to-last paragraph to read as follows:

"Not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but in no event later than March 31 of such period (provided that said budget need not be adopted earlier than February 1), the Committee shall adopt a budget for the ensuing fiscal period and apportion the amount thereof between the member towns according to their respective apportionment ratios as set forth in Section 5(a)."
 - (B) By striking out the next-to-last paragraph in its entirety.
4. This Amendment A shall take effect with respect to the first fiscal period of the District beginning at least six months after the approval of this Amendment A by each of the member towns, and each fiscal period thereafter.

AMENDMENT B

1. Section 5 of the Agreement is amended by adding at the end the following subsection:

"Excess and Deficiency Fund

All unexpended funds, or any portion thereof, may, in the discretion of the Regional District School Committee and with the written approval of the Finance Committees of each of the member towns, be paid into the Excess and Deficiency Fund provided, however, that at no time shall the total of the sums in the Excess and Deficiency Fund exceed five percent (5%) of the total District budget for the succeeding fiscal period. Monies in the Excess and Deficiency Fund may be expended, in the discretion of the Regional District School Committee, for any of the following purposes:

 - (i) to meet extraordinary and non-recurring costs attributable to the operation and maintenance of the Regional District School;
 - (ii) to pay any other extraordinary costs when amounts from the sources described in subparts (a), (b), and (c) above are insufficient to pay such costs; or
 - (iii) to reduce the assessment to the member towns in any fiscal period.

Any such reduction of the assessment shall be in accordance with the apportionment ratios set forth in subpart (a) above for the fiscal period in which such reduction occurs. Monies paid into the Excess and Deficiency Fund shall be deemed received and reserved for special purposes within the meaning of Section 9."
2. This Amendment B shall take effect with respect to the first fiscal period of the District beginning at least six months after the approval of this Amendment B by each of the member towns, and each fiscal period thereafter.

or act on anything relative thereto.

Submitted by the Board of Selectmen on behalf of the Lincoln-Sudbury Regional District School Committee (LSRDSC).

ARTICLE 71. AMEND LINCOLN-SUDBURY REGIONAL AGREEMENT-WRITTEN BALLOT

To see if the Town will approve the following Amendment to the Lincoln-Sudbury Regional School District Agreement, dated March, 1954, and as heretofore amended (the "Agreement"), as proposed by vote of the Lincoln-Sudbury Regional District School Committee:

AMENDMENT

1. Section 8 of the Agreement is amended by deleting the sentence, "Any vote to adopt or reject the proposal shall be by a written ballot."
2. This amendment shall take effect with respect to the first fiscal period of the District beginning after the approval of this Amendment by each of the member towns, and each fiscal period thereafter.

or act on anything relative thereto.

Submitted by the Board of Selectmen on behalf of the Lincoln-Sudbury Regional District School Committee (LSRDSC).

Selectman Wallace moved that the Town approve the two amendments, "A" and "B" to the Lincoln-Sudbury Regional School District Agreement dated March 1954 as theretofore amended (the "Agreement") as printed in Article 70 of the Warrant for this meeting.

LSRDSC Report:

Mr. Richard Brooks of the Lincoln-Sudbury Regional School Committee reported the intention of the amendment to the Regional Agreement between the Towns of Lincoln and Sudbury is to revise the formula by which the Towns' proportionate share of the school's annual budget is determined.

The Moderator interrupted this presentation as the motion read by Selectman Wallace was in the original form and not the corrected motion, which would give the Town an opportunity to approve one and not the other amendment.

After clarification of the motion, Selectman Wallace's incorrect motion was substituted with the following motion: *move that the Town approve either or both of the amendments 'A' and 'B' to the Lincoln-Sudbury Regional School District Agreement dated March 1954 as heretofore amended (the 'Agreement'), as printed in Article 70 of the Warrant for this meeting.*

Mr. Brooks continued his report stating this amendment would provide relief to the two towns. The concept of apportionment based upon enrollment would still be maintained, but the ratio determined by the enrollment from each Town would be based on a three-year average rather than a one-year enrollment shift. The present formula requires a revision of the enrollment ratio be taken each October 1st and used to apportion the Towns' share of the budget. A second student count is taken at the end of the fiscal year to determine how many actually were enrolled from each town during the budget year. The assessments are adjusted for a new ratio and the differences are applied to each Town's assessment in a succeeding year. The proposed amendment will not entirely eliminate year-to-year fluctuations in the assessments, but it will eliminate impacting a Town's assessment in a future year by the adjustment of costs for a year just ended, called "reapportionment". The proposed amendment would allow the percentage of students enrolled from each Town be based on a three-year average of respective enrollments rather than a one-year enrollment shift. Review of enrollment figures on an historic three-year average basis shows the assessments for the Towns would fluctuate less severely from year to year with this new method.

The proposed amendment would also establish an "Excess and Deficiency Fund" to be funded over time from unexpended funds. The Fund would be limited in its aggregate amount to no more than five percent of the gross budget and any monies in excess of the five percent limit would be returned to the Towns. The Fund would be available to meet extraordinary

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and non-recurring uncontrollable costs or other financial fluctuations that cannot be met by the resources of one or both Towns. The Fund could be used to reduce the assessment to the member Towns in any fiscal period. Under no circumstances, could the School Committee increase the Fund without the prior written consent from both Finance Committees. The Fund would not be used as a contingency fund to finance the year-to-year fiscal variations associated with the normal budget process.

Finance Committee Report: (R. Pettingell)

The Finance Committee recommended approval of both amendments "A" and "B".

Paul McNally of Evergreen Road asked about the Excess and Deficiency Fund of five percent on a \$20 million budget, which is a million dollars. He asked if the million dollars would be distributed between Lincoln and Sudbury on a proportionate basis each and every year or simply collected and put into some sort of a fund? Mr. Brooks explained that everything that is done with one town must be done on a proportionate basis with the other town. A great amount of this money would be State aid coming directly to the district, not to the towns. Mr. McNally asked if this would impact Proposition 2½ by assessing this on the tax rate each and every year. Mr. Brooks responded he didn't think it would affect our function within Proposition 2½. The Moderator inquired if Dave Wilson, Chairman of the Finance Committee wished to add to this response. The chairman confirmed Mr. Brook's response to be correct.

The Moderator stated he would like to have the motion under the Lincoln-Sudbury School Committee's second article at this time. This Article would simply rid the town of the procedure of having to have secret ballot votes, and he wished to pass the ballot boxes just once.

A motion under Article 71 was presented by Selectman Wallace. He moved that the Town approve the amendment to the Lincoln-Sudbury Regional School District Agreement dated March 1954 as heretofore amended (the "Agreement") as printed in Article 71 of the warrant of this meeting.

Mr. Brooks of LSRDSC stated the impetus behind submitting this article came from the Moderator in the Town of Lincoln. It was his contention the procedure was cumbersome and its purpose had long since been outmoded and served. If the hall wishes to have a written ballot, they can request one and get it at any time.

Finance Committee Report:

The Finance Committee recommended approval of this article.

The Moderator then explained the procedure for using the three colored paper ballots and the voting took place.

The vote under Articles 70 and 71 were as follows:

Article 70, Amendment "A":	YES 146	OPPOSED 4	TOTAL VOTE: 150
Article 70, Amendment "B":	YES 138	OPPOSED 10	TOTAL VOTE: 149
	1 ABSTENTION		

Article 71: YES 143 OPPOSED 6 TOTAL VOTE: 149

The motions under Article 70 and 71 were *VOTED*.

Linda Buxbaum moved to adjourn the meeting. This motion was received and seconded. The meeting was adjourned at 11:03 PM until tomorrow evening at 8:00 PM.

Attendance: 333

ANNUAL TOWN MEETING

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Moderator, Thomas G. Dignan, called the meeting to order at 8:02 PM and declared a quorum to be present. The first order of business was Article 66.

ARTICLE 66. AMEND BYLAWS, ART. V(C) - SMOKING PROHIBITION

To see if the Town will vote to amend the Town of Sudbury Bylaws by adding a new Article V(C) as follows:

- "(a) It is hereby declared that smoking in public places is a public nuisance, dangerous and hazardous to the public health, and violative of the right of non-smokers to breathe air which is free of smoke contamination.
- (b) As used herein, 'smoking' shall include carrying a lighted cigarette, cigar, pipe or other tobacco product.
- (c) No person shall smoke in any elevator accessible to the public.
- (d) No person shall smoke in any room to which the public is invited or in which the public is permitted, including but not limited to, any health care facility, classroom, lecture hall, theater, motion picture theater, opera house, concert hall, library, auditorium, school, retail store, reception area, restroom or lavatory, waiting room, or public area of a bank, but not including any private residence, nor any restaurant or other place mentioned in subsection (e), nor any party, beano game, social reception, or fraternal or veteran's organizations.
- (e) No person shall smoke in any restaurant or public eating establishment except in specifically designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and not by the proprietor or person in charge of the restaurant.

Smoking areas may be designated by the proprietor or other person in charge of a restaurant, except in places in which smoking is prohibited by the fire marshal or by other law or regulation. Designated smoking areas shall comprise no more than fifty (50) percent of the seating capacity of the restaurant. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke on persons in adjacent no-smoking areas. In the case of restaurants consisting of a single room, the provisions of this subsection shall be considered met if one side of the room is reserved and posted as a no-smoking area, provided that the no-smoking area comprises no less than fifty (50) percent of the seating capacity of the restaurant.

However, to the extent that the shape of the room allows maximum separation, the proprietor will be required to utilize those natural barriers to satisfy the provisions of this article. Furthermore, if such natural barriers do not exist, the proprietor will make every effort to set up the space to inhibit the transfer of smoke to no-smoking areas.

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The proprietor or other person in charge of a restaurant shall make reasonable efforts to prevent smoking in the no-smoking areas of the restaurant by:

- (1) posting appropriate signs;
- (2) arranging seating to provide a smoke-free area;
- (3) asking smokers to refrain from smoking upon request of a client, patron or employee suffering discomfort from the smoke; or
- (4) any other means which may be appropriate.

This subsection shall not apply to any bar with a seating capacity of fewer than seventy-five (75) persons, which is used primarily for selling alcoholic beverages for consumption on the premises and in which any sale of food or presentation of entertainment is incidental to the sale of such beverages.

Nothing in this subsection shall make lawful smoking in any area in which smoking is or may hereafter be prohibited by law.

- (f) (1) Except as provided in paragraph (2) of this subsection (f), no person shall smoke in any room under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms, and hallways, but not including any private residence unless it is used as a child care or health care facility, nor any dining area of a restaurant or other place mentioned in subsection (e).
 - (2) At the written request of one or more employees, an employer may (but is not required to) designate the area in the immediate vicinity of the employee's usual work station as a smoking area, if the employer finds that such a smoking area will not allow non-smoking employees or the public to breathe any significant amount of smoke. Upon the same request and finding, an employer may also make other reasonable accommodation to smoking employees, including provision of a separate employee lounge for smoking, no larger in floor area or seating capacity than the employee lounge for non-smokers. Upon request in writing, an employer shall provide a copy in writing of its smoking policy under this paragraph, including any designated smoking areas or other accommodation for smoking employees, to any employee, prospective employee, and the Sudbury Board of Health. Any employee aggrieved by an employer's smoking policy or any portion thereof may appeal in writing to the Sudbury Board of Health, who may modify it in any manner to carry out the purposes of this section. In any dispute arising from such a smoking policy, the health concerns of non-smokers shall be given precedence.
- (g) Every person having control of premises upon which smoking is prohibited by this article or his or her agent or designee, shall conspicuously display upon the premises a sign reading "Smoking Prohibited by Law."
- (h) It shall be unlawful for any person having control of any premises or place in which smoking is prohibited by this article to knowingly permit a violation of this article. A person shall be held to have knowingly permitted a violation of this article if a visitor to his or her premises observes one or more people smoking (other than in properly designated smoking areas) on three successive visits. Any licenses issued by the Town to such a person shall be subject to suspension for up to fifteen (15) days for a single violation of this article, and shall be subject to suspension for up to one year, or to revocation, for any successive violation.
- (i) Any person who knowingly violates any provision of this article, or who smokes in an area in which a "Smoking Prohibited by Law" notice is conspicuously posted as required by subsection (g) of this article shall be fined in an amount of not less than twenty-five (\$25.00) nor more than one hundred (\$100.00) dollars.

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- (j) The Sudbury Board of Health shall enforce the provisions of this article, and for this purpose shall have the assistance of the Town Executive Secretary, Town Counsel, and the Police and Building Departments. In addition to the remedies provided by subsections (h) and (i), the Sudbury Board of Health or any person aggrieved by any violation of this article may apply for injunctive relief to enforce said provisions in any court of competent jurisdiction.
- (k) If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.";

or act on anything relative thereto.

Submitted by petition.

Mr. Robert Shoemaker of Paddock Way, one of the petitioners, *moved in the words of the Article.*

Mr. Shoemaker stated the purpose of this article is to improve the quality of life in Sudbury by regulating smoking in public places and workplaces. This Article would prohibit smoking at all times in the following places: elevators accessible to the public, health care facilities, classrooms, lecture halls, theaters, motion picture theaters, libraries, auditoriums, schools, retail stores, reception areas, public restrooms, waiting rooms, and public areas of banks. In addition, all restaurants would be required to designate non-smoking areas comprising no less than 50% of the seating capacity of the restaurant. Bars with seating capacities of fewer than 75 persons would be exempted from this requirement.

In all work environments, whether public or privately owned, employees would be guaranteed smoke-free work areas, employee lounges and restrooms, conference rooms and hallways, except that designated smoking areas and lounges can be provided by employers on the written request of specific employees desiring such smoking space.

The Town would be given enforcement rights in the form of fines, license suspensions and injunctive relief. In addition, any person aggrieved by a violation of this Article would be able to enforce its provisions by complaining to the appropriate Town officials or obtaining a court injunction.

Article 66 is modeled primarily on the City of Cambridge Smoking Prohibition Ordinance which has been in effect, successfully, since November of 1986. In March of 1987 the Sudbury Board of Health issued a regulation stating that all restaurants in Town with a seating capacity of 40 or more persons are required to designate a non-smoking area comprising at least 30% of the seating capacity. Church, school or civil functions, as well as bars, are exempted entirely. In early 1988, the Massachusetts legislature passed the Clean Indoor Air Act (CIAA) which became effective April 13, 1988. This Act, in general, overrides all local ordinances, bylaws and regulations. However, the Act does not override local ordinances, bylaws and regulations which are broader and more restrictive in their regulation of smoking and their protection of non-smokers. A brief comparison between CIAA and Article 66 was provided by Mr. Shoemaker.

He then posed the question to the voters as to whether Sudbury wants to take a leadership role in extending smoking prohibitions to greater protect the public health. The philosophy behind this article, according to Mr. Shoemaker, was not about rights, but public health. There is no right to smoke. There is a right to vote and a right to life, liberty and property. There may be a freedom to smoke, but freedoms are not absolute and must be balanced against other freedoms which are in conflict. Our society and legal system have consistently held that freedoms are limited in situations where harm to others might occur. Freedom of speech does not include the freedom to make false and potentially harmful statements about another person, nor does it include the right to yell "fire" in a crowded theater, thereby endangering the lives of others. Freedom of association does not include the right to conspire with others intending to overthrow the government or to commit a felony. Freedoms are limited when other values are considered of more importance, and in the case of

smoking, the freedom to do so in a public setting where others might be adversely affected, can and should be limited because of the higher value that we place on public health. More and more attention has been focused on the health hazard to non-smokers of passive smoke, also referred to as "secondhand smoke" or "involuntary smoking" and it is this problem that Article 66 addresses. According to the Surgeon General's 1986 report on the health consequences of involuntary smoking, Mr. Shoemaker quoted two conclusions on involuntary smoking: 1. it is a cause of disease, including lung cancer and 2. the simple separation of smokers and non-smokers within the same air space may reduce, but does not eliminate, the exposure of non-smokers to environmental tobacco smoke. Another study estimates that 500 to 5000 cancer deaths per year are caused in non-smokers through the ingestion of passive smoke. Even if the studies are only 10% or 1% accurate, the risk to health is significant and should not be imposed on people who have chosen to avoid the smoking habit. A letter was read from State Representative Cile Hicks in support of this article. In one place she was quoted as saying "The regulations of this bylaw are self-enforcing as non-smoking quickly becomes the new norm. Arguments that equate smoking as a fundamental freedom are bogus. No one has the right to harm the health of another person. The Article does not prohibit smoking, but designates where the public health must be protected. Smoking restrictions not only protect the health of non-smokers but they encourage smokers to voluntarily quit or cut down on the number of cigarettes smoked." Mr. Shoemaker urged the voters to support this article.

Finance Committee Report: (R. Pettingell)

The Finance Committee was in opposition to this article as the article was believed to be too restrictive. In light of the recent State legislation it seemed this article was unnecessary.

Board of Selectmen Report: (D. Wallace)

The Board recommended disapproval of this article as the Clean Air Act which took effect on April 14, 1988, accomplishes the same goals this new bylaw would seek to accomplish.

Board of Health: (H. Caspe)

The Board of Health, like other boards, was in support of the intent of this article. However, it too believed this proposed bylaw would be too restrictive. The Board of Health on the authority of §31 Chapter 111 of the General Laws had established rules and regulations restricting smoking for food service establishments last year. These regulations will be amended in a short time to comply with the new State law. After citing a few sections of the proposed bylaw, Mr. Caspe stated it would clearly be quite unenforceable. The proposed bylaw is extremely restrictive, it would take a full-time health inspector to monitor and inspect premises. The Board of Health unanimously recommended the defeat of this article.

The motion under this article was *VOTED*. A request from seven voters for a counted vote was received. A counted vote was taken

YES: 110 OPPOSED: 84 TOTAL VOTE: 194

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ARTICLE 67. AMEND ZONING BYLAW, ART. IX, I, I - PROHIBIT PACKAGE SEWAGE TREATMENT PLANTS

To see if the Town will vote to amend the Zoning Bylaw by adding to Section I, General, the following:

"I. PACKAGE SEWAGE TREATMENT PLANTS.

The use of a package sewage treatment plant shall be prohibited in any zoning district.";

or act on anything relative thereto.

Submitted by Petition

Roger Davis of Lands End Land, one of the petitioners, moved to amend the Town of Sudbury Zoning Bylaw by adding to Section I, General, the following: "Package Sewage Treatment Plants. The use of a package treatment plant shall be prohibited in any zoning district". The definition of a package sewage treatment plant, for the purposes of this Article, shall mean any sewage treatment plant and its associated infrastructure which is to serve primarily for the collection, treatment and discharge of sewage.

Mr. Davis explained that a package sewage treatment plant is a device, the purpose of which is to concentrate a large volume of sewage and waste and discharge it, into a small area. The use of these package sewage treatment plants, a relatively new source of sewage disposal technology, leaves many unanswered questions. They operate by both a biological and perhaps an electrical process. The biological process is such they they can be destroyed or harmed by the use of common household wastes such as drain cleaners and bleaches, things of that nature, which are deposited into a septic sewage system. The plant is subject to mechanical or electrical failure. With a power outage, the plant goes out also. It may cause overloading of the leaching areas. Because the technology is so new, further study is needed to address the problems such as sludge disposal, maintenance of the plant, the monitoring of them and how they are manned. These plants are manned on a part-time basis. If a plant were to malfunction or shut down, damage could be done before we may know about it. In our case, damage is done to the environment. Our environment means the water supply.

One of the larger questions on these plants, is "Who is going to be accountable for them when there is a malfunction or breakdown?" No one seems to have an answer to this and other questions. Mr. Davis urged the voters to put this matter on "hold" and bar the use of an unproved and untested and dangerous technology until such time as there is a guarantee this technology will not put our water resources at great risk.

Finance Committee Report: (H. Casey)

The Finance Committee disapproved of this article as it seemed a total ban of these plants was an inappropriate strategy. Bans should be in specific areas with appropriate regulations.

John Drobinski, member of the Board of Selectmen moved to refer this Article to the Waste Water Treatment Committee for study.

In support of his motion, Mr. Drobinski noted the Board had been studying the issue of sewage disposal via privately owned treatment plants through the recently appointed WWTC. Town Counsel, the WWTC and various Town boards have been successful in gaining legal and DEQE disapproval of these plants in Sudbury. Therefore, it was believed appropriate to refer this Article to the WWTC for study and report back to Town Meeting.

Bill Cooper, Chairman of the Residential Wastewater Treatment Facility Advisory Committee supported Selectmen Drobinski's motion so that the Town will be able to take cognizance of its legal position and all of the factors that need to be put together to be sure the Town is in as strong a position as possible to protect its public health, its water supply and to deal with the growth issues these type of plants imply.

Board of Health: (H. Caspe)

Mr. Caspe pointed out there are some problems in regards to this proposed bylaw amendment. There is no definition within the bylaw itself between subdivision or individual situations like Raytheon. He pointed out that there are three plants presently in Sudbury--Raytheon, L-S-R-H-S, and the Wayland/Sudbury Package Treatment Plant. The Board of Health is preparing regulations which will protect the Town for the immediate future. The WWTC will be able to prepare something for the next Town Meeting, which will be all-encompassing and protect everyone.

After considerable discussion on the desirability of committing this Article, someone *moved the question*. This motion to end debate was *VOTED*.

The motion to commit was *VOTED*.

ARTICLE 68. AMEND ZONING BYLAW, ART. IX, IV - REGULATION OF RESIDENTIAL WASTEWATER TREATMENT FACILITIES

To see if the Town will vote to amend Article IX, Section IV, of the Zoning Bylaw by adding a new Subsection E entitled "Regulation of Residential Wastewater Treatment Facilities", as follows:

"E. REGULATION OF RESIDENTIAL WASTEWATER TREATMENT FACILITIES

The Planning Board may grant a special permit for a Residential Wastewater Treatment Facility as defined herein in any location where such facilities are otherwise allowed in Sudbury by State and Town law and regulation, subject to the following:

1. Purpose - The purpose of this regulation is to ensure that any Residential Wastewater Treatment Facilities in Sudbury will only be sited, constructed, and operated in a manner so as to fully protect the public health, environmental health, and level of services available to all residents of the Town. This regulation is intended to be fully consistent with and supplemental to any position taken by the Town regarding the legality of wastewater treatment facilities as an allowed use in any zone.
2. Definitions - The terms listed hereunder shall have the following meanings for the purpose of this subsection of the Zoning Bylaw:
 - a. Residential Wastewater Treatment Facility shall mean any sewage treatment plant and its associated infrastructure, including but not necessarily limited to the collection system, plant proper, and discharge system which is to serve primarily for the collection, treatment and discharge of domestic sewage from residences.
 - b. Title V Alternative shall mean any feasible combination of individual on-lot domestic sewage collection, treatment, and discharge facilities found by the Planning Board, Board of Health, and Conservation Commission at the time of application, assuming full compliance without variances from the Zoning Bylaw, to be suitable under Title V of the State Environmental Code and all other applicable regulations for the disposal of all of the domestic sewage from each residence on its own building lot.
 - c. Approval shall mean each actual permit and written certification documenting the final decision of a regulating body on any matter related to the permitting, review or oversight of the facilities covered in this subsection.
 - d. Aquifer Zones I, II, and III shall mean those areas encompassing and draining to public groundwater supplies as defined by regulations of the Massachusetts Department of Environmental Quality Engineering, Division of Water Supply. Unless otherwise indicated below the zone definitions shall apply equally to areas officially designated or otherwise shown to have the physical and chemical characteristics for future designation as such zones.

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- e. Criticality and probability Classifications shall mean the system for describing the expected frequency and consequences of events shown in Table I.
- f. Reports to the Town shall mean reports promptly provided to each of the following: The Board of Selectmen, the Planning Board, the Board of Health, the Conservation Commission, and the Water District.

TABLE I

CRITICALITY AND PROBABILITY CLASSIFICATIONS

(a) Criticality Classification

Event Criticality	Description of Public Health Hazards and Environmental Consequences
Negligible	No significant risk to the public, with no illness and minor injuries at most. No potential violations of environmental standards or criteria, negligible potential for environmental damage.
Minor	Small level of public risk, with no illness and a few injuries, most of which are minor. Potential for minor on-site and no off-site damage to the environment.
Major	Major level of public risk with potential illness and/or severe injuries or fatalities. Potential for major on-site and/or some off-site environmental damage; potential violations of environmental standards or criteria.

(b) Impact Probability/Frequency Classification

Type	Frequency per Year	Description
Extraordinary	Less than 10^{-6}	An event which has never occurred, but could occur
Rare	Between 10^{-4} and 10^{-6}	An event which has occurred on a worldwide basis, but only a few times
Unlikely	Between 10^{-2} and 10^{-4}	Events which occur for facilities of the proposed type but which are not predicted to occur during the project lifetime.
Likely	Between 10^{-2} and 1	Probably will occur during the project lifetime.
Frequent	Greater than One	Occurs more than once a year on the average.

3. General requirements -

- a. No Residential Wastewater Treatment Facility shall be located in any Zone I or Zone II aquifer or recharge area as defined in Paragraph 2D of this Subsection.
- b. No Residential Wastewater Treatment Facility shall be located anywhere in Sudbury without first obtaining a Special Permit from the Planning Board under this subsection and all other required approvals.

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- c. The Addition to or removal of a Residential Wastewater Treatment Facility from any already submitted plan shall nullify all prior approvals by any agencies or officials of the Town for any residences to be served by the Facility. Amended plans may be resubmitted and considered anew without prejudice.
 - d. No Residential Wastewater Treatment Facility shall be operated without first receiving certification by a third-party registered professional engineer that the facility has been built and will perform to all design specifications and approvals required herein. The third-party engineer shall be selected by and report to the Planning Board at the expense of the applicant. The Planning Board may, upon consultation with the Board of Health, require periodic re-certification of the facility.
4. Rules and Regulations and Fees -
- a. The Planning Board may adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this bylaw and Chapter 40A and other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk.
 - b. Each application for a Special Permit under this subsection shall be accompanied by a filing fee of not less than \$5,000 and not more than \$15,000 to be expended by the Planning Board in obtaining independent third-party expert review of the information submitted by the applicant in support of the permit application. The Planning Board shall adopt regulations for a fee schedule under this paragraph and paragraph 4A based on the nature and complexity of the review requirements for the proposed facility.
5. Application Contents - Each application for a Special Permit under this subsection shall include the following:
- a. Detailed plans certified by a Registered Professional Engineer for the proposed facility, the residences it would serve, and the Title V Alternative as defined in Paragraphs 2A and 2B of this subsection. The engineering detail of the plans and accompanying text must be sufficient to allow full evaluation of the facility collection, treatment, and discharge systems and their unit processes. The plans for the Title V Alternative must clearly indicate which individual lots are represented as capable of meeting the geohydrologic criteria for on-lot sewage disposal under all applicable regulations, and fully describe the basis for said representation.
 - b. Detailed description of the design basis and proposed operation of the proposed facility. Details shall include but not be limited to the following:
 - (1) Identification of manufacturer and certified performance guarantees for all major equipment, including that of the facility proper and associated collections and discharge systems.
 - (2) Full characterization of the effluent quantities and quality of the proposed facility discharge and those of the Title V Alternative. The characterization shall include but not necessarily be limited to daily maximum and annual average flows, loads, and concentration estimates for each parameter for which Massachusetts Ground Water Quality or Surface Water Quality Standards have been established or proposed under 314 CMR Chapters 4.00 and 6.00 or any other applicable chapter. To the maximum extent possible, the characterization shall be based on operating data from systems similar to the one proposed.
 - (3) A detailed operating plan describing proposed staffing on a daily basis, identity and qualifications of the proposed staff, and a facility maintenance schedule.

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- c. A monitoring and reporting plan for measuring the quality of the effluent and the background and receiving waters for facility discharge. The plan shall specify initial and periodic measurements and reporting to the Town of each of the parameters covered by Paragraph 5 B (2) and more frequent measurement and reporting to the Town of a representative subset of these parameters selected by the Planning Board in consultation with the Board of Health.
- d. A detailed hydrogeological study for the proposed facility, the Title V Alternative, and the drainage basin(s) in which they are located. At a minimum, the study shall fully describe the seasonal profile of volumes and directions of groundwater and surface water flows with and without the proposed facility compared to the Title V Alternative, the location and use of all historical, present, and potentially suitable future drinking water supplies that could be affected by the facility, and the location and use of any other surface and/or groundwater that could be affected by the facility. In describing drinking water supplies, the applicant shall document all previously delineated State Department of Environmental Quality Engineering aquifer classification information for the potentially affected area. Where such information is lacking for any potentially affected drainage, the applicant shall provide sufficient additional data to delineate accurately Aquifer Zones I, II, and III as defined in Paragraph 2 D of this subsection.
- e. A full profile of potential facility upsets and outages. The profile shall describe all aspects of prospective facility performance in a matrix representation of the Criticality and Probability Classification framework defined in Paragraph 2 E of this subsection. To the maximum extent possible, the description should be based on documented operating experience at other facilities designed and operated in the manner proposed by the applicant. Notwithstanding its use in the profile, the applicant shall also provide detailed summaries of the operating histories of any Residential Wastewater Treatment Facilities it has been responsible for.
- f. An environmental, fiscal, and public service impact report providing detailed comparison of the projected impacts of the proposed facility versus those of the Title V Alternative. At a minimum, the report shall provide detailed comparison of impacts in the following categories:
- Public health and welfare
 - Surface and ground water drainage flows, quality, and uses
 - Soil conservation and quality
 - Wetlands
 - Open space and recreation
 - Town services, including but not limited to schools, roads, public works, fiscal balance, and police and fire protection
- In all subject areas, impacts shall be assessed by quantitative discussion of the incremental contribution of the proposed facility and Title V Alternative added to a cumulative baseline inclusive of other reasonably foreseeable developments in the affected drainage basins and in the Town as a whole.
- g. Copies of all trust or other agreements describing the legal and institutional basis for the facility construction and operations and clearly identifying the proposed legal and institutional mechanisms for guaranteeing plant performance and accomplishing routine maintenance, emergency response, and major repairs. Such documents shall authorize the Town to address any aspect of the facility at the owner's expense to accomplish necessary emergency response or performance improvements upon failure to accomplish the same by the owners within a reasonable period of time.
- h. A detailed contingency plan for the facility, including but not limited to details of response to all events in criticality classifications of 'minor' and 'major' and probability classifications of 'frequent' or 'likely' consistent with the information provided under paragraphs 2 E and 5 E of this subsection.

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- i. A definitive plan for both long-term handling and off-site disposal of any facility sludges and other residuals, and for off-site disposal of untreated or partially treated sewage during any periods of plant outage or less-than-design level guaranteed performance as established from the information provided under paragraph 5 B of this subsection. Said plan shall include copies of all required agency prior approvals and outside contractual agreements needed to demonstrate its feasibility to the satisfaction of the Planning Board.
 - j. A legally binding commitment to provide the Town a one hundred percent (100%) replacement bond or its equivalent covering all costs of design, materials, and construction in the event of the need to replace the facility or portions thereof as determined by the Town.
 - k. The documentation establishing the opening and funding of an escrow account adequate for at least one year of operation and maintenance of the facility by the Town, utilizing any necessary contracted assistance. The account shall also provide adequate funds for permitting and implementation of off-site disposal of 100% of the wastewater generated by those dwellings to be serviced by the proposed facility for at least one year upon determination by the Town that said disposal is preferred to the operation of the facility.
 - l. Actual copies of all required approvals for the facility from other permitting and review agencies as defined in paragraph 2 C of this subsection. Required prior approvals shall include but not necessarily be limited to all those from the Sudbury Board of Health, Sudbury Conservation Commission, Massachusetts Department of Environmental Quality Engineering and Massachusetts Environmental Policy Act Unit.
 - m. Such other information as may be deemed necessary by the Planning Board.
6. Application Completeness - The Planning Board shall review the special permit application for completeness and shall notify the applicant of its determination of completeness within 45 days of receipt of the information required under section 5 of this subsection. The Board shall either certify the application as complete or return the application as incomplete, indicating the deficiencies which must be remedied in order for it to be considered complete.
 7. Public Hearing and Decision - The Planning Board shall hold a public hearing no later than 65 days after the certification of an application as complete. The Planning Board may continue a public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the special permit. The Planning Board shall issue a decision to approve, deny, or conditionally approve the special permit and shall file a written report of its final action with the Town Clerk no later than 90 days following the close of the public hearing. Failure by the Planning Board to take final action and to file a written report of its action with the Town Clerk within 90 days following the public hearing shall be deemed a grant of the permit applied for.
 8. Planning Board Action - The Planning Board shall not grant a special permit for a Residential Wastewater Treatment Facility unless it finds that the applicant has clearly demonstrated beyond a reasonable doubt all of the following:
 - a. That the proposed facility would comply with all of the requirements of section 3 of this subsection;
 - b. After expert, third-party review of the certified application that the impacts of the proposed facility in each category would be superior to those of the Title V Alternative;
 - c. After expert, third-party review of the certified application, that the facility would be designed and operated so as to preclude any events of major criticality and likely or frequent probability as defined under paragraph 2 E of this subsection;
 - d. After expert, third-party review of the certified application, that the facility would be designed and operated so as to preclude or fully mitigate any events of major criticality and rare probability as defined under paragraph 2 F of this subsection;

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- e. That each of the required plans under section 5 is fully adequate and consistant with broadly accepted, good engineering practice;
 - f. That each of the required descriptions and guarantees of institutional/legal arrangements under section 5 is fully adequate;
 - g. That each of the required bonding and financial guarantees under section 5 is fully adequate;
 - h. That each of the required approvals under section 5 is in place.
8. Severability - If any provision of this subsection is held invalid, all other provisions shall remain effective.
9. Effective Date - this subsection shall be effective immediately upon its adoption and any required certification as valid by the Attorney General.

Submitted by Petition - Residential Wastewater Treatment Facilities Advisory Committee (RWFAC).

Before a motion was made under this Article, the Moderator advised the hall that Town Counsel had delivered to him an opinion that a main motion under this Article in its present form, would commit the Town to an illegal act. The Moderator commented he would normally "pass over" this Article, however he had been advised by the proponents that they would like an opportunity to make a motion to commit, to assure that they preserve the legality problem and this article would be further studied.

William Cooper of Cedar Creek Road, member of the RWFAC, moved that Article 68 be committed to the RWFAC for report at the next Special or Annual Town Meeting.

This motion to commit was *VOTED*.

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ARTICLE 69. AMEND ZONING BYLAW, ART. IX, IV, E - SENIOR RESIDENTIAL DEVELOPMENT

To see if the Town will vote to amend Article IX, Section IV of the Zoning Bylaw by adding a new subsection E entitled, "Senior Residential Development", as follows:

"E. SENIOR RESIDENTIAL DEVELOPMENT - The Planning Board may grant a special permit for a Senior Residential Development in Residence Districts (including without limitation Single Residence Districts), Business Districts, Limited Business Districts, Industrial Districts, Limited Industrial Districts, Research Districts and Industrial Park Districts, for single family detached dwellings, multi-unit attached dwellings, nursing homes, and/or all other forms of dwellings and accessory facilities and structures for use by or for senior individuals, including without limitation, waste treatment plants and parking facilities, subject to the following provisions:

1. Purpose - The purpose of Senior Residential Development is to allow a retirement community for senior individuals, containing types of housing and facilities and a community which are unavailable in Single Residence Districts, Cluster Development or otherwise, including without limitation (a) to afford relief from the physical, economic and emotional stress associated with maintenance and care of traditional detached single family dwellings; (b) to provide dependent and/or independent living facilities; (c) to afford a life style of independence; (d) to meet established existing and future needs for housing and ancillary services and facilities; (e) to provide recreational facilities, cultural facilities, library facilities, meeting facilities, central dining facilities, and nursing home facilities; and (f) to provide on-site ancillary services.
2. Rules and Regulations and Fees - The Planning Board shall adopt, and from time to time amend, Rules and Regulations and Fees consistent with the provisions of this bylaw, Chapter 40A of the General Laws and other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations and Fees with the Town Clerk. Such Rules shall prescribe as a minimum the size, form, contents, style and number of copies of plans and specifications, the town boards or agencies from which the Planning Board shall request written reports, and the procedure for submission and approval of a Senior Residential Development special permit.
3. Residents - Each resident of the Senior Residential Development shall be restricted to (a) being a person at least fifty-five (55) years of age, or (b) while living with such person, being such person's spouse of any age or someone of any age who regularly provides health care services to such person.
4. Senior Residential Development Standards - Where the requirements of Senior Residential Development differ from or conflict with the requirements of Article IX, Section IV, subsection B or any other provisions of the Zoning Bylaw, the requirements of this Senior Residential Development shall prevail. The following standards shall apply to all Senior Residential Developments:
 - a. Minimum Tract Size - A Senior Residential Development shall be located upon a single tract in common ownership or to be transferred into common ownership with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least twenty (20) acres.
 - b. Area Coverage Restrictions -
 - (1) Structures - The maximum coverage of all buildings and structures, excluding sanitation and waste treatment facilities, shall not exceed fifteen (15%) percent of the total acreage of the tract. Not included in said fifteen (15%) percent maximum coverage are roadways, walks and paved parking areas.

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- (2) Paved Areas - The maximum coverage of all paved areas shall not exceed ten (10%) percent of the total acreage of the tract.
- c. Minimum Perimeter Buffer - One Hundred (100) feet from the overall perimeter boundary which shall serve as a buffer between the Senior Residential Development and the surrounding properties. Within said perimeter buffer area, the land and natural growth shall not be disturbed, and no building, structure, roads or parking areas shall be permitted, except (i) to remove overgrowth, or dead or diseased growth, (ii) to install fences, walls and/or gates, (iii) to install and maintain underground wiring, pipes, drains, conduits and utility services, (iv) to install and maintain underground septic systems, (v) to provide access and egress from roads at the entrances only, (vi) to provide walks, (vii) to provide low lighting, entranceway lighting and sitting benches, (viii) to provide one sign per entranceway and lighting therefor, and (ix) to provide other and/or additional landscaping and natural screening.
- d. Setbacks - Except for the Minimum Perimeter Buffer, there shall be no (i) minimum front yard setback, (ii) minimum side yard setback, (iii) minimum rear yard setback, and (iv) frontage except as set forth in the next subsection.
- e. Frontage - There shall be a requirement of a fifty (50) foot wide entrance to the tract on a public way or private way for access/egress, which may be satisfied by having such frontage for such use on the tract, by obtaining an easement for the entrance to said way, or by a combination of frontage and easement.
- f. Height/Stories - The maximum height of any building or structure (exclusive of ornamental features used for architectural or aesthetic reasons which are approved by the Planning Board) shall not exceed forty-five (45) feet above the highest point of the finished ground level adjoining the entire building, and no building or structure shall exceed three (3) stories above the highest point of the finished ground level adjoining the entire building.
5. Open Space - There shall be permitted on the land open space for conservation, agriculture, outdoor recreation and park purposes.
6. Conservation Land - Subject to consent of the owner of the tract, a portion or portions of the land may be restricted by an easement for conservation purposes and/or conveyed to the Town of Sudbury as conservation land as a condition to the special permit approval where necessary to protect the surrounding area. Any such land restricted by an easement for conservation purposes and/or conveyed to the Town of Sudbury as conservation land shall for purposes of Minimum Tract Size and Area Coverage Restrictions, at all times be deemed to be part of the tract, and when situated in said perimeter buffer shall be deemed to be part of the Minimum Perimeter Buffer.
7. Entrances - A maximum of two (2) entrances for ingress/egress, plus one additional emergency only entrance for ingress/egress.
8. Utilities - All utilities shall be placed underground.
9. Waste Treatment Facilities - In the event a waste treatment plant or similar facilities are included in the application for a Senior Residential Development or are otherwise required, the special permit shall specifically include in any approval such waste treatment plant or similar facilities, and no other approval, permit or variance shall be required from the Board of Appeals or Board of Selectmen for such waste treatment plant or similar facilities.
10. Site Plan - Site Plan approval for the Senior Residential Development shall be issued by the Planning Board as part of the special permit, and no other site plan approval shall be required from the Board of Selectmen.

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11. Nursing Homes - When nursing homes are situated in a Senior Residential Development, approval for the nursing homes shall be issued by the Planning Board as part of the special permit, and no permit for such use shall be required from the Board of Appeals under Section III. A.d. of the Zoning Bylaw.
12. Screening - The Planning Board may impose additional reasonable screening requirements to protect the surrounding properties which abut the Senior Residential Development.
13. Permitted Uses -
 - a. Congregate care and independent living residential facilities.
 - b. Nursing home.
 - c. Recreational facilities, cultural facilities, exercise facilities, library facilities, meeting facilities, central dining facilities, lounge facilities and parking facilities.
 - d. To provide on-site facilities for services to the residents of the Senior Residential Development, including without limitation, medical services, dental services, housekeeping services, linen services, physical therapy services, nutritional services, transportation services, ambulance services and other similar or ancillary services and facilities specifically intended for said residents.
 - e. Ancillary facilities for the sale of services and merchandise for the on-site residents, employees, guests and visiting senior individuals, including without limitation, gift shops, beauty salons, barber shops, flower shops, automatic teller machines, doctor and dentist offices and physical therapist offices, provided however all entrances (except for emergency entrances) for said ancillary facilities shall be situated inside the building which contains same.
 - f. Senior individuals who are not residents of the Senior Residential Development shall be permitted to use the facilities and services at the Senior Residential Development to the extent permitted by the owner of the tract.
 - g. Administrative, operations and maintenance facilities for the conduct of the permitted uses.
14. Parking -
 - a. Nursing home
 - (1) no parking spaces are required for nursing home residents;
 - (2) one parking space shall be required for guests for each 10 authorized beds for a nursing home;
 - (3) one parking space shall be required for staff and employees for each 3 authorized beds for a nursing home;
 - b. Residential units (other than nursing home)
 - (1) one parking space shall be required for each 2 residential units;
 - (2) one parking space shall be required for guests for each 8 residential units; and
 - (3) one parking space shall be required for staff and employees for each 10 residential units.

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15. Signs - At each entranceway to the tract, without any setback requirements, one dignified sign may be placed which identifies the name chosen by the applicant for the development, subject to the approval by the Planning Board, the size, dimensions and type of sign and type of lighting for the sign to be subject to the approval of the Planning Board, considering the surrounding property in the vicinity of said entranceway, and no other approval for the sign and lighting therefor shall be required of any other board or authority, including without limitation the Sign Review Board or Board of Appeals. Such sign approval may be included in the special permit from the Planning Board.
16. Application for a Special Permit - Any person who desires a special permit for a Senior Residential Development shall submit a written application to the Planning Board; each such application shall be accompanied by:
 - a. A "Senior Residential Development Site Plan" showing, as a minimum, all of the information required for a definitive subdivision plan, where applicable, as specified in the Town of Sudbury, Subdivision Rules and Regulations, as amended, and showing the following additional information: soil characteristics as shown on Soil Conservation Service Maps, resource areas as defined by M.C.L., Chapter 131, Section 40 (The Wetlands Protection Act), including the delineation of the official wetland area boundaries as accepted by the Sudbury Conservation Commission; existing floodplain boundary lines; proposed location of buildings and structures, 100 foot perimeter buffer line of the Minimum Perimeter Buffer, parking spaces, road, walks, entrances (including any emergency entrances) lighting, signs, proposed and existing wells and septic systems, proposed waste treatment facilities, existing and proposed grades of the land, existing perimeter of trees; proposed grades of the land, existing perimeter of trees; proposed landscape features (such as fences, walks, planting areas, type, size and location of planting materials, methods to be employed for screening).
 - b. Reports from Town Board or Agencies - The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission, Engineering Department, Design Review Board, Recreation Commission, Historic Districts Commission, Building Inspector, Fire Department, Highway Surveyor, Tree Warden and the Sudbury Water District. Failure of any such board or agency to make a written recommendation or submit a written report within 35 days of receipt of the application shall be deemed a lack of opposition.
 - c. Public Hearing and Decision - The Planning Board shall hold a public hearing no later than 65 days after the filing of an application. The Planning Board shall have the power to continue a public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the special permit application. The Planning Board shall issue a decision and shall file a written report of its final action with the Town Clerk no later than 90 days following the close of the public hearing. Failure by the Planning Board to take final action upon an application for the special permit and to file a written report of its action with the Town Clerk within 90 days following the public hearing shall be deemed a grant of the permit applied for.
 - d. Planning Board Action - The Planning Board shall not grant a special permit for a Senior Residential Development unless it finds that: (i) the Senior Residential Development complies with the purposes and provisions of a Senior Residential Development; and (ii) the granting of the special permit would not result in detriment to the health, safety and welfare of the neighborhood or the Town.

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17. Changes of Senior Residential Development Plan - Any change in the footprint of the buildings or structures, layout of roads, and any significant changes in any conditions stated in the original special permit shall require that a new or amended special permit be issued in accordance with the provisions of this bylaw.
18. Compliance with Other Rules and Regulations - Except as otherwise specifically provided herein, nothing contained herein shall in any way exempt a proposed Senior Residential Development from compliance with other applicable provisions of these bylaws or the Rules and Regulations of the Planning Board.
19. Time Limitation on Senior Residential Development Special Permit - A Senior Residential Development special permit shall lapse upon a finding by the Planning Board at a public hearing that a substantial use thereof has not been commenced except for good cause, within two years from the date of grant thereof; otherwise the special permit shall be effective in perpetuity, shall not require extension, reapplication or renewal, and shall run with the land of the applicant.
20. Effective Date of Special Permit - No special permit or modification shall take effect until a copy of the decision has been recorded in the Middlesex South District Registry of Deeds. Such decision shall bear the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed, that it has been dismissed or denied.";

or act on anything relative thereto.

Submitted by Petition.

Edward Sokoloff of Washington Drive moved to commit matters under this Article for study to the Planning Board.

In support of his motion, Mr. Sokoloff noted that when this bylaw was drafted and submitted, there had been virtually no time for any input from the Planning Board in terms of drafting this bylaw. The intent of the bylaw was to create a zone for elderly housing for senior citizens. The Planning Board had communicated to Mr. Sokoloff some ideas it too had on this same issue. Therefore, he asked the voters to support this motion to Commit.

Finance Committee Report: (H. Casey)

The Finance Committee supported the motion to Commit, as it had serious concerns about the article.

Board of Selectmen: (J. Drobinski)

The Selectmen recommended committing this article to the Planning Board.

Planning Board: (R. Kirby)

The Planning Board supported the motion to commit. Mr. Kirby noted the Board also had several problems with this bylaw. He offered the assistance of the Board to anyone who was preparing a Bylaw. In this instance, the Planning Board was not approached before this bylaw was put together.

The motion to "Commit" failed.

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Joseph Klein of Stone Road, who had urged defeat of the previous motion to commit, moved to *Indefinitely Postpone this Article.*

Finance Committee Report: (H. Casey)

The Finance Committee supported this motion to Indefinitely Postpone Article 69.

Board of Selectmen: (J. Drobinski)

The Board supported the motion to Indefinitely Postpone this Article.

Board of Assessors: (L. Buxbaum)

Mrs. Buxbaum noted that the effect of this article, if it is not either Indefinitely Postponed or defeated, would certainly impact the market value of certain parcels in Town and in fact may have a negative impact on parcels adjacent to those that would increase.

Planning Board: (R. Kirby)

The Planning Board supported the motion to Indefinitely Postpone.

A motion was then received to move the question. This motion was *VOTED*.

The motion to Indefinitely Postpone Article 69 was *VOTED*.

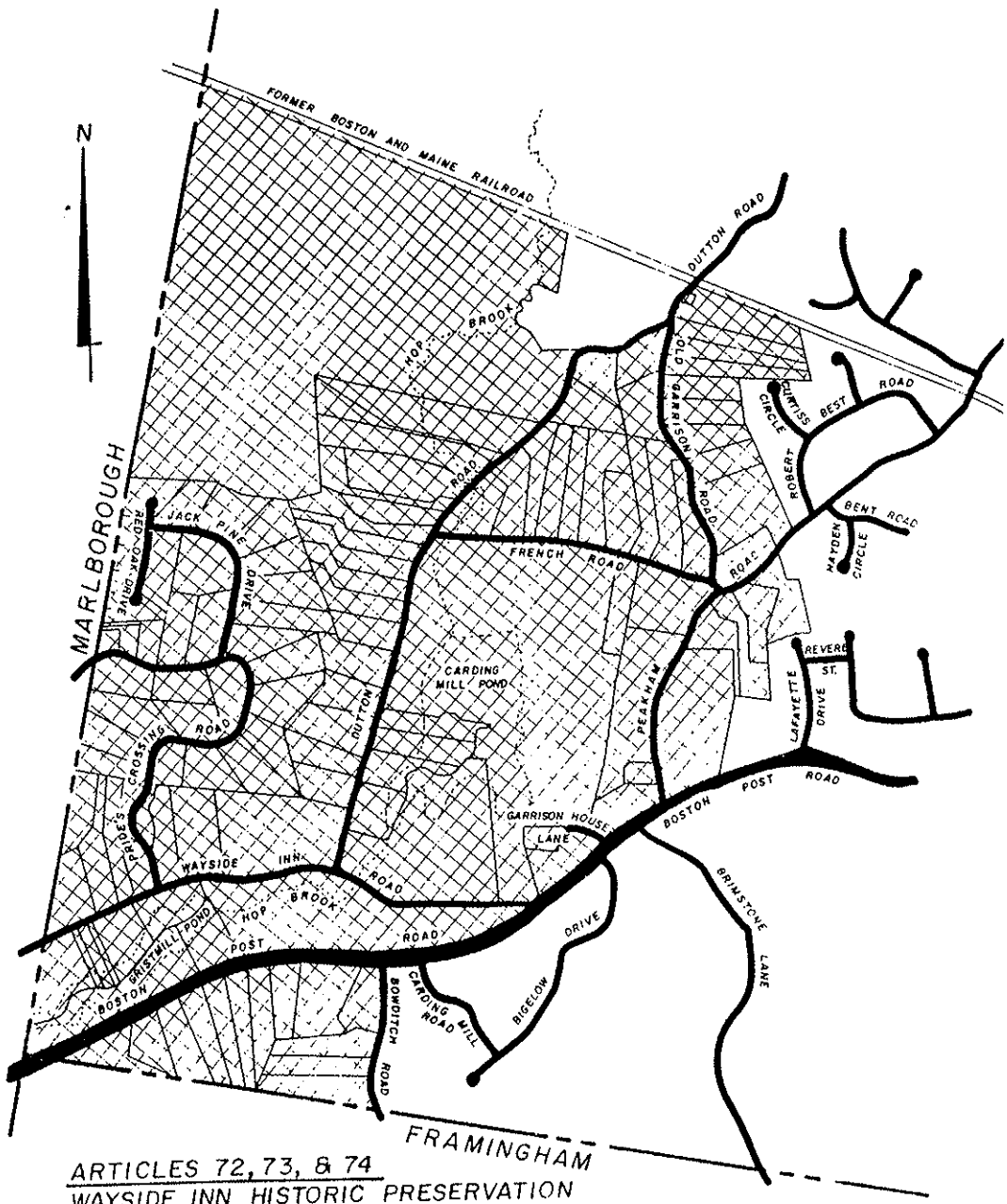
ARTICLE 70. AMEND LINCOLN-SUDBURY REGIONAL AGREEMENT - APPORTIONMENT; EXCESS AND DEFICIENCY FUND

and

ARTICLE 71. AMEND LINCOLN-SUDBURY REGIONAL AGREEMENT - WRITTEN BALLOT

were taken up and voted upon after Article 65 at the April 26th session.

See page 151 for Articles 70 and 71.



ARTICLES 72, 73, & 74
 WAYSIDE INN HISTORIC PRESERVATION
 RESIDENTIAL ZONE

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ARTICLE 72. AMEND ZONING BYLAW, ARTICLE IX, II,A,1; III,A,1; IV,B-
WAYSIDE INN HISTORIC PRESERVATION RESIDENTIAL ZONE

To see if the Town will vote to amend Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, as follows:

- A. By adding to Section II.A.1, Single Residence Districts, the following:
 - "c. Wayside Inn Historic Preservation Residential Zone";
- B. By deleting from the first line of Section III.A.1 "b"--, and "c"--, and substituting therefore "c"--, and Wayside Inn Historic Preservation Zone";
- C. By adding to Section IV.B., Schedule of Intensity Regulations, below "Single Res. "C" in the District Designation column, "Single Res. Wayside Inn Historic Preservation Zone" and by inserting therefor in the columns of "Minimum Lot Dimensions" through "Maximum Building Height" the following numbers and words to read as follows:

Gen. Use	District Designation	Minimum lot Dimensions		Max Bldg Coverage	Minimum Required Yard Dimensions			Minimum Required Setback Distance		Maximum Bldg Height (3)	
		Area Sq ft	F'ntge Any st or way		Percent of lot	Frnt (2) Depth	side (width)	Rear (Depth)	Street Center line	Res. zone Bound (side-rear)	Stories
Res.	Single Res. Wayside Inn Historic Preservation Zone	5 AC	210	40	35	20	30	65	None	24	35

or act on anything relative thereto.

Submitted by Petition.

The Moderator advised the hall that the proponents of this Article had asked for and received permission from the Chair to discuss in their presentation not just Article 72 but Article 73 and 74 as well as they are a "package". Therefore, all debate and discussion would cover all three articles at the same time.

Frank Lyons of Wayside Inn Road moved Article 72 in the words of the Warrant.

Mr. Lyons told the voters these three articles are most important to Sudbury as they will have a significant impact on what kind of town Sudbury becomes in the future. Briefly he explained the purpose of each of the articles. Article 72 calls for the creation of the Wayside Inn Historic Preservation Residential Zone (WIHPRZ). There is a great deal of open space around the Wayside Inn that is zoned for 60,000 square foot residential lots. There are restrictions on the deeds for all the lots in the area, which preclude building houses on lots smaller than 5 acres. These restrictions were placed on this property by the Wayside Inn Corporation (WIC) when the land was sold over 35 years ago. The restrictions are legal and binding. Most of the restrictions expire on December 31, 1996. If nothing is done to change the zoning in this area, development of the area in these 60,000 square foot lots can and will most certainly begin in January 1997.

Article 73 sets the boundaries for the WIHPRZ. The boundaries were chosen for the same reason the 5-acre minimum size building lot deed restrictions were placed on the land 35 years ago--to preserve open space in the area around the Wayside Inn. The proposed zoning would maintain the status quo in the area defined by these boundaries.

Article 74 allows for Cluster Zoning in the proposed WIHPRZ. Cluster Zoning allows owners of large tracts of land some flexibility on how the land is developed while still preserving the intent of the zoning in the area. The article would provide the Planning

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Board the same flexibility they have in dealing with cluster zoning requests in other residential zones in Town. Mr. Lyons simply stated the purpose of Articles 72, 73, and 74 is to preserve the rural atmosphere in the vicinity of the Wayside Inn. This rural setting is an integral part of the character and charm of the Wayside Inn. The Wayside Inn is an authentic national historical site, and has been one of Sudbury's most valuable assets for the past 350 years. Mr. Lyons emphasized that the intent of these articles is NOT and he repeated, NOT "snob zoning". If it were not for the Wayside Inn, Martha-Mary Chapel and the Grist Mill he would not have proposed the articles, and it would be unreasonable to expect anyone to support them.

Through the use of slides, Mr. Lyons showed the area as it is presently developed, 102 lofts and 97 residences. Slides also showed what could happen if the area was developed with 60,000 square foot building lots--409 lots with 409 houses. Roads would become inadequate and with almost 300 additional new families, another school would probably be needed. The Wayside Inn would be in the middle of Levittown.

It was further explained that the restrictions on the deeds expire at the end of 1996. Mass. Zoning laws can protect people who submit development plans, from zoning changes, for up to eight years and seven months. Most of the deed restrictions expire in eight years and seven months from May 1st, 1988. Were there a delay in acting on these articles until next year, anyone who submits development plans for 60,000 square foot lots during the next year would have their plans protected by the grandfather clause of the zoning laws regardless of how the Town voted on re-zoning this area next year. For one year some people could consider zoning options for this area while anyone else could file development plans for 60,000 square foot lots. He emphasized the need for action tonight in order to preserve the rural atmosphere in the Wayside Inn area. To the issue of fairness, Mr. Lyons noted that for those property owners who want to maximize the profit that would come when the deed restrictions expire, with the passage of these articles, no one's property will become less valuable than what they paid for it. Property value in this area for the last five years has doubled. With the five-acre zoning, property values will continue to go up, perhaps a little more than in some other areas of Town as land becomes scarcer. The choice must be made between individual gain and common good. In closing, Mr. Lyons stated the heart of the matter of these three articles is that it is in our power to preserve the atmosphere that contributes greatly to the uniqueness and charm of the Wayside Inn. Some people consider these proposals bold. If these articles pass, future generations of Sudbury residents and visitors to Sudbury from all over the country will be grateful to us.

Finance Committee Report: (H. Casey)

The Finance Committee supported these articles and agreed that the request in the articles will help preserve the existing rural character of the land and will help protect the water recharge areas.

Board of Selectmen Report: (J. Cope)

The Selectmen supported all three articles. Ms. Cope commented that the Town already was receiving requests for exemptions under these deed restrictions. One land owner ignored the restrictions and developed most of the property to the south of the Post Road. Most residents didn't consider that land the most critical, but the area immediately around the Inn, the Chapel and the Grist Mill are critical.

Planning Board: (R. Kirby)

The Planning Board unanimously and enthusiastically supported these articles to establish a Wayside Inn Historic Preservation Residential Zone. The Board took this position believing (1) it is in the best interests of the Town to preserve what remains of the rural character of the land surrounding the Wayside Inn, and (2) the zoning is the most appropriate means to accomplish this. Coincidentally, this being the 350th anniversary of the founding of the Town of Sudbury, it is the most appropriate time to enact such a proposal. (The Planning Board's full report may be obtained at the Town Clerk's office.)

Conservation Commission: (F. Clark)

The Commission fully endorsed the passage of Article 72 and the supporting articles 73 and 74.

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Francis Koppeis, Innkeeper at the Wayside Inn, addressing the hall, informed the voters he has been privileged for more than twenty years to be the Innkeeper at the Inn, a non-profit charitable trust. Speaking for the Trust, he expressed the heartfelt support and appreciation for the considerations being made by these articles and hoped the perpetual nature of the item in these articles would continue. With this thought, he quoted Longfellow: "A region of repose, it seems; a place of slumber and dreams; remote among the wooded hills."

William Durfee of French Road commented that the issue before the voters was not just one of preservation of the Wayside Inn, but also the preservation of individual rights and fair play. He informed the hall that he was one of seven home owners who have collectively submitted a preliminary subdivision for 14 new houses, and he had personally submitted another plan for a maximum of three new house lots, (the latter plan duplicating the group plan, as it is based on the same land, therefore only one plan could be developed.) These plans were submitted as protective measures in response to these articles. He pointed out that directly in front of and 1/4 mile away from and plainly viewed from the Inn is Carding Mill Road on the South Side of Route 20 and walking out the back door of the Inn soon will be seen the new houses on the two-acre lots to be developed. Mr. Durfee questioned the importance that all houses beyond those areas - outside the two-acre areas just mentioned - remain five acres. It was stated that these plans were submitted in response to Article 72, purely in defense of our rights as landowners.

Daniel Greenberg of Dutton Road moved to *Indefinitely Postpone Article 72.*

Mr. Greenberg urged the voters to carefully consider the haste with which material had been prepared and brought before the Town Meeting on a matter so far-reaching, that affects a large number of current landowners, sets serious precedents for the Town and gives many characteristic aspects to the Town that are less than solely the beautiful ones expressed by the proponents. Mr. Greenberg questioned the urgency of this zoning change, there having been just one hearing six weeks prior for discussion of this article which is so far-reaching, so different and so radical a departure from all previous zoning. After one hearing, there has not been sufficient time for anyone, including the Planning Board, to reflect upon what was heard at the hearing let alone study it and give it some serious thought.

Mr. Lyons noted that with Indefinite Postponement the effect would be the area would revert to 60,000 square foot zoning for a time period. People interested in preserving the area are not interested in Indefinite Postponement. People who are interested in Indefinite Postponement want to develop the area. They're just not sure how big they want to make their lots. He urged defeat of this motion to Indefinitely Postpone.

Ron Kahle of Colburn Circle inquired as to the proposed developments presently on file with the Planning Board, if they would be stopped by the zoning change proposed under Article 72. Town Counsel, Paul Kenny, opined "The subdivisions that have been filed with the Planning Board, to date, are entitled--if approved--are entitled to an eight-year freeze under the existing zoning bylaw and those subdivisions must be approved if they comply with the Planning Board rules and regulations in existence as of this date." In other words, no matter what vote is taken by Town Meeting, all these plans are grandfathered. Another question posed was if a plan is filed now, when does the protection against future zoning go into effect? Town Counsel noted "It doesn't start to run upon approval, it starts to run upon endorsement of the plan which is 20 days after the approval is filed with the Town Clerk, so it's after the approval that the eight years starts to run, 20 days afterwards." On a follow-up question of Mr. McNally as when the time clock begins for the eight years protection on preliminary plans that are on file, Town Counsel explained the timetable as follows: "A developer can file a preliminary plan. In order to maintain the freeze, if we can call it a freeze, under that preliminary plan, he must file a definitive plan within seven months. So he has seven months in which to file a definitive plan. The Planning Board must act on that definitive plan within sixty days. If they act upon it within sixty days, and it is filed with the Town Clerk, there is an additional twenty days before the Planning Board endorses the plan. The eight-year freeze then runs for a period of eight years from the date that the Planning Board endorses the plan unless there is an appeal to the Courts. If there is an appeal to the Courts, the eight years does not start to run until such time as there is a final decision by the Court. For example, if the matter was in litigation for three or four years, the total time elapsed, if you took a preliminary plan, would be eight years plus four years plus seven months plus sixty days plus twenty days."

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George Hamm of Mossman Road spoke to several issues on this motion to Indefinitely Postpone --the injustices imposed on those residents who made the initial short-term investments with the idea they could subdivide eventually and now they will be cheated out of their investment. However, he noted, the longer there is delay, there will be more cases such as these, with the risks being even higher and the people more vocal and desirous of recouping much more money. He expressed concern that there be no more damage to this area, referring to a TV antenna the Town of Stow placed to the left of the Inn and the cluster of homes that will be constructed to the right of the Inn. No matter which way the vote goes on this article, it was Mr. Hamm's contention someone was going to be negatively impacted.

At this point, a motion was received by the Chair to move the question.

This motion to end debate was VOTED.

The motion to Indefinitely Postpone was defeated.

Once again there was a motion to the Chair to move the question. This second motion to end debate was Voted.

The main motion under Article 72 was UNANIMOUSLY VOTED.

ARTICLE 73. AMEND ZONING BYLAW, ARTICLE IX, II, B- LOCATION OF WAYSIDE INN HISTORIC PRESERVATION RESIDENTIAL ZONE

To see if the Town will vote to amend Section II. B. of Article IX of the Town of Sudbury Bylaws (The Zoning Bylaw), Location of Residence Districts or Zones, by adding thereto the following Wayside Inn Historic Preservation Residential Zone, comprising property currently in Residential Zone C-1, said zone bounded and described as follows:

"Beginning at a point on the Sudbury Town Line, said point being the Town Corner common to Sudbury, Framingham, and Marlborough;

Thence northerly along the Sudbury-Marlborough Town Line to a point on the centerline of the former Boston and Maine Railroad right-of-way, a distance of 10,150 feet, more or less;

Thence southeasterly along said railroad right-of-way to a point opposite the northeasterly corner of land now or formerly of Massachusetts Federation of Women's Clubs, a distance of 4,110 feet, more or less;

Thence southerly, westerly, southerly and easterly along said land of Massachusetts Federation of Women's Clubs to a point on the westerly sideline of Dutton Road, a distance of 2,340 feet, more or less;

Thence northeasterly along Dutton Road to a point on the centerline of the former Boston and Maine Railroad right-of-way, a distance of 1,520 feet, more or less;

Thence southeasterly along the railroad right-of-way to a point opposite the northwesterly corner of land shown as A. J. Lane Construction Corporation on plan number 25 of 1971, recorded with the Middlesex South Registry of Deeds, a distance of 1,160 feet, more or less;

Thence southerly, westerly, and southerly along said land of Lane to a point on the northerly sideline of Peakham Road, a distance of 3,005 feet, more or less;

Thence southwesterly along Peakham Road to a point opposite the northwesterly corner of lot 1A shown on plan number 743 of 1960, recorded with the Middlesex South Registry of Deeds, a distance of 300 feet, more or less;

Thence southerly, crossing Peakham Road, a distance of 33 feet, more or less;

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Thence southerly and easterly along said lot 1A to land formerly of Griffin, as shown on said plan number 743, a distance of 414 feet, more or less;

Thence southerly along land formerly of Griffin to the brook, a distance of 600 feet, more or less;

Thence westerly along said brook to a point on the easterly property line of lot 3-I shown on plan 1977 of 1946, recorded with the Middlesex South District Registry of Deeds, a distance of 523 feet, more or less;

Thence southerly, westerly, and southerly along said lot 3-I to a point on the northerly sideline of Boston Post Road, a distance of 1,800 feet, more or less;

Thence westerly along Boston Post Road, crossing the Wayside Inn Road, to a point opposite the westerly sideline of Bowditch Road, a distance of 4,030 feet, more or less;

Thence southerly, crossing Boston Post Road, and running along the westerly sideline of Bowditch Road to a point on the Sudbury-Framingham Town Line, a distance of 1,600 feet, more or less;

Thence westerly along said Town Line to the point of beginning, a distance of 3,650 feet, more or less.";

or act on anything relative thereto.

Submitted by Petition.

Frank Lyons of Wayside Inn Road moved in the words of the Article.

Finance Committee Report: (H. Casey)

The Finance Committee supported this article.

Board of Selectmen: (J. Cope)

The Board of Selectmen recommended approval of this article.

Planning Board Report: (R. Kirby)

The Planning Board urged the voters' passage of this article.

The motion under Article 73 was UNANIMOUSLY VOTED.

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ARTICLE 74. AMEND ZONING BYLAW, ARTICLE IX, IV,D - CLUSTER DEVELOPMENT IN
WAYSIDE INN HISTORIC PRESERVATION RESIDENTIAL ZONE

To see if the Town will vote to amend Article IX of the Town of Sudbury Bylaws the Zoning Bylaw, as follows:

By making the following changes to Section IV.D., Cluster Development:

- Deleting the first sentence thereof and substituting therefor the following:

"The Planning Board may grant a Special Permit for a Cluster Development in Single Residence "A", Single Residence "C" and the Wayside Inn Historic Preservation Residential Zone Districts, for single family detached dwellings and accessory structures, subject to the following:";

- Deleting the first two sentences of Subsection 3.C.1) and substituting therefor the following:

"1) Minimum Lot Area: except as provided below in this paragraph, the minimum area of building lots shall be as follows:

Single Residence "A" = 20,000 sq. feet
 Single Residence "C" = 30,000 sq. feet
 Wayside Inn Historic Preservation Residential Zone = 2 Acres

In instances where a tract overlaps Residence Zones "A", "C" or the Wayside Inn Historic Preservation Zone, the size and number of allowable lots shall be determined independently within each zone as follows: The minimum lot size in the cluster development shall be determined by multiplying the number of lots in Residence Zone "A" by 20,000 square feet, in Residence Zone "C" by 30,000 square feet and in the Wayside Inn Historic Preservation Zone by 2 acres, adding the areas and dividing by the total number of lots.";

- Inserting the following at the end of the first sentence of Subsection 3.C.2), Frontage: "And Wayside Inn Historic Preservation Residential Zone";

- Rewording Subsections 3.C.3), 4), 5) and 6) as follows:

- | | |
|---------------------------------|--|
| "3) Minimum Front Yard Setback: | |
| Residence "A" and "C" | Wayside Inn Historic Preservation Zone |
| not less than 35 feet | not less than 50 feet |
| 4) Minimum Side Yard Setback: | |
| Residence "A" and "C" | Wayside Inn Historic Preservation Zone |
| not less than 20 feet | not less than 30 feet |
| 5) Minimum Rear Yard Setback: | |
| Residence "A" and "C" | Wayside Inn Historic Preservation Zone |
| not less than 30 feet | not less than 30 feet |
| 6) Minimum Lot Width: | |
| Residence "A" and "C" | Wayside Inn Historic Preservation Zone |
| no less than 50 feet | no less than 50 feet"; |

or act on anything relative thereto.

Submitted by Petition.

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Finance Committee Report: (H. Casey)

The Finance Committee supported this article.

Board of Selectmen: (J. Cope)

The Selectmen supported this article.

Planning Board Report: (R. Kirby)

The Planning Board recommended approval of this article.

Joseph Klein of Stone Road stated his belief Article 74 defeated everything that Articles 72 and 73 represented. By allowing cluster zoning one gets more housing than if it was not allowed. Mr. Brooks of the Planning Board commented that this was a trade-off. The person developing the cluster donates land, pond, and so forth, for the privilege of having the houses clustered which he could get otherwise.

George Hamm of Mossman Road pointed out that this article permits cluster zoning anywhere, not just in Wayside, and it permits lots as small as 20,000 square feet. The Moderator stated Mr. Hamm's point was well taken, and noted the present zoning law permits cluster zoning in various places. The purpose of this article is to get the Wayside Inn Historic Preservation District into the cluster zoning article, as the WIHPD is not in there presently as it didn't exist when the cluster zoning article was voted.

Mr. William Waye of Stock Farm Road inquired as to why Residential Zones "A" and "C" were being tied together in this Historical Zone. The Moderator explained the problem is that lots of land, tracts of land under single ownership, often do not go along the zoning borders, and all this is, is an attempt to deal with that sort of situation, where an owner has a tract of land which crosses into more than one of these districts where cluster zoning is allowed and you have to deal with the situation of how to decide the size of the lot in a particular cluster where you have this situation.

Mr. Waye moved to delete the words "Wayside Inn Historic Preservation District" wherever it appears in the paragraph after 1. "A" and "C".

Before placing this motion, which was seconded, before the voters, the Moderator asked Town Counsel what effect this would have. Town Counsel opined "If those words are deleted from the motion in that paragraph, it defeats the purpose of the motion itself, and you will have surplus words referring to the Historic District throughout the rest of the Bylaw and have no meaning."

As there was still some confusion in the hall, the Moderator made the following clarifying statement: "If you've got a fifty-acre piece of property and you're going to go for cluster zoning and there's a five-acre zone--which is what we've just made this-- the largest number of houses you could build on that fifty acres is ten. Five into fifty makes ten. What this says is: the lot on which you build each one, must be at least two acres in size. The rest of the land will be dedicated to preservation and the environment, or however you want to state it. The reason you set a minimum lot size is to prevent the cluster itself from becoming something where the houses are right next to each other. You want to spread the houses out within the cluster but allow them to be clustered to dedicate the large amount of space. That's the theory behind cluster zoning."

Following further questions and discussion, the vote was taken on the motion to amend. The motion to amend was defeated.

Whereupon a motion was made to move the question. This motion to end debate was VOTED.

The main motion under Article 74 was UNANIMOUSLY VOTED.

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ARTICLE 75. SPECIAL ACT - SHAHIAN CONSERVATION RESTRICTION AND WALKWAY EASEMENT

To see if the Town will vote to petition the General Court to pass legislation enabling the release of a certain portion of a Conservation Restriction not exceeding five hundred fifty (550) square feet embodying a portion of a pedestrian walkway easement in exchange for a grant of a Conservation Restriction and Pedestrian Walkway Easement, not exceeding five hundred fifty (550) square feet; such petition to be submitted as follows:

An Act to Amend a Certain Conservation Restriction and Pedestrian Walkway Easement.

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

"Section 1. The Conservation Restriction and Pedestrian Walkway Easement granted to the Town of Sudbury by the Cooperative Bank of Concord on May 23, 1983 and May 26, 1983 and recorded at Middlesex South Registry of Deeds, Book 15351, Page 240 and Book 15074, Page 366 respectively shall be released to the extent shown as 'Area Z' on a plan entitled 'Plan of Easement in Sudbury, Mass., Prepared for the Town of Sudbury,' Scale 1" = 40', dated March, 1987 and revised June 9, 1987 by Charles A. Perkins Co., Inc. Civil Engineers & Surveyors, numbered Plan No. S-5023, and recorded or to be recorded with the Middlesex South District Registry of Deeds.

In consideration for the release of said Conservation Restriction and Pedestrian Walkway Easement, David M. and Mary M. Shahian, owners of said parcel of land, hereby grant to the Town of Sudbury, a municipal corporation located in Middlesex County, Massachusetts, with Quitclaim Covenants, a conservation restriction on the portion of said parcel shown as area 'Y' on said plan (the 'Restricted Area').

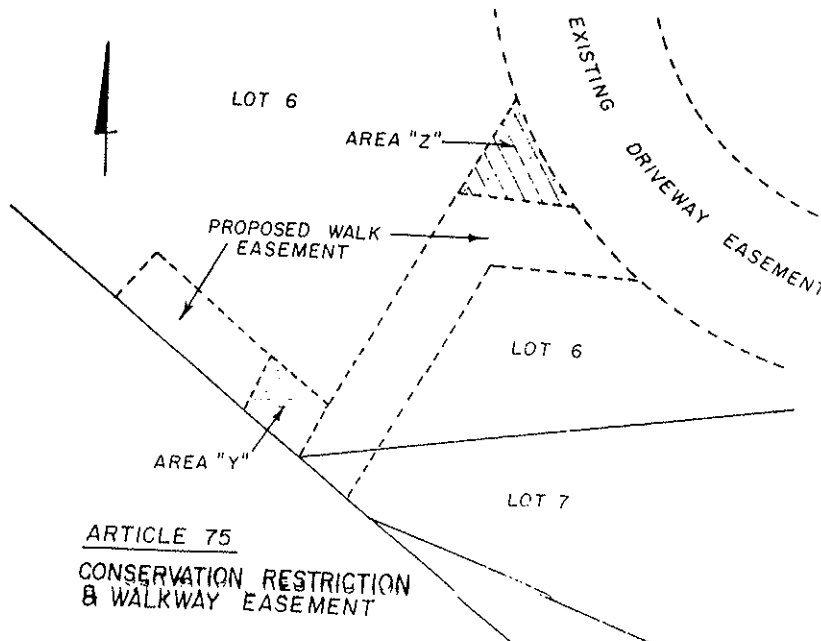
The purpose of this restriction is for the protection of the natural and watershed resources of said Town under G.L. Ch. 40, Section 8C, and it shall be administered by its Conservation Commission.

David M. and Mary M. Shahian further grant to said Town and the general public an easement to pass and repass on foot only upon that part of said Restricted Area and Part of Lot 6 shown on said Plan as 'Proposed Pedestrian Walkway Easement' (the 'Pedestrian Walkway') and upon that part of 'EASEMENT A' as shown on said Plan, which lies west of the intersection of said PEDESTRIAN WALKWAY with said EASEMENT A.

Section 2. This act shall take effect upon its passage.";

or act on anything relative thereto.

Submitted by Petition.



Harold Jacobi of New Bridge Road *moved* that the Town authorize and request the Selectmen to petition the General Court to pass legislation enabling the release of a certain portion of a Conservation Restriction not exceeding 550 square feet embodying a portion of a pedestrian walkway easement in exchange for a grant of a Conservation Restriction and Pedestrian Walkway Easement, not exceeding 550 square feet, said petition to be as set forth in Article 75 of the Warrant for this meeting.

In explanation of the article, Mr. Jacobi pointed out that after the property of Dr. and Mrs. David Shahian had been built, the Conservation Commission discovered the engineers had inadvertently placed an easement over a 50 square foot section of the driveway. Papers had been passed and all the people and town boards concerned were notified as well. There were only two solutions: move the driveway or petition the General Court to actually make an amendment to the Walkway Easement, deleting that 50 square foot piece from the driveway area and substituting approximately 550 square feet of land which the Shahians have agreed to grant to the Town as a Conservation Easement. Mr. Jacobi urged the passage of this article as it requires not just approval of the General Court but the State Environmental Commission as well, both groups seeing no problem with this amendment.

Finance Committee Report: (H. Casey)

The Finance Committee supported passage of this Article as an amicable resolution of an issue.

Board of Selectmen: (D. Wallace)

The Board of Selectmen recommended approval.

Conservation Commission: (J. Nixon)

It was noted the Commission had spent a great deal of time these past several years dealing with this issue. The construction of the driveway appeared to occur due to a lack of communication between the development of the Shahians' lot and the firm responsible for engineering the subdivision and most of the lots. Although the Commission had serious reservations about modifying a Conservation restriction, in terms of future precedent, in this instance it was believed that correcting the situation would not have greater potential for environmental harm, plus the amount of area involved is insignificant. Finally, the property owners are willing to exchange this area for another area of equal square footage. Subject to approval by the State legislature, the Commission was in favor of Article 75.

The motion under Article 75 was *VOTED*.

ARTICLE 19. PEIRCE LAND ACQUISITION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$490,000, or any other sum, to be expended under the direction of the Conservation Commission, for the purchase of 28.76 acres of land, more or less, located to the rear of 55 Maple Avenue, presently owned by Peirce Rose, Inc., and shown as Parcel 020 on Town Property Map K-08; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Conservation Commission

Deborah Montemerlo, Conservation Coordinator, *moved* to Indefinitely Postpone Article 19, Peirce Rose Land Purchase.

Finance Committee Report: (H. Casey)

The Finance Committee supported this motion to Indefinitely Postpone.

Board of Selectmen Report:

The Selectmen recommended Indefinite Postponement of this article.

Mr. Peirce indicated concern that his rights may be affected by the Town disposing of this article by Indefinite Postponement. The Moderator, wishing to allay any concern Mr. Peirce may have that his rights wouldn't be fully protected, suggested having the Conservation Commission withdraw its motion and replace it with a motion to "Commit" or "Refer", with which the Town Counsel had no problem.

A new motion was placed before the voters: *Move to commit the Article for further study.*

The Moderator then treated the Indefinite Postpone motion as withdrawn.

The motion to commit Article 19 was *VOTED*.

ARTICLE 40. AMEND BYLAWS, ART. II, 15 - LEGAL ERRORS

To see if the Town will vote to amend Article II of the Town of Sudbury Bylaws by adding thereto a new Section 15 to read as follows:

"Section 15. If a legal error in an action of the Town Meeting, attested to by the Town Counsel, is discovered, the Moderator shall, when presented with such error, recognize the Town Counsel for the purpose of identifying the error and explaining its effect. Following the explanation of the Town Counsel, the Moderator shall request a motion by the Board of Selectmen to correct the error. Such motion shall be non-debatable, shall not be subject to the rules of reconsideration and shall require a simple majority unless otherwise mandated.";

or act on anything relative thereto.

Submitted by Town Meeting Procedures Committee

The Moderator first explained the main motion on this Article was a motion in the words of the article. However, an amendment passed which struck from the motion in the words of the article, the language that made the motion talked about therein non-debatable. A further motion to amend is to be offered to satisfy some other concerns that were raised.

MaryJane Sanders *moved* to amend the main motion under Article 40 as follows: *Add at the end, after the word "mandated", the following phrase and sentence: "by State law, or any portion of these bylaws. Action under such motion shall be limited to the correction of the error."*

The motion to amend under Article 40 was *VOTED*.

The main motion, under Article 40, as amended, was *VOTED*.

April 27, 1988

Following the vote on the last article of the 1988 Annual Town Warrant, two Resolutions were presented to the voters.

RESOLUTION #1

"WHEREAS: the General Court and the Governor passed a Chapter 731 of the Acts of 1987, we ask that the 35% aid floor for our vocational education programs be properly funded in the fiscal 1989 State budget, and that the Senate and House of Representative adopt a resolution to this effect. Funding of existing laws for service to our young people should come before the passage of new laws requiring any new funding."

This resolution was offered by Larry Ovian, Sudbury member of the Minuteman Regional Vocational Technical High School Committee.

The resolution was UNANIMOUSLY supported by the voters.

RESOLUTION #2

Russell Kirby offered the following resolution on behalf of the Planning Board:

"WHEREAS: The voters of the Town of Sudbury in a previous Town Meeting assembled, did resolve to pursue all legitimate means to ensure the continuation of long-standing and responsible policies and practices with the Massachusetts Department of Environmental Quality Engineering to protect and promote the public health and safety of the inhabitants of this Commonwealth in said Department's review and evaluation of applications for permits for the construction, operation and maintenance of privately owned wastewater treatment facilities; and

WHEREAS: cooperative effort resulted therefrom, which included the active participation and substantive support from representatives of various and numerous committees, boards and agencies at the State and local levels of government from throughout this Commonwealth and in concert with interested and concerned private citizens; and

WHEREAS: said effort has resulted in a definitive reaffirmation of said responsible policies and practices;

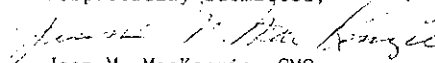
THEREFORE: be it resolved that the voters of the Town of Sudbury on this 27th day of April in the year of Our Lord One Thousand Nine Hundred and Eighty Eight, in Town Meeting assembled, do hereby express our gratitude on behalf of the inhabitants of the Town of Sudbury and all other inhabitants of the Commonwealth of Massachusetts, to all persons whosoever contributed in any way, large or small, to the reaffirmation of said responsible policies and practices, and a special measure to those who contributed to the base of knowledge upon which good judgement depends."

The voters overwhelmingly supported the resolution.

A motion was received by the Chair to dissolve the Annual Town Meeting.

This motion was UNANIMOUSLY VOTED. The Annual Town Meeting was dissolved at 11:40 PM.

Respectfully submitted,


Jean M. MacKenzie, CMC
Town Clerk

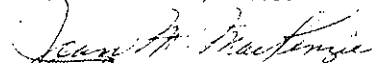
STATE PRIMARY

September 15, 1988

The State Primary Election was held at the Peter Noyes School with the polls open from 7 AM to 8 PM. There were 274 Republican ballots cast including 24 absentee ballots; there were 400 Democratic ballots cast including 29 absentee ballots: a total of 674 votes cast. Twenty-three voting machines were used. The results were announced by the Town Clerk, Jean M. MacKenzie, at 9:15 PM.

REPUBLICAN BALLOT		DEMOCRATIC BALLOT	
SENATOR IN CONGRESS		SENATOR IN CONGRESS	
Joseph D. Malone	233	Edward M. Kennedy	336
Scattering	0	Scattering	0
Blank	41	Blanks	64
REPRESENTATIVE IN CONGRESS		REPRESENTATIVE IN CONGRESS	
Scattering	0	Chester G. Atkins	337
Blanks	274	Scattering	0
		Blanks	63
COUNCILLOR		COUNCILLOR	
Jody Dow	201	Herbert L. Connolly	179
Scattering	0	Robert B. Kennedy	141
Blanks	73	Scattering	0
		Blanks	80
SENATOR IN GENERAL COURT		SENATOR IN GENERAL COURT	
Argeo Paul Cellucci	227	Scattering	2
Scattering	0	Blanks	398
Blanks	47		
REPRESENTATIVE IN GENERAL COURT		REPRESENTATIVE IN GENERAL COURT	
Lucile "Cile" P. Hicks	256	Mark Collins	354
Scattering	1	Scattering	0
Blanks	17	Blanks	46
CLERK OF COURTS		CLERK OF COURTS	
Scattering	1	Edward J. Sullivan	245
Blanks	273	Scattering	0
		Blanks	155
REGISTER OF DEEDS		REGISTER OF DEEDS	
Scattering	0	Joseph L. Bradley	79
Blanks	274	Eugene C. Brune	71
		Janet T. Dever	128
		Thomas H. Fallon	41
		Scattering	0
		Blanks	81
COUNTY COMMISSIONER		COUNTY COMMISSIONER	
Scattering	0	Thomas J. Larkin	159
Blanks	274	Matthew Donahue	195
		Edward J. Kennedy, Jr.	125
		Joseph R. Macaluso	38
		Scattering	0
		Blanks	283
TREASURER		TREASURER	
Scattering	0	James E. Fahey, Jr.	270
Blanks	274	Scattering	0
		Blanks	130

A true record, attest:


 Jean M. MacKenzie, CMC
 Town Clerk

PROCEEDINGS
SPECIAL TOWN MEETING

October 3, 1988

Moderator, Thomas Dignan, opened the Special Town Meeting by calling it to order at 7:37 PM. After a quorum was declared, the Moderator introduced the Rev. James D. Foley, the new pastor of Our Lady of Fatima Parish, who gave the invocation. This was followed by Jean MacKenzie, the Town Clerk, leading the voters in the Pledge of Allegiance.

The Moderator informed the hall that the Free Cash available for this meeting was \$572,232, as certified by the Town Accountant.

The Chairman of the Board of Selectmen, at this time *moved to dispense with the reading of the call of the meeting and the officer's return of service and to waive the reading of the individual articles.*

This motion was *UNANIMOUSLY VOTED.*

Following some introductory remarks, the Acting Chairman of the Finance Committee, Richard Pettingell, was introduced. He informed the voters that the April Annual Town Meeting, after having had an opportunity to weigh the relative merits of the various monied articles and prioritize them in light of the fiscal restraints of Proposition 2-1/2, had made its choice on the articles it would fund and those it would not fund. The 1989 budget had been set. At this Special Town Meeting the voters were being asked to consider monied articles which involve additional expenditures for fiscal 1989. It was explained that the Town's annual expenditures are limited by State law to the total of its receipts and revenues, plus the previous year's property tax levy limit increased by 2-1/2%. April Town Meeting essentially exhausted that figure. Each July 1, the State certifies to the Town something known as "Free Cash", which Town Meeting may vote to use to defray town expenses. In April, there was \$836,000 in certified Free Cash for the Annual Town Meeting, all of which was spent on the Fiscal 1989 budget. This July additional Free Cash was certified at \$572,232. That is the money being sought to fund the various Special Town Meeting articles. Understand, if it is used now, there will not be Free Cash available to offset the Fiscal Year 1990 budget next April.

The monies requested for this Special Town Meeting totaled \$475,027. The Finance Committee recommended expending \$357,492, reducing Free Cash to \$214,740. Mr. Pettingell recommended that any use of the Town's Free Cash at this time must be closely scrutinized. The Finance Committee established the following criteria for funding of articles for this Special Town Meeting.

1. Articles previously voted down in April were not recommended, as they were viewed as an attempt to get around the "Reconsideration" requirements of Town Meeting.
2. Funding of articles not presented in April or increases in the budget had to meet the following requirements:
 - a) the expenditure was necessary for the Town to function in an orderly fashion until the next Town Meeting;
 - b) an immediate expenditure was necessary to enable the Town to save money or preserve an existing Town asset or obtain some future advantage for the Town;
 - c) the expenditure now will result in the creation of information necessary to permit the Town to fully and fairly debate the merits of an article at the next Town Meeting. Mr. Pettingell remarked that the requested monied articles had been reduced and should be reduced even more.

(The full text of the discussions under each article is available at the Town Clerk's Office.)

ARTICLE 1 ACCEPT MASSACHUSETTS GENERAL LAW, CHAPTER 59, SECTION 5, CLAUSE FIFTH B - TAX EXEMPTION FOR VETERANS' ORGANIZATIONS

To see if the Town will vote to accept M.G.L. Chapter 59, Section 5, Clause Fifth B, established by Chapter 499 of the Acts of 1987, regulating real estate and personal property tax exemptions of organizations for veterans of war; or act on anything relative thereto.

Submitted by the Board of Selectmen and the Board of Assessors

David Wallace, Chairman of the Board of Selectmen *moved* that the Town accept Massachusetts General Laws, Chapter 59, § 5, Cl. Fifth B, established by Chapter 499 of the Acts of 1987 regulating real estate and personal property tax exemptions of organizations for veterans of war.

Board of Selectmen Report: (D. Wallace)

Mr. Wallace explained that this article increases the amount of money to be exempted for a veterans group, such as the Veterans of Foreign War located on Route 20. This act would increase the exemption from \$200,000 to \$700,000 in view of the fact of the escalating values of real estate.

Finance Committee Report: (C. Corkin)

The Finance Committee recommended approval of the acceptance of this Article which would bring the Town into agreement with the present State laws and makes allowances for the increase in property values over the past years.

Board of Assessors: (P. Delaney)

The Board supported this article.

The motion under Article 1 was *UNANIMOUSLY VOTED*.

ARTICLE 2 TRANSFER LAND TO SELECTMEN FOR SALE TO SUDBURY WATER DISTRICT

- A. To see if the Town will vote to transfer from the control of the Sudbury School Committee to the Selectmen for the purpose of sale to the Sudbury Water District of Sudbury the following described land:

A portion of the land adjacent to the Curtis Middle School shown on Town Property Map H07, Parcel 027, containing approximately 19.6 acres, and more particularly described as Parcel A on a plan entitled, "PLAN OF LAND IN SUDBURY, MASSACHUSETTS SHOWING LAND TO BE CONVEYED TO THE SUDBURY WATER DISTRICT", dated August 29, 1988, drawn by the Town of Sudbury Engineering Department;

and

- B. To see if the Town will vote to transfer from the control of the Selectmen to the Selectmen for the purpose of sale to the Sudbury Water District of Sudbury the following described land:

Parcel 239 located off Blueberry Hill Lane and shown on Town Property Map H07, containing approximately 1.6 acres, and more particularly described as Lot 39 on a plan entitled, "PLAN OF LAND IN SUDBURY, MASSACHUSETTS SHOWING LAND TO BE CONVEYED TO THE SUDBURY WATER DISTRICT", dated August 29, 1988, drawn by the Town of Sudbury Engineering Department;

or act on anything relative thereto.

Submitted by the Board of Selectmen

October 3, 1988

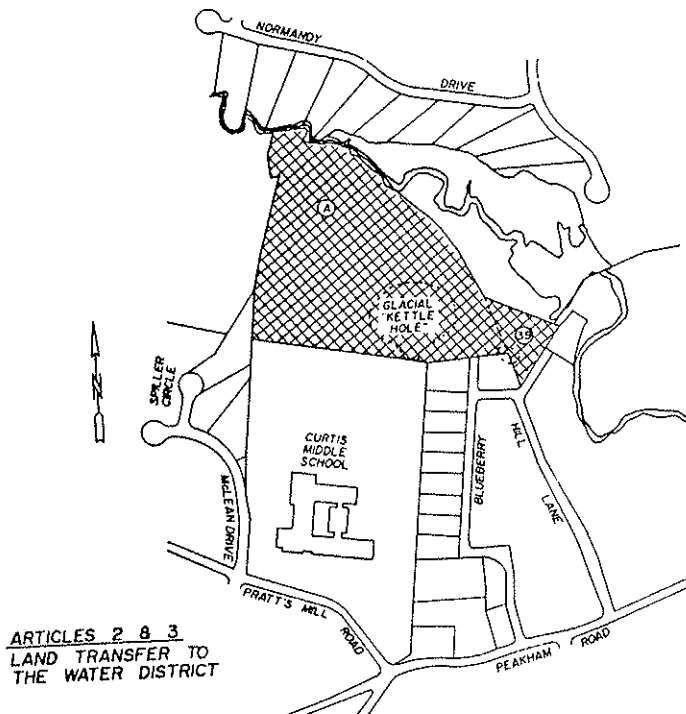
Selectmen John Drobinski moved to transfer from control of the Sudbury School Committee to the Selectmen for the purpose of sale, for a nominal sum, to the Sudbury Water District of Sudbury the following described land: "A portion of the land adjacent to the Curtis Middle School shown on Town Property Map H07, Parcel 027, containing approximately 1.6 acres, and more particularly described as Parcel A on the plan entitled 'Plan of Land in Sudbury, Massachusetts Showing Land to be Conveyed to the Sudbury Water District', dated August 29, 1988, revised September 30th, 1988, drawn by the Town of Sudbury Engineering Department;" and, (b) move to transfer from control of the Selectmen to the Selectmen for the purpose of sale, for a nominal sum, to Sudbury Water District of Sudbury the following described land: "Parcel 239 located off Blueberry Hill Lane and Shown on Town property map H07, containing approximately 1.6 acres, and more particularly described as Lot 39 on a plan entitled 'Plan of Land in Sudbury, Massachusetts Showing Land to be Conveyed to the Sudbury Water District', dated August 29, 1988, revised September 30th, 1988, drawn by the Town of Sudbury Engineering Department, and to authorize and direct the Selectmen to take whatever steps are necessary to effectuate the transfer, including, if necessary, a petition or petitions to the State Legislature.

Mr. Drobinski explained this request to transfer Town property is to enlarge a water protection area within Hop Brook area that is undergoing exploration for ground-water resources. The area is vital to the drinking supply of the Town in the event that an accident should happen to our prime drinking water source, the Raymond Road well field. According to State DEQE criteria, the Water District should control a 400-foot radius around the wellhead. The transfer of this land will effectuate that requirement.

Finance Committee Report: (R. Coe)

The Finance Committee recommended approval of Article 2.

The motion under Article 2 was *UNANIMOUSLY VOTED*.



ARTICLE 3 DEED LAND TO THE WATER DISTRICT

To see if the Town will vote to authorize the Board of Selectmen, acting on behalf of the inhabitants of the Town of Sudbury, to execute a deed or deeds conveying to the Sudbury Water District of Sudbury the following described land: a portion of the land adjacent to the Curtis Middle School, consisting of a portion of Parcel 027 as shown on Town Property Map H07 and more particularly described as Parcel A on a plan entitled "PLAN OF LAND IN SUDBURY, MASSACHUSETTS SHOWING LAND TO BE CONVEYED TO THE SUDBURY WATER DISTRICT", dated August 29, 1988, drawn by the Town of Sudbury Engineering Department, and containing 19.6± acres according to said plan; and Parcel 239 as shown on Town Property Map H07 and more particularly described as Lot 39 on the above entitled plan, and containing 1.6± acres according to said plan; and to determine the minimum compensation to be paid therefor; or act on anything relative thereto.

Submitted by the Board of Selectmen

John Drobinski of the Board of Selectmen moved to authorize the Board of Selectmen, acting on behalf of the inhabitants of the Town of Sudbury, to execute a deed or deeds conveying to the Sudbury Water District of Sudbury, for a nominal sum, the following described land: "The portion of land adjacent to the Curtis Middle School, consisting of a portion of Parcel 027 as shown on the Town property map H07, and more particularly described as Parcel A on a plan entitled "Plan of Land in Sudbury, Massachusetts Showing Land to be Conveyed to the Sudbury Water District", dated August 29th, 1988, revised September 30th, 1988, drawn by the Town of Sudbury Engineering Department and containing 16.8 acres, plus or minus, according to said plan; and Parcel 239, as shown on Town property map H07, and more particularly described as Lot 39 on the above entitled plan, and containing 1.6, plus or minus, acres according to said plan; and to authorize and direct the Selectmen to take whatever steps are necessary to effectuate the transfer including, if necessary, a petition or petitions to the State legislature.

Mr. Drobinski stated this article would effectuate the transfer of land from the Selectmen to the Water District. He also noted that it was the intention of the Board of Selectmen to place a conservation restriction on this parcel.

Finance Committee Report: (R. Coe)

The Finance Committee recommended approval of the motion under Article 3.

Peter Anderson of Landham Road asked what the Board regarded as a "nominal sum" for these 18 acres. When told \$1, he remarked that giving away 17 acres to an independent entity for approximately one dollar, which entity is, in fact, a business, did not appear to be a wise thing to do.

The motion under Article 3 was UNANIMOUSLY VOTED.

October 3, 1988

ARTICLE 4 AMEND BYLAWS, ARTICLE V, 10, PUBLIC SAFETY - CORRECTION

To see if the Town will vote to amend Article V of the Town of Sudbury Bylaws, Public Safety, by deleting therefrom Section 10 in its entirety and substituting therefor a new Section 10 to read as follows:

"No person, unless authorized by law or by appropriate authority as evidenced by sticker or permit, shall deposit garbage, waste, vegetable matter, or any trash, refuse, rubbish or other permitted waste material in any disposal area or sanitary landfill maintained by the Town. Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.";

or act on anything relative thereto.

Submitted by the Board of Selectmen

D. Wallace of the Board of Selectmen moved to amend Article V of the Town of Sudbury Bylaws - Public Safety, by deleting therefrom Section 10 in its entirety, and substituting therefor a new Section 10 to read as follows: "No person, unless authorized by law or by appropriate authority, as evidenced by a sticker or a permit, shall deposit garbage, waste, vegetable matter, or any trash, refuse, rubbish, or other material...or other permitted waste material in any disposal area or sanitary landfill maintained by the Town. Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed a separate violation."

Mr. Wallace commented that when this bylaw was proposed at Town Meeting last April this particular sentence was omitted. This motion will clarify the article.

The motion under Article 4 was *UNANIMOUSLY VOTED*.

ARTICLE 5 AMEND SPECIAL PERMIT BYLAWS TO CONFORM TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A

To see if the Town will vote to amend Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by making the following changes thereto:

- deleting subparagraph f, Paragraph 6, Subsection G, Section III, Procedures for Issuance of Special Permit, Water Resource Protection Districts and relettering paragraph "g" as "f";
- deleting paragraph 7, Public Hearing and Decision, and paragraph 13, Effective Date of Special Permit, of Subsection D, Section IV, Cluster Development, and renumbering the remaining paragraphs accordingly;
- deleting paragraph 7, Public Hearing and Decision, and paragraph 13, Effective Date of Special Permit, of Subsection A, Section V, Site Plan Special Permit, and renumbering the remaining paragraphs accordingly;
- deleting paragraph 3, Procedures, and paragraph 4, Appeals, of Subsection C, Section VI, Board of Appeals, and renumbering the remaining paragraphs accordingly;

or act on anything relative thereto.

Submitted by the Board of Selectmen

Judith Cope of the Board of Selectmen moved to amend Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by making the following changes thereto:

- Deleting subparagraph f. Paragraph 6, subsection G, Section III, Procedures for Issuance of Special Permit, Water Resource Protection Districts, and relettering paragraph "g" as "f";
- Deleting paragraph 7, Public Hearing and Decision, and paragraph 13, Effective Date of Special Permit, of Subsection D, Section IV, Cluster Development, and renumbering the remaining paragraphs accordingly;
- Deleting paragraph 7, Public Hearing and Decision, and paragraph 13, Effective Date of Special Permit, of subsection A, Section V, Site Plan Special Permit, and renumbering the remaining paragraphs accordingly;
- Deleting paragraph 3, Procedures, and paragraph 4, Appeals of Subsection C, Section VI, Board of Appeals, and renumbering the remaining paragraphs accordingly.

Mrs. Cope explained this article would delete provisions of the Zoning Bylaw dealing with certain procedures for applications for variances and special permits and hearings thereof, which are dictated by Chapter 40A of the General Laws, and have often been amended by the legislature, necessitating corresponding amendments to our Zoning Bylaw. This article would automatically change our town bylaws along with Chapter 40A. It was the recommendation of the Board that the Town Clerk insert some appropriate references to General Laws, Chapter 40A under these sections of the Bylaws.

Finance Committee Report: (J. Ryan)

The Finance Committee recommended approval of the motion under this article.

Planning Board Report: (M. Brond)

The Planning Board recommended approval of this article.

The motion under Article 5 was *UNANIMOUSLY VOTED*.

October 3, 1988

ARTICLE 6 AMEND ZONING BYLAW, ART. IX, VI, D ADMINISTRATION - PENALTY

To see if the Town will vote to amend Section VI, "Administration", of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by deleting therefrom subsection D and substituting therefor the following:

"D. PENALTY

Violation of any provision of this bylaw, not otherwise provided for herein, shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation."

or act on anything relative thereto.

Submitted by the Board of Selectmen

Judith Cope, member of the Board of Selectmen *moved to amend Section VI, "Administration", of Art. IX of the Town of Sudbury Bylaws, Zoning Bylaw, by deleting therefrom subsection D and substituting therefor the following:*
"D. PENALTY. Violation of any provision of this Bylaw, not otherwise provided for herein, shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation."

In explanation for this motion, Ms. Cope noted this amendment had been defeated at last April's Town Meeting. It seemed the voters didn't understand the intent and effect of the article, as similar amendments to other sections of the bylaw were approved. This article will provide civil enforcement with a penalty of \$50/day.

Finance Committee Report: (S. Harrell)

The Finance Committee recommended approval of this motion under Article 6.

Planning Board Report: (M. Brond)

To utilize the non-criminal method, it is necessary for the applicable bylaw to state a specific penalty amount. At the 1987 Annual Town Meeting, the Selectmen proposed a number of articles which established specific penalty amounts. Two articles were submitted which dealt with zoning violations, Art. 45 and 46. Article 45 was adopted but Article 46 was defeated. This occurred in large part because the intent of the Article was not effectively communicated to the voters.

Article 6 of this town meeting is a re-submittal of Article 46. It changes the penalty amount from a range of up to \$100 to a specific amount of \$50/day and enables the Town to pursue non-criminal action of zoning violations. The Planning Board strongly recommends your approval.

The motion under Article 6 was *UNANIMOUSLY VOTED*.

October 3, 1988

ARTICLE 7 CHANGE APPOINTING AUTHORITY FROM MODERATOR TO SELECTMEN -
ANCIENT DOCUMENTS COMMITTEE AND PERMANENT BUILDING COMMITTEE

To see if the Town will vote to:

- A. Change the method of appointment of members of the Permanent Building Committee to provide that the two members currently appointed by the Moderator shall hereafter be appointed by the Board of Selectmen; and
- B. Change the method of appointment of members of the Committee for the Preservation of Ancient Documents to provide that the six members currently appointed by the Moderator shall hereafter be appointed by the Board of Selectmen;

or act on anything relative thereto.

Submitted by the Board of Selectmen on behalf of the Town Moderator

Chairman Wallace of the Board of Selectmen *moved to: A. Change the method of appointment of members of the Permanent Building Committee to provide that two members currently appointed by the Board of Selectmen; and, B. Change the method of appointment of members of the Committee for the Preservation of Ancient Documents to provide that the six members currently appointed by the Moderator shall hereafter be appointed by the Board of Selectmen.*

Board of Selectmen Report:

The Town Moderator believes there is no basis for singling out members of the above two committees for appointment by the Moderator. He believes the Selectmen's Office receives more information as to persons who might be interested in serving in these positions and the Board of Selectmen is cognizant of the needs of these committees and could more easily handle the same when making its other annual appointments.

The Committee for the Preservation of Ancient Documents was established as a permanent committee by Town Meeting in 1964 and is comprised of seven members - the Town Clerk and six appointees of the Moderator. Its duties are to investigate the condition of all ancient records, both public and private, as may be in the custody of the Town and to develop procedures for acquisition and preservation of such documents as it may deem to be of historical importance.

The Permanent Building Committee was established in 1957 by Town Meeting, with later amendments, and is made up of seven members appointed as follows: 2 by the Moderator, 3 by the Selectmen, 1 by the Planning Board, and 1 by the School Committee. The duty of this Committee is to have general supervision over the design and construction of all public buildings, including the authority to employ professional assistance and, subject to specific authorization by the Town, to enter into contracts on behalf of the Town for the preparation of construction plans and specifications and for the construction of buildings and other structures; all subject to approval of the appropriate committee, board, or department head concerned.

If the town desires, the Board of Selectmen is willing to assume the specified appointive duties and supports this Article.

Finance Committee Report: (J. Ryan)

Committee supported this article.

The motion under Article 7 was *UNANIMOUSLY VOTED.*

October 3, 1988

ARTICLE 8 SPECIAL ACT AND APPROPRIATION - REAL ESTATE TAX ABATEMENT FOR E. SIMON

- A. To see if the Town will vote to approve the petition set forth herein providing for the payment of a real estate tax abatement to Estelle Vee Simon and request the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact the special legislation set forth in said petition and without further submission to a Town Meeting:

"The Commonwealth of Massachusetts

In the year one thousand nine hundred and eighty-eight.

An Act authorizing the Town of Sudbury to pay Estelle Vee Simon a real estate tax abatement for the years 1981 through 1987.

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

Section 1. Notwithstanding the provisions of Chapter 59 of the General Laws, the Town of Sudbury is authorized to pay Estelle Vee Simon \$504.70 for an abatement to her real estate taxes paid on her property at 27 Surrey Lane, Sudbury, for the years 1981 through 1987, on account of a correction of the record of the date the dwelling thereon was built.

Section 2. This Act shall take effect upon its passage.";

and

- B. To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$505 to pay Estelle Vee Simon a real estate tax abatement, provided such action is approved by the General Court by passage of the Special Act set forth in part A above;

or act on anything relative thereto.

Submitted by the Board of Selectmen

Chairman Wallace moved to approve the petition set forth in the warrant for this meeting under Article 8, providing for the payment of a real estate tax abatement to Estelle Vee Simon and request the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact the special legislation set forth in said petition, and without further submission to a Town Meeting, and move to appropriate the sum of \$505 to pay Estelle Vee Simon real estate tax abatement, provided such action is approved by the General Court by passage of the special act set forth in part A above, said sum to be raised by a transfer from Free Cash.

In explanation for this motion, Mr. Wallace noted that Mrs. Simon, through an error in the Assessors' records, had been overtaxed for the last seven or eight years, as the year her home was built was incorrectly transcribed. It is not possible, through tax bills, to know of this information. Although abatements must be filed thirty days after you receive your tax bills, it was the belief of the Board of Selectmen that it was only fair that Mrs. Simon should have the right to redress this error. The amount of the abatement, \$505, is an arbitrary amount as the records on which to base such an abatement are no longer available, since the Town has the services of a separate evaluating company at this time.

Finance Committee: (C. Corkin)

The Finance Committee recommended disapproval of this article.

There was considerable discussion under this article with Mrs. Simon presenting a detailed account how this error was discovered and the following developments with the various Town Boards involved.

October 3, 1988

Board of Assessors: (P. Delaney)

The Board of Assessors did not support this article.

After considerable discussion ensued, the motion under Article 8 was *VOTED*.

ARTICLE 9 AMEND BYLAW, ART. V(C), I - SMOKING PROHIBITION, PENALTY

To see if the Town will vote to amend Article V(C), Smoking Prohibition, by deleting therefrom section (i) in its entirety and substituting therefor the following:

- "(i) Any person who knowingly violates any provision of this article, or who smokes in an area in which a "Smoking Prohibited by Law" notice is conspicuously posted as required by subsection (g) of this article, shall be subject to a penalty of \$25.00. Each day during which a violation exists shall be deemed to be a separate violation.";

or act on anything relative thereto.

Submitted by the Board of Health

Michael Guernsey of the Board of Health *moved* to amend Art. V(C) - Smoking Prohibition, by deleting therefrom Section (i) in its entirety and substituting therefor the following: "Section (i) A person who knowingly violates any provision of this article, or who smokes in an area in which a "Smoking Prohibited by Law" notice is conspicuously posted as required by subsection (g) of this article, shall be fined in an amount of not less than twenty-five (\$25.00) nor more than one hundred (\$100.00) dollars."

Mr. Guernsey explained this article changes the penalty to a specific amount of \$25 and any violations would be prosecuted as non-criminal matters rather than criminal proceedings.

Board of Selectmen: The Board supported this article.

Finance Committee: (C. McMahon)

The Finance Committee recommended approval of the motion under Article 9.

The motion under Article 9 was *VOTED*.

October 3, 1988

195.

ARTICLE 10 ACCEPT M.G.L. C.59 §21A½, PROFESSIONAL DESIGNATION COMPENSATION -
ASSESSORS & ASSISTANT ASSESSORS

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, Section 21A½, which provides for additional compensation in an amount equal to ten percent of such regular compensation (salary) for Assessors and Assistant Assessors who have been awarded a certificate by the International Association of Assessing Officers as certified assessment evaluators or awarded a certificate by the Association of Massachusetts Assessors as certified Massachusetts Assessors; or act on anything relative thereto.

Submitted by the Board of Assessors

Pat Delaney, Chairman of the Board of Assessors, *moved* to accept the provisions of Massachusetts General Laws, Chapter 59, Section 21A½ which provides for additional compensation, an amount equal to 10% of such regular compensation (salary) for Assessors and Assistant Assessors who have been awarded a certificate by the International Association of Assessing Officials as certified assessment evaluators or awarded a certificate by the Association of Massachusetts Assessors as certified Massachusetts Assessors.

Chairman Delaney commented that acceptance of this law will provide the encouragement and the recognition for the position of Assistant Assessor to work toward and obtain these designations and as a result serve as a greater asset to the Town as well as provide an attraction for qualified and professional assessors in the future.

Finance Committee Report: (C. Corkin)

The Finance Committee agreed with the Board of Assessors in wanting to provide an incentive for the Assistant Assessor to obtain this professional degree and agreed it was an asset to the town. They recommended approval.

Board of Selectmen: The Board strongly supported this article.

Personnel Board: Chairman, Len Costa noted the salary of the Assistant Assessor is set by the Sudbury Supervisory Association, however, the Personnel Board makes recommendations to the Association in terms of what the range should be. He commented that the Personnel Board was not consulted regarding this article, consequently there is no report in the Warrant from the Personnel Board. As a Board they have been asked to hold the reins on salaries, but on the other hand, the same people who asked them to do that are willing to give a 10% raise. He asked the Board of Assessors to think clearly as to the precedent they would be setting by adding this extra 10%, as the salary range now is a competitive market-valued one and no one knows what will be added to the contract of the Supervisors Union contract.

Following considerable discussion, the motion under Article 10 was *defeated*.

ARTICLE 11 UPAID BILLS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum of money for the payment of the following unpaid bill(s), incurred in previous fiscal years, or which may be legally unenforceable due to the insufficiency of appropriation in the years in which such bills were incurred, totalling \$5,100:

\$5,099.17 to pay Bursaw Gas & Oil, Inc. for diesel fuel taxes from prior years;

or act on anything relative thereto.

Submitted by the Town Accountant

Chairman Wallace of the Board of Selectmen *moved to appropriate \$4,070 for the payment of unpaid bills incurred which may be legally unenforceable due to the insufficiency of the appropriation in the year in which the bill was incurred, or receipt after the close of the fiscal year, as follows: \$4,069.12 to pay Bursaw Oil and Gas, Inc. for diesel fuel taxes, said sum to be raised by transfer from Free Cash.*

Board of Selectmen Report: (D. Wallace)

The Board supported this article.

Town Accountant Report:

Invoices that are submitted for payment after the accounts are closed at the end of a fiscal year or payables for which there are insufficient funds (and which were not submitted for a Reserve Fund transfer) can only be paid by a vote of the Town Meeting, a Special Act of the Legislature, or a court judgement. During the period January 1, 1985 through June 30, 1988 the Town's supplier of diesel fuel for motor vehicles failed to charge the Town the special fuels tax as required by M.G.L. c.64E and for which the town, having used such fuel, is liable under said c.64E. The omission was discovered during a recent audit by the Department of Revenue.

Finance Committee Report: (C. Corkin)

The Finance Committee recommended approval.

The motion under Article 11 was *UNANIMOUSLY VOTED.*

ARTICLE 12 AMEND BYLAW, ARTICLE XI - SALARY PLAN GRID

To see if the Town will vote to amend Article XI of the Town of Sudbury Bylaws entitled, "The Personnel Administration Plan", by deleting therefrom the salary grid portion of Schedule B - Salary Plan, and substituting therefor the following salary grid:

[FY88 Hourly and Annual Salaries]

GRADE	" Minimum						Maximum
	1	2	3	4	5	6	7
1	\$ 6.65	\$ 6.91	\$ 7.19	\$ 7.47	\$ 7.76	\$ 8.07	\$ 8.38
2	7.19 13,130	7.47 13,645	7.76 14,180	8.07 14,737	8.38 15,315	8.71 15,916	9.05 16,540
3	7.76 14,180	8.07 14,737	8.38 15,315	8.71 15,916	9.05 16,540	9.41 17,189	9.78 17,863
4	8.38 15,315	8.71 15,916	9.05 16,540	9.41 17,189	9.78 17,863	10.16 18,564	10.56 19,292
5	9.05 16,540	9.41 17,189	9.78 17,863	10.16 18,564	10.56 19,292	10.97 20,049	11.40 20,836
6	9.78 17,863	10.16 18,564	10.56 19,292	10.97 20,049	11.40 20,836	11.85 21,653	12.32 22,502
7	10.56 19,292	10.97 20,049	11.40 20,835	11.85 21,653	12.32 22,502	12.80 23,385	13.30 24,303
8	11.51 21,028	11.96 21,853	12.43 22,710	12.92 23,601	13.42 24,527	13.95 25,490	14.50 26,490
9	12.55 22,921	13.04 23,820	13.55 24,754	14.08 25,725	14.63 26,735	15.21 27,784	15.80 28,874
10	13.67 24,984	14.21 25,964	14.77 26,982	15.35 28,041	15.95 29,141	16.58 30,285	17.23 31,473
11	14.91 27,232	15.49 28,300	16.10 29,411	16.73 30,564	17.39 31,763	18.07 33,010	18.78 34,305
12	16.25 29,683	16.88 30,847	17.55 32,058	18.23 33,315	18.95 34,622	19.69 35,981	20.47 37,393
13	17.71 32,354	18.40 33,624	19.13 34,943	19.88 36,314	20.66 37,738	21.47 39,219	22.31 40,758
14	19.30 35,266	20.06 36,650	20.85 38,088	21.66 39,582	22.51 41,135	23.40 42,749	24.32 44,426
15	21.04 38,440	21.87 39,948	22.72 41,515	23.61 43,144	24.54 44,837	25.50 46,597	26.50 48,425
16	22.93 41,900	23.83 43,544	24.77 45,252	25.74 47,027	26.75 48,872	27.80 50,790	28.89 52,783
17	25.00 45,671	25.98 47,463	27.00 49,325	28.06 51,260	29.16 53,270	30.30 55,361	31.49 57,533";

or act on anything relative thereto.

Submitted by the Personnel Board.

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Leonard Costa of the Personnel Board moved to amend Article XI of the Town of Sudbury Bylaws entitled "The Personnel Administration Plan", by deleting therefrom the salary grid portion of Schedule B - Salary Plan, and substituting therefor the salary grid set forth in the Warrant for this meeting under Article 12.

Personnel Board Report:

The salary grid for non-union employees has been adjusted for symmetry, in order to avoid artificially higher increases as a result of reclassification. The new grid shows slight increases in starting salaries, only \$1-2 increases in maximum annual salaries, and will save the Town money when an employee is moved from one grade(classification) to another. The grid shown is based on FY1988 salaries to provide a clear picture of the limited scope of the Article.

Board of Selectmen Report: The Board supported this article.

Finance Committee Report: (R. Pettingell) The Finance Committee supported this article.

The motion under Article 12 was *VOTED*.

ARTICLE 13 AMEND BYLAW, ARTICLE IV, FINANCE COMMITTEE - ARTICLE CONSIDERATION .

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article IV, Finance Committee, Section 4, by deleting the first sentence therefrom and substituting the following:

"It shall be the duty of this committee to consider all articles of any Town Meeting Warrant which have any direct or indirect financial impact on the town and to report its recommendations in writing to the Board of Selectmen. The committee may also make recommendations on those articles which do not have financial impact on the Town as it chooses, and such recommendations shall likewise be reported to the Board of Selectmen.";

or act on anything relative thereto.

Submitted by the Finance Committee

John Ryan of the Finance Committee moved to amend the Town of Sudbury Bylaws, Article IV, Finance Committee, Section IV, by deleting the first sentence therefrom and substituting the following: "It shall be the duty of this committee to consider all articles of any Town Meeting Warrant which have any direct or indirect financial impact on the Town and to report its recommendations in writing to the Board of Selectmen. The committee may also make recommendations on those articles which do not have financial impact on the Town as it chooses, and such recommendations shall likewise be reported to the Board of Selectmen.

Finance Committee Report:

The current Town Bylaws require the Finance Committee to report at Town Meetings on every article. The Finance Committee is requesting that this Bylaw be changed so that the requirement does not extend to those articles which have no apparent financial impact to the Town. There is a considerable amount of time expended on such articles which could be better spent in dealing with the Finance Committee's principal responsibilities. Articles which, in the opinion of the Committee, could have a direct or indirect financial impact on the Town will still be reported on at Town Meeting with a corresponding recommendation for approval or disapproval. The Finance Committee recommends approval of this article.

Printed below is the full text of Section 4 as it currently stands:

"It shall be the duty of this committee to consider all articles of any Town Meeting Warrant, and report in writing to the Selectmen, their recommendations. The Selectmen shall cause the report for the annual meeting to be printed in

the Town Report and the Finance Committee's reasons for approval or disapproval printed directly beneath the article considered in the Town Warrant."

Board of Selectmen Report: The Board recommended approval of this Article.

The motion under Article 13 was *VOTED*.

ARTICLE 14 SPECIAL ACT - POLICE TEMPORARY

To see if the Town will vote to approve the petition set forth herein providing for the certification with residency status of a Police Officer for appointment to the Sudbury Police Department and request the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact the special legislation set forth in said petition:

"The Commonwealth of Massachusetts

In the year one thousand nine hundred and eighty-eight.

An Act authorizing and directing the Personnel Administrator of the Commonwealth of Massachusetts to certify Todd F. Eadie for appointment as a Police Officer in the Town of Sudbury.

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

Section 1. Notwithstanding the provisions of Chapter Thirty-one of the General Laws or any other law, rule or regulation to the contrary, the Personnel Administrator of the Commonwealth of Massachusetts is hereby authorized and directed to certify the name of Todd F. Eadie for appointment as a police officer in the Town of Sudbury Police Department, according to his score on the most recent examination therefor, as though he had resided in said Town of Sudbury for one year immediately prior to the date of such examination.

Section 2. This act shall take effect upon its passage.";

or act on anything relative thereto.

Submitted by the Board of Selectmen

Chairman Wallace of the Board of Selectmen moved to approve the petition set forth in the Warrant for this meeting under Article 14 providing for the certification with residency status of a police officer for appointment to the Sudbury Police Department and request the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact the special legislation set forth in said petition.

Board of Selectmen Report:

The purpose of this special legislation is to ultimately make a temporary patrolman position in the Police Department a permanent one. The incumbent in the position, Officer Todd Eadie, had to be appointed as a Temporary Patrolman to protect the State Civil Service rights of the current Chief of Police at the time of his appointment. Because Officer Eadie has since moved from Sudbury, this legislation is required to place Officer Eadie's name in a position on the list which will allow the Board of Selectmen to appoint Officer Eadie as a Permanent Patrolman. It should be noted that Officer Eadie's examination score would have placed him at the top of the certified residential list. We are working with Senator Cellucci, Representative Hicks, the House and Senate, and the Division of Personnel Administration to bring this matter to an amicable resolution. The Board will make further report at Town Meeting.

Finance Committee Report: (R. Coe)

The Finance Committee recommended approval of the motion under Article 14.

The motion under Article 14 was *VOTED*.

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200.

ARTICLE 15 FY89 BUDGET ADJUSTMENT - 350TH CELEBRATION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$15,000, or any other sum, for Line Item 715-210, 350th Celebration General Expense, as an addition to the Fiscal Year 1989 Budget voted by the 1988 Annual Town Meeting under Article 5; or act on anything relative thereto.

Submitted by the Board of Selectmen

David Wallace of the Board of Selectmen *moved* to appropriate the sum of \$15,000 for Line Item 715-210, 350th Celebration General Expense, as an addition to the Fiscal Year 1989 Budget voted by the 1988 Annual Town Meeting under Article 5; said sum to be raised by a transfer from Free Cash.

Board of Selectmen Report:

These funds are again being requested on behalf of the Sudbury 350th Anniversary Celebration Committee in order that up-front monies might be available to hire marching bands for the September 4, 1989 parade. To date we are unable to find private sponsors. It is our belief that such a 350th celebration parade will not be as successful without marching bands; therefore, it is our intent to have at least three major marching bands and several smaller units. The money raised privately to date is nearly \$20,000 and this is needed to cover up-front costs for the September 2, 1989 Ball and September 3, 1989 picnic and laser show. It is expected that the 350th celebration proceeds will be substantial and these monies will be donated back to the Town. For example, the Bicentennial dance proceeds in excess of \$10,000 were donated to the Town for use at the Hosmer House. We urge your support of this Article.

Finance Committee Report: (J. Ryan)

The Committee did not recommend support of this Article due to the very tight fiscal constraints of the Town.

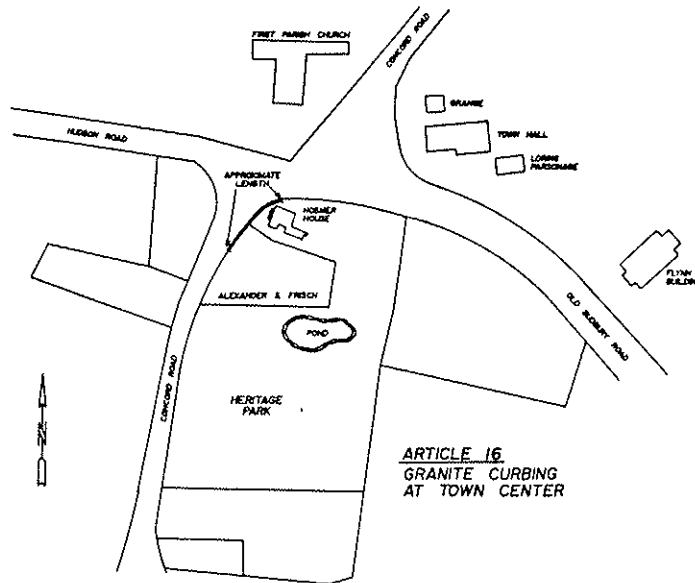
Beverly Bentley and Hal Cutler, Chairman and Vice-Chairman of the 350th Anniversary Celebration Committee addressed the hall and expressed the hopes for not an extravagant 350th Celebration but a highly memorable and successful year-long event, culminating on Labor Day weekend, that will involve the support and efforts of the Town's civic, religious, commercial and governmental organizations in sponsoring the activities throughout 1989. After briefly mentioning the various activities already planned, it was noted the Committee had already received over the past four years \$11,500 in town appropriations. This seed money has been used to initiate the fund-raising efforts, and has been more than repaid. However, additional funds are needed for the commitments that need to be made. Cutbacks in the 350th programming must be made if the Committee cannot confidently project income to cover these expenses. In summary, it was stated that the 350th Committee has planned for a modest celebration of 350 years since this Town was born in 1639. A vote in favor of this appropriation tonight will help ensure that the Committee can go forward with its planned program.

The motion under Article 15 was *VOTED*,

ARTICLE 16 GRANITE CURBING - CONCORD ROAD AT TOWN CENTER

To see if the Town will vote to raise and appropriate, or appropriate from available fund, \$8,500, or any other sum, to be expended under the direction of the Highway Surveyor, for the purpose of installing granite curbing along the easterly side of Concord Road from Heritage Park northerly to Old Sudbury Road for a distance of approximately 325 feet, as shown on a plan entitled "Proposed Alterations at Heritage Park/Hosmer House", prepared by the Town of Sudbury Engineering Department, dated July 14, 1987, revised August 4, 1988; or act on anything relative thereto.

Submitted by the Board of Selectmen



Judith Cope of the Board of Selectmen *moved* to appropriate the sum of \$8,500 to be expended under the direction of the Highway Surveyor for the purpose of installing granite curbing along the easterly side of Concord Road from Heritage Park northerly to Old Sudbury Road for a distance of approximately 325 feet, as shown on a plan entitled "Proposed Alterations at Heritage Park/Hosmer House", prepared by the Town of Sudbury Engineering Department, dated July 14, 1987, revised August 4, 1988; said sum to be raised by transfer from Free Cash.

Board of Selectmen Report:

The purpose of this Article is to correct an emergency situation that exists at the intersection of Old Sudbury and Concord Roads. The amount of funds requested herein will be used to provide permanent curbing to avoid flooding of the Hosmer House and avoid wash outs at this major intersection. The Board recommends approval of this Article.

Finance Committee Report:

The Finance Committee recommended disapproval of this article. Though it was recognized there is a necessity of finding a solution to this problem, it was the understanding of the Finance Committee that this intersection will be redesigned in the future. Therefore it was the opinion of the Committee that a permanent and expensive program involving granite curbing should not be undertaken at this time.

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Marilyn MacLean, Chairman of the Sudbury Historical Commission explained to the voters the history behind the refurbishing of the Hosmer House and the serious problems confronting this project with the street run-off flooding the basement every Spring. The paint of two years ago is already peeling from the excess moisture and the many antiques in the Hosmer House are fast deteriorating as its not possible to take proper care of them. She also indicated the erosion in the front of the house, where cars continue to drive upon the property as they turn at the traffic lights. She noted the Sudbury Garden Club along with the Thursday Garden Club and the Hop Brook Garden Club have been volunteering their time planting flowers and shubbery around the building. This year they didn't wish to put any further money into the plantings as they were washed away. The Sudbury Garden Club has offered to put in a new walk, but only if the Town addresses the curbing problem which floods the Hosmer House. She asked the voters to protect the property in which their tax dollars have been invested.

After much discussion, the motion under Article 16 was *VOTED*.

ARTICLE 17 WALKWAY SUPPLEMENT - GOODMAN'S HILL & PEAKHAM ROADS

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Highway Surveyor, for the construction of walkways along the following roads:

- A) Goodman's Hill Road from Concord Road to Nashoba Road; and
- B) Peakham Road from Fox Run Road to the railroad tracks;

or act on anything relative thereto.

Submitted by the Planning Board

Richard Brooks of the Planning Board *moved to Indefinitely Postpone this article.*

Mr. Brooks explained there was no longer a need to request additional funds. Projected funds should suffice to cover all of Goodman's Hill Road.

Finance Committee Report:

The Committee supported the motion to Indefinitely Postpone.

Board of Selectmen:

The Selectmen supported this motion to Indefinitely Postpone.

The motion under Article 17 to Indefinitely Postpone was *UNANIMOUSLY VOTED*.

A motion was made by Selectmen Wallace at this time to adjourn this session of the Special Town Meeting until tomorrow, October 4th, at 7:30 P.M. This motion received a second and was *UNANIMOUSLY VOTED*.

The meeting adjourned at 10:29 P.M.

Attendance: 312

SPECIAL TOWN MEETING

OCTOBER 4, 1988

The Moderator, Thomas Dignan, Jr., opened the second evening of the 1988 Special Town Meeting at 8:02 by declaring a quorum present. After a few preliminary announcements, the first order of business was Article #18.

[The full text of the discussions under each article is available at the Town Clerk's Office.]

ARTICLE 18. CONSULTANT TO DELINEATE AQUIFER ZONES I, II, & III IN PANTRY BROOK WATERSHED

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$10,000, or any other sum, to be expended under the direction of the Board of Selectmen, to hire a consultant to identify and delineate aquifers (Zone I), aquifer contribution zones (Zone II) and aquifer recharge zones (Zone III) in the Pantry Brook Watershed for inclusion within Water Resource Protection Districts under the Zoning Bylaw; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Judy Cope of the Board of Selectmen *moved* to appropriate the sum of \$10,000 to be expended under the direction of the Board of Selectmen to hire a consultant to identify and delineate aquifers (Zone I), aquifer contribution zones (Zone II) and aquifer recharge zones (Zone III) in the Pantry Brook Watershed for inclusion within Water Resource Protection Districts under the Zoning Bylaw; said sum to be raised by transfer from Free Cash.

In support of this motion Mrs. Cope noted that Dr. Chang, consultant to the Water District, has long recommended that the Pantry Brook Watershed be viewed as a new well source. It is critical to define the aquifer now and begin preserving some of the most valued contributing parcels, as land is fast disappearing in Town.

Finance Committee Report: (R. Pettingell)

To delineate the aquifer zones in the Pantry Brook area now, will permit the Selectmen to submit an article at next April's Annual Town Meeting to protect the Town's water resources in that area. The Finance Committee recommended its approval.

Hendrik Tober of Ames Road *moved* to postpone consideration of this Article until after the consideration of Article 29.

Mr. Tober made this motion as it was his understanding that the area involved under Articles 18 and 29 was one and the same. It was after there had been clarification as to what each article considered, that the motion of Mr. Tober to postpone was defeated.

John Nixon of the Conservation Commission stated Articles 18 and 19, would provide funding for consultants to further delineate aquifer and watershed zones in the Pantry Brook, Raymond Road and Hop Brook Watersheds. He noted that the areas to be included in Zones II and Zones III are defined by the Federal Environmental Protection Agency as the surface and subsurface area surrounding a well or wellfield that supplies a public water system through which contaminants are likely to pass and eventually reach the water well or wellfield. Factors to be analyzed would be well pumping rates, time of travel of groundwater flowing to the well, aquifer boundaries, and degree of confinement, to best determine the hydrogeologic characteristics that could have a direct effect on the likelihood and extent of contamination.

Russell Kirby of the Planning Board noted the support of his Board for this article, pointing out the events of this past summer when there was a serious water crisis and the Town was unable to meet all the demands placed upon its water supply. The needs of the future require improved management of what we presently have and development of additional sources. This funding would provide for investigating the conditions within the Pantry Brook Watershed so protective zones may be established in an area where new wells will probably be developed in the future.

Board of Selectmen Report: (D. Wallace) It was noted this was not a question of the Water District versus the Town. It was a question of everybody wanting to plan ahead for clean and plentiful water in the future. This article would zone an area for possible well exploration, and assist the Water District in exploring more areas to

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develop as possible well sites and provide the protection in advance.

It was clearly noted by Town Counsel, Paul Kenny, that the delineation of aquifer zones is uniquely the authority of Town Meeting and the legal authority to decide whether or not to dig a well lies with the Water District.

The motion under Article 18 was *VOTED*.

ARTICLE 19. CONSULTANT TO STUDY AQUIFER ZONES II & III

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$10,000, or any other sum, to be expended under the direction of the Board of Selectmen, to hire a consultant to review the identification and designation of aquifer contribution zones (Zone II) and aquifer recharge zones (Zone III) within Water Resource Protection Districts established by the 1988 Annual Town Meeting amendments to the Zoning Bylaw under Article 64; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Judy Cope of the Board of Selectmen *moved Indefinite Postponement*.

After considerable thought, the board believed that the Raymond Road well, even with its proximity to the commercial district, is protected within the Water Resource Protection Zone as approved at the April Town Meeting. Various town agencies involved with these articles believe it would be wise to work further with the Sudbury Water District to more thoroughly examine water quantity and quality issues in the Raymond Road area before requesting a more precise delineation of the district boundaries. It was noted that the Board expected to return to both the Annual Town Meeting in 1989 and the Sudbury Water District Town Meeting for funds for the increased delineation.

Finance Committee Report: This board supported the motion to indefinitely postpone.

Planning Board Report: (R. Kirby) This board also supported the motion to indefinitely postpone.

The motion under Article 19 to indefinitely postpone was *VOTED*.

ARTICLE 20. POLICE PAID DETAIL ACCOUNT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$5,000, or any other sum, to be added to the Police Paid Detail Account; or act on anything relative thereto.

Submitted by Town Accountant

David Wallace of the Board of Selectmen *moved to appropriate the sum of \$2,000 to be added to the Police Paid Detail Account, said sum to be raised by a transfer from Free Cash.*

In explanation of this motion, it was noted that this is basically a revolving account where the Police are paid for their services to private industry. As payments are not received in a timely manner, it is believed the police officers should be paid in a timely fashion. This article would allow the posting of some funds, which will be reimbursed by private industry.

Finance Committee Report: (R. Coe) The Finance Committee recommended approval of the motion under Article 20.

Considerable discussion and questions followed concerning the account these funds are deposited into when received from private industry. It was noted they go into the Paid Police Detail Account, allowed by state statute. Comments were received that this really is making interest-free loans with Town funds to deal with "slow payers" in private industry, and that taxpayers should not bear the interest costs of the \$2,000 and the previous \$10,000 as everytime one of these revolving funds is created, the money is not free.

The motion under Article 20 was *VOTED*.

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ARTICLE 21. FY89 BUDGET ADJUSTMENT - EDUCATION, MRVTS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$79,922, or any other sum, as an addition to Sudbury's Fiscal Year 1989 assessment for the Minuteman Regional Vocational Technical High School, line item 100-140, voted by the 1988 Annual Town Meeting under Article 5, Budget; or act on anything relative thereto.

Submitted by Minuteman Regional Vocational Technical School District.

Larry Ovian *moved* to appropriate the sum of \$79,922 as an addition to the Sudbury's Fiscal year 1989 assessment for the Minuteman Regional Vocational Technical High School, line item 100-140, voted by the 1988 Annual Town Meeting under Article 5, Budget; said sum to be raised by transfer from Free Cash.

Mr. Ovian explained the 35% state aid funding anticipated when preparing the FY89 budget, for the Minuteman Regional Vocational Technical High School did not materialize, therefore this funding must be made up in the form of amending the budget as previously voted. The Town of Sudbury's share being \$79,000.

Finance Committee Report: (R. Coe) The Finance Committee recommended approval of the motion under Article 21.

Board of Selectmen Report: (D. Wallace) The Board recommended approval of this Article.

The motion under Article 21 was *UNANIMOUSLY VOTED*.

ARTICLE 22A. FY89 BUDGET ADJUSTMENT - HIGHWAY, LANDFILL SHELTER

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$12,000, or any other sum, as an addition to the Fiscal Year 1989 Budget voted by the 1988 Annual Town Meeting under Article 5, for Highway Department line item 410-901, Capital Equipment; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Judy Cope of the Board of Selectmen *moved* to appropriate the sum of \$12,000 as an addition to the Fiscal Year 1989 Budget voted by the 1988 Annual Town Meeting under Article 5, for Highway Department line item 410-901, Capital Equipment; said sum to be raised by transfer from Free Cash.

Ms. Cope remarked this article would replace the unsightly, used trailer at the landfill (with a new prefabricated unit). The State requires shelter for the employees.

Finance Committee Report: (C. McMahon) The Finance Committee recommended approval of this article.

The motion under article 22A was *VOTED*.

ARTICLE 22B. FY89 BUDGET ADJUSTMENTS POLICE & ENGINEERING

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$87,500 or any other sum, as additions to the Fiscal Year 1989 Budget for the Police Department and Engineering department voted by the 1988 Annual Town Meeting under Article 5, for the following line items:

320-255	Police Contracted Services	\$25,000
320-901	Police Capital Items	\$50,000
502-901	Engineering Capital Items	\$12,500 ;

or act on anything relative thereto.

Submitted by the Board of Selectmen.

David Wallace of the Board of Selectmen *moved* to appropriate the sum of \$87,500 as additions to the Fiscal Year 1989 Budget for the Police Department and Engineering Department voted by the 1988 Annual Town Meeting under Article 5 for the following

Line items: 320-255 Police Contracted Services \$25,000; 320-901 Police Capital Items \$50,000; 502-901 Engineering Capital Items \$12,500; said sums to be raised by a transfer from Free Cash.

After the main motion was seconded, another motion was made to divide the question in three parts. This motion to divide was *VOTED*.

R. Thompson, Executive Secretary for the Town reported these items under consideration had been removed from the annual Town budget by the Finance Committee, due to the lack of funds. The Finance Committee did state when funds became available, it would support some type of computer system for the Police Department. \$25,000 would provide for a person to make the system operant, which is a time-consuming project requiring a specialist, who would also train department personnel.

Finance Committee Report: (R. Pettingell)

It was the opinion of this committee at the Annual Town Meeting that the Town could not afford this expenditure at that time and it remained the Finance Committee's opinion that the Town could not afford to make this expenditure now as the money being expended at this Special Town Meeting was coming from Free Cash.

Mr. Pettingell reminded the voters there remained on hand at the start of this Special Town Meeting \$544,157 in certified Free Cash. If all monied articles, as recommended by the FinCom were approved, the Town would have \$198,735 remaining in Free Cash, which historically is something the Town has used at the spring Annual Town Meetings. Last April (1988) the Town had \$836,000 in certified Free Cash which was an immediate offset on the operating expenditures in the budgets voted. If the Town at this Special Town Meeting votes the FinCom's recommendations, \$198,000 will be available in Free Cash for next spring's Annual Town Meeting. He further commented to bring this item or any other item previously deleted from the budget is inappropriate as it deprives the voters of an opportunity to fully and fairly consider the merits of this article with all other articles that the other departments and boards could have presented before the voters tonight. The Finance Committee recommended disapproval of this article at this time.

At this time, there was a motion from the Chairman of the Board of Selectmen to *reorder the three items of this article*. His reason for this was to have the item for \$50,000 taken up first. This motion was *VOTED*.

Considerable discussion followed as to the immediate productivity savings expressed by the Police Department. It was pointed out to the hall by Henry Sorett that there was a much smaller representation of the community at this Special Town Meeting than there was in April, when all the Town's needs are looked at as well as the few resources for an equitably apportionment thereof based on the recommendations of the Finance Committee, the Board of Selectmen and other department heads. When a specific department comes to a special town meeting what they are really saying is "Give us an independent bite of the apple without the opportunity to balance the entire picture." He further noted that to make this priority decision now, the Free Cash won't be available in April when there may be some other needs the town may consider to prefer over the computer. The money will have been spent.

The motion to appropriate \$50,000 as an addition to the Fiscal Year 1989 budget for the Police Department voted by the 1988 Annual Town Meeting under Article 5 for the Line Item 320-901, was *VOTED*.

The motion to appropriate the sum of \$25,000 as an addition to the Fiscal Year 1989 budget for the Police Department voted by the 1988 Annual Town Meeting under Article 5 for the Line Item 320-255, Police Contracted Services, was *VOTED*.

Town Engineer, William Place, addressed the third part of the motion under this Article by explaining his department's vehicle, which is up for replacement, is five years old and will have about 65-70,000 miles on it at the time of a trade-in. Many repairs are needed such as the exhaust system, front end alignment, burning and leaking of oil and brakes, not to mention serious transmission problems. At a FinCom meeting, when he wasn't present, it was determined to cut overtime, as well as the general expense and capital equipment account, due to the constraints of Proposition 2½. To date over \$546 has been spent on car maintenance. This amount could increase to \$2,000.

Finance Committee Report: (R. Pettingell)

It was repeated again that the FinCom was not saying these items being requested were not deserving, just that Special Town Meeting was not the time for such an article to be presented. It belongs on the Annual Town Meeting Warrant in April. The FinCom disapproved of this motion of the Town Engineer.

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Board of Selectmen: (D. Wallace) Recommended approval.

The motion to appropriate the sum of \$12,5000 as an addition to the fiscal year of 1989 Budget for the Engineering Department voted by the 1988 Annual Town Meeting under Article 5 for the Line Item 502-901, Engineering Captital Items, was defeated.

ARTICLE 23. SENIOR CENTER ENGINEERING AND ARCHITECTURAL SERVICES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$97,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of obtaining engineering and architectural services, including preparation of plans, specifications, bidding documents and supervision of work, to implement the findings of the Senior Center Task Force regarding remodeling, reconstructing, constructing additional space, or making extraordinary repairs to an existing Town building additional space, or making extraordinary repairs to an existing Town building for use as a Senior Center or the construction of a new Senior Center building; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Council on Aging.

Don Oasis of the Council on Aging moved to appropriate the sum of \$15,000 to be expended under the direction of the Permanent Building Committee, for the purpose of obtaining engineering and architectural services for the remodeling, reconstructing, constructing additional space, or making extraordinary repairs to the Fairbank facility, to include a Senior Center; said sum to be raised by transfer from Free Cash.

Dr. Oasis's presentation provided many interesting demographics, such as the year 1996 the residents in the age category of 70+ will double, as will those over 60. With the aid of slides, he reviewed the comprehensive list of current programs, which are limited due to the present size of the Senior Center. The services provided to the Community Senior citizens by the Council were enumerated. A survey was taken by the Council in May and June of 1987 that showed 70% of the seniors have lived in Town for over 10 years and of these 63% own their own homes. Of those that responded to the questionnaire, 20% live in low or moderate income housing.

Michael Melnick, Chairman of the Task Force for the Senior Center explained what the criteria had been when selecting the Fairbank site: 1) be able to support an adequate septic system, 2) access to Town water, 3) access to emergency vehicles and 4) room for 8,500 square feet. What was found to be non-essential was a central geographic location or the proximity to shops and services. At the Fairbank site, it was found the Senior Center would be compatible with the Park and Recreation Programs and the Atkinson Pool site. About 75% of the senior citizens are members of the Pool. The facility would be a single-story and totally handicapped-accessible. There is no need to rebuild a kitchen facility as there is one in place. The existing cafetorium can adequately seat as many people as needed. The existing septic system is suitable for the Council's needs. It is cost effective as it obviously is cheaper to use an existing building rather than rebuild new on another site. Sufficient land remains for expansion, if need be.

Finance Committee Report: (G. Powers)

The FinCom unanimously supported the motion under this article for the preliminary design of a Council on Aging Senior Citizen Center to be located at the Fairbank School.

Board of Selectmen Report: (J. Cope) The Selectmen supported this article.

Park & Recreation Report: (R. Drawas) The Park & Recreation Commission strongly urged the Town to vote "Yes". The Commission unanimously supported the article.

The motion under Article 23 was UNANIMOUSLY VOTED.

ARTICLE 24. TOWN SPACE PLANS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$480,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of obtaining engineering and architectural services, including preparation of plans, specifications and bidding documents, to implement the recommendations of the Board of Selectmen, for remodeling, reconstructing, constructing

additional space, or making extraordinary repairs to existing town buildings, and/or the construction of new town buildings; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Judy Cope of the Board of Selectmen *moved for Indefinite Postponement.*

This motion was the result of the notification by the School Board Assistance Program of the lack of funding.

Finance Committee Report: (R. Pettingell) Finance Committee supported Indefinite Postponement of this Article.

The motion to Indefinitely Postpone was *VOTED.*

ARTICLE 25. FY89 BUDGET ADJUSTMENT -- EDUCATION, SUDBURY SCHOOLS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$226,000, or any other sum, as an addition to the Sudbury Public School Fiscal Year 1989 budget, Article 5, Section 100 Education, voted by the 1988 Annual Town Meeting; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

Jeffrey Moore of the School Committee *moved to appropriate the sum of \$214,500 as an addition to the Sudbury Public School fiscal year 1989 budget, Article 5, section 100 Education, voted by the 1988 Annual Town Meeting; said sum to be raised by transfer from Free Cash.*

In support of this motion Mr. Moore noted that the Sudbury School Committee in April postponed asking for these monies until this Special Town Meeting, so as to avoid forcing the Town into a position where the Town budget would exceed the limits of "2½", thus avoiding a major budget problem. With the additional Free Cash having been certified, this problem no longer existed. The reduction of \$11,500 from the figure in the Warrant was due to a lower-than-anticipated bid for one of the maintenance items. The figure \$214,500 was determined by three factors:

1. Enrollment increases that exceeded the projection calculated last October
2. Maintenance costs for a federally-mandated program for completing an asbestos management plan. In addition, portable demountable walls to sub-divide existing rooms.
3. Out-of-District Special Education tuition and transportation costs exceed amounts included in Annual Town Meeting voted budget.

Finance Committee Report: (R. Pettingell) Recommended approval.

Board of Selectmen Report: (D. Wallace) Board recommended approval.

Motion under Article 25 was *VOTED.*

ARTICLE 26. BOND OFFERING CIRCULAR -- SCHOOL BORROWING

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$12,000, or any other sum, to be expended under the direction of the Town Treasurer for all expenses related to the preparation and issuance of a full disclosure offering circular in connection with the offering of \$750,000 in general obligation bonds for school building engineering and architectural services authorized under Article 4 of the Special Town Meeting held on April 4, 1988; or act on anything relative thereto.

Submitted by the Town Treasurer:

Chester Hamilton, Town Treasurer, *moved to appropriate the sum of \$12,000 to be*

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expended at the direction of the Town Treasurer for all expenses related to the preparation and issuance of a full disclosure offering circular in connection with the offering of \$750,000 in general obligation bonds for school building engineering and architectural services which were authorized under Art. 4 of the Special Town Meeting held on April 4, 1988; said sum to be raised by transfer from Free Cash.

In explanation of this Article, Treasurer Hamilton stated the Town authorized the appropriation and payment through general obligation bonds for \$750,000 for the architectural services in connection with the school building program which has begun. Short-term borrowings have already been undertaken and the only way those can be repaid is by the issuance of serial bonds. This proposal to proceed with this offering must be done most expeditiously and in the form of a public offering which, for those who don't know what a full disclosure document is, might recognize a prospectus. This is essentially what the Town will be doing and it will go forward with the offering probably early next year.

Finance Committee Report: (C. Corkin) The Town is faced with a number of large borrowing issues during the next few years. The full disclosure offering is proposed with the intent of having our Moody Rating improve which will provide the Town with significant savings over the life of these borrowing issues. The FinCom recommended approval of this article.

Board of Selectmen: (D. Wallace) The Board recommended approval.

The motion under Article 26 was *VOTED*.

ARTICLE 27. FY89 BUDGET ADJUSTMENT -- DEBT SERVICE

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$20,000, or any other sum, as an addition to line item 200-201, Debt Service Temporary Loan Interest, voted by the 1988 Annual Town Meeting under Article 5 for the Fiscal Year 1989 Budget; or act on anything relative thereto.

Submitted by the Town Treasurer.

The Town Treasurer *moved for Indefinite Postponement*.

In explanation for this motion, Mr. Hamilton stated this article was placed in the Warrant, in the event that the Articles for both the Council on Aging and the Town Survey proceeded. Those borrowings were not approved and the money under the Council on Aging Article came out of Free Cash. There is no need to borrow and there's no need to have any interest.

Finance Committee Report: (R. Pettingell)

The Finance Committee supported the motion for Indefinite Postponement.

Board of Selectmen Report: (D. Wallace)

The Board of Selectmen approved of the motion under Article 27.

The motion to Indefinitely Postpone under Article 27 was *VOTED*.

ARTICLE 28. HIGHWAY DEPARTMENT FENCE

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$28,000, or any other sum, to be expended under the direction of the Highway Surveyor, for the purchase and installation of an eight-foot high chain link fence around a portion of the Highway Department property located at 275 Old Lancaster Road; or act on anything relative thereto.

Submitted by the Highway Surveyor.

The Highway Surveyor *moved for Indefinite Postponement*.

In explanation for this motion, it was stated that it would be more appropriate to put some of the funding in at the April Town Meeting.

Finance Committee Report: (Ms. McMahon) Finance Committee supported this motion.

Board of Selectmen: (D. Wallace) Board recommended Indefinite Postponement.

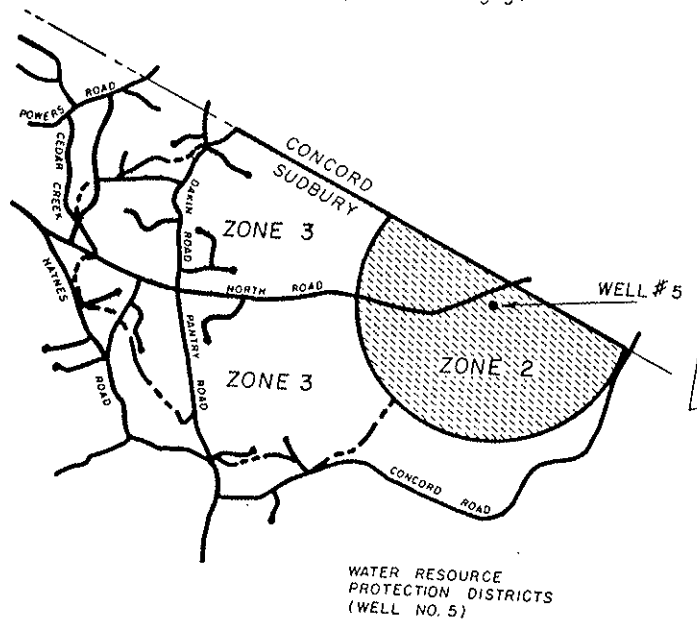
Motion under Article 28 was *VOTED*.

ARTICLE 29. AMEND BYLAW, ART. IX, I, I - WATER RESOURCE PROTECTION DISTRICTS (RT. 117)

To see if the Town will vote to amend Section I.I of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by establishing a Water Resource Protection District consisting of the Route 117 Well Number 5 aquifer and its respective aquifer contribution zone (Zone II) and aquifer recharge zone (Zone III), as shown on the following map and by amending the "Water Resource Protection Districts, Town of Sudbury" map accordingly; or act on anything relative thereto.

Submitted by the Planning Board and Conservation Commission.

Russell Kirby, Chairman of the Planning Board *moved to amend Section I, I of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by establishing a Water Resource Protection District consisting of the Route 117 Well Number 5 aquifer and its respective aquifer contribution zone (Zone II) and aquifer recharge zone (Zone III), as shown on the map entitled "Water Resource Protection Districts, Well Number 5" included in the Warrant for this Special Town Meeting, and by amending the Water Resource Protection Districts, Town of Sudbury map, accordingly.*



Mr. Kirby speaking to this article, included his remarks for Article 30 as well. These two articles are to be considered another step in the process of protecting the public water supply for the Town. Last April the Town enacted a zoning bylaw amendment which established regulations for the protection of groundwater resources and designated the Raymond Road and Pratts Mill Road wellfields as protected districts. Art. #29 will extend the protection to include the Route 117 Well Number 5 area also. Art. #30 will expand the scope of the regulations to cover the research zone which would become part of the Well Number 5 district.

He further reported that the public water supply for the Town of Sudbury comes exclusively from groundwater sources drawn from several deep wells. The Town water supply system was established in 1936 to serve 61 customers, and has grown with the Town and now serves more than 4,000. There are nine well sites, one of which is closed due to salt contamination. This one is located near Old Lancaster Road at the rear of the Highway Department garage; the new well Number 9, off Raymond Road, has not been approved by the DEQE for inclusion in the system at this time. There are six wells on line that have a combined maximum capacity of 4.39 million gallons per day. The maximum demand placed on the system in 1987 was 4.54 millions gallons in a single day or 150,000 gallons over capacity. That figure represented only the volume of water pumped from the wells. It did not include additional water drawn from the above-ground storage tanks during the same period. To state it in another way - it did not include the demand placed on the "reserve supply" needed to maintain pressure throughout the system for emergency purposes.

Mr. Kirby summarized his concerns by stating that the single most important resource the Town has is its water supply. It is not inexhaustible and it can be easily destroyed. We are fortunate to have an abundant supply of groundwater of good quality. The quality was considerably better not many years ago, and indifference or neglect will

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result in further deterioration and a reduction in usable quantity. The need is to heed the lessons of the past of other communities who have had to turn to other sources when their own water supply was lost or permanently damaged beyond repair. There is no alternative source from which Sudbury could draw if anything happens to our supply. A cooperative effort on the part of Town Government, the Water District and its customers is required. The Planning Board strongly urged the voters to support Articles 29 and 30.

Finance Committee Report: (Ms. Harrell)

The Finance Committee recommended approval of Articles 29 and 30.

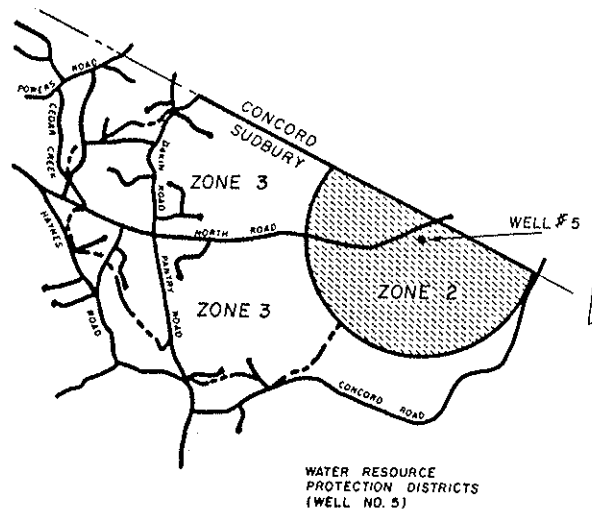
Board of Selectmen Report: (D. Wallace) The Board strongly supported Articles 29 & 30.

Following presentations from speakers for the Conservation Commission, the Sudbury Assabet-Concord Rivers Watershed Association, the Wastewater Advisory Committee and many individual residents, the motion under Article 29 was *UNANIMOUSLY VOTED*.

ARTICLE 30. AMEND BYLAW, ART. IX, III - WATER RESOURCE PROTECTION DISTRICTS RESEARCH DISTRICTS

To see if the Town will vote to amend Section III,G,5,c,2) and Section III,G,5,f,2) of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by inserting in the first line thereof after the word "industrial", "research"; or act on anything relative thereto.

Submitted by the Planning Board.



Mr. Kirby of the Planning Board *moved* to amend Section III,G,5,c,2) and Section III,G,5,f,2) of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by inserting in the first line thereof after the word "industrial", "research".

The motion under Article 30 was *UNANIMOUSLY VOTED*.

A motion was then received to dissolve the Town Meeting by the Chairman of the Board of Selectmen, D. Wallace. This was seconded and *VOTED*.

The Special Town Meeting was dissolved at 10:25 PM.

Attendance: 214

Respectfully submitted

Jean M. MacKenzie
Jean M. MacKenzie, CHC
Town Clerk

STATE ELECTION

November 8, 1988

The State Election was held in the Peter Noyes School with the polls open from 7:00 AM to 8:00 PM. There were 8,726 votes cast including 764 absentee ballots (Precinct 1 - 211; Precinct 2 - 172; Precinct 3 - 188; Precinct 4 - 193). Twenty-five voting machines were used. The precinct results were announced by the precinct clerks at 11:20 PM.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
PRESIDENT AND VICE PRESIDENT					
Bush and Quayle	1075	1062	1097	1123	4357
Dukakis and Bentsen	1020	1043	977	1136	4176
Fulani and Dattner	-	2	3	4	9
Paul and Marrou	24	33	28	32	117
Scattering	-	3	2	3	8
Blanks	21	14	12	12	59
SENATOR IN CONGRESS					
Edward M. Kennedy	1164	1257	1145	1250	4816
Joseph D. Malone	905	828	910	967	3610
Mary Fridley	7	7	7	8	29
Frida Lee Nason	9	11	15	25	60
Scattering	1	-	1	-	2
Blanks	50	53	44	62	209
REPRESENTATIVE IN CONGRESS (Fifth District)					
Chester G. Atkins	1634	1632	1567	1682	6515
T.D. Hudson	266	293	294	346	1199
Scattering	4	1	-	-	5
Blanks	237	226	258	286	1007
COUNCILLOR (Third District)					
Jody Dow	854	780	857	967	3458
Robert B. Kennedy	906	1012	927	945	3790
Scattering	-	-	-	-	-
Blanks	377	359	339	398	1473
SENATOR IN GENERAL COURT (Middlesex & Worcester District)					
Argeo Paul Cellucci	1446	1434	1347	1463	5690
Scattering	1	-	-	-	1
Blanks	688	718	777	847	3030
REPRESENTATIVE IN GENERAL COURT (Thirteenth Middlesex District)					
Lucile "Cile" P. Hicks	1366	1246	1244	1353	5209
Mark Collins	683	833	785	860	3161
Scattering	-	-	-	-	-
Blanks	86	77	90	98	351
CLERK OF COURTS (Middlesex County)					
Edward J. Sullivan	1327	1394	1249	1297	5267
Scattering	-	-	1	-	1
Blanks	808	757	875	1013	3453

State Election - November 8, 1988 (Continued)

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
REGISTER OF DEEDS					
(Middlesex Southern District)					
Eugene C. Brune	1265	1302	1189	1260	5016
Scattering	2	-	-	-	2
Blanks	868	851	932	1052	3703
COUNTY COMMISSIONER					
(Middlesex County)					
Thomas J. Larkin	964	943	928	1012	3847
Edward J. Kennedy, Jr.	964	1028	962	1013	3967
Scattering	2	-	-	1	3
Blanks	2346	2335	2348	2596	9625
TREASURER					
(Middlesex County)					
James E. Fahey, Jr.	1294	1362	1250	1309	5215
Scattering	1	-	-	-	1
Blanks	844	791	869	1001	3505

QUESTION 1 - Do you approve of a law summarized below, which was approved by the House of Representatives on May 20, 1987, by a vote of 93- 58 and approved by the Senate on May 20, 1987, by a vote of 31-8?

SUMMARY

The law provides a salary increase, effective January 7, 1987 for the members of the legislature and certain constitutional officers of the Commonwealth.

Beginning at a base salary of \$30,000, each member of the legislature will receive a salary increase under the law equal to the compounded percentage increase in the salaries of full time state employees who are subject to collective bargaining agreements between the Commonwealth and the ALLIANCE, AFSCME - SEIU, AFL - CIO in effect between January 5, 1983 and January 7, 1987. Thereafter the salaries of each member of the legislature will be increased by the same percentages as the salaries of full time state employees subject to the collective bargaining agreements. The law further provides that members of the legislature holding leadership positions and committee chairmanships will receive an annual sum in addition to their salary. This additional amount will vary from \$7,500 to \$35,000 depending upon the particular position the member holds.

The law also increases the salaries of certain constitutional officers. Under the law the salary of the governor is set at \$85,000; the salaries of the lieutenant governor, state secretary, state treasurer and the state auditor are set at \$70,000; and the salary of the attorney general is set at \$75,000.

Any individual may waive his or her salary increase under the this law. Any amount so waived shall not be deemed regular compensation for the purposes of computing any such person's benefits and shall be exempt from state taxation.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	520	416	385	471	1792
NO	1521	1627	1626	1736	6510
BLANKS	99	108	108	104	419

State Election - November 8, 1988 (Continued)

QUESTION 2 - Do you approve of a law summarized below, which was disapproved by the House of Representatives on May 3, 1988, by a vote of 24-133, and on which no vote was taken by the Senate before May 4, 1988?

SUMMARY

The proposed law would repeal state law requiring that the wages, including payments to health and welfare plans, paid to persons employed in the construction of public works be no less than the wages paid locally under existing collective bargaining agreements and understandings, or by the municipality for the same kind of work. Under the proposed law, the Commissioner of Labor and Industries would no longer set wage rates for such work or classify jobs.

The proposed law would also remove the Commissioner of Labor and Industries' authority to set the wage rates of employees of contractors who move office furniture and fixtures for the state or a county, city, town or district, and remove the Commissioner's authority to set the wage rates of operators of vehicles and other equipment engaged in public works.

The proposed law would not change the way wages are set for laborers employed by the state Department of Public Works and the Metropolitan District Commission.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	1274	1116	1220	1291	4901
NO	766	922	791	914	3393
BLANKS	97	116	108	106	427

QUESTION 3 - Do you approve of a law summarized below, which was disapproved by the House of Representatives on May 2, 1988, by a vote of 2-150, and disapproved by the Senate on May 3, 1988, by a vote of 0-34?

SUMMARY

The proposed law would require the Commissioner of the Department of Food and Agriculture to issue regulations to ensure that farm animals are maintained in good health and that cruel or inhumane practices are not used in the raising, handling or transportation of farm animals.

The Commissioner would issue regulations, effective within four years after passage of the proposed law, about the surgical procedures used on farm animals, the transportation and slaughter of farm animals, and the diet and housing of those animals. The Director of the Division of Animal Health could issue exemption permits for a period of time up to one year and one half to any farmer.

Under the proposed measure, an unpaid Scientific Advisory Board on Farm Animal Welfare comprised of veterinarians and animal scientists would also be established within the Department of Food and Agriculture. The Board would examine animal agricultural practices, issue for publication certain reports on farm practices, and make non-binding recommendations to the Commissioner about specific regulations. If appropriated by the legislature, the Board may allocate an annual sum of not more than ten cents per Massachusetts citizen to assist farmers in adopting methods which are consistent with the purposes of this law.

The Director of the Division of Animal Health would be responsible for enforcing regulations issued as a result of this proposed law. Persons who violate the new law would be punished by a fine of up to \$1,000.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	436	484	459	493	1872
NO	1611	1572	1551	1725	6459
BLANKS	88	97	109	96	390

State Election - November 8, 1988 (Continued)

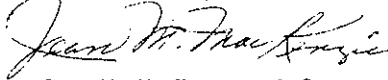
QUESTION 4 - Do you approve of a law summarized below, upon which no vote was taken by the House of Representatives or the Senate before May 4, 1988?

SUMMARY

The proposed law would provide that, after July 4, 1989, there shall be no further generation of electric power by commercial nuclear power plants in the Commonwealth by means which result in the production of nuclear waste.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	598	593	557	684	2432
NO	1465	1464	1478	1533	5940
BLANKS	77	94	84	94	349

A true record, Attest:



Jean M. MacKenzie, CMC
Town Clerk

