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Def Defeated  
IP Indefinitely Postponed  
PO Passed Over

Ref Referred for further study  
W Withdrawn

## ANNUAL TOWN ELECTION

1.

March 27, 1989

The Annual Town Election was held at the Peter Noyes School. The polls were open from 7:00 A.M. to 8:00 P.M. There were 4,596 votes cast, including 114 absentee ballots. Twenty voting machines were used. The results were announced by Town Clerk, Jean M. MacKenzie at 11:15 P.M.

## MODERATOR: For One Year

Thomas G. Dignan, Jr.	3,100
Scattering	2
Blanks	1,494

## HIGHWAY SURVEYOR: For One Year

Robert A. Noyes	2,833
Scattering	0
Blanks	1,763

## SELECTMEN: For Three Years

David A. Wallace	2,850
Scattering	2
Blanks	1,744

## THREE WARDEN: For One Year

William M. Waldsmith	2,696
Scattering	0
Blanks	1,900

ASSESSORS: For Three Years  
(Write-in)

John T. Hannan	17
Scattering	1
Blanks	4,578

BOARD OF PARK & RECREATION COMMISSIONERS  
for Three Years (Vote for no more than two)

Gerald B. Berenson	2,488
Stanley Natanson	2,427
Scattering	0
Blanks	4,277

## ASSESSORS: For Two Years

Robert E. Tellis	2,529
Scattering	5
Blanks	2,062

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

Russell P. Kirby	2,407
Peter H. Anderson	2,508
Scattering	0
Blanks	4,277

## TOWN CLERK: For Three Years

Jean M. MacKenzie	2,810
Scattering	0
Blanks	1,786

## SUDBURY HOUSING AUTHORITY: For Five Years

Richard D. Paris	2,473
Scattering	0
Blanks	2,123

CONSTABLE: For Three Years  
(Write-in)CONSTABLE: For Two Years  
(Write-in)SUDBURY SCHOOL COMMITTEE: For Three Years  
(Vote for one)

Jeffrey W. Moore	1,618
Linda Krusinski	2,121
Scattering	0
Blanks	857

GOODNOW LIBRARY TRUSTEES: For Three Years  
(Vote for no more than two)

Carol Hull	2,659
Kenneth L. Ritchie	2,536
Scattering	0
Blanks	3,997

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

Geraldine C. Nogelo	2,615
Joanne Fraser	2,162
Scattering	1
Blanks	4,414

## BOARD OF HEALTH: For Three Years

Donald C. Kern	2,663
Scattering	1
Blanks	1,932

(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.)

ANNUAL TOWN ELECTION

2.

March 27, 1989

QUESTION 1

Shall the Town of Sudbury be allowed to assess an additional \$1,896,680 in real estate and personal property taxes for the purposes of funding the operating budgets of the School Departments (both Lincoln-Sudbury Regional High School and local elementary schools), Police Department, Fire Department, Highway Department, the Goodnow Library and other Town departments for the fiscal year beginning July first, nineteen hundred and eighty-nine?

YES	1,705
NO	2,831
BLANKS	60

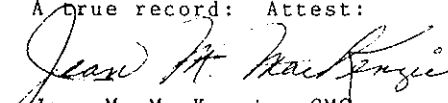
QUESTION 2

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 do the following:

- 1) renovate and remodel the Fairbank facility for the use of a portion thereof as a senior center and to accommodate the needs of present uses of the facility by other groups; and
- 2) make extraordinary repairs to the Fairbank facility roof, including reconstruction; and
- 3) remove all asbestos from the Fairbank facility as required by Federal and State Law?

YES	2,447
NO	2,062
BLANKS	87

A true record: Attest:

  
Jean M. MacKenzie, CMC  
Town Clerk

PROCEEDINGS

3.

ANNUAL TOWN MEETING

APRIL 3, 1989

The Annual Town Meeting of the Town of Sudbury was called to order by Moderator, Thomas G. Dignan, Jr. at 7:30 P.M. at the Lincoln-Sudbury Regional High School Auditorium. A quorum was declared present.

Reverend Larry K. Wolff of St. John's Evangelical Lutheran Church gave the invocation which was followed by Timothy Nikula leading the Pledge of Allegiance to the Flag.

The Moderator examined and found in order the Call of the Annual Town Meeting, the Officer's Return of Service and the Town Clerk's return of mailing.

D. Wallace, Chairman of the Board of Selectmen moved to dispense with the reading of the Call, the returns, the notice and the reading of the individual articles.

This motion was VOTED.

Judith Cope presented the following resolution in memory of those citizens of the Town who had passed away during the past year.

RESOLUTION

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 SERVICE AND DEDICATION:

MARY ESTHER ADAMS 1902-1988. MOVED TO SUDBURY IN 1910.  
TEACHER IN THE SUDBURY SCHOOLS, 1923-1965.

MARY H. D'ANDREA 1925-1989. MOVED TO SUDBURY IN 1957.  
SHE SERVED ON THE SUDBURY SCHOOL COMMITTEE FROM 1973-1978.

CHESTER LOWELL 1907-1988. SCHOOL CUSTODIAN FROM 1964-1969

PAUL B. WILLIAMSON 1942-1989. SCHOOL CUSTODIAN FROM 1974-1987.

AND BE IT  
FURTHER RESOLVED:

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

UNANIMOUSLY VOTED  
ANNUAL TOWN MEETING 1989



Board of Selectmen Report: (Chrm. D. Wallace)

Last Monday, March 27, 1989, this Town held perhaps the most important election in recent memory, the results of which have far-reaching effects. There were two questions on the ballot regarding Proposition 2½. One asked to assess the Town an additional \$1,896,680 in taxes for the Sudbury Elementary Schools and the Lincoln-Sudbury Regional High School, and the second question asked to exempt the sum of \$875,000 for a bond to renovate the Fairbank facility, \$600,000 of which would be used to construct the Senior Center.

During the weeks preceding the election, the virtues or lack thereof concerning these two questions were vigorously debated. Clearly, the townspeople had ample opportunity to make an informed choice. The results of Question #1 (2,831 against and 1,705 in support) sent a clear mandate to the Town leadership of the opposition to a permanent escalation of the tax base. Question #2 (2,447 in support and 2,062 against) indicated a consensus in favor of a Senior Center.

Though the Selectmen, and other Town boards, supported these override questions, we understand and fully accept the message given by you the voters. The Selectmen held an emergency meeting with the local school committee, L-S Regional School Committee and the Finance Committee, the day after the election. It was the strong recommendation of the Board of Selectmen then and now, that the "No Override Budget" of the Finance Committee, as printed in the Warrant, be supported and voted without exception. This is also the opinion of both the school committees. It is hoped that no one thinks singularly that he or she is a winner or loser regarding these override questions. The only winner or loser is the Town as a whole. As in all contested events, there is much handshaking and a calming down afterwards. This we must do tonight and throughout Town Meeting.

Town Meeting has the potential for rancor and divisiveness - something we must all pledge to avoid. We understand the schools will have extreme fiscal constraints with which to deal that could have devastating effects on the quality of education in Sudbury. However, we beseech all of you to accept the results of the election and to vow not to punish other department's budgets or to pit one group against another.

After Town Meeting, the Selectmen will meet jointly with the regional and local school committees to re-analyze the Town and school budgets. We shall keep you informed as we proceed. We again stress the need for a "coming together". If there ever was a time to stand united, it is now, this year, our 350th Anniversary.

Finance Committee Report: (J. Hepting)

The Finance Committee had the dubious distinction this year of being the first Finance Committee in the history of Sudbury to have to recommend a general override of Proposition 2½. In hindsight, maybe that wasn't such a great idea. The recommendation was rather soundly defeated at the polls. There was a pretty clear mandate to Town boards that the people of Sudbury were not in the mood for an increase in their taxes above the allowable limits of Proposition 2½. In anticipation of that eventuality, the Finance Committee prepared two budgets - the "Override Budget", which failed, and the "No Override Budget". (See the Revenue and Expenditure Analysis Chart on page 6 for these budgets.)

For the past three years, the Town has experienced windfalls of one variety or another that gave us about one to one-and-a-half million dollars a year more money than we normally ever received before. We became accustomed to this, and the fact it was allocated for operating expenses. This year, there are no windfalls. The Town began January 1st with approximately 1.7 million dollars less than we had on January 1st of the previous year. Town boards, committees and commissions wanted to add 3.3 million dollars additional money. We were approximately 5 million dollars in the red before we even began. Revenues received were approximately 1.7 million dollars and the Finance Committee was able to cut out of budgets and articles approximately an additional 1.4 million dollars. This left 1.9 million dollars the Finance Committee deemed necessary to maintain the current level of services. The FinCom

will not make a value judgment as to whether that level is adequate, inadequate or more than adequate to maintain the current level. Hence, the amount of the override, that failed.

With the "No override" budget, those items that are mandated either by law or were necessary due to previous commitments were funded, i.e. debt service on prior borrowing, health insurance, etc. The very small town budgets were considered next. To cut or eliminate these budgets would virtually eliminate the departments. We deemed that unfair, so we funded these small budgets as they do not involve a lot of money. All other departments, committees and commissions were virtually level funded from last year. Additionally a few articles were accepted as it was believed they should be dealt with at this time. The total budgets and articles, when subtracted from the revenue we had, showed there remained \$260,000, of which the lion's share or 90% was given to the Public Schools and the few dollars remaining went to the Police department's overtime account, the Fire Department for a couple of dispatchers, for the Library a custodian, and a pittance to LSRHS. That is the budget we recommend, and is printed in the Warrant.

A number of comments had been made that the reason the override didn't pass is because the FinCom didn't support it strongly enough. I would like to point out the FinCom is not an advocacy body. We provided a budget to maintain current level of services, and if you didn't like that, a second budget, you could vote instead. That is what we did and what we intend to do. We do not wave banners and carry signs. We simply report what we believe is in the Town's best interests.

Currently there are many "unknowns" in the budget. We have no idea what the State distribution of funds will be as we don't have the Cherry Sheet. We don't know how much the Assessors will need for abatements or what will be the value of new construction. These numbers are all estimates right now and we won't know for five to six months what they will actually be. Therefore, any adjustments to these estimates will have to be made at a Special Town Meeting or a future Town Meeting. This is a very complicated year, and we won't see the end of it by the close of this Town Meeting, as we shall have to deal with these "unknowns" when they become "knowns."

## REVENUE AND EXPENDITURE ANALYSIS

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
Sudbury Pub. Schls. (Gross)	7,556,260	8,472,681	9,668,925	9,668,925	8,743,133
Sudbury Pub. Schls: Offsets	166,506	105,595	106,047	106,047	106,047
SUDBURY PUB. SCHLS. (Net)	7,389,754	8,367,086	9,562,878	9,562,878	8,637,086
L.S.R.H.S.(Assessment)	5,412,354	5,804,551	6,438,431	6,400,983	5,818,728
M.R.V.T.H.S.(Assessment)	457,070	449,347	413,265	413,265	413,265
TOTAL SCHOOLS	13,259,178	14,620,984	16,414,574	16,377,126	14,869,079
200: Debt Service	209,173	173,183	399,000	391,000	390,000
300: Protection	2,763,946	3,228,001	3,372,417	3,256,317	3,118,785
400: Highway/Landfill	1,388,807	1,578,976	1,874,028	1,934,028	1,870,502
500: General Govt.	1,089,420	1,190,916	1,365,177	1,317,627	1,256,515
600: Library	311,585	371,149	412,695	372,981	350,176
700: Recreation	410,266	560,099	760,909	637,434	613,384
800: Health	224,138	305,999	375,804	364,304	347,804
900: Veterans	6,740	5,431	10,122	10,122	10,122
950: Unclass./Transfer Accts.	2,000,588	2,230,116	2,559,125	2,509,125	2,489,125
TOTAL TOWN	8,404,663	9,643,870	11,129,277	10,792,938	10,446,413
TOTAL OPERATING BUDGET	21,663,841	24,264,854	27,543,851	27,170,064	25,315,492
STM Articles:	30,000	758,902	0	0	0
ATM Articles:	766,633	412,619	1,643,522	1,160,520	1,069,125
TOTAL ARTICLES	796,633	1,171,521	1,643,522	1,160,520	1,069,125
TOTAL APPROPRIATIONS	22,460,474	25,436,375	29,187,373	28,330,584	26,384,617
Cherry Sheet Chgs.& Underest.	541,914	308,503	308,503	308,503	308,503
Cherry Sheet Offsets	311,352	317,782	317,782	317,782	317,782
Recap, Snow&Ice &Oth.chgs.	89,877	91,157	148,000	136,000	136,000
Abatements & Exemptions	252,370	500,000	500,000	400,000	400,000
TOTAL CHARGES	1,195,513	1,217,442	1,274,285	1,162,285	1,162,285
TOTAL TO BE RAISED	23,655,987	26,653,817	30,461,658	29,492,869	27,546,902
Cherry Sh.receipts & Overest.	3,572,763	3,467,917	3,567,917	3,617,917	3,617,917
Borrowing	0	750,000	1,077,052	943,902	896,000
Local Receipts	1,882,700	2,006,000	2,181,000	2,200,000	2,200,000
Enterprise Fund Receipts	185,800	556,364	796,300	796,300	796,300
Use of ATM 87 Article 16	0	71,995	0	0	0
Free Cash applied	1,424,398	1,284,497	61,000	123,000	123,000
Dog Licenses (& St Aid)	2,000	2,000	2,000	2,000	2,000
Abatement Surplus	100,000	507,336	0	367,394	367,394
Cemetery Fund	16,000	20,500	15,000	15,000	15,000
Stabilization Fund	0	0	0	0	0
Ambulance Fund	55,000	0	10,500	10,500	10,500
State reimb: road repair	0	0	137,475	137,475	137,475
Misc. Revenue	142,475	0	0	0	0
TOTAL RECEIPTS&REVENUE	7,381,136	8,666,609	7,848,244	8,213,488	8,165,586
REQUIRED TAX LEVY	(Not appl)	17,987,208	22,613,414	21,279,381	19,381,316
Previous Limit +2.5%	16,223,774	17,324,154	18,532,158	18,532,158	18,532,158
New Construction	677,840	756,000	420,000	420,000	420,000
Prop 2 1/2 Override	0	0	0	0	0
LEVY LIMIT	16,901,614	18,080,154	18,952,158	18,952,158	18,952,158
Prop 2 1/2 Exemptions	0	66,048	410,544	430,544	430,544
APPLICABLE LEVY LIMIT	16,901,614	18,146,202	19,362,702	19,382,702	19,382,702
UNDER LEVY LIMIT	(Not appl)	158,994	0	0	1,386
OVER LEVY LIMIT	0	0	3,250,712	1,896,679	0
OVER LEVY LIMIT W/OVERRIDE	N/A	N/A		(1)	N/A

Board of Assessors Report (T. Hillery)

Chairman Hillery noted that the Assessors are responsible for providing two particular sets of figures that are included in the Revenue and Expenditure Analysis Chart, the Abatements and Exemptions and the New Revenue Anticipated (new construction). The numbers printed in the Warrant for both these items were not the amounts determined by the Assessors. The Assessors estimated \$500,000 was needed for the Abatements and Exemptions, not \$400,000. This being a revaluation year, abatement requests are anticipated to be on the increase, while the question of state aid cannot be determined at this time. The figure of \$500,000 to cover the Town's liabilities for fiscal 1990 was discussed and determined as far back as December of 1988. Due to the growth rate being substantially down it was determined the figure for new construction would be more realistically \$341,000 rather than \$420,000. He commented that the Town cannot expect new revenues to continue to increase at the pace they have in the past, when the rate of growth goes down. The Board of Assessors did not wish to make any motion at this time, but they did wish to go on record that the figures in the Warrant were not those they had provided the Finance Committee.

## 1989 LONG RANGE PLANNING COMMITTEE REPORT

The Long Range Planning Committee's Report which follows represents a summary of the five-year Capital Improvement Programs submitted to this Committee by the various town boards, commissions, committees and departments. The aggregate value of these five-year Capital Improvement Programs is \$28,234,218, an increase of 126.5% over last year's total of \$12,464,229.

Capital Improvement Programs requested for funding in Fiscal 1990, and costing over \$5,000, total \$11,524,718. This year's amount is a 22.7% increase over last year's figure of \$9,392,579. (NOTE: Fiscal 1990 amount includes three capital funding requests totaling \$8,818,500 which will be indefinitely postponed at this year's Annual Town Meeting.)

The Long Range Planning Committee has prepared a separate report identifying and prioritizing the individual Fiscal 1990 Capital Improvement Programs submitted for funding approval at the April 1989 Annual Town Meeting. The report, entitled "Long Range Planning Committee Report, Including Capital Expenditure Plan for Fiscal Years 1990-1994", will be available through the Board of Selectmen's Office at the Loring Parsonage and at the Annual Town Meeting. The Committee's report also contains updated information on the Town's space/needs study and the comparison of capital requests submitted to this Committee and the Finance Committee.

Respectfully submitted,

Joseph W. Mooney, Chairman  
Derek J. Gardiner  
Robert G. "Kip" Johnson

Joel M. Schoen  
Robert J. Weiskopf

FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM UPDATE - FISCAL YEARS 1990 THROUGH 1994:

<u>Town Agency</u>	<u>Requested for FY90</u>	<u>Requested for FY90-94</u>
Police Dept.	\$ 62,000	\$ 510,000
Board of Health	16,000	36,000
Fire Dept.	100,000	1,311,000
Building Dept.	67,000	144,000
Goodnow Library	34,250	3,146,250
Engineering Dept.	32,000	50,000
Board of Assessors	0	56,000
Council on Aging	720,000	720,000
Park & Recreation Dept.	92,923	3,445,923
Highway Dept.	220,000	1,515,000
Conservation Commission	20,000	75,000
Lincoln-Sudbury Reg. High School	290,000	1,308,000
Planning Board	165,345	665,345
Long Range Planning Committee	68,500	5,285,000
Permanent Building Committee	155,000	485,000
Town Clerk	62,000	62,000
Sudbury Public Schools	9,419,700	9,419,700
Report Summary	\$ 11,524,718	\$ 28,234,218

- NOTE: 1) LRPC FY90-94 requested amount includes the new building and construction costs and fees for the new Fire Department building.  
2) LRPC (\$68,500) and Sudbury Public Schools (\$8,750,000) voted to indefinitely postpone consolidated amount of \$8,818,500 requested for FY90.

APRIL 3, 1989

8.

(The full discussion 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 1988 Town Report or as otherwise presented; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Richard F. Brooks of Russet Lane *moved* to accept the reports of the Town Boards, Commissions, Officers and Committees as printed in the 1988 Town Report or as otherwise presented; subject to the correction of errors, if any, where found.

The motion under Article 1 was *UNANIMOUSLY VOTED*

The next order of business was the voting of 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: Articles 15, 17, 35, 37, 38, 41, 46, and 56.

*UNANIMOUSLY VOTED: TO TAKE OUT OF ORDER AND TOGETHER AT THIS TIME ARTICLES 2, 4, 5, 13, 14, 19, 36 AND 45.*

*UNANIMOUSLY VOTED: IN THE WORDS OF THE CONSENT CALENDAR MOTIONS AS PRINTED IN THE WARRANT FOR ARTICLE 2, 4, 5, 13, 14, 19, 36, AND 45.*

(See individual articles for reports and motions voted.)

ARTICLE 2. TEMPORARY BORROWING

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of revenue of the financial year beginning July 1, 1989, in accordance with the provisions of General Laws, Chapter 44, Section 4, and Acts in amendment thereof, and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17; or act on anything relative thereto.

Submitted by the Board of Selectmen.

FINANCE COMMITTEE REPORT: Recommend approval.

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

ARTICLE 3. AMEND BYLAWS, ARTICLE XI - CLASSIFICATION & SALARY PLANS

To see if the Town will vote to amend Article XI of the Town of Sudbury Bylaws, entitled, "The Personnel Administration Plan", by deleting the Classification and Salary Plan, Schedules A & B, in its entirety, and substituting therefor the following:

\ "1989 - 1990  
 SCHEDULE A - CLASSIFICATION PLAN  
 AND SCHEDULE B - SALARY PLAN

GRADE 1	GRADE 8 Conservation Coordinator Director, Council on Aging Senior Librarian
GRADE 2 Clerk I Switchboard Operator/Receptionist	GRADE 9 Administrative Assistant to the Board of Selectmen Assistant Library Director
GRADE 3 Clerk II/Senior Clerk Library Clerk Recording Secretary	GRADE 10 * Town Clerk
GRADE 4 Fire Dispatcher (40 hrs/wk) Library Technician Secretary I Senior Account/DP Clerk Van Driver, Senior Citizen Ctr. Senior Data Processing Clerk Groundsperson (40 hrs/wk)	GRADE 11 * Assistant Assessor * Library Director * Pool Director * Superintendent, Parks & Grounds Management * Town Planner Budget and Personnel Officer
GRADE 5 Assistant Aquatic Director Board of Health Coordinator Outreach Case Manager Library Office Coordinator Grounds Mechanic (40 hrs/wk) Census and Documentation Coord.	GRADE 12 * Director of Public Health * Inspector of Buildings/ Zoning Enforcement Agent * Town Treasurer and Collector
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 Grounds Foreman (40 hrs/wk)	GRADE 13
GRADE 7 Assessors Office Coordinator Assistant Town Accountant Assistant Town Clerk Assistant Town Treasurer Staff Librarian Aquatic Pool Director	GRADE 14 * Director of Finance/Town Accountant * Highway Surveyor * Town Engineer
	GRADE 15 Fire Chief Police Chief
	GRADE 16
	GRADE 17 * Executive Secretary (contract)

\* POSITIONS WHICH ARE GRADED FOR ADVISORY PURPOSES ONLY, INCLUDING UNION POSITIONS, INDIVIDUAL CONTRACTED POSITIONS, AND ELECTED POSITIONS.

APRIL 3, 1989

10.

GRADE		MINIMUM		INTERMEDIATE STEPS				MAXIMUM
		1	2	3	4	5	6	7
1	Hourly	7.48	7.77	8.07	8.39	8.72	9.06	9.42
	Weekly							
	Annual							
2	Hourly	8.07	8.39	8.72	9.06	9.42	9.79	10.17
	Weekly	282.62	293.71	305.23	317.21	329.65	342.58	356.02
	Annual	14,753	15,332	15,933	16,558	17,208	17,833	18,584
3	Hourly	8.72	9.06	9.42	9.79	10.17	10.57	10.99
	Weekly	305.23	317.21	329.65	342.58	356.02	369.99	384.50
	Annual	15,933	16,558	17,208	17,883	18,584	19,313	20,071
4	Hourly	9.42	9.79	10.17	10.57	10.99	11.42	11.86
	Weekly	329.65	342.58	356.02	369.99	384.50	399.59	415.26
	Annual	17,208	17,883	18,854	19,313	20,071	20,859	21,677
5	Hourly	10.17	10.57	10.99	11.42	11.86	12.33	12.81
	Weekly	356.02	369.99	384.50	399.59	415.26	431.56	448.49
	Annual	18,584	19,313	20,071	20,859	21,677	22,527	23,411
6	Hourly	10.99	11.42	11.86	12.33	12.81	13.32	13.84
	Weekly	384.50	399.59	415.26	431.56	448.49	466.08	484.36
	Annual	20,071	20,859	21,677	22,527	23,411	24,329	25,284
7	Hourly	11.86	12.33	12.81	13.32	13.84	14.38	14.95
	Weekly	415.26	431.56	448.49	466.08	484.36	503.37	523.11
	Annual	21,677	22,527	23,411	24,329	25,284	26,276	27,306
8	Hourly	12.93	13.44	13.97	14.51	15.08	15.68	16.29
	Weekly	452.63	470.39	488.84	508.02	527.95	548.67	570.19
	Annual	23,627	24,554	25,517	26,518	27,559	28,641	29,764
9	Hourly	14.10	14.65	15.22	15.82	16.44	17.09	17.76
	Weekly	493.37	512.72	532.83	553.74	575.46	598.05	621.51
	Annual	25,754	26,764	27,814	28,905	30,039	31,218	32,443
10	Hourly	15.36	15.97	16.59	17.25	17.92	18.62	19.36
	Weekly	537.77	558.86	580.79	603.57	627.25	651.87	677.45
	Annual	28,072	29,173	30,317	31,507	32,743	34,028	35,363
11	Hourly	16.75	17.40	18.09	18.80	19.53	20.30	21.10
	Weekly	586.17	609.16	633.06	657.90	683.70	710.54	738.42
	Annual	30,598	31,798	33,046	34,342	35,689	37,090	38,545
12	Hourly	18.25	18.97	19.72	20.49	21.29	22.13	23.00
	Weekly	638.92	663.99	690.04	717.11	745.24	774.49	804.87
	Annual	33,352	34,660	36,020	37,433	38,901	40,428	42,014
13	Hourly	19.90	20.68	21.49	22.33	23.21	24.12	25.07
	Weekly	696.43	723.75	752.14	781.65	812.31	844.20	877.31
	Annual	36,353	37,780	39,262	40,802	42,403	44,067	45,796

APRIL 3, 1989

11.

GRADE	INTERMEDIATE STEPS							MAXIMUM
	MINIMUM	1	2	3	4	5	6	
14 Hourly	21.69	22.54	23.42	24.34	25.30	26.29	27.32	
Weekly	759.10	788.88	819.83	851.99	885.42	920.17	956.27	
Annual	39,625	41,180	42,795	44,474	46,219	48,033	49,917	
15 Hourly	23.64	24.57	25.53	26.53	27.57	28.66	29.78	
Weekly	827.42	859.88	893.62	928.67	965.10	1002.99	1042.34	
Annual	43,191	44,886	46,647	48,477	50,378	52,356	54,410	
16 Hourly	25.77	26.78	27.83	28.92	30.06	31.24	32.46	
Weekly	901.89	937.27	974.04	1012.25	1051.96	1093.26	1136.15	
Annual	47,079	48,926	50,845	52,840	54,913	57,068	59,307	
17 Hourly	28.09	29.19	30.33	31.52	32.76	34.05	35.38	
Weekly	983.06	1021.63	1061.71	1103.36	1146.64	1191.65	1238.40	
Annual	51,316	53,329	55,421	57,595	59,855	62,204	64,644	

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.

CLASSIFICATION	HRS/WEEK	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
<u>FIRE DEPARTMENT</u>						
ANNUALLY RATED						
Firefighter						
Hourly	42	11.21	11.47	11.74	12.00	12.28
Annual		24,579	25,148	25,732	26,301	26,920
Firefighter/EMT						
Hourly	42	11.71	11.97	12.24	12.50	12.78
Annual		25,679	26,248	26,832	27,401	28,020
Lieutenant						
Hourly	42	12.50	12.79	13.09	13.38	13.69
Annual		27,405	28,040	28,691	29,326	30,016
Lieutenant/EMT						
Hourly	42	13.06	13.35	13.65	13.94	14.25
Annual		28,632	29,267	29,917	30,552	31,243
Fire Captain						
Hourly	42	13.94	14.26	14.59	14.91	15.27
Annual		30,557	31,265	31,990	32,698	33,468
Fire Captain/EMT						
Hourly	42	14.56	14.88	15.22	15.54	15.89
Annual		31,924	32,633	33,358	34,066	34,836



<u>HIGHWAY DEPARTMENT</u>	<u>START</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>
		<u>After</u>	<u>After</u>	<u>After</u>	<u>After</u>	<u>After</u>	<u>After</u>
		6 mos.	1 yr.	2 yrs.	3 yrs.	4 yrs.	5 yrs.

FY90 Schedule A (Before Anniversary Date)ANNUALLY RATED

Foreman Hwy	24,520	25,042	25,563	26,123	26,644	27,177	27,718
Foreman Tree/Cem	24,520	25,042	25,563	26,123	26,644	27,177	27,718

HOURLY RATED

Master Mechanic	11.46	11.83	12.22	12.60	12.93	13.26	13.60
Asst Mechanic	10.93	11.30	11.70	12.07	12.40	12.73	13.07
Hvy Equip Oper	10.31	10.62	10.92	11.16	11.53	11.90	12.28
Tree Surgeon	10.31	10.62	10.92	11.16	11.53	11.90	12.28
Trk &/or Lt Eq Op	9.72	9.98	10.24	10.52	10.72	10.93	11.16
Tree Climber	9.72	9.98	10.24	10.52	10.72	10.93	11.16
Hvy Laborer	9.21	9.40	9.67	9.89	10.15	10.42	10.69
Lt Laborer	8.39	8.56	8.81	9.01	9.25	9.48	9.73
Landfill Monitor	7.79						

SINGLE RATED

Lead Foreman	\$1,050 per year
Mech Foreman	\$1,000 per year

FY90 Schedule B (After Anniversary Date)ANNUALLY RATED

Foreman Hwy	25,042	25,563	26,123	26,644	27,177	27,718	28,550
Foreman Tree/Cem	25,042	25,563	26,123	26,644	27,177	27,718	28,550

HOURLY RATED

Master Mechanic	11.83	12.22	12.60	12.93	13.26	13.60	14.00
Asst Mechanic	11.30	11.70	12.07	12.40	12.73	13.07	13.46
Hvy Equip Oper	10.62	10.92	11.16	11.53	11.90	12.28	12.63
Tree Surgeon	10.62	10.92	11.16	11.53	11.90	12.28	12.63
Trk &/or Lt Eq Op	9.98	10.24	10.52	10.72	10.93	11.16	11.49
Tree Climber	9.98	10.24	10.52	10.72	10.93	11.16	11.49
Hvy Laborer	9.40	9.67	9.89	10.15	10.42	10.69	11.01
Lt Laborer	8.58	8.81	9.01	9.25	9.48	9.73	10.02
Landfill Monitor	8.02						

SINGLE RATED

Lead Foreman	\$1,050 per year
Mech Foreman	\$1,000 per year

NOTES: 1) HOURLY RATES ARE OBTAINED BY DIVIDING THE ANNUAL RATES BY 52.2 WEEKS AND 40 HOURS PER WEEK. OVERTIME PAY IS CALCULATED BY MULTIPLYING 1.5 TIMES THESE HOURLY RATES.

2) DURING FY90, AN EMPLOYEE WILL BE PLACED ON SCHEDULE A AND THEN MOVE TO SCHEDULE B ON HIS ANNIVERSARY DATE. FOR EXAMPLE, AN EMPLOYEE AT STEP 4 OF THE FY89 SCHEDULE ON JUNE 30, 1989 WILL BE PLACED AT STEP 4 OF THE FY90 SCHEDULE A ON JULY 1, 1989 UNTIL HIS ANNIVERSARY DATE AND THEN MOVE TO STEP 5 OF THE FY90 SCHEDULE B.

SUDBURY SUPER. ASSOC.	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Library Director	37,191	38,307	39,456	40,640	41,859	43,115
Director of Health	38,062	39,204	40,380	41,591	42,839	44,124
Town Engineer	45,841	47,216	48,633	50,092	51,594	53,142
Supt. Parks & Grnds Mgmt*	29,777	30,670	31,590	32,538	33,514	34,519
Asst. Highway Surveyor	33,604	34,612	35,650	36,719	37,821	38,956
Highway Operations Asst.	28,377	29,228	30,105	31,008	31,938	32,896
Building Inspector	37,021	38,132	39,276	40,454	41,668	42,918
Supv. of Town Bldgs.	27,946	28,785	29,648	30,538	31,454	32,397
Assistant Assessor	37,023	38,133	39,277	40,456	41,669	42,919
Town Planner	39,450	40,633	41,852	43,108	44,401	45,733
Police Lt./Adm. Asst.	41,028	42,259	43,527	44,833	46,178	47,563
Dir. of Fin./Town Acct.	46,870	48,276	49,724	51,216	52,752	54,335

\* THIS DOES NOT INCLUDE SALARY PAID BY LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT, IF ANY.

ENGINEERING ASSOC.	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
E-1 Engineer, Aide I	17,593	18,122	18,667	19,229	19,806	20,401
E-2 Engineer, Aide II	20,231	20,840	21,464	22,111	22,773	23,457
E-3 Engineer, Aide III	23,267	23,967	24,684	25,425	26,187	26,973
E-4 Jr. Civil Eng.	26,758	27,561	28,386	29,238	30,115	31,018
E-5 Civil Eng.	30,104	31,006	31,940	32,896	33,882	34,898
E-6 Sr. Civil Eng.	31,923	32,881	33,868	34,884	35,931	37,006
E-7 Asst. Town Eng.	37,547	38,673	39,833	41,028	42,259	43,527

CLASSIFICATION	HRS/WEEK	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
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#### LIBRARY

##### HOURLY RATED

Library Page	5.18	5.41	5.58
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#### PARK & RECREATION DEPT.

##### ANNUALLY RATED

Recreation Director P/T	10,330	10,745	11,279	11,866	12,461
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##### SEASONALLY RATED

Camp Supervisor	2,205	2,296	2,409	2,531	2,660
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##### HOURLY RATED

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Lifeguard or							
Pool Recept.	7.05	7.33	7.62	7.92	8.23	8.55	8.89
Childcare Helper or							
Water Safety Inst.	7.62	7.92	8.23	8.55	8.89	9.23	9.60

Temp. Laborer	6.32 - 7.72/hr.
Teen Center Coordinator	9.96 - 14.93/hr.

#### PARK & RECREATION AND HIGHWAY DEPT.

Temp. Laborer	6.32 - 7.72/hr.
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TOWN ADMINISTRATION

	MINIMUM STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	MAXIMUM STEP 7
Custodian	8.77	9.11	9.47	9.84	10.22	10.62	11.05

SINGLE RATED

Vets. Agent & Dir.	3,372/Yr
Animal Inspector	1,487/YR
Cust.-Voting Machines	7.74/HR
Census Taker	5.88/HR
Elect. Warden	5.88/HR
Elect. Clerk	5.88/HR
Dep. Elect. Warden	5.88/HR
Dep. Elect. Clerk	5.88/HR
Elect. Off. & Teller	5.58/HR
Plumbing Insp.	5.91/HR
Assistant Dog Officer	8.99/HR when called";

or act on anything relative thereto.

Submitted by the Personnel Board.

D. Mandel, Vice-Chairman of the Personnel Board moved to amend Article XI of the Town of Sudbury bylaws, entitled, "The Personnel Administration Plan", by deleting the Classification and Salary Plan, Schedules A and B, in its entirety, and substituting therefore the Classification and Salary Plan, Schedules A and B as set forth in the Warrant for this meeting.

Personnel Board Report: (D. Mandel)

The proposed changes to the Salary and Classification Plan confirmed a number of reclassification and salary range adjustments that the Personnel Board adopted in the past year. The salary grid provides a 6% across-the-board increase for non-union employees.

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

Finance Committee Report: (S. Harrell) The Finance Committee recommended approval.

Joseph Klein of Stone Road asked several questions of the Personnel Board relating to the Sudbury Supervisory Association (SSA) personnel, those covered by union negotiations with automatic step increases. He inquired how a member of the SSA could routinely be criticized for doing a particularly poor job, yet could continue to receive an 8% salary increase. He also asked how this could be prevented. Mr. Mandel responded by stating the answer would be a "collective bargaining negotiating provision" in the contract that would give the right to withhold step increases, if it were possible to attain such a provision. Across-the-board increases, negotiated in the various contracts, including the SSA, are automatic. Upon hearing that statement, Mr. Klein remarked that instead of the Town determining how much money it can afford to pay, the amount of money is pre-determined and the voters are forced to "scramble" with whatever remains for the rest of the Town's responsibilities and services.

John McMorow of Chanticleer Road questioned why there was no indication as to how much this new Classification and Salary Plan was going to cost the town; would the people involved receive a 6% increase plus a 3% step increase and how many people are involved. He commented that a 9% increase was a substantial amount of money - well beyond cost of living figures, while at the same time, voters are trying to be prudent with the budget.

Mr. Mandel noted that not every employee receives a step increase. Union employees have their own step increase scales, and there are five (5) different contracts. Non-union employees have their own salary scale, which includes seven steps. He further noted that the majority of Town employees are at the maximum of the salary scale and do not get step increases. To this Mr. McMorow stated that in private business, the structure(s) would be changed and any proposals put forth would have to say how much the new structure(s) would cost. He suggested it should be the same for this Town.

Henry Soretto of Longfellow Road, past-chairman of the Personnel Board stated he believed the budget was full of bureaucratic overlay that is not only unnecessary, but is used to preserve bureaucracy at the expense of continuing delivering services. He suggested the place to prune this unnecessary bureaucracy is at the individual line items. As to the Classification and Salary Plan, he commented that although Town Meeting does not have the authority to vary the hourly rate or annual salary, it does have the authority to fund the category budget items at an amount less than that requested. A union would have the right to enforce its contract, but the Town would have the right to insist the matter be "recollectively bargained", based on the authority given by Town Meeting. These matters though difficult to handle, are not beyond the control of Town Meeting.

Richard Payne of Thoreau Way premised his remarks by noting the Consumer Price Index (CPI) for the past eight years has been up 30% and for the same period, the school population has been down 20% and the Budget has gone up 76%. Using Warrant figures he took the salaries for ten positions for the last five years and indicated the percentage increase over the previous years. Through the use of an overhead, he showed the five year aggregates as very large. The average for all of them was 85% over the five-year period, and the annual average was 17%, raises the size of which he didn't believe anyone could possibly justify. He stated, "It is astronomic and goes a long way toward explaining why the Town Budget has gone up so fast when the school population is declining."

Marjorie Wallace of Nobscot Road questioned why there was a discrepancy in the ranges provided in the Warrant for one and the same position. As an example she noted the position of Director of Finance/Town Accountant which is Grade 14 in the Classification and Salary Plan, with a salary range of \$39,625-\$49,917, yet as a member of the Sudbury Supervisory Association (SSA) the range for the same position is \$46,870-\$54,335. This same type of discrepancy existed for all those in the SSA.

Mr. Mandel commented that the salary grades and ranges in the Classification and Salary Plan for the SSA positions are for advisory purposes only. The Personnel Board's grading of these positions and the Town Meeting's vote with respect to these positions is not binding. The only positions that the Town votes on that are binding are those that do not have an asterisk next to them - rank and file non-union employees who are at the lowest end of the salary scale for the Town.

At this time a motion was received to *Move the question*. This motion was *VOTED*.

The main motion under Article 3 was *VOTED*.

ARTICLE 4. UNPAID BILLS

(CONSENT CALENDAR)

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.

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 judgment.

Board of Selectmen Report:

The Board supported this article.

Finance Committee Report:

Recommended approval.

*UNANIMOUSLY VOTED to appropriate \$1,050 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:*

\$ 60.00	to pay Framingham Union Hospital (Police)	
75.00	to pay Dr. Prescott J. Cheney (Police)	
43.00	to pay Framingham Orthopedic Assoc., Inc. (Police)	
133.00	to pay Concord Radiologists (Police)	
75.61	to pay New England Telephone (Historic Districts Commission)	
33.00	to pay <u>The Town Crier</u> (Board of Appeals)	
28.89	to pay New England Telephone (Highway)	
196.72	to pay Town of Wayland (Highway)	
25.00	to pay Donald Barkour (Memorial Day Committee)	
379.25	to pay Xerox Corp. (Selectmen);	(CONSENT CALENDAR)

ARTICLE 5. RECYCLING PROGRAM

To see if the Town will vote to authorize the Board of Selectmen, in accordance with General Laws Chapter 40, sec. 8H, to establish a recycling program for the purpose of recycling any type of solid waste, including but not limited to paper, glass, metal, rubber, plastics, used tires and compostable waste, for which the Board of Selectmen may establish rules and regulations which may require that all residents, schools and businesses separate such recyclables from their solid waste, and further to authorize the Board of Selectmen to enter into agreements with other cities, towns or districts for the purpose of joint recycling programs in accordance with Massachusetts General Laws Chapter 40, sections 8H and 4A, where applicable; or act on anything relative thereto.

Submitted by Petition.

Petitioners' Report:

The Massachusetts General Laws require that the Town Meeting approve the establishment of any recycling programs; thus, we submit this article so we may commence, initially, a recycling center at the Sudbury Landfill for Sudbury residents and businesses and a joint composting center with Wayland at their former landfill site on the southerly side of Route 20. The scope and location of the program is subject to change as markets and landfill space evolve. This step is the culmination of considerable work by our Resource Recovery Committee, which should be commended for its planning and negotiation to begin this project. A savings to the Town will be realized from this effort, and we urge your approval.

Board of Selectmen Report:

Board supported this article.

*UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE*

(CONSENT CALENDAR)

ARTICLE 6. 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, 1989 through June 30, 1990, 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 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
100 EDUCATION					
-----					
SUDBURY PUBLIC SCHOOLS					
Salaries	5,826,210	6,516,000	7,389,382	7,389,382	6,938,590
Expenses	1,563,646	1,811,681	1,951,000	1,951,000	1,621,000
Equipment	150,119	145,000	133,543	133,543	133,543
Community Use	16,285	0	0	0	0
Expansion & Interim	0	0	195,000	195,000	50,000
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Subtot Sudbury Pub.Scls	7,556,260	8,472,681	9,668,925	9,668,925	8,743,133
Offsets, including METCO	166,506	105,595	106,047	106,047	106,047
110 Net Sudbury Public Scls	7,389,754	8,367,086	9,562,878	9,562,878	8,637,086
Insurance/Benefit Costs	670,791	806,655	941,147	941,147	930,239
True Cost S.P.S.	8,060,545	9,173,741	10,504,025	10,504,025	9,567,325
L-S REGIONAL H.S.					
130 Sudbury Assessment	5,412,354	5,804,551	6,438,431	6,400,983	5,818,728
MINUTEMAN VOC. H.S.					
140 Sudbury Assessment	457,070	449,347	413,265	413,265	413,265
TOTAL 100 BUDGET	13,259,178	14,620,984	16,414,574	16,377,126	14,869,079
Offset: Free Cash 110&140	0	294,422	0	0	0
NET 100 BUDGET	13,259,178	14,326,562	16,414,574	16,377,126	14,869,079
200 DEBT SERVICE					
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-201 Temp. Loan Int.	8,881	40,000	40,000	40,000	40,000
-203 Other Bond Int.	21,292	39,183	85,000	77,000	76,000
-205 Other Bond Princ.	179,000	94,000	274,000	274,000	274,000
200 TOTAL DEBT SERVICE	209,173	173,183	399,000	391,000	390,000
(Police Sta: P & I)	0	0	0	0	0
(Roof Repairs: P & I)	88,825	0	0	0	0
(Stone Tavern: P & I)	66,080	63,720	61,360	61,360	61,360
(Septage: P & I)	45,388	43,213	21,640	21,640	21,640
(Schl.Arch.Fees: P & I)	0	26,250	236,000	236,000	236,000
(Sr. Center: 1/2 yr I)	0	0	30,000	30,000	30,000
(Other new debt: 1/2 yr I)	0	0	10,000	2,000	1,000

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
<b>300 PROTECTION</b>					
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310 FIRE DEPT					
-100 Chief's Salary	49,294	54,305	57,686	57,686	57,686
-110 Salaries	845,295	923,302	980,478	980,478	980,478
-120 Overtime	110,235	111,124	121,606	121,606	98,188
-130 Clerical	17,881	19,437	21,206	21,206	21,206
-140 Dispatchers	51,248	72,434	76,204	76,204	46,918
-151 Sick Buyback	7,646	5,456	8,809	8,809	8,809
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Total Personal Services	1,081,599	1,186,058	1,265,989	1,265,989	1,213,285
-210 General Expense	20,884	17,010	18,330	18,330	16,830
-310 Maintenance	33,032	29,915	35,350	35,350	32,350
-420 Travel, Out of State	378	1,000	1,000	500	500
-510 Equipment		11,550	13,250	10,750	10,750
-620 Alarm Maint.	2,362	1,500	1,500	1,500	1,500
-710 Uniforms	15,710	15,200	21,345	21,345	21,345
-810 Tuition	960	2,000	2,000	2,000	2,000
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Total Expenses	73,326	78,175	92,775	89,775	85,275
-901 Capital Items	21,958	154,118	83,000	63,000	63,000
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Total Capital Spending	21,958	154,118	83,000	63,000	63,000
310 Total	1,176,883	1,418,351	1,441,764	1,418,764	1,361,560
Offset:Revenue Sharing	13,848	0	0	0	0
Offset:Stabiliz. Fund	0	0	0	0	0
Offset:Abatement Surplus	0	130,000	0	0	0
Net Budget	1,163,035	1,288,351	1,441,764	1,418,764	1,361,560
320 POLICE DEPT					
-100 Chief's Salary	55,203	58,515	62,026	62,026	62,026
-110 Salaries	853,885	969,551	1,040,658	1,040,658	1,014,312
-120 Overtime	170,209	174,022	190,756	160,756	131,785
-130 Clerical	35,978	40,392	43,503	43,503	43,503
-151 Sick Buyback	1,449	2,006	9,244	9,244	9,244
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Total Personal Services	1,116,724	1,244,486	1,346,187	1,316,187	1,260,870
-210 General Expense	40,988	45,910	38,110	38,110	38,110
-255 Contracted Services	0	25,000	0	0	0
-310 Maintenance	19,187	19,915	27,915	27,915	27,915
-410 Travel	3,420	3,500	3,500	3,500	3,500
-420 Travel, Out of State	700	1,000	2,000	2,000	2,000
-510 Equipment	0	6,800	7,000	7,000	7,000
-710 Uniforms	17,155	17,400	17,400	17,400	17,400
-810 Tuition	3,175	3,000	2,000	2,000	2,000
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Total Expenses	84,625	122,525	97,925	97,925	97,925



APRIL 3, 1989

20.

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
320 POLICE (cont.)					
-901 Capital Items	47,776	99,000	62,000	62,000	62,000
Total Capital Spending	47,776	99,000	62,000	62,000	62,000
320 Total	1,249,125	1,466,011	1,506,112	1,476,112	1,420,795
Offset:Revenue Sharing	13,847	75,000	0	0	0
Net Budget	1,235,278	1,391,011	1,506,112	1,476,112	1,420,795
340 BUILDING DEPT.					
-100 Inspector's Salary	38,960	41,299	43,776	43,776	43,776
-110 Assistant Bldg Inspector	0	0	23,411	23,411	0
-120 Overtime	1,802	1,590	1,500	1,500	1,500
-130 Clerical	21,648	24,006	25,790	25,790	25,790
-140 Deputy Inspector	3,249	5,640	5,640	5,640	5,640
-150 Custodial	67,525	73,565	96,136	83,136	83,136
-160 Plumbing Inspector	10,860	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	6,360	6,264	6,264	6,264	6,264
Total Personal Services	153,904	165,364	215,517	202,517	179,106
-210 General Expense	1,108	1,000	1,050	1,050	1,050
-310 Vehicle Maintenance	1,419	1,500	1,500	1,500	1,500
-320 Town Bldg. Maint.	73,827	63,580	61,880	62,380	62,380
-325 Hosmer House	10,119	11,000	10,600	2,500	2,500
-327 Haynes Meadow House	1,749	500	0	0	0
-330 Excess Bldg.	14,620	23,700	12,400	12,400	12,400
-410 Travel	658	650	800	800	800
-420 Travel, Out of state	200	200	200	200	200
-510 Equipment	1,117	0	0	0	0
Total Expenses	104,817	102,130	88,430	80,830	80,830
-901 Capital Items			25,500		
Total Capital Spending	0	0	25,500	0	0
340 Total	258,721	267,494	329,447	283,347	259,936

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
350 DOG OFFICER					
-100 Dog Officer's Salary	19,728	21,843	23,205	23,205	23,205
-120 Overtime	1,084	0	0	0	0
-140 Extra Hire	0	500	500	500	500
Total Personal Services	20,812	22,343	23,705	23,705	23,705
-210 General Expense	2,091	2,500	2,500	2,500	2,100
-310 Vehicle Maintenance	15	200	200	200	0
Total Expenses	2,106	2,700	2,700	2,700	2,100
Total Capital Spending	0	0	0	0	0
350 Total	22,918	25,043	26,405	26,405	25,805
360 CONSERVATION COMMISSION					
-100 Conservation Coordinator	20,745	21,439	25,309	25,309	25,309
-130 Clerical	3,313	4,424	4,892	4,892	4,892
-140 Extra Hire	0	0	0	0	0
Total Personal Services	24,058	25,863	30,201	30,201	30,201
-210 General Expense	5,359	5,000	6,500	6,500	5,500
-220 Computer	2,250	350	0	0	0
-310 Maintenance	9,957	10,000	10,550	5,550	5,550
-325 Haynes Meadow House	0	0	2,500	500	500
-410 Travel	373	350	350	350	350
-510 Equipment	345	750	0	0	0
Total Expenses	18,284	16,450	19,900	12,900	11,900
-900 Conservation Fund	7,200	0	10,000	0	0
Total Capital Spending	7,200	0	10,000	0	0
360 Total	49,542	42,313	60,101	43,101	42,101
370 BOARD OF APPEALS					
-130 Personal Services (Cler)	5,805	7,039	7,338	7,338	7,338
-210 Expenses (Gen. Exp.)	952	1,750	1,250	1,250	1,250
-901 Total Capital Spending	0	0	0	0	0
370 Total	6,757	8,789	8,588	8,588	8,588
TOTAL 300 BUDGET	2,763,946	3,228,001	3,372,417	3,256,317	3,118,785
Offsets	27,695	205,000	0	0	0
NET 300 BUDGET	2,736,251	3,023,001	3,372,417	3,256,317	3,118,785

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
<b>410 HIGHWAY DEPT</b>					
-100 Surveyor's Salary	46,202	48,975	46,723	46,723	46,723
-110 Salaries	493,502	411,832	523,951	523,951	492,180
-120 Overtime	17,069	19,006	15,024	15,024	15,024
-130 Clerical	19,058	6,876	11,704	11,704	11,704
-140 Tree Warden	800	850	1,000	1,000	1,000
-151 Sick Buyback	0	2,261	2,296	2,296	2,296
<b>Total Personal Services</b>	<b>576,631</b>	<b>489,800</b>	<b>600,698</b>	<b>600,698</b>	<b>568,927</b>
-210 General Expense	4,509	4,500	5,000	5,000	5,000
-218 Roadwork	211,169	232,354	246,354	246,354	224,854
-310 Bldg. Maintenance	7,586	7,770	9,200	9,200	7,770
-311 Trees	12,995	13,000	14,000	14,000	14,000
-334 Utilities	16,916	21,000	20,000	20,000	20,000
-410 Travel	30	100	100	100	100
-420 Travel, Out of State	799	800	1,000	1,000	1,000
-450 Landfill	14,072	50,000	0	0	0
-451 Cemeteries	11,377	11,350	15,700	15,700	12,325
-510 Equipment	0	0	0	0	0
-511 Vehicle Maintenance	122,083	94,002	101,226	101,226	101,226
-700 Street Lighting	71,236	69,500	69,500	69,500	69,500
-710 Uniforms	8,607	8,650	11,650	11,650	11,200
<b>Total Expenses</b>	<b>481,379</b>	<b>513,026</b>	<b>493,730</b>	<b>493,730</b>	<b>466,975</b>
-901 Capital Items	152,998	200,000	200,000	200,000	200,000
<b>Total Capital Spending</b>	<b>152,998</b>	<b>200,000</b>	<b>200,000</b>	<b>200,000</b>	<b>200,000</b>
-121 Snow & Ice Overtime	54,150	37,496	37,840	37,840	37,840
-301 Snow & Ice Materials	123,649	89,090	99,754	99,754	94,754
<b>Total Snow &amp; Ice</b>	<b>177,799</b>	<b>126,586</b>	<b>137,594</b>	<b>137,594</b>	<b>132,594</b>
<b>TOTAL 410 BUDGET</b>	<b>1,388,807</b>	<b>1,329,412</b>	<b>1,432,022</b>	<b>1,432,022</b>	<b>1,368,496</b>
Offset:Cemetery Fund	16,000	20,500	15,000	15,000	15,000
Offset:Sale of Town Land	82,535	0	0	0	0
Offset:Add'l Lottery Rev	32,245	0	0	0	0
Offset:Stabiliz. Fund	0	0	0	0	0
Offset: Free Cash	0	62,000	0	0	0
Offset:Abatement Surplus	0	155,000	0	0	0
<b>Total Offsets</b>	<b>130,780</b>	<b>237,500</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>
<b>NET 410 BUDGET</b>	<b>1,258,027</b>	<b>1,091,912</b>	<b>1,417,022</b>	<b>1,417,022</b>	<b>1,353,496</b>

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
460 LANDFILL #					
-100 Administration		18,704	20,151	20,151	20,151
-110 Salaries		99,750	113,018	113,018	113,018
-120 Overtime		0	3,938	3,938	3,938
-130 Clerical		13,707	26,740	26,740	26,740
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Total Personal Services		132,161	163,847	163,847	163,847
-210 General Expense		4,228	6,500	6,500	6,500
-310 Maintenance		41,966	42,200	102,200	102,200
-470 Resource Recovery		0	75,000	75,000	75,000
-799 Audit		0	2,500	2,500	2,500
-803 Benefits/Insurance		39,648	39,353	39,353	39,353
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Total Expenses		85,842	165,553	225,553	225,553
-500 Depreciation		31,561	37,733	37,733	37,733
-901 Capital Items		0	74,873	74,873	74,873
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Total Capital Spending		31,561	112,606	112,606	112,606
TOTAL 460 BUDGET		249,564	442,006	502,006	502,006
LANDFILL RECEIPTS		249,564	442,500	442,500	442,500

#In accordance with Chapter 306 of the Acts of 1986, the Board of Selectmen recommends the FY1990 Landfill Enterprise Fund Budget as follows: Total Budget \$442,006; Income Estimate \$442,500; Amount to be Raised \$0.

#### 500 GENERAL GOVERNMENT

501 SELECTMEN					
-100 Exec. Sec'y Salary	61,759	68,651	72,591	72,591	72,591
-110 Admin. Salaries	52,668	59,715	66,058	66,058	63,058
-120 Overtime	1,116	530	550	550	0
-130 Clerical	48,560	64,505	70,724	70,724	65,774
-140 Selectmen's Salary	3,200	3,200	3,200	3,200	3,200
-150 Sick Leave Buyback	0	1,667	1,937	1,937	1,937
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Total Personal Services	167,303	198,268	215,060	215,060	206,560
-210 General Expense	5,699	8,000	8,000	8,000	8,000
-310 Maintenance	3,320	1,200	1,200	1,200	1,200
-410 Travel	864	1,000	1,000	1,000	1,000
-420 Travel, Out of State	1,200	1,000	1,200	1,200	1,200
-510 Equipment	578	500	0	0	0
-811 Surveys & Studies	3,500	8,000	12,600	6,600	0
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Total Expenses	15,161	19,700	24,000	18,000	11,400
-901 Capital Items	0	0	0	0	0
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Total Capital Spending	0	0	0	0	0
501 Total	182,464	217,968	239,060	233,060	217,960

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
502 ENGINEERING DEPT.					
-100 Engineer's Salary	43,283	48,674	53,142	53,142	53,142
-110 Salaries	122,018	139,977	153,882	153,882	153,882
-120 Overtime	0	0	1,000	0	1,000
-130 Clerical	18,303	20,203	21,877	21,877	21,877
-151 Sick Buyback	821	857	1,000	1,000	1,000
Total Personal Services	184,425	209,711	230,901	229,901	230,901
-210 General Expense	6,865	8,450	11,450	9,200	11,450
-310 Maintenance	1,551	1,850	1,900	1,900	1,900
-410 Travel	73	100	100	100	100
Total Expenses	8,489	10,400	13,450	11,200	13,450
-901 Capital Items	9,899	0	32,000	16,200	1,200
Total Capital Spending	9,899	0	32,000	16,200	1,200
502 Total	202,813	220,111	276,351	257,301	245,551
503 LAW					
-100 Retainer	22,897	26,000	27,560	27,560	27,560
Total Personal Services	22,897	26,000	27,560	27,560	27,560
-210 General Expense	4,726	6,450	6,450	6,450	6,450
-256 Legal Expense	61,363	37,835	60,675	60,675	60,675
-500 Equipment	0	200	0	0	0
Total Expenses	66,089	44,485	67,125	67,125	67,125
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	0	0
503 Total	88,986	70,485	94,685	94,685	94,685
504 ASSESSORS					
-100 Asst. Assessor's Salary	34,019	37,054	42,086	42,086	42,086
-120 Overtime	1,995	2,650	2,650	2,650	2,650
-130 Clerical	52,606	58,352	64,197	64,197	64,197
-140 Assessors' Salaries	0	0	0	0	0
Total Personal Services	88,620	98,056	108,933	108,933	108,933

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
504 ASSESSORS (cont.)					
-210 General Expense	4,594	8,000	12,000	12,000	12,000
-255 Contracted Services	24,694	26,400	17,000	11,000	11,000
-310 Maintenance	198	350	350	350	350
-410 Travel	699	250	1,250	1,250	1,250
-510 Equipment		0	0	0	0
-810 Tuition	465	1,500	1,500	1,500	1,500
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Total Expenses	30,650	36,500	32,100	26,100	26,100
-901 Capital Items	8,225	6,500	0	0	0
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Total Capital Spending	8,225	6,500	0	0	0
504 Total	127,495	141,056	141,033	135,033	135,033
505 TREASURER/COLLECTOR					
-100 Collec/Treas. Salary	40,353	44,487	47,160	47,160	47,160
-120 Overtime	902	1,000	1,000	1,000	1,000
-130 Clerical	52,757	57,171	61,705	61,705	61,705
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Total Personal Services	94,012	102,658	109,865	109,865	109,865
-210 General Expense	8,869	11,500	11,500	11,500	11,500
-310 Maintenance	48	210	200	200	200
-410 Travel	1,252	1,600	1,500	1,500	1,500
-521 Service Bureau	32,194	35,000	40,000	40,000	40,000
-610 Tax Title Expense	0	3,000	3,000	3,000	3,000
-711 Bond and Note Issue	85	13,000	1,000	1,000	1,000
-810 Tuition	0	250	250	250	250
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Total Expenses	42,448	64,560	57,450	57,450	57,450
-901 Capital Items	0	0	0	0	0
	-----	-----	-----	-----	-----
Total Capital Spending	0	0	0	0	0
505 Total	136,460	167,218	167,315	167,315	167,315
506 TOWN CLERK & REGISTRARS					
-100 Town Clerk's Salary	28,547	35,000	38,150	38,150	38,150
-120 Overtime	1,801	1,000	1,000	1,000	1,000
-130 Clerical	53,866	57,186	70,175	70,175	70,175
-140 Registrars	588	600	650	650	650
	-----	-----	-----	-----	-----
Total Personal Services	84,802	93,786	109,975	109,975	109,975

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
506 CLERK & REGISTRARS (cont.)					
-210 General Expense	11,287	13,100	18,013	15,938	15,938
-220 Computer	1,467	1,850	6,275	4,775	4,775
-310 Maintenance	2,317	685	800	665	665
-410 Travel	933	800	800	800	800
-420 Travel, Out of State	0	0	0	0	0
-510 Equipment	2,336	2,437	2,454	2,454	2,454
-615 Elections	8,516	13,140	5,721	5,721	5,721
-810 Tuition	0	300	600	600	600
Total Expenses	26,856	32,312	34,663	30,953	30,953
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	0	0
506 Total	111,658	126,098	144,638	140,928	140,928
508 FINANCE COMMITTEE					
-130 Personal Services (Cler)	2,488	4,158	5,737	5,737	5,737
-210 Expenses (Gen. Exp.)	548	200	300	300	300
508 Total	3,036	4,358	6,037	6,037	6,037
509 MODERATOR					
-100 Personal Services (Sal.)	0	0	0	0	0
-210 Expenses (Gen. Exp.)	131	0	0	0	0
509 Total	131	0	0	0	0
510 PERMANENT BLDG. COM.					
-130 Personal Services (Cler)	891	611	1,088	1,088	1,088
-210 Expenses (Gen. Exp.)	0	0	0	0	0
510 Total	891	611	1,088	1,088	1,088
511 PERSONNEL BOARD					
-130 Personal Services (Cler)	2,635	3,784	7,742	7,742	4,011
-210 General Expense	200	200	400	360	360
-510 Equipment	196	0	0	0	0
Total Expenses	396	200	400	360	360
511 Total	3,031	3,984	8,142	8,102	4,371

APRIL 3, 1989

27.

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
512 PLANNING BOARD					
-100 Town Planner	36,128	40,668	44,401	44,401	44,401
-130 Clerical	17,851	18,323	19,842	19,842	14,842
-140 Extra Hire	0	383	423	423	0
Total Personal Services	53,979	59,374	64,666	64,666	59,243
-210 General Expense	3,378	3,600	4,320	4,320	4,320
-256 Contracted Services	0	0	10,000	0	0
-310 Maintenance	0	0	0	0	0
-410 Travel	4	650	650	650	650
-510 Equipment	660	530	935	935	0
-810 Tuition	400	800	800	800	800
-811 Surveys & Studies	0	0	0	0	0
Total Expenses	4,442	5,580	16,705	6,705	5,770
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	0	0
512 Total	58,421	64,954	81,371	71,371	65,013
513 ANCIENT DOCUMENTS COM.					
-210 Expenses (Gen. Exp.)	1,600	1,600	1,600	1,600	1,600
513 Total	1,600	1,600	1,600	1,600	1,600
514 HISTORIC DIST. COM.					
-130 Personal Services (Cler)	83	75	75	75	75
-210 Expenses (Gen. Exp.)	35	85	85	85	85
514 Total	118	160	160	160	160
515 HISTORICAL COMMISSION					
-130 Personal Services (Cler)	0	0	0	0	0
-210 General Expense	982	875	1,250	1,250	1,250
-510 Equipment	4,363	1,200	1,000	1,000	1,000
Total Expenses	5,345	2,075	2,250	2,250	2,250
515 Total	5,345	2,075	2,250	2,250	2,250



	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
516 CABLE TV COMMISSION					
-130 Personal Services (Cler)	0	0	0	0	0
-210 Expenses (Gen. Exp.)	0	400	900	400	400
516 Total	0	400	900	400	400
517 DESIGN REVIEW BOARD					
-130 Personal Services (Cler)	0	2,499	2,069	2,069	2,069
-210 General Expense	0	175	100	100	100
-810 Tuition	0	0	0	0	0
Total Expenses	0	175	100	100	100
517 Total	0	2,674	2,169	2,169	2,169
518 COUNCIL ON AGING					
-100 Director's Salary	16,441	18,756	20,694	20,694	18,756
-110 Van Driver	12,819	12,360	13,873	13,873	12,360
-120 Outreach Worker	3,750	7,188	7,960	7,960	7,238
Total Personal Services	33,010	38,304	42,527	42,527	38,354
-210 General Expense	4,315	5,120	6,655	6,655	6,655
-310 Maintenance	3,290	3,260	3,440	3,440	3,440
-410 Travel	0	250	150	0	0
-420 Out of State Travel	0	100	100	0	0
-510 Equipment	250	250	100	100	100
-611 Programs	250	0	0	0	0
-622 Transportation	1,444	1,710	510	510	510
Total Expenses	9,549	10,690	10,955	10,705	10,705
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	0	0
518 Total	42,559	48,994	53,482	53,232	49,059
521 ACCOUNTING					
-100 Town Accountant's Salary	44,900	50,761	55,422	55,422	55,422
-120 Overtime	225	728	728	728	728
-130 Clerical	41,358	45,632	50,986	50,986	50,986
Total Personal Services	86,483	97,121	107,136	107,136	107,136

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
521 ACCOUNTING (cont.)					
-210 General Expense	23,456	3,115	3,615	3,615	3,615
-220 Computer	14,111	16,424	12,935	10,935	10,935
-255 Contracted Services	0	0	20,000	20,000	0
-310 Maintenance	0	370	370	370	370
-410 Travel	313	590	590	590	590
-510 Equipment	0	300	0	0	0
-810 Tuition	49	250	250	250	250
Total Expenses	37,929	21,049	37,760	35,760	15,760
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	0	0
521 Total	124,412	118,170	144,896	142,896	122,896
TOTAL 500 BUDGET	1,089,420	1,190,916	1,365,177	1,317,627	1,256,515
600 GOODNOW LIBRARY					
-100 Director's Salary	32,129	36,138	39,456	39,456	39,456
-110 Salaries	180,633	207,917	240,708	225,727	211,119
-120 Overtime	3,089	3,253	3,360	3,785	3,361
-150 Custodial	10,475	10,648	20,408	13,110	13,110
Total Personal Services	226,326	257,956	303,932	282,078	267,046
-210 General Expense	5,038	6,000	6,800	6,000	5,420
-310 Maintenance	22,225	14,400	14,425	12,100	11,300
-410 Travel	174	250	250	250	150
-420 Travel, Out of State	0	0	0	0	0
-510 Equipment	3,379	1,000	0	0	0
-520 Books	54,443	59,727	71,038	62,553	57,360
-616 Automation	0	6,000	10,000	10,000	8,900
Total Expenses	85,259	87,377	102,513	90,903	83,130
-901 Capital Items	0	25,816	6,250	0	0
Total Capital Spending	0	25,816	6,250	0	0
600 Total	311,585	371,149	412,695	372,981	350,176
Offset: State Aid	0	0	0	0	0
Offset: Dog Licenses	2,000	2,000	2,000	2,000	2,000
NET 600 BUDGET	309,585	369,149	410,695	370,981	348,176

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
<b>700 PARK AND RECREATION</b>					
-100 Supervisor's Salary	31,644	33,542	35,589	35,589	35,589
-110 Salaries	92,250	110,232	135,268	135,268	111,268
-120 Overtime	1,384	1,590	1,590	1,590	1,590
-130 Clerical	6,121	7,075	7,799	7,799	7,799
-151 Sick Leave Buyback	0	0	826	826	826
<b>Total Personal Services</b>	<b>131,399</b>	<b>152,439</b>	<b>181,072</b>	<b>181,072</b>	<b>157,072</b>
-210 General Expense	4,938	5,000	5,000	5,000	5,000
-310 Maintenance	44,341	27,000	27,300	27,300	27,300
-410 Travel	713	660	750	750	750
-510 Equipment	10,355	2,900	900	900	900
-610 Special Programs	14,266	14,000	15,900	15,900	15,900
-623 Teen Center	8,499	10,500	5,840	5,840	5,840
-710 Uniforms	1,198	1,200	1,350	1,350	1,350
<b>Total Expenses</b>	<b>84,310</b>	<b>61,260</b>	<b>57,040</b>	<b>57,040</b>	<b>57,040</b>
-901 Capital Items	0	23,000	37,847	7,847	7,847
<b>Total Capital Spending</b>	<b>0</b>	<b>23,000</b>	<b>37,847</b>	<b>7,847</b>	<b>7,847</b>
<b>700 Total</b>	<b>215,709</b>	<b>236,699</b>	<b>275,959</b>	<b>245,959</b>	<b>221,959</b>
Offset: Free Cash	33,453	0	0	0	0
<b>Net 700 Budget</b>	<b>182,256</b>	<b>236,699</b>	<b>275,959</b>	<b>245,959</b>	<b>221,959</b>
<b>701 TOWN POOL #</b>					
-100 Director's Salary	16,551	28,000	35,000	22,700	22,700
-110 Salaries	57,366	98,500	158,300	156,625	156,625
-120 Overtime	0	0	1,500	1,500	1,500
-130 Clerical	13,665	16,800	21,700	21,700	21,700
<b>Total Personal Services</b>	<b>87,582</b>	<b>143,300</b>	<b>216,500</b>	<b>202,525</b>	<b>202,525</b>
-210 General Expense	22,366	19,500	32,400	32,400	32,400
-310 Maintenance	45,013	40,000	97,600	97,600	97,600
-410 Travel	0	200	200	200	200
-420 Out of State Travel	514	800	1,000	1,000	1,000
-510 Equipment	19,300	0	1,000	1,000	1,000
-610 Programs	8,770	8,000	19,400	19,400	19,400
-799 Audit	0	0	2,500	2,500	2,500
-803 Insurance & Benefits	0	28,000	33,200	33,200	33,200
<b>Total Expenses</b>	<b>95,963</b>	<b>96,500</b>	<b>187,300</b>	<b>187,300</b>	<b>187,300</b>

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
701 TOWN POOL # (cont.)					
-500 Depreciation	0	67,000	67,000	0	0
-901 Capital Items	0	0	12,500	0	0
Total Capital Spending	0	67,000	79,500	0	0
701 Total	183,545	306,800	483,300	389,825	389,825
Offset: Free Cash	20,000	0	0	0	0
Net 701 Budget	163,545	306,800	483,300	389,825	389,825
POOL ENTERPRISE RECEIPTS	185,800	306,800	353,800	353,800	353,800

#In accordance with Chapter 306 of the Acts of 1986, the Board of Selectmen recommends the FY1990 Town Swimming Pool Enterprise Fund Budget as follows: Total Budget \$483,300; Income Estimate \$353,800; Amount to be Raised \$0; Deficit Estimate \$129,500.

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	100	150	150	100
-256 Contracted Services	0	0	0	0	0
-611 Community Programming	1,202	1,500	1,500	1,500	1,500
Total Expenses	1,202	1,600	1,650	1,650	1,600
710 Total	1,202	1,600	1,650	1,650	1,600
715 350th CELEBRATION					
-210 Expenses (Gen. Exp.)	9,810	15,000	0	0	0
715 Total	9,810	15,000	0	0	0
Offset: Free Cash	0	15,000	0	0	0
Net 715 Budget	9,810	0	0	0	0
TOTAL 700 BUDGET	410,266	560,099	760,909	637,434	613,384
Offsets	53,453	15,000	0	0	0
NET 700 BUDGET	356,813	545,099	760,909	637,434	613,384

APRIL 3, 1989

32.

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
800 BOARD OF HEALTH					
-100 Director's Salary	36,647	39,269	42,839	42,839	42,839
-120 Overtime	0	0	0	0	0
-130 Clerical	20,499	22,601	24,902	24,902	24,902
-140 Animal Inspector	1,323	1,487	1,487	1,487	1,487
-141 Extra Hire	400	1,000	1,000	1,000	1,000
Total Personal Services	58,869	64,357	70,228	70,228	70,228
-210 General Expense	1,571	1,700	1,700	1,700	1,700
-310 Maintenance	374	200	200	200	200
-321 Lab Expense	3,457	4,500	4,600	4,600	4,600
-510 Equipment	0	0	0	0	0
-612 SVNA	33,520	34,545	35,398	35,398	35,398
-614 Community Outreach Prog.	24,961	37,932	38,968	38,968	38,968
-712 Mosquito Control	18,000	19,000	19,000	19,000	19,000
-750 Septage: Interest	9,837	15,000	15,000	15,000	15,000
-751 Septage: Operation. Exp.	46,786	100,000	142,000	142,000	142,000
-811 Studies & Surveys	16,114	0	2,000	0	0
-910 Mental Health	8,788	8,765	10,710	8,710	8,710
-920 Hazardous Waste	1,861	20,000	20,000	16,500	0
Total Expenses	165,269	241,642	289,576	282,076	265,576
-901 Capital Items	0	0	16,000	12,000	12,000
Total Capital Spending	0	0	16,000	12,000	12,000
800 TOTAL	224,138	305,999	375,804	364,304	347,804
900 Veterans					
-100 Agent's Salary	3,001	3,181	3,372	3,372	3,372
Total Personal Services	3,001	3,181	3,372	3,372	3,372
-210 General Expense	644	750	750	750	750
-613 Veteran's Benefits	3,095	1,500	6,000	6,000	6,000
Total Expenses	3,739	2,250	6,750	6,750	6,750
900 TOTAL	6,740	5,431	10,122	10,122	10,122

APRIL 3, 1989

33.

	Expend. FY 88 *	Approp.- FY 89 **	Request FY 90	Override Budget	No Override Budget
<b>950 UNCLASSIFIED</b>					
<b>EMPLOYEE BENEFITS</b>					
-800 Health Insurance	790,261	940,000	1,170,000	1,170,000	1,170,000
Town Share:	352,061	418,770	531,882	531,882	531,882
Sc1 Share:	438,200	521,230	638,118	638,118	638,118
-801 Life Insurance	3,724	4,000	24,000	24,000	4,000
Town Share:	1,659	1,782	10,910	10,910	1,818
Sc1 Share:	2,065	2,218	13,090	13,090	2,182
-810 FICA/Medicare	22,274	28,000	50,000	50,000	50,000
Town Share:	9,923	12,474	22,730	22,730	22,730
Sc1 Share:	12,351	15,526	27,270	27,270	27,270
-811 Worker's Compensation	88,451	125,000	125,000	125,000	125,000
Town Share:	57,493	81,250	82,500	82,500	82,500
Sc1 Share:	30,958	43,750	42,500	42,500	42,500
-813 Retirement Fund	625,637	700,000	700,000	700,000	700,000
Town Share:	494,316	553,070	553,070	553,070	553,070
Sc1 Share:	131,321	146,930	146,930	146,930	146,930
-952 Pension Liab. Fund	20,000	20,000	20,000	20,000	20,000
Town Share:	15,802	15,802	15,802	15,802	15,802
Sc1 Share:	4,198	4,198	4,198	4,198	4,198
Total Employee Benefits	1,550,347	1,817,000	2,089,000	2,089,000	2,069,000
<b>OPERATING EXPENSES</b>					
-803 Property/Liab. Insurance	199,378	230,000	215,000	215,000	215,000
Town Share:	147,680	157,197	145,958	145,958	145,958
Sc1 Share:	51,698	72,803	69,042	69,042	69,042
-804 Print Town Report	6,732	6,000	8,500	8,500	8,500
-805 Memorial Day	1,095	1,275	1,325	1,325	1,325
-808 School Tuition	0	0	0	0	0
-812 Hydrant Availability Fee	24,885	0	0	0	0
-814 Town Meetings	16,614	12,800	16,800	16,800	16,800
-815 Postage	15,700	19,000	21,000	21,000	21,000
-816 Telephone	17,494	20,000	22,000	22,000	22,000
-818 Gasoline	42,831	40,000	45,000	45,000	45,000
-830 Handicapped Transport	855	0	5,000	0	0
-951 Copying	9,527	10,000	10,500	10,500	10,500
-953 Copiers: Equipment	15,130	0	0	0	0
Total Operating Expenses	350,241	339,075	345,125	340,125	340,125

	Expend. FY 88 *	Approp. FY 89 **	Request FY 90	Override Budget	No Override Budget
950 TOTAL UNCLASSIFIED	1,900,588	2,156,075	2,434,125	2,429,125	2,409,125
(Total Town Related)	1,229,797	1,349,420	1,492,978	1,487,978	1,478,886
(Total School Related)	670,791	806,655	941,147	941,147	930,239
Offset: Free Cash	1,125,945	777,098	61,000	123,000	123,000
Offset: Abatement Surplus	0	90,000	0	287,394	287,394
NET 950 BUDGET	774,643	1,288,977	2,373,125	2,018,731	1,998,731
970 TRANSFER ACCOUNTS **					
-110 Salary Adjustment Acct.	0	(50,959)	0	0	0
-807 Reserve Fund	100,000	125,000	125,000	80,000	80,000
970 TOTAL TRANSFER ACCOUNTS	100,000	125,000	125,000	80,000	80,000
Offset: Abatement Surplus	100,000	125,000	0	80,000	80,000
NET 970 BUDGET	0	0	125,000	0	0
TOTAL OPERATING BUDGET	21,663,841	24,264,854	27,543,851	27,170,064	25,315,492
Total Offsets	260,475	522,500	17,000	384,394	384,394
Free Cash Applied	1,179,398	1,223,520	61,000	123,000	123,000
NET OPERATING BUDGET	20,223,968	22,518,834	27,465,851	26,662,670	24,808,098

\*\* Transfer accounts are appropriated to the 970 account and then transferred to other line items as needed. Thus for FY88 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 FY89 to date.

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.

## 1988-1989 RESERVE FUND TRANSFERS

Reserve Fund Appropriation \$125,000.00

<u>ACCOUNT NUMBER/DESCRIPTION</u>	<u>AMOUNT</u>
340-320 Building: Building Maintenance	\$ 9,000.00
410-511 Highway: Vehicle Maintenance	947.00
410-710 Highway: Uniforms	1,100.00
501-510 Selectmen: Equipment	800.00
502-210 Engineering: General Expense	830.00
503-256 Law: Legal Expense	1,264.00
521-210 Accounting: General Expense	2,500.00
900-613 Veterans: Benefits	4,000.00

BALANCE AS OF 1/31/89: \$104,559.00

100 EDUCATION: 110 SUDBURY PUBLIC SCHOOLS

<u>BUDGET SUMMARY</u>	<u>110</u>	<u>BUDGET</u> <u>1987-88</u>	<u>BUDGET</u> <u>1988-89</u> <u>Adjusted</u>	<u>BUDGET</u> <u>1989-90</u> <u>Request</u>
A Account-Salaries		\$ 5,976,553	\$ 6,516,000	\$ 7,389,382
B Account-Supplies/Services		982,204	1,250,578	1,375,017
B' Account-Energy Related		535,879	561,103	575,983
C Account-Equipment		133,477	145,000	133,543
D Account-Expansion & Interim Space		0	0	195,000
Total		\$ 7,628,113	\$ 8,472,681	\$ 9,668,925

OFFSETS:

METCO	40,235	40,235	40,235
METCO	65,000	5,000	0
PL 94-142	59,171	55,810	62,062
PL 89-313	2,100	4,550	3,750
Total Offsets	(166,506)	(105,595)	(106,047)
NET BUDGET	\$ 7,461,607 9.6%	\$ 8,367,086 12.1%	\$ 9,562,878 14.3%



A ACCOUNT - SALARIESProfessional Staff:

	F-T Emp. FY89	F-T Emp. FY90	Inc/ Dec	% Change	Sal. FY89	Sal. FY90	% Change
Elem. Teachers	50.0	54.5	4.5	9.0%	\$1,886,727	\$2,071,766	9.8%
Elem. Specials	23.3	24.0	.7	3.0%	837,209	947,892	13.2%
Middle Teachers	24.5	23.5	-1.0	-4.1%	945,894	983,521	4.0%
Middle Specials	28.0	27.5	-.5	-1.8%	1,075,578	1,130,786	5.1%
System Specials	8.3	9.7	1.4	16.9%	352,598	349,617	-.9%
Total	134.1	139.2	5.1	3.8%	\$5,098,006	\$5,483,582	7.6%
Grant Funds					213,531	83,192	
Total Salary w/o Grant Funds					\$4,884,475	\$5,400,390	10.6%

Support Staff:

	F-T Emp. FY89	F-T Emp. FY90	Inc/ Dec	% Change	Sal. FY89	Sal. FY90	% Change
Elem. Support	30.0	31.5	1.5	5.0%	\$ 504,414	\$ 612,620	21.5%
Middle Support	16.0	16.0	0.0	0.0%	340,991	388,377	13.9%
System Support	19.1	19.1	0.0	0.0%	636,430	708,593	11.3%
Total	65.1	66.6	1.5	2.3%	\$1,481,835	\$1,709,590	15.4%

Contracted Services:

	Sal. FY89	Sal. FY90	% Change
	\$ 149,690	\$ 279,402	86.7%

A ACCOUNT SUMMARY:

	F-T Emp. FY89	F-T Emp. FY90	Inc/ Dec	% Change	Sal. FY89	Sal. FY90	% Change
With Grants	199.2	205.8	6.6	3.3%	\$6,729,531	\$7,472,574	11.0%
Without Grants					\$6,516,000	\$7,389,382	13.4%

<u>110 SUDBURY PUBLIC SCHOOLS</u>			
	Budget 1987-88	Budget 1988-89	Request 1989-90
<u>B ACCOUNTS - SUPPLIES, CONTRACTED SERVICES, TEXTS, ENERGY</u>			
00 Administration	\$ 89,940	\$ 94,140	\$ 104,150
56 Kindergarten	3,650	3,803	6,000
57 Art	9,880	9,193	9,342
58 Music	13,857	16,206	17,840
59 Physical Education	4,031	6,367	6,615
60 English	20,638	22,188	22,890
61 Reading	29,996	30,558	31,532
62 Science	15,609	15,632	16,785
63 Health Education	3,588	7,500	7,500
64 Mathematics	19,675	19,340	30,310
65 Social Studies	20,637	18,592	19,316
66 Keyboard	2,000	3,250	4,500
67 Foreign Language	2,750	2,650	5,615
68 Home Economics	5,150	5,500	5,600
69 Industrial Arts	7,550	7,500	6,500
71 Curriculum	94,425	130,225	127,050
72 Guidance	400	600	2,326
73 Health Services	74,144	87,251	94,733
76 Special Education	110,326	136,130	197,341
77 Tuition (Spec Ed)	250,750	451,750	430,000
78 Pupil Personnel Services	23,775	13,890	17,500
80 Transportation	301,589	324,073	342,083
85 School Management	16,230	16,538	21,900
86 Central Management	16,200	17,300	20,800
10 Custodial	28,362	29,825	34,000
20 Maintenance of Buildings	80,841	95,650	111,050
21 Utilities	234,290	237,030	233,900
30 Maintenance of Equipment	37,800	39,000	50,800
TOTALS	\$1,518,083	\$1,841,681	\$1,977,978
School Committee Reduction		- 30,000	-26,978
TOTAL REQUEST		\$1,811,681	\$1,951,000
<u>C ACCOUNT - EQUIPMENT</u>			
	\$133,477	\$145,000	\$133,543
<u>D ACCOUNT - EXPANSION</u>			
	0	0	\$195,000
<u>STAFF PUPIL SUMMARY</u>			
Number of Pupils	1,709	1,740	1,853
Teaching Staff	128.2	137.1	145.4
Other Staff	58.6	62.6	72.6
Cost Per Pupil (Gross)	\$4,463	\$4,869	\$5,161

100 EDUCATION: 130 LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT

	<u>1987-88</u> <u>EXPENDED</u>	<u>1988-89</u> <u>BUDGETED</u>	<u>1989-90</u> <u>PROPOSED</u>
(Pupils)	(1240)	(1190)	(1050)
 <u>I. INSTRUCTION</u>			
Art	8,188	7,000	7,200
Business	42,879	34,185	34,185
Computer	174,892	120,206	86,450
English	16,334	15,850	15,850
Foreign Language	11,600	12,100	12,100
History	11,969	13,050	11,400
Home Economics	7,060	8,770	9,500
LS West	11,720	8,050	7,185
Mathematics	9,110	7,225	9,425
Music	3,765	9,300	9,300
Physical Education	16,919	15,400	15,400
Science	28,393	21,800	24,400
Technology	17,703	27,840	27,865
Work Experience	775	3,125	6,075
Human Relations	2,835	2,500	3,000
General Supplies	42,951	35,000	50,000
	<u>407,093</u>	<u>341,401</u>	<u>329,335</u>
 <u>II. EDUCATIONAL SUPPORT</u>			
House Services	16,929	17,300	17,000
Student Services	43,587	51,246	55,188
Audio-Visual	34,367	23,150	29,850
Library	14,956	17,050	17,050
Student Activities	10,283	12,500	18,000
Athletics	100,941	104,400	99,000
Transportation	249,555	277,000	276,000
Development	9,737	10,000	10,000
	<u>480,355</u>	<u>512,646</u>	<u>522,088</u>
 <u>IIA. SPECIAL NEEDS</u>			
Local Services	28,396	36,450	40,950
Out of District	317,782	625,000	927,915
	<u>346,178</u>	<u>661,450</u>	<u>968,865</u>

<u>130 LSRHS</u>	<u>1987-88 EXPENDED</u>	<u>1988-89 BUDGETED</u>	<u>1989-90 PROPOSED</u>
<u>III. OPERATIONS</u>			
Custodial	85,925	56,500	64,500
Grounds	25,633	25,500	27,700
Maintenance	217,004	178,000	169,000
Utilities	249,391	283,400	268,300
Insurance	54,802	60,200	67,500
	<u>632,755</u>	<u>603,600</u>	<u>597,000</u>
<u>IV. DISTRICT SERVICES</u>			
Special Projects	63,542		
School Committee	61,009	29,001	47,001
Administration	29,468	33,500	35,000
Business Office	12,357	13,150	13,150
Central Office	14,206	19,500	17,500
Benefits	542,370	649,000	720,000
Contingency	3,557	25,000	25,000
	<u>726,509</u>	<u>769,151</u>	<u>857,651</u>
<u>V. SALARIES</u>			
Administration	394,415	460,000	493,475
Admin. Support	87,477	109,900	111,400
Professional Staff	3,520,804	3,788,838	3,829,078
Curric. Developmt	36,316	30,000	30,000
Educational Support	190,804	214,839	236,967
Substitutes	33,497	45,000	48,000
Coaches & Trainer	153,625	156,000	162,800
Extra Curricular	27,110	30,000	30,000
Clerical	281,541	318,210	323,441
Bldg/Grds/Maintnce	437,464	430,390	463,120
	<u>5,163,053</u>	<u>5,583,177</u>	<u>5,728,281</u>
<u>VI. DEBT SERVICE</u>			
Roof Debt	66,975	62,325	
Renovation Debt	16,686	46,250	191,175
	<u>83,661</u>	<u>108,575</u>	<u>191,175</u>
<u>VIA. CAPITAL PROJECTS</u>			
Various	50,000		
Asbestos			75,000
Wiring			40,000
	<u>50,000</u>	<u>0</u>	<u>115,000</u>
TOTAL EXPENDED	7,889,604		
TOTAL BUDGET	8,055,168	8,580,000	9,309,395

APRIL 3, 1989

40.

<u>130 LSRHS</u>	<u>1987-88 EXPENDED</u>	<u>1988-89 BUDGETED</u>	<u>1989-90 PROPOSED</u>
TOTAL EXPENDED	7,889,604		
TOTAL BUDGET	8,055,168	8,580,000	9,309,395
<u>OFFSETS:</u>			
Chapter 70	707,774	707,774	707,774
Chapter 71	470,440	494,300	519,318
Transportation	220,000	240,000	250,000
Residential Tuition	100,000	100,000	100,000
Construction Aid	52,309	52,309	40,000
STATE AID sub-total	<u>1,550,523</u>	<u>1,594,383</u>	<u>1,617,092</u>
Adjustment for prior years	169,688.95	257,333.28	305,665.08
TOTAL OFF-SETS	1,720,211.95	1,851,716.28	1,922,757.08
TOTAL ASSESSMENT	6,334,956.05	6,728,283.72	7,386,637.92
SUDBURY ASSESSMENT	5,412,354.09	5,804,551.00	6,438,430.35

100 EDUCATION: 140 MINUTEMAN REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL

	Amount FY89	Proposed FY90	Difference	%
<u>PROGRAM AREA</u>				
Construction	\$ 102,614	\$ 89,652	\$- 12,962	
Commercial	154,161	141,882	- 12,279	
Technology	65,686	49,963	- 15,723	
Auto/Metals	56,943	50,241	- 6,702	
Academic	156,567	139,558	- 17,009	
Instruction Sub-total	\$ 535,971	\$ 471,296	- 64,675	
<u>SUPPORT DIV.</u>				
Instructional Resources	\$ 58,875	\$ 54,665	- 4,210	
Special Education	15,700	14,700	- 1,000	
Pupil Services	22,026	19,162	- 2,864	
Principal's Office	83,275	77,775	- 5,500	
Transportation	766,342	711,174	- 55,168	
Vocational Coordination	8,750	8,750	0	
Computer Services	72,630	63,755	- 8,875	
Dean's Office	2,400	2,400	0	
District Programs	50,740	46,900	- 3,840	
Superintendent's Office	7,350	4,750	- 2,600	
Planning Office	43,260	43,260	0	
Business Office	22,400	15,650	- 6,750	
w/risk insurance	172,575	109,750	- 62,825	
w/employment benefits	588,000	1,090,276	502,276	
w/medicare	18,200	18,200	0	
Maintenance/Improvements	759,600	738,050	- 21,550	
Debt Management	161,012	87,975	- 73,037	
Equipment	209,323	208,500	- 823	
Food Service	9,800	9,100	- 700	
Support Div. Sub-total	\$3,072,258	\$3,324,792	252,534	
<u>SALARIES</u>	\$5,719,223	\$5,618,780	-100,443	
TOTAL	\$9,327,452	\$9,414,868	87,416	+ .94%
ESTIMATED REVENUE*	\$4,062,697	\$4,057,959	- 4,738	
ESTIMATED ASSESSMENT	\$5,264,755	\$5,356,909	92,154	
*ESTIMATED REVENUE FY90 (\$4,057,959 Total):				
Chapter 70 Aid		\$1,638,748		
Regional Aid		438,394		
Tuition Revenue		927,000		
Transportation Aid		610,000		
Bond Issue Aid		107,817		
Budget Save/ED		75,000		
Community Education		25,000		
Culinary Revenue		40,000		
Estimated Interest		150,000		
ASEP Revenue		46,000		

APRIL 3, 1989

42.

MMRVTHS  
DISTRICT APPORTIONMENT

1989 - 1990

I. OPERATING BUDGET:

Total Operating Budget	\$ 9,295,683
Aid/Revenue	<u>-3,950,142</u>
Operating Budget Apportionment	\$ 5,345,541

II. SPECIAL OPERATING:

Special Operating Costs	\$ 31,210
Credits	<u>0</u>
Special Costs Apportionment	\$ 31,210

III. CAPITAL BUDGET:

Capital Payments - New Town's Surcharges	\$ 43,200
Original Town's Credits	- 43,200
Debt Service	<u>87,975</u>
	\$ 87,975
Credit Ch. 645	<u>- 107,817</u>
Capital Apportionment, net	\$- 19,842

TOTAL APPORTIONMENT

\$ 5,356,909

Apportionment Formula:

Pupil Computation +	Operating Share	+	New Capital Share	+	Afternoon Pupils Share	=	Sudbury Apportionment (50 students)
(\$4,053)	+	\$416,969	+	(\$1,548)	+	\$1,897	= \$413,265 (-8.03%)

## FINANCE COMMITTEE BUDGET REPORTS

110 SUDBURY PUBLIC SCHOOLS: Override Budget -- The projected 1990 student enrollment increases (11% in grades K-5, 6% overall) require the funding of 4.5 additional staff positions. The proposed FY90 budget also includes the cost of implementing the Interim Space Plan and the cost of maintenance and asbestos removal which in prior years has appeared as a separate warrant article. In an effort to keep the budget increase as small as possible, all staff positions which had been funded by expiring grants have been eliminated. Additionally, staff increases in the areas of music, art, guidance and physical education which would be warranted by the enrollment increases are not being funded. This results in a FY90 budget increase of 14.3% (11.1% over last year's operating budget). Recommend approval of \$9,562,878.

No Override Budget -- In the event that the override is defeated, the Finance Committee is forced to recommend a further budget reduction of over \$925,000. Despite the enrollment increases of 11% and 6% discussed above, this will result in a loss of at least 22 teachers and teaching aides and dramatically increased class size. Additionally, the School Committee's ability to provide students with transportation to and from school will be sharply curtailed. Recommend approval of \$8,637,086.

130 LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT: Override Budget -- Under the proposed "override" budget Sudbury's assessment for FY90 is \$6,400,983. This represents an increase of 10.3% over last year's assessment. Unfortunately, because of the continuing increase in the percentage of Sudbury students at the high school, this increased assessment represents only an 8% increase in the Lincoln-Sudbury budget. Sudbury's assessment would have been higher on the same budget had it not been for the passage last year of the amendment to the Lincoln-Sudbury Regional Agreement. That amendment now permits three-year averaging in determining each Town's assessment. The student population at Lincoln-Sudbury will decrease by approximately 10% between FY89 and FY90. However, a budget increase of 8% is just more than enough to cover state mandated increases and the increases dictated by external sources beyond the control of the District. Increased expenses for special education (which alone will increase by \$307,000 or 3.6% of the entire budget), debt service, asbestos removal, employee benefits and legal costs constitute 6.9% of the increase in the budget. Not included are increased costs for teachers' salaries, materials or maintenance. A budget increase of 8% will result in staff reductions of approximately 10%, commensurate with the reduction in the number of students. Recommend approval of \$6,400,983.

No override Budget -- Under the proposed non override budget the Lincoln-Sudbury budget would be essentially level funded from FY89. However, as discussed above, 6.9% or \$594,000, of "new" money must be found to fund the state or legally mandated projects. Such a situation means that the education budget is, in fact, not level funded, but must be reduced by \$594,000. Such dramatic cuts will mean dramatic reductions in teachers, extracurricular activities and athletic programs and significant increases in class size. Educational opportunities will be severely limited and the athletic program will be reduced to one half or less of its present offerings. Recommend approval of \$5,818,728.



140 MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL: Minuteman continues to experience a decline in enrollment, with Sudbury's enrollment falling faster than that of the region as a whole. Sudbury has thirteen fewer students enrolled at Minuteman this year than last, and the Town's share of the support of the school has dropped from 8.64 percent of the total to 7.80 percent. This results in an 8.03% reduction in Sudbury's assessment, compared to last year. While this reduction is most welcome in a tight budget year, it should not be considered as representative of a trend. Minuteman's enrollment decline puts upward, not downward, pressure on per-pupil cost, and we have no way of knowing whether the number of Sudbury students electing to attend Minuteman will cause Sudbury's percentage of the student body to increase or decrease in coming years. Recommend approval of \$413,265.

200 DEBT SERVICE: The major change in the Debt Service account is attributed to the principal and interest for the School architectural fees, at \$236,000. In addition, \$30,000 has been budgeted for first-year interest expense for the construction of the Senior Citizen Center, and other Fairbank maintenance and repair articles.

The Finance Committee has recommended that the articles covering construction of the Senior Center and the other Fairbank maintenance and repair articles be included as a ballot question in the March election, to determine if the Town will allow the debt service for these articles be excluded from the limits of Proposition 2-1/2.

In the event that the general override question is approved at the Town Election, interest expense has also been allocated for resurfacing of the Feeley Tennis Courts.

Based on approval of the override, recommend approval of \$391,000. Based on disapproval of the override, recommend approval of \$390,000.

310 FIRE DEPARTMENT: Override Budget -- The principal reduction we have made in the Fire Department's request is the elimination of \$20,000 for a fire alarm truck. The truck is still needed and will have to be brought up for consideration again next year. Recommend approval of \$1,418,764.

No Override Budget: If the override referendum fails, the Fire Department budget must be reduced by an additional \$57,204. Personnel reductions (civilian dispatchers and/or firefighters) are the only feasible means of accomplishing this. While the Department will make every effort to minimize the impact of the cut, the result may be inadequate coverage of the three fire stations during some shifts, including the possible closing of the North Sudbury station on some days. Recommend approval of \$1,361,560.

320 POLICE DEPARTMENT: Override Budget -- Although the Department submitted a very tight budget, the Finance Committee has proposed a \$30,000 reduction in overtime. The Finance Committee otherwise accepted the Department's requests. Recommend approval of \$1,476,112.

No Override Budget: If the override referendum fails, we must recommend an additional cut of \$55,317 in the Police Department budget. There is no way to accomplish this, other than through cuts in personnel and overtime. We realize that this will result in understaffing of shifts and that this is a potential threat to public safety. Recommend approval of \$1,420,795.

340 BUILDING: Override Budget -- The recommended budget represents a 5.9% increase over last year. The Finance Committee believes the hiring of an Assistant Inspector of Buildings which was delayed last year is essential. The Finance Committee has recommended against projects at the Hosmer House, window replacement at the Flynn Building and Loring Parsonage and additional air conditioning at the Police Station. Recommend approval of \$283,347.

No Override Budget -- If the override referendum fails, the Finance Committee must recommend elimination of funding for an Assistant Inspector of Buildings. This would bring the budget below the FY89 appropriation. Recommend approval of \$259,936.

350 DOG OFFICER: Override Budget -- With the exception of an unavoidable increase in the Dog Officer's salary, the requested budget is level-funded with respect to last year. Recommend approval of \$26,405.

No Override Budget -- The Finance Committee has been forced to eliminate vehicle maintenance and reduce the allocation for general expenses. Recommend approval of \$25,805.

360 CONSERVATION: Override Budget -- The Conservation Commission budget is essentially level funded from FY89 appropriation. Recommend approval of \$43,101.

No Override Budget -- Recommend approval of 42,101.

370 BOARD OF APPEALS: Override Budget -- The budget is essentially level funded from FY89 appropriation. Recommend approval of \$8,558.

410 HIGHWAY: Override Budget -- The recommended budget represents a 4.6% increase over last year. Recommend approval of \$1,432,022.

No Override Budget -- If the override referendum fails, the Finance Committee will be forced to recommend a budget which is below the FY89 appropriation. This will affect roadwork and maintenance accounts. Recommend approval of \$1,368,496.

460 LANDFILL ENTERPRISE FUND: Expected receipts for FY90 are \$442,500. \$75,000 is included for resource recovery which allows for the establishment of a recycling area, and is expected to extend the life of the landfill. Recommend approval of \$502,006.

501 SELECTMEN: Override Budget -- The Finance Committee recommends a \$6,000 reduction in Line Item 811, Surveys & Studies; \$5,000 is for the Wastewater Advisory Committee and \$1,000 is for the Resource Recovery Committee. These Committees believe the remaining \$5,000 and \$1,000 respectively will be sufficient for their anticipated FY90 requirements. Recommend approval of \$233,060.

No Override Budget -- Recommend the Selectmen's budget be level funded from FY89 by eliminating Surveys and Studies funding and reducing the personal services budget. Recommend approval of \$217,960.

502 ENGINEERING: Override Budget -- The Finance Committee recommends that, as an alternative to trade-in, the Fire Chief's vehicle be assigned to the Town Engineer to save the cost of a new vehicle. Additional cuts have been made in the tuition and overtime accounts. Recommend approval of \$257,301.

No Override Budget -- If the override referendum fails, the Finance Committee must recommend postponing once again the replacement of the survey vehicle. Recommend approval of \$245,551.

503 LAW: The Law budget represents a realistic estimate of the amount of litigation which will transpire in FY90. As this budget has been traditionally underfunded resulting in many Reserve Fund transfers, the Finance Committee feels the more realistic number must be used. Recommend approval of \$94,685.

504 BOARD OF ASSESSORS: The budget for the Assessors shows a reduction from FY89, which is possible due to a recommended reduction in the Contracted Services account. Recommend approval of \$135,033.

505 TREASURER/COLLECTOR: The budget for the offices of the Treasurer and Collector, which have now been combined in accordance with the article passed at the 1988 Annual Town Meeting, is essentially level funded for FY90. Recommend approval of \$167,315.

506 TOWN CLERK: A number of reductions were made in the originally requested budget of the Town Clerk's office in order to meet the financial constraints on the Town. Recommend approval of \$140,928.

508 FINANCE COMMITTEE: Override Budget -- The Finance Committee recommends a \$1,579 increase in Line Item 130, Personal Services, as a result of a change in personnel. The \$100 increase in General Expense reflects actual costs to the Finance Committee. Recommend approval of \$6,037.

No Override Budget -- Recommend the same amount as for the Override Budget due to the small size of the Department. Recommend approval of \$6,037.

510 PERMANENT BUILDING COMMITTEE: The Permanent Building Committee is mandated to provide support to all building projects for all Town/School buildings. The increase is for personnel support that is required in direct proportion to the tasks of the Committee. Recommend approval of \$1,088.

511 PERSONNEL BOARD: Override Budget -- The recommended increase is necessary to expand clerical hours to address needs created by the complexity of the management of benefits, appropriation of compensations and current federal and state regulations pertaining to Town employees. Included in this increase are monies that will allow for the updating of the employee handbook to comply with regulations that became effective January 1, 1989. Recommend approval of \$8,102.

No Override Budget -- It is recommended that the budget be increased to only fund salaries at an approved level. Recommend approval of \$4,371.

512 PLANNING BOARD: Override Budget -- Increases in the budget represent salary adjustments that are consistent with approved levels. Likewise, the appropriation of monies is recommended for the purchase of a much needed filing cabinet for the storage of plans. Recommend approval of \$71,371.

No Override Budget -- If there is no override, staff hours will be reduced. Recommend approval of \$65,013.

513 ANCIENT DOCUMENTS: Expenses for the Ancient Documents Committee are level funded for FY90. Recommend approval of \$1,600.

514 HISTORIC DISTRICTS COMMISSION: This budget is level funded from FY89. Recommend approval of \$160.

515 HISTORICAL COMMISSION: This budget totally pertains to the Hosmer House. In an attempt to increase revenues to the Town through rental of the House, it is mandatory that a public telephone for the use of renters be installed at a cost of \$400. Recommend approval of \$2,250.

516 CABLE TELEVISION COMMITTEE: This Committee is level funded from FY89. Recommend approval of \$400.

517 DESIGN REVIEW BOARD: The funds recommended for FY90 are less than those that were appropriated for FY89. This decrease reflects a projected reduction in hours needed for clerical services. Recommend approval of \$2,169.

518 COUNCIL ON AGING: Override Budget -- The Finance Committee recommends a Council on Aging budget for FY90 which reflects an 8.65% increase over FY89. The increase in the budget is mainly due to mandated salary increases. Recommend approval of \$53,232.

No Override Budget -- The Finance Committee recommends a Council on Aging budget of \$49,059. This represents a cut of \$4,173 which would eliminate 10% of the Director's hours, 3.5 hours of van service a week and one home visit per week. Recommend approval of \$49,059.

521 ACCOUNTING: Override Budget -- The major change in the Accounting budget for FY90 is the addition of \$20,000 in Contracted Services to cover the cost of an independent audit. The Finance Committee agrees with the Town Accountant that this would be in the best interest of the Town, and based on approval of the override, recommend approval of \$142,896.

No Override Budget -- In the event that the override is defeated, the Finance Committee recommends that the audit be deleted. Recommend approval of \$122,896.

600 GOODNOW LIBRARY: Override Budget -- The increase in the Library budget is due in large part to mandated salary increases. An increase of \$2,016 would be used for four additional custodial hours and to keep the book budget at 16%, which is mandated by the State. Recommend approval of \$370,981.

No Override Budget -- The Library would have to close one day a week and reduce the operating hours on the remaining days. Cuts would also be necessary in the book/periodical budget, bindery budget and other areas. Recommend approval of \$348,176.

700 PARK AND RECREATION: Override Budget -- The Finance Committee recommends an override budget of \$245,949 which represents a 3.91% increase over FY89. The increase comes from a combination of an addition of a Park and Recreation Director, mandated salary increases and decrease in capital spending. The addition of a Park and Recreation Director is necessary to adequately provide for the recreation programs and services the Town has in place and has come to expect. In the past, these services have been provided by volunteers who can no longer keep up with the increased need for services. The Park and Recreation Director will also serve as a coordinator of the pool and Fairbank facility, in conjunction with the Council on Aging and Lincoln-Sudbury West. Recommend approval of \$245,949.

No Override Budget -- The Finance Committee recommends not hiring the Park and Recreation Director resulting in a \$24,000 decrease from the override budget and a substantial decrease in funding from the FY89 level. Recommend approval of \$221,959.

701 POOL: Override and No Override Budgets -- To arrive at the current recommended budget of \$389,825, a pool blanket was eliminated, staff hours were cut and salaries were adjusted. The Pool will still operate at a deficit of \$36,025. However, the Pool is just completing its first full year of operation and steps are being taken to reduce the deficit and increase revenue. Recommend approval of \$389,825.

710 YOUTH COMMISSION: The Youth Commission is essentially level funded for FY90. Recommend approval of \$1,650.

No Override Budget -- At FY89 level, recommend approval of \$1,600.

800 BOARD OF HEALTH: Override Budget -- The recommended budget includes \$142,000 for the septage operation which is offset by receipts to the Town. Cuts have been made from studies and surveys, mental health and hazardous waste. Recommend approval of \$364,304.

No Override Budget -- If the override referendum fails, the Finance Committee must recommend level funding this budget compared with FY89. This has been accomplished by eliminating all Hazardous Waste Days for an additional cut of \$16,500. Recommend approval of \$347,804.

900 VETERANS: Veterans' benefit payments are mandated by the State. It should be noted that 75% of veterans' benefit payments will be returned to the Town by the State. Recommend approval of \$10,122.

950 UNCLASSIFIED: The soaring costs of health and other insurance have impacted this budget. The Finance Committee is unable to determine a way to reduce this budget below its recommended level. Recommend approval of \$2,429,125.

No Override Budget -- In the event the override is defeated, the Finance Committee recommends a cut of \$20,000 in life insurance benefits. Recommend approval of \$2,409,125.

J. Hepting, Chairman of the Finance Committee moved that the Town appropriate the sums of money set forth in the "No-override Budget" (NOB) column of the Warrant under Article 6, Budget, for Fiscal Year 1990, with the exception of the following amendments: Line item 200-201, Debt Service, Temporary Loan Interest (No-override Budget) \$165,000; 200-203, Debt Service, Other Bond Interest, \$45,000; 200-205, Debt Service, Other Bond Principal, \$74,000; all of said sums to be raised by taxation except in line item 410-110, Highway Salaries, amount \$15,000 shall be raised by transfer from the Cemetery Fund; 600-520, Library Books, \$2,000, County Dog License Refund Account; 950-800, Unclassified Health Insurance, \$123,000 from Free Cash; 950-813, Unclassified Retirement fund, \$287,394 from Abatement Surplus; 950-807, Transfer Accounts Reserve Fund, \$80,000 from Abatement Surplus; and further that appropriations within departmental budgets are funded hereunder 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.

Mr. Hepting reported that this is the "No-override Budget" in accordance with the Town's wishes at a 62.5% to a 37.5% vote at the General Election last Monday.

The Finance Committee after working on these budgets for about six to eight weeks recommended that the Budget as proposed in the Warrant be passed as written.

Board of Selectmen Report: (D. Wallace)

Mr. Wallace stated the Board had nothing to add.

Sudbury Public Schools: (J. Moore)

Though the override did not pass at the polls a week ago, which would have increased the School budget to \$9,562,878 or 14.3% increase, the School Committee, recognizing its obligation to provide the educational program within the limits provided by the citizens of the Town, asked the hall to vote acceptance of the Finance Committee's recommendation of \$8,637,086 to a 3.2% increase over last year's budget. Mr. Moore commented on the on-going discussions taking place and where the budget cuts would be made based upon the criteria and philosophy the School Committee has established. Supt. David Jackson spoke to general educational issues, which will continue to be pre-eminent to the Town and which he believed will raise the need for everyone to work together to find a way to provide the best possible education for all. He expressed the need to continue public discussion in a more deliberative and comprehensive manner as to how to provide and support quality education in Sudbury. He spoke of current and future goals for the students, none of which are easily achieved. However, to accomplish them, he expressed the need for reasonable class sizes and appropriate levels of staffing. He recognized that more money doesn't necessarily mean high-quality education, and that a small class size won't produce extended thinking without a teacher dedicated to those procedures and activities. Funding provides only the opportunity to produce genuinely educated students. Thoughtful attention to classroom practices, appropriate and candid supervision, and regular evaluation will help ensure accomplishment of these goals.

Planning Board Report: (R. Kirby)

The Planning Board endorsed and supported the efforts of the Finance Committee to keep the Budget within the limits of Proposition 2½. The Planning Board's budget was prepared geared to proceeding with a Growth Management Program as rapidly as possible. The financial situation of the Town requires the pace for this program be slowed down a little and the order in which things are to be done must change. The Planning Board recognized this and responded by removing all expenditures earmarked exclusively to support the Program in the coming fiscal year, and additional reductions were necessary, which have created some new problems that can and must be addressed in the next fiscal year.

L-S-R-H-S COMMITTEE (D. Pettit)

The L-S-R-H-S Committee asked the support of the voters for the budget of approximately \$5.8 million, Sudbury's share after State aid, of a total budget of approximately \$8.6, which is the same as the operating budget of last year.

Peter Anderson of Landham Road queried the Finance Committee regarding the previously discussed differences in the estimates of the Board of Assessors and that of the Finance Committee. The discrepancies totaled \$180,000. Mr. Hepting explained the Assessors' numbers are the estimates the FinCom did not recommend, as it has its own estimates, even though statutorily the Assessors are the ones who set these numbers. In attempting to reduce the amount of the override to what might be a palatable and passable figure, everyone was cut. Last year \$500,000 was allocated to the Assessors for abatement money. This year another \$500,000 was requested. The first \$500,000 is in a bank account for the Assessors. The FinCom had to maximize the number of dollars for use in the Operating Budgets of the Town, and minimize the amount of dollars that sat in accounts that may or may not be used. The tax rate won't be set for another five months, and in that time there will be recertified Free Cash, and we will know what the distribution is from the State in terms of the Cherry Sheet, and also the actual miscellaneous receipts of the Town. The "unknowns" mentioned before, will become the "knowns". The Town Accountant and the Town Treasurer have assured the FinCom there will be sufficient funds available for abatements. With the new construction number, the Finance Committee considered the Assessors to be fiscally conservative, which the FinCom could not be in a year faced with such financial constraints.

Henry Sorett moved to amend line item 310-140, Dispatchers, from \$46,918 to reduce it to the sum of \$15,000.

Mr. Sorett stated there was a need to stop budgeting by department and think about the function. There is a need for trained people to answer emergency phones. He expressed belief the budget is rife with duplication of effort that's needless. This was an area where regionalization should be considered. Where there is duplication, monies may be freed up for other services the town may want.

Finance Committee (R. Coe)

The FinCom opposed this motion to amend as did Chief Dunne of the Fire Department.

The motion to reduce line item 310-140 failed.

Joseph Klein of Stone Road moved to amend line item 340-100, Building Inspector's Salary, to reduce it from \$43,776 to \$41,299.

In explanation of this motion, Mr. Klein stated the current building inspector has had problems with the various boards and the citizenry of the Town since he first came to Sudbury. This criticism has reached the point where the Board of Selectmen have publicly criticized his performance. Yet each year he receives a 6 - 8 - 10% salary increase. There is no other way to prevent this from occurring, as all increases are automatic, than to forbid it at Town Meeting.

Finance Committee (J. Hepting)

It was stated that the FinCom does not delve into the competence or incompetence or lack thereof of the different personnel in Town. It works in cooperation with the Personnel Board in that regard.

After much continued discussion, there was a motion to move the question. This motion to end debate was voted.

The motion to decrease line item 340-100 from \$43,766 to \$41,299 failed.

Mr. Klein of Stone Road moved that line item 340-420 be reduced from \$200 to zero.

In support of this motion, Mr. Klein stated the Building Inspector has publicly commented that he had not been able to address all the zoning violations due to his heavy workload. Mr. Klein suggested that the Inspector spend all his time in Town and not travel out-of-state.

The motion to reduce line item 340-420 failed.

Mr. Klein then inquired about the responsibilities of the Conservation Coordinator. John Nixon, member of the Commission, outlined some of these tasks: takes care of the filing of applications, paperwork that goes with various notices, works with State agencies seeking funds available for purchasing wetlands that come available, and spends time out on sites. He considered her work invaluable.

Mr. Klein moved that line item 360-100 be reduced from \$25,309 to zero.

In support of this motion, Mr. Klein commented that the Town has not had a Conservation Coordinator until recent times. The Commission always had these problems, and if anything, they probably have less now than before. He suggested reducing the budget by eliminating those positions that were added when times were "flush", and not just teachers and firemen.

The motion to decrease line item 360-100 from \$25,309 to zero failed.

Mr. Klein moved to reduce line item 410-420, Travel, Out-of-state, from \$1,000 to zero.

Mr. Klein explained that this was an attempt to reduce the Budget. A couple of years back when he inquired why the Highway Surveyor needed these funds, the explanation was given that he attended trade shows to be better informed on available equipment. Mr. Klein then pointed out to the voters that no equipment has been purchased in several years, and because of the financial state of the Town in the next few years, it seemed highly unlikely he would be purchasing anything in the near future.

The Highway Surveyor stated he believed the Town has received plenty of value from the money spent at these out-of-state meetings, and asked for the defeat of this motion.

The motion to amend by decreasing line item 410-420, Out-of-state travel, from \$1,000 to zero failed.

At this time there was discussion as to the Highway Surveyor's salary being placed in the Warrant in two parts, "Highway Budget" and "Landfill". It was then noted that line item 410-110 had increased from \$411,000 to \$492,000, which was explained as the collective bargaining agreement. Steven Wishner of Fox Run pointed out this was a 20% increase.

Ms. McMahon of the Finance Committee explained the Landfill Enterprise Fund was set up last year and estimates were made for salaries of those who would be assigned to the Landfill and the Highway Dept. After one year of experience, they had the ability to more accurately assign people to the correct department. Therefore, the salary percentage increase is out of line on a percentage basis.

As Mr. Wishner requested further explanation, the following was provided by the Town Accountant, "There's an amount in the Salary Adjustment Account for fiscal year '89, you'll see it in the Unclassified Account for fiscal year '89, that does not show up in the fiscal '89 appropriation. I think Mr. Noyes probably has a rough idea of what that amount is. During fiscal '89, we don't transfer the money immediately to Highway, but there was a sum allotted to the Highway Department. In order to make that comparison accurate, you would have to add the amount of money that the Finance Committee allotted for the Highway Department for fiscal '89 and you will get the 5 to 6% increase."

Mr. Wishner asked again if someone would simply state the salary increases in the Highway Department.

The Moderator at this point attempted to further clarify this salary situation. Mr. Wishner then commented that there appeared to be great deal of creativity but he simply would like to understand the facts. Mr. Hepting of the Finance Committee agreed that this Highway Budget was extremely complicated as to how the salaries are allocated, especially since the Landfill had become an Enterprise Fund. The Budget Analyst had the complete breakdown, but she was not in attendance. Mr. Wishner as a final comment, stated, "It was very important for this Town to really understand this Budget and to begin to address those areas where we can, in fact, begin to cut back on areas other than educating out children and protecting our homes from fire. I think we have a right to an explanation of what it is we're spending our money for so that we can make these decisions with some intelligence. I don't think the audience here tonight wants to cut areas that should not be cut. By the same token, I think we want to try to get our arms around what expenditures may not be absolutely necessary so we can begin to address it in the appropriate light. Given that we cannot get an appropriate answer to this specific question tonight, I'm wondering if it would be appropriate to table this line item and move on, rather than waste time."

The Moderator deemed it would not be appropriate to table this.

At this time, a motion was received to adjourn until tomorrow evening at 7:30. This motion was seconded and *VOTED*. The meeting was adjourned at 10:35 PM.

Attendance: 632



ANNUAL TOWN MEETING

52.

APRIL 4, 1989

Moderator, Thomas G. Dignan, Jr. called the first adjourned session of the Annual Town Meeting for 1989 to order at 7:30 PM at the Lincoln-Sudbury Regional High School Auditorium. A quorum was declared present.

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

ARTICLE 6. BUDGET (Continuation)

Due to the number of questions that were asked relating to the Highway Budget the previous evening, the Moderator recognized Mr. Hepting, Chairman of the Finance Committee. The Chairman apologized for the confusion on the presentation of the Highway and Landfill Budgets. However the way the Highway Salary Account interfaces with the Landfill and prior Salary Adjustment Account is extremely complicated and the FinCom was just not prepared with the level of detail requested by the voters. Mr. Hepting introduced Cary Meyer, Operations Assistant at the Highway Department, who by use of the overhead screen made the following explanation. The adjusted FY 89 salary accounts for the Highway and the Landfill were \$442,460 and \$101,884. These numbers were in the Warrant as level-funded from FY88, as the collective bargaining with the Public Employees Local 1156 was not completed in time for the last ATM. Additional appropriated money was held in the FY89 Salary Adjustment Account, to be transferred during the year as needed.

Mr. Meyer emphasized this is a very complex line item. This year was the first year working with the Landfill Enterprise Fund. Each year with more experience, this will be revised to better reflect the division of personnel between the Highway Department and the Landfill Department. As many of the employees of the Highway Dept. also work in the Landfill operation, both the Salary Accounts were combined on the chart he presented. The Salary Accounts for the Highway and the Landfill were added together for the FY89 adjusted amount of \$544,344 and added the requested amounts found in the Warrant for a total of \$605,198. From this total, \$21,527 for a new heavy equipment operator, was subtracted leaving \$583,671, or a 7.22% increase. The union contract provides for a 6% annual increase. Some employees have received step increases and others are at the maximum step.

Kathy Wagner of Peakham Road asked for an explanation of the \$200,000 for line item 410-901, Capital Items. Mr. Meyer explained this was for a new Mack dumptruck; an International loader and a GMC one-ton pickup truck. Ms. Wagner pointed out the Clerical budget indicated an 18% increase. Mr. Meyer explained this represented one additional clerical person. One line item 310, Maintenance, Ms. Wagner inquired as to the \$60,000 requested. It was explained that this represented intermediate covers and the final cover for the landfill. Originally it was planned to request this money in Article 21 along with other items, however, the Finance Committee believed the Budget should reflect the total operating costs of the landfill. Also, there was a concern if the article failed, the landfill would not have the necessary funds for the cover.

Ed Thomas of Peakham Circle inquired about the Surveyor's total salary for FY90. Mr. Meyer explained it was the sum of line 410-100 and part of 460-100, for a total of \$51,914.

Robert Tellis of Bigelow Drive asked why the overtime still remains in the budget at the same level, when there has been an increase in the clerical staff. Upon Mr. Meyer's explanation, Mr. Tellis moved to amend line item 460-120 by reducing the same from \$3,938 to \$2,000.

In support of this motion, Mr. Tellis commented that the overtime here is discretionary, in view of the fact it can be avoided through scheduling. Here it's like an incentive. "If we put together a couple of thousand dollars here and a couple of thousand there, to quote Everett Dirksen, pretty soon you're talking about money."

Finance Committee:

Ms. McMahon pointed out that the Landfill operates from an Enterprise Fund, which means it is self-supporting. Consequently, money would not be turned back to the Town, it would just be the Landfill would show a positive balance as opposed to breaking even.

The motion to amend line item 460-120 failed.

Joseph Klein of Stone Road moved to reduce line item 501-100, the Executive Secretary's salary, from the sum of \$72,591 to \$68,651.

In support of this motion, Mr. Klein stated this is an attempt to reduce the Budget so money may be saved. Most of the Supervisors are not rated individually on merit or performance. They belong to a union and the union negotiation decides what percentage increase they will receive. The previous evening, each time a supervisor's salary came up, Mr. Klein noted he moved to reduce them. His reason being the Town of Sudbury handsomely rewards its "supervisory" personnel. They are paid substantially more for the same job classification and criteria and performance than the neighboring towns. He stated if this motion goes through, the Executive Secretary will be the highest paid Executive Secretary in the Metrowest area and probably in the entire Commonwealth. The issue is "overpaying for the job," not whether a good, poor or mediocre job is being done. We have to save money somewhere. There are only two ways to do it...raise taxes or reduce expenditures. The Town emphatically indicated it does not want to raise taxes, so we must reduce expenditures.

He continued, "If things go along the way they did before, we're going to have a 6-7% increase in salaries for next year, a 10% increase in mandatory expenditures, a 5-7% increase in the Budget and only a 2% increase in the taxes. Where are we going to get the million dollars next year? Either we start cutting now and deliver a message to the people on the stage that next year they better come in with a much harder look at the Budget, or we're going to be really sweating here in the Spring of 1990."

Charles Schwager of Ridge Hill Road stated he wanted fairness and was uncomfortable singling out certain Town Officials for salary reductions. He recognized the Town had serious problems in how to budget, and he hoped the Town officials would begin to do something about the budgeting process. He noted the Town cannot contract for increases it cannot afford.

Steven Wishner of Fox Run commented there was a much larger problem - to continue to send the message to the Selectmen and the Finance Committee that salary increases at 6% + step increases is not acceptable when the Town is only authorized to increase taxation by 2½%, there will be a "no-override" situation potentially next year. Should the Town again decide not to fund an override, the situation will be even more disastrous. He emphasized the need to start finding places in the budget to begin the cutting that will not injure any department beyond its ability to function. He reminded the hall many suggestions had already been presented to them and not a single one had been accepted. He also reminded the hall by authorizing out-of-state travel for people who say they want to travel out-of-state, won't solve the budget problem. It will only go away by cutting back. To this the hall applauded.

A gentleman from Atkinson Lane suggested salary freezes would be far more acceptable than lay-offs.

William Maurhoff of Goodman Hill Road inquired of the Executive Secretary's salary if it was a function of the salaries that he negotiates on behalf of the Town with the labor unions, and if it was, do the Selectmen intend to continue this practice, as this appeared to him to be a conflict of interest.

Selectman Wallace noted that the Board could hire an outside consultant to do the bargaining and it would be willing to look into this for next year and the next round of contracts. As to the Executive Secretary's salary, it is not pegged on what raises he promotes or bargains for with other unions. It was noted that this salary is a decision of the Selectmen, independent of those contracts.

Donald Kern of Lincoln Lane stated his observation that an average 6% salary increase is too much for the Town to afford, and it should be reduced to an acceptable average percentage and apply it to the majority, if not all the people. To this there was hall applause. He then asked for the salaries of the top three Supervisors in the School System and the percentage increase their salaries represented this year.

Mr. Hepting of the Finance Committee provided the following:

Superintendent of Sudbury Public Schools: FY90 Base salary \$88,450, Annuity \$5,000, Insurance \$3,750, Bonus \$8,800, TOTAL: \$106,000 or a 27% increase

School Librarian: FY90 \$69,663, estimated 6% increase

Business Manager: FY90 \$67,586 estimated 6% increase

Special Education Specialist: FY90 \$63,865 estimated 6% increase

After a motion was received, seconded and *VOTED* to move the question, the motion to amend was taken up. The motion to amend line item 501-100 was defeated.

Hugh Caspe of Philomen Whale Lane asked if the salaries of the Sudbury Schools should be opened up. The Moderator explained the School Budget is unlike all other budgets in that it is voted as a bottom-line budget, even though the information is on line items. The School Committee and only the School Committee may move money among the line items. Town Meeting cannot vote on particular salaries with respect to the Schools. However the Town may refuse the bottom line and reduce it, but the Town still does not have the power or privilege over the individual line items.

Proceeding along in the Budget, Ms. Wagner of Peakham Road, moved to reduce line item 502-100, Town Engineer's salary from \$53,142 to \$50,000. After some discussion with the Moderator on the mechanics of motions, Ms. Wagner was allowed to WITHDRAW her motion and substitute it with the following:

Move to decrease line item 502-100, Engineer's salary by the sum of \$3,142 to \$50,000 and increase account 110 by \$3,142.

In support of this motion, Ms. Wagner stated a 9.2% salary increase in a tight fiscal year was a great deal, and she noted the Engineer's salary went up by 12.4% last year.

Mr. Moore of the Sudbury School Committee reminded the hall that the School Committee has agreed to accept the FinCom's recommendations. Therefore they will not support voting money from other line items for the School budget, as it would be inappropriate. It was noted this amendment for \$50,000 represented a 2.7% salary increase.

George Hamm of Mossman Road stated "The only method available to cut the budget was to amend it line by line at Town Meeting, as everyone cannot attend the individual meetings or nothing would be done. Across-the-board salary increases cannot be made, or there would be a strike. There are only a limited number of places where cuts may be made." In his opinion, if the voters don't support these amendments, then they're not in favor of controlling the Budget, they are in favor of inflation. He urged the voters to take charge of the Town Meeting as they have the authority, the right and duty to vote.

Mr. Klein noted that to have all salaries reduced or not receive raises, would seriously hurt those employees in the \$20,000 range, while those in the \$50-\$70,000 range would not be economically impacted if they didn't receive a \$5,000 increase. He also pointed out that many of the Supervisors receive "perks" which are not explicitly listed in the Warrant, i.e. cars they take home. For these reasons he believed it was fair to cut Supervisors' salaries without cutting the ordinary Town workers' salaries.

At this time, Selectman Drobinski told the hall the Board certainly had heard the message of the Town through the Proposition 2½ non-override and through the discussion at this Town Meeting. He believed it was patently unfair to single out one specific position over others. Having heard the comments and criticisms for the past two evenings, he noted the Board of Selectmen will look at the budgets next year, at the salary increases and will do something.

Sidney Wittenberg asked why there were significant increases in higher salaries when the overall finances were so restricted. Mr. Hepting of the Finance Committee responded that the FinCom generally does not argue with salaries. It is assumed the people who have set them have done their homework and have made the appropriate review of their personnel. Generally, the FinCom does not contest or establish salaries. To this Mr. Wittenberg commented further that the problem is nobody is taking the responsibility for looking at this comparable salary situation.

The Executive Secretary pointed out to the hall that this year all Town and School contracts will be expiring at the same time and this will be the opportunity to adjust.

Steve Wishner of Fox Run pointed out that it has only been windfalls for three straight years that saved this town from being in an override. It should have been expected the Town would get to this point - it was inevitable. Mr. Wishner expressed dismay at a comment made last year at Town Meeting by a Town Official. After a heated debate over why a line item should be funded, it was said, "Well, the money is there, we might as well spend it." Mr. Wishner believed strongly it was that kind of attitude towards spending that is causing the frustration for the people who live in this Town. As many other people throughout these two evenings indicated, Mr. Wishner sought the right way to effectively send the appropriate message to the officials running the Town. He was concerned as to how effectively the message could be sent to a tougher position in the negotiations of salaries and step increases in the future would be taken.

Chairman Wallace responded in saying the message was received a week ago with the "no override" question and it was very clear-cut. He also stated it was not individuals that are costing the town, but the large groups with large raises, which the town has been able to deal with for the past nine years. He expected next year will be an excellent time, as the union contracts expire and there can be one equitable, across-the-board holding on raises.

Martha Stahl of Pondview Road expressed frustration seeing a budget with a "no-override" and an "override" budget, which are basically the same when it comes to salaries.

Barbara Pryor of New Bridge Road pointed out to the Hall that a year ago the FinCom warned the voters to follow their recommendations or there would be no Free Cash for any unforeseen needs in the future. She placed part of the responsibility on the voters for this situation, as well as those who didn't come to Town Meeting and would have voted another way.

Phyllis Prager of Hemlock Road suggested it might be wise at this Town Meeting to pass a resolution to the union and let them know that we speak in a voice that says, not just by our non-passing of the override, but by the voice of the Town Meeting that when our representatives go into union negotiations next, that the Town Meeting has clearly spoken that they are empowered not to negotiate above what we can afford.

This statement was received with much applause.

A motion to move the question was received, seconded and VOTED

The motion to decrease line item 502-100, Engineer's salary by the sum of \$3,142 to \$50,000 and increase account 110 by \$3,142 was defeated.

Steven Wishner asked what comprised line item 502-210, General Expense in the amount of \$11,450.

Town Engineer, William Place provided a detail accounting of this line item, after which Mr. Wishner moved to level fund 502-210 to the amount of \$8,450 as opposed to the \$11,450 in the No-override budget.

Mr. Wisher suggested that some of these items could possibly be level-funded and monies could be saved.

Daniel Greenberg of Dutton Road spoke against this motion. He suggested there was a way to effectively convey the message of their vote - defeat the Budget, vote it down and force every department to return with "a revised Budget that will eliminate many of the absurdities that we've heard tonight.....that it's really unbelievable."

A motion was received, seconded and VOTED to move the Question.

The motion to amend by reducing line item 502-210 by the sum of \$3,000 from \$11,450 to \$8,450 was defeated.

Kathy Wagner of Peakham Road moved to reduce line item 503-256 General Expenses, Law from \$60,675 to \$37,835.

Ms. Wagner pointed out this line-item in the law account represented a 60% increase, a sizeable amount.

FinCom Chairman, John Hepting explained the number is high so as to fund the Law Department in a manner which will enable it to function the way it is supposed to function, without having to utilize the Reserve Fund.

After some discussion on this motion, a motion to Move the question was received, seconded and VOTED

The motion to amend to decrease line item 503-256 by the sum of \$22,840 from \$60,675 to \$37,835 failed.

For account 506, Town Clerk and Registrars, Cary Corkin of the FinCom reported that a technical error had been made in the transposing of the numbers. He then moved to reduce line item 506-130, Clerical Account, from \$70,175 to \$63,710.

The motion to amend line item 506-130 by reducing it from \$70,175 to \$63,710 was VOTED.

For Account 700, Park & Recreation, George Hamm of Mossman Road spoke of \$100,000 golf driving range for the Town which a private corporation would operate, but the Town would guarantee for 10 years. He inquired "If the corporation should fail after one or two years, is the Town liable for the \$90,000? What security, or whose security is being collateral that's being put up for the \$100,000?"

Donald Soule of Park & Recreation explained there would be no liability for any of the construction or management. It would be with the private concern.

Mr. Hamm followed up by saying he didn't believe any bank is going to loan \$100,000 without any collateral.

David Mandel of Dakin Road inquired about the deficit regarding the Town Pool, line item 701. The Board of Selectmen recommended \$483,300, with the estimated income, Pool Enterprise receipts, expect to be \$353,800 or \$129,500 less. The FinCom recommended \$389,825 for the Pool Budget with the same expected receipts for a deficit of \$36,025.

Mr. Hepting of the FinCom stated it was proposed to fund the \$36,025 in an effort to allow the pool to keep open. The first part of the year there was an \$8,000 deficit and with the \$36,025 the total deficit is approximately \$44,000 since it began. He noted it was the proposal of the FinCom for the Town to subsidize the Pool for the outstanding deficit, and give another year to P & R of the Enterprise Fund to adjust itself to a time when it becomes a balanced entity of income and outlay.

Mr. Mandel inquired if that implying the pool would not be able to function at the \$353,800 level, to which Mr. Hepting remarked, if the pool had to function with the deficit, it would reduce lifeguards and whatever down to or below a point where the FinCom believes it is feasible and the amount of money is relatively small for an operation of that size.

Mr. Klein for the Pool Account, moved to amend item 701-420, Out-of-State Travel, from the sum of \$1,000 to 0.

Mr. Klein said he could understand Town Supervisors attending conventions or attending equipment shows, but it baffled him why a Town Pool has to have Out-of-state travel.

Jane Neuhauser of Ward Road and member of Park & Recreation, noted there is an Annual United States Aquatic Association Conference which covers a myriad of topics, including new lifeguard certification, equipment available, marketing the Pool, keeping chemical balance, etc. that are very valuable in improving the management techniques of the Pool more efficiently.

George Hamm of Mossman Road reiterated comments of his a year ago that the Pool would not make money, while ex-Selectman John Taft, the FinCom and the Pool Committee and those in the Town who would profit from the Pool, insisted it was going to make a profit. He reminded the Hall the Pool Committee was told they would not make a profit unless they leased the Pool out to other Towns. He noted that block time is now being leased but he asked why it wasn't being leased out to other towns. Meanwhile he supported reducing the Pool budget by \$1,000.

At this time, a motion was received, seconded and *VOTED* to move the Question and end debate.

The motion to decrease line item 701-420 by \$1,000 failed.

Steven Wishner of Fox Run inquired if the \$67,000 appropriated last year for depreciation were available now for current use as it had been decided not to depreciate this Pool to set monies aside for a rainy day. Mr. Thompson, the Exec. Secretary stated the funds had been used in the overall scheme of supporting the Pool for this current fiscal year. It was done in conjunction with the Town Accountant and the Park and Recreation and concurred by with the Board of Selectmen. The Town Treasurer did not concur with this arrangement. He stated it was the thinking of the Accountant, Selectmen and P & R that as the Pool was in its infancy, not to use the large amount of depreciation "... but was always our intent to bring the depreciation back once the Pool is able to maintain itself."

As to a question on "Users" fees, it was noted that initially the amount was set up as a membership or user fee and it has already been increased once and the Commission is considering increasing it again.

Peter Anderson of Landham Road inquired of line item 950-800, Health Insurance as to the amount being affected by the number of personnel working for the Town. The explanation was the Town is obligated to provide for unemployment compensation. If there are layoffs, the Town will be obligated to pay teachers or Town employees unemployment compensation. At this time there is \$46,000 in that account.

Recognizing that the Town had switched over to Blue Cross Health Plus Program and indications had been this would effect some savings, Mr. Anderson noted unfortunately it hasn't done the "trick", and urged the Selectmen to investigate the health insurance costs of the Town as well as all the costs they will be looking into over the next year to see if something more can be done.

The main motion under Article 6, the Budget, as amended was *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 Board of Selectmen

Selectman Wallace deferred to Richard Pettingell of the Finance Committee for the motion under this article.

Mr. Pettingell moved to postpone consideration of Article 7 until after Article 31 has been disposed of.

In explanation of this motion, it was noted the Stabilization Fund represents the Town's only remaining savings account. There is at this time no money to put into this Fund. In the event any of the monied articles up for consideration are defeated, there will be opportunity to place that money in the Stabilization Fund.

The motion to Postpone was VOTED.

(See page 78 for action taken under Article 7)

ARTICLE 8. RENOVATIONS/ADDITION TO FAIRBANK FACILITY - SENIOR CENTER

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$720,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of remodeling, reconstructing, making extraordinary repairs, constructing additional space, purchasing additional equipment and furniture, and landscaping for the use of the Fairbank facility, or a portion of said facility, as a Senior Center, and all expenses connected therewith, including professional, engineering, and architectural services for the 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

Donald Oasis, of Willis Road moved to appropriate \$720,000 to be expended under the direction of the Permanent Building Committee for the purpose of remodeling, reconstructing, making extraordinary repairs, constructing additional space, purchasing additional equipment and furniture, and landscaping for the use of the Fairbank facility, as a Senior Center, and all expenses connected therewith, including professional, engineering and architectural services for the preparation of plans, specifications and bidding documents, and supervision of work; and to raise this appropriation, the Treasurer - with the approval of the Selectmen - is authorized to borrow \$720,000 under Massachusetts General Laws, Chapter 44, Section 7, and to appropriate the sum of \$30,000 to be added to the sum of money voted under Article 6 of this Town Meeting for Debt Service, Account 200, line item 203, Other Bond Interest; and to appropriate the sum of \$10,000 to be added to the sum of money voted under Article 6 of this Town Meeting for the Treasurer/Collector Account 505, line item 711, Bond and Note Issue Expense; said sums to be raised by taxation.

The Moderator allowed discussion to be presented at this time for Articles 8, 9, and 10.

Dr. Oasis expressed the Council on Aging's appreciation for the support it received at the Town Election, which will provide not only a Senior Center but a Town intergenerational community center. He acknowledged much of the credit for this success was due to the efforts of the Senior Center Task Force, which was formed under the direction of the Permanent Building Committee and included representatives from the Council on Aging, Board of Selectmen, FinCom, Park & Rec, both School Committees, Visiting Nurses Association and the Sudbury Teen Center. It was noted an architect had been hired already, Joe Rizza, and a plan had been developed. Dr. Oasis stated the two important aspects of the Center program: 1. Transportation, socialization and health services, which will require cooperative agreements with Town and state groups; and 2. the Center will be the source of public information, community education, advocacy and opportunities for community involvement.

Anne Donald provided the hall with the actual proposed plans for the Center, noting it would increase the size of the building by 3,750 sq. ft., with connecting links to the existing structure. There will be a separate entrance and everything will be handicapped accessible. The plans call for rooms for arts and crafts, meetings, health, outreach worker's office, director's office, lounge, restrooms and kitchen. There will be movable partitions for providing larger areas when needed. The Teen Center TV will be available to the Seniors during the day. The Teen Center will take over one of the rooms of L-S West. Another room will be divided in half to provide two smaller classrooms, to better accommodate the class size, and a second room will be divided to provide for a computer room. One substantial bonus with the plan is the opportunity of sharing the use of the various rooms with other Town groups.

Dan Claff stated the COA would adhere to the \$600,000 budget for the Senior Center Addition, with an additional \$120,000 for improvements and modifications to the site itself for the benefit of all occupants. The \$600,000 will include the addition as well as all necessary site work, parking and paving, while the \$120,000 will be for the cafetorium, kitchen connecting hallway, relocated and renovated bathrooms and the subdivision of two classrooms. Articles 9 and 10 will add an additional \$155,000 to the project. The total amount of \$875,000 will be borrowed for a 15-year period.

Mr. Claff wished to point out that a great effort was made to keep the project costs down. The plans are not lavish, as they call for use of shared and common space. Many desired renovations or improvements were eliminated. The proposed Center is a modest size one with a modest cost. He further noted that the yearly cost per household will decrease each year to its fifteen-year conclusion, when the debt will be retired.

Michael Melnick of the Permanent Building Committee reiterated the cost effectiveness of the project and how it meets and/or exceeds the minimum needs of each organization involved. He noted Article 9 will provide funds to replace the original 1962 roof, which has been patched many times over the last 10 years and still leaks. The new roof would incorporate roof installation where none exists now and will result in an energy savings of approximately \$12,000 per year. Article 10 provides for the removal of asbestos from existing steam piping, as current state law requires.

Finance Committee Report: ( G. Powers)

The FinCom strongly recommended support of this article and the following two articles. The project represents the work of many boards and committees working well together and coming up with a plan that utilizes existing space well, preserves existing Town buildings and protects our assets.

Board of Selectmen (J. Drobinski)

The Selectmen supported this article.

Park & Recreation: (G. Berenson)

The Park & Recreation Commission supported this article and urged voter support as well.

The Regional School Committee, Long Range Planning Committee and the Sudbury Public School Committee also expressed their support for the Center project.

Sid Wittenberg of Surrey Lane inquired what the operating budget would be for the Center and what impact it would have on the Budget? It was stated by the Exec Secretary that the current budget for operation of the Fairbank facility is shared by the Regional High School and the Town. He estimated the cost would be \$35,000 plus another part-time custodian.



George Hamm of Mossman Road expressed concern for the future spacing needs of L-S West, but he was informed that the program is designed for 40 students and there was no plan to increase it.

A question was posed as to whether this \$720,000 would be available if and when the article was voted down. Mr. Hepting of the FinCom explained that the \$875,000 is not part of the Budget. This money would be borrowed and then the debt service would be exempted from Proposition 2½. If the article were to fail, the amount to be saved would be approximately \$40,000 in debt service in the first year.

The main motion under Article 8 was *UNANIMOUSLY VOTED*.

#### ARTICLE 9. FAIRBANK FACILITY ROOF

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 the Permanent Building Committee, for the purpose of making extraordinary repairs to and/or reconstructing the roof of the former Fairbank School, 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 Permanent Building Committee

Michael Melnick of the Permanent Building Committee *moved to appropriate the sum of \$100,000 to be expended under the direction of the Permanent Building Committee, for the purpose of making extraordinary repairs to and/or reconstructing the roof of the former Fairbank School, 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 raise this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$100,000 under Massachusetts General Laws, Chapter 44, Section 7(3A).*

The motion under Article 9 was *UNANIMOUSLY VOTED*

#### ARTICLE 10. FAIRBANK FACILITY ASBESTOS REMOVAL

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$55,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of making extraordinary repairs, the removal of asbestos, within the former Fairbank School, and all expenses connected therewith, including professional, engineering or architectural services, including testing, development of 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 Permanent Building Committee

Mr. Melnick *moved to appropriate the sum of \$55,000 to be expended under the direction of the Permanent Building Committee, for the purpose of making extraordinary repairs, the removal of asbestos, within the former Fairbank School, and all expenses connected therewith, including professional, engineering or architectural services, including testing, development of specifications and bidding documents, and supervision of work; and to raise this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$55,000 under Massachusetts General Laws, Chapter 44, Section 7(3A).*

The motion under Article 10 was *UNANIMOUSLY VOTED*

APRIL 4, 1989

61.

A motion was received to adjourn the meeting until tomorrow evening at 7:30.  
This motion was seconded and *VOTED*

The meeting was adjourned at 10:42 PM

Attendance: 589

April 5, 1989

The second adjourned session of the 1989 Annual Town Meeting was called to order at 7:40 PM by Moderator, Thomas G. Dignan, Jr., as a quorum was declared present. Before taking up the evening's agenda, he announced to the hall there would be no new appointments to the Finance Committee this year, as one member will continue for another three-year term and two other members, who were filling unexpired terms were being reappointed for the next three years.

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

ARTICLE 11. FAIRBANK FACILITY - RENOVATE GYMNASIUM

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$8,174, or any other sum, to be expended under the direction of the Park and Recreation Commission, for the purpose of renovating the gymnasium in the Fairbank Building on Fairbank Road; or act on anything relative thereto.

Submitted by the Park and Recreation Commission

G. Berenson of the Park and Recreation Commission moved to *Indefinitely Postpone Article 11.*

The Moderator commented he had previously been notified this action would be taken if Articles 8-10 were favorably acted upon.

The motion under Article 11 was *VOTED*.

ARTICLE 12. AMEND WAYLAND/SUDBURY SEPTAGE DISPOSAL FACILITY AGREEMENT - ENTERPRISE FUND

To see if the Town will vote to amend the Wayland/Sudbury Septage Disposal Facility Agreement, dated March 12, 1976, as follows:

A. By adding two new paragraphs, F. and G., to Section IV, as follows:

"F. The COMMITTEE shall review and have final approval authority over the annual budget prepared by the ROAD COMMISSIONERS pursuant to Section VI.D.

G. The COMMITTEE shall, not less than once every other year, arrange for the Enterprise Account established pursuant to Section VI.D.4. to be audited by an accountant selected by the COMMITTEE.";

and relettering the existing paragraph "F." to "H.";

B. By deleting the first sentence of Section VI.D.1. and substituting therefor the following:

"On or before November 15 of each year, the ROAD COMMISSIONERS shall submit to the COMMITTEE a copy of the capital and operating budget proposed for the facility to cover their estimate of the costs anticipated during the next fiscal year.";

- C. By inserting a new subparagraph 2. in Section VI.D., as follows:

"2. The COMMITTEE shall review and shall, on or before December 1 of each year, approve or revise and approve the budget submitted by the ROAD COMMISSIONERS. Such approval shall require the vote of two-thirds of those members of the COMMITTEE present and voting. The COMMITTEE shall, upon approval of the budget, transmit a copy of said budget to the Board of Health of Sudbury, hereinafter referred to as the BOARD OF HEALTH, and shall notify the BOARD OF HEALTH of the amount of capital costs included in said budget.";

and renumbering existing subparagraphs 2. through 6. accordingly;

- D. By deleting subparagraph 3. in Section VI.D (as renumbered) and substituting therefor the following:

"The BOARD OF HEALTH shall acknowledge receipt of said budget and notify the ROAD COMMISSIONERS on or before December 15 of each year of the amount of money that it will include in its total budget submission to SUDBURY for the next fiscal year on account of the capital costs included in said proposed budget.";

- E. By deleting the phrase "In all succeeding years," at the beginning of subparagraph 4 of Section VI.D. (as renumbered) and substituting therefor the following:

"Through the fiscal year ending on June 30, 1989,";

and by adding the following at the end of subparagraph 4.:

"Beginning with the fiscal year starting on July 1, 1989, the operating costs of the facility shall be paid from an Enterprise Fund to be carried on the books of the Treasurer of WAYLAND and to be maintained as a separate account, hereinafter the Enterprise Account, for such purpose by the Treasurer of WAYLAND.";

- F. By deleting subparagraph 5 of Section VI.D. (as renumbered) and substituting therefor the following:

"At the conclusion of the first fiscal year and of every succeeding fiscal year through fiscal year 1989, a credit or debit shall be made to each Town's account in order to apportion the actual operating expenses in accord with the gallonage ratio experienced during that fiscal year. Beginning with the fiscal year starting on July 1, 1989, the amount, if any, by which the total appropriation by WAYLAND for the operating costs of the facility exceeds the estimated income therefrom shall be apportioned equally between SUDBURY and WAYLAND. SUDBURY and WAYLAND shall deposit their respective portions of such amount into the Enterprise Account during the next fiscal year.";

- G. By deleting paragraph E of Section VI. and substituting therefor the following:

"Through fiscal year 1989, SUDBURY shall pay the Treasurer of WAYLAND its share of the annual operating costs in equal installments on or before the tenth day of July, October, January, and April of each year, except that net adjustments computed in accord with the provisions of VI.D.5-6 shall be paid with the July installment. Beginning with the fiscal year starting on July 1, 1989, SUDBURY shall be responsible for the billing and collecting of any fees for use of the facility from property owners in both WAYLAND and SUDBURY and from persons depositing septage from outside the two Towns. All fees collected shall be deposited into a separate cash account maintained by the Treasurer of SUDBURY. The Treasurer of SUDBURY shall forthwith transmit to the Treasurer of WAYLAND, such sums as are requested by the said Treasurer of WAYLAND for the payment of the operating costs of the facility."

- H. By deleting paragraph F of Section VI and substituting therefor the following:

"F. Exchange of Information

SUDBURY shall transmit to WAYLAND, upon the request therefor, the names of property owners in WAYLAND who are delinquent more than sixty (60) days in the payment of fees billed to them by SUDBURY. The Treasurer of WAYLAND shall transmit each month to SUDBURY a detailed expense and general ledger statement indicating all activity of the Enterprise Account during the previous month.";

or act on anything relative thereto.

Submitted by the Operational Review Committee.

Michael Guernsey, Chairman of the Operational Review Committee *moved to amend the Wayland/Sudbury Septage Disposal Facility Agreement, dated March 12, 1976, as printed in Article 12 of the Warrant for this meeting.*

Operational Review Committee Report - Wayland/Sudbury Septage Facility Agreement:

The Septage Facility Intertown Agreement is the document that has established the way the two towns will finance, construct, operate, and maintain the facility. For the most part, the procedures have worked well and the plant is up and running. The bottleneck is the way the fees are collected and funds dispersed. It has become necessary to change the system to an Enterprise Fund for two main reasons.

First, is the method of apportioning the cost and the adjusting of each Town's accounts. The present wording is:

Section VI.D.

- "3. For the first two fiscal years of operation, the estimated cost of operations set forth in said budget shall be apportioned equally between SUDBURY and WAYLAND. In all succeeding years, the ROAD COMMISSIONERS' estimate of anticipated operating costs shall be apportioned between the TOWNS on the basis of the number of gallons of septage actually delivered to the facility from each town the last completed fiscal year, which ratio shall be referred to herein as the 'gallorage ratio'.
4. At the conclusion of the first fiscal year and for every succeeding fiscal year during the term of this Agreement, a credit or debit shall be made to each Town's account in order to apportion the actual operating expenses in accord with the gallorage ratio experienced during that fiscal year.
5. Since the amount of expenses and the gallorage ratio experienced will not be known until after the conclusion of the Annual Town Meetings which vote the budget for the following fiscal year, the estimates of operating costs apportioned according to the gallorage ratio and debits and credits to be made to each Town's account shall be shown as separate line items in the budgets submitted for the second fiscal year after the year for which the gallorage ratio was established and the adjustments are to be made."

Section VI.E.

"SUDBURY shall pay the Treasurer of WAYLAND its share of the annual costs in equal installments on or before the tenth day of July, October, January, and April of each year, except that net adjustments computed in accord with the provisions of VI.D.4-5 shall be paid with the July installment."

This procedure is cumbersome and very difficult to administer. Because the fees are set by the Operational Review Committee, the Enterprise Fund will be self-supporting and the apportionments will be self-adjusting. The fees over the last several years have generated the funds necessary to pay 100% of the operating costs.

Second, is the necessity to accrue funds for replacement of equipment as it wears out. Under the present system, there is no legal way for the Towns to create an account to cover the depreciation of the equipment. The Enterprise Account legislation does allow for the retention of excess funds for this purpose. The Operational Review Committee feels that it is imperative for present day users of the facility to pay for the wear and tear of the equipment.

Board of Selectmen Report: (Judy Cope)

The Selectmen urged support of this article and hoped the voters were convinced of the need for the Enterprise Fund, as was the Town Accountant.

Finance Committee: (C. McMahon)

The Finance Committee believed the establishment of the Enterprise Fund would be of great benefit to the Town and recommended approval.

Morton Brond of Marked Tree Road noted the reference to the phrase "audited by an accountant", and inquired if that should be a "certified public accountant". Town Accountant, James Vanar, expressed his opinion that this would be a certified public accountant who would handle the ORC's audit.

The motion under Article 12 was *UNANIMOUSLY VOTED*.

ARTICLE 13. STREET ACCEPTANCES

(Consent Calendar)

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

CENTRE STREET	From the end of the public way of Centre Street to a dead end, a distance of 415 feet, more or less;
FAIRHAVEN CIRCLE	From Hudson Road to a dead end, a distance of 683 feet, more or less;
HOPESTILL BROWN ROAD	From Woodside Road to Woodside Road, a distance of 2,325 feet, more or less;
SCOTTS WOOD DRIVE	From Pratt's Mill Road to a dead end, a distance of 496 feet, more or less;
TWIN MEADOW LANE	From Fairbank Road to a dead end, a distance of 395 feet, more or less;
WADSWORTH ROAD	From Haynes Road to a dead end, a distance of 845 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, \$700, or any other sum, therefor and all expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Board of Selectmen Report:

This article is the result of the recommendations of the Highway Surveyor and the Town Engineer as to roads which meet legal requirements for acceptance. The Selectmen have, at a previous public hearing voted the layout of these roads. If the above streets are voted and accepted by the Town Meeting as a public ways, all future maintenance and repair will be done by the Town. The requested appropriation includes recording fees and cost of engaging an outside registered land surveyor to certify plans. The Board supports this article.

Finance Committee Report:

Recommended approval.

*UNANIMOUSLY VOTED (Consent Calendar) IN THE WORDS OF THE ARTICLE, WITH THE SUM OF \$700 TO BE RAISED BY TAXATION.*

ARTICLE 14. 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, \$11,400, or any other sum, to be expended under the direction of the Board of Selectmen, as follows: \$6,400 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

Board of Selectmen Report:

The funds requested in this article continue our share of the cost to maintain regional planning activities. The two groups to be funded will address such important issues as land use, transportation, affordable housing, and solid waste disposal. The Board supports this article.

Finance Committee Report:

Recommend approval.

*UNANIMOUSLY VOTED (Consent Calendar) TO APPROPRIATE \$11,400, TO BE EXPENDED UNDER THE DIRECTION OF THE BOARD OF SELECTMEN, AS FOLLOWS: \$6,400 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, SAID SUM TO BE RAISED BY TAXATION.*

ARTICLE 15. TRAFFIC SIGNALS - TOWN CENTRE

(Consent Calendar)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$3,000, or any other sum, to be expended under the direction of the Town Engineer, for the purpose of evaluating and/or upgrading the existing traffic signals at the intersection of Concord Road and Route 27, or act on anything relative thereto.

Submitted by the Board of Selectmen

D. Wallace of the Board of Selectmen *moved* to appropriate \$3,000 to be expended under the direction of the Town Engineer for the purpose of evaluating and/or upgrading the existing traffic signals at the intersection of Concord Road and Route 27, said sum to be raised by taxation.

Board of Selectmen Report:

We propose to evaluate the existing traffic control system at this intersection to try to alleviate traffic backup and possibly provide the internal hardware to allow for a green advance for the northbound Concord Road traffic. The Town Engineer has been investigating this idea and believes \$3,000 will accomplish the evaluation and perhaps also the hardware change which we hope can be made to this old traffic signal system. The Board supports this article.

Finance Committee Report: (C. McMahon)

The Committee recommended approval noting the intersection in question is a very dangerous one. In the past seven years, 38 accidents have occurred, with one fatality.

Mr. H. Tober of Ames Road *moved* to remove the word "or" from the main motion.

This motion to amend was *VOTED*.

The main motion, as amended, under Article 15 was *VOTED*.



ARTICLE 16. CODIFY TOWN BYLAWS

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 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 Board of Selectmen

Mr. Wallace of the Board of Selectmen moved to Indefinitely Postpone Article 16.

There was no discussion under this article.

The motion under Article 16 was VOTED.

ARTICLE 17. AMBULANCE EQUIPMENT

To see if the Town will vote to raise and appropriate, or appropriate from the Ambulance Reserve for Appropriation Account \$10,500, or any other sum, to be expended under the direction of the Fire Chief, for the purchase of a heart defibrillator and ambulance equipment; or act on anything relative thereto.

Submitted by the Fire Chief

Chief Dunne moved to appropriate \$10,500, to be expended under the direction of the Fire Chief for the purchase of an automatic heart defibrillator and other ambulance equipment, said sum to be raised by transfer from the Ambulance Reserve for Appropriation Account.

The Fire Chief proposed to purchase an automatic heart defibrillator for the ambulance, the purchase being contingent upon new regulations of the Department of Public Health regarding the reclassification of EMT-A to EMT-D status. The approximate cost would be \$8,000 and the additional \$2,500 requested was for ambulance supplies and equipment required to operate the ambulance by the State Department of Public Health. Funds collected by the Town from usage of the ambulance are deposited into the Ambulance Reserve for Appropriation Account, which was established to offset the cost of operating the ambulance without using tax dollars.

Finance Committee Report : (R. Coe)

The FinCom recommended approval, and supported the Chief's belief the equipment is needed and is a good investment for the saving of lives.

Board of Selectmen Report: (D. Wallace)

The Board recommended approval.

To amend the motion, Henry Sorett of Longfellow Road moved to appropriate \$2,500 to be expended under the direction of the Fire Chief for the purchase of ambulance equipment, said sum to be raised by transfer from the Ambulance Reserve for Appropriation Account.

In support of this motion, Mr. Sorett expressed his concern for the EMT's administering "sophisticated first aid". According to Mr. Sorett the EMT/Paramedic level has people with a higher level of training and experience. They use invasive equipment procedures and administer drugs, and use equipment like defibrillators under direct medical control from a hospital emergency room. He urged the Fire Chief to

consider going to the paramedic level where there would be direct hospital control and the EMTs would have the capability to perform tracheotomies, administer drugs, and other life-saving techniques. This, he believed, would be feasible if a consortium of towns were formed to do this, as Chief Dunne had explained there was not sufficient "run volume" for Sudbury to go to this next level. Mr. Sorett expressed two other concerns:

1. the defibrillator was a new piece of equipment that was maintenance prone in terms of cost and would have long-range consequences and
2. in the absence of medical control the use of the defibrillator by EMTs could raise a liability question for the Town.

Chief Dunne pointed out agreements with area hospitals would have to be signed before this unit would be used and in addition the EMTs would be under the control of the hospitals' doctors. He also noted that the doctors at Framingham Union Hospital have approved this equipment and it is in use by the Town's Fire Department.

The motion to amend was defeated.

Steven Wishner of Fox Run inquired if the Chief had explored all possible avenues for obtaining this equipment through private organizations or as a donation from the manufacturer, to which Chief Dunne said that he had not approached any outside groups to donate the machine.

The motion under Article 17 was UNANIMOUSLY VOTED.

#### ARTICLE 18. PURCHASE VOTING EQUIPMENT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$21,000, or any other sum, to be expended under the direction of the Town Clerk, for the purchase of optical scan voting equipment and appropriate ballots to be used therewith, and the programming of such equipment; 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

Chairman Wallace of the Board of Selectmen moved to Indefinitely Postpone Article 18.

Mr. Wallace briefly commented there was no money for this expenditure.

The motion under Article 18 was VOTED.

ARTICLE 19. ROAD REPAIR - STATE AID BOND ISSUE

To see what sum the Town will vote to appropriate in connection with General Laws Chapter 90, Section 34; Chapter 356 of the Acts of 1976; Chapter 15 of the Acts of 1988; or other related Acts passed by the legislature, in order to provide funds for street reconstruction and improvements, the cost of which will be fully reimbursed to the Town by the State; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Highway Surveyor

Highway Surveyor Report:

The purpose of this article is to appropriate funds to be reimbursed by the Commonwealth of Massachusetts for leveling and/or surfacing of streets. These state funds are very much needed to augment the Highway budget for the overdue maintenance to our infrastructure. The motion under this article will provide funding in the amount of \$137,475.00 for repairs to those streets designated by the Highway Surveyor and approved by the Massachusetts Department of Public Works.

Board of Selectmen Report:

The Board supported this article.

Finance Committee Report:

The Finance Committee supported this article.

*UNANIMOUSLY VOTED (Consent Calendar) TO APPROPRIATE \$137,475 IN ORDER TO PROVIDE FUNDS FOR STREET RECONSTRUCTION AND IMPROVEMENTS, SAID SUM TO BE RAISED BY TRANSFER FROM STATE TRANSPORTATION BOND BILL FUNDS,*

ARTICLE 20. INTERSECTION IMPROVEMENTS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$50,000, or any other sum, to be expended under the direction of the Highway Surveyor, to improve and upgrade the following street intersections:

1. North Road/Powder Mill Road/Mossman Road
2. Powers Road/Powder Mill Road
3. North Road/Powers Road

or act on anything relative thereto.

Submitted by the Board of Selectmen

Chairman Wallace moved to Indefinitely Postpone Article 20.

Mr. Wallace stated the reason for this motion was the same as for Article 18, insufficient money.

The motion under Article 20 was *VOTED*.

ARTICLE 21. LANDFILL UPGRADING

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$273,150, or any other sum, for the purpose of upgrading the Town of Sudbury Sanitary Landfill, including but not limited to the purchase, delivery and application of daily, intermediate and final cover material and installation of a leachate collection system, 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 to *Indefinitely Postpone this article.*

In explanation, Ms. Cope noted that the Landfill Budget, \$60,000 was included under the Landfill Enterprise Fund, recommended by the FinCom and supported by the Selectmen. It was believed that was a sufficient amount of funds. At the time of the printing of the Warrant, it was not certain what the cost would be to continue operation at the Landfill due to DEQE requirements.

The motion under Article 21 was *VOTED*.

ARTICLE 22. FEELEY PARK TENNIS COURTS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$47,902, 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), and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Park and Recreation Commission

Park & Recreation Report:

The tennis courts are an integral part of Frank Feeley Park and have served Sudbury residents well beyond their life expectancy. The playing surface must be rebuilt and resurfaced as a major portion of the renovation if the six courts are to be useable in the future.

R. Drawas of the Park & Recreation Commission moved to *Indefinitely Postpone Article 22.*

The motion under Article 22 was *VOTED*.

ARTICLE 23. LIBRARY ARCHITECTURAL SERVICES

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 Permanent Building Committee, for the purpose of obtaining engineering and architectural services, including preparation of plans, specifications and bidding documents, for the remodeling of, making extraordinary repairs to, and constructing additions to the Goodnow Library, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Goodnow Library Trustees

The Library Trustees moved to Indefinitely Postpone Article 23.

The motion under Article 23 to postpone was VOTED.

ARTICLE 24. WETLANDS SURVEY UPDATE

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 the Conservation Commission, for completion of the update to the existing I.E.P., Inc. Wetlands Survey, to include new Town-wide aerial photographs (or recent stock photos), text update, remapping of wetlands boundaries and ground surveys as necessary; or act on anything relative thereto.

Submitted by the Conservation Commission

J. Stephen Yeo of the Conservation Commission moved to Indefinitely Postpone Article 24.

The motion under Article 24 was VOTED.

ARTICLE 25. WALKWAYS

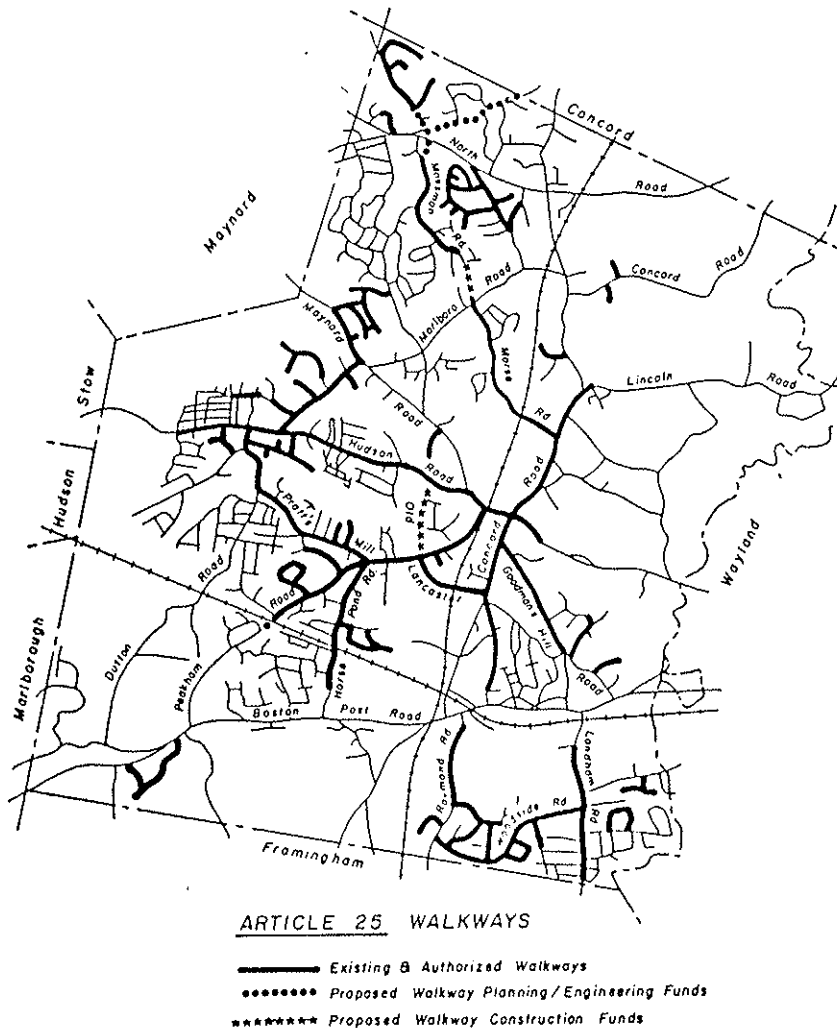
To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$115,345, or any other sum, for the planning, engineering, and construction of walkways, such funds to be expended in the following manner:

1. Construction funds, as necessary, to be expended under the direction of the Highway Surveyor for walkways (approximately 4,031 feet) along the following roads:
  - a. Mossman Road from Farm Lane to Marlboro Road; and
  - b. Old Lancaster Road from Peakham Road to Hudson Road;
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 walkways (approximately 7,285 feet) along the following roads:
  - a. Powers Road from the Sudbury/Concord Town Line to Powder Mill Road;
  - b. Powder Mill Road from Virginia Ridge Road to North Road (Route 117);
  - c. Mossman Road from Possum Lane to North Road (Route 117); and
  - d. Peakham Road from the railroad tracks to Robert Best Road;

or act on anything relative thereto.

Submitted by the Planning Board

Richard Brooks of the Planning Board moved to Indefinitely Postpone Article 25.



In explanation of the motion, Mr. Brooks stated the Planning Board recognizes the Board's fiscal responsibility to the Town and its mandate for level-funding, consequently the withdrawal of the Board's request to continue its expansion of the walkway program for fiscal 1990. He assured the Town the program will continue through the use of voluntary contributions already committed. Next year there will be engineering and/or construction initiated for walkways on the following roads: Fairbank, Powder Mill, French and Peakham, for a total cost of \$135,000. He promised the Board shall return next year to request further funding for the continuation of the walkway program.

The motion to Indefinitely Postpone Article 25 was *VOTED*.

ARTICLE 26. COMPREHENSIVE GROWTH MANAGEMENT PLAN

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$50,000, or any other sum, to be expended under the direction of the Planning Board, for the purpose of preparing the first phase of a Comprehensive Growth Management Plan; or act on anything relative thereto.

Submitted by the Planning Board

Russell Kirby of the Planning Board *moved to Indefinitely Postpone Article 26.*

In explanation of this motion, Mr. Kirby stated the Board has been engaged for sometime in the development of a Comprehensive Growth Management Program for the Town. Noting the financial problem facing the Town this year as one reason for the motion, he also informed the voters that private funds were being donated toward the first major component of the CGM program, which will be known as the "Sudbury Village Concept", a highly desirable alternative to the Mass. DPW six-lane highway solution to the traffic problem on Route 20. The Sudbury Village Design Committee, a sub-committee of the Route 20 Study Committee, presented their ideas and plans to the Sudbury Foundation, who were so impressed by the idea, it voted to provide a \$50,000 grant to the Town so the Program can proceed. He specifically recognized James McKinley, Frank Riepe, James Watterson and Town Planner Lee Newman for developing this successful proposal.

The process that produced the Sudbury Village Concept will be used to determine and evaluate conditions and alternatives for solving problems in other areas of the Town, i.e. gathering data collected from previous studies, surveys and plans, and determining the impact of future growth in the Town.

Mr. Kirby informed the hall the Legislature was working on a bill which would permit impact costs associated with land development, be borne by the responsible developer, rather than by the community. Drafts of this proposed legislation indicate a Comprehensive Plan must be approved by the Town before it may assess impact fees. He believed the future of Sudbury will be determined by such a plan, which should include as many interests as possible in the process, so upon its completion, what the Town truly wants will be approved.

Board of Selectmen:

Selectman Judy Cope noted the Board of Selectmen viewed this Growth Management Plan as a very necessary and valuable tool for the Town. The Board reluctantly agreed to this motion to Indefinitely Postpone only as there was no money.

The motion under Article 26 was *VOTED.*

ARTICLE 27. SUDBURY SCHOOLS EQUIPMENT AND FACILITIES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$59,700, or any other sum, to be expended under the direction of the 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 School, the Noyes School and the Nixon Building, including facility repairs, furniture replacement and building improvements and all expenses connected therewith, including professional engineering and architectural services and 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 Sudbury School Committee

This article was **WITHDRAWN**.

ARTICLE 28. REPAIR AND CONSTRUCTION - SCHOOLS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$8,500,000, or any other sum, to be expended under the direction of the Permanent Building Committee for the purpose of remodeling, reconstructing and making extraordinary repairs to the Nixon School and Noyes School buildings and constructing additional space at the Nixon School, and purchasing additional equipment and furnishings, and all expenses connected therewith, including supervision of work, except as already raised pursuant to Article 4 of the April 4, 1988 Special Town Meeting (engineering and architectural services), and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Sudbury School Committee

This article was **WITHDRAWN**.

ARTICLE 29. ASBESTOS REMOVAL - SUDBURY SCHOOLS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$300,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of making extraordinary repairs, the removal of asbestos, to any or all of the following buildings: Nixon School, Noyes School, Haynes School, Curtis Middle School, and the Loring School, and all expenses connected therewith, including professional, engineering or architectural services, including testing, development of 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 Sudbury School Committee

This article was **WITHDRAWN**.



ARTICLE 30. TOWN SPACE PLANS (Town Offices, Fire Department, Police Department, Highway Department, and Park and Recreation Featherland Facility Engineering and Architectural Services)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$68,500, 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, but not including supervision of the work; to implement the findings of the Board of Selectmen and Long Range Planning Committee regarding 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 Long Range Planning Committee

R. "Kip" Johnson *moved to Indefinitely Postpone Article 30, Town Space Plans.*

Mr. Johnson informed the hall that of the \$75,000 previously appropriated by Town Meeting for this comprehensive Town Space Plan, there remained approximately \$40,000. Expenditures included \$10,000 donated to the Sudbury School Committee for their initial space study, \$5,000 for the demographic study and projections of the Town, and about \$20,000 for the Town space analysis, the initial plan, architectural estimates and the Plan as submitted to date to the Town Space Planning Committee. He pointed out that the Plan broadly recommends an addition to the Town Hall for the placement of all Town government in one facility, the relocation of the Fire Department and the possible renovation of the Flynn Building for the Sudbury School Administration. It also included renovation and expansion of the Highway facility. Due to current fiscal problems, it was the recommendation of the Long Range Planning Committee to Indefinitely Postpone the complete Town Space recommendations, but to support Article 31, which is part of the overall Town space plan.

The motion under Article 30, Town Space Plans, was *VOTED*.

ARTICLE 31. FIRE HEADQUARTERS - ENGINEERING & ARCHITECTURAL SERVICES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$9,000, 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 Space Study Committee, for remodeling, reconstructing, constructing additional space, or making extraordinary repairs to existing Town buildings and/or the construction of a new Town building for a Fire Headquarters; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Fire Chief

R. "Kip" Johnson of the Long Range Planning Comm. *moved to appropriate \$9,000 to be expended under the direction of the Permanent Building Committee for the purpose of obtaining engineering and architectural services for the construction of a new town building for a Fire Headquarters; said sum to be raised by taxation.*

Mr. Johnson reviewed the history of the present central Fire station and noted in the 1960's a joint Police/Fire facility at the Oliver Land Site had been recommended, but was never acted upon. In the mid 70's the Town approved architectural fees for a joint Police/Fire facility on the Oliver site, plans were designed but the construction was "defeated".

Mr. Johnson demonstrated to the hall, along with a slide tour of the station by Chief Dunne, the problems with the current facility and the recommended solution. The Oliver Land site, proposed for the new fire station, is located between Musketahquid Village and Temple Beth-El on Hudson Road. It consists of approximately 13½ acres of which 4½ are buildable, and the rest is wetlands. The building would utilize about 2 acres, including parking. The

site has good distance for entering and exiting and is near the geographic center of Town. Response time would be very similar to that of the present Town Hall location. Mr. Johnson emphasized that it is not the intent of the Fire Department to have any connection to Colonial Road which abuts the property.

The building is based upon a plan of another Fire Station located in the Woods Hole section of Falmouth. He noted that a second story over the living quarters might be probable with the firefighters down on the first level and administration offices, library and conference room etc. above. There would be three bays across the front and possibly a two-bay opening in the rear, in which to put at least five good-sized pieces of fire apparatus.

The architect's estimate covering the construction of the building and all relocation expenses is \$800,000. There will be no increased Fire Department operating costs after moving into the new facility, however there may be increased building operating expenses, depending when the Town accepts and constructs all of the elements of the Long Range Plan. The building will be energy-efficient.

The project will be bonded and cost less than the renovations and additions to the Fairbank complex.

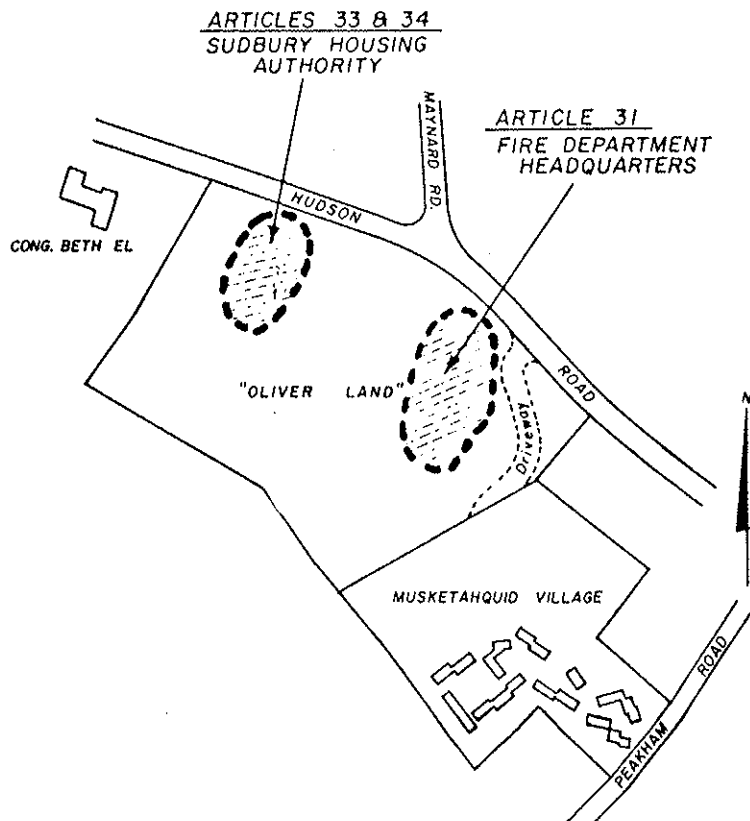
Finance Committee Report: (J. Hepting)

The Finance Committee supported the motion under Article 31, despite the fiscal austerity facing the Town. The current facility is a deplorable one -- in very poor condition, badly designed and needs to be replaced. The cost to do it "in place" in terms of dollars and the disruption it would have on the other offices located in the Town Hall, suggest this is probably the cheapest possible way we can get a new building in as good a location as can be found. The FinCom urged the support of this motion.

Board of Selectmen: (D. Wallace)

The Board wholeheartedly supported this article.

The main motion under Article 31 was *UNANIMOUSLY VOTED*.



The following Article 7, was taken up at this time, as it had been postponed until after consideration of Article 31, the last monied article.

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 Board of Selectmen

J. Hepting, Chairman of the Finance Committee *moved to appropriate the sum of \$7,851 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, 55B.*

Mr. Hepting explained the amount of \$7,851 represented the technical error the Committee made in the Town Clerk's budget plus the \$1,386 that was under the levy limit. It was the recommendation of the FinCom to place this in the Town's savings account--the Stabilization Fund, the monies in which may be allocated for capital expenditures either at a Special Town Meeting or at a future Town Meeting.

Board of Selectmen: (D. Wallace)

The Board concurred with the FinCom.

The motion under Article 7 was *VOTED*.

ARTICLE 32. WITHDRAWN

ARTICLE 33. TRANSFER LAND OFF HUDSON ROAD TO SELECTMEN FOR SALE TO 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 erection of a house moved from 112 Fairbank Road, Parcel 006, Town Property Map F06, the following described parcel of land:

A portion of the Oliver Land on Hudson Road adjacent to the driveway of Musketahquid Village containing approximately one-half acre, being a portion of the entire site shown as Parcel 008 on Town Property Map G08; or act on anything relative thereto.

Submitted by Sudbury Housing Authority

The Moderator had been previously advised this Article was going to be withdrawn.

G. Allan of the Housing Authority *moved to withdraw Article 33.*

This motion was *VOTED* and the Article was **WITHDRAWN**.

ARTICLE 34. AUTHORIZE SALE OF LAND OFF HUDSON ROAD TO 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 erecting a house moved from 112 Fairbank Road, Parcel 006, Town Property Map F06, for a sum of no less than \$1.00 and upon such other terms as the Selectmen shall consider proper:

A portion of the Oliver Land on Hudson Road adjacent to the driveway of Musketahquid Village containing approximately one-half acre, being a portion of the entire site shown as Parcel 008 on Town Property Map G08; or act on anything relative thereto.

Submitted by Sudbury Housing Authority

The Moderator stated that with Article 33 having been withdrawn, Article 34 would be **PASSED OVER**.

ARTICLE 35. AMEND ZONING BYLAW, ARTICLE IX, SECTION III.G.5.b.2 and SECTION III.G.5.e.2 - WATER RESOURCE PROTECTION DISTRICTS - TECHNICAL CORRECTION

To see if the Town will vote to amend Sections III.G.5.b.2 and III.G.5.e.2 of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by deleting said Sections and substituting therefor:

"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 the total capacity of the vessels to be replaced or upgraded providing there is compliance with all local, state and federal laws.";

or act on anything relative thereto.

Submitted by the Planning Board

R. Kirby of the Planning Board moved in the words of the Article.

Mr. Kirby reported Article 35 was no more than a technical correction, which would allow underground storage tanks for petroleum and petroleum products to be replaced when necessary by any number of tanks, as long as the total capacity does not increase. The Board recommended approval.

Board of Selectmen: (J. Cope)

The Selectmen supported this article.

The motion under Article 35 was *UNANIMOUS*.

ARTICLE 36. AMEND BYLAWS, XVII.3 - TOWN CLERK'S FEES

To see if the Town will vote to amend Section 3 of Article XVII of the Town of Sudbury Bylaws, Town Clerk's Fees, by raising the Town Clerk's fees allowed under Section 34 of Chapter 262 of the Massachusetts General Laws for the issuance and recording of documents by the Office of the Town Clerk, as follows:

"Section 3. Town Clerk's Fees. The fees of the Town Clerk shall be as stated in General Laws Chapter 262, Section 34, except that the following fees shall be as stated below:

		<u>PRESENT FEE*</u>	<u>FEE</u>
		\$	\$
(12)	For correcting errors in a record of birth	5.00	10.00
(13)	For furnishing Certificate of Birth	3.00	5.00
(13A)	For furnishing an abstract copy of a Record of Birth	2.00	4.00
(14)	For entering Delayed Record of Birth	5.00	10.00
(20)	For filing certificate of a person conducting business under any title other than his real name	10.00	20.00
(21)	For the filing by a person conducting business under any title other than his real name of a statement of change of his residence, or of his discontinuance, retirement or withdrawal from such business, or of a change of location of such business	5.00	10.00
(22)	For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business, or of a change of location of such business	5.00	5.00
(29)	For correcting errors in a Record of Death	5.00	10.00
(30)	For furnishing a Certificate of Death	3.00	5.00
(30A)	For furnishing an abstract copy of a Record of Death	2.00	4.00
(42)	For entering Notice of Intention of Marriage and issuing Certificates thereof	10.00	15.00
(43)	For entering Certificate of Marriage filed by persons married out of Commonwealth		5.00
(44)	For issuing Certificate of Marriage	3.00	5.00
(44A)	For furnishing an abstract copy of a Record of Marriage	2.00	4.00

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(45)	For correcting errors in a Record of Marriage	5.00	10.00
(57)	For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof		20.00
(58)	For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth	1.00	20.00
(62)	For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Section Twenty-two of Chapter One Hundred and Sixty-Six, and for each additional street or way included in such order	25.00 5.00	40.00 10.00
(66)	For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than		5.00
(67)	For copying any manuscript or record pertaining to a birth, marriage or death		5.00 (per page)
(75)	For filing a copy of written instrument or declaration of trust by trustees of an association or trust, or any amendment thereof as provided by Sec. 2, Chapter 182		20.00";

or act on anything relative thereto.

(\* shown for voter information only; not to be a part of the Bylaw)

Submitted by the Town Clerk.

Town Clerk Report: ( J. MacKenzie)

The fee increases proposed are based upon escalating costs in rendering the services involved. This is the second increase of Town Clerk's fees in more than fifteen years. The last increase was in 1984. These suggested fees also represent a continuing effort for uniformity of fees with surrounding communities as well as those statewide.

Board of Selectmen Report: The Board supported this article.

Finance Committee Report: The Committee recommended approval.

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

ARTICLE 37. AMEND ZONING BYLAW, ART. IX.V.D.7.e - LIMIT FREESTANDING BUSINESS SIGNS

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX.V.D., Signs and Advertising Devices, as follows:

by deleting the first sentence of subparagraph e in Paragraph 7, Signs Requiring a Sign Permit in the Business, Limited Business, Industrial, Limited Industrial, Industrial Park and Research Districts, and substituting therefor the following:

"e. One freestanding business sign which identifies only the name of a business center consisting of two or more businesses may be erected on a lot provided that no other sign(s) permitted under this bylaw other than directory or directional signs shall be on the same lot.";

or act on anything relative thereto.

Submitted by the Planning Board and Design Review Board

James Watterson of the Planning Board moved in the words of the Article.

Planning Board Report: (J. Watterson)

In support of his motion, Mr. Watterson explained this article sought to modify the original sign bylaw so as to allow only those freestanding signs which designated business centers. Freestanding business signs may not exceed sixteen square feet in display area and may not exceed twelve feet in height as measured from grade to the uppermost part of the sign.

Design Review Board: (J. Fantasia)

It was reported this amendment would remove the ambiguity in the intent of the Bylaw, by allowing freestanding signs designating multi-business facilities only. The Board believed this would both reduce visual clutter in the business district and make "signage" more effective.

Board of Selectmen Report: The Board supported this motion.

After considerable discussion, a motion was received to move the question and end debate. This motion was VOTED.

The main motion under Article 37 was UNANIMOUSLY VOTED.

ARTICLE 38. AMEND ZONING BYLAW, ARTICLE IX.V.D.8 - PROJECTING SIGNS

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX.V.D, Signs and Advertising Devices, by inserting a new paragraph 8 to read as follows:

"8. Projecting Signs - The Board of Appeals may issue a Special Permit for a projecting sign, to be erected in lieu of an exterior sign under Section IX.V.D.7.a, in accordance with the requirements of Section IX.V.D.10: The projecting sign shall not exceed sixteen square feet and shall not be higher than the top of the roof or ridge line of the building. The closest portion of the sign shall be no more than eight inches from the face or wall of the building to which it is attached and the most distant portion of the sign shall be no greater than five feet from the face or wall of the building to which it is attached. No establishment shall be permitted more than one projecting sign;"

and by renumbering existing sections 8 through 11 as follows: 9. Signs Requiring a Sign Permit in the Residential Districts, 10. Special Permits, 11. General, 12. Non-conformancy;

or act on anything relative thereto.

Submitted by the Planning Board and Design Review Board

Mr. Watterson of the Planning Board moved in the words of the Article.

Mr. Watterson reported this article would amend the existing Sign Bylaw so as to allow, by special permit, the use of projecting signs, in addition to the already permitted wall and individual letter signs. Projecting signs may not exceed sixteen square feet in display area and may not project more than five feet from the face of the wall to which they are attached.

Design Review Board Report: (J. Fantasia)

The present bylaw defines projecting signs, but this amendment would make provision for their use and specify maximum size and projection.

Board of Selectment Report: (J. Cope)

The Board supported this Article.

The motion under Article 38 was UNANIMOUSLY VOTED.



ARTICLE 39. 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:

"WETLANDS PROTECTION

Section 1. Purpose

This Bylaw is enacted under the authority of the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts and the Home Rule Procedures Act.

The purpose of this Wetlands Bylaw is to protect wetlands, related water resources, and adjoining land areas in the Town of Sudbury ("Sudbury" or "Town"), by controlling the alteration or disturbance of, Wetland Areas so as to prevent damage to such Wetland Areas and thereby preserve the interests of public and private water supplies and water quality, groundwater, fisheries, wildlife, wildlife habitat, and habitat of endangered species of plants, and recreational, educational, or aesthetic values, and/or the prevention of damage from flooding, erosion, and/or sedimentation.

Section 2. Definitions

For the purpose of this Bylaw the following terms shall have the following meanings:

"Commission" shall mean the Sudbury Conservation Commission.

"Isolated Wetland Area" shall mean any wetland as determined by vegetation and/or soil composition or hydrologic regime which is not connected to or contiguous to any of the following: the headwaters of any stream or river, any stream, any river, any pond, whether intermittent or continuous, natural or manmade, any bank or any beach.

"Wetland Area" shall include the following: any Isolated Wetland Area; any wetland as determined by vegetation and/or soil composition or hydrologic regime, including any marsh, wet meadow, bog or swamp; the headwaters of any stream or river; any lake, any pond, any river, any stream, whether intermittent or continuous, natural or manmade; any land under any of the foregoing; any bank or any beach; any land subject to flooding in the 100 year flood event; any vernal pool or kettlehole, or any land subject to inundation by groundwater, provided that any such vernal pool or kettlehole or the land subject to inundation by groundwater contains at least 1/8 acre of water to a depth of 3" at least once each year.

Except as otherwise provided or required by this Bylaw or regulations promulgated hereunder, definitions set forth in General Laws Chapter 131, section 40, as amended and in effect on November 1, 1987, and the regulations thereunder (310 CMR 10.00) (the "Wetlands Protection Act"), shall apply to the construction of terms in this Bylaw.

Section 3. Jurisdiction

Except as permitted in writing by the Commission or as provided in this Bylaw, no person shall commence to remove, fill, dredge, discharge into, build upon, degrade or otherwise alter in any fashion or for any purpose whatsoever any Wetland Area or within one hundred feet (100') of any Wetland Area. The Commission's jurisdiction does not apply to Isolated Wetland Area that is less than five hundred square feet in area.

#### Section 4. Determination Requests and Permit Applications

Any person desiring to know whether a proposed area or activity is subject to this Bylaw may request in writing a determination (hereinafter a "Request for Determination" and a "Determination") from the Commission. Provided no Determination has been requested of, or made by, the Commission, the Planning Board, upon acceptance and before approval of a preliminary or definitive subdivision plan filed under General Laws Chapter 41, may request a Determination as to which areas on the plan are subject to this Bylaw.

Any person proposing to engage in any activity set forth in Section 3 of this Bylaw in a Wetland Area shall, prior to commencing any such activity, first file a permit application with the Commission. The Commission shall review such application and shall determine whether to issue a permit for such activity.

An application for a permit or a Request for Determination shall be hand delivered, in duplicate, or mailed by certified mail, return receipt requested, to the Commission. Such applicant also shall deliver, by hand or by certified mail, return receipt requested, a copy of such application or request contemporaneously to the owner of any land affected by the proposed activity.

Permit applications and Requests for Determination shall include such information and plans to describe any proposed work and its effects as the Commission may specify in regulations adopted hereunder. The Commission may accept a Notice of Intent or Request for Determination of Applicability filed under General Laws Chapter 131, Section 40, as satisfying the application provisions of this Bylaw.

To assist in its review of permit applications, the Commission may engage scientific and environmental professionals to review applications for technical accuracy and compliance with this Bylaw, including delineation of wetlands features and identification and assessment of wildlife habitat, and charge the applicant for the cost of such review. The Commission shall provide the applicant with a statement of the work performed and the cost thereof.

#### Section 5. Exceptions

An application for a permit shall not be required for maintaining and repairing, but not substantially changing, relocating, or enlarging, any existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone or telegraph or other telecommunication service, provided that written notice and a plan of the work to be performed has been given to the Commission at least seventy-two (72) hours prior to commencement of the work, and provided that the work is to be performed in accordance with the general standards of the regulations promulgated under this Bylaw.

An application for a permit shall not be required for normal maintenance of lands in lawful, active agricultural use. Activities creating an increase in the impermeable surface area of such lands do not constitute normal maintenance.

Permit applications shall not be required for any project certified as an emergency by the Commission or its agent in accordance with regulations adopted hereunder by the Commission, provided that a plan which clearly specifies the work performed to abate the emergency is given to the Commission within forty-eight (48) hours of abatement of the emergency and provided that the Commission may, after notice and Public Hearing, require restoration and mitigation measures, including such structural changes as the Commission, in its judgment, deems necessary to protect the Wetland Areas in accordance with the purpose of this Bylaw. The costs of any such restoration shall be borne by the person who authorized such emergency work.

#### Section 6. Notice and Hearings

The Commission shall hold a Public Hearing on an application for a permit or a Request for Determination within twenty-one (21) days after the day of

receipt of the completed application or Request for Determination provided written notice of the date, time, and place of the Hearing is given at least five (5) working days prior to the Hearing, at the applicant's expense, in a newspaper of general circulation in Sudbury and simultaneously to abutters and Town boards as specified in regulations adopted hereunder. Upon an applicant's written request, the Commission may schedule the Hearing date following the twenty-one (21) day period, provided notice is given in accordance with this Section 6.

The Commission may combine a Hearing under this Bylaw with its Hearing or meeting conducted under General Laws Chapter 131, Section 40.

For reasons stated at the Hearing, the Commission may continue a Hearing to a date certain for submission of any additional information or evidence deemed necessary by the Commission to enable it to make a decision on a Request for Determination or permit application in accordance with the purpose and requirements of this Bylaw.

#### Section 7. Decisions and Permits

Within ten (10) days after close of a Hearing held on a Request for Determination the Commission shall issue a written decision stating whether or not the area or activity is subject to the Bylaw.

If the Commission determines after the Hearing on application for a permit that the work proposed is potentially detrimental to the interests protected hereunder, the Commission shall, in writing, within twenty-one (21) days after the close of the Hearing, issue a permit for such work which shall contain conditions which the Commission deems necessary to protect such interest, or, if the Commission determines that the work proposed cannot be performed in a manner which will not damage such interests, shall deny the application. All activities authorized by the permit shall be conducted and performed to comply with those conditions.

When necessary to prevent damage to the interest protected hereunder or for good cause consistent with the purpose and requirements of this Bylaw, the Commission may amend or modify the conditions of a permit after Public Notice and Hearing in accordance with Section 6 hereof.

Any permit granted hereunder shall expire three (3) years from its date of issuance. Notwithstanding the foregoing, the Commission may issue a permit expiring five (5) years from its date of issuance for recurring or continuous maintenance work provided that annual notification of the time and location of work is given, in writing, to the Commission. All permits granted hereunder shall set forth their term.

A permit may be renewed once for an additional one (1) year period provided public notice of intention to seek renewal of the permit is given in accordance with regulations adopted under this Bylaw.

No work to be performed pursuant to a permit issued hereunder shall be commenced until the permit for such work has been recorded in the Registry of Deeds or the Registry section of the Land Court, and the holder of the permit provides recording documentation to the Commission.

#### Section 8. Regulations

After Public Notice and Hearing, the Commission may adopt or amend regulations to implement the provisions of this Bylaw, including the establishment of filing fees. Failure by the Commission to promulgate such regulations or a determination of the invalidity of one or more regulations by a court of competent jurisdiction shall not act to suspend or invalidate the effect of this Bylaw or those regulations not specifically invalidated.

Section 9. Security

In addition to any security required by any other governmental unit or official, the Commission may require that the performance, completion, and observance of any conditions imposed in a permit issued hereunder be secured in part or in whole by a bond or deposit of money or negotiable securities.

Section 10. Enforcement

The Commission and its agents shall have authority to enter upon privately owned land for the purpose of performing their duties under this Bylaw, including the making of surveys and sampling of materials.

The Commission shall have authority to enforce this Bylaw, its regulations and the conditions of permits issued hereunder, including the issuance of enforcement orders and prosecution of court actions. Any police officer of the Town of Sudbury shall have authority to assist the Commission in any such enforcement action.

Upon request of the Commission the Board of Selectmen shall authorize legal action for enforcement of this Bylaw under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement of this Bylaw under applicable criminal law.

The violation of any provision of this Bylaw, regulations promulgated hereunder, or permits issued hereunder, shall be subject to a penalty of one hundred dollars (\$100.00) per day. Each day or portion thereof during which a violation continues shall constitute a separate offense.

The Commission may, as an alternative to criminal prosecution, elect to use the non-criminal disposition procedure set forth in General Laws Chapter 40, Section 21D.

Section 11. Force and Effect

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision hereof nor shall it invalidate any existing permit or Determination issued hereunder.

Section 12. Effective Date

This Bylaw shall take effect as provided in General Laws Chapter 40, section 32, and shall not apply to any activity for which a negative Determination of Applicability or an Order of Conditions under the Wetlands Protection Act has been issued by the Commission prior to such effective date.";

or act on anything relative thereto.

Submitted by the Conservation Commission.

*Cheryl Baggen of the Conservation Commission moved 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 set forth in Article 39 of the Warrant for this meeting, except in Section 5 to add a new third paragraph. "Application for a permit will not be required for trimming, cutting and removing, selective bushes, shrubs, trees and other vegetation, for the purpose of (1) maintaining paths and trails; (2) promoting the health and growth of established trees; or (3) implementing disease prevention measures for cultivating and harvesting household gardens and flowers, for planting and maintaining trees, shrubs and grass, and for mowing grass, so long as such actions are also permissible under the State Wetlands Protection Act.*

Conservation Commission Report:

This report was presented by Deborah Montemerlo, Conservation Coordinator, Frances Clark and Cheryl Baggen, Commission members, who divided the presentation in three parts (1) Why wetlands are important; (2) What the Bylaw will accomplish; (3) The mechanics of administering the Bylaw. It was reported the Bylaw article had been submitted to augment the existing State Wetlands Protection Act so as to tailor the wetland permit program to local conditions. The Wetlands Protection Act (WPA) administered by the Department of Environmental Quality Engineering (DEQE) is a minimum, not a maximum for wetland protection. The proposed bylaw would extend the jurisdiction of the Commission to include some additional isolated wetland areas, allow the Town to collect a filing fee to be specified in the Regulations, require the applicant to pay for expert consulting services for the Commission, provide a mechanism for input from other Town boards prior to a hearing, require the posting of performance bonds for wetlands work as deemed necessary by the Commission, and allow the Commission to require Conservation Restrictions on specific wetland resources areas. Enforcement of wetland violations would be enhanced by fines, payable to the Town. Appeals of the local Bylaw would be to the Superior Court, whereas appeals under the statute would remain with the DEQE. The local Bylaw would not supersede the State Wetland Protection Act. It would only act to aid further protection of Town-specific resources through Home Rule. Town-tailored application procedures, data requirements, performance standards, design specifications and strong Commission decisions would stand unless overturned by a court.

Board of Selectmen Report: (J. Drobinski)

It was noted this article would enable the Town to further protect our natural resources and our finite water supply. The Board urges support of this Article.

Planning Board: (J. Watterson)

The Planning Board strongly supported this article noting this Wetland Protection Act would be an integral part of the plans for the Growth Management Program. The WPA would enhance and complement the work of the Planning Board.

A substantial amount of discussion took place on this article, most of it in strong opposition.

After substantial time had been given to debate, a motion was received to move the question. This motion was seconded and *VOTED*.

The main motion under Article 39 was defeated.

A motion to adjourn to Monday at 7:30 PM was received, seconded and *VOTED*.

The meeting was adjourned at 11:08 PM.

Attendance: 336

ANNUAL TOWN MEETING

April 10, 1989

89.

The Moderator, Thomas G. Dignan called the meeting to order at 7:37 PM at the L-S-R-H-S auditorium and announced a quorum was present. The first order of business for this third adjourned session of the 1989 Annual Town Meeting was Article 40.

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

ARTICLE 40. AMEND BYLAWS, ART. IX.V.N. WASTEWATER TREATMENT FACILITIES

To see if the Town will vote to amend Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by adding to Section V, Special Regulations, a new Subsection N, as follows:

"N. Wastewater Treatment Facilities

1. Purpose The purpose of this Subsection N. [Wastewater Treatment Facilities] is to ensure that any wastewater treatment facilities in Sudbury will be sited, constructed, and operated in a manner that protects the public and environmental health, safety, and welfare of all residents of the Town.
2. Definitions For the purposes of this Zoning Bylaw, the following terms shall have the following meanings:
  - a. Wastewater treatment facility shall mean any wastewater treatment plant and its associated infrastructure, including but not necessarily limited to the sewers serving such facility, pumping stations, wastewater treatment works, all wastewater treatment operations, sludge treatment, disinfection, advanced waste treatment, subsurface disposal and land treatment, wastewater recycling and reuse, plant proper, and discharge system all of which serve primarily for the collection, treatment and discharge of wastewater.
  - b. Restricted Zone shall mean the Wastewater Treatment Facility Restricted Districts so denominated and delineated under Paragraph 3 of this Subsection N. [Wastewater Treatment Facilities], Delineation of Wastewater Treatment Facility Restricted Zones.
3. Delineation of Wastewater Treatment Facility Restricted Zones
  - a. For the purposes of this Bylaw [Subsection N.], there are hereby established Restricted Zones, consisting of aquifers, aquifer contribution zones and areas underlain by groundwater favorable for potable water supply development as defined in Paragraph 3.a.3 herein. These Restricted Zones are delineated on a map at a scale of 1 inch to 1,000 feet entitled: 'Wastewater Treatment Facility Restricted Zones, Town of Sudbury,' which map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk. Restricted Zones shall be considered as overlaying other existing zoning districts.
    - 1) Aquifers are areas of permeable deposits of rock or soil, containing significant amounts of potentially recoverable potable water.
    - 2) Aquifer contribution zones are scientifically determined by the groundwater divides which result from pumping a well and by the contact of the edge of the aquifer with less permeable materials such as till and bedrock. They are presently delineated as those areas within a one-half mile (2,640 feet) radius of the well head of each public water supply well in Sudbury.

- 3) Areas underlain by groundwater favorable for potable water supply development are scientifically determined by the presence of saturated, stratified drift deposits forty feet or more in thickness and are in general highly transmissive of groundwater flow. Stratified drift deposits are areally continuous deposits of permeable sand and gravel with occasional silt or clay layers which, because of such constitution, are generally favorable for water supply development. These areas are presently delineated on the basis of data summarized on Plate 5 of the report "Hydrogeology and Groundwater Resources of Sudbury, Massachusetts" by Ward S. Motts (1977).
- b. If any land designated as lying within a Restricted Zone is proved not to possess the characteristics by which such Zones are delineated, the Planning Board may grant a special permit for a wastewater treatment facility on such land, to the extent such use is otherwise permitted by this Zoning Bylaw, if it finds that construction and operation of such facility will be consistent with the purpose of this Subsection N. [Wastewater Treatment Facilities]. The burden of proof in such cases shall be upon the owner(s) of the land in question. At the request of the owner the Planning Board may engage a professional geologist, hydrologist, soil scientist, or Massachusetts Engineer experienced in water resources evaluation or hydrogeology for the purpose of determining whether the land in question possesses the characteristics by which Restricted Zones are 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.
4. Special Permit The Planning Board may grant a special permit for a wastewater treatment facility subject to the following terms and conditions:
  - a. No wastewater treatment facility shall be constructed or expanded in treatment capacity except pursuant to and in compliance with a special permit from the Planning Board.
  - b. No wastewater treatment facility with a design discharge volume in excess of 20,000 gallons per day shall be permitted.
  - c. No wastewater treatment facility shall be permitted in any Restricted Zone as defined in Paragraph 3 [Delineation of Wastewater Treatment Facility Restricted Zones] above, except in accordance with the provisions of Paragraph 3.b.
  - d. No wastewater treatment facility shall receive wastewater from any facility or other structure located on a different lot than the wastewater treatment facility.
  - e. No wastewater treatment facility shall be permitted to discharge any effluent at any point which is less than one-half mile from any discharge point of another wastewater treatment facility which discharges to the same receiving surface water or groundwater drainage area.
5. Rules and Regulations The Planning Board may adopt, and from time to time amend, rules and regulations, including establishment of filing fees, consistent with this Subsection N. [Wastewater Treatment Facilities], Chapter 40A of the General Laws, and other applicable provisions of the General Laws, and shall file a copy of said rules and regulations with the Town Clerk.

6. Fees

- a. Filing Fee Each application for a special permit hereunder shall be accompanied by a filing fee as established under the Rules and Regulations adopted under Paragraph 5 [Rules and Regulations].
- b. Independent Review To assist its review of applications, the Planning Board may engage scientific, engineering and planning professionals to review an application for completeness, technical accuracy and compliance with this Bylaw, including review of the adequacy and accuracy of the impact report submitted pursuant to Paragraph 7.d. [Application] hereof, and charge the applicant for the cost of such review in addition to the filing fee. The Planning Board shall provide the applicant with a statement of the work performed and the cost thereof.
- c. Review by Other Town Boards or Agencies The Planning Board may charge the applicant the amount sufficient to reimburse Town boards and agencies for the costs of their review of applications pursuant to Paragraph 8 [Planning Board Action] hereof. The Planning Board shall provide the applicant with a statement of the work performed and the cost thereof.

7. Application Each application for a special permit hereunder shall contain the following:

- a. A detailed plan of the proposed facility, certified by a registered professional sanitary engineer.
- b. A plan showing the buildings and all other structures to be served by the facility, and showing the entire property area on which such structures are sited.
- c. A detailed description of the proposed operation of the facility, including staffing.
- d. An environmental, fiscal, and public services impact report which identifies the projected impact of the facility on the environment and the natural resources and public services of the Town. At a minimum, the report shall detail the impact on the following of the proposed facility in comparison with the impact of one or more feasible alternatives, described in detail, which alternatives would comply with all provisions of Title 5 of the State Environmental Code, the Wetlands Protection Act (M.G.L. c.131, §40), and all applicable regulations of the Town of Sudbury:
  - public health and welfare
  - conservation of soil quantity and quality
  - surface and groundwater resources quantity and quality
  - drainage



- open space and land used or available for recreation
- municipal services, including schools, roadways, water supply, public works, and police and fire protection.
- e. A full profile of all potential events which could reasonably be expected to occur at least once in the lifetime of the facility and which could adversely affect the quantity or quality of effluent discharged from the facility.
- f. Copies of all trusts, deeds, covenants, restrictions, contracts and other documents describing the legal and institutional organization of the applicant, the entity responsible for construction and operation, and the owner of the facility. Such documents shall specify the proposed legal and institutional mechanisms for guaranteeing plant performance, and accomplishing routine maintenance, major repairs and response to emergencies.
- g. A detailed contingency plan including details of response to all events of failure or partial failure of the facility or any portion thereof as profiled pursuant to Paragraph 7.e. [Application] of this Subsection N. [Wastewater Treatment Facilities].
- h. A definitive plan for the handling of, and off-site disposal of, wastewater during any period of facility failure or inability to operate to all design specifications. The plan shall include copies of all required agency approvals and outside contractual agreements needed to demonstrate its feasibility.
- i. The proposed mechanism, whether letter of credit, escrow account or other financial device, to provide the Town an account in the amount of 100 percent of the costs necessarily associated with the replacement of the facility, including design, materials and construction costs. Such financial security must be designed to fully cover increased costs due to inflation or other increased costs.
- j. Evidence of all insurance available against any injuries or death of persons or damage to property or other damages to the environment or groundwater arising out of the operation or installation or failure to operate of the facility.
- k. Copies of all required approvals for the facility from other permitting and review agencies, including but not limited to the Sudbury Board of Health, Conservation Commission, Massachusetts Department of Environmental Quality Engineering, and Massachusetts Environmental Policy Act Unit.

8. Planning Board Action

- a. Review by Other Town Boards or Agencies - Upon receipt of the special permit application, the Planning Board 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 Planning Board 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. In any instance where the applicant also requires a Disposal Works Construction Permit for the facility from the Sudbury Board of Health, the Planning Board shall work with the Board of Health to ensure that to the extent practicable the application review processes of the respective boards are coordinated and consolidated. In no case shall the Planning Board issue a Special Permit under this Bylaw prior to the issuance of any applicable Disposal Works Construction Permit by the Sudbury Board of Health.

- b. The Planning Board shall not grant a special permit for a wastewater treatment facility unless it finds that the applicant has clearly demonstrated that the proposed facility fully complies with the purpose of this Subsection N. [Wastewater Treatment Facilities] and the application complies with all the terms and requirements of this Subsection N. [Wastewater Treatment Facilities] including all of the following:
  - 1) That the proposed facility would comply with all of the requirements of Paragraph 4 [Special Permit] of this Subsection;
  - 2) After detailed review of the certified application that the impacts of the proposed facility in each category listed in Paragraph 7.d. [Application] of this Subsection would be superior to those of the other feasible alternatives which would fully comply with Title 5 of the State Environmental Code and the Wetlands Protection Act, Chapter 131, Section 40, and all applicable regulations of the Town of Sudbury;
  - 3) That construction and operation of the facility will not cause the groundwater or surface water quality to fall below the standards established in 314 CMR 6.00, Massachusetts Groundwater Quality Standards or 314 CMR 4.00, Massachusetts Surface Water Quality Standards or for parameters where no standards exist, below standards established by the Board of Health and, where existing quality is already below those standards, upon determination that the proposed activity will result in no further degradation;
  - 4) That the facility plans are fully adequate and consistent with broadly accepted, good engineering practice;
  - 5) That each of the required descriptions and guarantees of institutional/legal arrangements under Paragraph 7 [Application] is fully adequate and in place;
  - 6) That each of the required financial guarantees under Paragraph 7 [Application] is fully adequate and in place;
  - 7) That each of the required approvals under Paragraph 7 [Application] is in place.
  - 8) That the insurance under Paragraph 7.j. [Application] is fully adequate.

9. Severability The invalidity of any portion or provision of this subsection shall not invalidate any other portion or provision thereof nor any special permit issued thereunder.";

or act on anything relative thereto.

Submitted by the Board of Selectmen.

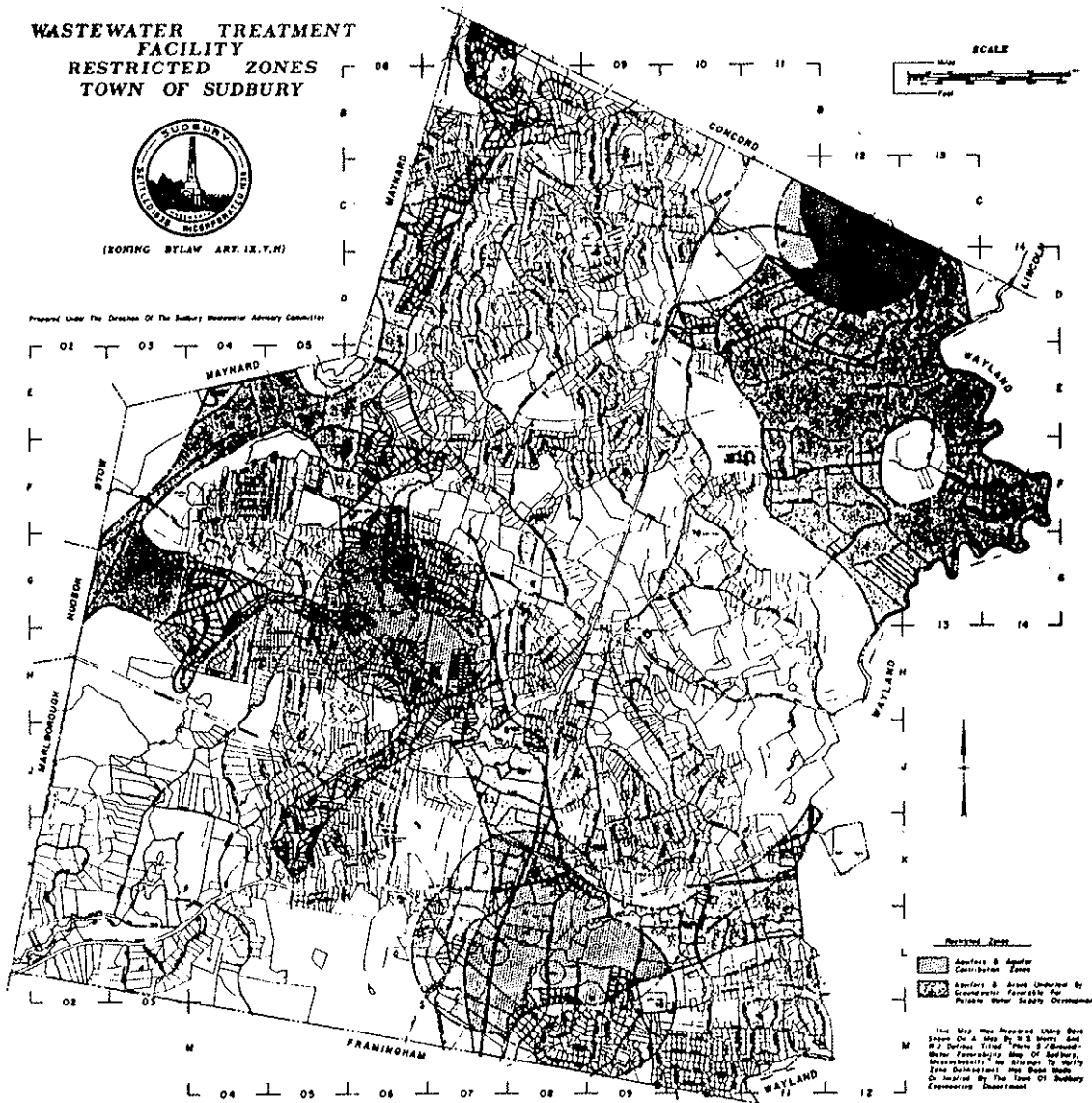
William Cooper, Chairman of the Wastewater Advisory Committee (WAC) moved to amend Art. IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by adding to Section V - Special Regulations - a new subsection "N", as set forth in Art. 40 of the Warrant for this meeting.

**WASTEWATER TREATMENT  
FACILITY  
RESTRICTED ZONES  
TOWN OF SUDBURY**



(ZONING BYLAW ART. IX, V, H)

Prepared Under The Direction Of The Sudbury Wastewater Advisory Committee



To begin Mr. Cooper briefly described a Wastewater Treatment Facility (WTF) as a system based on a series of unit processors, which is used sometimes in place of a septic system. Then he provided the following information of how three proposals had been made to the Town in 1987 to use small WTFs in proposed developments. Two of these related to residential developments and one a nursing home complex. There are WTFs presently at the Raytheon Plant, Lincoln-Sudbury Regional High School and the Wayland/Sudbury Septage Facility. He noted these plants do work, they can put out good quality effluent and it does make sense to use them in some situations.

Of particular concern to our town, is that such installations when they are installed they should be done properly, as Sudbury gathers its drinking water from the ground and groundwater. There were no regulations in 1987 governing these WTFs, including Board of Health regulations. Concerns associated with WTFs were health hazards, financial responsibility, implications for changes and development patterns, the Town's ground and surface water etc. In the summer of 1987, an ad hoc citizens group was put together specifically to study these issues and bring them to the attention of the Town. Shortly thereafter the Selectmen appointed the Wastewater Advisory Committee, a group of technically trained people, some having degrees in sanitary engineering, and two of whom are registered professional engineers in the State of Massachusetts. This Commission also drew its membership from the Planning Board, Board of Health and the Conservation Commission.

At the 1988 Annual Town Meeting, there were two (2) articles related to WTFs. One called for a total ban on the use of WTFs and the other proposed a fairly extensive Special Permit Process. Both these articles were referred to the Wastewater Advisory Committee.

Since the last Annual Town Meeting, the Wastewater Advisory Committee has helped the Board of Health get their regulations in place, which have since been adopted. The Committee also sought professional advice in hydrology as to what type of policies might follow to have an effective bylaw for the Town. Outside consultants were used for some of this work as well as Town Counsel for the legal aspects and drafting of the Warrant Article. William Cooper listed five main objectives of the Article: 1) The use of WTFs where they provide a superior alternative; 2) Town's protection against any WTF failure or the consequences of any upset; 3) Prevention of contamination of groundwater or surface water; 4) Protection of those areas that could be developed for potable water supply; and 5) documentation of the impact such a facility might have on the Town for assessment by various Town Boards.

This Article will not permit anything that is not presently allowed. In general it does two things: 1) establishes a Restricted Zone in which WTFs would not be permitted. This zone was basically drawn upon the advice of the hydrogeological consultant. 2) This article will establish a Special Permit process administered by the Planning Board and decision criteria for the Planning Board to use in deciding whether to grant such a Permit. The Article provides for 20,000 gallon per day limitation on these plants; restricts the application of Wastewater Treatment Plants to waste originating on the same lot; places a half-mile separation between discharges from plants to protect the water resources and the watershed area. The article also provides for 1) an independent review of proposals, to be paid for by the applicant; 2) submission of detailed plans by a registered professional engineer; 3) an impact statement so the Planning Board has an opportunity to judge the implications of a proposal; 4) a comparison with Title 5 to determine that a WTF is a preferable alternative; 5) a contingency plan in case problems arise; 6) financial administrative responsibility so the Town will not be left with an obligation, including 100% replacement cost. Additionally the article has provisions to protect the water quality from degradation and provides the Town with some insurance for consequential damages and downstream effects.

Mr. Charles Cooper, also of the Wastewater Advisory Committee, presented to the hall a more detailed explanation of the article and the difference between what is allowed today and what the Bylaw would allow. He in turn pointed out where this bylaw complements the Board of Health regulations.

Finance Committee Report: (R. Pettingell)

The FinCom supported the bylaw and noted it does the job very nicely. With respect to subsection (j), the FinCom as a technical matter, moved to amend that section.

Mr. Pettingell *moved to amend Article 40 by striking from paragraph N.7.(j) the words "Evidence of all" and substituting therefore the words "The proposed mechanism, whether letter of credit, escrow account or other financial device, to provide the Town."*

The proponents of the Bylaw had no objection to this technical amendment when asked.

Henry Sorett of Longfellow Road inquired as to the FinCom's intention with the Escrow Account. Mr. Pettingell reported the Escrow Account is for the replacement cost of the facility itself. The purpose of this amendment is to require that there be a funding mechanism to purchase insurance on such a plant in the future. Mr. Sorett, noting the Town's liability is limited to \$100,000, inquired also if there had been any thought of requiring the posting of a bond to solve the problem.

Robert Abrams of Chanticleer Road asked if the word "available" should also be deleted as what remained seemed not to be a complete sentence. The FinCom had no strong feelings one way or the other, but acceded to the suggestion as Mr. Cooper of the WAC agreed the removal of the word "available" would make the amendment totally consistent.

The Moderator stated that as Mr. Pettingell acceded to Mr. Abrams' suggestion, the amendment of the motion to amend would be done without a vote, thus striking out the word "available" as it appears in subparagraph (j).

The motion to amend was *VOTED*

Board of Selectmen (J. Drobinski)

While appreciating that individual WTFs may be preferred over conventional septic systems in the future, Mr. Drobinski noted they are not yet designed or maintained to prevent some disastrous groundwater consequences. When a WTF is proposed for residential use, it is often proposed on marginal properties, those with a high water table, marginal soil, percolabilities or unpercable ledges. He emphasized that the Town must be protective of its groundwater resources. The Board heartily endorsed the intent of this Article.

Planning Board Report: (M. Meixsell)

Mr. Meixsell stated the Planning Board's support for this article and then explained the four steps that led to this article: 1) proposals by developers for Wastewater Treatment Plants; 2) Evaluation of the current regulatory process by Town Boards; 3) Conclusions regarding current regulatory deficiencies; and 4) Recommended remedial actions.

John Nixon of the Conservation Commission noted that the Commission had been unenthusiastic about WTFs, as proposed in the past for residential development, for a number of reasons. However, industrial growth in Sudbury cannot be accomplished without an alternative to septic systems. The proposed Article provides a set of guidelines for WTFs that are a beneficial supplement to the Board of Health regulations. The Commission believed this article provides the necessary safeguards for the construction and management of the plants while at the same time protecting the aquifers and other resource areas. It reinforces the public planning and welfare process by proper interaction between the applicant, the Planning Board, the Board of Health and the Conservation Commission. Therefore the Commission enthusiastically supported this article and urged the support of the voters.

Robert Sheldon, a Water District Commissioner, also a member of the Wastewater Advisory Commission, noted the unanimous support of the Water District Commissioners for this Article. He expressed the opinion that this article was a sound approach for the Town to take to minimize the possibility of groundwater and surface water problems associated with small, privately-owned wastewater treatment plants. He noted that treatment plants can be the preferred means of treating wastewater generated in amounts of 5,000 gallons/day or less, however there are questions that must be adequately addressed before such plants are allowed. He advised that the argument that treatment plants have historically proven themselves and are therefore automatically the preferred form of treatment, should be tempered. He pointed out that most of the treatment plants now in place discharge to large bodies of surfacewater, are well-staffed and were designed specifically for the given location. A treatment plant in Sudbury must discharge to the groundwater, which means potentially discharging to existing drinking supplies that now require only a minimum of treatment. Although treatment plants offer much higher quality effluent than septic systems, treatment plants are much more dependent upon operator attention and, in the event of a failure, can cause a concentrated discharge of high-strength waste to the groundwater. He further noted that Towns cannot depend upon State agencies to act as the prime, overseeing and monitoring agency for approving the siting, design and operation of a treatment plant. Towns must take that upon themselves, and that is what this Article is aimed to do.

Hugh Caspe of Philemon Whale Lane, Chairman of the Board of Health, speaking in support of this article commented that the BOH's regulations focus on health issues while this bylaw focuses on planning issues. They complement each other in many ways.

Michael Guernsey of the Board of Health, expressing general agreement with the bylaw, spoke to a problem he had - the issue of Route 20 shopping centers, there being three shopping centers that have leaching fields in the back, which back up to the Raymond Road wellfield. He stated there is no way to put any type of pre-treatment plant on any of these shopping centers as you cannot combine two or three shopping centers into one treatment plant, as that would be prohibited. Individual treatment plants would also be prohibited as the discharge points must be at least a half mile from each other. He expressed concern that there seemed to be no answer to getting rid of the shopping centers' present septic systems. Mr. Guernsey noted also that the Planning Board has received a donation to go forward in its initial steps for the Sudbury Village Center Project. Mr. Guernsey pointed out that the director of Public Health has informed the Planning Board that in order to build that Village Center a treatment center must be put in place, as there would be no way to rid the Village Center of sewage without a treatment plant. Under this bylaw, that would not be permitted. His question was, "Why spend \$50,000 designing something (Sudbury Village) that cannot be built if this Bylaw is approved?" Another concern Mr. Guernsey expressed was that the bylaw does not allow the construction or expansion in treatment capacity of a treatment plant of over 20,000 gallons. This would mean should the treatment plant for LSRHS ever need to be rebuilt, it could not be increased in capacity, if and when the school should expand. He extended this latter concern to the Raytheon Plant as well.

Considerable discussion took place under this article centering around the following concerns: present capacities of WTFs at LSRHS and Raytheon;

bylaw appears to only address industrial plants and not the regulation of WTFs in residential areas; many beneficial uses the Town could derive with WTFs that will not be available with this article; discharge of 20,000 gallons per acre; who will manage individual plants and what will be the professional requisites for the monitor(s); who will be responsible for the monitoring - a town agency?; the frequency of the monitoring and who is responsible for the costs involved; in the absence of this bylaw is it possible and under what regulations would a person be able to construct a WTF; with passage of this bylaw would more land become available for development; are WTFs allowed in a cluster zoned development; applicability of the bylaw, etc.

Following substantial discussion, there was a motion to Move the question. This was seconded and VOTED.

The main motion as amended under Article 40 was UNANIMOUSLY VOTED.

ARTICLE 41 AMEND BYLAWS ARTICLE XIX - Appoint Tree Warden

To see if the Town will vote to amend the Town of Sudbury Bylaws by adding thereto the following Article XIX:

"ARTICLE XIX  
TREE WARDEN

Section 1. The Board of Selectmen shall annually on or before May 1 appoint a suitably qualified person to the office of Tree Warden for a term to expire on April 30 of the following year, and shall set the compensation therefor. The Board of Selectmen may fill any vacancy in the office occurring before the expiration of the current term.

Section 2. This article shall take effect in the year 1990.";

or act on anything relative thereto.

Submitted by the Highway Surveyor

Robert Noyes, Highway Surveyor, moved in the words of the Article

Report of the Highway Surveyor: The position of Tree Warden has been elected for the past twelve (12) years. The current Tree Warden has indicated this will be his last year that he will run for the position. Since the Tree Department will not be able to function without assistance from the Highway Department, I feel this would be a good time to have the position appointed.

Board of Selectmen: (J. Drobinski) The Board supported this article.

As this Article had initially been placed on the Consent Calendar, George Hamm of Mossman Road expressed his dissent on having any articles that would change our form of government placed on the Consent Calendar. If an elective job is to be changed to an appointive one, he strongly believed it should be voted upon. He expressed serious reservations as to the advisability of this change, as an elected official would be more reserve in taking certain actions than an individual appointed by and acting upon the request of two or three Selectmen.

The motion under Article 41 was VOTED

ARTICLE 42. AMEND LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT AGREEMENT

To see if the Town will approve the following Amendment to the Lincoln-Sudbury Regional School District Agreement dated March, 1954, as amended, as proposed by vote of the Lincoln-Sudbury Regional School District Committee:

The Agreement Between the Towns of Lincoln and Sudbury with respect to the establishment of a Regional School District, as heretofore amended (the "Agreement") is hereby further amended as follows:

AMENDMENT

1. Section 1 of the Agreement is amended to read in its entirety as follows:

- "1. The Regional District School Committee

- (a) Composition

The powers and duties and liabilities of the Regional School District shall be vested in and exercised by a Regional District School Committee (the "Committee"). The Committee shall consist of seven (7) members, of whom five (5) shall be appointed by the School Committee of the Town of Sudbury from its own membership, and of whom two (2) shall be appointed by the School Committee of the Town of Lincoln and shall be residents of Lincoln who may be members of the Lincoln School Committee. All members of the Regional District School Committee shall serve until their successors are appointed and qualified.

- (b) Interim Committee Membership

Notwithstanding paragraph (a), the members of the Committee in office immediately prior to the adoption of this amendment Section 1 (the "elected members") shall continue to serve until the expiration of their respective terms. Vacancies on the School Committee from among the elected members, whether during or at the expiration of the respective terms, shall not be filled.

- (c) Annual Appointment of Members

Within ten (10) days after the acceptance of this amended Section 1, the local School Committee of the Town of Sudbury shall appoint five members of the Regional District School Committee, and the local School Committee of the Town of Lincoln shall appoint two members of the Regional District School Committee, in accordance with paragraph (a). Such appointed members, together with the elected members then in office, shall organize and choose by ballot from their own number a chairman and vice-chairman. Annually thereafter, immediately after the latest of the annual town elections of the member towns, each local school committee shall make its respective appointments to the Regional District School Committee, with all appointed members to serve until the latest of such annual town elections held in the next succeeding year. The Regional District School Committee, including any elected members remaining in office, shall annually organize and choose by ballot from its own number a chairman and vice-chairman.

- (d) Vacancies

Vacancies from among the members appointed by the local School Committees of the Town of Sudbury or Lincoln shall be filled by appointment, by the respective local school committee, of a member to serve for the balance of the unexpired term."



2. This Amendment shall take effect upon its approval by each of the member towns;

Or act on anything relative thereto.

Submitted by the Board of Selectmen on behalf of the Lincoln-Sudbury Regional District School Committee.

This Article was **PASSED OVER** as an identical article had been defeated at the Lincoln Annual Town Meeting earlier.

William Hewins of the L-S-R-H-S informed the hall that the Town of Lincoln defeated this motion by a large majority. The people of Lincoln were concerned about losing their voice in the LSRHS, and they did not wish to lose their right to vote on the Sudbury candidates for the Lincoln-Sudbury-Regional-High-School Committee.

ARTICLE 43.      TRANSFER PORTION OF FEATHERLAND PARK LAND  
FROM P&R TO SELECTMEN FOR SALE TO ABUTTER

To see if the Town will vote to transfer from the control of the Park and Recreation Commission to the Selectmen for the purpose of sale to Mark T. Dinkel and Cheryl J. Baggen the following described land:

a portion of Parcel 001 as shown on Town Property Map F10, containing approximately 1,950 square feet and more particularly described on a plan entitled "PLAN OF LAND IN SUDBURY, MASSACHUSETTS SHOWING PROPOSED CONVEYANCE OF LAND TO MARK T. DINKEL & CHERYL J. BAGGEN AT FEATHERLAND PARK, SUDBURY, MA.", dated December 9, 1988 and prepared by the Town of Sudbury Engineering Department;

or act on anything relative thereto.

Submitted by the Board of Selectmen.

This article was **PASSED OVER** as the Moderator was in receipt of a vote by Park and Recreation Commission that they still needed this land. The Town Counsel had advised that with the existence of such a vote, the Town may not vote under this article.

ARTICLE 44.      AUTHORIZE SELECTMEN TO SELL PORTION OF FEATHERLAND PARK LAND TO  
ABUTTER

To see if the Town will vote to authorize the Selectmen to execute a deed conveying in fee simple the following described land to Mark T. Dinkel and Cheryl J. Baggen, subject to their granting to the Town a utility easement through that portion of their property at 509 Concord Road shown as a twenty-foot "Right of Way" on a plan entitled, "Land in Sudbury, owned by Israel Bluestein Compiled by Plan and Measurements", dated January 29, 1960, by Harlan E. Tuttle, Surveyor, and recorded with the Middlesex South District Registry of Deeds at the end of Book 11488, and upon such other terms as the Selectmen shall deem proper and to determine the minimum compensation to be paid therefor and to authorize and direct the Selectmen to take whatever steps are necessary to effectuate such conveyance, including a petition to the General Court for any required legislation:

a portion of Parcel 001 as shown on Town Property Map F10, containing approximately 1,950 square feet and more particularly described on a plan entitled "PLAN OF LAND IN SUDBURY, MASSACHUSETTS SHOWING PROPOSED CONVEYANCE OF LAND TO MARK T. DINKEL & CHERYL J. BAGGEN AT FEATHERLAND PARK, SUDBURY, MA.", dated December 9, 1988 and prepared by the Town of Sudbury Engineering Department;

or act on anything relative thereto.

Submitted by the Board of Selectmen.

The Moderator informed the hall this article would be **PASSED OVER** for the same reason as the previous article, which was to sell part of that transaction.

ARTICLE 45.      AMEND BYLAWS, ART. VI - ENFORCEMENT

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

"Section 2. Every violation of these bylaws, not otherwise provided for herein or by the General Laws or Special Laws of the Commonwealth, shall be subject to a penalty of \$50, and all penalties recovered from such violations shall be paid into the Town Treasury to inure to such use as the Town shall from time to time direct.";

or act on anything relative thereto.

Submitted by the Board of Selectmen.

Board of Selectmen Report: In the process of changing all penalties within the Bylaws to a specific penalty, this general enforcement provision was overlooked last year. The provision of a specific penalty will enable violations to be processed as non-criminal matters instead of criminal proceedings. The ability to impose a civil penalty rather than engage in costly and time-consuming criminal proceedings will speed correction of violations. We urge your approval.

Printed below is Section 2 of Article VI, in its present form:

"Section 2. Every violation of the foregoing bylaws, not otherwise provided for herein or by the General Laws or Special Laws of the Commonwealth shall be punished by a fine of not more than two hundred dollars, and all penalties recovered from such violations shall be paid into the Town Treasury to inure to such use as the Town shall from time to time direct."

Finance Committee: Recommended approval

*UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE (CONSENT CALENDAR)*

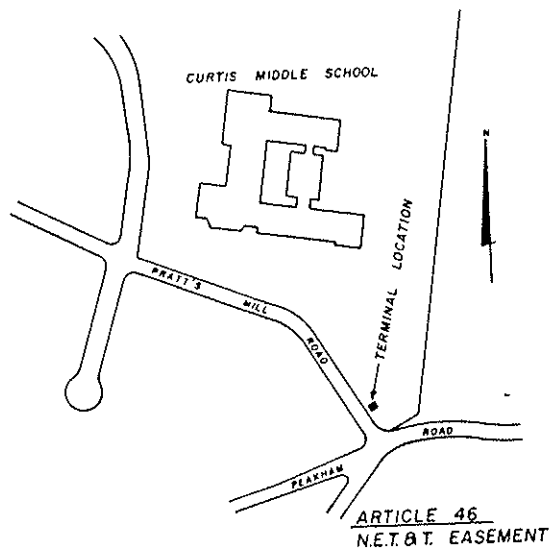
ARTICLE 46. GRANT EASEMENT TO N.E.T.&T. ON CURTIS SCHOOL LAND

To see if the Town will vote to grant to New England Telephone and Telegraph Company a permanent easement upon, under, and over the following described land on Pratt's Mill Road for the purpose of erecting and maintaining a service terminal and pad and all necessary conduits and cables in connection therewith, and to authorize the Selectmen to execute an appropriate instrument therefor:

a portion of the land shown on plan entitled, "Town of Sudbury, Massachusetts Land Taking for School House Purposes, Scale: 1 in = 100 ft.", dated October 4, 1962, by George D. White, Town Engineer, and recorded with the Middlesex South District Registry of Deeds in Book 10143, Page 512, consisting of approximately 35 square feet and shown on the accompanying sketch plan;

or act on anything relative thereto.

Submitted by the Board of Selectmen.



John Drobinski, Selectman, moved that the Town grant to New England Telephone and Telegraph Company a permanent easement thereupon, under, and over the following described land on Pratt's Mill Road for the purpose of erecting and maintaining a service terminal and pad and all necessary conduits and cables in connection therewith, and to authorize the Selectmen to execute an appropriate instrument therefor:

a portion of land shown on plan entitled, "Town of Sudbury, Massachusetts Land Taking for School House Purposes, Scale: 1 inch equals 100 feet", dated October 4, 1962, by George D. White, Town Engineer, recorded with the Middlesex South District Registry of Deeds in Book 10143, Page 512, being more particularly described on a Plan entitled, "Easement Plan" of Land in Sudbury, Massachusetts, prepared for New England Telephone, Scale: 1 inch equals 20 feet"; dated March 30, 1989, by Land Planning Engineering and Survey, and containing approximately 345 square feet according to said plan.

Mr. Drobinski stated the Telephone Company requires this portion of land for erecting telephone equipment. The land is owned by the Town, therefore it is up to Town Meeting to decide what to do.

Joseph Klein inquired what the phone company was going to do on this land, and secondly if the Town was going to be compensated for granting this easement.

It was stated that a service terminal and pad are something that has and continues to be used by the phone company all over town. There are no above-ground wires, so basically it is a pad with a box on it that contains some sort of relay or switching mechanisms. As to remuneration for this easement, the Town has not considered it at this time or in the past. Both Edison and the Telephone are one of the Town's largest taxpayers, and they are assessed on their personal property for these items.

The motion under Article 46 was *UNANIMOUSLY VOTED*

ARTICLE 47. ACCEPT CH. 71, SEC. 7a - STATE REIMBURSEMENT FOR DAY CARE TRANSPORT

To see if the town will vote to accept the provisions of Massachusetts General Laws Chapter 71, Section 7a, as amended by Chapter 767 of the Acts of 1987, which provides state reimbursement of a portion of the cost of transporting school aged students between school and any day care facility licensed or registered by the Office for Children or a day care facility which is part of a public school system or a private, organized educational system and located within the boundaries of the school district provided the distance is at least one and one-half miles; or act on anything relative thereto.

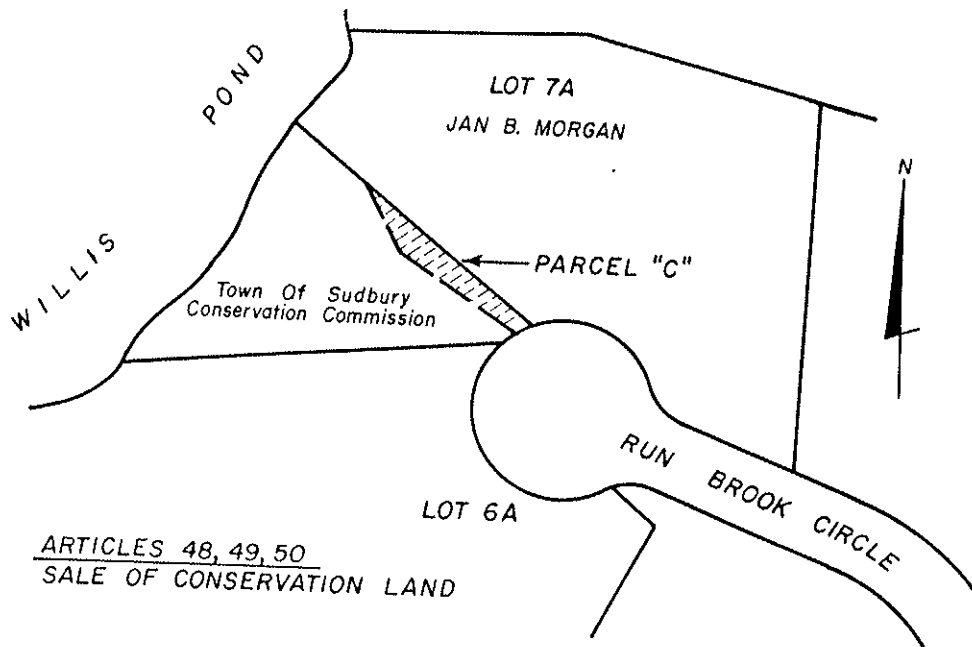
Submitted by Petition.

As no one was present to make a motion under this article, Article 47 was **PASSED OVER.**

ARTICLE 48. TRANSFER LAND OFF RUN BROOK CIRCLE FROM CONSERVATION COMMISSION TO SELECTMEN FOR SALE

To see if the town will vote to transfer from the control of the Conservation Commission to the Selectmen for the purpose of sale to Jan B. Morgan the following described 1,883 square feet of land on Run Book Circle: land in Sudbury, Massachusetts shown as Parcel "C" on a plan entitled "Plan of Land in Sudbury, MA. Owned by Town of Sudbury", dated August 19, 1988, prepared by Colburn Engineering, Inc. Said Parcel "C" is more particularly bounded and described according to said plan as follows: NORTHEASTERLY by Lot 7A 147.00 feet; SOUTHEASTERLY by Run Brook Circle by a curve 11.00 feet in length; and SOUTHWESTERLY by Parcel "B" by two lines of 93.00 feet and 53.57 feet, respectively, and is a portion of the property located to the southwest of Parcel 527 as shown on Town Property Map F06; or act on anything relative thereto.

Submitted by Petition.



Petitioners report: The purpose of the three town warrants is to rectify the placement and construction of a portion of the driveway, adjacent landscaped areas and fencing at 24 Run Brook Circle which were mistakenly placed on conservation land by the developer. A realignment of the above is near impossible because of the current placement of the house. It appears that an honest surveying mistake was made at the radius for the cul-de-sac.

The execution of the warrants would eventually transfer 1,883 square feet of land from the Conservation Commission to Jan B. Morgan via the Selectmen. Approval of the state legislature is also required.

In return the Conservation Commission is to receive greater control over the landowner's pond frontage and some consideration from the developer.

Dennis Morgan of Run Brook Circle Moved to transfer from the control of the Conservation Commission to the Selectmen for the purpose of sale to Jan B. Morgan the following described 1,883 square feet of land on Run Brook Circle: Land in Sudbury, Massachusetts shown as Parcel "C" on a plan entitled "Plan of Land in Sudbury, MA owned by the Town of Sudbury", Dated August 19, 1988, prepared by Colburn Engineering, Inc. said parcel "C" is more particularly bounded and described according to said plan as follows: North-easterly by lot 7A 147.00 feet; southeasterly by Run Brook Circle by a curve 11.00 feet in length; and southwesterly by parcel "B" by two lines of 93.00 feet and 53.57 feet, respectively, and is a portion of the property located to the southwest of parcel 527 as shown on town property map F06.

Mr. Morgan in support of his motion, explained the purpose of this article and Articles 49 and 50 is to rectify the placement and construction of a portion of driveway, adjacent landscaped areas and fencing at 24 Run Brook Circle, which were mistakenly placed on Conservation land by the developer. A physical realignment of the above is near impossible because of the current placement of the house. It appears that an honest surveying mistake was made at the radius of the cul-de-sac. The execution of the Warrant could eventually transfer 1,883 square feet of land from the Conservation Commission to Jan B. Morgan, via the Selectmen. Approval of the State Legislature is also required. This is the first step. In return, the Conservation Commission is to receive greater control over the land owned as pond frontage and a number of considerations from the developer who originally made the error.

Board of Selectmen Report: (J. Drobinski)

The Board supported this Article.

The Conservation Commission stated it believed this was a fair and equitable solution for all parties and urged the support of the hall.

The motion under Article 48 was *UNANIMOUSLY VOTED*

ARTICLE 49. AUTHORIZE SELECTMEN TO SELL LAND OFF RUN BROOK CIRCLE

To see if the town will vote to authorize the Selectmen to execute a deed conveying in fee simple the following described 1,883 square feet of land on Run Brook Circle to Jan B. Morgan for the sum of \$1.00 and upon such other terms as the Selectmen shall consider proper, upon approval of said conveyance by the General Court: land in Sudbury, Massachusetts shown as Parcel "C" on a plan entitled "Plan of Land in Sudbury, MA. Owned by Town of Sudbury", dated August 19, 1988, prepared by Colburn Engineering, Inc. Said Parcel "C" is more particularly bounded and described according to said plan as follows: NORTHEASTERLY by Lot 7A 147.00 feet; SOUTHEASTERLY by Run Brook Circle by a curve 11.00 feet in length; and SOUTHWESTERLY by Parcel "B" by two lines of 93.00 feet and 53.57 feet, respectively, and is a portion of the property located to the southwest of Parcel 527 as shown on Town Property Map F06; or act on anything relative thereto.

Submitted by Petition.

Mr. Morgan *Moved* to authorize the Selectmen to execute a deed conveying in fee simple the following described 1,883 square feet of land on Run Brook Circle to Jan B. Morgan for the sum of \$1.00 and upon such other terms as the Selectmen shall consider proper, upon approval of said conveyance by the General Court: land in Sudbury, Massachusetts shown as Parcel "C" on a plan entitled "Plan of Land in Sudbury, MA. Owned by the Town of Sudbury", dated August 19, 1988, prepared by Colburn Engineering, Inc. Said Parcel "C" is more particularly bounded and described according to said plan as follows: Northeastly by Lot 7A 147.00 feet; Southeastly by Run Brook Circle by a curve 11.00 feet in length; and Southwestly by Parcel "B" by two lines of 93.00 feet and 53.57 feet, respectively, and is a portion of the property located to the Southwest of parcel 527 as shown on Town Property Map F06.

Petitioners' Report (See report under Article 48)

Board of Selectmen (J. Drobinski) The Selectmen supported this article.

Thomas Hillery, Chrm. of the Board of Assessors *Moved* to amend on behalf of the Board of Assessors the motion by striking out the words "the sum of \$1.00" and to replace them with the words "sum of \$5,649".

In support of this motion, Mr. Hillery explained the Assessors calculated this figure by taking land and multiplying it at the rate of \$3.00 per square foot. The Board believed that whenever there is a piece of land in which the Town is interested, it is incumbent upon the Board to place the true dollar value on it.

There was considerable discussion on this motion to amend, mostly in opposition. A motion to *Move* the question was received and seconded. This motion to end debate was *VOTED*.

The motion to amend was defeated.

The motion under Article 49 was UNANIMOUSLY VOTED.

ARTICLE 50. SPECIAL ACT - AUTHORIZE SALE OF CONSERVATION LAND OFF RUN BROOK CIRCLE

To see if the town will vote to petition the General Court to enact legislation authorizing the conveyance of the following described 1,883 square feet of Conservation land on Run Brook Circle to Jan B. Morgan of 24 Run Brook Circle, pursuant to Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts: land in Sudbury, Massachusetts shown as Parcel "C" on a plan entitled "Plan of Land in Sudbury, MA. owned by Town of Sudbury", dated August 19, 1988, prepared by Colburn Engineering, Inc. Said Parcel "C" is more particularly bounded and described according to said plan as follows: NORTHEASTERLY by lot 7A 147.00 feet; SOUTHEASTERLY by Run Brook Circle by a curve 11.00 feet in length; and SOUTHWESTERLY by Parcel "B" by two lines of 93.00 feet and 53.57 feet, respectively, and is a portion of the property located to the southwest of Parcel 527 as shown on Town Property Map F06; or act on anything relative thereto.

Submitted by Petitioners.

*Mr. Morgan Moved to petition the General Court to enact legislation authorizing the conveyance of the following described 1,883 square feet of Conservation land on Run Brook Circle to Jan B. Morgan of 24 Run Brook Circle, pursuant to Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts: Land in Sudbury, Massachusetts shown as parcel "C" on a Plan entitled "Plan of Land in Sudbury, MA owned by Town of Sudbury", dated August 19, 1988, prepared by Colburn Engineering, Inc. said parcel "C" is more particularly bounded and described according to said plan as follows: northeasterly by lot 7A, 147.00 feet; southeasterly by Run Brook Circle by a curve 11.00 feet in length; and southwesterly by parcel "B" by two lines of 93.00 feet and 53.57 feet, respectively, and is a portion of the property located to the southwest of parcel 527 as shown on Town property map F06.*

As the Board of Selectmen and the Conservation Commission held the same position of support on this issue, there was no further discussion.

The motion under Article 50 was UNANIMOUSLY VOTED

ARTICLE 51. A RESOLUTION - SUDBURY/ASSABET/CONCORD RIVERS

To see if the town will vote to approve the following resolution:

"RESOLUTION - SUDBURY/ASSABET/CONCORD RIVERS

- WHEREAS, Sudbury has long recognized that the Sudbury River provides our residents with many outstanding recreational, ecological, scenic, economic, cultural, historical and other resource opportunities;
- WHEREAS, over the past months, local concern about this important river has increased due to a number of factors including the possible diversion for public water supply, the increasing development pressures of adjacent lands and the loss of floodplain protection during spring floods;
- WHEREAS, The National Park Service, under the provisions of the National Wild and Scenic Rivers Act, can help local communities to prepare a long-term protection plan for the Sudbury River which will rely on the use of existing government authorities and voluntary private landowner actions;

NOW, THEREFORE,  
BE IT HEREBY  
RESOLVED

that the Town of Sudbury, Middlesex County, hereby urges members of Congress to enact legislation to designate the Sudbury River for study under the provisions of the National Wild and Scenic Rivers Act; and

BE IT FURTHER  
RESOLVED

that our intent is to protect the River for future generations through the development of a locally-prepared and controlled River conservation plan; and

BE IT FURTHER  
RESOLVED

that the Sudbury Board of Selectmen is hereby urged to take all appropriate measures to help coordinate the Town's involvement in the study.";

or act on anything relative thereto.

Submitted by the Selectmen on behalf of the Conservation Commission.

Board of Selectmen Report: The National Park Service has begun a study to designate parts of the Sudbury, Assabet and Concord Rivers as Wild and Scenic Rivers. The residents of Sudbury have long recognized the valuable resources of the Sudbury River. Recent pressures for water diversion by the Massachusetts Water Resource Authority (MWRA) and increasing development on adjacent lands have made river protection imminently important. Designation by the Federal government will offer protection of its valuable resources. Local support by town governments and residents is of extreme importance in achieving this goal. The Board of Selectmen, Conservation Commission, Planning Board and SuAsCo Watershed Association are supporting this resolution. We ask support of all townspeople in voting for this resolution.

The following Resolution was offered by Muriel Plonko of the Conservation Commission:

"RESOLUTION - SUDBURY/ASSABET/CONCORD RIVERS

WHEREAS, Sudbury has long recognized that the Sudbury River provides our residents with many outstanding recreational, ecological, scenic, economics, cultural, historical and other resource opportunities;

WHEREAS, over the past months, local concern about this important river has increased due to a number of factors including the possible diversion for public water supply, the increasing development pressures on adjacent lands and the loss of floodplain protection during spring floods;

WHEREAS, The National Park Service, under the provisions of the National Wild and Scenic Rivers Act, can help local communities to prepare a long-term protection plan for the Sudbury River which will rely on the use of existing government authorities and voluntary private landowner actions;

NOW, THEREFORE  
BE IT HEREBY  
RESOLVED

that the Town of Sudbury, Middlesex County, hereby urges members of Congress to enact legislation to designate the Sudbury River for study under the provisions of the National Wild and Scenic Rivers Act; and



April 10, 1989

108.

BE IT FURTHER      that our intent is to protect the River for future  
RESOLVED            generations through the development of a locally  
                     prepared and controlled River conservation plan; and

BE IT FURTHER      that the Sudbury Board of Selectmen is hereby urged  
RESOLVED            to take all appropriate measures to help coordinate  
                     the Town's involvement in the study."

The vote taken under Article 51 was *UNANIMOUS*.

At this time there was a motion to *ADJOURN*. The motion was seconded and *VOTED*.

The meeting was adjourned until tomorrow evening at 10:17 P.M.

Total attendance: 306

April 11, 1989

The Moderator welcomed the voters to the third adjourned session of the 1989 Annual Town Meeting. A quorum being present, he called the meeting to order at 7:43 PM at the Lincoln-Sudbury Regional High School Auditorium.

The first order of business was Article 52.

(The full discussion under each article is available at the Town Clerk's office)

ARTICLE 52. AMEND BYLAWS - REGULATION OF UTILITY POLES, OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES

To see if the Town will vote to amend the Town of Sudbury Bylaws by adding thereto a new Article XIX, Sections 1, 2, 3, and 4 in accordance with Massachusetts General Laws, Chapter 166, Sections 21, 22, 22C and 24 and in accordance with other statutory authority substantially as follows:

"ARTICLE XIX REGULATION OF POLES, OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES

Section 1. Regulation of new construction

- A. No Utility shall install or construct, except by way of replacement or upgrading of existing facilities, any poles and overhead wires and associated overhead structures upon, along or across any public way within the Town.
- B. No other person shall install or construct, except by way of replacement or upgrading of existing facilities, any poles and overhead wires and associated overhead structures upon, along or across any public way within the Town.
- C. This bylaw shall not prohibit the installation of new street light poles or traffic signal poles supplied by electricity underground.
- D. For purposes of this section, upgrading of existing facilities shall be limited to construction which requires no additional wires, cables, visible splices, or additional poles from those now in existence.
- E. No location for any existing poles shall be changed as part of any replacement or upgrading of existing facilities unless the new pole locations fully meet the safety standards for new road construction as specified by Massachusetts regulation, or in the absence of such regulations by the 15 foot minimum setback from the pavement recommended by the American Association of State Highway Officials, and a permit has been granted by the Selectmen for the change of pole locations.
- F. The Selectmen may grant a waiver from the new road safety standards for the location of no more than two poles in a project and only when the project is initiated by the Public Safety Officer or the Town Engineer so as to quickly fix extremely hazardous safety conditions or to accommodate necessary changes to the streets and when the Selectmen determine that such a waiver shall not incommode the public use of public ways.

- G. Upgrading of existing facilities shall only be allowed after issuance of a permit by the Board of Selectmen.
- H. Temporary installations shall be permitted for a period not to exceed 90 days upon issuance of a special permit by the Board of Selectmen to allow for temporary service to be supplied such as is often required by special events or by construction.
- I. Any poles and overhead wires and overhead visible splices and associated overhead structures installed or constructed in violation of this section shall be immediately removed by the Utility or person responsible therefor.
- J. Any Utility or person who installs or constructs any poles, overhead wires, overhead splices, and or associated overhead structures which are in violation of this section shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars.
- K. Any Utility or person who fails to remove immediately any poles, overhead wires, overhead splices, and or associated overhead structures which are in violation of this section shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars for each consecutive fifteen-day period during which the failure continues.
- L. No permit for temporary service or to upgrade existing facilities shall be issued to any Utility in violation of the reporting requirements for existing poles, overhead wires, and associated overhead structures required by this section.
- M. Every Utility or other person who has existing poles, overhead wires, or associated overhead structures upon, along, or across any public way in the town shall within 120 days of enactment of this section provide a report to the Selectmen detailing each and every pole and the overhead wires, splices and associated overhead structures attached to that pole now in existence along with its location and the date and number of the permit under which it was installed. The report shall also list existing splices or other associated overhead structures between poles directly following the listing for the closest pole.
- N. This section is enacted pursuant to General Laws, Chapter 166, Sections 21, 22, 22C and 24 and shall be construed in a manner consistent with the provisions and definitions in Section 22A of Chapter 166.

Section 2. Removal of utility poles and wires for reasons of public safety

- A. Within 120 days of passage of this article each Utility or any other person shall submit to the Selectmen a report detailing every pole or associated overhead structure that is located within 10 feet of the pavement of an existing public way and shall have an additional 60 days to develop a priority schedule acceptable to the town for the relocation of all such poles or associated overhead structures that are a safety hazard to use of the public ways.
- B. For purposes of this section a safety hazard will be defined to include any pole or associated overhead structure that:
  - 1) Is less than 5 feet from the edge of the paved roadway.

- 2) Is within 10 feet of the edge of the pavement and has an attached wire of greater than 110 volts running down the pole to an underground conduit, except when such wire is located on the side of the pole opposite the pavement between plus or minus 45 degrees from a line perpendicular to the tangent of the pavement.
  - 3) Has been installed or replaced since January 1, 1984 in a location that fails to meet the safety standards for new road construction except in the case of replacement necessitated by accident or storm damage.
  - 4) Has been installed or replaced since the enactment of this section in a location that fails to meet the safety standards for new road construction except in the case of replacement necessitated by accident or storm damage.
  - 5) Blocks the sight distances at intersections in a manner that reduces the safety of that intersection. For purposes of this paragraph, any blockage of the sight distance by a pole at an intersection within the sight distance by a pole at an intersection within the sight distance standards for new road construction shall be presumed to reduce the safety of that intersection unless it can be demonstrated that the pole does not reduce the safety below the minimum specified for new construction.
- C. Each Utility shall be required to develop and implement a plan to remove, relocate or replace by underground service those poles or associated overhead structures that are a safety hazard to the use of the public ways that will be completed in no more than 5 years from the date of enactment of this Bylaw. Further that at least 20% of this required work shall be completed annually. Each Utility shall file a report with the Selectmen by March 31 of each year detailing their progress during the preceding year relative to their annual removal requirement.
- D. Every other person with poles or associated overhead structures that are a safety hazard to the use of the public ways, as defined by this section, shall be required to develop and implement a plan to complete their removal within 18 months following the date of enactment of this Bylaw, and shall file a report with the Selectman by March 31 of each year detailing their progress for the preceding year.
- E. Any Utility or person who fails to remove any poles, overhead wires, overhead splices, and or associated overhead structures in accordance with the priority schedule and rate of progress specified by this section shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars for each consecutive fifteen-day period during which the failure continues.
- F. Authority to order the removal of poles and associated overhead structures for safety reasons is provided by MGL Chapter 166, Sections 21, 22 and 24 and accordingly the expense of all said removals shall be the responsibility of the company and any money so expended shall not count towards the removals ordered under the provisions of MGL Chapter 166, Section 22D.

Section 3. Removal of poles, overhead wires, overhead splices, and associated overhead structures which incommode the public use of public ways by creating annoyances arising from aesthetic considerations

- A. For purposes of this section annoyances from aesthetic considerations shall be limited to the following:
- 1) When poles and overhead wires, or associated structures are located along open land such as fields, meadows, streams, agricultural lands, and open residential lands or in the Historic District unless it can be demonstrated that said poles, overhead wires, or associated overhead structures do not represent a prominent visual focal point that detracts from the quality of the surrounding area.
  - 2) When the wires between two utility poles cross the pavement of a public way except for the necessary crossing at intersections where the wires running along one public way must cross an intersecting public way in order to continue along the public way on the same side, or except for the crossing required for wires that serve a customer on the opposite side of the street, unless it can be demonstrated that the crossing improves the aesthetic quality of the surrounding area.
  - 3) When guy wires or other similar associated overhead structures cross the pavement of a public way unless it can be shown that the pole it supports cannot be made to stand upright by digging a deeper hole, placing it in a concrete base or other possible method which might be used to stabilize the pole in the ground or make it rigid so as to remain upright without the need for crossing the street with guy wires or other associated overhead structures.
  - 4) Splices or other attachments to overhead wires that are more than 125% larger in cross sectional area than the cross sectional area of the wire that is spliced when said splice is located on a wire between two poles, and more than 300% larger when the splice is located at the pole.
  - 5) When a wire is spliced more than once or has more than one attachment or has one of each within 250 feet unless said splice or attachment has a cross sectional area no more than 50% larger than the cross sectional area of the wire.
  - 6) When the purpose of overhead wire's crossing of a public way is to connect to an underground service when said underground service could be fed underground prior to the crossing and run under the public way.
  - 7) When the noise emanating from any transformer, amplifier, signal enhancing device or other device connected to the wires is more than 22 decibels at a distance of 20 feet unless said measured noise level represents the level achievable by the best engineering practice for that type of device.
  - 8) Any poles, overhead wires, or associated overhead structures or hardware that are not currently in use except when provided as part of planning for future expansion.
  - 9) Any pole placed upon the dividing strip between two lanes of traffic except when such placement is the only possible location to provide a safe reliable system or when such a location minimizes the visual impact of the system.
  - 10) When poles are more than 5 degrees off vertical unless it can be shown that this placement minimizes the visual impact of the pole and/or associated wires.

- B. Within 120 days of passage of this article each Utility and every other person shall submit to the Selectmen a report detailing each and every pole, overhead wire, overhead splice, and associated overhead structures that incommode the public use of the public ways in Sudbury as defined by the annoyances from aesthetic considerations defined above and shall have an additional 120 days to develop in conjunction with the Selectmen a priority schedule acceptable to the Town for the elimination of each of these annoyances.
- C. Each Utility shall be required to develop and implement a plan to eliminate these annoyances arising from aesthetic considerations within 10 years of passage of this Bylaw. Further they shall be required to complete at least 10% of the total work annually and shall file a report with the Selectmen by March 31 of each year detailing their progress for the preceding year.
- D. Every other person shall be required to develop and implement a plan to eliminate the annoyances that are attributable to their poles, overhead wires or associated overhead structures as defined by this section within 5 years following enactment of this Bylaw. Further they are required to complete at least 20% of the total work annually and shall file a report with the Selectmen by March 31 each year detailing their progress for the preceding year.
- E. Any Utility or person who fails to remove any poles, overhead wires, overhead splices, and/or associated overhead structures in accordance with the priority schedule and rate of expenditures specified by this section shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars for each consecutive fifteen-day period during which the failure continues.
- F. Authority to order the removal of poles and associated overhead structures which incommode the public use of a public way is provided by MGL Chapter 166, Sections 21, 22, and 24 and accordingly the expense of all said removals shall be the responsibility of the company and any money so expended shall not count towards the removals ordered under the provisions of MGL Chapter 166, Section 22D.

#### Section 4. Severability

The provisions of this Bylaw are severable from each other, and if any of said provisions shall be held unconstitutional or invalid by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect; if any provision of these Bylaws is held by such court to be invalidly applied to any particular case, all other applications of such provision to other cases shall not be affected thereby.";

or act on anything relative thereto.

.Submitted by Petition.

Ralph Tyler of Deacon Lane, one of the petitioners, *moved in the words of the Article.*

#### Petitioners' Report: (R. Tyler)

Mr. Tyler accompanied his presentation with a series of slides depicting the existing cable lines and poles throughout the Town.

Section 1 of this article will prohibit all new installation of utility poles in Sudbury. Under current zoning regulations Utilities are still allowed to add poles and wires up to the edge of the land covered by the subdivision plan or to the edge of a new business's site plan, thus thwarting the intent of our current regulations. This section will prohibit such installations throughout the Town.

Section 2 requires Utilities to identify and remove poles and wires that create safety hazards by being located too close to the pavement. When poles continue to be located and replaced just inches from the pavement further regulation is necessary to adequately protect public safety. To accomplish improvement a more specific approach must be adopted which is the reason for the length of the article. The Utility will pay for the work necessary to remove these safety hazards.

Section 3 requires Utilities to remove poles and wires that create a visual nuisance. At the junction of Union Avenue and Route 20 stands one of the many "Black Forests" of Sudbury. The area is completely dominated by the profusion of poles, wires and associated overhead structures placed with seeming disregard for their impact on the community. The problem is not confined to the business district but is a town-wide phenomenon. Along Concord Road between Town Hall and Lincoln-Sudbury Regional High School the views are dominated by a mass of thick horizontal cables that block out a considerable portion of the horizon with seeming disregard to their impact on the character of the area. Since this problem seems to have gotten much worse in the past 10 years, further regulation is required. This measure is designed to establish a standard for performance and achieve the removal of visual nuisances which incommode our use of the public ways. The regulations are lengthy as it is necessary to very specifically establish standards for performance in order to initiate action and monitor compliance. the Utility will pay for the work necessary to comply with this section.

Following his report, Mr. Tyler moved that the article be divided so Sections 1 and 4 would be considered together; and sections 2 and 3 separately.

Planning Board Report: (P. Anderson)

Mr. Anderson noted Mr. Tyler's intention to make extensive amendments to each of the sections, and that the Board of Selectmen also intended to make a motion to refer the entire Article to the Planning Board for further study. Therefore, considering referral a wiser course of action, Mr. Anderson urged the voters to defeat the motion to divide.

The motion to divide the question was defeated.

Finance Committee Report: (J. Hepting)

The Finance Committee reported it had insufficient information on this Article to make any kind of an intelligent recommendation. In the absence of such input from other boards and committees, it took no position on this Article.

John Drobinski of the Board of Selectmen moved to refer Article 52 to the Planning Board for study.

Selectmen Drobinski reported that the Board agreed with the intent of this Article, but due to the uncertain financial impact this could have on the town, it was believed the Article should be studied further and possible action could be taken on it at the next Town Meeting.

Mr. Anderson of the Planning Board noted there was strong support on the Board for underground utilities. Since 1968 the Planning Board's Rules & Regulations have prohibited overhead installations in all new subdivisions. There are many concerns with the wording of this complicated bylaw. A number of significant issues had been raised at the hearing on this bylaw, therefore further evaluation as to its potential impact and legal standing was needed.

The motion to **Refer** the matters under Article 52 to the Planning Board was *VOTED*.

ARTICLE 53. AMEND BYLAWS - PROGRESSIVE REMOVAL OF UTILITY POLES AND OVERHEAD WIRES

To see if the Town will vote to amend the Town of Sudbury Bylaws by adding thereto a new Article XIX, Section 5, in accordance with Massachusetts General Laws, Chapter 166, Sections 22D and 24 substantially as follows:

"ARTICLE XIX REGULATION OF POLES, OVERHEAD  
WIRES AND ASSOCIATED OVERHEAD STRUCTURES

Section 5. Progressive removal of utility poles and overhead wires

- A. Any Utility having poles, overhead wires or associated overhead structures which are located upon, along or across any public way or ways within the Town shall remove such poles, overhead wires and associated overhead structures within two years following the effective date of this section. Any Utility in providing replacement facilities of any poles and overhead wires and associated overhead structures required to be removed shall install, at its expense, customer service facilities up to 50 feet from the street or in the case of single family residences up to 150 feet from the street. The costs associated with greater distances shall be the responsibility of the Utility's customer.
- B. Any other company or person having poles, overhead wires or associated overhead structures which are located upon, along or across any public way or ways within the Town shall remove such poles, overhead wires and associated overhead structures within two years following the effective date of this section except for overhead wires attached to the poles of a Utility which has entered into a cooperative agreement with the Town.
- C. Any Utility which fails to remove any poles and overhead wires and associated overhead structures as required by this section shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars for each consecutive fifteen-day period during which such failure continues.
- D. Any Utility may enter into, and from time to time amend, and perform a cooperation agreement with the Town, pursuant to General Laws Chapter 166, Section 22E. No Utility which enters into a cooperation agreement under said Section 22E shall be deemed to have violated this section during the term the payments provided in the cooperation agreement are to be made, so long as the Utility shall not be in default under said cooperation agreement.
- E. Commencing one (1) year from the effective date of this section, any Utility affected hereby may impose and collect a surcharge of two percent (2%) on its total billing to each customer located in the Town pursuant to General Laws Chapter 166, Section 22M.



- F. This section is enacted pursuant to General Laws, Chapter 166, Sections 22D and 24, and shall be construed in a manner consistent with the provisions and definitions in Sections 22A and 22I of Chapter 166.";

or act on anything relative thereto.

Submitted by Petition.

Ralph Tyler of Deacon Lane, one of the petitioners, moved to refer Article 53 to the Planning Board for further consideration.

Mr. Tyler ~~commented~~ that it would be premature to pass this Article before the Town stopped new poles from being installed.

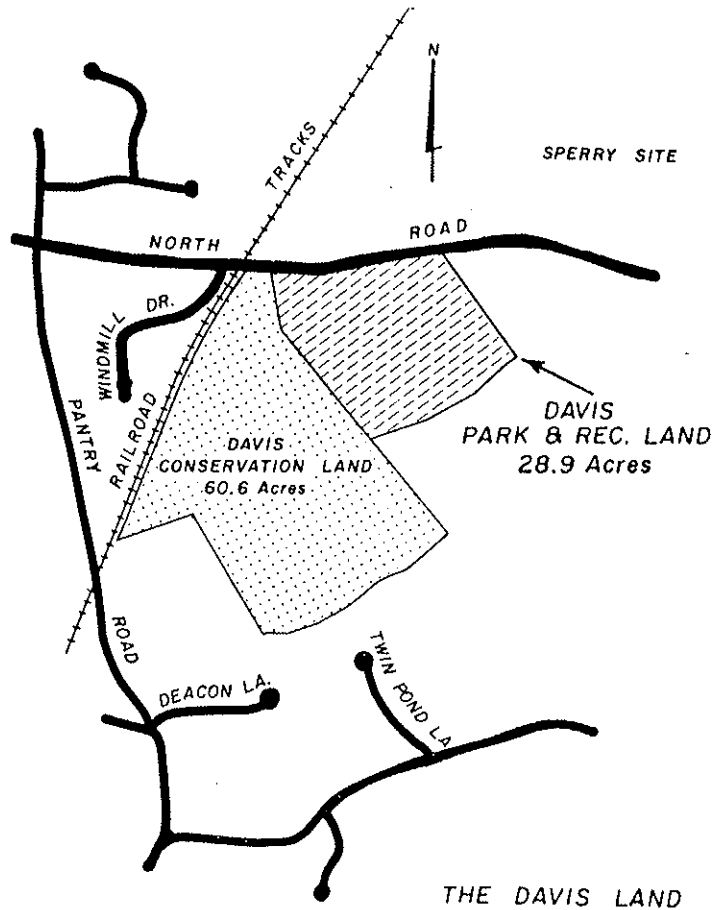
Peter Anderson of the Planning Board supported the motion to refer and suggested Town boards and departments use the time between now and next year's Annual Town Meeting to develop a coordinated plan for dealing with existing overhead utility problems and targeting specific areas in Town for relocating them underground. He noted utility representatives had indicated a willingness to participate in this effort. Mr. Anderson commended Mr. Tyler, as had the Board of Selectmen previously for the significant effort and initiative he had given to these articles.

The motion to **REFER** the matters under Article 53 was *VOTED*.

ARTICLE 54. PRESERVE DAVIS LAND FOR PARK

To see if the Town will vote to prohibit any development of the 28.91 acre parcel of land known as "The Davis Land" (Parcel C10-500) owned by the Sudbury Park and Recreation Commission until such time as Town Meeting approves a Park and Recreation Commission Warrant article to develop a traditional park serving northern Sudbury similar to the one described to the 1974 Town Meeting which authorized this land's acquisition or approves a Park and Recreation Commission Warrant article to establish another use for this parcel which is supported by a definitive plan both for construction, operation and leasing agreements if another organization is to build and/or manage the new proposed use; such prohibition of development shall not restrict work necessary to restore the land to its natural state at the stump dump or filling in the potholes left from shrub removal at the abandoned nursery; or act on anything relative thereto.

Submitted by Petition.



Richard Landrigan of Deacon Lane moved to prohibit any development of the 28.91 acre parcel of land known as "The Davis Land" (Parcel C10-500) owned by the Sudbury Park and Recreation Commission until such time as the Town Meeting approves a Park and Recreation Commission Warrant article to develop a traditional park serving northern Sudbury similar to the one described in the 1974 Town Meeting which authorized this land's acquisition or approves a Park and Recreation Commission Warrant article to establish another use for this parcel which is supported by a definitive plan both for construction, operation and leasing agreements if another organization is to build and/or manage the new proposed use; such prohibition of development shall not restrict work necessary to restore the land to its natural state at the stump dump or filling in the potholes left from shrub removal at the abandoned nursery.

The Moderator at this time informed the hall that he had been advised by Town Counsel that "If we were to pass this motion, it would be an illegal act and therefore I cannot permit the motion to come on the floor. The reason, I am told, is because the land, being in the ownership of Park and Recreation now, Town Meeting cannot dictate to Park and Recreation what to do with the land. Town Meeting does have authority, for example, not to appropriate funds if Park and Recreation cannot be told what they must do with the land, under our law. So I cannot permit the motion on the floor."

A question from the floor as to the phrase "Park and Recreation owns the land in question," was clarified as to it being "under the jurisdiction of the Park and Recreation Commission but owned by the Town."

Concern was expressed that P & R wished to lease this land to someone for development, and this sort of action should come under the scrutiny of Town Meeting, so it would be aware of what's happening and have some jurisdiction over the land as it is town-owned.

Town Counsel, Paul Kenny opined "With respect to Park and Recreation leasing the land, Park and Recreation doesn't have the authority to lease the land. The only Board that can lease Town land is the Board of Selectmen." As to the proper forum to discuss the "use of this land", Town Counsel opined, "before the Park and Recreation Commission and under certain circumstances, before the Board of Selectmen."

C. Schwager of Ridge Hill Road stated he was "...appalled at what's going on because everyone...knew that there was great concern and we waited until Town Meeting instead of informing us in advance. This is a terrible miscarriage of justice and it denies us all our democratic rights."

The Moderator, understanding Mr. Schwager's concern, noted the law requires that he not permit the Town to knowingly commit an illegal act. He asked for Town Counsel's opinion on this, and when he requests such an opinion he takes it. It was also the opinion of the Moderator that Town Counsel's opinion, there could be no motion under this Article, was correct.

Asked if there could be a motion to transfer the jurisdiction of this land from the P & R to the Board of Selectmen, the Moderator advised the hall he was in possession of a vote by the Park and Recreation that they do not wish to give up the Davis Land, parcel C10-500 for the purpose the land was originally acquired. Unless Park & Recreation vote they no longer need or want the land, it cannot be transferred. The Moderator noted he was advised this was the law.

Donald Soule a Commissioner for the Sudbury Park and Recreation expressed his dismay at what had just transpired with this article. He noted he had been prepared to speak against this Article. He stated that he recognized Park and Rec would have to do something. It would have to listen to the people and understand what they want to do with this particular piece of land. He suggested possibly open hearings where the commission will accept the people's input on what and how to use this land.

Town Counsel wishing to add a point of information on this issue, noted, "There was a suggestion that the first time that I had given the opinion that this Article was illegal was tonight at this Town Meeting. That's not correct. I gave that opinion the minute I reviewed this ...Article, which was a petition article. As with all petition articles, they're entitled to go into the warrant whether they're legal, illegal or whatever, but that was done immediately upon receipt of the petition article. My first refuse was not tonight."

Charles Cooper of Morse Road asked Town Council to cite the specific provision of the law upon which his opinion was based and to read it into the record. Town Counsel replied, "Mr. Moderator, I cannot cite chapter and verse. I can tell you what the purpose of Town Meeting according to the General Laws is, and that is that it is an appropriating and legislative body and that the various Town departments are the administrative bodies and when a Town body or board has jurisdiction of a piece of property, they are the ones that determine its use, as the School Committee determines the use of schools; Park and Rec, park and recreation land; and the Selectmen, a good portion of the Town's other properties. With respect to whether or not the property can be leased, I can tell you that I can cite the chapter and verse and that is Chapter 40, Section 3, which provides that only the Selectmen can lease or convey property."

George Hamm of Mossman Rd. noted that what was once a \$50 or \$500 study has grown into a \$100,000 mortgage for ten years on land the Town owns. He noted that at the next meeting of the Board of Appeals the Petitioners would be seeking the land use extension of time from two to ten years for this project and urged the voters to attend and express their concerns.

ARTICLE 55. ARTICLE V.3 - INCREASE UNLICENSED DOG FINE

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article V, Section 3, by deleting the figure \$10 and substituting the figure \$25 therefor, in the first paragraph entitled, "Unlicensed Dogs", so that said paragraph shall read:

"Section 3 Unlicensed Dogs. All owners or keepers of dogs kept in the Town of Sudbury during the preceding six (6) months and who, on the first day of June of each year, have not licensed said dog or dogs, as prescribed by Section 137, Chapter 140 of the General Laws, shall be subject to a penalty of \$25 payable to the Town, in addition to the license fee, for each dog so unlicensed.";

or act on anything relative thereto.

Submitted by Petition.

John Drobinski of the Board of Selectmen *moved to amend the Town of Sudbury Bylaws, Art. V, Section 3, by deleting the figure of \$10 and substituting the figure \$25 therefor, in the first paragraph entitled "Unlicensed Dogs".*

Petitioners' Report:

Each year there are approximately 600 dog owners who do not license their dogs at the annual renewal time of March 31 and are still delinquent as of June 1, when the late penalty goes into effect. It costs the taxpayers money to pursue licensing and payment for these unlicensed dogs via letters and notices. Approximately 100 cases end up in court each year. We hope the larger fine will induce dog owners to take responsibility for licensing their dogs in a timely manner, and thus avoid this unnecessary processing. We urge your approval.

Finance Committee Report: (J. Ryan)

Mr. Ryan commented the FinCom supported either the increase of Town revenues or a decrease in unlicensed dogs.

The motion under Article 55 was *VOTED*

ARTICLE 56. RESOLUTION: FAIR HOUSING POLICY STATEMENT

To see if the Town will vote to approve the following resolution:

"FAIR HOUSING POLICY STATEMENT

Be it resolved that: It is the policy of the Town of Sudbury to ensure equal housing opportunity for all people without regard to race, color, national ancestry, age, sex, religious preference or marital status and to abide by any and all Federal and State statutes prohibiting discrimination.

Be it resolved that: No person in the Town of Sudbury shall, on the ground of race, color, national origin, ancestry or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Town program or policy related to housing.

Be it resolved that: Where previous discriminatory practice or usage tends, on these grounds to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this policy applies, the Town has an obligation to take reasonable affirmative action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purpose of this policy.

Be it resolved that: Even in the absence of such prior discrimination, the Town shall, in administering a program, take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, national origin, ancestry or sex.

Be it resolved that: The Town of Sudbury will work with the Massachusetts Commission Against Discrimination in investigating and taking or supporting appropriate legal action against violators of fair housing law.";

or act on anything relative thereto.

Submitted by Petition.

Petitioners' Report:

This article is sponsored by the Town's Fair Housing Committee. In order to comply with requirements of the Massachusetts Commission Against Discrimination, it is necessary for the Town to make such a policy statement. Our compliance is a prerequisite for obtaining grants for the Town. We urge a favorable vote on the resolution.

H. Tober of Ames Road speaking in opposition to this resolution stated affordable housing in Sudbury will never be cheap, and it was to him an unacceptable source of revenue, which required increases in Town Services - law enforcement, fire protection, and education. The grants received go into the developers' pockets and the Town must provide services at the established level while the tax base deteriorates.

The resolution under Article 56 was *VOTED*.

ARTICLE 57. AMEND ZONING BYLAW, ARTICLE IX.III.D - RESEARCH DISTRICTS PERMITTED USES

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article IX, the Zoning Bylaw, Section III, Permitted Uses, Subsection D. Research Districts, by adding the following to the section on permitted uses:

"d. Executive, administrative or financial offices including those accessory uses necessary for a building to function as a company headquarters.";

or act on anything relative thereto.

Submitted by Petition.

Before accepting a motion under this Article, the Moderator asked if Mr. Tyler wished to address this and the following three articles together, as they were all related. Mr. Tyler wished to address them individually.

Ralph Tyler of Deacon Lane *moved in the words of the Article, as printed in the Warrant.*

In support of this article, Mr. Tyler first provided some personal background as to his interest in this research district, then went on to say these four articles would greatly enhance the Town's opportunity to increase its revenue. He noted the Research District had been "zoned down", prohibiting any significant new construction. The zoning was to give the Town more control over development and present over-development. He stated the current zoning, which is very

limited and restrictive, means there is very little practical value in the property as a Research District and as a strategic resource to the Town. Since the down-zoning of the Research District, the Unisys people have received developers' proposals that only call for high-intensity, high-density projects. The proposed article would permit office use, which would have the least amount of impact on the aquifer protection zone in this area.

Finance Committee Report: (J. Hepting)

The FinCom agreed in principle with Mr. Tyler's premise that additional business taxes would benefit the town by lowering the taxpayers' share of the levy, however, as the FinCom had not received any information on this article from any other board, committee or department, it could not take a position on this Article.

Board of Selectmen: (D. Wallace)

Mr. Wallace speaking for himself addressed this article and Articles 58, 59 and 60, following. It was his feeling when the property was down-zoned that it would not be developed in its present form. He believed Mr. Tyler was looking for some sense of direction as to how Unisys can work with the Town. Presently it is not producing any revenue, it's not serving the Town at all, and as it is privately owned there is no right of access. He further commented the parcel involved is a beautiful natural resource and he would like to see a large portion of it preserved.

Planning Board: (R. Kirby)

Mr. Kirby reported on all four related articles. In an effort to obtain as much information as possible for these articles, the Planning Board used the new Commuter Traffic Model to estimate any far-reaching impact further development of the Research District would have on traffic patterns. The Planning Board used the Growth Impact Computer Model to estimate the financial impact of several different possibilities that could be developed in the Research District. It was concluded the gross revenue figures suggested by Mr. Tyler were reasonable if "Class A" buildings, those of highest quality, were constructed. It was noted there are no such buildings in Sudbury at this time. Also, the cost borne by the Town would have a negative offset to the tax revenue. The Growth Impact Computer Model took into consideration the formula for State aid reimbursements, and it was concluded the net revenue would be considerably less, and the impact on the residential tax rate would be measured by pennies rather than dollars.

Mr. Kirby presented a history of the Research District going back to 1959 when it was first established up to the 1988 Annual Town Meeting when a protective zone was voted around Well No. 5 in this Research District area, to prevent "further damage" and to permit clean-up of the well and its eventual return to service. He pointed out the water problems that occurred last summer (1988) and the importance of getting Well No. 5 back on line. It was said there were certain features of the Research District that paralleled those of Route 20. Noting the over-development of the business district on top of the Town's major aquifers, Mr. Kirby stated the Planning Board was not opposed to commercial development, but was opposed to a haphazard approach to commercial development that has been the rule in the past. The Planning Board, in response to a 1986 recommendation for a land use study, has started a Comprehensive Growth Management Program, which identifies the assets and liabilities associated with current land use and will conclude with long-term recommendations beneficial to the Town.

Article 57 would permit office use of buildings within the district, however the number of people normally employed in an office are double those in a research facility. This would generate twice as much traffic in the area. Article 58 would allow the construction of buildings 6 times larger in size than now allowed. The number of people involved would be almost 3,500 or twelve times the number the present facility can accommodate and twelve times the number of cars on the facility. Article 59 would reduce the percentage of ground area to be covered by buildings and a corresponding increase of the maximum height. Article 60 would exempt parking structures from the ground area coverage restricted to the previous article, which could encourage high-rise parking garages. Mr. Kirby informed the hall there were so many concerns raised at the hearing held on these articles, it was necessary to keep the hearing open until this past Wednesday, in order to include responses from all interested parties. Concerns expressed included protecting the Town's water supplies, serious dangers to White's Pond, specific financial impact information based on findings of the Fire Chief and the Town Engineer, documented findings showing the traffic impact throughout Sudbury and neighboring communities.

In summary, the Planning Board believed these articles raised numerous complex issues which need further examination before their full impact can be assessed and understood. It believed additional tax revenues should be derived from commercial development of properties more suited for that purpose than this Research District. Therefore, the Planning Board recommended the defeat of Articles 57, 58, 59 and 60.

Representatives of the Permanent Traffic Study Committee, the Water District, the Conservation Commission as well as many voters spoke in opposition to these four articles.

Mr. Tyler responded to many of the issues that were brought forth. He then moved to refer Article 57 to the Planning Board and Finance Committee for further study and that they be asked to report to the next Annual or Special Town Meeting, said report to include actionable recommendations as to the proper zoning for the Research District which will channel development into those uses judged to be in the best interest of Sudbury.

Chairman Kirby of the Planning Board considered this motion totally unrealistic considering the complexities of the issues involved. He suggested the best move would be to Indefinitely Postpone these four articles or defeat them, but not Refer them as the Board is already engaged in a land use study for the Town.

Asked by the Moderator if he was making a motion to Indefinitely Postpone, which would take precedence, he said he wasn't but if it was permissible he would. Mr. Kirby moved to indefinitely postpone Article 57.

At this point, the Moderator explained Mass. General Law governing Zoning Bylaws that receive adverse action at a Town Meeting. The motion to Indefinitely Postpone Article 57 was VOTED

ARTICLE 58 AMEND ZONING BYLAW, ARTICLE IX.IV.B - RESEARCH DISTRICTS INTENSITY REGULATIONS, MAXIMUM FLOOR AREA RATIO

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article IX, the Zoning Bylaw, Section IV, Intensity Regulations, Subsection B, Schedule of Intensity Regulations, by changing the "Maximum Floor Area Ratio" for Research RD Districts to 6000 square feet gross floor area per acre; or act on anything relative thereto.

Submitted by Petition.

Ralph Tyler of Deacon Lane, one of the Petitioners, Moved in the words of the Article.

Mr. Tyler appreciated the fact the Planning Board needed time to study the issues of this article and the other articles. After a brief presentation, he moved to Refer Article 58, Research Districts Intensity Regulations, Maximum Floor Area Ratio, to the Planning Board and the Finance Committee for further study and they be asked to report to the next Annual Town Meeting, said report to include actionable recommendations as to the proper zoning for the Research District which will channel development into those uses judged to be in the best interests of Sudbury.

Mr. Tyler believed this motion would provide a dialogue with the two mentioned boards about what is appropriate for this research district, information could be exchanged and an early report could be realized with them working together.

Saul Bloom of Powers Road moved to indefinitely postpone Article 58. This motion took precedence over the previous motion to **Refer**.

The motion to Indefinitely Postpone Article 58 was *VOTED*.

ARTICLE 59. AMEND ZONING BYLAW, ART. IX.IV.B - RESEARCH DISTRICTS INTENSITY REGULATIONS, MAXIMUM BUILDING COVERAGE AND HEIGHT

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article IX, the Zoning Bylaw, Section IV, Intensity Regulations, Subsection B, Schedule of Intensity Regulations, by changing the "Maximum Building Coverage" for Research RD Districts to 7.5% and the "Maximum Building Height" for Research RD Districts to 4 Stories and 60 Feet;

or act on anything relative thereto.

Submitted by Petition.

Petitioners Report:

This article seeks a reduction in the current 15% maximum building coverage allowed and an increase in the maximum 2 stories and 35 feet maximum building height. This will preserve as much as possible the open, undeveloped character of the Research District while allowing development which will significantly expand town tax revenues. We believe that encouraging 3 or 4 story buildings that could cover a maximum of 7.5% of the land would result in much better land use than the existing regulations that encourage one to two story buildings covering up to 15% of the land.

These changes will control how development can occur so as to preserve as much of the land in its existing state as possible. The amount of development will continue to be controlled by the Maximum Floor Area Ratio.

ARTICLE 60. AMEND ZONING BYLAW, ART. IX.IV.A - RESEARCH DISTRICTS INTENSITY REGULATIONS, PARKING STRUCTURES

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article IX, the Zoning Bylaw, Section IV, Intensity Regulations, Subsection A, General Requirements, by adding the following:

"7. Parking Structures

The gross floor area of any parking facilities including parking spaces, maneuvering aisles, ramps and pedestrian walkways, elevators, and staircases to provide the parking required by the Zoning Bylaws Section V.C, Parking Standards, shall not be included in the calculation of the Maximum Floor Area Ratio.";



or act on anything relative thereto.

Submitted by Petition

Petitioners Report:

We can encourage that more land remain in open space by not penalizing projects which want to provide parking structures for the parking that is required by the Zoning Bylaws. Under current regulations, which only affect the Research District, the floor area of a parking garage would reduce the amount of building area permitted by the Maximum Floor Area Ratio. Therefore all parking will end up as paved parking on grade. This needlessly paves land that could remain in its existing state. By passing this article we will encourage better land use.

Henry Sorett of Longfellow Drive moved to suspend the rules so the hall may immediately take up a motion to Indefinitely Postpone Article 59 and 60.

The motion to suspend the rules was *VOTED*

Mr. Sorett then moved to indefinitely postpone consideration of Article 59 and 60

The motion to Indefinitely Postpone Article 59 and 60 was *VOTED*

ARTICLE 61. TRANSFER PARK & REC DAVIS LAND TO CONSERVATION COMMISSION

To see if the Town will vote to transfer the 28.91 acre parcel of land known as the "Davis Land", (Parcel C10-500 on Town Property Map), from the control of the Park and Recreation Commission to the Conservation Commission for use as conservation land; and to authorize and direct the Board of Selectmen, acting on behalf of the Town, to petition the Great and General Court of the Commonwealth of Massachusetts to enact legislation authorizing such transfer, in accordance with Article XCVII of the Articles of Amendment to the State Constitution; or act on anything relative thereto.

Submitted by Petition

Petitioners' Report:

The purpose of this article is to safeguard from development the parcel of land adjacent to Davis Farm Conservation Land. The Davis Farm Land is an important part of Sudbury's conservation effort, and development of the adjacent parcel will have a powerful impact on the enjoyment of the area. The noise, traffic, and trash associated with development will ruin the area as a place to walk in quiet contemplation of nature.

In addition, the parcel contains an important wetland area associated with Cold Brook. This area is an important factor in the complex interactions which govern flood control and protection of water quality. Development on this site could endanger Sudbury's water supply.

The Moderator announced this article was being **PASSED OVER** for the same reason indicated earlier that the Park & Recreation Commission had given to the Town Clerk a vote by which they had decided not to give up the land. Therefore it would not be proper to take up this Article.

April 11, 1989

125.

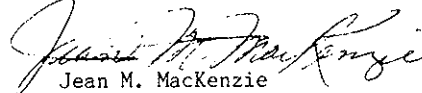
Chairman of the Board of Selectmen, David Wallace moved to dissolve the  
1989 Annual Town Meeting

This motion was seconded and *VOTED*

The 1989 Annual Town Meeting was dissolved at 11:18 PM.

Attendance: 255

Respectfully submitted

  
Jean M. MacKenzie  
Town Clerk, C.M.C.

## SPECIAL TOWN MEETING

126.

September 12, 1989

The meeting was called to order by the Moderator, Thomas G. Dignan, Jr. at 7:36 PM at the Lincoln-Sudbury Regional High School Auditorium. He declared a quorum was present. Following a brief period of prayerful silence, the Moderator asked Selectman, Judith Cope to lead the hall in the Pledge of Allegiance.

The Moderator announced he had received a notice from the Town Accountant, Jim Vanar, that there was no certified cash available for this Special Town Meeting. The Moderator then examined and found in order the Call of the Meeting, the Officer's Return of Service and the Town Clerk's return of mailing. At this time, Mr. Dignan recognized Chairman Drobinski of the Board of Selectmen for a motion to dispense with the reading of the Call, the Return of Service and the reading of the individual articles.

Mr. Drobinski moved in the words of the Moderator's requested motion. This motion was seconded and VOTED.

After a few procedural announcements, the Moderator recognized the Chairman of the Finance Committee, Richard Pettingell for an overview of the monied articles to be acted upon at this meeting.

Finance Committee Report (R. Pettingell)

Mr. Pettingell reported that after Proposition 2-1/2 was overwhelmingly defeated by the voters last April, Town Meeting passed a \$25 million "non-override" operating budget, which resulted in nearly one and one-half million dollars being cut from the Sudbury and Lincoln-Sudbury Regional School budgets. Approximately 60 thousand dollars was cut from each of the police, fire and highway budgets and proportionate cuts in virtually every other department and board. To varying degrees, this resulted in an overall decrease in the level of town services.

At the conclusion of Town Meeting, it was thought a budget had been voted that the Town could afford to fund out of the revenue sources then available. Due to recent cuts in state aid, that belief was proven to be erroneous. He stated the purpose of this Special Town Meeting was to reconsider the Fiscal '90 Budget.

FY 90 ATM

TOTAL BUDGET:	\$25,243,027
NET ARTICLES:	629,473
TOTAL NON-APPROP. EXPENSES:	<u>1,018,874</u>
TOTAL TO BE RAISED	\$26,891,374

=====

FY 90 FUNDING

THROUGH TAXATION:	\$19,116,014
USE OF AVAILABLE FUNDS:	1,103,866
USE OF NON-APPROP. TAX REVENUE:	<u>6,671,494</u>
	\$26,891,374

The above chart indicated where the funding for the budget had been expected to come from. The figures above the line represented what essentially would have been the debit side. The top line represented the operating budget voted

at the April Town Meeting, while the \$629 thousand + reflected the monies to be raised to fund the articles voted at both the Annual and Special Town Meeting, less those to be funded through borrowing. The bottom line indicated the total non-appropriated expenses - those expenses not considered at Town Meeting for which the Town is responsible for funding. The bottom line being a \$26.8 million town budget as opposed to the operating budget.

Below the line is how it was believed the budget would be funded: \$19 million through taxation, which represented the Proposition 2-1/2 levy limit placed upon the town, plus an additional \$240 thousand which was exempted from the levy limit. Additionally, funds amounting to \$1.1 million, consisting of Free Cash and money from the Abatements Surplus Account were expected to be available - the Abatements Surplus Account consisting of funds turned over to the Town by the Assessors, that had been held in the Abatement and Exemption Account. The third entry, Non-appropriated Tax Revenue, represented local receipts, enterprise fund receipts, and state aid.

FY 90 NON-APPROPRIATED TAX REVENUE

	FY 90 ATM	FY 90 9/12/89
STATE RECEIPTS:	\$3,615,688	\$2,848,529
LOCAL RECEIPTS:	2,200,000	2,200,000
ENTERPRISE FUND RECEIPTS:	<u>855,806</u>	<u>855,806</u>
	\$6,671,494	\$5,904,335
 FY 90 9/12/89 SHORTFALL:	 \$767,159	

This chart was a breakdown of the Non-appropriated Tax Revenue, the first column of figures represented the way it was believed things were going to turn out at the conclusion of the Annual Town Meeting and the right-hand column the way things actually turned out. The difference between the two columns was the State Aid. At the time the recommended budget was set, it was anticipated the Town would receive approximately \$3.6 million in State Aid. Planning on that amount, the FinCom had been conservative as it reflected only a \$150,000 increase over last year's state aid. It had been advised earlier in the year to expect at least a \$400,000 increase, instead the state aid received was nearly \$620,000 less than last year, which resulted in the current budget being \$767,000 out of balance.

The Finance Committee stressed the major part the Board of Assessors had in the preparation of recommending a way to make up this shortfall without the necessity of an override or further cuts in Town services. The FinCom proposed using four funding sources. First, reducing the funding of the FY90 Abatement and Exemption Account; second, the use of the Abatement Surplus Funds; third, selective reduction of the FY90 operating budget; and fourth and final, the use of the Stabilization Fund.

PROPOSAL FOR RE-BALANCING OF FY90 BUDGET

REDUCTION OF FUNDING FOR FY90 ABATEMENT AND EXEMPTION ACCOUNT:	\$ 46,400
USE OF ABATEMENT SURPLUS FUNDS:	409,767
REDUCTION OF MINUTEMAN VOC. H.S. APPROPRIATION (100-140):	12,480
REDUCTION OF UNCLASSIFIED ACCOUNT APPROPRIATION (950):	
HEALTH INSURANCE (950-800)	53,885
WORKER'S COMP. (950-811)	13,500
RETIREMENT FUND (950-813)	25,000
USE OF STABILIZATION FUND:	<u>210,000</u>
	\$771,032

The Board of Assessors after six months into this fiscal year and after careful deliberation, decided they could live with \$46,400 less in the Abatement and Exemption Account. This was not "new" cash, but it permitted that amount to be used toward the budgetary shortfall. The Board of Assessors reviewed prior years' Abatement and Excess Accounts and turned over to the Town \$409,767 from the Abatement and Exemption Account, which is now known as Abatement Surplus Funds, and are available by vote of Town Meeting to fund the operating budget. The FinCom proposed this money (\$409,767) from the Board of Assessors be put towards the budgetary shortfall. The third component was the selective reduction of the budget as voted at the Annual Town Meeting. First--a reduction in the Minuteman Vocational High School appropriation, line item 100-140, of \$12,480. This cut was a result of the efforts of the Minuteman Vocational administration reducing its appropriations on member towns. The money was no longer required. The remaining cuts came in the Unclassified Account:

- 1st - Health Insurance Account, line item 950-800. This item was set at 1.17 million dollars at the time of the April Annual Town Meeting, as the insurance premiums were unknown since the policy period runs from May to May. This was no longer an "unknown" and there was approximately \$60,000 excess in that account. It was proposed to take \$50,012 from that account and leave the balance as there is an expected increase in the premium next year. This move had the endorsement of the Town Accountant;
- 2nd - Worker's Compensation, line item 950-811, was budget at \$125,000. the bill for this came in for \$13,500, less than what was appropriated. Therefore, it was proposed these funds be used elsewhere;
- 3rd - Retirement Fund, 950-813, this appropriation was set at \$700,000. Each year the Middlesex County Retirement Board places an assessment on the Town, based upon its percentage of retirees compared to the total number of county retirees. At the time of the Annual Town Meeting, the County advised the Town the assessment would be somewhere in the vicinity of \$700,000. However, the assessment, when it was received, was approximately \$670,000, therefore there were some excess funds in that account. \$5,000 of it was used or transferred to cover the cost of the audit. The FinCom proposed the transfer of the remaining \$25,000 to cover the Town's shortfall.

The final component of the FinCom plan was the use of the Stabilization Fund. Mr. Pettingell explained that at this time there was \$629,000 in that account, which is best described by some or many as the Town's "last savings account". This account may be accessed by a 2/3rds vote of Town Meeting, and then, only for an item on which the Town could borrow. Historically, that would be a capital expenditure. Although a cut in state aid was not considered the type of emergency one would normally expect to use the Stabilization Fund for, it was nonetheless, in the minds of the Finance Committee, sufficient emergency to permit the Town,

at least this one time, to fund certain capital expenditure in the FY90 budget out of the Stabilization Fund. There were \$346,000 capital expenditures and the FinCom proposed the funding of \$210,000 by use of the Stabilization Fund. This proposal to meet the FY90 Budget shortfall would not require any further cuts in Town services during the FY90 year. Mr. Pettingell informed the hall, should these recommendations not be accepted, the only other options available to the Town would be 1) to vote additional funding by means of a Proposition 2-1/2 override or 2) further reduce the operating budget. The Finance Committee did not feel an override was necessary and it believed no additional budget cuts were warranted at this time. He stated the taxpayers had a reasonably good idea of what they were going to get when they voted down the override last spring. Town boards and departments had full and fair opportunity to inform everyone exactly what the non-override budget would mean. However, no one anticipated the effects further reductions in that "non-override" budget would have on Town services. It was the Finance Committee's collective opinion such cuts should be avoided unless they can be done in a fiscally prudent manner.

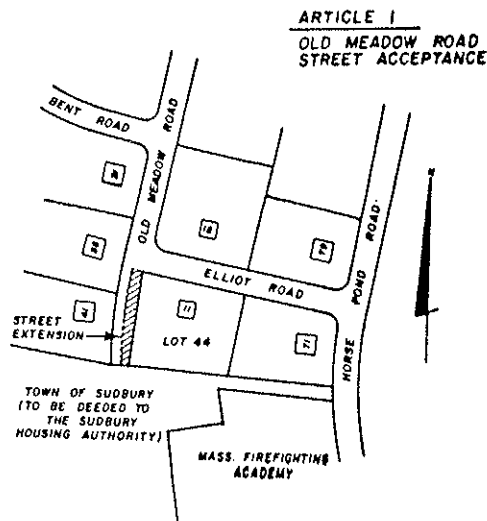
Mr. Pettingell stated the Town of Sudbury would not escape unscathed from local aid reductions. The Abatement Surplus funds spent tonight, would not be available as Free Cash to offset next year's operating budget. The Stabilization Fund would be diminished by \$210,000. This means when considering next year's budget, the Town will face a situation of either accepting a reduction in Town services or acknowledging the reality that the only way to continue to maintain Town services is by a Proposition 2-1/2 override. Funding the FY90 shortfall without service cuts or an override was to be considered a reflection of this Town's sound fiscal management. However, the price of balancing the FY91 budget without taking either of those steps would be the virtual exhaustion of the Town's cash reserves. The Stabilization Fund will be left with \$419,000 and the Finance Committee will not recommend its use for anything short of an emergency. Likewise, the Board of Assessor's Abatement and Exemption Account has been greatly diminished, as much as sound management permits. Simply put by Mr. Pettingell, "We have dodged a fiscal bullet this time, but the Town must understand at the conclusion of this Special Town Meeting, we will no longer have the resources to dodge another one."

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

#### ARTICLE 1. STREET ACCEPTANCE - OLD MEADOW ROAD (PORTION)

To see if the Town will vote to accept the layout of a portion of Old Meadow Road extending from Elliot Road southerly to a dead end, a distance of an average of 197 feet, more or less, as laid out by the Board of Selectmen in accordance with the description and plan on file in the Town Clerk's Office; to authorize the acquisition by purchase, by gift, or by taking by eminent domain, in fee simple, of the property shown on said plan; and to raise and appropriate, or appropriate from available funds, \$185, or any other sum, therefor and all expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen.



John Drobinski, Chairman of the Board of Selectmen, *moved to refer Article 1, Street Acceptance, Old Meadow Road to the Board of Selectmen for further study.*

Mr. Drobinski explained the purpose of this motion was to address certain concerns abutters had raised. It was felt it would be appropriate to refer this back to the Board of Selectmen to address these concerns.

Finance Committee: (R. Pettingell)

The FinCom supported this motion to refer.

The motion under Article 1 to refer was *VOTED*.

ARTICLE 2. SPECIAL ACT - BARKER REAL ESTATE TAX REFUND

- A. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact special legislation not requiring further submission to a Town Meeting as set forth herein:

"The Commonwealth of Massachusetts

In the year one thousand nine hundred and eighty-nine.

An Act authorizing the Town of Sudbury to refund certain property taxes.

Section 1. The Town of Sudbury is hereby authorized to reimburse Harold E. Barker, Jr. and Julia Barker the sum of two thousand seventy-six dollars paid to said Town for real estate taxes on property located at 12 DeMarco Road which were erroneously assessed for the fiscal years 1981 through 1988.

Section 2. This Act shall take effect upon its passage.";

and

- B. To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to pay Harold E. Barker, Jr. and Julia Barker a refund for overpaid taxes, 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.

John Drobinski, Chairman of the Board of Selectmen, *moved to indefinitely postpone Article 2.*

Mr. Drobinski explained this motion was based upon the recommendation of the Finance Committee, so the exact dollar amount for this article could be verified.

Finance Committee: (C. Corkin) The Finance Committee supported this motion.

The motion under Article 2 was *VOTED*.

ARTICLE 3. SPECIAL ACT - SYMINGTON REAL ESTATE TAX REFUND

- A. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact special legislation not requiring further submission to a Town Meeting as set forth herein:

"The Commonwealth of Massachusetts

In the year one thousand nine hundred and eighty-nine.

An Act authorizing the Town of Sudbury to refund certain property taxes.

Section 1. The Town of Sudbury is hereby authorized to reimburse Martha R. Symington the sum of one thousand six hundred eleven dollars and twenty-seven cents paid to said Town for real estate taxes on property located at 20 Bent Road which were erroneously assessed for the fiscal years 1979 through 1988.

Section 2. This Act shall take effect upon its passage.";

and

- B. To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to pay Martha R. Symington a refund for overpaid taxes, 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.

John Drobinski, Chairman of the Finance Committee, moved to indefinitely postpone Article 3.

Mr. Drobinski stated the reason for this motion was the same as for Article 2, to verify the dollar amount.

Finance Committee: (C. Corkin)

The Finance Committee supported this motion.

The motion under Article 3 was *VOTED*.

ARTICLE 4. AMEND FY90 BUDGET - USE OF ABATEMENT SURPLUS

To see what sum the Town will vote to transfer from the Abatement Surplus Fund to amend the vote taken under Article 6 of the 1989 Annual Town Meeting, Budget, in order to offset certain amounts appropriated under the Fiscal Year 1990 Budget; or act on anything relative thereto.

Submitted by the Board of Selectmen.

The motion under this article was made by Chairman Pettingell of the Finance Committee.

Moved to amend vote taken under Article 6 of the 1989 Annual Town Meeting by transfer from the Abatement Surplus Fund in order to offset amounts appropriated under the Fiscal Year 1990 budget as follows: Line item 950-800 Unclassified Health Insurance Account, \$409,767.

This motion was seconded. The FinCom had no further remarks on this motion.



Board of Selectmen: The Selectmen supported this motion

The motion under Article 4 was *VOTED*.

ARTICLE 5. AMEND FY90 BUDGET - USE OF STABILIZATION FUND

To see what sum the Town will vote to transfer from the Stabilization Fund, established under Article 12 of the October 7, 1982 Special Town Meeting, to amend the vote taken under Article 6, of the 1989 Annual Town Meeting, Budget, in order to offset certain amounts appropriated under the Fiscal Year 1990 Budget in accordance with M.G.L. Chapter 40, §5B; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Chairman Pettingell of the Finance Committee *moved* to amend the vote taken under Article 6 of the 1989 Annual Town Meeting by transfer from the Stabilization Fund, originally established under Article 12 of the October 7, 1982 Special Town Meeting and added to at subsequent Town Meetings pursuant to Mass. General Laws, Chapter 40, Section 5B to offset certain amounts appropriated to the Fiscal Year 1990 Budget as follows: Line Item 470-901 Highway Capital Items, \$200,000, Line Item 800-901 Health Capital Item \$70,000.

Board of Selectmen Report: The Board supported this motion.

Hendrick Tober of Ames Road had a few words of warning on the use of the Stabilization Fund. The fund, he stated, is really for emergencies, and we do have an emergency on our hands. However, this is not a temporary situation. This emergency is not going to be temporary, so you are just fooling yourself if you are going to put the problem off to next year by scrounging funds from the Stabilization Fund, which is for something like a Fire Engine, or the dump's backhoe if it had a flat. Such things are really unforeseen, but the present financial emergency was foreseeable. What we have had for many years is ever increasing expenditures. Every whim of the school department has been set up and more money was spent. The more important the officials were, of course, there wasn't sufficient money. Well, just raise the property tax. It is the immortal merits of the present government that that era is over. What we really want are Town Officials and especially a Finance Committee who are concerned with the money they have to spend, and not what they would like to spend. We are slowly rolling back government expenditures. It will be painful, but the sooner we bite the bullet, the better. Using the Stabilization Fund now is only a temporary help. You should get used to the idea that you first look at the amount of money you have to spend, then determine how you are going to spend it, rather than first set up a list of things you would like to spend money on then see how much money you get.

Irving Goldberg of Firecut Lane inquired why the Finance Committee was only proposing cherry picking and not reducing costs, as that is inevitable.

Mr. Pettingell noted that this had been discussed however, it was believed the Town was faced with a well-reasoned choice at the last Annual Town Meeting. There was the proposal for an override or the proposal for a non-override budget, which resulted in substantial cuts. Nobody foresaw the magnitude of the reduction in State Aid. To re-open budgets and make cuts in the order of a quarter of a million dollars over the span of weeks, was believed to be a disservice to the Town. He agreed this was a stopgap measure and the fiscal situation was not going to go away. It was believed prudent to use the normal budgetary hearing process so the FinCom could come before the Town at the next Annual Town Meeting with a reasoned proposal and a reasoned response as to how this Town can collectively deal with the situation.

Mr. Goldberg further noted that once funds are spent, they are gone. If there are some discretionary funds that can be held in lieu of spending at this time, they should be held rather than spend the sinking funds. "Without any consideration of any other spending decreases, you are asking the voters to take the money out of a sinking fund. Even the State of Mass. is reducing spending and we are not. Why we are not, I can't understand," so stated Mr. Goldberg.

Howard Kipp of Pheasant Avenue agreed with Mr. Goldberg and further commented that everyone has been shortsighted in looking ahead and putting aside for a rainy day. Biting the bullet should be considered now rather than use the easy way out. He commented, "When it comes to finance, there is no easy way out. We know the attitude towards an override and I think we should give consideration tonight to a reduction in the budget even if it may necessitate additional work and re-jockeying figures and expenditures rather than dipping into the Stabilization Fund. At least hedge your bets and go 50/50, if you don't want to go all the way. Take \$105,000 from one and cut expenses \$105,000. On a 26 million plus budget, there is no one who can make me believe there is not a little fat in there that can't be trimmed without hurting us too much. I don't believe we should move in that direction as we all know the situation is not going to get better before next year. Given the State finances as they are, we can't look for additional State Aid and unless they increase the State taxes, which is like taking it out of one pocket and putting it into another, frankly I would rather pay it here in Sudbury than have it filtered through Beacon Hill and back to us. Let's look at the budget, give it a hard look, and not take the easy way out. That is really not prudent management."

William Maurhoff of Goodman Hill road commented that he had intended to oppose the drawing of money from the Stabilization Fund for the reasons noted. However, he believed the argument put forth by Mr. Pettingell, to let the FinCom process sort out where the cuts ought to come from when they are working on the FY91 budget was the way to go, and not try to do it all of a sudden because money is coming out of the Stabilization Fund. He suggested buying the time as we don't want an override in the Spring.

Hendrick Tober asked if some Town Official would absolutely assure the hall that there was a hiring freeze in place in all Town Departments before the hall voted on the FinCom's proposal.

John Drobinski informed the hall that a memo had been sent out about a month earlier requesting there be a hiring freeze of all new employees and no major capital expenditures until the completion of this Special Town Meeting.

Frances Goldstein of Wake Robin Road opined that it had always been her opinion that one should not procrastinate, especially when it come to dealing with financial crises that are recognized. "I am beginning to think we are going to have to do slashing and perhaps another override whether we do it tonight or we commission you to stay up late and do it before the end of this year, or wait until next year. As long as we recognize it has to be done, it looks like it is not so much of a procrastination as an inevitability. We are going to have to do it and it is going to have to be done next year because we are not doing it now," she stated.

Considerable discussion took place under this article. A motion to move the question was received, seconded and VOTED.

The vote under Article 5 was stated by the Moderator to be clearly a two-thirds vote, with not more than ten dissenting. He then declared Article 5 as VOTED.

ARTICLE 6. AMEND FY90 BUDGET - REDUCTION OF APPROPRIATIONS

To see by what sum the Town will vote to reduce the amounts appropriated for Departmental operations and expenses under the Fiscal Year 1990 Budget voted under Article 6 of the 1989 Annual Town Meeting, or act on anything relative thereto.

Submitted by the Board of Selectmen

Richard Pettingell, Chairman of the Finance Committee *moved to amend the vote taken under Article 6 by reducing the amounts appropriated under the Fiscal Year 1990 Budget as follows: Line item 100-140 Minuteman Vocational High School, amount of reduction \$12,480; Line item 950-800 Unclassified Health Insurance Account, amount of reduction \$50,012; Line item 950-811, Unclassified Worker's Compensation Account, amount of reduction \$13,500; Line item 950-813 Unclassified Retirement Fund Account, amount of reduction \$25,000.*

Finance Committee Report:

Mr. Pettingell stated the Finance Committee had no further remarks to make.

Board of Selectmen: (John Drobinski)

The Board recommended approval.

There was no discussion under Article 6.

The motion under Article 6 was *VOTED*.

ARTICLE 7. 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.

Selectmen Judith Cope *moved in the words of the article.*

Mrs. Cope reported that the motivation for the Article was primarily a financial one. Other Towns are saving money similarly. This is the beginning of reductions.

Board of Selectmen Report:

The present Bylaw now reads as follows:

"Section 2. All Town Boards and officials, whether appointed or elected and all committees having had any financial transactions during the preceding financial year, shall make a written report in detail, which report shall be delivered to the Accountant on or before December 1st. The Accountant shall audit these reports and deliver them to the Selectmen not later than January 10th.

The Selectmen shall cause all such reports, as well as reports of any other board or committees, to be printed in pamphlet form. Receipt of the pamphlets shall be scheduled for a date which will permit the Town Clerk to have them in the hands of the citizens of the Town at least ten days before the Annual Meeting."

Although the present wording does not necessarily require delivery of the Town Report to each household, it has been the practice of the Town to actually deliver or mail a copy to each residence. It is proposed to discontinue such distribution and to clarify the bylaws accordingly. Town Reports would, however, be made available at various locations in the Town and at Town Meeting for those who desire a copy. For those persons unable to pick up a copy, a copy will be mailed upon request. It is the Selectmen's contention that Town Meeting should decide such a change in policy as suggested by this article.

By following this procedure, at last year's costs, we estimate a savings of \$3,000 in mailing and printing costs; additional savings will be realized in staff time. We find that a great number of towns have for some time now stopped delivery of town reports to keep costs at a minimum. This Article is further prompted by the inability once again to obtain groups willing to take on the distribution project and thus, with the rising cost of a Town-wide mailing, this has become a considerable expense.

This Bylaw is further amended for clarity and the requirement of the Town Accountant auditing each department's individual calendar year financial report is eliminated.

The Board of Selectmen recommends approval of this article.

Finance Committee Report: (R. Coe)

The Finance Committee did not support this motion, as it believed that in times when hard choices are being made, it was particularly important the Townspeople be kept informed. No actions should be taken that make it less easy for people to inform themselves about what is going on in Town. The amount of money involved, \$3,000, was not considered by the Finance Committee as a significant amount and would not justify the increased difficulty it would place upon people who might be interested and would take the time to read the Town Report.

Edith Creter of Wildwood Road moved to amend Article 7 by deleting the last sentence of section 2. Annual Town Report and substituting the following: "Sufficient copies shall be printed and delivered to each household at least ten days before the Annual Meeting and as many more copies shall be printed for public distribution as Selectmen deem necessary."

Ms. Creter stated this amendment would require delivery of the Town Report to each household, whereas the present wording does not necessarily require delivery. She noted it has been the practice of the Town to actually deliver it. Town Reports are the fundamental way in which a government communicates with its citizens for newcomers and oldtimers. The Town Report is the first place to look for information. We

must continue to spark interest in our Town for the many appointed and elected positions available. In an age of waning volunteerism the Town should do all in its power to keep the spark of citizenship alive, to maintain touch with its people through the Town Report. She pointed out this was not the first time an amendment to cease delivery had come before Town Meeting. It had been revoked by the voters once before. It is obvious that the Townspeople and particularly followers of the Town's political and economic scene treasure the Town Report and its home delivery. She believed this was not the year to cut a mailing expense for the Town Report, quite the contrary, it was her hope this year's Report would be expanded to capture forever for its Townspeople, in report and picture, a remembrance of our year long 350th Anniversary Celebration, and it would be delivered to each household. In these years of decreasing money availability, she considered vital that the Townspeople be kept informed of where their tax money is spent. "You must force-feed information to the citizens via home delivery of the report. There is a difference between having the Report right there in your home and having to go get one," she ended.

Quite lengthy discussions took place under this article both in support of and in opposition to this article and the motion to amend.

A motion was received and seconded to move the question. This motion to end debate was VOTED.

The motion to amend was VOTED.

Before there was a vote on the amended motion, FinCom Chairman, Richard Pettingell pointed out that the amendment did not specify which Town official would be responsible for insuring the Reports would be printed and delivered to each household.

Therefore he *moved to amend the amended motion by inserting the words "under the direction of the Town Clerk" after the word 'household'.*

It was pointed out by Sidney Wittenberg of Surrey Lane that this amended proposition would have exactly the same function as the existing bylaw, therefore, to save an awful lot of money by having to reprint bylaws, he urged defeat of this entire motion.

The motion of Mr. Pettingell's to insert was VOTED.

The main motion as twice amended was defeated.

#### ARTICLE 8. AMEND BYLAWS, ART. V,3, UNLICENSED DOGS (PENALTY)

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article V, Section 3, by deleting the word "June" and substituting therefor the word "April", so that said paragraph shall read:

"Section 3. Unlicensed Dogs. All owners or keepers of dogs kept in the Town of Sudbury during the preceding six (6) months and who, on the first day of April of each year, have not licensed said dog or dogs, as prescribed by Section 137, Chapter 140 of the General Laws, shall be subject to a penalty of \$25 payable to the Town, in addition to the license fee, for each dog so unlicensed."

or act on anything relative thereto.

Submitted by the Board of Selectmen.

Selectmen David Wallace *moved to amend the Town of Sudbury bylaws, Article V, Section 3 by deleting the word "June" and substituting therefor the word "April" so that said paragraph will read, Section 3. Unlicensed Dogs. All owners or keepers of dogs kept in the Town of Sudbury during the preceding six months and who on the first day of April of each year have not licensed their dog or dogs as prescribed by Section 137, Chapter 140 of the General Laws shall be subject to a penalty of \$25 payable to the Town and in addition to the license fee for each dog so unlicensed.*

David Wallace commented this article would extend the grace period an extra 30 days for the licensing of dogs so there would be three months instead of two to license the dogs before the penalty is imposed.

Jean MacKenzie, Town Clerk, explained that the Middlesex County, through the legislature, had changed the dog licensing period of April 1 - March 31 to January 1 - December 31st of each year. This change will become effective on January 1, 1990. Presently there is a 60 day grace period to license dogs before the \$25 penalty/dog is imposed. This article would extend the grace period from 60 days to 90 days during which residents may license their dogs without paying a penalty.

After some discussion there was a motion to *move the question*.

This motion to end debate was *VOTED*.

The motion under Article 8 was *VOTED*.

ARTICLE 9. AMEND ZONING BYLAW, ART. IX, III, C, L, c - PERMITTED USES, LIMITED INDUSTRIAL DISTRICTS

To see if the Town will vote to amend Section III.C.1.c of the Zoning Bylaw, Permitted Uses, Limited Industrial Districts, by inserting after the word "organizations" the following clause, "and theatres for the performing arts" so that the section will read as follows:

"c. Private clubhouses, meeting halls and lodge rooms to be used by fraternal or other organizations, and theatres for the performing arts, provided that a site plan is submitted under provisions of this Bylaw.";

or act on anything relative thereto.

Submitted by Petition.

Frank Vana of Raymond Road, one of the petitioners, *moved to amend section 3.C1.c of the Zoning Bylaw, Permitted Uses, Limited Industrial Districts by inserting after the word "organizations" the following clause, "And theatres for the performing arts" so the section will read as follows: "c. Private clubhouses, meeting halls and lodge rooms to be used by fraternal or other organizations and theatres for the performing arts provided that a site plan is submitted under the provisions of this bylaw.*

Mr. Vana explained that a "Yes" vote for this amendment would produce the enabling legislation that would allow the Nickerson Theatre to become a reality in Sudbury in 1990.

Harold Cutler of Landham Road, at the request of Dr. William Adelson, President of the Board of the Sudbury Community Art Center, reported the support of Dr. Adelson and the Art Center for this amendment to the bylaws of the Town of Sudbury which would permit a legitimate theatre to be constructed in a Limited Industrial District area. Mr. Cutler read into the record the following letter from Dr. Adelson, dated Sept. 7, 1989:

"I hope that Sudbury will make the choice to change its Zoning law to include a legitimate theatre and its allowed uses in the district in question. Omission of this use reflects a failure of the framers of the Bylaw to imagine that such a fine opportunity would become available to Sudbury, not, I believe, any desire to exclude it. The fine quality of Mr. Nickerson's existing theatre has convinced me that siting the next one in Sudbury would offer a significant cultural asset to the Town. Not only at no cost but also at a tax advantage. Design details can be worked out quickly. I urge support of this article." Signed, Dr. William Adelson, Sudbury Community Art Center Board.

While this letter appeared to express the individual opinion of Dr. Adelson, it was pointed out that the full Board of the Community Art Center supported this article and a letter to this affect was printed July 17, 1989, in the Town Crier.

Several charter members of Mr. Nickerson's Norwell Theatre spoke in support of this article to amend the Zoning Bylaw. Donald Soule provided background information to the Norwell Theatre where J. Arnold Nickerson and friends began producing plays locally.

Mr. Vana noted that Mr. Nickerson had enthusiastically endorsed the Chiswick Park location as it fulfilled all the needs he had established as requisites. He envisioned an industrial-type area with established dual parking which did not compete with business traffic for parking and safety. "The positive experiences in Norwell", Mr. Vana commented, "have been well documented."

The article had been recommended by the Selectmen and Planning Board, as noted in the Boards' minutes, to clarify the technicalities of a theatre operating as a club, which is allowable in the district, but whose concept has been questioned. It was suggested this article be placed before Town Meeting. The vote on this article would be a determining factor in gaining the required Special Permits from the Board of Selectmen and the Planning Board. Both had indicated they would vote the will of Town Meeting.

The Finance Committee took no position on this Article.

Board of Selectmen: (John Drobinski)

Mr. Drobinski noted this article was before the hall because of concerns raised by the Planning Board and the Board of Selectmen. The Selectmen, he noted, would be taking the matter up in the following weeks to determine whether a Site Plan and Special Permit should be issued or not. This evening, the Selectmen intended to speak to this article individually. Only Selectmen Cope and Wallace did address the article.

Selectmen Cope expressed concern for the development of the parcel in question, due to its history of once having been a swamp, and despite concerns of many, the Selectmen in 1986 approved a Site Plan for the Chiswick Industrial Park as it is now known. Ms. Cope stated she had no concern with the theatre, scaled down and the focal point in the proposed new Village Downtown. She expressed concern in terms of natural resources, traffic and how the use fits in with the long desired Sudbury Village Plan. She read selected passages from conditions and minutes of various Sudbury Boards, who approved the Chiswick Industrial Park, that have not been kept. She noted contaminants appear to be still present on the site, and expressed belief this should be taken care of first and the 1986 conditions imposed should be enforced. "The Town's water supply is far too important to jeopardize", she stated. She urged defeat of this article.

Selectman Wallace noted he had some skepticism in the beginning due to the amount of congestion already on Route 20 in the Union Avenue area. He then pointed out his personal, highly favorable impressions of the Nickerson Theatre in Norwell which he had attended. He noted the Board of Selectmen decided to refrain from taking a vote on a Site Plan for the theatre proposal, until the Town had a chance to express its feeling by way of voting this evening. He noted he too shared Selectman Cope's concerns. He noted, too, he was one of the Selectmen in 1986 that voted the original site plan. It was his feeling that the Board has the ability and power to put contingencies on the Site Plan, and undoubtedly, the issues of clean-up and safety to the environment would be addressed if the Board was given the opportunity to vote later.

Planning Board Report: (R. Kirby)

Mr. Kirby noted that the Planning Board members were very much in favor of a legitimate theatre in Sudbury. Properly located, it could be a great asset to the community. However, the issue was not whether an indoor theatre should be allowed in Sudbury, as they already are, but should the Zoning Bylaw be amended to broaden the uses presently allowed in the Limited Industrial District. The Planning Board opposed Article #9 based upon this issue. It was pointed out that the Planning Board had just a short time to conduct a public hearing and review the many related issues, therefore, it was difficult to prepare a report that explained all that needed to be considered before deciding how to vote on this article. The report of the Planning Board addressed several aspects of Zoning Regulations and the impact on the character of the community, as well as on the rights and responsibilities, and the element of control that zoning provides. The report also touched upon why zoning failed to prevent the Route 20 corridor problems and the importance of zoning to the future course of the Town. Mr. Kirby noted this "Permitted Use" section of the Zoning Bylaw, which is the only control mechanism for managing growth, would be weakened if the Article were voted. It was pointed out that this project already accomplished one thing, it made clear the cause and effect relationship between land use and the problems on the Route 20 corridor. He noted there was a need to sort out what is right and what is wrong, make smart choices while going forward, especially in the management use of land. Mr. Kirby expressed the importance to resist the temptation to act hastily in order to achieve short term goals and risk making it more difficult, if not impossible, to reach the long term objective. He advised that amendments to the Zoning Bylaw should be carefully thought out and should address the present and future needs of the community as a whole. He further commented that as desirable as a legitimate theatre may be, it is hard to find evidence that the Town of Sudbury has such a pressing need for one that the use of restrictions in the Zoning Bylaw must be weakened in order to acquire one immediately. The Planning Board urged the defeat of this article.

Richard A. Brooks, Planning Board member, presented an amendment to substitute entirely for the main motion.

He moved to amend the main motion under Article IX so that it reads as follows: amend Section III, C.1 of the Zoning Bylaw, Permitted Uses, Limited Industrial District by inserting a new paragraph F to read as follows: "F. Theatres for the performing arts if a Special Permit is granted therefore by the Board of Appeals, provided that a Site Plan is submitted under provisions of this bylaw."

In support of this motion, Mr. Brooks, noted this was a minority position of the Planning Board. The report focused on the alternative processes that might occur so the Nickerson Theatre could come to Sudbury. Specifically, the proposal was an amendment to the article by which the proposed theatre would be granted use by a Zoning Special Permit to operate within a Limited Industrial District rather than by unstrained use by right. The two minority members of the Planning Board, Mr. Brooks and Peter Anderson, agreed with the facts presented by Mr. Kirby, but arrived at a different conclusion. It was noted this report was in no way to diminish their full support of additional planning for the Sudbury Village Project and the planning process it entails. For the purposes of clarification, Mr. Brooks showed how the proposed zoning article was compatible in use with the purpose or definition of zoning, as found in the Mass Federation of Planning Board's Planning Handbook. He noted that what was being asked was to allow the Theatre for the Performing Arts to co-exist with other functions and activities within a Limited Industrial District. In order to determine if a theatre for the performing arts is consistent with the Limited Industrial District, he compared what he called the primary zoning purposes as they relate to the use as a theatre. Specifically, automobile traffic engendered by the theatre and how it complements or conflicts with traffic associated with other potential uses in the District. Speaking of pedestrian traffic, which would be most intense during the normal industrial automobile-trucking traffic, that would be a conflicting not a complimentary use. Mr. Brooks contended that the zoning article presently before the hall allows a use by right and there is no preventing or even moderating the operation of the new theatre once approved. However, a Zoning Use by Special Permit would allow the Town to require future proposals for a theatre for the performing arts to include operational specifics and review of those specifics such as: temporal activity not in conflict with the Limited Industrial Traffic patterns, not in conflict with pedestrian safety, not in conflict with parking. An applicant could not get the permit without meeting the Town requirements that provide the protection for compatible non-conflicting use. The Zoning Board of Appeals, by the Special Permit process, can require the applicant to renew the permit periodically, thus providing continued meeting of those uses. He further noted the Special Permit guidelines require the use to be in harmony with the general purpose and intent of the bylaws.



Mr. Brooks stated the positives outweighed the negatives and that the Nickerson Theatre would be a significant cultural asset to the Town. It was the belief of the minority members of the Planning Board that the Theatre would be a complementary use, as it had been identified to them, and it was more desirable that the approved expansion plan, although it was not part of an integrated overall plan. He noted it basically had an intent of being "spot" as opposed to being a reactionary or as opposed to "planned" as part of the overall process.

He concluded his remarks by stating the belief the Town may get the goal of both the Nickerson Theatre and better planned zoning via the special permit process. It was the minority opinion that to include in the bylaw the change to "use by special permit", the Town would provide better tools by which the Town can be assured of continued complementary use.

Russell Kirby, Chairman of the Planning Board, gave the majority position of the Board on the proposed motion to amend. He stated the Board took two votes relative to the issue at hand. First there was a vote on the article as it appeared printed in the Warrant. This was a unanimous vote to oppose the article as printed in the Warrant. Two members supported the proposed motion to amend. The remaining three members, because of a number of issues, did not support the motion. One very important factor was the effect this amendment would have on the control of the "land use" within the Limited Industrial District. He noted all commercial site plans are required in this town to go through a special permit review and approval process with the Board of Selectmen. Several criteria must be satisfied before the Selectmen will issue the permit. They are not allowed to deny a use that is permitted under the zoning, but they are empowered to place restrictions on the facility whose use includes the hours of operation. The amended version of the bylaw as presented, would add a second special permit approval to be granted by the Board of Appeals, whose criteria is very similar to that of the Board of Selectmen. He pointed out there were some fine points of difference. It was noted that the three members of the Planning Board who opposed this amendment did so primarily as it included language in the zoning regulations that would give a false sense of security--indicating a control which he stated would in fact not be the case. The three members opposed this amendment also, as they believed the Planning Board should address this issue on a comprehensive basis and bring before Town Meeting a well thought out, written amendment to the bylaw which has been reviewed and approved by Town Counsel. He expressed the belief this amendment was a piecemeal approach toward strengthening the bylaw, accomplishing very little at this time, and would require further action of Town Meeting to put the remaining pieces in place to make it work.

A great deal of discussion took place on this motion to amend, both in support and in opposition. (The full text of the debate is available at the Town Clerk's office.)

Calling for the vote on the motion to amend, the Chair believed the motion passed, but further checked with a standing vote. He declared the motion to amend was *VOTED*.

Following, there was further debate on the main motion, which was the amendment.

Joseph Klein of Stone Road *moved to amend the amendment which was the main motion by replacing the phrase, "Theatres for the Performing Arts" with the following phraseology: "Theatres which present, live, dramatic, and/or musical comedy and/or ballet productions exclusively."*

Mr. Kelin, in support of this motion, commented that he was particularly aware of what happens when there are zoning loopholes. He pointed out that the discussions this entire evening, with the exception of the Planning Board's presentations, were concerned with the Nickerson Theatre, although the Warrant Article had no mention of the Nickerson Theatre. His proposed amendment is to prevent a door opening for a "welcomed guest and then having a horde of rift-raft squeeze through using the desirable guest as the front." He noted there is nothing in the article to prevent rock concerts or movie theatres. He believed the Town should vote specifically on what it wants, as there is no guarantee that the Nickerson Theatre will succeed. If it doesn't, the theatre could be turned into a convention center or a meeting hall, keeping in mind 500 seats is not a small building. An amendment like this would prevent that from occurring.

Clarification was given by Town Counsel, Paul Kenny, as to the breadth and type of entertainment that would be allowed in such a provision, when he opined the definition would encompass virtually anything which includes live performances. Asked if this might encompass nude dancing, Mr. Kenny said "Yes."

The Moderator after conferring with Town Counsel, informed the hall that it was the opinion of Town Counsel that if this motion to amend were allowed, and the main motion was passed in that form, by two-thirds vote, it would be a valid bylaw.

At this time there was a motion to move the question and to end debate.

This motion was *VOTED*.

The motion to amend, which inserted after the word "theatres" the words "which permit live dramatic and/or musical comedy and/or ballet products exclusively," was *VOTED*.

Debate continued after this vote for a considerable time, until there was a motion which was *VOTED* to terminate the debate.

The motion under Article 9, as amended, was declared "defeated". A counted vote was requested. Before this took place, the Moderator for clarification purposes informed the hall, the voters, they were voting on the main motion under this article, a motion that has been amended several times and the Chair read it as follows: "Amend section 3,C.1.c of the zoning Bylaw, Permitted Uses, Limited Industrial District, by inserting a new paragraph "f" to read as follows: 'f. Theatres which present live, dramatic and/or musical comedy and/or ballet productions exclusively if a special permit is granted by the Board of Appeals provided that a site plan is submitted under provisions of this bylaw'".

A two-thirds vote was required.

The vote was as follows: Total number of voters: 349 - Number needed to pass: 233

YES: 234 NO: 115

The Moderator declared the motion *VOTED*.

A motion was placed before the hall by Russell Kirby *to continue past the normal hour*. This was seconded and *VOTED*.

ARTICLE 10. RESOLUTION - AFFORDABLE HOUSING PLANNING

To see if the Town will vote to approve the following Resolution:

"Resolution - Affordable Housing Planning

The residents of the Town of Sudbury are cognizant of the mandate from the Commonwealth of Massachusetts that every town provide affordable housing. In this time of severe budgetary constraints, large developments can severely tax the educational, safety and fiscal resources of our community, and have a major effect on our environment. Because these developments have major impact on the community as a whole, be it hereby resolved that the Sudbury Housing Authority (SHA) and the Sudbury Housing Partnership Committee (SHPC) are requested to present to Town Meeting any plan that proposes to develop more than fifteen housing units, before that Authority makes any binding commitment to the implementation of said plan. Be it also resolved that the SHA and SHPC are requested to develop and provide Town Meeting with data detailing the impact of said development on the Town's resources. Be it further resolved that the SHA and SHPC are requested to prepare and make available to Town officials a detailed long range plan so that the Town can make appropriate plans to meet future obligations.";

or act on anything relative thereto.

Submitted by Petition

Selectman Judith Cope moved in the words of the Resolution, then she read the full text of the Resolution.

The Resolution, Ms. Cope stated, was a consensus between the petitioners of the the Resolution, the Sudbury Housing Authority and the Sudbury Housing Opportunity Program. The Board of Selectmen urged the voters' approval.

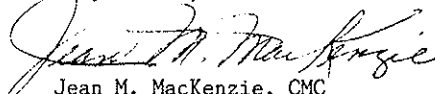
The Resolution was *VOTED*.

A motion was received, seconded and *UNANIMOUSLY VOTED* to dissolve the Special Town Meeting.

The meeting was dissolved at 12 midnight.

Attendance: 529

Respectfully submitted,

  
Jean M. MacKenzie, CMC  
Town Clerk

## SPECIAL TOWN MEETING

October 17, 1989

A quorum having been declared, the Special Town Meeting of the Town of Sudbury was called to order by Thomas G. Dignan, Jr., the Moderator, at 7:49 P.M. at the Lincoln-Sudbury Regional High School Auditorium.

There being no member of the clergy present for an invocation, a moment of silence was observed. Francis Koppeis, Innkeeper at Longfellow's Wayside Inn for the past twenty-six years, was introduced to the hall for the purpose of leading everyone in the Pledge of Allegiance. Before this took place, the Moderator offered a few words of appreciation to Mr. Koppeis for his active participation these many years in Sudbury's Town affairs. He observed that Mr. Koppeis was one of the original organizers of Sudbury's Minuteman Militia Company and a member of Sudbury's Permanent Celebration's Committee, Memorial Day Committee, Industrial Development Committee and the 350th Anniversary Committee. It was said he had performed more public service for Sudbury than most of those who live here. However, he is best known as the Innkeeper of Longfellow's Wayside Inn, a position from which with great humor, a winning smile, a gentle manner and firm judgment, he has guarded and enriched the enduring traditions of our Town.

Mr. Koppeis offered a few words of gratitude for this recognition. In reflection, he noted that of the many wonderful memories he shall carry with him, one of the greatest moments of his life was when the Mt. Rushmore Flag was unfurled and flown high above the Lincoln-Sudbury Regional High School at the 350th Anniversary Celebration this past year. He recognized some of the many townspeople who were of great help to him during his tenure as innkeeper, a few of them being Forrest Bradshaw, Paul Rhodes, Harvey Fairbanks, John and Jim Powers. He noted too that it was through the efforts of John Navin, a former state legislator, that the state's voter registration laws were amended thus allowing him to vote in Sudbury, though his wife and family resided in Needham. In closing he said "Throughout all these years my heart and soul was here in Sudbury." He then led the hall in the Pledge of Allegiance.

The Town Accountant advised the Moderator there was no certified Free Cash available for this Special Town Meeting. Having examined the Call of the Special Town Meeting, the Officer's Return of Service and the Town Clerk's Return of Mailing, the Moderator found each of them to be in order and so reported.

Upon a motion made by the Chairman of the Board of Selectmen, it was *VOTED: to dispense with the reading of the Call, the Returns, Notice and the reading of the individual articles.*

Following a review of the procedures to be followed at this meeting, the first item of business was Article 1.

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

ARTICLE 1. STREET ACCEPTANCE - OLD MEADOW ROAD (PORTION)

To see if the Town will vote to accept the layout of a portion of Old Meadow Road extending from Elliot Road southerly to a dead end, a distance of an average of 197 feet, more or less, as laid out by the Board of Selectmen in accordance with the description and plan 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, or appropriate by transfer from Line Item 950-800 of the Fiscal Year 1990 Budget, Unclassified/Health Insurance, as voted under Article 6 of the 1989 Annual Town Meeting, \$185, or any other sum, therefor and all expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen on behalf of the Sudbury Housing Authority.

Steven Swanger, Chairman of the Sudbury Housing Authority, moved to Indefinitely Postpone this article.

The reason for the motion was the Authority was in negotiations with the neighbors to the property in question and it would not be appropriate to act upon this now.

Finance Committee: (R. Pettingell)

The Committee supported this motion.

Board of Selectmen: (J. Drobinski)

The Board supported this motion.

There being no discussion, the motion was *VOTED*.

ARTICLE 2. SPECIAL ACT - BARKER REAL ESTATE TAX REFUND

- A. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact special legislation not requiring further submission to a Town Meeting as set forth herein:

"The Commonwealth of Massachusetts

In the year one thousand nine hundred and eighty-nine.

An Act authorizing the Town of Sudbury to refund certain property taxes.

Section 1. The Town of Sudbury is hereby authorized to reimburse Harold E. Barker, Jr. and Julia Barker the sum of two thousand seventy-six dollars paid to said Town for real estate taxes on property located at 12 DeMarco Road which were erroneously assessed for the fiscal years 1981 through 1988.

Section 2. This Act shall take effect upon its passage.";

and

- B. To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, or appropriate by transfer from Line Item 950-800 of the Fiscal Year 1990 Budget, Unclassified/Health Insurance, as voted under Article 6 of the 1989 Annual Town Meeting, to pay Harold E. Barker, Jr. and Julia Barker a refund for overpaid taxes, 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

Mr. Drobinski, Chairman of the Board of Selectmen, moved to authorize and direct the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact special legislation not requiring further submission to a Town Meeting as follows:

*"The Commonwealth of Massachusetts*

*In the year one thousand nine hundred and eighty-nine.*

*An Act authorizing the Town of Sudbury to refund certain property taxes.*

*Section 1. The Town of Sudbury is hereby authorized to reimburse Harold E. Barker, Jr. and Julia Barker the sum of two thousand seventy-six dollars paid to said Town for real estate taxes on property located at 12 PeMarco Road which were erroneously assessed for the fiscal years 1981 through 1988.*

*Section 2. This Act shall take effect upon its passage.*

*and*

*Appropriate the sum of \$2,076 to pay Harold E. Barker, Jr. and Julia Barker a refund for overpaid taxes, provided such action is approved by the General Court by the passage of a Special Act set forth above, said sum to be raised by transfer from line item 950-800 of the fiscal year 1990 budget, Unclassified/Health Insurance, as voted under Article 6 of the 1989 Annual Town Meeting.*

Mrs. Barker explained the article was not seeking a tax abatement, but a correction of an overassessment on her property for the years 1981 - 1988. An error occurred in the transposing of numbers in the Assessors office, whereby the Assessors' card indicated Mrs. Barker's home to be larger than it actually is.

Finance Committee Report: (C. Corkin)

The Committee recommended approval of this article.

Tom Hillery, Chairman of the Board of Assessors, moved for a secret ballot vote. This motion for a secret ballot was defeated.

The motion under Article 2 was VOTED.

ARTICLE 3. SPECIAL ACT - SYMINGTON REAL ESTATE TAX REFUND

- A. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact special legislation not requiring further submission to a Town Meeting as set forth herein:

"The Commonwealth of Massachusetts

In the year one thousand nine hundred and eighty-nine.

An Act authorizing the Town of Sudbury to refund certain property taxes.

Section 1. The Town of Sudbury is hereby authorized to reimburse Martha R. Symington the sum of one thousand six hundred eleven dollars and twenty-seven cents paid to said Town for real estate taxes on property located at 20 Bent Road which were erroneously assessed for the fiscal years 1979 through 1988.

Section 2. This Act shall take effect upon its passage.";

and

- B. To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, or appropriate by transfer from Line Item 950-800 of the Fiscal Year 1990 Budget, Unclassified/Health Insurance, as voted under Article 6 of the 1989 Annual Town Meeting, to pay Martha R. Symington a refund for overpaid taxes, 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.

Mr. Drobinski, Chairman of the Board of Selectmen, moved to authorize and direct the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact Special Legislation not requiring further submission to a Town Meeting as follows:

"The Commonwealth of Massachusetts

In the year one thousand nine hundred and eighty-nine.

An Act authorizing the Town of Sudbury to refund certain property taxes.

Section 1. The Town of Sudbury is hereby authorized to reimburse Martha R. Symington the sum of one thousand six hundred eleven dollars and twenty-seven cents paid to said town for real estate taxes on property located at 20 Bent Road which were erroneously assessed for the fiscal years 1979 through 1988.

Section 2. This act shall take effect upon its passage.";

and

Appropriate the sum of \$1,612.00 to pay Martha R. Symington a refund for overpaid taxes, provided such action is approved by the General Court by passage of the Special Act set forth above, said sum to be raised by transfer from line item 950-800 of the fiscal year 1990 budget, Unclassified/Health Insurance, as voted under Article 6 of the 1989 Annual Town Meeting.

As Mrs. Symington was not in attendance, a letter she wrote to the Selectmen on this matter was read into the record wherein she explained how she discovered the evaluation error and the communications that took place between the Board of Assessors, the Board of Selectmen and herself.

Finance Committee: (C. Corkin)

The Finance Committee did not support this motion, as the error involved was not made by the Assessors when regenerating the record cards. The error had been on the tax bill for the past 11 years, and it was believed the tax payer had the responsibility for verifying the accuracy of the bill within the 30-day appeal period allowed under State law.

The motion under Article 3 was *VOTED*.

ARTICLE 4. EXPAND AND RENOVATE NIXON SCHOOL, RENOVATE NOYES SCHOOL, REMOVE ASBESTOS, RELOCATE DISTRICT ADMINISTRATIVE OFFICES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$9,245,000, or any other sum, to be expended under the direction of the Permanent Building Committee for the purpose of 1) remodeling, reconstructing and making extraordinary repairs to the Nixon School and Noyes School buildings, including the removal of asbestos; and constructing additional space at the Nixon School: 2) remodeling, reconstructing and making extraordinary repairs to the building or buildings to which the School Department Administrative Offices will be located; and 3) purchasing additional equipment and furnishings for the Nixon School and Noyes School buildings; and all expenses connected therewith, including testing, development of specifications and bidding documents, supervision of work, and all professional, engineering and architectural services; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

James Flanagan, Chairman of the Sudbury School Committee, *moved* to appropriate \$9,245,000 to be expended under the direction of the Permanent Building Committee, for the purpose of 1) Remodeling, reconstructing and making extraordinary repairs to the Nixon School and Noyes School buildings, including the removal of asbestos; and constructing additional space at the Nixon School; 2) Remodeling, reconstructing and making extraordinary repairs to the building or buildings to which the School Department Administrative Offices will be located; and 3) purchasing additional equipment and furnishings for the Nixon School and Noyes School buildings; and all expenses connected therewith, including testing, development of specifications and bidding documents, supervision of work, and all professional, engineering and architectural services; and to raise this appropriation, the Treasurer with the approval of the Selectmen is authorized to borrow \$9,245,000 under Massachusetts General Law, Chapter 44§7; and to appropriate the sum of \$8,000 to be added to the sum of money voted under Article 6 of the 1989 Annual Town Meeting for Treasurer/Collector Account 505, line item 711, Bond and Note Issue Expense; said sum to be raised by transfer from account 100-110, Sudbury School Budget as voted under Article 6 of the 1989 Annual Town Meeting.



Article 4 and Article 5 were both discussed and debated at the same time.

After a lengthy 25 minute presentation, by the School Committee, which is available at the Town Clerk's office, Linda Krusinski of the School Committee presented a minority position report.

Finance Committee Report: (R. Pettingell)

The FinCom was unable to support as expansive a plan as Article 4 indicated. Unquestioned was the shortage of space for the children presently in the system, or the asbestos removal and renovation of the 1949 wing of the Peter Noyes School, or the relocation of the central offices. The FinCom questioned the need at this time for such a full-fledged expansion of the Nixon School, as there is continued doubt as to whether the current increase in enrollment represents a long-term trend or a short-term bubble. The Committee was not prepared to recommend the Town "gamble in excess of \$5 million in an expansion of Nixon" where there exists another approach. The alternative to this article being Article 5, which would provide for the school to be renovated only and re-opened for a 250 student enrollment. This approach would accommodate the Town's school space needs until 1992. The Finance Committee preferred to defer any financial commitment to an expanded Nixon until the demographic picture makes it clear that such a commitment is necessary. The Finance Committee recommended the defeat of Article 4 and support for Article 5.

Board of Selectmen Report: (D. Wallace)

The Board unanimously disapproved Article 4 but unanimously endorsed Article 5.

Long-Range Planning Committee Report: (R. Weiskopf)

This Committee supported the phased-in approach based upon the demographics. It could not find justification for the major expansion based upon the limitations of the long-term demographics. He noted the capital expenditure outlook for the town--a new Fire Station, Town Offices space needs, highway garage, library expansion and others, indicating that many town departments are competing for limited capital funds. The LRPC supported Article 5, with revisions, a \$3 million dollar expansion plan rather than a \$3,651,000 one. The phased-in plan will provide time to study the Town's demographics to see if we are presently experiencing a short-term bubble or a large expansion in the school population.

Bruce Ey, Chairman of the Permanent Building Committee, related how this Committee is comprised of professionals involved in the design and building industry. It acts in an advisory role within the Town by assisting user groups to renovate and/or build new facilities. This Committee also acts as the Town's Design and Selection Board. The Committee assists in the selection of architects and other design related services. The Committee is concerned with the quality of building materials, compliance with the State Building Code, efficiency of space, durability of design and energy conservation. It was the opinion of the Committee that the Nixon School site was better suited for expansion than the Loring School site. Mr. Ey then proceeded to present to the voters the recommendations of his Committee as to the final working drawings.

Many individual voters addressed the hall, most of whom were in support of Article 5 and a few in support of Article 4.

Mary Jane Hillery of Willow Road posed several questions to the School Committee after first noting she never would have supported the many bond issues of the past for the High School, the Fairbank School and the Loring School, had she known spacing in each of these would be rented out for commercial or other interests. Noting that in 1981 two schools were closed and the enrollment at that time was 2,229 or 430 less than now, she inquired as to why there is a need to expand the school? She previously asked the School Committee for a count of the number of classrooms and was given the figure 109. Of these, 80 were in use as classrooms. Ms Hillery inquired where were the other 29 classrooms and for what were they being used? She inquired why these classrooms cannot be used instead of building additional school space. Noting everyone is for quality education, she inquired as to what changes have taken place these last few years that could cause us to spend an additional 4 to 9 million dollars. She referred

to the tax bills due out next May that will include the overrides and debt-exemptions previously voted. She suggested the Town should not incur any new debts until the bills come out and the voters know exactly what debt they are facing right now. She also noted that the Town had zero dollars in Free Cash, the Town's savings account. She closed by inquiring, "If you have zero in your savings account, would you buy the Super 8?"

After all the voters who wished to speak on these two articles had done so, the Moderator accepted from Selectman Drobinski a motion that *Town Meeting vote not to adjourn until the completion of Article 6.*

This motion required a 2/3rds vote and in the opinion of the Moderator it was *defeated.*

It was then *moved* to continue the Town Meeting tonight through the completion of Article 5.

The Moderator declared this motion to have been *VOTED.*

The motion under Article 4, requiring a 2/3rds vote, was declared by the Moderator to have been *defeated.*

ARTICLE 5. RENOVATE NIXON, RENOVATE NOYES, REMOVE ASBESTOS, RELOCATE DISTRICT ADMINISTRATIVE OFFICES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$4,125,000, or any other sum, to be expended under the direction of the Permanent Building Committee for the purpose of 1) remodeling, reconstructing and making extraordinary repairs to the Nixon School and Noyes School buildings, including the removal of asbestos; 2) remodeling, reconstructing and making extraordinary repairs to the building or buildings to which the School Department Administrative Offices will be relocated; and 3) purchasing additional equipment and furnishings for the Nixon School and Noyes School buildings; and all expenses connected therewith, including testing, development of specifications and bidding documents, supervision of work and all professional, engineering and architectural services; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

School Committee Report:

In April, 1988 the School Space Planning Committee presented enrollment forecasts that projected our student population in grades K-5 to increase by 40% by 1992. The enrollment in grades K-5 exceeded the planned capacity (1100 students) of our two existing elementary schools in 1988; consequently, grade 5 has been relocated to the Middle School for the 1989-90 and 1990-91 school years.

For the two years following the initial forecasts, actual student enrollments have slightly exceeded the forecasts made in April 1988. (See Chart)

Two factors have contributed to the growth in the elementary student population: an increase in the number of births in town and the in-migration of young families. Recent developments indicate the enrollment trend will continue. The number of births in 1988 continued a three year trend of annual births at or above 170. During the previous three years from 1983-85, annual births averaged 153.

Despite the changes in the economic situation and the housing market, and the recent slowdown of new construction, families with school-age children continue to move into Sudbury and purchase existing homes.

#### PROJECTED AND ACTUAL STUDENT ENROLLMENT

##### Grades K-5

Year	1987	1988	1989	1990	1991	1992	1993	1996
Students Projected	1072	1163	1246	1316	1427	1499	1571	1624
Actual	1072	1194	1259					

Planned capacity of Noyes and Haynes = 1100 K-5 students

#### TWO ALTERNATIVE PLANS FOR A THIRD ELEMENTARY SCHOOL

##### BASIC COMPONENTS

The alternative plans were developed to present the Town with two options to provide needed school space in the context of Sudbury's current financial situation. The plans differ in terms of total space, educational program, and cost.

##### LONG TERM PLAN

1. Expand and renovate Nixon school as a 550 K-5 student elementary school for 1991 opening.

##### PHASED-IN PLAN

1. Renovate Nixon School as a 250 K-5 student elementary school for 1991 opening, with no new construction.

Expansion in future, projected for 1993, will be necessary to accommodate the additional student increase.

##### EACH PLAN INCLUDES

1. Renovation of 1949 section of Noyes School
2. Asbestos removal at Nixon and Noyes Schools
3. Repair of available Town site for School Administration and Town Accountant, currently located at Nixon.

SCOPE OF WORKNIXON

## RENOVATION:

1. Sprinkler and smoke detection systems
2. Handicapped access to entire facility
3. New gas-fired hot water boiler for heating system
4. Replace classroom heating and ventilating units
5. New roof
6. Fluorescent lighting
7. Kitchen renovated for use as serving kitchen
8. Additional parking
9. Separate traffic loops for school busses and cars
10. Upgrade existing window wall with insulating windows and masonry wall to meet current energy code.
11. Improve emergency exits to meet code

## ADDITION - NEW CONSTRUCTION

(Only for 550 student plan)

1. Classroom wing
2. Kindergarten wing
3. Gymnasium
4. School Office and Health area
5. Library/Media Center

NOYES

Work to be done in the 1949 section

## Architectural

- Window Replacement
- New corridor ceiling-lighting
- Replace glass block wall in gymnasium with masonry
- Repair or replace bathroom fixtures

## Life Safety

- Infill interior windows over classroom doors (fire safety)
- Provide smoke detectors and fire doors in corridors

## Barrier Free Access

- Handicapped access at Main Entry and bathrooms
- Fire alarm boxes lowered to Code height

## Mechanical/Electrical

- Connect 1949 wing to 1970 heating system
- Replace unit ventilators in classrooms
- Provide additional electrical outlets as needed

SCHOOL SPACE PLANS - OCTOBER 1989 STM  
FINANCIAL INFORMATION

	LONG TERM PLAN	PHASED-IN PLAN
Estimated Impact on Tax Rate	\$ .85 / \$1000 **	\$ .45 / \$1000 ***
Tax impact for average home, \$300,000 assessed value (Amount decreases each successive year)	\$255	\$135
Nixon Renovation	2,130,000	2,130,000
Nixon Addition	4,910,000	
Furnishings, Equipment	810,000	600,000
<b>SUBTOTAL</b>	<b>7,850,000</b>	<b>2,730,000</b>
(Cost of Additional Space)		
Noyes Renovation	820,000	820,000
Asbestos Removal	550,000	550,000
Renovate District Office	150,000	150,000
Less previously allocated funds for Nixon roof	(125,000)	(125,000)
<b>TOTAL REQUESTED FUNDS *</b>	<b>9,245,000</b>	<b>4,125,000</b>

\* Requested funds do not include \$750,000 approved at April 1988 STM to provide architectural and engineering work for school expansion plans.

\*\* Based upon twenty year bond at 7.5%, including principal and interest, and assessed valuation of \$1,570,965,300. First tax bill due October 1991.

\*\*\* Based upon ten year bond at 7.0%, including principal and interest.

James Flanagan of the School Committee moved to appropriate \$3,651,000 to be expended under the direction of the Permanent Building committee, for the purpose of 1) remodeling, reconstructing and making extraordinary repairs to the Nixon School and Noyes School Buildings, including the removal of asbestos; 2) remodeling, reconstructing and making extraordinary repairs to the building or buildings to which the School Department Administrative Offices will be relocated; and 3) purchasing additional equipment and furnishings for the Nixon School and Noyes School buildings; and all expenses connected therewith including testing, development of specifications and bidding documents, supervision of work and all professional, engineering and architectural services; and to raise this appropriation, the Treasurer with the approval of the Selectmen is authorized to borrow \$3,651,000 under Massachusetts General Law, Chapter 44 §7; and to appropriate the sum of \$8,000 to be added to the sum of money voted under Article 6 of the 1989 Annual Town Meeting for the Treasurer/Collector Account 505, line item 711, Bond and Note Issue Expense; said sum to be raised by transfer from Account 100-110, Sudbury School Budget, as voted under Article 6 of the 1989 Annual Town Meeting.

Mr. Flanagan explained this motion for \$3,651,000 did not include an addition to the Nixon Building and the impact on the tax rate was estimated at 40 cents per thousand dollars of assessed valuation.

Finance Committee Report: (R. Pettingell)

The FinCom recommended approval of Article 5.

Board of Selectmen Report: (D. Wallace)

The Board of Selectmen recommended approval of Article 5.

Mary Jane Hillery of Willow Road addressed the hall stating she was still looking for answers to her questions as to why there was a need for space when there are 430 children less than in 1981 when two schools were closed and what are the 29 extra classrooms being used for, that seem to have disappeared from use?

There were no responses to the above questions.

Kip Johnson of Whispering Pine Road pointed out that the students assigned to the "new" Nixon School will not be receiving the quality education offered at the Haynes and Noyes Schools, as there are no provisions for a gymnasium or extra catalysts for all programs mentioned. He recommended the School Committee go back to the drawing boards and return in the Spring with an equitable school.

The motion under Article 5 was placed before the voters and the Moderator indicated there was a 2/3rds vote as required. However, there was a call for a counted vote. Because of the large attendance for this meeting, the School library was checked for voters. There were no voters present there.

YES: 483                      NO: 201                      Number of votes required: 456

Article 5 was *VOTED*.

After considerable discussion as to when to adjourn, the meeting was adjourned to the following night at 7:30 PM.

Total Attendance: 854

October 18, 1989

The meeting was called to order at 8:10 P.M. when the Moderator, Thomas G. Dignan, announced there was a quorum. The first order of business being Article 6.

ARTICLE 6. AMEND ZONING BYLAW, ARTICLE IX, II,C - DELETE RESEARCH DISTRICT NO. 1

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX, Section II. Establishment of Districts, Subsection C. Location of All Other Districts, by deleting Research District No. 1, located north of Route 117, in its entirety; or act on anything relative thereto.

Submitted by the Board of Selectmen on behalf of Unisys Corp., Petitioner

Ralph Tyler of Deacon Lane, representing Unisys Corporation, *moved in the words of the article.*

Petitioner's Report:

Research District No. 1 located north of Route 117 at the Concord Line should be eliminated in order to prohibit non-residential development. Upon deletion of Research District No. 1, the land will revert to Residential "A: Zoning which is the same zoning as the adjacent residential areas and comparable to the residential zoning of adjacent Concord land. This change will preserve the traditional single family residential character of Sudbury.

Residential zoning will significantly decrease peak hour traffic generated in the Research District. During morning commuting, for example, peak hour traffic generated by residents will be 76% less than traffic generated by a 130,000 square foot research facility permitted by current zoning.

Residential zoning of the Research District will also more than double tax receipts compared to tax revenues from current zoning.

Sudbury has a tradition of rezoning industrial or commercial land to residential zoning to stop non-residential development. Three major actions taken within the past eleven years were as follows:

1. Shopping Center District #1 at the corner of Haynes and North Road was rezoned Residential A-1 at the 1978 ATM.
2. Limited Industrial Park District #2 in the northeast corner of Town above Power Mill Road was rezoned Residential A-1 at the 1984 ATM.
3. 235 acres of Industrial Park District #1 west of Union Avenue adjacent to Codjer Lane was rezoned Residential A-1 at the 1984 ATM.

Each was accomplished by deleting the respective district in its entirety and the land then reverted to its former residential zoning.

Rezoning the District to residential is far better than retaining current research district zoning which limits development to 967 sq. ft. per acre (98.9% Open Space) as current zoning is vulnerable to legal challenge as an improper exercise of zoning power.

Sudbury voters at two Town Meetings clearly communicated that they do not want a large Research Park in North Sudbury. Rather than retaining present zoning which may lead to unwanted development, a wiser and more equitable approach is to treat the Research District exactly like other districts and rezone the land for traditional, single family homes.

A lengthy presentation, with slides, was provided by Mr. Ralph Tyler to support this Article. His report showed the location of the land in question, the history of its zoning, and the legislation voted regarding the property as well as current filings on record with the Planning Board. He noted that Unisys for many months had been looking to create a dialog with the Selectmen in an effort to determine what the Town wished for this research district. A time constraint was indicated to the Selectmen for working with them to create a project that would be economically viable for them independent of the action of the Town. Because of the time constraint, Unisys embarked on a parallel course of action with the Town that Mr. Tyler stated left them a little frustrated, as there wasn't any constructive input from the recommendations of the Planning Board or was there any sense of direction or guidance. Not receiving this guidance, Article 6 was placed in the Warrant.

Finance Committee Report:

The Finance Committee did not wish to be heard at this time.

Board of Selectmen:

The Selectmen wished to defer comment until the hall had heard from the Planning Board.

Planning Board:

Planning Board Chairman, Russell Kirby, unable to attend this meeting, requested the Town Planner, Lee Newman read the Board's report. The Report noted Article 6 would amend the Zoning Bylaw, which the Board believed should not be acted upon at this Special Town Meeting, and that the Article should be referred back for more work by the Planning Board, and the Boards of Selectmen of Sudbury and Concord. Through the use of slides the Board reported the history of the Research District, its establishment in 1959, and agreements with Sperry resulting in the expansion of Sudbury's Water District's storage and distribution facilities, and the construction of the North Sudbury Fire Station. Other factors presented were Sperry was the only facility erected in this district in the 30 years the district has been in existence. Sometime while Sperry was there, contaminants were introduced into the groundwater and under the direction of the Department of Environmental Protection, a cleanup program has been and is still underway. Underneath the Research District lies part of an aquifer that supplies the Sudbury Water District Well #1, and a second aquifer, in part, also lies beneath this research district, which supplies water to a well field in the Town of Concord. To protect these aquifers, the voters at the 1987 Annual Town Meeting voted a floor area ratio that would limit development to the level proposed by Sperry-Rand in 1959. By vote of the Special Town Meeting of October 1988 a Water Resource Protection District was established around well #5, due to its close proximity to the Concord Town line.

At the Annual Town Meeting of April 1989, four articles were presented that would have expanded the permitted uses, almost doubled the building height limit and increased the floor area ratio by 600%. These were each indefinitely postponed. Ms. Newman then described what has formerly been proposed by Unisys for the future of the Research District, with a complete explanation of each of the filings with the Planning Board. It was explained that passage of this Article 6 would provide the property owner the option to develop this land under the present research zoning regulations or under the 40,000 square foot residential zoning regulations until 1997. It was further noted that the residential development proposed for the land in the Town of Concord, was not accessible from any public or private way in that Town. Its development depends upon access roads being built in Sudbury which would extend to the Town line. This subdivision proposal would require an agreement between the two towns to provide essential services for its residents such as electric power, fire and police protection, snow removal and possibly water.

A preliminary subdivision filed with the Planning Board two days before this meeting, resets the statutory clock and provided a seven-month window starting on October 16th during which a subdivision plan can be submitted to lock in research zoning options until 1998, no matter what action takes place at this Special Town Meeting.

It was noted that the proposals of Unisys on file with the Planning Board serve to protect the rights of the property owners, but they fail to take into account the environmental issues that are of great concern to the residents of both Sudbury and Concord. For the past five (5) months the Planning Board has actively explored land-use alternatives for this site, which would find a zoning combination that would permit development of the property without placing an undue burden on the property owners, the taxpayers of Sudbury and Concord, or on the natural resources that depend heavily on this land for protection. In this effort many formal meetings have taken place, and the Planning Board is presently evaluating the information obtained from these meetings, as well as from the HMM Traffic Study and the Mott Hydrology Report. The Planning Board is scheduled to present an alternative zoning proposal at the 1990 Annual Town Meeting or at a Special Town Meeting in the spring, that will reflect the views of the property owners, as well as that of the Planning Board, Conservation Commission, Water District, Board of Health, Board of Selectmen and Public Safety Officials of both Sudbury and Concord. This proposal will be subject to review and evaluation by a third party professional having expertise in land-use marketing, environmental protection and related disciplines. At this point of the report, portions of a letter for Unisys to the Board of Selectmen was read into the report which indicated that Unisys would institute court action against the Town if Article 6 is not approved by this Town Meeting. The Planning Board expressed hope that Unisys would continue to exercise restraint and agree to work with both Towns to protect the natural resources that are vital to future generations of the two communities. The Planning Board supported the motion to be presented by the Board of Selectmen to refer this article back for further work by both the Planning Board and the Board of Selectmen.

Ms. Judy Cope of the Board of Selectmen moved to refer the matter to the Selectmen and the Planning Board who shall establish a committee which shall include representatives of the Unisys Corporation for the purpose of developing a land use objective for the property now located in Research District #1, identifying that objective by Dec. 20, 1989 and submitting a zoning article incorporating that objective for action at the April 1990 Annual Town Meeting.

In support of this motion, Ms Cope noted this article calls for a major zoning change, implications of which the various boards have had insufficient time to analyze. The proposed committee would know the townspeople's desires regarding this parcel, the precise financial implications, problems associated with crossing town borders, traffic and environmental issues. With help from Unisys and the Town of Concord, an organized definite plan could be developed. The Selectmen recommended support of this motion to refer.

Finance Committee: (J. Ryan)

The FinCom supported the motion to refer with the understanding that this matter would be dealt with by April 1990. It was the position of the FinCom that this matter must be resolved and cannot continue to linger within the Town especially considering the financial impact it may have on the Town through a number of different means.

Conservation Commission: (D. Montemerlo)

The Conservation Coordinator, speaking on behalf on the Commission, supported the motion of the Board of Selectmen

Richard Brooks of Russet Lane, a former member of the Planning Board, expressed his opinion that to refer this article was not necessarily the best way to go. He suggested the area should be residential, as the land in Concord is residential and will undoubtedly one day be developed as residential. He believed also that were this land rezoned tonight to residential, it would be most unlikely to be developed as limited industrial or as research, as no industry or organization of any substantial organization would be interested in investing in a large commercial building on a site that is nonconforming to the existing zoning. He reminded the hall that the people in the area have shown a strong distaste for anything except residential in recent years, so to commit to study is just delaying something that doesn't need to be delayed. He recommended this motion be defeated and vote instead to re-zone the land back to residential.



October 18, 1989

156.

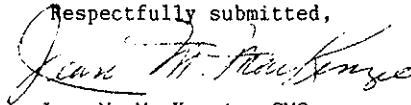
[The full discussion under this article is available at the Town Clerk's office.]

The motion to refer was *VOTED*.

A motion to dissolve the Special Town Meeting was received, seconded and *UNANIMOUSLY VOTED*.

The meeting was dissolved at 10:10 PM.

Respectfully submitted,

A handwritten signature in cursive script, reading "Jean M. MacKenzie".

Jean M. MacKenzie, CMC  
Town Clerk

Attendance: 139

SPECIAL TOWN ELECTION

157.

November 20, 1989

The Special Town Election was held at the Peter Noyes School with the polls open from 7 AM to 8 PM. There were 2,544 ballots cast including 59 absentee ballots. Ten voting machines were used. The results were announced by the Town Clerk, Jean M. MacKenzie at 8:45 PM.

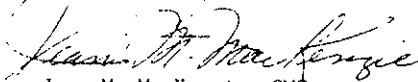
QUESTION 1

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 remodel, reconstruct and make extraordinary repairs to the Nixon and Noyes School buildings (including asbestos removal) and the building or buildings to which the School Department Administrative Offices will be relocated; and to purchase additional equipment and furnishings for the Nixon and Noyes School buildings, as voted and approved by the October 17, 1989 Special Town Meeting under Article 5.

YES 1,327

NO 1,217

A true record, attest:



Jean M. MacKenzie, CMC  
Town Clerk