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LBD #1 - Enlarge, North Side of Rt. 20 (Westerly end) (Art. IX,II.C)	STM 9	144	Def
LBD #1 - Enlarge, South Side of Rt. 20 (Westerly end) (Art. IX,II.C-C)	STM 10	148	Def
LBD #5 - Delete Portion of (Art. IX,II,C)	40	86	
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RD #1, Delete (Art. IX,II.C)	STM 2	137	Def
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Def Defeated
 IP Indefinitely Postponed
 Ref Referred for Further Study
 W Withdrawn

ANNUAL TOWN ELECTION

March 26, 1990

The Annual Town Election was held at the Peter Noyes School. The polls were open from 7 AM to 8 PM. There were 3,034 votes cast, including 94 absentee ballots. Twenty-one voting machines were used. The results were announced by Town Clerk, Jean M. MacKenzie at 10:54 PM.

MODERATOR: FOR ONE YEAR

Thomas G. Dignan, Jr.	2,416
Scattering	1
Blanks	617

SELECTMEN: FOR THREE YEARS

John C. Drobinski	2,148
Scattering	2
Blanks	884

ASSESSORS: FOR THREE YEARS

Thomas H. Hillery	1,821
Scattering	0
Blanks	1,213

ASSESSORS: FOR TWO YEARS

Fred N. Haberstroh	1,711
Scattering	3
Blanks	1,320

ASSESSORS: FOR ONE YEAR
(write-in)

David E. Tucker	16
Scattering	1
Blanks	3,017

CONSTABLE: FOR THREE YEARS
(write-in)

Charles T. Cormay	2
Robert A. Lancaster	1
Richard A. MacLean	7
Scattering	0
Blanks	3,024

CONSTABLE: FOR TWO YEARS
(write-in)

Charles T. Cormay	4
Richard A. MacLean	3
Robert M. Radle Jr.	1
Scattering	0
Blanks	3,026

CONSTABLE: FOR ONE YEAR
(write-in)

Charles T. Cormay	1
Robert A. Lancaster	1
Richard A. MacLean	1
Scattering	0
Blanks	3,031

GOODNOW LIBRARY TRUSTEE: FOR THREE YEARS
(Vote for no more than two)

Richard H. Goldberg	1,462
Hale Lamont-Havers	1,572
Corinne R. Nichols	1,204
Scattering	0
Blanks	1,830

BOARD OF HEALTH: FOR THREE YEARS

Hugh P. Caspe	1,957
Scattering	1
Blanks	1,076

HIGHWAY SURVEYOR: FOR ONE YEAR

Robert A. Noyes	1,996
Spencer R. Goldstein	894
Scattering	0
Blanks	144

BOARD OF PARK & RECREATION COMMISSIONERS:
FOR THREE YEARS

Patricia H. Burkhardt	1,951
Scattering	0
Blanks	1,083

PLANNING BOARD: FOR THREE YEARS

Irwin Abrams	1,250
David J. Lyons	1,343
Scattering	0
Blanks	441

SUDBURY SCHOOL COMMITTEE: FOR THREE YEARS
(Vote for no more than two)

Edward S. Campbell	1,523
Vicki Hammel	1,961
Carl D. Offner	1,396
Scattering	0
Blanks	1,188

ANNUAL TOWN ELECTION
(continued)
March 26, 1990

LINCOLN-SUDBURY REGIONAL DISTRICT
SCHOOL COMMITTEE: FOR THREE YEARS
(Vote for no more than two)

Phyllis Rappaport	1,575
Frederick Pryor	1,893
Scattering	0
Blanks	2,600

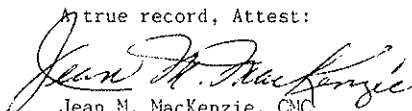
(NOTE: Members of the Lincoln-Sudbury Regional School District School Committee were elected on an at large basis pursuant to the vote of the Special Town Meeting of October 26, 1970, under Article 1, and subsequent passage by the General Court of Chapter 20 of the Acts of 1971. The votes recorded above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

QUESTION 1

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to construct a new Fire Headquarters to be located on Town-owned land off Hudson Road and adjacent to Musketahquid Village to purchase equipment and furniture for use therewith, to landscape said facility, and to pay for all expenses connected therewith?

YES	1,565
NO	1,235
BLANKS	234

A true record, Attest:


Jean M. MacKenzie, CMC
Town Clerk

TOWN OF SUDBURY
ANNUAL TOWN MEETING
PROCEEDINGS
APRIL 2, 1990

The Annual Town Meeting of the Town of Sudbury was called to order by Thomas G. Dignan, Jr., the Town Moderator, at 7:35 P.M. at the Lincoln-Sudbury Regional High School Auditorium. A quorum was declared present.

The Reverend David A. Purdy, Pastor of the Sudbury United Methodist Church gave the invocation. Aaron Clark, a student at Lincoln-Sudbury Regional High School led the hall in the Pledge of Allegiance to the Flag.

The Moderator announced the Town Accountant had certified Free Cash in the amount of \$331,142. The Call of the Annual Town Meeting, the Officer's Return of Service and the Town Clerk's Return of Mailing were examined by the Moderator and found all to be in order.

Upon a motion by David Wallace, it was

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

The Moderator then introduced the various town officials and committee and board members present and the visiting students of the Foreign Student Exchange Program.

Selectmen John Drobinski made 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 SERVICES AND DEDICATION;

*CESIDIO CEDRONE
MARY V. EARLY
GUERNSEY L. FROST
RICHARD C. HILL
GRACE E. HORTON
EDWARD J. MC CARTHY
NICHOLAS S. POLIO
REV. STANLEY G. RUSSELL
ALBERT J. SKAVICIUS
RALPH W. STONE, JR.
WILLIAM F. TOOMEY
WALTER BURGESS WARREN*

AND BE IT FURTHER

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

*UNANIMOUSLY VOTED
ANNUAL TOWN MEETING 1990*

APRIL 2, 1990

Following, the Moderator instructed the hall as to procedures that would govern the Annual Town Meeting.

Next order of business was the State of the Town message by Selectman John Drobinski.

State of the Town

The Board of Selectmen would like to take this opportunity to thank all those who have spent many hours to bring the work of this complex Town Meeting to you tonight: the Finance Committee especially, for all its budget work; the Moderator for his pre-town meeting appearances to explain this year's complex new budget voting procedure; our office staff, especially Jan Silva; Town Counsel's office and also many others. We appreciate the laborious effort, which is often overlooked, that goes into producing the Warrant and other arrangements for a Town Meeting. We would also like to give special recognition and a big "Thank you" to the Sudbury League of Women Voters for all their efforts to help bring the attention of the public to our fiscal plight and need for a general override.

We were very pleased that at the Town Election the voters approved the debt exemption for a new Fire Headquarters off Hudson Road. The plans for a new central Fire Headquarters started some twenty-three years ago under Chief Albert St. Germain, then continued under Chief Josiah Frost, and hopefully will be finalized under Chief Michael Dunne. We commend them for their perseverance, but the job is not done. We still need a two-thirds vote of this Town Meeting to write the final chapter--the authorization of construction funding. We hope you will vote favorably on Article 24 to make this long-awaited project a reality.

Our five-year Financial Planning Group, made up of school and town officials, has stated, that with current projected revenues, an override will be needed for two or three years. These projections do not include salary increases which, of course, is not realistic over the long term. As our fiscal problems will continue, our unified support to save our Town and schools must also continue.

This year's financial picture is going to be more complex than any other. As you know, the September 12, 1989, Special Town Meeting was called because of a reduction in local aid of over \$700,000. We balanced our fiscal year 1990 budget, but in doing so reduced our available funds for the fiscal year beginning July 1, 1990.

The major problem facing us is finding funds to run our Town government without cutting services and losing valued employees--although we have greatly reduced our spending levels, it is certain there are not enough available funds to continue current services without a Proposition 2½ override.

In conclusion, as stated earlier in this speech, we must continue to make the local voter aware of our need between now and the special Election called for May 14, at which time we seek approval for a general override to implement whatever this Town Meeting decides is prudent for our future spending plan.

And finally, we must all work together to make sure our Town Government is responsive to the needs of the Community.

APRIL 2, 1990

(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 1989 Town Report or as otherwise presented; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Dr. William Adelson, due to long-standing travel plans, was unable to be in attendance at Town Meeting. However, through modern day technology, he made the motion under Article 1 via videotape which was shown on the large screen at the Lincoln-Sudbury auditorium.

He moved to accept the reports of the Town boards, commissions, officers, and committees as printed in the 1989 Town Report or as otherwise presented, subject to the correction of errors, if any, where found.

This motion was *UNANIMOUSLY VOTED*.

The Sudbury Housing Authority, as requested at the September 1989 Special Town Meeting, presented next its long term plan for affordable housing in the Town. (The full report is available at the Town Clerk's office.)

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: 2 and 36.

UNANIMOUSLY VOTED: TO TAKE ARTICLES 5, 10, 11, 15, 17, 38 AND 39 OUT OF ORDER AND CONSIDER THEM TOGETHER AT THIS TIME.

UNANIMOUSLY VOTED: IN THE WORDS OF THE CONSENT CALENDAR MOTIONS AS PRINTED IN THE WARRANT FOR THESE ARTICLES: 5, 10, 11, 15, 17, 38 AND 39.

(See individual articles for reports and motions voted.)

APRIL 2, 1990

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, 1990, 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.

Chester Hamilton, Town Treasurer, *moved in the words of the Article.*

Finance Committee Report: (Richard Pettingell) Recommended approval.

Board of Selectmen Report: (John Drobinski) Recommended approval.

Motion Under Article 2 was *VOTED*.

ARTICLE 3. ACCEPT CHAPTER 653, SECTION 41, OF THE ACTS OF 1989 - QUARTERLY TAX BILLING

To see if the Town will vote to accept the provisions of Section 41 of Chapter 653 of the Acts of 1989, amending Chapter 59 of the General Laws by adding a new section 57C, enabling quarterly billing by the Town of property taxes; or act on anything relative thereto.

Submitted by Petition.

Chester Hamilton, Town Treasurer, *moved to accept the provisions of Section 41 of Chapter 653 of the Acts of 1989, amending Chapter 59 of the General Laws, by adding a new section 57C, enabling quarterly billing by the Town of property taxes.*

Mr. Hamilton expressed his strenuous support for this article explaining that in the long run there were only advantages to the taxpayer, as the quarterly method of collecting taxes will greatly increase the Town's cash flow, and save on the interest for short-term borrowing.

Finance Committee Report: (C. Corkin) The Committee strongly recommended approval.

Board of Selectmen Report: (J. Drobinski) Enthusiastically supported this motion.

Richard Venne of Maybury Road, former Town Selectman, stood in opposition to this motion and described this as a creative tax collection method and asked instead for a more creative town government. Asking taxpayers to take from their savings on a quarterly basis, was an additional cost to the taxpayer. He expressed the desire to see taxes once again be collected annually and observed that the new bills no longer provide a breakdown on the evaluations placed on property and land.

The motion under Article 3 was *VOTED*.

APRIL 2, 1990

7.

ARTICLE 4. AMEND BYLAWS, ART. XI - PERSONNEL ADMINISTRATION PLAN

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

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

"1990 - 1991
SCHEDULE A - CLASSIFICATION PLAN
AND SCHEDULE B - SALARY PLAN

GRADE 1	GRADE 8 Conservation Coordinator Director, Council on Aging
GRADE 2 Clerk I Switchboard Operator/Receptionist	GRADE 9 Administrative Assistant to the Board of Selectmen Assistant Library Director Senior Librarian
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)

* NOTE: UNION POSITIONS, INDIVIDUAL CONTRACTED POSITIONS, AND ELECTED POSITIONS ARE GRADED FOR ADVISORY PURPOSES ONLY.

APRIL 2, 1990

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	17,863	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	

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GRADE	MINIMUM		INTERMEDIATE STEPS					MAXIMUM
	1	2	3	4	5	6	7	
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	
<u>MAXIMUM</u>						
<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

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CLASSIFICATION	HRS/WEEK	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
<u>FIRE DEPARTMENT</u> cont'd						
SINGLE RATED						
Call Firefighter		\$118.48/YR	\$11.40/HR			
OTHER SINGLE RATED						
Fire Prevention Officer			700/YR			
Fire Alarm Superintendent			700/YR			
Master Mechanic			700/YR			
Fire Dept. Training Officer			700/YR			
Emergency Med. Tech. Coord.			700/YR			
Fire Alarm Foreman			400/YR			

NOTE: HOURLY RATES ARE OBTAINED BY DIVIDING THE ANNUAL RATES BY 52.2 WEEKS AND 42 HOURS PER WEEK. OVERTIME PAY IS CALCULATED BY MULTIPLYING 1.5 TIMES THESE HOURLY RATES.

POLICE DEPARTMENT

ANNUALLY RATED

Sergeant						
Hourly	37.33	15.67	16.04	16.41	16.78	17.12
Annual		30,543	31,250	31,981	32,701	33,353

Patrolman

Hourly	37.33	13.06	13.36	13.68	13.99	14.26
Annual		25,451	26,039	26,652	27,252	27,793

NOTE: HOURLY RATES ARE OBTAINED BY DIVIDING THE ANNUAL RATES BY 52.2 WEEKS AND 37.33 HOURS PER WEEK. OVERTIME PAY IS CALCULATED BY MULTIPLYING 1.5 TIMES THESE HOURLY RATES.

SINGLE RATED

Matron	\$10.62/HR
Crime Prevention Officer	700/YR
Photo/Fingerprint Officer	700/YR
Juvenile Officer	700/YR
Safety Officer	700/YR
Detective	700/YR
Training Officer	700/YR
Parking Clerk	700/YR
Mechanic	700/YR
Fire Arms Instructor	700/YR

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<u>HIGHWAY DEPARTMENT</u>	<u>START</u>	<u>STEP 1</u> After 6 mos.	<u>STEP 2</u> After 1 yr.	<u>STEP 3</u> After 2 yrs.	<u>STEP 4</u> After 3 yrs.	<u>STEP 5</u> After 4 yrs.	<u>STEP 6</u> After 5 yrs.
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	12.65
Tree Surgeon	10.62	10.92	11.16	11.53	11.90	12.28	12.65
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.

<u>SUDBURY SUPER. ASSOC.</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>
Library Director	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.

<u>ENGINEERING ASSOC.</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>
E-1 Engineer, Aide I	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

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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		

PARK & RECREATION DEPT.

ANNUALLY RATED	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Recreation							
Dir, P/T	10,330	10,745	11,279	11,866	12,461	13,084	13,738

SEASONALLY RATED	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
Camp Supervisor	2,205	2,296	2,409	2,531	2,660

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
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						MAXIMUM
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	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.	Fees
Assistant Dog Officer	8.99/HR when called";

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- B. By amending Section 4, "Salary Plan," by adding at the end of subsection (1) "Application", the following paragraph:

"Effective July 1, 1990, in the event that an employee is absent from work, on paid leave, unpaid leave of absence, or otherwise, for a continuous period of more than three months, the employee's anniversary date of hire, for purposes of receiving step increases and longevity pay, shall be permanently deferred by the period that the employee was absent from work, and the employee shall receive further step and longevity increases based on the new anniversary date of hire.";

- C. By adding a new Section 12 entitled "Temporary Salary Freeze - Fiscal Year 1991", as follows:

"Notwithstanding the Salary and Classification Plan or any other provision of the Personnel Administration Plan, no employee shall receive a step increase or an increase in longevity pay during, or for service rendered in Fiscal Year 1991.

Notwithstanding the Salary and Classification Plan or any other provision of the Personnel Administration Plan, no employee whose position is reclassified or who is promoted to a higher rated position shall receive the higher rate of pay during, or for service rendered in the 1991 Fiscal Year, except an employee who is promoted into a vacant position which existed as of June 30, 1990 and for which full funding has been appropriated for Fiscal Year 1991.";

and by renumbering present sections 12 and 13 accordingly;

or act on anything relative thereto.

Submitted by the Personnel Board

Brad Brown, Vice-Chairman of the Personnel Board *moved in the words of the article.*

Finance Committee Report: (C. Corkin) Recommended approval.

Board of Selectmen: The Board had no report.

Town Counsel instead stated "There were two changes at the end of this Article that had some legal overtones that affect specifically the Board of Selectmen, in regards to collective bargaining. He noted the Board of Selectmen was requesting it be recorded as opposed to this article since there is a duty upon them to fund and seek funding of collective bargaining agreements. We are not sure from a legal standpoint that these do affect that requirement because the collective bargaining agreements will supercede any Personnel Bylaw in the Town. However, it is incumbent upon the Selectmen to be recorded against this article." He added, "The Selectmen wish to be recorded as against adoption."

Town Clerk, Jean MacKenzie *moved to delete Section C, Temporary Salary Freeze, Fiscal Year 1991 in its entirety and the renumbering of sections 12 and 13.*

In support of this motion, the Town Clerk stated she was not an advocate for salary increases, but was seeking fairness in this issue of salary freezes. The Personnel Bylaw amendment would place the non-union employees of the Town in the untenable position of being discriminated against, which she did not believe was the intent of the amendment, but as it happened it was the situation. Article 4, as printed in the Warrant, is confusing in that five of the Town's seven unions have their job positions and salary rates listed. When in fact, the Personnel Bylaw has no jurisdiction whatsoever over any union position or salary rate. Why then, are they listed in the middle of the Personnel Bylaw Article. It is misleading to say the least. By the time you get to page 19, it is very easy to misinterpret and think the proposed section "C" applies to

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all town employees, when in fact it effects only the non-union town employees, a very small number of people. Union personnel, employees with individual contracted positions, and elected officials do not come under the jurisdiction of the Personnel Bylaw. Why then do I oppose this section on a "Temporary Salary Freeze" that's being proposed?

The Clerk clearly noted she was not opposed to a salary freeze. With the State and the Town both in such financial crises and inflation continuing its upward spiral, I believe sacrifices are expected of everyone. Such salary freezes hurt and hurt badly, especially when one is totally dependent upon his or her salary exclusively. When I met with the FinCom in January of 1989, for the present FY90 budget, I suggested to them they should consider proposing a salary freeze on all town employees, across the board, without exception. I was told this was a good idea, however, it was not possible, because of the unions. I mentioned that possibly it could be asked of the union people to take a one-year moratorium on their salary contracts.

This year, the FinCom asked me if I would consider a salary freeze. I reminded them it was I who proposed such a measure the year before. I assured them I had not changed my mind, but once again, such a freeze would have to be across the Board for all town employees--to be fair and equitable.

Unfortunately, this bylaw amendment would enforce a salary freeze only on those town employees who do not belong to a union. Those town employees who do not have individual contracted positions. In other words, this amendment would negatively impact only a very few people, the lowest salaried people in the town--the ones not protected by unions or individual contracts. I ask you. Is this fair? Is this equitable?

I have spoken with members of both the FinCom and the Personnel Board these past few days and asked them why this amendment was necessary, when the non-override budget being presented in Article 6, does not provide any additional funds for step increases or longevity? I believe this clause is redundant, it is not needed. If there are no funds, there can be no salary increases. It is as simple as that. It is not logical to have an amendment on salary freezes that is binding only on the non-union people.

I inquired as to what assurances there are that all other town employees will abide with a salary freeze. There are no such assurances. It has been said the central administrators of the School System, have agreed to a salary-freeze, yet the FinCom stated it was not possible to have anything in writing. For each and every individual contractual position, there must be something in writing otherwise these contracts with their escalating clauses, remain in force.

The Town Clerk reported she had been told "Section C" had to be in place for the purpose of negotiating with the unions. The implication being there will be more leverage with the unions with such a clause in place. She asked the hall if anyone truly believed the unions cared or were concerned about a handful of non-union people. She disagreed with that theory and commented that unions care only for their own people and they work diligently on their behalf, as that is their job.

She was also told this "Section C" was "symbolic". She asked the hall again as to where the logic was in all of this. To take a small group of non-union clericals and penalize them, makes no sense. These are the people who can least afford a salary freeze, yet they make a major contribution to the town. These are the ones who are underpaid and the ones this bylaw will affect.

Going on the premise that an override will be successful, there are no provisions in the contingency budgets for the non-union personnel.

She asked the hall if they saw any monies allocated for the clerical people in the departments of the Board of Assessors, Tax Collector, Treasurer, Board of Health, Town Clerk and so forth? They would not benefit from the override. The contingency budgets exclude them and this proposed bylaw amendment will seal their doom for one full year.

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Were there monies to be made available, from some unknown source, they could not be used for these non-union people, if this "Section C" is approved. A special Town Meeting would have to be convened to delete "Section C" before the Town employees could share in whatever monies could possibly be made available. The Town Clerk asked the voters if they could see themselves, in these times of serious financial constraints, attending a Special Town Meeting to give a salary increase to non-union personnel, because some monies were located?

However, she pointed out, there was a far more kindly approach to this salary freeze issue for all those who fall into any other category, but "non-union". She indicated the last paragraph on page 3 of the Warrant in the FinCom Report whereby it was stated "...funding for any negotiated salary increases for both union and non-union employees, will either have to be appropriated by the Town at a Special Town Meeting at the conclusion of the negotiation process or come out of the budget voted by the 1990 Annual Town Meeting."

The Town Clerk commented "This says it all. As I said before, certainly in such times where the money is just not there, I find it difficult to believe anyone would call a Special Town Meeting to increase Town employees' salaries." This statement, she noted, invites departments with large enough budgets to defer using some of their appropriated "expense" money, where possible, and use it instead for salary increases, with the approval of the FinCom.

Were this to happen, once again, the non-union people would be cheated. There is no give to the budgets of the smaller departments. They are bare bones. Speaking for my department only, were monies to become available in my budget, there could be no salary increases, because it would be unethical and wrong to go against the vote of Town Meeting.

Mrs. MacKenzie urged the voters not to make scape goats of the non-union personnel, and not accept the arguments they will become a bargaining tool for the side of management with union employees.

It was pointed out by the Town Clerk that the matter under discussion here was "principle" not money. In reality, the total amount involved for step increases and longevity for these non-union employees, amounts to \$20,000. \$18,000 for step increases and \$2,000 for longevity. Talking percentages that amounts to .00079 percent of the town's projected \$25 million dollar plus operating budget.

In closing, the Town Clerk commented how often there are heard comments about the absence of the work ethic. She noted that it still exists, especially with the Town's non-union personnel. They are the backbone of this Town Government. Without them, the Town could not function. They have not organized, nor have they placed demands upon the Town. But this type of an amendment may cause them to re-think their situation and the Town would be the loser. We do not need another union. What is needed is equitable treatment for all employees. These hard-working, underpaid non-union people are deserving of fairness. She asked for the hall's support for this motion to amend.

Richard Pettingell, Chairman of the Finance Committee, responded that it was the intent of the Committee for an across-the-board wage increase. However, the only way this could be accomplished was by passing Paragraph C of this Article. Without this Paragraph C the steps and longevity payments will, by virtue of the Town's bylaw, be payable to non-union employees. Union employees are an entirely different matter, as all union contracts are up for renegotiations. It had been requested of the Selectmen to terminate all union contracts as opposed to renegotiating them, which would allow step increases and longevity to be matters of negotiation. Mr. Pettingell further noted no monies had been recommended in Article 6, the Budget, for any town department's salary increases or steps or longevity for union or non-union personnel.

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A question was raised as to the Police Chief's recommended salary which indicated an 8% increase.

Mr. Pettingell responded by saying in the interest of fairness to any Town employee, "be it the Police Chief or anyone else who receives a step increase by virtue of their date of hire which takes place before the end of the fiscal year, that will be carried forward into the next year." Mr. Pettingell stated that if the Police Chief's salary indicated such an increase, it was a result of that process.

Bill Maurhoff of Goodmans' Hill Road inquired if union negotiations do result in increases of some type that would have to be ratified at a Special Town Meeting, and if the voters were opposed to the increases, what is the alternative--a reduction of positions or what?

Mr. Pettingell deferred to Town Counsel to answer. Town Counsel, Paul Kenny, opined "I think that the answer to that question is "Yes" or the money would be found somewhere else in the budget with the accompanying reduction."

Roger Freeman of Cider Mill Road inquired if the "contracted" people would also be included in the salary freeze. Mr. Pettingell stated he had been advised that there really isn't such a category, except perhaps the Executive Secretary. Mr. Freeman pointed out that Superintendent Jackson was under contract. Mr. Pettingell stated he could not answer that question, but it was his understanding that Dr. Jackson would be accepting a salary freeze voluntarily.

Richard Payne of Thoreau Way inquired as to who would be representing the Town at the Unions negotiations and what would be his "marching orders"?

Town Counsel, Paul Kenny, responded on behalf of the Board of Selectmen by stating "The Board of Selectmen negotiate with the various unions with the exception of the teachers in the schools." After further questioning, Mr. Kenny commented that "The Selectmen take their negotiations very seriously and do what is in the best interests of the Town at all times."

Jim Bucknam of Firecut Lane inquired as to why the salaries for the Chief of Police, Fire Chief and Executive Secretary were considerably over the maximums as indicated in the Plan included in this Article 4. He asked if Paragraph "A" passed, would their salaries be frozen at something below what is in their individual budgets?

Town Counsel answered "The document is as it says it is. It is a plan and amendments take place in various ways over the year. In the event that salary increases are made during the year, they come before the Town Hall--Town Meeting at the end of the year, normally those are in the area of union people but the document itself is a plan, and that is what it is."

Jim Flanagan of the School Committee stated that Superintendent Jackson's contract was negotiated for three years in 1988. Fiscal '91 would call for a 6% increase. However, there being no funds in the budget, he fully expected to have a contractual agreement whereby there would be no increase in Jackson's salary next year.

Fire Chief Dunne inquired of Town Counsel if the union salaries, as the Town Meeting had been told by the Finance Committee, would be effectively frozen on July 1st?

Town Counsel, Paul Kenny, opined "To my understanding that the collective bargaining agreements are up on June 30th and new agreements will be negotiated for the upcoming year, nothing has been done since the Selectmen are required by law to bargain in good faith with respect to salaries, wages and other conditions of employment with the various unions. The Firefighters' Union would be one of those."

Chief Dunne accepted this answer to mean longevity increases, career incentive increases, etc., would be frozen as of July 1, whereupon Kenny said "Just the opposite". Asked again by Dunne if the firemen would receive those increases, Kenny said "It will depend on what is negotiated in the collective bargaining agreement for next year." Once again Dunne inquired "Absent collective bargaining, what happens on July 1? When I sign the payroll on July 1 and I have people that are due step increases, do they get those increases or not?"

Kenny replied "In order to answer your question, Chief, I would have to have the collective bargaining agreement in front of me. I would have to see who was due what, where and I think that I will have to ask the Moderator to end this line of questioning with respect to collective bargaining because it is inappropriate to do that in this

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fashion." To that comment Chief Dunne stated he supported Town Clerk MacKenzie's motion.

The motion to amend Article 4 was *VOTED*.

A counted vote was taken also. The counted vote was recorded as follows:

Total vote: 368 YES: 222 NO: 136

The main motion under Article 4, as amended, was *VOTED*.

ARTICLE 5. UNPAID BILLS

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

Submitted by the Town Accountant

Town Account 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.

Finance Committee Report: RECOMMENDED APPROVAL

UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE TO APPROPRIATE \$68 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:

*\$ 9.83 to pay Daniel Loughlin (Assessors)
\$57.75 to pay Frank W. Riepe (Planning Board)*

(Consent Calendar)

At this time in the proceeding, Chairman John Drobinski *moved to postpone action on Article 6, the Budget, until the first order of business tomorrow evening.*

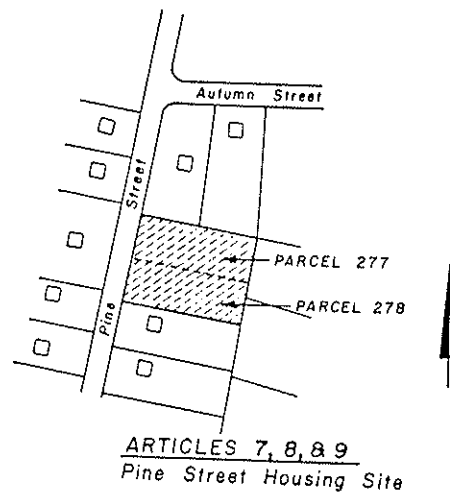
This motion was seconded and *VOTED*.

APRIL 2, 1990

ARTICLE 7. TAX TITLE CLARIFICATION

To see if the Town will vote to authorize and direct the Selectmen to acquire by a taking by eminent domain, in fee simple, the land on Pine Street containing approximately .90 acres, shown as parcels 277 and 278 on Town Property Map H04, and to raise and appropriate, or appropriate from available funds, \$500, or any other sum, therefor and all expenses in connection therewith; or act on anything relative thereto.

Submitted by the Sudbury Housing Authority



Steven Swanger of the Sudbury Housing Authority moved to authorize and direct the Selectmen to acquire by a taking by eminent domain, in fee simple, the land on Pine Street containing approximately .90 acres, shown as parcels 277 and 278 on town property, Map H04, to remove a cloud on the Town's title resulting from the description contained in a prior tax taking which may or may not be cured as a result of the Town's ownership by adverse possession; and to appropriate the sum of \$500 therefor and all expenses in connection therewith, said sum to be raised by taxation.

Sudbury Housing Authority Report: This Article allows the Town another option to correct a technical defect which occurred in the 1933 tax taking of this parcel if the legal action now in place is not successfully concluded.

Finance Committee Report: (Robert Coe) Recommended approval

Board of Selectmen: (David Wallace) Recommended approval of this Article and the following two articles.

Town Counsel, Paul Kenny, provided the following clarification: "There was some concern raised with respect to eminent domain but eminent domain on this particular piece of property would be done to clear the title, and the onus of eminent domain and the cost associated therewith is not only minimal but probably nonexistent."

The motion under Article 7 was UNANIMOUSLY VOTED.

APRIL 2, 1990

ARTICLE 8. TRANSFER LAND TO SELECTMEN FOR SALE TO SHA - PINE STREET

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

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

or act on anything relative thereto.

Submitted by the Sudbury Housing Authority

Steven Swanger of the Housing Authority *moved* to transfer from the control of the Selectmen to the Selectmen for the purpose of sale to the Sudbury Housing Authority for the construction of family housing, the following described parcel of land:

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

to be acquired by eminent domain under the authorization of Article 7 to remove a potential cloud in the title as set forth in the vote under Article 7.

Sudbury Housing Authority Report: (See report under Article 9)

Finance Committee Report: (R. Coe) Recommended approval

Board of Selectmen: (D. Wallace) (See report under Article 7)

The motion under Article 8 was *UNANIMOUSLY VOTED*.

APRIL 2, 1990

ARTICLE 9. AUTHORIZE SALE OF LAND TO SHA - PINE STREET

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

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

or act on anything relative thereto.

Submitted by the Sudbury Housing Authority

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

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

Sudbury Housing Authority Report: These Articles repeat Articles 26 and 27 voted affirmatively by the April 1988 Annual Town Meeting. Since that vote, a defect has surfaced affecting the Town's title to the property acquired through a 1933 tax taking, and legal action has been instituted to validate the Town's possession. Therefore, these Articles have been submitted for 1990 Annual Town Meeting affirmation, contingent upon the successful conclusion of this legal action, so that the process required for transfer to the Sudbury Housing Authority takes place in the proper sequence.

Board of Selectmen Report: Recommended approval

Finance Committee Report: (R. Coe) Recommended approval

The motion under Article 9 was *UNANIMOUSLY VOTED*.

APRIL 2, 1990

ARTICLE 10. TRANSFER LAND TO SELECTMEN FOR SALE TO ABUTTER - HORSE POND ROAD

To see if the Town will vote to transfer from the control of the Selectmen to the Selectmen for the purpose of sale to Frederick and Laura McCarthy of 11 Elliot Road, the following described land:

A portion of the land adjacent to the Massachusetts Firefighting Academy containing approximately 2,780 square feet more or less, being a portion of the entire site shown as Parcel 036 on Town Property Map K06 and more particularly described as Parcel 1B on a plan entitled "COMPILED PLAN OF LAND IN SUDBURY, MASSACHUSETTS SHOWING LAND TO BE CONVEYED BY THE TOWN OF SUDBURY," dated December 28, 1989, Scale: 1 in. = 40 ft., prepared by the Town of Sudbury Engineering Department;

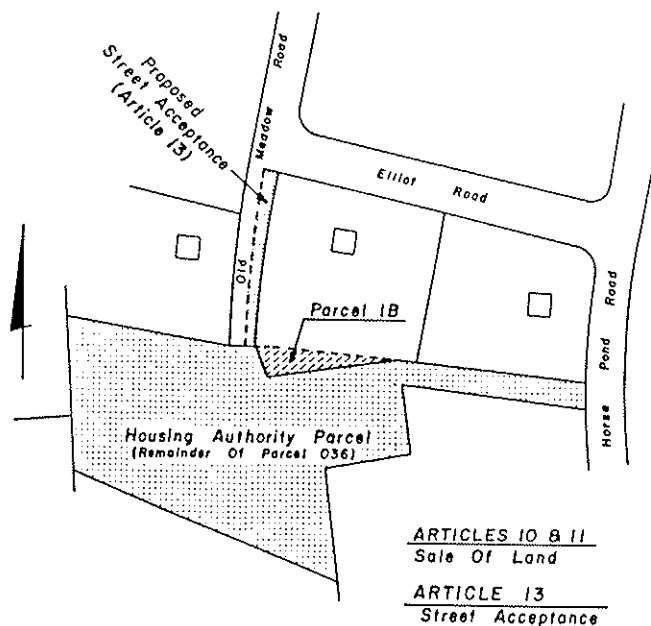
or act on anything relative thereto.

Submitted by the Sudbury Housing Authority

Sudbury Housing Report: (See report under Article 11)

Board of Selectmen Report: Recommended approval

Finance Committee Report: Recommended approval



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

APRIL 2, 1990

ARTICLE 11. AUTHORIZE SALE OF LAND OFF HORSE POND ROAD TO ABUTTER

To see if the Town will vote to authorize the Selectmen, acting on behalf of the inhabitants of Sudbury, to execute a deed conveying in fee simple the following described land to Frederick and Laura McCarthy of 11 Elliot Road, for a sum of no less than \$1.00 and upon such other terms as the Selectmen shall consider proper:

A portion of the land adjacent to the Massachusetts Firefighting Academy containing approximately 2,780 square feet more or less, being a portion of the entire site shown as Parcel 036 on Town Property Map K06 and more particularly described as Parcel 1B on a plan entitled "COMPILED PLAN OF LAND IN SUDBURY, MASSACHUSETTS SHOWING LAND TO BE CONVEYED BY THE TOWN OF SUDBURY," dated December 28, 1989, Scale: 1 in. = 40 ft., prepared by the Town of Sudbury Engineering Department;

or act on anything relative thereto.

Submitted by the Sudbury Housing Authority

Sudbury Housing Authority Report: Town Meeting of April 1988 voted to transfer one to two acres of land adjacent to both the Firefighting Academy and the McCarthy's back yard to the Sudbury Housing Authority for the purpose of constructing one duplex house. The intended access is off the end of Old Meadow Road, which is paved to a width of 18-20 feet. However, it has come to the Town's attention that the deed for a portion of this paved area, ranging from nine to nineteen feet wide, which was accepted by Town Meeting in 1962, was not recorded. Nevertheless, the area to be deeded was paved and has been used as a portion of the public way since its construction. In order to correct the error, the Town must take that land under the street by eminent domain under the Street Acceptance Article in the Warrant for this Town Meeting. In fairness to the McCarthy's, who would like to maintain a lot of the same square footage as they purchased in 1988, the Housing Authority has requested that the Town give the McCarthy's an amount of Town-owned land at the rear of their property which equals the amount being taken from the side of their property. This land was included in the area designated as the one to two-acre parcel voted to be transferred to the Housing Authority in 1988, and is not land that the Town would have retained.

Board of Selectmen Report: Recommended approval

Finance Committee Report: Recommended approval

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

APRIL 2, 1990

ARTICLE 12. ACCEPT G.L. CHAPTER 40 AMENDMENT - MAJORITY VOTE TO TRANSFER LAND FOR LOW AND MODERATE INCOME HOUSING

To see if the Town will vote to accept the provisions of Chapter 235 of the Acts of 1989, amending section 15A of Chapter 40 of the General Laws, to allow the Town to authorize the transfer of land for the purpose of constructing low and moderate income housing by a majority vote of Town Meeting; or act on anything relative thereto.

Submitted by the Sudbury Housing Authority

Section 15A of Chapter 40, second paragraph:

In any city or town which accepts the provisions of this paragraph, when land is being transferred for the purpose of constructing low and moderate income housing, the vote required of the city council or the town meeting shall be by a majority vote.

Sudbury Housing Authority Report: Currently a two-thirds Town Meeting vote is required when land owned by the Town is transferred to the Housing Authority (SHA) or Housing Partnership Committee (SHPC) for construction of affordable housing. The Commonwealth will pay for construction and maintenance of housing, but not for the purchase of land; therefore, the Town must donate land if Sudbury is to meet its affordable housing needs. Many communities throughout the Commonwealth have been unable to garner the two-thirds vote necessary for land transfer and so a bill was passed by the legislature last summer which changes the required vote to a simple majority for land transfers when the purpose is the construction of low and moderate income housing. This change does not take effect automatically, but must be voted upon and passed by Town Meeting in order to become effective in any given community.

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

Finance Committee Report: In the absence of any obvious financial impact on the Town, the Finance Committee took no position on this article.

Several citizens of the Town stood in opposition to this article as it would require a majority vote and not a two-thirds vote to transfer land to the Housing Authority for the construction of low and moderate income housing. Bill Cooper of Cedar Creek Road stated it was in the Town's best interest to retain land and to transfer it only by a two-thirds vote. Sidney Wittenberg of Surrey Lane stated the Authority in their zeal and desire for affordable housing, don't seem to understand their limits as to what they can handle. There is need for control, for better direction, for the benefit of the Town.

The motion Under Article 12 was defeated.

At this time, the Moderator introduced Beverly Bentley, Chairman of the 350th Anniversary Town Committee. Mrs. Bentley reported on the successful financial returns of the Celebration. Mrs. Bentley reported that \$26,000 had been raised over the past seven (7) years to fund the Celebration. Through the Committee's investment in the sale of memorabilia, such as T-shirts and many other items, and after having paid all their bills, the Committee realized a profit of \$29,877.76. \$14,877.67 was donated to the Wood-Davison Fund and \$15,000 was turned back to the Town to the General Fund as an offset to the amount of money that had been appropriated in 1988.

APRIL 2, 1990

ARTICLE 13. STREET ACCEPTANCES

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

SUFFOLK ROAD	From Belcher Drive to Ford Road, a distance of 693 feet, more or less;
BELCHER DRIVE	From the end of the public way of Belcher Drive to Ford Road, a distance of 2,491 feet, more or less;
RUN BROOK CIRCLE	From Fairbank Road to a dead end, a distance of 656 feet, more or less;
WEBSTER CIRCLE	From Phillips Road to a dead end, a distance of 1,004 feet, more or less;
PHILLIPS ROAD	From the end of the public way of Phillips Road to a dead end, a distance of 1,302 feet, more or less;
MARY CATHERINE LANE	From North Road, a distance of 1,065 feet, more or less;
WHITE OAK LANE	From Moore Road to a dead end, a distance of 1,490 feet, more or less;
LAUREL CIRCLE	From White Oak Lane to a dead end, a distance of 399 feet, more or less;
KATO DRIVE	From Goodman's Hill Road to a dead end, a distance of 2,264 feet, more or less;
KATO SUMMIT	From Kato Drive to a dead end, a distance of 255 feet, more or less;
CANDLEWOOD CIRCLE	From Peakham Road to a dead end, a distance of 326 feet, more or less;
WALKER FARM ROAD	From Goodman's Hill Road to a dead end, a distance of 956 feet, more or less;
OLD MEADOW ROAD (Portion)	From Elliot Road southerly to a dead end, a distance of 197 feet, on average, 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, \$1,400, or any other sum, therefor and all expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen

Judith Cope of the Board of Selectmen, *moved to postpone consideration of this article until the completion of business on Article 50.*

In explanation, it was stated that some unforeseen technical problems needed to be resolved before proceeding with this article. These should be all resolved in the next few days.

Finance Committee Report: (R. Pettingell) Recommended approval

The motion to postpone was *VOTED*,

(See page 100 for motion and vote on this article.)

APRIL 2, 1990

ARTICLE 14. METROWEST AND M.A.G.I.C. PLANNING FUNDS WITHDRAWNARTICLE 15. PURCHASE AMBULANCE RADIO & EQUIPMENT

To see if the Town will vote to raise and appropriate, or appropriate from the Ambulance Reserve for Appropriation Account, \$4,500, or any other sum, to be expended under the direction of the Fire Chief, for the purchase of a two-way radio and ambulance equipment; or act on anything relative thereto.

Submitted by the Fire Chief.

Fire Chief Report: Authorization is requested to use funds in the Ambulance Reserve for Appropriation Account to purchase a new two-way radio for the ambulance and to purchase medical supplies as needed. The price of the radio is approximately \$2,000; the present radio was purchased with our original ambulance in 1976 and is in need of replacement. The additional \$2,500 is the same amount as requested in FY90 and will be used to purchase equipment and supplies required to operate the ambulance by the State Department of Public Health (105 CMR 170.00). All funds collected by the Town for the use of the ambulance are deposited in the Ambulance Reserve for Appropriation Account, which was established to offset the cost of operating the ambulance without having to use tax dollars.

Board of Selectmen Report: Recommended approval

Finance Committee Report: Recommended approval

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE TO APPROPRIATE \$4,500, TO BE EXPENDED UNDER THE DIRECTION OF THE FIRE CHIEF, FOR THE PURCHASE OF A TWO-WAY RADIO AND AMBULANCE EQUIPMENT, SAID SUM TO BE RAISED BY TRANSFER FROM THE AMBULANCE RESERVE FOR APPROPRIATION ACCOUNT. (Consent Calendar)

ARTICLE 16. GASOLINE TANKS & PUMPS - REPLACEMENT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$70,000, or any other sum, for the removal of two gasoline tanks and pumps at the South Fire Station, 550 Boston Post Road, and for the removal of two tanks and pumps at the Highway Department, 275 Old Lancaster Road, and for the installation of one new gasoline tank with pump and one new diesel fuel tank with pump at the Highway Department, 275 Old Lancaster Road; or act on anything relative thereto.

Submitted by the Fire Chief and Highway Surveyor

Fire Chief Report: The Town presently has three gasoline tanks and one diesel tank on Town property which are approximately twenty years old. The life expectancy of a steel tank is twenty years and these tanks are reaching the end of their useful life. It is in the Town's best interest to replace these tanks before a leak occurs as the clean-up costs of a leak can be extremely high. This will remove the two tanks which are located at the South Fire Station in Water Resource Protection District No. 2, and place all the fuel tanks at the Highway Department garage. Since all town vehicles are now able to operate on unleaded gasoline, only one gasoline tank is needed. In order to meet new federal and state regulations, the new tanks will be double-walled fiberglass tanks with monitoring of the interstitial space to detect leaks.

APRIL 2, 1990

The Fire Chief moved to Indefinitely Postpone Article 16.

In explanation of this motion, the Chief stated there was need for firmer numbers on the cost of this project. The cost had risen considerably since the Warrant article was submitted.

Finance Committee Report: (J. Hepting) Recommended approval

Board of Selectmen: (J. Drobinski) Recommended approval

The motion under Article 16 to Postpone Indefinitely was *VOTED*.

ARTICLE 17. AMEND BYLAW, ART. V, PUBLIC SAFETY - GASOLINE TANK REMOVAL FEE

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article V, Public Safety, by adding thereto a new Section 26 entitled "Gasoline Storage Tank Removal Fee" to read as follows:

"Applications for underground gasoline tank removal or relocation permits under Massachusetts General Laws Chapter 148, §38A shall be accompanied by a per tank application fee as follows:

Tank size:	1 - 500 gallons	\$ 10.00
	501 - 1000 gallons	\$ 50.00
	over 1000 gallons	\$100.00";

any by renumbering present sections 26 through 29 accordingly; or act on anything relative thereto.

Submitted by the Fire Chief

Fire Chief Report: The Fire Department currently charges a \$10 fee for the removal of gasoline storage tanks. The actual time on site to monitor the removal and replacement of tanks varies from less than one hour to many hours depending on the tank sizes and problems encountered. Adoption of this fee will more accurately reflect the costs to the Town than the present fee system. This fee pertains only to gasoline storage tanks.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended approval

Town Counsel Opinion: It is the opinion of Town Counsel that, if the Bylaw amendment proposed in Article 17 in the Warrant for the 1990 Annual Town Meeting is properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed change will become a valid amendment to the Sudbury Bylaws.

UNANIMOUSLY VOTED: IN THE WORDS OF THE ARTICLE (Consent calendar)

APRIL 2, 1990

ARTICLE 18. PURCHASE VOTING EQUIPMENT WITHDRAWNARTICLE 19. SEPTAGE FACILITY CLARIFIER AND SLUDGE THICKENER

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$350,000, or any other sum, to be expended under the direction of the Operational Review Committee for the Wayland/Sudbury Septage Disposal Facility for the purchase of a back-up clarifier and sludge thickener unit, and to determine whether said sum shall be raised by borrowing or by appropriation from the Septage Disposal Facility Enterprise Account Reserve Fund; or act on anything relative thereto.

Submitted by the Operational Review Committee

Michael Guernsey of the Board of Health moved to authorize the appropriation of the sum of \$350,000, to be expended under the direction of the Operational Review Committee for the Wayland/Sudbury Septage Disposal Facility, for the design and construction of a backup clarifier and sludge thickener unit; and to fund payment of Sudbury's share of such sum and associated costs in accordance with section VI.A.2 of the Wayland/Sudbury Septage Disposal agreement, the Town of Wayland, as operator of the facility, is authorized to borrow \$350,000 pursuant to the Wayland/Sudbury Septage Disposal agreement in accordance with Massachusetts General Laws, Chapter 44, §7(9) and 8(15).

Operational Review Committee Report: When the Facility was designed and built, the design provided for equipment redundancy except for the primary clarifier, the sludge thickener, and the rotating biological contactor (R.B.C.). In recent years, repairs have been required on all three which necessitated temporary shutdowns of the pieces involved. Although the process can continue, it becomes difficult to maintain the quality of discharge that we expect. The O.R.C. and the Wayland Road Commissioners agree that a program to provide back-up equipment is necessary. This authorization will provide the Facility with a unit that could be used as either a primary clarifier or a sludge thickener; funding for the R.B.C. will be requested in the future. The cost for design and construction will be bonded with the Septage Facility Enterprise Fund paying off the bond.

Board of Selectmen Report: (J. Cope) Recommended approval

Finance Committee Report: Recommended approval

The motion under Article 19 was UNANIMOUSLY VOTED.

APRIL 2, 1990

ARTICLE 20. SEPTAGE FACILITY MECHANICAL BAR-SCREEN AND WEDGE WIRE COMPACTOR

To see if the Town will vote to authorize the expenditure, by borrowing or otherwise, of \$123,000, or any other sum, for the purchase of a mechanical bar-screen and wedge wire compactor for the Wayland/Sudbury Septage Disposal Facility and to authorize payment of Sudbury's share of such sum and associated costs in accordance with Section VI.A.2. of the Wayland/Sudbury Septage Disposal Facility Agreement; or act on anything relative thereto.

Submitted by the Operational Review Committee

Michael Guernsey of the Board of Health moved to authorize the appropriation of the sum of \$123,000 to be expended under the direction of the Operational Review Committee for the Wayland/Sudbury Septage Disposal Facility, for the purchase of a mechanical bar-screen and wedge wire compactor; and to fund payment of Sudbury's share of such sum and associated costs in accordance with section VI.A.2 of the Wayland/Sudbury Septage Disposal agreement, the Town of Wayland as operator of the facility, is authorized to borrow \$123,000 pursuant to the Wayland/Sudbury Septage Disposal Agreement in accordance with Massachusetts General Laws Chapter 44, §7(9).

Operation Review Committee Report: The Facility was provided with a bar-screen that is supposed to remove rags, large stones, pieces of plastic, etc. Unfortunately, it has never worked properly. The O.R.C. has always believed that because it never did what it was supposed to, that the Federal Government, under the Innovative and Alternative Program, should pay to have a new and better automated bar-screen installed, which would include a wedge wire compactor. After many years of complaints, the Government has agreed and has authorized reimbursement of \$123,000 for the installation of the new bar-screen. We are required to purchase and install it first, then they will reimburse us. The Septage Facility Enterprise Fund will pay the costs associated with this and the reimbursement will go back into the Enterprise Fund.

Board of Selectmen Report: (J. Cope) Recommended approval

Finance Committee Report: (C. McMahon) Recommended approval

The motion under Article 20 was UNANIMOUSLY VOTED.

APRIL 2, 1990

ARTICLE 21. PURCHASE MOSQUITO CONTROL SPRAYER

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$5,000, or any other sum, to be expended under the direction of the Board of Health, for the purchase of a new hydraulic sprayer for the East Middlesex Mosquito Control Project, to be used by the Project for the control of mosquito population in the Town; or act on anything relative thereto.

Submitted by the Board of Health

Hugh Caspe, Chairman of the Board of Health *moved* to appropriate the sum of \$5,000 to be expended under the direction of the Board of Health, for the purchase of a new hydraulic sprayer for the East Middlesex Mosquito Control Project, to be used by the Project for the control of mosquito population in the Town; said sum to be raised by taxation.

Board of Health Report: The summer of 1989 had an exceptionally high population of mosquitoes. It is anticipated that the substantial autumn rainfall in 1989 will promote a high mosquito population in late spring 1990. Of primary concern is the potentially high population of Culiseta melanura which can amplify the Eastern Equine Encephalitis virus. Insect control experts recommend the use of BTI, a bacterial control, as an environmentally safe method of mosquito control. For land application of BTI, a new hydraulic sprayer would be a better and more efficient method than what is presently used. With tight fiscal restraints everywhere, the Mosquito Control Project has no money to purchase this equipment. Unfortunately, Sudbury has the greatest potential in the district for breeding mosquitoes and has the greatest need for this equipment. The only way to obtain this additional control technique is to provide the funds to purchase this applicator.

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

Finance Committee Report: (C. McMahon) Recommended approval

There was a brief discussion as to whether or not the insecticide Malathion would be used in the spraying. It was definitely stated by Mr. Guernsey of the Board of Health that this insecticide would absolutely not be used in wetlands, which was a concern of Gordon Henley of the Conservation Commission.

The motion under Article 21 was *VOTED*.

APRIL 2, 1990

ARTICLE 22. JOINT UNDERTAKING AUTHORITY FOR SHERMAN'S BRIDGE

To see if the Town will vote to authorize the Highway Surveyor, under the provisions of Massachusetts General Laws, Chapter 40, §4A, to jointly rehabilitate, reconstruct, or replace the bridge over the Sudbury River, Sherman's Bridge, with the Town of Wayland or the appropriate unit thereof, or act on anything relative thereto.

Submitted by the Highway Surveyor.

The Highway Surveyor, Robert Noyes, *moved* to authorize the Highway Surveyor, under the provisions of Massachusetts General Laws, Chapter 40, §4A, to jointly rehabilitate, reconstruct, or replace the bridge over the Sudbury River, Sherman's bridge, with the Town of Wayland or the appropriate unit thereof.

Highway Surveyor Report: Section 4A of Chapter 40 allows two towns to enter into an agreement to jointly perform certain contracts upon vote of their respective Town Meetings approving the agreement. This Article provides the necessary vote of approval for Sudbury and Wayland to jointly rehabilitate or replace Sherman's Bridge.

Board of Selectmen Report: (J. Cope) Recommended approval

Finance Committee Report: (R. Pettingell) Recommended approval

Deborah Bukley-Kruskal of Lincoln Road *moved* to amend the main motion by adding the following "provided however that 1) the design of the rehabilitated or reconstructed bridge shall be presented to the Sudbury Historical Commission at a duly noticed public hearing for the Commission's review and recommendation and 2) that the final design be subject to approval by the Board of Selectmen after a duly noticed public hearing."

Mr. Pettingell Chairman of the Finance Committee asked the Highway Surveyor, Robert Noyes, for the purpose of receiving funding for this project, if there was a plan to seek funds from either the State or Federal Government, and if there was such a plan, would the State or Federal agencies have to approve the design? Mr. Noyes replied in the affirmative. Mr. Noyes added that the maximum State funding would be \$200,000, and the actual cost would exceed that amount. Mr. Pettingell, based upon that information, stated the FinCom opposed the motion to amend for fear it could obligate the Town in terms of obtaining funding.

The Finance Committee opposed the motion to amend.

Judith Cope of the Selectmen thought amending the motion could cause friction with the Town of Wayland, and she urged the defeat of this amendment.

Lynn MacLean, Chairman of the Historical Commission supported the amendment.

APRIL 2, 1990

31.

Richard Brooks of Russet Lane commented that we shouldn't have constraints placed upon us from other towns, and that it was appropriate for the Selectmen and the Historical Commission to be involved, however, he believed it should not be legislated.

The motion to amend under Article 22 was declared defeated following a counted vote:

YES:	68	NO:	85	TOTAL:	153
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The main motion under Article 22 was *VOTED*.

A motion to adjourn was received, seconded and *UNANIMOUSLY VOTED*.

The meeting was adjourned at 10:49 PM.

Attendance: 455

ANNUAL TOWN MEETING

APRIL 3, 1990

Moderator Thomas G. Dignan, Jr. called the first adjourned session of the Annual Town Meeting for 1990 to order at 7:37 p.m. at the Lincoln-Sudbury Regional High School Auditorium. A quorum was declared present.

The first order of business was Article 6, the Budget. The hall was reminded that the Warrant contained four proposed budgets. One, the non-override budget, as seen within each departmental budget and the three proposed contingent budgets, which if adopted, would require an override vote of the Town at the scheduled May 14, 1990 election.

CONTINGENCY BUDGET PROPOSALS - FY91

[Finance Committee recommended Levels for override ballot questions]

Recommend increase of the NON-OVERRIDE BUDGET recommendations per spending level, as follows:

<u>Department</u>	<u>Override Level 1</u>	<u>Override Level 2</u>	<u>Override Level 3</u>
110 Sudbury Schools	\$ 250,000	\$ 250,000	\$ 377,000
130 Lincoln-Sudbury Regional H.S.	135,000	135,000	321,000
310 Fire Department			
Personal Services	25,425	25,425	25,425
Expenses	7,575	7,575	7,575
Capital Equipment	17,000	17,000	17,000
320 Police Department			
Personal Services	48,800	48,800	48,800
Expenses	11,500	11,500	11,500
Capital Equipment	14,700	14,700	14,700
340 Building Department			
Personal Services		10,000	10,000
Expenses		2,000	2,000
360 Conservation Commission			
Personal Services		13,000	13,000
Expenses		4,000	4,000
410 Highway Department			
Personal Services	20,000	20,000	20,000
Capital Equipment		61,000	61,000
501 Selectmen			
Personal Services		8,000	8,000
502 Engineering Department			
Personal Services		5,000	5,000
Expenses		6,000	6,000
512 Planning Board			
Personal Services		16,000	16,000
518 Council on Aging			
Expenses		3,000	3,000
600 Goodnow Library			
Personal Services	24,500	24,500	24,500
Expenses	5,500	5,500	5,500
700 Park and Recreation			
Personal Services		29,000	29,000
Expenses		6,000	6,000
<u>Total Level 1 Override Budget</u>	<u>\$560,000</u>		
<u>Total Level 2 Override Budget</u>		<u>\$723,000</u>	
<u>Total Level 3 Override Budget</u>			<u>\$1,036,000</u>

APRIL 3, 1990

Contingency budgets not having ever been allowed in prior years, the Moderator explained the three proposed budgets, "Override Level 1", "Override Level 2" and "Override Level 3" -- Level 3 being the highest and Level 1 the lowest. The Chart above indicates the specific increases in the various line items as proposed by the Finance Committee for each override level. It was further explained that a motion would be made for each override level budget proposal, merely to seek a determination from the hall as to its support or non-support of each level. A favorable vote would not be a vote for the particular distribution of the amount as indicated in the above chart. For each proposed override level budget that receives a majority support of the voters, there would be a vote on that specific "contingency" budget. The final action will be the vote on the "Non-override Budget", which the Moderator indicated must be passed so that there would be an operating town budget in the event all overrides fail at the May election.

Richard Pettingell, Chairman of the Finance Committee, provided the hall with a lengthy explanation of the Town's financial situation and an overview of the budgetary choices the voters had before them. He began by explaining how Proposition 2-1/2 works and from where the funding for the Town's annual budget comes. Sudbury's sources of revenue were broken down into six categories: Previous Year's Levy Limit + 2-1/2%; New Construction (these two constitute the major funding sources of the Town); then Non-property Tax Revenue which consists of State Aid, Local Receipts, Free Cash and Other Available Funds. It was explained that State Aid, - the Cherry Sheet, is the cash payment received from the State while the local receipts is basically the motor vehicle excise tax, revenue from speeding tickets, fines, fees, etc. Other available funds are accounts such as the Abatement Surplus, Cemetery, and the Ambulance Fund. These six components are the funding sources the Town has at its disposal annually. The following chart indicated the town's funding mechanism for the past eight years, since Proposition 2-1/2 has been in effect.

CHART I

FISCAL YEAR	OPERATING BUDGET	PREVIOUS LEVY LIMIT + 2½%	NEW CONST.	STATE AID	FREE CASH	FEDERAL REV. SHARING	ABATEMENT SURPLUS
FY83	14,590,539	12,166,417	158,462	2,626,374	0	200,000	100,000
FY84	15,684,040	12,633,001	187,380	2,863,949	133,499	180,000	100,000
FY85	17,034,449	13,140,890	370,371	3,008,683	392,516	140,000	100,000
FY86	17,768,502	13,849,044	835,270	3,077,696	149,562	130,000	80,000
FY87	19,881,458	15,051,422	776,650	3,396,722	413,000	75,000	60,000
FY88	21,844,157	16,223,775	677,840	3,572,763	1,424,398	27,695	100,000
FY89	23,708,490	17,324,155	768,010	3,467,917	1,284,497	0	507,336
FY90	24,282,541	18,544,470	341,000	2,848,529	123,000	0	777,161
FY91	24,164,420	19,357,606	250,000	2,563,676	331,142	0	0
(No Override)							

This chart provided a breakdown of the Town's fiscal history from FY83 - FY90. The column "Operating Budget" was defined as not including funding for Warrant articles voted at Town Meeting nor does it include the cost of funding any of the Town's Enterprise Funds, which are supposed to be self-supportive. It was noted there were no Enterprise Funds for the first few years depicted on the Chart. Operating Budget means the cost of running the Town's Departments and Boards. Previous Levy Limit + 2-1/2, New Construction, State Aid, etc. are those items that represent the revenue side of the equation. Mr. Pettingell pointed out that by reading each column from top to bottom it could be seen how the funding components have changed over the years and why the FinCom was recommending an override of Proposition 2-1/2. The Town's Budget has increased annually by approximately 7.2% while the Boston Consumer Price Index has increased over the same period of time 6.5%. This was referred to by the FinCom Chairman as "inflation". While the Town's Operating Budget increased through FY87, so did New Construction and State Aid. In FY88, even though

State Aid remained high, a change in accounting methods gave the Town a "windfall" of \$1,000,000, which was used for funding the Operating Budget. This was a one time change in accounting methods, therefore it was not available for FY88. In FY89 State Aid remained high and Free Cash was in excess of \$1,000,000. In actuality, \$450,000 was taken from FY90's Free Cash at the October Special Town Meeting and added to FY89's Free Cash to get that figure as high as it was. Additionally, State Law permitted a change in the use of the Abatement Surplus Fund. From FY83 - 88, only \$100,000 could be annually taken from this account and then only for "unexpected expenditures". Historically, the Town has used the money to fund the Reserve Fund. In FY89 the State recognized the difficulties many towns were experiencing and changed the rules governing the Abatement Surplus Fund, so the funds could be used for Operating Budgets. In FY89 the town received \$500,000 from the Abatement Surplus Fund. Last year an additional \$777,000 from the Abatement Surplus Fund was used, but the account is now exhausted. Mr. Pettingell attributed the fact of this additional \$777,000 as the reason why there were no further service cuts than the \$1.8 million last year. For FY91, Abatement Surplus and Federal Revenue Sharing are both reduced to "zero". Free Cash is the lowest it has been since 1985, State Aid is the lowest it has been since 1982, New Construction is the lowest it has been since 1983, and the Town has the lowest increase in the levy limit since 1984. It was his expressed belief that without an override there would be a noticeable change in the quality of life in this Town, and a notable change in the amount of Town services. Adoption of the "Non-Override Budget" would result in major cutbacks in Park and Recreation, Library, North Fire Station, Police Department, Planning Board, Conservation Commission and lay offs in both the Town and Regional school systems.

PROPERTY TAX REVENUE

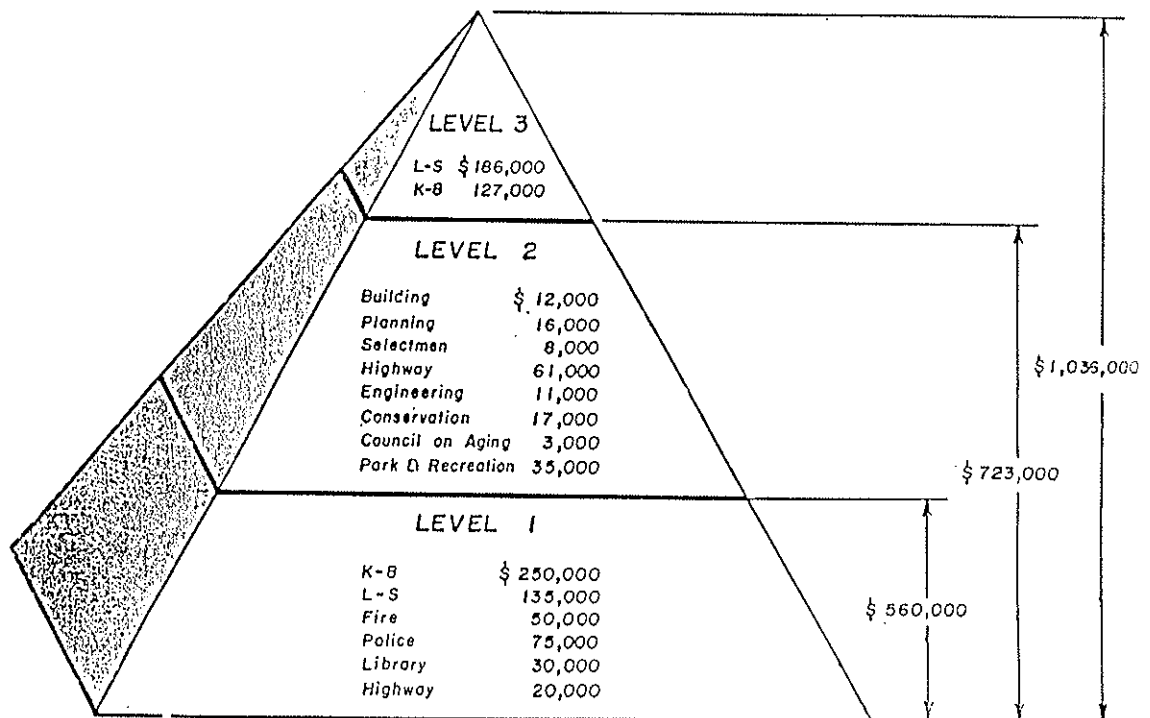
FISCAL YEAR	PREV. YR'S LEVY + 2 1/2	NEW CONSTR.	PROP. TAX LEVY LIMIT	INCR. FROM PRIOR YR.
FY 83	\$12,166,417	\$158,462	\$12,324,879	(\$455,204)
FY 84	\$12,633,001	\$187,380	\$12,820,381	(\$495,502)
FY 85	\$13,140,890	\$370,371	\$13,511,261	(\$690,880)
FY 86	\$13,849,044	\$835,270	\$14,684,314	(\$1,173,053)
FY 87	\$15,051,442	\$776,650	\$15,828,072	(\$1,143,758)
FY 88	\$16,223,775	\$677,840	\$16,901,615	(\$1,073,543)
FY 89	\$17,324,155	\$768,010	\$18,092,165	(\$1,190,550)
FY 90	\$18,544,470	\$341,000	\$18,885,470	(\$793,305)
FY 91	\$19,357,606	\$250,000	\$19,607,606	(\$722,136)

LOCAL RECEIPTS

FY 83	\$725,000
FY 84	\$980,000
FY 85	\$1,090,200
FY 86	\$1,145,000
FY 87	\$1,676,200
FY 88	\$1,882,700
FY 89	\$2,006,000
FY 90	\$2,200,000

Projected Local Receipts FY 91 \$2,000,000

CHART II



The advisability of an override having caused considerable debate, as people differ as to what constitutes an acceptable level of Town services, the FinCom proposed a three tiered approach to an override, which would allow the voters to choose the level of override and level of services which they wish the Town of offer. To this matter, the FinCom adopted a "Priority List" which was headed by police, fire, highway and education, or public protection and basic education. The lowest level of the override would distribute funds among Police, Fire, Highway, Schools and the Library and bring these departments back to the FY90 funding level. As to how the Library and Highway figured in as "Public Protection and Education", the FinCom considered the maintenance and plowing of streets as essential to public protection, and in the case of the library, the funding would be restored to its current level, as it was perceived by the FinCom as an educational element of the Town. The second level of the proposed override, \$723,000, would include everything in the first tier with an added \$163,000 to be distributed among the Council on Aging, Park & Recreation, Building, Conservation, Highway, Planning Board, Selectmen and Engineering. These departments will either have funds restored to the FY90 level or at least to a level of funding which will permit them to provide the town with a reasonable level of service.

The third level of override seeks \$1,036,000, which would include everything in the first two tiers with an additional \$313,000, to be divided between the Sudbury and Regional School systems. Although the FinCom proposed three tiers, Mr. Pettingell stated he wished to express quite clearly that the FinCom's recommendation and hope was that the full \$1,036,000 or Level 3 Override would be approved.

As to the costs associated with the overrides, the following Chart indicated the increase on the tax rate per thousand dollars.

CHART III

LEVEL ONE

<u>DEPARTMENT</u>	<u>AMOUNT RESTORED</u>	<u>CENTS ON THE TAX RATE</u>	<u>TAX INCREASE ON A \$300,000 HOME</u>
K - 8	\$250,000	\$.16	\$ 47.74
L-S	135,000	.09	25.78
Fire	50,000	.03	9.55
Police	75,000	.05	14.32
Highway	20,000	.01	3.82
Library	30,000	.02	5.72
TOTAL LEVEL ONE	\$560,000	\$.36	\$106.93

LEVEL TWO

Building	\$ 12,000	\$.01	\$ 2.29
Conservation	17,000	.01	3.25
Highway	61,000	.04	11.65
Selectmen	8,000	.01	1.53
Engineering	11,000	.01	2.10
Planning Bd.	16,000	.01	3.06
Council on Aging	3,000	.00	.57
Park & Rec.	35,000	.02	6.68
TOTAL LEVELS ONE & TWO	\$723,000	\$.46	\$138.06
(\$560,000 + \$163,000)			

LEVEL THREE

K - 8	\$ 127,000	\$.08	\$ 24.25
L-S	186,000	.12	35.52
TOTAL LEVELS ONE, TWO & THREE	\$1,036,000	\$.66	\$197.83
(\$560,000 + \$163,000 + \$313,000)			

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The FinCom Chairman stated that should the highest override be adopted, there would still be cuts in the level of services currently provided the Town, as level funding does not mean level services. He further noted, that even with an override, a substantial Town-wide belt tightening must necessarily occur. He further stressed, none of the budgets being recommended by the FinCom included money for salary increases.

In summarizing, Mr. Pettingell reminded the voters the right to raise or not to raise taxes and the right to say what degree of Town services will or will not be accepted, belongs to the voters. However, with that right, is the responsibility both to be informed as to the true needs of the Town and to voluntarily increase taxes when the Town's needs require it. If the State had given to Sudbury the same amount of State Aid it provided two years ago, there would be only a little more than \$100,000 short of funding level 3's \$1,000,000 override. When the Town voted emergency funding last October to make up for the unexpected reduction in State Aid, the FinCom promised to come before this Town Meeting with a proposal for dealing with the Town's State-created fiscal crisis. The recommendation of a 3-tiered pyramid approach to an override and the allocation of funding which as set forth in the Warrant is the FinCom's proposal. Mr. Pettingell noted that the Citizens of Sudbury have the final say, and he urged the voters to support the passage of the full \$1,036,000 override.

Derek Gardiner, of the Long Range Planning Committee, presented the Committee's position for the need of an override at the highest level. In support of this position, he noted the building boom Sudbury has experienced and the taxes on these new houses, were "outside" the Proposition 2-1/2 limits, so these taxes were a bonus each year. The belief two or three years ago was that the Massachusetts miracle would go on forever, the State would have a great deal of money, our State taxes would be cut and more money would be fed back to the Towns. He noted Sudbury has managed to survive through the 1980's due to the aggressive collection of prior years' back taxes, which have helped tremendously. Mr. Gardiner, when referring to Chart I above, noted that the key point about the Chart is when looking back, the operating budget was funded out of the real estate taxes plus State Aid. Gradually, local receipts and the contingency funds have been used as well. Free Cash has been used extensively for the last three years, but for FY91 there is none available. It was Mr. Gardiner's opinion and that of the Long Range Planning Committee that many factors, i.e. slow down of construction, reduction of State Aid, slow but continuous growth of Sudbury's population, especially school age children, to mention a few, face the Town, along with fixed costs for which there will be more to fund. It is possible future overrides will be required on an annual basis, keeping in mind the present budget does not include any salary increases. It was the LRPC's particular concern with capital assets and the maintenance of those assets. With this in mind, the LRPC supported the Override Budgets and urged the support of the highest level override.

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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, 1990 through June 30, 1991, 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.

	TOWN OF SUDBURY FY91 BUDGET				
	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
100 EDUCATION					

SUDBURY PUBLIC SCHOOLS					
Salaries	5,826,210	6,509,350	6,934,500	7,018,321	6,769,321
Expenses	1,563,646	1,702,699	1,679,133	1,654,512	1,654,512
Equipment	150,119	124,098	101,500	70,300	70,300
Community Use	16,285	21,359	0	0	0
Expansion & Interim	0	0	20,000	0	0
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Subtot Sudbury Pub.Scls	7,556,260	8,357,506	8,735,133	8,743,133	8,494,133
Offsets, including METCO	166,506	105,595	106,047	106,047	106,047
110 Net Sudbury Public Scls	7,389,754	8,251,911	8,629,086	8,637,086	8,388,086
Insurance/Benefit Costs	670,791	744,619	891,114	1,007,794	1,007,794
True Cost S.P.S.	8,060,545	8,996,530	9,520,200	9,644,880	9,395,880
L-S REGIONAL H.S.					
130 Sudbury Assessment	5,412,354	5,804,551	5,818,728	5,990,788	5,854,788
MINUTEMAN VOC. H.S.					
140 Sudbury Assessment	457,070	449,347	400,785	427,832	427,832
TOTAL 100 BUDGET	13,259,178	14,505,809	14,848,599	15,055,706	14,670,706
Offsets:Free Cash	0	294,422	0	0	0
NET 100 BUDGET	13,259,178	14,211,387	14,848,599	15,055,706	14,670,706

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39.

	Expend. FY 88 *	Expend FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
200 DEBT SERVICE					
-201 Temp. Loan Int.	8,881	11,484	165,000	165,000	40,000
-203 Other Bond Int.	21,292	26,568	75,000	367,700	367,700
-205 Other Bond Princ.	179,000	94,000	74,000	290,000	290,000
200 TOTAL DEBT SERVICE	209,173	132,052	314,000	822,700	697,700
(Roof Repairs: P & I)	88,825	0	0	0	0
(Stone Tavern: P & I)	66,080	63,720	61,360	0	0
(Septage: P & I)	45,388	43,213	21,640	20,700	20,700
(Schl.Arch.Fees: P & I)	0	26,250	36,000	220,000	220,000
(Fairbank/COA: P & I)	0	0	30,000	175,000	175,000
(Nixon/Noyes: Int.)	0	0	0	212,000	212,000
(Other new debt: 1/2 yr I)	0	0	0	30,000	30,000
300 PROTECTION					
310 FIRE DEPT					
-100 Chief's Salary	49,294	54,175	57,686	57,686	57,686
-110 Salaries	845,295	915,468	980,478	985,337	985,337
-120 Overtime	110,235	92,227	98,188	121,606	98,188
-130 Clerical	17,881	19,352	21,206	22,014	21,359
-140 Dispatchers	51,248	64,789	46,918	47,713	46,153
-151 Sick Buyback	7,646	3,467	8,809	6,295	6,295
Total Personal Services	1,081,599	1,149,478	1,213,285	1,240,651	1,215,018
-210 General Expense	20,884	14,091	16,830	16,830	16,630
-310 Maintenance	33,032	29,898	32,350	32,350	32,350
-420 Travel, Out of State	378	778	500	600	500
-510 Equipment		11,369	10,750	7,750	6,000
-620 Alarm Maint.	2,362	1,883	1,500	1,500	1,500
-710 Uniforms	15,710	15,407	21,345	21,260	16,235
-810 Tuition	960	3,516	2,000	2,000	1,500
Total Expenses	73,326	76,942	85,275	82,290	74,715
-901 Capital Items	21,958	148,080	63,000	17,000	0
Total Capital Spending	21,958	148,080	63,000	17,000	0
310 Total	1,176,883	1,374,500	1,361,560	1,339,941	1,289,733
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	1,244,500	1,361,560	1,339,941	1,289,733
320 POLICE DEPT					
-100 Chief's Salary	55,203	58,515	62,026	67,468	67,468
-105 Lieutenant's Sal.	47,456	52,971	57,835	59,570	57,835
-110 Salaries	806,429	835,699	956,477	964,979	910,999
-120 Overtime	170,209	194,545	131,785	118,749	118,749
-130 Clerical	35,978	39,713	43,503	44,114	43,489
-151 Sick Buyback	1,449	4,564	9,244	2,285	2,285
Total Personal Services	1,116,724	1,186,007	1,260,870	1,257,165	1,200,825
-210 General Expense	40,988	47,561	38,110	38,110	38,110
-310 Maintenance	19,187	19,648	27,915	27,915	27,915
-410 Travel	3,420	3,460	3,500	3,500	2,000
-420 Travel, Out of State	700	1,000	2,000	2,000	1,000
-510 Equipment	0	5,519	7,000	7,000	7,000
-710 Uniforms	17,155	16,761	17,400	17,400	9,400
-810 Tuition	3,175	3,539	2,000	2,000	1,000
Total Expenses	84,625	97,489	97,925	97,925	86,425

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40.

	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
320 POLICE (cont.)					
-901 Capital Items	47,776	46,475	62,000	65,500	50,800
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Total Capital Spending	47,776	46,475	62,000	65,500	50,800
320 Total	1,249,125	1,329,971	1,420,795	1,420,590	1,338,050
Offset:Revenue Sharing	13,847	0	0	0	0
Offset:Free Cash	0	0	0	0	0
Net Budget	1,235,278	1,329,971	1,420,795	1,420,590	1,338,050
340 BUILDING DEPT.					
-100 Inspector's Salary	38,960	41,299	43,776	44,206	43,776
-110 Supv. of Town Bldgs.	28,367	35,229	33,045	29,648	28,785
-120 Overtime	1,802	1,177	1,500	1,500	1,500
-130 Clerical	21,648	24,027	25,790	25,790	25,790
-140 Deputy Inspector	3,249	5,000	5,640	5,640	5,640
-150 Custodial	39,158	42,253	50,091	51,365	41,365
-160 Plumbing Inspector	10,860	8,350	9,500	8,500	8,500
-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	6,240	6,264	10,440	10,440
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Total Personal Services	153,904	167,075	179,106	180,589	169,296
-210 General Expense	1,108	818	1,050	1,050	1,050
-310 Vehicle Maintenance	1,419	1,551	1,500	1,500	1,500
-320 Town Bldg. Maint.	73,827	77,006	62,380	57,280	55,280
-325 Hosmer House	10,119	10,052	2,500	2,500	2,500
-327 Haynes Meadow House	1,749	392	0	0	0
-330 Excess Bldg.	14,620	49,212	12,400	16,400	16,400
-410 Travel	658	802	800	800	0
-420 Travel, Out of state	200	200	200	200	0
-510 Equipment	1,117	0	0	0	0
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Total Expenses	104,817	140,033	80,830	79,730	76,730
-901 Capital Items	0	0	0	0	0
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Total Capital Spending	0	0	0	0	0
340 Total	258,721	307,108	259,936	260,319	246,026

	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
350 DOG OFFICER					
-100 Dog Officer's Salary	19,728	21,891	23,205	25,061	16,800
-120 Overtime	1,084	0	0	0	0
-140 Extra Hire	0	441	500	500	500
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Total Personal Services	20,812	22,332	23,705	25,561	17,300
-210 General Expense	2,091	1,773	2,100	1,153	1,153
-310 Vehicle Maintenance	15	275	0	0	0
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Total Expenses	2,106	2,048	2,100	1,153	1,153
Total Capital Spending	0	0	0	0	0
350 Total	22,918	24,380	25,805	26,714	18,453
360 CONSERVATION COMMISSION					
-100 Conservation Coordinator	20,745	20,785	25,309	25,046	16,780
-130 Clerical	3,313	5,041	4,892	5,084	0
-140 Extra Hire	0	0	0	0	0
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Total Personal Services	24,058	25,826	30,201	30,130	16,780
-210 General Expense	5,359	5,518	5,500	5,500	1,500
-220 Computer	2,250	0	0	0	0
-310 Maintenance	9,957	9,897	5,550	5,550	1,500
-325 Haynes Meadow House	0	0	500	500	500
-410 Travel	373	252	350	350	200
-490 Wetland Protection Act	0	0	0	4,125	4,125
-510 Equipment	345	564	0	0	0
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Total Expenses	18,284	16,231	11,900	16,025	7,825
-900 Conservation Fund	7,200	0	0	0	0
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Total Capital Spending	7,200	0	0	0	0
360 Total	49,542	42,057	42,101	46,155	24,605
Offset:Wetland Protect.	0	0	0	4,125	4,125
Net Budget	49,542	42,057	42,101	42,030	20,480
370 BOARD OF APPEALS					
-130 Personal Services (Cler)	5,805	6,980	7,338	7,590	7,432
-210 Expenses (Gen. Exp.)	952	433	1,250	998	998
-901 Total Capital Spending	0	0	0	0	0
370 Total	6,757	7,413	8,588	8,588	8,430
TOTAL 300 BUDGET	2,763,946	3,085,429	3,118,785	3,102,307	2,925,297
Offsets	27,695	130,000	0	4,125	4,125
NET 300 BUDGET	2,736,251	2,955,429	3,118,785	3,098,182	2,921,172

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42.

	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
410 HIGHWAY DEPT					
-100 Surveyor's Salary	46,202	48,975	46,723	46,723	46,723
-105 Asst. Surveyor's Sal.	36,056	30,534	36,472	36,472	36,472
-106 Operations Asst. Sal.	27,658	18,158	28,527	22,026	22,026
-110 Salaries	429,788	321,394	427,181	442,664	418,854
-120 Overtime	17,069	14,465	15,024	15,438	15,438
-130 Clerical	19,058	6,594	11,704	12,157	11,427
-140 Tree Warden	800	850	1,000	1,000	1,000
-151 Sick Buyback	0	1,530	2,296	2,300	2,300
Total Personal Services	576,631	442,500	568,927	578,780	554,240
-210 General Expense	4,509	3,715	5,000	5,000	5,000
-218 Roadwork	211,169	243,004	224,854	214,375	214,375
-310 Bldg. Maintenance	7,586	8,511	7,770	7,770	7,770
-311 Trees	12,995	12,902	14,000	14,000	14,000
-334 Utilities	16,916	15,825	20,000	20,000	20,000
-410 Travel	30	302	100	100	100
-420 Travel, Out of State	799	800	1,000	1,000	1,000
-450 Landfill	14,072	47,580	0	0	0
-451 Cemeteries	11,377	9,556	12,325	12,325	12,325
-510 Equipment	0	2,636	0	0	0
-511 Vehicle Maintenance	122,083	99,172	101,226	101,226	110,226
-700 Street Lighting	71,236	61,752	69,500	69,500	69,500
-710 Uniforms	8,607	9,116	11,200	10,750	10,750
Total Expenses	481,379	514,871	466,975	456,046	465,046
-901 Capital Items	152,998	223,056	200,000	200,000	130,000
Total Capital Spending	152,998	223,056	200,000	200,000	130,000
-121 Snow & Ice Overtime	54,150	31,117	37,840	38,916	38,916
-301 Snow & Ice Materials	123,649	65,282	94,754	94,754	94,754
Total Snow & Ice	177,799	96,399	132,594	133,670	133,670
TOTAL 410 BUDGET	1,388,807	1,276,826	1,368,496	1,368,496	1,282,956
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	50,000	0	0	0
Offset:Abatement Surplus	0	155,000	0	0	0
Total Offsets	130,780	225,500	15,000	15,000	15,000
NET 410 BUDGET	1,258,027	1,051,326	1,353,496	1,353,496	1,267,956

	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
460 LANDFILL #					
-100 Surveyor's Salary		28,264	5,191	5,191	5,191
-105 Asst. Surveyor's Sal.		7,687	4,973	4,973	4,973
-106 Operations Asst. Sal..		7,237	2,480	7,202	7,202
-110 Salaries		103,878	120,525	118,898	118,898
-111 Engineering Dept. Service		0	0	31,004	31,004
-120 Overtime		0	3,938	3,938	3,938
-130 Clerical		14,762	26,740	21,846	21,261
Total Personal Services		161,828	163,847	193,052	192,467
-210 General Expense		5,821	6,500	6,500	6,500
-310 Maintenance		25,351	102,200	102,200	102,200
-389 Hazardous Waste		0	0	20,000	20,000
-470 Resource Recovery		0	75,000	58,000	58,000
-799 Audit		0	2,500	0	0
-803 Benefits/Insurance		0	39,353	32,715	32,715
Total Expenses		31,172	225,553	219,415	219,415
-500 Depreciation		31,561	37,733	0	0
-901 Capital Items		61,461	74,873	50,000	50,000
Total Capital Spending		93,022	112,606	50,000	50,000
TOTAL 460 BUDGET		286,022	502,006	462,467	461,882
LANDFILL RECEIPTS		249,564	502,006	425,700	425,700
RETAINED EARNINGS		0	0	37,660	37,660

In accordance with Chapter 306 of the Acts of 1986, the Board of Selectmen recommends the FY1991 Landfill Enterprise Budget as set forth in the "Non-Override Budget" column.

APRIL 3, 1990

	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
506 TOWN CLERK & REGISTRARS					
-100 Town Clerk's Salary	28,547	35,000	38,150	40,058	38,150
-120 Overtime	1,801	2,901	1,000	2,000	2,000
-130 Clerical	53,866	54,143	63,710	68,171	66,480
-140 Registrars	588	580	650	650	650
Total Personal Services	84,802	92,624	103,510	110,879	107,280
-210 General Expense	11,287	9,265	15,938	19,488	14,988
-220 Computer	1,467	1,838	4,775	1,500	300
-310 Maintenance	2,317	648	665	800	800
-410 Travel	933	785	800	800	400
-420 Travel, Out of State	0	0	0	0	0
-510 Equipment	2,336	5,282	2,454	0	0
-615 Elections	8,516	13,057	5,721	20,970	20,970
-810 Tuition	0	689	600	0	0
Total Expenses	26,856	31,564	30,953	43,558	37,458
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	0	0
506 Total	111,658	124,188	134,463	154,437	144,738
508 FINANCE COMMITTEE					
-130 Personal Services (Cler)	2,488	3,082	5,737	5,737	5,737
-210 Expenses (Gen. Exp.)	548	190	300	300	300
508 Total	3,036	3,272	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	647	1,088	2,261	2,174
-210 Expenses (Gen. Exp.)	0	0	0	0	0
510 Total	891	647	1,088	2,261	2,174
511 PERSONNEL BOARD					
-130 Personal Services (Cler)	2,635	2,812	4,011	4,011	4,011
-210 General Expense	200	152	360	300	300
-510 Equipment	196	0	0	0	0
Total Expenses	396	152	360	300	300
511 Total	3,031	2,964	4,371	4,311	4,311
512 PLANNING BOARD					
-100 Town Planner	36,128	40,668	44,401	46,486	31,146
-130 Clerical	17,851	18,050	14,842	17,982	13,517
Total Personal Services	53,979	58,718	59,243	64,468	44,663
-210 General Expense	3,378	3,905	4,320	4,320	2,820
-256 Contracted Services	0	0	0	0	0
-310 Maintenance	0	0	0	0	0
-410 Travel	4	0	650	200	200
-510 Equipment	660	575	0	0	0
-810 Tuition	400	460	800	400	0
-811 Surveys & Studies	0	0	0	0	0
Total Expenses	4,442	4,940	5,770	4,920	3,020
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	0	0
512 Total	58,421	63,658	65,013	69,388	47,683

APRIL 3, 1990

47.

	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
513 ANCIENT DOCUMENTS COM.					
-210 Expenses (Gen. Exp.)	1,600	1,587	1,600	1,600	1,600
513 Total	1,600	1,587	1,600	1,600	1,600
514 HISTORIC DIST. COM.					
-130 Personal Services (Cler)	83	129	75	75	75
-210 Expenses (Gen. Exp.)	35	51	85	85	85
514 Total	118	180	160	160	160
515 HISTORICAL COMMISSION					
-130 Personal Services (Cler)	0	0	0	0	0
-210 General Expense	982	3,785	1,250	975	975
-510 Equipment	4,363	575	1,000	900	900
Total Expenses	5,345	4,360	2,250	1,875	1,875
515 Total	5,345	4,360	2,250	1,875	1,875
516 CABLE TV COMMISSION					
-130 Personal Services (Cler)	0	0	0	0	0
-210 Expenses (Gen. Exp.)	0	0	400	400	400
516 Total	0	0	400	400	400
517 DESIGN REVIEW BOARD					
-130 Personal Services (Cler)	0	1,154	2,069	2,122	2,122
-210 General Expense	0	162	100	47	47
-810 Tuition	0	0	0	0	0
Total Expenses	0	162	100	47	47
517 Total	0	1,316	2,169	2,169	2,169

APRIL 3, 1990

48.

	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
518 COUNCIL ON AGING					
-100 Director's Salary	16,441	18,570	18,756	21,258	21,258
-110 Van Driver	12,819	12,068	12,360	14,403	13,994
-120 Outreach Worker	3,750	7,195	7,238	8,266	8,031
Total Personal Services	33,010	37,833	38,354	43,927	43,283
-210 General Expense	4,315	5,936	6,655	3,433	1,222
-310 Maintenance	3,290	3,007	3,440	8,100	8,100
-410 Travel	0	196	0	0	0
-420 Out of State Travel	0	100	0	0	0
-510 Equipment	250	91	100	0	0
-611 Programs	250	0	0	0	0
-622 Transportation	1,444	1,307	510	0	0
Total Expenses	9,549	10,637	10,705	11,533	9,322
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	0	0
518 Total	42,559	48,470	49,059	55,460	52,605
521 ACCOUNTING					
-100 Town Accountant's Salary	44,900	50,761	55,422	55,422	55,422
-120 Overtime	225	594	728	728	0
-130 Clerical	41,358	45,687	50,986	53,010	50,942
Total Personal Services	86,483	97,042	107,136	109,160	106,364
-210 General Expense	23,456	3,297	3,615	3,591	3,591
-220 Computer	14,111	15,814	10,935	10,935	7,935
-255 Contracted Services	0	0	0	0	0
-310 Maintenance	0	481	370	370	370
-410 Travel	313	334	590	590	390
-510 Equipment	0	3,048	0	0	0
-810 Tuition	49	575	250	250	250
Total Expenses	37,929	23,549	15,760	15,736	12,536
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	0	0
521 Total	124,412	120,591	122,896	124,896	118,900
TOTAL 500 BUDGET	1,089,420	1,170,909	1,268,050	1,364,193	1,280,510
Offsets	0	0	0	31,004	31,004
NET 500 BUDGET	1,089,420	1,170,909	1,268,050	1,333,189	1,249,506

APRIL 3, 1990

49.

	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
600 GOODNOW LIBRARY					
-100 Director's Salary	32,129	36,138	39,456	40,250	39,456
-110 Salaries	180,633	205,306	211,119	201,193	177,193
-120 Overtime	3,089	3,292	3,361	2,866	2,866
-150 Custodial	10,475	11,328	13,110	11,437	11,437
Total Personal Services	226,326	256,064	267,046	255,746	230,952
-210 General Expense	5,038	6,188	5,420	5,420	5,420
-310 Maintenance	22,225	14,889	11,300	11,300	11,300
-410 Travel	174	250	150	150	150
-420 Travel, Out of State	0	0	0	0	0
-510 Equipment	3,379	786	0	0	0
-520 Books	54,443	59,739	57,360	57,360	53,860
-616 Automation	0	6,000	8,900	20,200	18,200
Total Expenses	85,259	87,852	83,130	94,430	88,930
-901 Capital Items	0	25,747	0	0	0
Total Capital Spending	0	25,747	0	0	0
600 Total	311,585	369,663	350,176	350,176	319,882
Offset: State Aid	0	0	0	0	0
Offset: Dog Licenses	2,000	2,000	2,000	0	0
NET 600 BUDGET	309,585	367,663	348,176	350,176	319,882
700 PARK AND RECREATION					
-100 Supervisors' Salaries	31,644	33,542	35,589	56,400	51,400
-110 Salaries	92,250	98,128	111,268	107,738	78,288
-120 Overtime	1,384	526	1,590	1,200	1,200
-130 Clerical	6,121	4,090	7,799	5,138	5,138
-151 Sick Leave Buyback	0	0	826	835	835
Total Personal Services	131,399	136,286	157,072	171,311	136,861
-210 General Expense	4,938	3,369	5,000	5,000	3,200
-218 Operations Materials	0	0	0	0	0
-310 Maintenance	44,341	24,180	27,300	26,300	20,300
-410 Travel	713	659	750	750	750
-510 Equipment	10,355	2,900	900	1,000	1,000
-614 Special Programs	14,266	13,840	15,900	10,400	0
-623 Teen Center	8,499	10,498	5,840	5,840	3,840
-710 Uniforms	1,198	845	1,350	1,350	1,000
Total Expenses	84,310	56,291	57,040	50,640	30,090

	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
700 PARK AND RECREATION (cont.)					
-901 Capital Items	0	25,818	7,847	0	0
Total Capital Spending	0	25,818	7,847	0	0
700 Total	215,709	218,395	221,959	221,951	166,951
Offset: Free Cash	33,453	0	0	0	0
Net 700 Budget	182,256	218,395	221,959	221,951	166,951
701 TOWN POOL #					
-100 Director's Salary	16,551	21,091	22,700	12,000	17,000
-110 Salaries	57,366	164,808	156,625	152,897	147,897
-120 Overtime	0	0	1,500	1,000	1,000
-130 Clerical	13,665	19,628	21,700	22,527	22,527
Total Personal Services	87,582	205,527	202,525	188,424	188,424
-210 General Expense	22,366	11,715	32,400	19,100	19,100
-310 Maintenance	45,013	100,643	97,600	78,800	78,800
-410 Travel	0	0	200	200	200
-420 Out of State Travel	514	932	1,000	0	0
-510 Equipment	19,300	1,660	1,000	1,000	1,000
-610 Programs	8,770	17,294	19,400	13,500	13,500
-799 Audit	0	0	2,500	0	0
-803 Insurance & Benefits	0	0	33,200	30,000	30,000
Total Expenses	95,963	132,244	187,300	142,600	142,600
-500 Depreciation	0	0	0	0	0
-666 FY 89 Deficit	0	0	0	24,978	24,978
-901 Capital Items	0	0	0	0	0
Total Capital Spending	0	0	0	24,978	24,978
701 Total	183,545	337,771	389,825	356,002	356,002
Offset: Free Cash	20,000	0	0	0	0
Net 701 Budget	163,545	337,771	389,825	356,002	356,002
POOL ENTERPRISE RECEIPTS	185,800	268,184	353,800	356,700	356,700

In accordance with Chapter 306 of the Acts of 1986, the Board of Selectmen recommends the FY1991 Town Swimming Pool Enterprise Budget as set forth in the "Non-Override Budget" column.

	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
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	242	100	100	100
-611 Community Programming	1,202	1,200	1,500	1,500	1,500
Total Expenses	1,202	1,442	1,600	1,600	1,600
710 Total	1,202	1,442	1,600	1,600	1,600
715 350th CELEBRATION					
-210 General Expense	9,810	14,879	0	0	0
Total Expenses	9,810	14,879	0	0	0
715 Total	9,810	14,879	0	0	0
TOTAL 700 BUDGET	410,266	572,487	613,384	579,553	524,553
Offsets	53,453	0	0	0	0
NET 700 BUDGET	356,813	572,487	613,384	579,553	524,553
800 BOARD OF HEALTH					
-100 Director's Salary	36,647	39,237	42,839	44,124	42,839
-130 Clerical	20,499	22,607	24,902	25,883	24,347
-140 Animal Inspector	1,323	1,389	1,487	1,487	1,487
-141 Extra Hire	400	1,054	1,000	2,500	1,500
Total Personal Services	58,869	64,287	70,228	73,994	70,173
-210 General Expense	1,571	1,426	1,700	1,700	1,700
-310 Maintenance	374	180	200	200	200
-321 Lab Expense	3,457	2,212	4,600	4,700	3,700
-510 Equipment	0	0	0	0	0
-612 SVNA	33,520	34,545	35,398	37,370	37,370
-614 Community Outreach Prog	24,961	30,720	38,968	42,732	42,732
-712 Mosquito Control	18,000	19,000	19,000	21,400	21,400
-750 Septage: Interest	9,837	13,846	15,000	0	0
-751 Septage: Operation. Exp.	46,786	95,924	142,000	0	0
-811 Studies & Surveys	16,114	0	0	0	0
-910 Mental Health	8,788	8,765	8,710	8,700	8,700
-920 Hazardous Waste	1,861	8,442	0	0	0
Total Expenses	165,269	215,060	265,576	116,802	115,802
-901 Capital Items	0	0	12,000	0	0
Total Capital Spending	0	0	12,000	0	0
800 TOTAL	224,138	279,347	347,804	190,796	185,975

	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
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	891	750	750	750
-613 Veteran's Benefits	3,095	7,062	6,000	6,000	4,500
Total Expenses	3,739	7,953	6,750	6,750	5,250
900 TOTAL	6,740	11,134	10,122	10,122	8,622
950 UNCLASSIFIED					

EMPLOYEE BENEFITS					
-800 Health Insurance	790,261	932,073	1,116,300	1,284,000	1,284,000
Town Share:	352,061	415,239	507,470	583,706	583,706
Scl Share:	438,200	516,834	608,830	700,294	700,294
-801 Life Insurance	3,724	4,155	4,000	5,000	5,000
Town Share:	1,659	1,851	1,818	2,273	2,273
Scl Share:	2,065	2,304	2,182	2,727	2,727
-810 FICA/Medicare	22,274	36,352	50,000	65,000	65,000
Town Share:	9,923	16,195	22,730	29,549	29,549
Scl Share:	12,351	20,157	27,270	35,451	35,451
-811 Worker's Compensation	88,451	102,466	111,500	160,000	160,000
Town Share:	57,493	66,603	73,590	105,600	105,600
Scl Share:	30,958	35,863	37,910	54,400	54,400
-813 Retirement Fund	625,637	690,163	675,000	675,000	675,000
Town Share:	494,316	545,298	533,318	533,318	533,318
Scl Share:	131,321	144,865	141,682	141,682	141,682
-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
Scl Share:	4,198	4,198	4,198	4,198	4,198
Total Employee Benefits	1,550,347	1,785,209	1,976,800	2,209,000	2,209,000

950 UNCLASSIFIED (cont.)	Expend. FY 88 *	Expend. FY 89 *	Approp. FY 90 **	BUDGET 1 Request FY 91	NON-OVERRIDE BUDGET FY 91
OPERATING EXPENSES					
-803 Property/Liab. Insurance	199,378	177,595	215,000	215,000	215,000
Town Share:	147,680	157,197	145,958	145,958	145,958
Sch Share:	51,698	20,398	69,042	69,042	69,042
-804 Print Town Report	6,732	6,813	8,500	9,000	8,000
-805 Memorial Day	1,095	1,274	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	15,919	16,800	18,400	18,400
-815 Postage	15,700	23,988	21,000	25,500	24,500
-816 Telephone	17,494	19,601	22,000	24,000	23,000
-818 Gasoline	42,831	46,594	45,000	50,000	45,000
-830 Handicapped Transport	855	3,560	0	0	0
-951 Copying	9,527	9,255	10,500	11,000	11,000
-953 Copiers: Equipment	15,130	0	0	0	0
Total Operating Expenses	350,241	304,599	340,125	354,225	346,225
950 TOTAL UNCLASSIFIED	1,900,588	2,089,808	2,316,925	2,563,225	2,555,225
(Total Town Related)	1,229,797	1,345,189	1,425,811	1,555,431	1,547,431
(Total School Related)	670,791	744,619	891,114	1,007,794	1,007,794
Offset: Free Cash	1,125,945	777,098	123,000	327,000	327,000
Offset: Abatement Surplus	0	90,000	287,394		
NET 950 BUDGET	774,643	1,222,710	1,906,531	2,236,225	2,228,225
970 TRANSFER ACCOUNTS **					
-110 Salary Adjustment Acct.	0	163,732	0	0	0
-807 Reserve Fund	100,000	125,000	80,000	100,000	100,000
970 TOTAL TRANSFER ACCOUNTS	100,000	288,732	80,000	100,000	100,000
Offset: Abatement Surplus	100,000	125,000	80,000	0	0
NET 970 BUDGET	0	163,732	0	100,000	100,000
TOTAL OPERATING BUDGET	21,563,841	23,779,486	25,138,347	25,969,741	25,013,308
Total Offsets	260,475	522,500	384,394	50,129	50,129
Free Cash Applied	1,179,398	1,121,520	123,000	327,000	327,000
NET OPERATING BUDGET	20,123,968	22,135,466	24,630,953	25,592,612	24,636,179

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.

1989-1990 RESERVE FUND TRANSFERS

Reserve Fund Appropriation	\$80,000.00
<u>ACCOUNT NUMBER/DESCRIPTION</u>	<u>AMOUNT</u>
350-100 Dog Officer: Salary	909.00
501-811 Selectmen: Surveys & Studies	4,500.00
504-210 Assessors: Maintenance	879.70
506-615 Town Clerk: Elections	3,226.93
510-130 Permanent Building Committee: Clerical	1,079.63
ATM89/15 Traffic Signals - Town Center	291.48
BALANCE AS OF 1/31/90:	\$69,113.26

100 EDUCATION: 110 SUDBURY PUBLIC SCHOOLS

	FY 90		Level Funded FY 91		Inc.	No-Override FY 91		
	Staff	Cost	Staff	Cost		Staff	Cost	Inc.
Total Gross Budget	195.9	8,735,133	196.3	8,743,133		185.5	8,494,133	
Offsets: State & Federal Grants		106,047		106,047			106,047	
Total Net Budget		8,629,086		8,637,086			8,388,086	(-249,000)
Section 1.0 Professional Staff	131.3	5,170,178	133.7	5,260,173	1.7%	125.9	5,068,061	-2.0%
Section 2.0 Support Staff	64.6	1,764,322	62.6	1,758,148	-.3%	59.6	1,701,260	(5.4) Tchrs -3.6%
Section 3.0 Supplies/Services/ Equipment		1,800,633		1,724,812	-4.2%		1,724,812	(5.0) Staff -4.2%
Section 1.0 Professional Staff	131.3	5,170,178	133.7	5,260,173	1.7%	125.9	5,068,061	-2.0%
1.1 Classroom Teachers	74.0	2,897,944	76.5	2,952,484	1.9%	75.5	2,937,791	1.4%
Elementary	44.0		46.5		2.5	45.5		1.5
Middle	30.0		30.0			30.0		
1.2 Spec. Subject Tchrs	29.5	1,157,530	28.5	1,147,285	-.9%	22.7	994,866	-14.1%
1.3 Remedial Teachers	27.8	1,114,704	28.7	1,160,404	4.1%	27.7	1,135,404	1.9%
Section 1.2 Special Subject Tchrs	29.5	1,157,530	28.5	1,147,285	-.9%	22.7	994,866	-14.1%
1.2.1 Art	3.0		3.0			2.0		-6.8
1.2.2 Catalyst	4.0		4.0			2.0		-1.0
1.2.3 Computer	2.0		2.0			2.0		-2.0
1.2.4 Foreign Language	1.8		1.8			1.8		
1.2.5 Home Economics	1.8		1.6		-.2	1.4		-.4
1.2.6 Industrial Arts	2.0		1.2		-.8	1.0		-1.0
1.2.7 Instrumental Music	2.0		2.0			2.0		
1.2.8 Librarian	3.0		3.0			2.5		-.5
1.2.9 Music	3.0		3.0			3.0		
1.2.10 Phys Ed	6.0		6.0			5.0		-1.0
1.2.11 Writing	.9		.9			0		-.9

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110 SUDBURY PUBLIC SCHOOLS

	FY 90		Level Funded FY 91		Inc.	No-Override FY 91		Inc.
	Staff	Cost	Staff	Cost		Staff	Cost	
Section 1.3 Remedial Teachers	27.8	1,114,704	28.7	1,160,404	4.1%	27.7	1,135,404	1.9%
1.3.1 Early Childhood	.5		.5			.5		
1.3.2 Guidance	6.3		6.3			6.3		
1.3.3 Psychologist	1.0		1.0			1.0		
1.3.4 Reading	4.0		4.0			3.0		-1.0
1.3.5 SPED-Resource	9.0		9.0			9.0		
1.3.6 SPED-Sub Separate	5.0 (0.7 Grant)		5.0			5.0		
1.3.7 Speech	2.9 (0.2 Grant)		2.9			2.9		
Section 2.0 Support Staff	64.6	1,764,322	62.6	1,758,148	-3.5%	59.6	1,701,260	-3.6%
2.1 Teacher Assistants	21.0	250,811	20.5	261,885	4.4%	18.5	234,996	-6.3%
Computer	1.0		1.0			1.0		
Genesis-Grade 1	4.0		4.0			5.0		1.0
Kindergarten	6.0		5.5		-.5	4.5		-1.5
Library	5.0		5.0			3.0		-2.0
Special Education	5.0		5.0			5.0		
2.2 Clerical-Secretarial	20.1	418,301	19.6	423,495	1.2%	19.6	423,495	1.2%
2.3 Custodial-Maintenance	14.5	375,996	13.5	377,500	.4%	13.5	377,500	.4%
2.4 Administrators	9.0	591,314	9.0	568,369	-3.9%	8.0	538,369	-9.0%
2.5 Contracted Services		127,900		126,900	-.8%		126,900	-.8%
Section 3.0 Supplies/Services		1,800,633		1,724,812	-4.2%		1,724,812	-4.2%
				(75,821)			(75,821)	
Haynes/Noyes/Curtis		147,800		128,600	-13.0%		128,600	-13.0%
Curriculum Department		90,515		80,000	-11.6%		80,000	-11.6%
SPED/PPS Department		603,975		603,975			603,975	
Maintenance		159,170		159,170			159,170	
Heat., Elec., Tel.		232,910		232,910			232,910	
Central Off., S.C.		81,133		76,000	-6.3%		76,000	-6.3%
Health Services		84,733		84,733			84,733	
Transportation		278,897		289,124	3.7%		289,124	3.7%
Equipment		121,500		70,300	-42.1%		70,300	-42.1%
Community Use		-		-			-	

STAFF PUPIL SUMMARY

	1988-89	1989-90	Level Funded 1990-91	No-Override 1990-1991
Number of Pupils	1,745	1,794	1,850	1,850
Teaching Staff	132.0	131.3	133.7	125.9
Other Staff	65.1	64.6	62.6	59.6
Cost Per Pupil (Gross)	\$4,855	\$4,869	\$4,726	\$4,591

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100 EDUCATION: 130 LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT

	<u>FY89</u> <u>Expended</u>	<u>FY90</u> <u>Budget</u>	<u>FY91</u> <u>Proposed</u>
<u>INSTRUCTION</u>			
Art	7,170	6,750	7,125
Business	30,346	32,410	28,850
Computer	115,862	75,615	79,100
English	13,572	14,500	17,500
Foreign Language	10,149	11,800	11,600
History	11,824	10,900	9,800
Home Economics	7,150	8,350	0
LS West	5,345	6,885	7,400
Mathematics	7,321	9,325	9,650
Music	6,569	6,900	7,830
Physical Education	14,559	14,250	12,400
Science	20,356	19,900	22,400
Technology	25,313	16,800	6,000
Work Experience	3,123	4,450	3,450
Keys Seminar		0	0
Human Relations	1,778	0	0
General Supplies	45,562	43,500	47,000
Instruction Total	<u>325,999</u>	<u>282,335</u>	<u>270,105</u>
<u>EDUCATIONAL SUPPORT</u>			
House Services	19,838	17,000	17,000
Student Services	51,264	55,188	51,592
Audio-Visual	22,861	26,850	26,850
Library	16,215	14,050	14,050
Student Activities	9,274	5,000	10,000
Athletics	115,246	41,800	124,000
Transportation	270,246	276,000	278,560
Development	9,246	8,000	8,000
Educational Support Total	<u>514,190</u>	<u>443,888</u>	<u>530,052</u>
<u>SPECIAL EDUCATION</u>			
Local Services	183,596	165,950	192,517
Out-of-District	450,689	802,915	910,880
Special Education Total	<u>634,285</u>	<u>968,865</u>	<u>1,103,397</u>
<u>OPERATIONS</u>			
Custodial	43,234	45,500	37,000
Grounds	33,046	27,700	28,700
Maintenance	179,887	169,000	176,500
Utilities	252,824	282,300	294,500
Insurance	53,168	67,500	69,800
Operations Total	<u>562,159</u>	<u>592,000</u>	<u>606,500</u>

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58.

<u>130 LSRHS</u>	<u>FY89 Expended</u>	<u>FY90 Budget</u>	<u>FY91 Proposed</u>
<u>DISTRICT SERVICES</u>			
School Committee	63,172	47,001	53,100
Administration	26,567	29,000	27,250
Business Office	10,254	13,150	14,480
Central Office	12,715	17,500	17,500
Benefits	589,779	820,000	919,015
Contingency	306	25,000	55,000
District Services Total	<u>702,793</u>	<u>951,651</u>	<u>1,086,345</u>
<u>SALARIES</u>			
Administration	507,880	465,588	474,350
Administrative Support	111,337	119,921	103,970
Professional Staff	3,703,816	3,424,431	3,526,786
Curriculum Development	35,864	30,000	30,000
Educational Support	29,115	35,000	35,000
Substitutes	206,074	181,358	176,729
Coaches & Trainers	46,728	45,000	45,000
Extra Curricular	328,152	313,763	277,060
Clerical	415,701	444,421	421,661
Bldg/Grds/Maintenance	162,490	90,000	170,000
Salaries Total	<u>5,547,157</u>	<u>5,149,482</u>	<u>5,260,556</u>
<u>DEBT SERVICE</u>			
Roof Debt	62,325		
Renovation Debt	40,475	191,175	182,025
Debt Service Total	<u>102,800</u>	<u>191,175</u>	<u>182,025</u>
<u>CAPITAL PROJECTS</u>			
Various			
Asbestos		10,000	
Capital Project Study			25,000
Boiler			10,000
Capital Projects Total	<u>0</u>	<u>10,000</u>	<u>35,000</u>
TOTAL EXPENDED	8,389,383		
TOTAL BUDGET	8,580,000	8,589,396	9,073,980
Less Estimated Receipts:			(191,966)
			<u>8,882,014</u>

<u>130 LSRHS</u>	<u>FY89 Expended</u>	<u>FY90 Budget</u>	<u>FY91 Proposed</u>
Offsets:			
Chapter 70	707,774	707,774	707,774
Chapter 71	494,300	519,318	494,300
Transportation	240,000	250,000	260,000
Residential Tuition	100,000	100,000	100,000
Construction Aid	52,309	40,000	0
Total State Aid	<u>1,594,383</u>	<u>1,617,092</u>	<u>1,562,074</u>
Adjustments from prior year	257,333.28	305,665.08	266,579.20
Total Offsets	<u>1,851,716.28</u>	<u>1,922,757.08</u>	<u>1,828,653.20</u>
TOTAL ASSESSMENT	6,728,283.72	6,666,638.92	7,053,360.80
SUDBURY ASSESSMENT	5,804,551.00	5,818,727.20	6,236,302.12

100 EDUCATION: 140 MINUTEMAN REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL

	Amount FY90	Proposed FY91	Difference	%
<u>PROGRAM AREA</u>				
Construction	\$ 89,652	\$ 90,930	1,278	
Commercial	141,882	166,218	24,336	
Technology	49,963	55,210	5,247	
Auto/Metals	50,241	56,382	6,141	
Academic	139,558	144,363	4,805	
Instruction Sub-total	\$ 471,296	\$ 513,103	41,807	
<u>SUPPORT DIV.</u>				
Instructional Resources	\$ 54,665	\$ 56,495	1,830	
Special Education	14,700	14,700	0	
Pupil Services	19,162	20,111	949	
Principal's Office	77,775	77,775	0	
Transportation	711,174	715,892	4,718	
Vocational Coordination	8,750	7,650	- 1,100	
Computer Services	63,755	40,255	- 23,500	
Dean's Office	2,400	2,400	0	
District Programs	46,900	48,900	2,000	
Superintendent's Office	4,750	4,650	- 100	
Planning Office	43,260	51,260	8,000	
Business Office	15,650	14,950	- 700	
w/risk insurance	109,750	115,340	5,590	
w/employment benefits	1,090,276	987,295	- 102,981	
w/medicare	18,200	27,000	8,800	
Maintenance/improvements	738,050	723,511	- 14,539	
Debt Management	87,975	15,000	- 72,975	
Equipment	208,500	156,685	- 51,815	
Food Service	9,100	9,675	575	
Support Div. Sub-total	\$3,324,792	\$3,089,544	- 235,248	
<u>SALARIES</u>	\$5,618,780	\$5,757,389	138,609	
TOTAL initial	\$9,414,868	\$9,360,036	- 54,832	-0.58%
reduced	\$9,355,118		4,918	0.05%
ESTIMATED REVENUE* initial	\$4,057,959	\$3,863,540		
adjusted	\$4,158,209			
ESTIMATED ASSESSMENT initial	\$5,356,909	\$5,496,496	139,587	+2.61%
FINAL	\$5,196,909	\$5,496,496	299,587	+5.76%
*ESTIMATED REVENUE FY91 (\$3,863,540 Total):				
Chapter 70 Aid		\$1,474,873		
Regional Aid		394,554		
Transportation Aid		520,000		
Tuition		924,236		
Community Education		50,000		
Interest		150,000		
ASEP		66,000		
Budget Save/ED		283,877		

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61.

MMRVTHS
DISTRICT APPORTIONMENT

1990 - 1991

I. OPERATING BUDGET:

Total Operating Budget	\$ 9,267,616
Aid/Revenue	- 3,863,540
Operating Budget Apportionment	5,404,076

II. SPECIAL OPERATING:

Special Operating Costs	\$ 92,420
Credits	0
Special Costs Apportionment	\$ 92,420

III. CAPITAL BUDGET:

Capital Payments - New Town's Surcharges	\$ 37,200
Original Town's Credits	- 37,200
Debt Service	0
	\$ 0
Credit Ch. 645	0
Capital Apportionment, net	\$ 0

TOTAL APPORTIONMENT \$ 5,496,496

Apportionment Formula:

Pupil Computation +	Operating Share +	New Capital Share +	Afternoon Pupils Share +	Sudbury Apportionment (51 students)
(\$3,437)	+ \$429,296	+ \$0	+ \$1,973	= \$427,832 (+6.7%)

The first motion under Article 6, the Budget was made by the Chairman of the Finance Committee, Richard Pettingell. He moved that the amount appropriated under the Override Level 3 Budget not exceed the sum of \$26,290,088.

FINANCE COMMITTEE BUDGET REPORTS

110 SUDBURY PUBLIC SCHOOLS: The recommended no override budget for FY91 represents a decrease from the Schools' FY90 budget of \$249,000, approximately 2.9%. The Schools' student population is projected to increase from 1,794 in FY90 to 1,850 in FY91, approximately 3.1%. In comparison to FY89, the no override budget represents an increase of \$21,000, approximately 0.3%. The student population will increase from 1,745 in FY89 to 1,850 in FY91, approximately 6%. The no override budget will result in the school department making cuts in its supplies and contracted services accounts, not filling one administrative position which is now vacant, reductions in the custodial staff and reductions in the number of librarians, teachers and teacher aides. The reduction in the number of teaching positions, approximately five from FY90, will, in the face of an increasing student population, result in increased class size and a reduction in system-wide programs such as physical education, music and art. Any increase in the School Department's budget as a result of any override will go first to the restoration of teaching positions, and a decrease in class size.

130 LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT: As was the case with all other departments, the Finance Committee asked the LSRHS Committee to propose one budget level funded from last year, and another to provide level services. The level services budget produced an increase of 7.63% above last year which the School Committee felt was not reasonable at this time. Instead, an Essential Services budget was prepared and voted by the Committee, representing a 3.41% increase over last year. As regards the level funded budget, the Sudbury assessment rose 1.11% from FY90 resulting in an assessment increase of \$163,000 over last year. The State also mandated \$9,000 in increased fixed costs. Therefore, a level funded FY91 budget equals last year's figure of \$5,819,000 plus \$163,000 plus \$9,000; or \$5,991,000.

The level funded number is some \$245,500 less than the Essential Services request. In the "no override" budget the Finance Committee is recommending a further reduction of \$129,000 from the level funded budget. This constitutes the LSRHS share of the overall town deficit. Such a reduction represents \$375,000 less than requested for the Essential Services budget. The results will be the elimination of up to two teachers in each of the academic departments, the elimination of a number of electives and severe reductions in the athletic program. Average class sizes will be in the high twenties (some higher and some lower) and there will be far less diversity within the faculty.

The effect of such a budget decline over only two years, and the resultant elimination of positions and programs, will have a dramatic effect on the remaining faculty. The lowest level of the proposed override budget takes the LS budget back to level funded, which still means a reduction of approximately seven teaching positions reduced sports and increased class size by an average of 15-20%. Level three of the proposed override increases the budget back to the Essential Services request voted by the LSRHS Committee (less step increases and longevity of approximately \$60,000). It should be pointed out that the Essential Services budget is still 4.22% less than would be required to provide level services from last year.

140 MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL: To its credit, Minuteman continues to cope with the decline in its enrollment by keeping its expenditures under tight control. Many of the Region's sixteen towns are at or near their

levy limits, and the school has tried to accommodate their problems. That Sudbury's assessment is greater than last year's is due primarily to our somewhat greater share of the total enrollment.

200 DEBT SERVICE: There has been a significant reduction in the recommended interest on Temporary Loans, based on Town Meeting approving quarterly tax bills for FY91. The other major elements of the budget are principal and interest on the school architecture/fees of \$220,000; the Fairbank/COA center of \$175,000; and interest expense for the Nixon School of \$212,000.

310 FIRE DEPARTMENT: The Fire Department's requested budget is already frugal, providing for a level of service only minimally acceptable. Nevertheless, the Finance Committee sees no alternative to recommending a budget that is even more austere. We understand that our recommended budget will require that the North Sudbury fire station be closed approximately one third of the time. Absent a "Proposition 2½" levy limit override (in which case we would recommend restoration of \$50,000), we see this situation as one with which the Town will have to live in the coming fiscal year.

320 POLICE DEPARTMENT: Under any circumstance short of the fiscal crisis that confronts the Town this year, we would accept the Police Department's requested budget as remarkably austere. We acknowledge that our recommended reduction of more than \$82,000 in this budget does put public safety at slightly greater risk. But we consider that risk worth taking when balanced against the many other needs of the Town. If a "Proposition 2½" levy limit override were to be voted by the Town, we would recommend that \$75,000 of funding eliminated under our recommendation be restored.

340 BUILDING DEPARTMENT: The no override budget represents a reduction of funds for custodial services, maintenance and travel.

350 DOG OFFICER: The Dog Officer's salary is in the nature of a retainer, placing the Dog Officer on call at virtually all times. Recent experience suggests, however, that the number of hours actually worked by the Dog Officer is low. This year the Finance Committee is forced to recommend significant reductions in salary and working hours for several other Town officers. Our recommendation of a one-third reduction in the Dog Officer's salary is based on the assumption, which we believe to be reasonable, that the effective length of the Dog Officer's work week averages to no more than two-thirds of full time and that the annualized salary is still competitive with that paid in comparable towns in this geographical area.

360 CONSERVATION: The no override budget results in a one-third reduction of hours for the Conservation Coordinator and the elimination of the clerical position. Likewise, there is a decrease in funds for general expense and maintenance. The Conservation Coordinator's hours are restored in Level 2 and Level 3 overrides.

370 BOARD OF APPEALS: The budget is essentially level funded from FY90 appropriation.

410 HIGHWAY: Due to financial constraints, a no override budget is 6.3% below FY90 appropriation. These budget cuts will postpone the purchase of one Mack Sander, increase vehicle maintenance, and reduce temporary employees which have been used to assist work crews on roadwork and cemetery maintenance. These cuts are aggravated by state aid cuts which would have been used for

roadwork and which fall outside of the Highway budget. (Last year state aid was \$137,475.)

460 LANDFILL ENTERPRISE FUND: Expected receipts for FY91 are \$462,100. Included in this year's budget is \$20,000 for a hazardous waste day, \$58,000 for Resource Recovery Programs, and \$50,000 for the purchase of a used bulldozer to replace a piece of equipment which is no longer functional.

501 SELECTMEN: The no override budget results in a one-third reduction of hours for the Budget and Personnel Officer and the elimination of the Selectmen's salaries. The Budget and Personnel Officer's hours are restored in the Level 2 and Level 3 overrides.

502 ENGINEERING: The no override Engineering budget represents a 6% cut versus a year ago. These cuts result in reduced clerical time, loss of overtime, and a 57% reduction in expenses coming primarily from education allowance, subscriptions, clothing allowances and equipment. Additionally, 15% of the Town Engineering salaries have been taken out of this budget and have been charged to the Landfill Enterprise Fund to accurately reflect time spent on landfill related projects.

503 LAW: The Law budget represents a realistic attempt to estimate the amount of litigation which will transpire in FY91.

504 BOARD OF ASSESSORS: The budget for the Assessors shows an increase in the contracted services account, which will be required to accomplish the revaluation of the Town required by the State every three years.

505 TREASURER/COLLECTOR: The budget has remained essentially level funded, with the exception of small increases in Service Bureau and Administrative costs to handle the increased work load of issuing quarterly tax bills. This would greatly reduce borrowing costs to the Town.

506 TOWN CLERK: The budget for the office of the Town Clerk has remained essentially level funded, with the exception of an increase in the election account. This increase is required as FY91 will be a major election year in which four separate elections will be held.

508 FINANCE COMMITTEE: This budget is level funded from last year.

510 PERMANENT BUILDING COMMITTEE: The budget for this department has been reduced slightly from the FY90 appropriation.

511 PERSONNEL BOARD: The budget for this department has been reduced slightly from the FY90 appropriation.

512 PLANNING BOARD: The no override budget results in a one-third reduction in staff hours for the Town Planner. In addition, there is a decrease in funds for tuition and general expense. The Town Planner's hours are restored in the Level 2 and Level 3 overrides.

513 ANCIENT DOCUMENTS COMMITTEE: Expenses for the Ancient Documents Committee are level funded for FY91.

514 HISTORIC DISTRICTS COMMISSION: This budget is level funded from FY90.

515 HISTORICAL COMMISSION: This budget which solely pertains to the Hosmer House is below FY90 level. The requested amount is the minimum needed to keep the house operational and is offset by revenues to the Town through rental of the house for functions. In addition, a tenant is planned for the house which will further offset the requested amount.

516 CABLE TELEVISION COMMITTEE: This Committee is level funded from FY90. The requested amount is for upgrading equipment which may result in better coverage of Town Meeting. This amount is offset by fees paid to the Town by Cablevision.

517 DESIGN REVIEW BOARD: This budget is level funded from FY90.

518 COUNCIL ON AGING: The budget for this department has been increased versus the FY90 appropriation, reflecting higher maintenance costs, for the Senior Citizens Center at Fairbank Community Center.

521 ACCOUNTING: The budget for the Accounting Department shows a small decrease from FY90.

600 GOODNOW LIBRARY: The no override budget for the Library has been cut by \$30,294 versus the FY90 appropriation, including salary reductions of \$24,000, a book purchase reduction of \$3,500, and miscellaneous other reductions. These cuts have been restored in the first level of the override budget.

700 PARK AND RECREATION: The Park and Recreation no override budget has been reduced by \$55,000 versus the FY90 appropriation. Salary reductions account for \$29,450 of this total; special programs have been eliminated, saving \$15,900; miscellaneous other reductions account for the balance of reduction. This budget also contemplates the addition of a Park and Recreation Director where time will be split between the Park and Recreation Department and the Pool.

701 POOL: The Pool operates as an enterprise fund. The Finance Committee recommends that the Town not fund the Pool over the amount of its anticipated receipts. The Pool has responded to this position with effective changes in its fiscal operation and policies. As a result of membership drives and program enhancements, its anticipated receipts are expected to be \$356,700. The operating budget has been reduced from \$389,825 in FY90 to \$331,024 in FY91. The difference between the FY91 receipts and FY91 operating budget allows the Pool to pay off its FY89 operating deficit of \$24,978 with no additional funding from the Town. The Pool budget includes approximately one-half of the time of the proposed Park and Recreation Director. This one-half position would replace the current part-time position of Pool director. Because it is an enterprise fund the Pool budget is not affected by any override.

710 YOUTH COMMISSION: The budget for this department is the same as the FY90 appropriation.

800 BOARD OF HEALTH: The Septage Operation is not included in the FY91 Board of Health Budget. After adjusting for this, the Finance Committee is recommending a 2.5% budget decrease versus a year ago which cuts back on some of the Board's testing. This budget keeps intact the Town's mental health program and its mosquito control program.

900 VETERANS: This budget has been reduced by \$1,500 as the Veterans' Agent has recently dropped one individual from his rolls.

950 UNCLASSIFIED: There have been reductions in this budget in three areas. Routine expenses such as postage and telephone have been reduced as a general "belt tightening" measure. The gasoline line item has also been reduced.

Board of Selectmen Report: (J. Drobinski) No report.

L-S Regional School Committee Report: (David Pettit) Mr. Pettit reported that L-S today is one of the best high schools in the nation and in the State. Its graduates have been accepted at the most competitive colleges and universities in the country. Students who do not go on to college are also sought after by employers because they feel they have been well prepared. The dedicated faculty has enabled the students to reach their full potential. He noted there was a highly valued student-teacher relationship that enables much of the education to take place outside of the classroom. He noted the quality of programs and the quality of student's achievements are outstanding. He spoke of the school's dramatic productions, numerous publications, and its athletic program which is considered one of the best in the State. It was pointed out there was a new, strong management team whose efforts are to do everything possible to provide the best value for each tax dollar spent. In the area of fees, many of these have been raised, such as for the use of the building, tuition, etc.

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He then addressed the budget plan as being fiscally responsible and necessary to preserve the investment already made in LSRHS. It was pointed out there have been significant increases in mandatory budget areas, special education and employee benefits. Removing these two items, he stated the budget was essentially "flat" this year. There was a 2.6% increase for the mandated special ed and employee benefit increases. The budget of \$8.8 million, before State Aid and fees, according to Mr. Pettit, required the Level 3 Override. Were these two mandated costs removed, it would be seen that the budget has declined over the last two years in absolute terms and even more in inflation adjusted terms. Many of the reductions were due to the declining enrollment. It was stated that next year may see the enrollment down by another 2%. Fourteen teachers, one administrator, and five support staff were eliminated. \$130,000 was cut from the athletic budget and replaced with fees and a \$30,000 donation from the Sudbury Boosters. The budget presented this evening, he noted, had the following additional reductions: four teachers, 5-1/2 support staff, one administrator, supplies and buses. Additionally, the Home Economics Department and the Business Department have been eliminated. L-S West has been closed so the students may be mainstreamed with those students on the main campus and cost savings may be realized. Technology courses have been reduced as has been Health and Peer Counseling. Scheduling is now once a year, which eliminates some of the flexibility. He expressed the fact the school is different, but with the Level 3 Override L-S would remain a high quality school but some of the services they are used to having would no longer be available.

Mr. Pettit pointed out that roughly 70% of the budget was spent on salaries and employee benefits. Next is Special Education and there is no significant category after that. Virtually nothing for capital projects according to Mr. Pettit was included in the budget, but this will be included next year to conserve the building. He further noted that without the Level 3 Override, six teachers would be eliminated. About three quarters of the budget is for teachers' salaries and about 8% for administrators', as it has long been the philosophy of the Committee that education is in the classroom and as much of the budget should go into teachers' salaries. He urged the Hall to support the Level 3 Override Contingency Budget.

Sudbury Public School Committee: (James Flanagan and Ann Loos) Mr. Flanagan and Ms. Loos explained the effects of the three Override Level Contingency Budgets on the Sudbury School System. First it was noted the School Committee strongly supported the Level 3 Override Contingency Budget, in order to provide the minimum required to maintain vital services in all Town Departments. It was explained that the "No Override Budget" would fund the schools with \$250,000 less than last year and many educational programs would suffer, whereas the Level 1 Override Contingency Budget would level fund the schools, which would mean some programs and support services would be cut back due to the natural rise of costs. The Level 3 Budget would provide a 1-1/2% increase or \$127,000 and allow the schools to maintain most of its programs and services, however, some programs, services and supplies will be reduced. He reminded everyone that the budgets are based on last year's salary scales, and the Committee was currently engaged in collective bargaining with the Teacher's Association. Consequently, budget reductions may need to be reconsidered at the conclusion of collective bargaining. Significant cuts were made last year--administration, supplies, support services and transportation. The Schools' budget was developed by way of a budget review process that emulated a business approach to budgeting in tight financial times. Every line item was reviewed to determine its necessity. There were no automatic percent increases. There were two months of administrative review with input from parents and citizens in helping to refine the budget and set priorities for service cuts. Mr. Flanagan remarked this "business approach" to budgeting results in solid budget requests that were easily and clearly described in economic and educational terms. As to Sudbury's standing with 10 similar communities in our area, it was stated Sudbury ranked 7th or 8th for expenditures on elementary and middle school programs, spending well below the average.

Ann Loos of the School Committee followed by describing specific programs, services and staff positions that would be directly affected by the override decisions. It was noted that the Committee had developed a specific budget to be implemented in the event of "no override". A vote for Level 3 Override would restore positions both at Level 1 and Level 3. Level 1 affects twelve positions and ten programs, each of which is a vital and important part of a comprehensive educational program. Without an override, the following positions would be eliminated: one art teacher, one physical education teacher, two catalyst teachers, a remedial reading instruction position will be replaced with a teaching assistant, and there will be reduced staffing in the Home Economics and Industrial Arts departments. Without the Level 3 Override, the kindergarten section will be affected

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by increasing class size, the full range of extra curricular activities will be funded by fees, i.e. instrumental music, interscholastic sports and the year book and Student Council. Without the funds, many instructional improvement activities will not be provided and there will be reductions in equipment, supplies and staffing, which will place restrictions and limitations on the work of the classroom teachers.

As to how administrative costs impact the schools' budget, Ms. Loos noted that there were a total of nine administrators: the Superintendent, Director of Administrative Services, Director of Pupil Services and Special Education, Administrative Assistant for Curriculum, three principals and two assistant principals. Total cost for these in FY91 Level 3 Budget would be \$568,369 or 6.4% of the total budget. The Superintendent's salary was stated as \$106,000, representing \$88,500 for salary, \$5,000 for an annuity, \$3,750 for life and disability insurance and \$8,800 for a retirement plan contribution. It was further noted the Superintendent's contract was negotiated in 1988 for a three year period with annual 6% salary increases for 1989 and 1990. The budget to be voted on at this Town Meeting does not include funds for the third year of the contract or for increases in other central office administrators' salaries. Dr. Jackson had volunteered, according to Ms. Loos, the previous night to renegotiate his contract with an understanding that his salary would not increase this year.

Board of Selectmen's Report: (John Drobinski) The Board of Selectmen strongly support the Finance Committee's motion for an Override of Level 3.

Ivan Lubash of Barbara Road inquired of the salaries in all three override budgets--- would this mean that there will be another subsequent override or is this a cap within which everyone must accept, no matter what settlement there may be with the negotiations?

Richard Pettingell of the Finance Committee responded that the budgets currently proposed contain no funding for salary increases next year. When union contracts are renegotiated, any salary increases will either have to be funded out of the budgets voted at this Town Meeting or there will have to be convened a Special Town Meeting wherein the Town will have the right to ratify the negotiated increases and presumably appropriate whatever funding is necessary to take care of the salary increases.

Harold Cutler of Landham Road inquired if the assessment on anyone of these overrides is a one time assessment or a continuing one for future tax years, to which Mr. Pettingell responded that if the override is approved, the Town's tax levy would be increased this year and this increase would remain on the tax base thereafter.

After considerable discussion, there was a motion to move the Question. The moderator declared this motion to terminate debate received a clear 2/3rds vote.

The motion that the amount appropriated under the Override Level 3 Budget not exceed the sum of \$26,029,088 was VOTED.

Mr. Pettingell was then recognized to make the main motion on Override Budget Level 3. He moved that the Town appropriate the sums of money set forth in the Non-override Budget Column of the Warrant under Article 6 for fiscal year 1991 as changed by the line items shown under the Override Level 3 Column on the handout dated April 2, 1990, and entitled, "Finance Committee Contingency Budget Proposals, FY'91" with the exception of the following amendments:

<u>Line Item</u>	<u>Level 3 Budget</u>
200-203	\$362,000
200-205	\$275,000
517-130	\$ 2,069
700-120	\$ 600
700-130	\$ 4,481
700-310	\$ 24,500
970-110	\$ 20,000
970-807	\$ 80,000

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All of said sum to be raised by taxation except:

360-490 Conservation Wetland Protection Act, \$4,125, shall be raised by transfer from Wetlands Protection; 410-110 Highway Salaries, \$15,000, shall be raised by transfer from Cemetery Fund; 950-800 Unclassified Health Insurance, \$331,141, shall be raised by Transfer from Free Cash; and further, that appropriations within departmental budgets are funded hereunder by 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.

Joseph Kline of Stone Road moved to increase line item 410-218 by the sum of \$1,000 and to reduce line item 410-420 to the sum of \$0.

This motion was VOTED.

Henry Sorett of Longfellow Road moved to amend line item 503-210 (Law-General Expenses) by increasing said sum from \$6,450 by the sum of \$480 to \$6,930, said increase being the cost of running a request for proposal for legal services for the Town for three weeks in Massachusetts Lawyers Weekly. The funds are to be raised by transferring them from line item 503-100.

The Moderator stated he could not accept that motion, as "It would be the Town engaging in an illegal act. The Town's bylaws make it clear the appointment, hiring or any counsel, be it Town Counsel generally or special counsel, is exclusively within the ambit of the responsibility of the Selectmen."

The main motion as amended with respect to the Level 3 Override Budget was VOTED.

Next, the Chairman of the Finance Committee moved that the amount appropriated under the Override Level 2 Budget not exceed the sum of \$25,716,088.

Mr. Pettingell noted this motion was the same as that for the Level 3 Override Budget, with the exception of a reduction of \$313,000 combined from the L-S and K-8 school systems.

Board of Selectmen Report: (John Drobinski) The Board supported this motion.

A question was asked if this motion should fail and the one for Level 1 also, would that mean the Town would only be asked to vote at the May 14th Election only on Level 3. The Moderator responded that was correct, and he would be amazed if the Level 2 failed, as the Hall overwhelmingly voted for Level 3, it would be hard to believe they would kill Levels 2 and 1. But if a lot of time is taken to discuss it, so that people leave, that could happen.

However, Mr. Pettit stated his question was what if the Hall only wishes to vote on Level 3 and not be given the opportunity to vote for Level 1 and 2.

The Moderator then explained the Hall would have to defeat the motions under both the lower levels.

The motion for the amount of money appropriated for the Override Level 2 Budget not exceed the sum of \$25,716,088 was VOTED.

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Finance Chairman Pettingell moved that the Town appropriate the sum of money set forth in the Non-override Budget Column of the Warrant under Article 6 for fiscal year 1991 as changed by the line item shown under the Override Level 2 Column on the handout dated April 2, 1990, and entitled "Finance Committee Contingency Budget Proposals FY'91" with the exception of the following amendments:

<u>Line Item</u>	<u>Level 2 Budget</u>
200-203	\$362,000
200-205	\$275,000
517-130	\$ 2,069
700-120	\$ 600
700-130	\$ 4,481
700-310	\$ 24,500
970-110	\$ 20,000
970-807	\$ 80,000
410-218	\$215,375
410-420	\$ 0

All of said sums to be raised by taxation except in line item 360-490, Conservation Wetland Protection Act, the amount of \$4,125 shall be raised by transfer from Wetland Protection. In line item 410-110, Highway Salaries, the amount of \$15,000 shall be raised by transfer from Cemetery Fund; and line item 950-800 Unclassified Health Insurance, the amount of \$331,142 shall be raised by transfer from Free Cash; and further that appropriations within departmental budgets are funded hereunder by integrated line items provided, however, that the departmental appropriations set forth within the following categories, personal services, expenses, total equipment, total snow and ice, net Sudbury Public Schools, Sudbury Assessment Schools, total debt service, total unclassified and out-of-state travel must be expended within those categories unless in each instance the Finance Committee grants prior approval.

This motion was seconded and VOTED.

Mr. Pettingell then moved that the amount appropriated under the Override Level 1 Budget not exceed the sum of \$25,553,088.

This motion was seconded, then the Moderator inquired which line items would be affected in this change from Level 2 to Level 1. The FinCom Chairman noted there were changes in the Building Department, Conservation, Highway, Selectmen, Engineering, Planning, Counsel on Aging and Park & Recreation.

The limiting motion for the amount appropriated under the Override Level 1 Budget not exceed the sum of \$25,553,088 was VOTED.

Richard A. Brooks, Chairman of the Planning Board moved to amend the motion by adding the sum of \$14,819 so that said motion shall read, move the amount appropriated for the Override Level 1 Budget not exceed the sum of \$25,567,907.

In support of his motion, Mr. Brooks identified the value and the impact the FinCom proposed budget would have upon Sudbury by limiting the Planning Board, by eliminating 26% of its budget. Such a reduction would have catastrophic effects on the ability of the Board to accomplish its job for the next several years. He noted the Planning Board is a revenue producing board, through its application fees, cross charging for hours, additional expert consultants brought into the Town, additional improvements, all of which produce revenues to the Town by the Planning Board. The development and subdivision review processes are mandated --there are no options. Planning is Sudbury's future. He noted that the funding for the Planning Board in the Level 3 Override Budget was less than level funded, as the amount proposed is lower than that of the current year and the prior year. He expressed concern for Sudbury's growth management when there is no full-time professional support. He reiterated the fact that the loss of this position will result in a significant loss of revenue to the Town, and with less consistent growth management, the future planning of the Town will be in danger.

FinCom Chairman Pettingell noted that under the Level 1 Override Budget, the Town Planner's position would be cutback by one third as would be the Conservation Coordinator, and the Budget Analyst. It was apparent that the Town's fiscal problems were going to cause the FinCom to make some very difficult recommendations that could result in cuts in Town services

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and the layoff of Town employees. A Priority List was established to guide the FinCom in the making of their recommendations, as they debated amongst themselves the merits of their order of priorities without the added pressure of lobbying efforts of individual Town boards. The FinCom considered the services performed by the Town Planner to be only the most basic of municipal functions. Mr. Pettingell considered Mr. Brooks' amendment as bringing before Town Meeting the very sort of debate the FinCom attempted to avoid with the adoption of its Priority List. The thrust of Level 1, according to Mr. Pettingell, was to provide the taxpayers who are opposed to funding the majority of the Town's Departments by way of an override, an opportunity to at least vote to fund those basic services, the necessity of which should not be open to legitimate debate. It was the opinion of the FinCom that the services provided by the Town Planner did not fall into that category and the FinCom urged the defeat of the proposed amendment.

FinCom PRIORITIES - August 1989

I. Essential and Absolute

1. Debt Service
2. Police
3. Fire
4. All Schools
5. Unclassified: Insurances,
Pensions, Utilities,
Fidelity Bonds

II. Financial

1. Accounting
2. Assessors
3. Tax Collector
4. Treasurer
5. Finance Committee
6. Veterans

III. Essential Operations

1. Selectmen
2. Highway
3. Engineering
4. Town Clerk
5. Law
6. Building
7. Health
8. Personnel Board
9. Board of Appeals
10. Dog Officer

IV. Perceived as High Priority
for Funding by the Town

1. Planning Board
2. Library
3. Park & Recreation
4. Conservation
5. Unclassified - balance
5. Council on Aging

V. Non-Essential for Funding Purposes

1. Moderator
2. Permanent Building Committee
3. Ancient Documents Committee
4. Historic District Commission
5. Historical Commission
6. Youth Commission

By Expenditure Category:

High:	Personal Services
Medium:	Operating Expenses
Low:	Capital Expenditures

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John Drobinski, Chairman of the Board of Selectmen, stated that the Selectmen wished to be heard individually on this motion. He expressed his belief that the position of Town Planner is essential to the Town, and the financial priorities of the FinCom as set forth is also very important. To allow one board or group to put their wishes above the Town as a whole was not in the best interests of the Town so, with reluctance, he couldn't recommend support for the motion to amend.

Selectmen Judith Cope reluctantly agreed with Mr. Drobinski. As she looked at the FinCom's Priority List, she commented that in Category 4, which was considered "high priority for funding", originally it had the Library, as well as the Planning Board, Park & Recreation, Conservation, Unclassified and Council on Aging. Then the Library was pulled up to the "Essential and Absolute" category. She too emphasized that a professional planner is vital to a Town like Sudbury. Too much cutting in the Planning Board budget and it will be noticed aesthetically and in your pocketbook. Therefore, she personally supported the amendment.

David Wallace, the third member of the Board of Selectmen, believed the FinCom had done an excellent job laying out the budgets for each level of override. He expressed full support for the Level 3 Override which would include full funding for the Town Planner position. However, the political and financial realities being what they are, not everyone is for the Level 3 Override. Therefore, he accepted the FinCom's judgment on those departments to be funded and not funded in the Level 1 Override budget. He stated it would be a bad thing now to start opening up budgets. Therefore, he recommended against the motion to amend. Considerable discussion followed, mostly in support of the amendment.

A motion was received and seconded to move the question.

This motion to terminate debate was VOTED.

The motion to amend was defeated.

The main motion was VOTED.

Chairman Pettingell then moved that the Town appropriate the sums of monies set forth in the Override Budget Column of the Warrant under Article 6 for fiscal year 1991 as changed by the line items shown under the Override Level 1 column on the handout dated April 2, 1990, and entitled, "Finance Committee Contingency Budget Proposals 'FY'91" with the exception of the following amendments:

<u>Line Item</u>	<u>Level 1 Budget</u>
200-203	\$362,000
200-205	\$275,000
517-130	\$ 2,069
700-120	\$ 600
700-130	\$ 4,481
700-310	\$ 24,500
970-110	\$ 20,000
970-807	\$ 80,000
410-218	\$215,375
410-420	\$ 0

All of said sums to be raised by taxation except in line item 364-490, Conservation Wetlands Protection Act, the amount of \$4,125 shall be raised by transfer from Wetlands Protection and line item 410-110, Highway Salaries, the amount of \$15,000 shall be raised by transfer from Cemetery Fund; line item 950-800, Unclassified Health Insurance, the amount of \$331,142 shall be raised from Free Cash, and further that appropriations within departmental budgets are funded hereunder by integrated line items provided, however, that the departmental appropriations set forth within the following categories: Personal Services, Expenses, Total Equipment, Total Snow and Ice, Net Sudbury Public Schools, Sudbury Assessment Schools, Total Debt Service, Total Unclassified and Out-of-State Travel must be expended within those categories unless in each instance, the Finance Committee grants prior approval.

This motion received a second and was VOTED.

Mr. Pettingell then made a limiting motion with respect to the Non-override Budget.

He moved that the amount appropriated under the Non-override Budget not exceed the sum of \$214,993,008.

There was no discussion by the FinCom or the Board of Selectmen on this Non-override Budget.

This motion was seconded and VOTED.

Mr. Pettingell then presented the main motion under the Non-override Budget. He moved that the Town appropriate the sums of money set forth in the Non-override Budget Column of the Warrant under Article 6 for fiscal year '91 with the exception of the following amendments:

<u>Line Item</u>	<u>Non-override Budget</u>
200-203	\$362,000
200-205	\$275,000
320-110	\$911,479
512-130	\$ 13,570
517,130	\$ 2,069
700-110	\$ 75,132
700-120	\$ 600
700-130	\$ 4,481
700-210	\$ 3,413
700-310	\$ 24,500
970-110	\$ 20,000
970-807	\$ 80,000
410-218	\$2,151,375
410-420	\$ 0

All of said sums to be raised by taxation except: in line item 360-490, Conservation Wetlands Protection Act, the amount of \$4,125 shall be raised by transfer from Wetland Protection and line item 410-110, Highway Salaries, the amount of \$15,000 shall be raised by transfer from Cemetery Fund; in line item 950-800, Unclassified Health Insurance, the amount of \$331,142 shall be raised by transfer from Free Cash and further that appropriations within departmental budgets are funded hereunder by integrated line items provided, however, that the departmental appropriations set forth with 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.

The Moderator requested confirmation from the FinCom Chairman that the departments to be affected by the new limitation would be the Sudbury Schools, L-S Regional High School, Fire, Police, Highway and the Goodnow Library.

This motion was seconded and VOTED.

This completed the action under Article 6, the Budget.

A motion was then received to adjourn. The meeting was adjourned at 11:15 PM.

Attendance: 846

ANNUAL TOWN MEETING

APRIL 4, 1990

The second adjourned session of the 1990 Annual Town Meeting was called to order at 7:54 PM by Moderator, Thomas G. Dignan, Jr., as a quorum was declared present. Prior to taking up the next order of business in the Warrant, the Moderator announced the new appointments to the Finance Committee, replacing three members whose terms had expired. Briefly, the Moderator noted the absence of George Hamm from this years' Town Meeting, who was home recovering from a serious illness. He expressed how much he was missed as he is such an informed and concerned citizen. Best wishes were offered for his speedy recovery to which the hall loudly applauded.

ARTICLE 23. SHERMAN'S BRIDGE FUNDING

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$200,000, or any other sum, to be expended under the direction of the Highway Surveyor, as the Town's share of the costs associated with the reconstruction, rehabilitation, or replacement, including the design thereof, of Sherman's Bridge, over the Sudbury River, said costs to be shared equally by the Towns of Sudbury and Wayland; and to determine whether said sum shall be raised by borrowing, or otherwise; or act on anything relative thereto.

Submitted by the Highway Surveyor

Robert Noyes, Highway Surveyor, moved to Indefinitely Postpone Article 23.

Mr. Noyes in support of this motion explained that State re-imbursement for the funding for this bridge was not available. Federal funds were not available either, except through the Forestry, Timber Program, wherein 50% of the cost would be refunded, if and when the Town qualified. He noted the FinCom wished to postpone this also until the fall.

Finance Committee Report: (C. McMahon) The FinCom supported this motion noting it was most reluctant to fund something where there was no aid available.

Board of Selectmen: (J. Cope) The Board supported the motion to Indefinitely Postpone, and it was stated the Selectmen would vigorously pursue the reconstruction of the bridge.

Thomas Kruskal of Lincoln Road noted for the record that according to State documents, 50% of the total cost would also be the Town's share.

Paul Kenny, Town Counsel, pointed out also, that a wooden bridge could not be bonded. State law stipulates only bridges constructed of stone, concrete or steel can be bonded.

John Ryan of the FinCom pointed out that there was no source of funds in Town now to legally build the bridge. Therefore, it would be far better to wait until the fall when there would be a better understanding of funding sources and to see if Chapter 44§7 regarding the construction material of the bridge could be amended.

The question was asked as to whose budget would have the design funds, Sudbury or Wayland. It was explained the design funds, \$28,000, would be equally shared between the two towns. At this time, Mr. Noyes mentioned that under Chapter 90 design funds were available, but they must be borrowed first. If they are not used, the money would be lost.

After considerable discussion under the motion to Indefinitely Postpone, there was a motion to move the question. This received a clear 2/3rds vote.

The motion to Indefinitely Postpone was VOTED.

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ARTICLE 24. CONSTRUCT FIRE HEADQUARTERS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$1,200,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of constructing a new Fire Headquarters to be located on Town-owned land off Hudson Road and adjacent to Musketahquid Village (Town Property Map G08 Parcel 008), and purchasing equipment and furniture for use therewith, and landscaping, 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 Fire Chief

Fire Chief, Michael Dunne, moved to appropriate the sum of \$1,200,000 to be expended under the direction of the Permanent Building Committee, for the purpose of constructing a new fire headquarters to be located on Town-owned land off Hudson Road and adjacent to Musketahquid Village (Town Property Map G08, Parcel 008), and purchasing equipment and furniture for use therewith, and landscaping 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 \$1,200,000 under Massachusetts General Laws Chapter 44, Section 7(3).

In support of his motion, Fire Chief Dunne explained that when he joined the department 23 years ago, the then Fire Chief, Albert St. Germain, told him a new headquarters would be just a couple of years away. In 1970 the Town proposed a combination Fire/Police station on the Oliver Land, which the Town purchased, and on which the current Fire Headquarters is proposed to be constructed. For a variety of reasons, the plan was rejected and a new Police Station was built on Route 20. He noted that the Fire Department space problems and conditions have become worse over the years.

The site for the new station will be the Oliver Land, located between Musketahquid Village and Temple Beth-El on Hudson Road, opposite the Maynard Road intersection. The site has approximately 13.5 acres, 4.5 of which are buildable, the rest being wetland. The location is near the geographic center of the Town and response time from there is expected to be similar to that of the present Town Hall location.

The Permanent Building Committee chose the Architectural Firm of the Carell Group of Brookline, MA to prepare preliminary plans and estimates. Carell was directed to design a building that would appear "colonial and house-like". The architectural rendering is one of a large two story colonial house with attached "barn" for the engines. The outside framing will be wooden clapboards. As the site is in the Historical District, the plans were reviewed by the Historical District Commission as well, which gave its approval. The HDC will remain involved until the plan is finalized and put out to bid.

The first floor layout includes offices, a conference room and a dispatch center. The fire station itself is a drive through design with three large doors front and rear, providing ample space for the department's present and future needs. Chief Dunne noted there is a separation between the two areas, to control the exhaust fumes, minimize odors from fire fighting gear and to minimize as much as possible the heating costs.

The second floor provides quarters for the men, a training room, large enough to assemble the men for EMT training, hazardous materials, fire fighting, etc.; there is a locker room and an exercise area. Firefighters, according to Chief Dunne, need to be in top physical condition and this will hopefully cut down on injuries due to strains, sprains, etc. associated with the job. In conclusion, Chief Dunne commented there was a need for the new Fire Headquarters. It was not extravagant, it was functional. It was not a frill, but an essential part of the department's operations. He urged the Hall to support his motion.

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Finance Committee Report: (R. Coe) Mr. Coe reported that the facility was needed. The cost was reasonable. The construction costs are low. The town having already approved the debt exemption for this project, the FinCom supported this motion.

Board of Selectmen: (J. Drobinski) The Board unanimously approved.

Permanent Building Committee: Frank Schimmoller of the PBC informed the hall that three architects had been considered for the Fire Headquarters. The one selected, the Carell Group, stated it could complete the project under \$115/square foot, with a simple wood frame structure.

Harold Cutler, a call firefighter in Sudbury since 1967, unable to be in attendance at this meeting wrote a letter of support for the new fire headquarters, which was read into the minutes. Mr. Cutler, a fire protection engineer and building code consultant, stated his awareness of the operational, equipment and space needs of a modern fire department. He noted how the responsibilities of the Fire Department no longer are just fire fighting and other emergency service oriented functions. Since 1975, there have been dramatic changes in the operations, which now include mandated ambulance service and medical emergency services which require a higher degree of training and retraining than ever before, as well as additional equipment and storage space. Since the early 1980's, the State Building Code was amended to require Fire Departments to review and approve fire protection features of all new buildings, such as sprinkler systems and fire detection and alarm systems. Space is required for meeting with contractors and other town officials to review plans and store them. Fire Departments are now charged with enforcement of the Fire Prevention Regulations involving hazardous occupancies and materials such as flammable liquids. It was pointed out that obviously the job of the Fire Department has changed significantly since the early 1950's when the present station was judged to be inadequate for even a farming community. Over the years additional space was provided, which slightly improved living and working conditions. However, this did not come close to compensating for the increased technical and operational burdens of the department. Mr. Cutler recommended the facilities be brought into the second half of the twentieth century before the century was gone by. He urged the voters to support Article 24.

Design Review Board: (F. Riepe) The Board noted that the civic design of the station was very good and was most supportive of Article 24.

Jacqueline Bates of Austin Road inquired as to the 50 percent increase in the station's cost, from what it had been projected. Kip Johnson, formerly of the Long Range Review Board explained that last year mistakes were made in estimating. Of recent times, the FinCom came up with the concept of presenting major building articles to Town Meeting for design stage approval rather than architectural drawing stage. This way the Town would be protected from loss of money spent on significant architectural fees, if and when the building was not approved. The Fire Headquarters was the Town's first building project to use this approach. In the estimates made, the Permanent Building Committee's request for a 10 percent contingency was left out. Additionally, Sudbury determined its preliminary figures based upon information received from another community, whose building costs did not include architectural fees, as they had been funded in a prior article.

The main motion under Article 24 was *UNANIMOUSLY VOTED*.

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ARTICLE 25. FAIRBANK COMMUNITY CENTER - HEATING SYSTEM REMODELING

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds to be expended under the direction of the Permanent Building Committee, for the purpose of making extraordinary repairs and remodeling of the heating system at the Fairbank Community Center, and all expenses connected therewith, including engineering and other professional services, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Permanent Building Committee

Michael Melnick of the Permanent Building Committee moved to Indefinitely Postpone Article 25.

Mr. Melnick explained that since the printing of the Warrant, L-S West has vacated the Fairbank Facility and space there is to be used for the re-location of the Town Accountant. Time is needed to make the entire building energy efficient.

Finance Committee: (G. Tucker) Recommended approval.

Board of Selectmen: (J. Cope) Recommended approval.

The motion under Article 25 was VOTED.

ARTICLE 26. NOYES/CURTIS/HAYNES SCHOOL - ASBESTOS REMOVAL

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$400,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of removing asbestos and performing related extraordinary repairs in the Haynes and Curtis Schools and the new (1970) section of the Noyes 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

James Flanagan of the Sudbury School Committee moved to appropriate the sum of \$140,000, to be expended under the direction of the Permanent Building Committee, for the purpose of removing asbestos and performing related extraordinary repairs in the Haynes and Curtis Schools and the new (1970) section of the Noyes School, and all expenses connected therewith, including professional engineering, or architectural services, including testing, development of specifications and bidding documents and supervision of work; said sum to be raised by transfer of \$115,000, from the Stabilization Fund and the balance of \$25,000, by taxation.

In support of this motion Mr. Flanagan explained there was need to remove the asbestos within one year. This article would allow the Schools to comply and in a timely fashion.

Finance Committee Report: (J. Ryan) The Finance Committee supported this motion, with the hope to use as little as possible of the Stabilization Fund, and as much as possible from taxation, this being the best funding solution the FinCom could recommend. It was stated that the removal of the asbestos could not wait.

Board of Selectmen: (J. Drobinski) The Board recommended approval.

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Permanent Building Committee: (M. Melnick) Mr. Melnick stated it was the responsibility of his Committee to select the appropriate design engineer to administer the removal of the asbestos, according to State requirements.

Several people voiced opposition to this appropriation. One was Charles Schwager of Ridge Hill Road, a father of school aged children who claimed the signs of asbestos were woefully inadequate and Joseph Kline of Stone Road claimed that more harm than good could be realized by removing the asbestos, when there isn't any dust present.

Planning Board: (R. Brooks) Mr. Brooks from information he had received, supported Mr. Klein's view and inquired if the Committee had checked out the course of action other school systems have followed in this asbestos matter and to further check as to what the current information available recommends.

Mr. Flanagan stated the Committee had not done any investigation and admitted he knew little or nothing about asbestos. However, two consultants have already looked at the schools and provided the following cost breakdown: \$100,000 for the south-east wing of Curtis, \$8,000 for Haynes and \$25,000 for Noyes, for a total of \$133,000. It was noted the work would be completed within a three month period, when the children would not be in school.

William Maurhoff of Goodmans Hill Road questioned the use of the Stabilization Fund if this was a bondable expense. Mr. Ryan of the FinCom explained there were a number of matters being bonded at this time, and it was the expectation of the FinCom to refund the Stabilization Fund in the future. In response to another question, it was noted the prices did include the fire-retardant replacement materials.

Ms. Lamont-Havers suggested this project should be put off for a year, until the override is passed. Mr. Flanagan responded by stating it wouldn't be appropriate to delay bringing this article before Town Meeting. He had this on the advice of the Consultant.

The motion under Article 26 was *UNANIMOUSLY VOTED*.

ARTICLE 27. LSRHS MAINTENANCE ASSESSMENT STUDY

WITHDRAWN

APRIL 4, 1990

ARTICLE 28. AMEND ZONING BYLAW, ART. IX, III, A.1.b -
PERMITTED USES IN RESIDENCE DISTRICTS, HOME OCCUPATIONS

To see if the Town will vote to amend the Zoning Bylaw by deleting Section III.A.1.b in its entirety and substituting in place thereof the following:

"b. Home Occupation

- (1) Customary Home Occupation - the practice or conduct of a profession or occupation shall be permitted in a dwelling or in an accessory building, provided that:
 - (a) Same is conducted by a resident of the dwelling;
 - (b) Not more than one full-time employee, or the equivalent, exclusive of other residents of the dwelling, is employed on the premises;
 - (c) The home profession or occupation is secondary to the use of the dwelling as the principal residence of the resident conducting the same;
 - (d) No external changes are made which alter the residential character of the premises;
 - (e) There is no exterior storage of material or equipment (including the parking of commercial vehicles) and no other exterior indication of such use or variation from the residential character of the premises;
 - (f) There is no public display of goods or wares, and there are no signs pertaining to such use, except for a name plate, not exceeding 6" in height nor 18" in width;
 - (g) There is adequate off-street parking provided in connection with the practice or conduct of the home profession or occupation which does not substantially alter the appearance of the premises as a single-family residence and such use does not require the parking of more than four vehicles at the premises at any one time (including the vehicles of all residents);
 - (h) Any traffic generated by such use is not inconsistent with traffic usually associated with a single family residence; and
 - (i) There is no offensive noise, vibration, smoke dust, odors, heat, or glare produced in connection with such use.
- (2) Special Home Occupations and Antique Sales - The Board of Appeals by Special Permit may authorize:
 - (a) A Special Home Occupation which otherwise meets the conditions of the foregoing subparagraphs b.(1)(a) through (i) but requires the parking of more than four vehicles or which involves more than one full time employee or the equivalent, exclusive of other residents of the dwelling or which requires a sign larger than specified in subparagraph b.(1)(f).
 - (b) The sale of antiques in a dwelling or in an accessory building, provided that the same is conducted pursuant to the conditions set forth in the foregoing subparagraphs b.(1)(a) through (1).
 - (c) Any use requiring a Special Permit shall be subject to all requirements as to setbacks, off-street parking and all requirements and restrictions pertaining to a business area.
 - (d) Any Special Permit granted hereunder shall terminate upon the resident permit holder ceasing to reside in the dwelling.";

or act on anything relative thereto.

Submitted by Petition

A motion was received and seconded to postpone consideration of Article 28 until after the completion of Article 13. This motion was VOTED.

(See page 103 for action taken under Article 28)

ARTICLE 29. AMEND ZONING BYLAW, ART. IX.IV.A.7-INTENSITY REGULATIONS EXCEPTION

To see if the Town will vote to amend the Zoning Bylaw, Section IV, to encourage the preservation of Open Space throughout Sudbury by inserting Section IV.A.7 as follows:

"7. Exception to Encourage Open Space

The minimum dimensional requirements for a residential subdivision plan in which at least 25% of the total land area is dedicated as Common Open Land as described in Section IV.D.4.a through f, shall be 50% of the minimum requirements prescribed in Section IV.B, Schedule of Intensity Regulations. The maximum number of lots on which a single family dwelling may be constructed in such a residential subdivision is limited to no more than the number of single family dwelling lots which could be achieved with a subdivision plan which fully met the minimum requirements of Section IV.B (the Basic Density) and Board of Health Regulations plus a bonus number of lots equal to one half of the percentage of the total land area dedicated to Open Space times the Basic Density. When this calculation results in a fractional number, only a fraction of three quarters or more shall be equal to one.";

or act on anything relative thereto.

Submitted by Petition

David Wallace of the Board of Selectmen moved to postpone consideration of Articles 29, 30, 31, 32, 33, 34 and 35, and to take them up in order upon the completion of the discussion of Article 28.

At this time Hendrik Tober of Ames Road moved to amend the motion to postpone by deleting Articles 31 and 32 for consideration now.

Mr. Tober's motion to amend *failed*.

The original motion to postpone was *VOTED*.

(See page 104 for the action taken under Articles 29 - 35.)

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ARTICLE 36. AMEND BYLAW, ART. V, DRIVEWAY LOCATION - PENALTY

To see if the Town will vote to amend Section 29 of Article V of the Town of Sudbury Bylaws, Driveway Location, by adding thereto the following paragraph:

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

or act on anything relative thereto.

submitted by the Town Engineer

Bill Place, Town Engineer, *moved in the words of the Article.*

In support of this motion, Mr. Place stated the current fine for violation of the Town's Bylaw, Article V, §29, Driveway Location, has a one time fine for violation of \$50. The proposed amendment would increase the penalty to \$50 per day for each day of a violation. The amendment came about as a result of making site visits, only to discover on many occasions, where permits had been issued for one driveway, more than one had been constructed instead. Such driveways do not address site distance, slope and safety. This proposed amendment will send a clear message to contractors that the rules and regulations for driveway locations must be adhered to.

Finance Committee Report: - Recommended approval.

Board of Selectmen Report: (J. Cope) Recommended approval.

Planning Board Report: (J. Watterson) Recommended approval.

Martha Coe of Churchill Street asked about a hypothetical situation where a citizen, unknowingly had a driveway that was improperly installed, would this person be obligated to pay the new fine of \$50/day until the driveway problem was corrected.

Mr. Place noted Article 36 was strictly for "new" construction. Prior to issuing a building permit, contractors must present to the Engineering Dept. their plans showing at a minimum the grades, site distances, road widths and locations, etc. He noted the amendment was intended to act as a deterrent to those contractors who come in and create and construct an unsafe driveway.

Town Counsel, Paul Kenny, in response to a similar question, stated that "The bylaw addresses the construction of "new" driveways so that a driveway that has been in existence for 30 years and somehow encroaching something else would not be subject to the penalty."

William Maurhoff of Goodman Hill Road inquired as to a "grace period" being included in the amendment, for those situations where all permits required were received, but the contractor proceeds to implement the driveway incorrectly.

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Town Counsel noted, "The article requires a permit or a fine for a failure to obtain a permit for the location. The fine would be issued if the person put in a driveway and didn't get a fine, excuse me, didn't get a permit. If, however, he got a permit and put the driveway in the wrong place, it wouldn't be fined. He might be required to put it in the right place, but he wouldn't be fined for making a mistake under those circumstances."

Mr. Maurhoff followed with the statement, "Nor, would he be subject to penalty according to this if he failed to comply with the request to relocate the incorrect driveway." To this Mr. Kenny remarked, "That is correct."

Following several more questions as to when the penalty would be imposed, Town Counsel explained, "If you do not apply for a permit to put in a driveway, and you put it in without getting that permit, you are subject to a fine of \$50 per day for failure to get that permit." Asked when the fine would stop, Kenny stated, "When you get the permit." Asked when the \$50 per day fine would start, Kenny stated, "When you put the driveway in. The requirement of the bylaw is to get a permit. If you don't get a permit, for example, if you built a house without a permit, you are subject to a penalty there also under the State Building Code."

Charles Schwager of Ridge Hill Road addressed the hall by stating he was disturbed by this and a previous article where forty-five minutes was spent in discussion with the Hall thinking it could bond when it couldn't. With this Article ten minutes was spent in discussing something before it was explained the Article referred only to getting a permit. He commented it was very confusing and difficult to deal with important issues when the proper framing for these articles have not been provided. Hendrik Tober of Ames Road added that it looked like a clear case of "mislabeling." He further commented that, "We are sold something which has the headline 'This fine is about location of a driveway', when it is only about not getting a permit." He further commented, "I had hoped that finally the officials were going to crack down on builders who make these 'honest mistakes' and build driveways on somebody else's property, you know, or on Conservation Land, and now it isn't. This is trivial. It is too bad that it isn't what I had hoped it would be."

Town Counsel, Paul Kenny responded to that comment as follows: "There has been a suggestion to the Chair that the Hall has been misled twice this evening. In neither case is that correct. In the first instance, you were talking about bonding. The articles and the motions are drafted by my office. My office drafted a motion for bonding for a bridge. It was not until I looked up at the screen tonight and saw that it was a wooden bridge that I was apprised the bridge was going to be constructed of wood. Therefore there was no way that we could anticipate that. The article that is before you now specifically says that there is a fine to be imposed by violation of the section. The section requires a permit and if you read that and if you read the section then it was clear what the penalty was for, but there certainly is no intent to mislead this Town Hall, Town Meeting."

Leslie Bellows of Juniper Road stated he was a little bit annoyed. As a Town Meeting attendant for more than 23 years, he noted that once in a while there are a couple of articles "that are full of holes like swiss cheese and we sit here." He suggested this article should be voted upon and voted down to "send a message as usual that when an article is prepared, think about it and prepare it and don't waste our time. This whole discussion is a waste of time. There are questions that can't be answered."

Following, there was a motion by Catherine Ditmore of Austin Road. She moved to amend the motion by substituting for the figure \$50, the figure \$300 and striking the last sentence "each day during which a violation exists shall be deemed to be a separate violation."

This motion to amend failed.

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Bronislaw Dichter of Linden Road asked about a new driveway installed without a permit, but it is not discovered by the Town for three months, would the penalty under the main motion be \$50 times the 90 days (3 months)? Counsel Kenny stated "Hypothetically the answer to that is yes."

After considerable discussion, William Durfee of French Road, who noted he was in favor of the intent of the Article, suggested this bylaw amendment was flawed and should be withdrawn temporarily and re-submitted at the conclusion of the Town Meeting, considering the various questions that have been asked for the past forty-five minutes. It was his hope this would provide time for Mr. Place along with Town Counsel to "tighten up some of the loose ends present."

Another lengthy explanation of the proposed amendment to the Town Bylaw, was given by Town Counsel.

Lee Michaels of Horse Pond Road offered two suggestions which she believed could have helped facilitate this article: 1. having the phrase "new driveway construction" included in the Town Engineer's report in the Warrant; and 2. to print in the Warrant that section of the Town Bylaw proposed to be amended.

A motion was received and seconded to move the question.

This motion to terminate debate was *VOTED*.

The main motion under Article 36 was *VOTED*.

It being well after 10:30 PM, the Moderator entertained a motion to adjourn.

Selectman John Drobinski moved to adjourn the Annual Town Meeting until Monday, April 23, 1990 at 7:30 PM. This motion was seconded and the Moderator declared it received a clear two-thirds vote.

The motion was *VOTED*.

The meeting was adjourned at 11:03 PM until April 23, 1990 at 7:30 PM.

Attendance: 289

ANNUAL TOWN MEETING

APRIL 23, 1990

The third adjourned session of the 1990 Annual Town Meeting was called to order at 7:52 PM by Moderator, Thomas G. Dignan, Jr., as a quorum was declared present.

The first order of business was a motion by Fred Haberstroh, Chairman of the Board of Assessors, to *advance Article 48 as the first order of business.*

In explanation, Mr. Haberstroh stated in case Town Meeting should carry over to one of the two following nights, he could not be in attendance, therefore he would like to discuss the Article this evening.

The motion to advance Article 48 was *UNANIMOUSLY VOTED.*

(See page 96 for the action taken under Article 48.)

ARTICLE 37. AMEND ZONING BYLAW, ART. IX.V.O.- SPECIAL REGULATIONS, COMMON DRIVEWAYS

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, the following Subsection O:

"O. Common Driveways

In all Residence Districts, no driveway or other access to a way shall serve more than two dwellings or other principal, permitted structures.";

or act on anything relative thereto.

Submitted by the Town Engineer

William Place, Town Engineer, *moved in the words of the article.*

Mr. Place reported that over the last few years a number of common driveways were constructed with total disregard for emergency access. This Bylaw will address many safety issues by limiting the number of residential dwellings to be accessed, by providing standards for length, width and percent grade of a common driveway, by requiring proper turn-arounds for emergency equipment, and by regulating the location of fire hydrants.

Board of Selectmen Report: (J. Drobinski) The Selectmen strongly supported this Article.

Finance Committee Report: The Finance Committee had no position on this article.

Planning Board Report: (J. Watterson) The Planning Board supported this article

Mr. Ray Wood of Bigelow Drive inquired as to whether this amendment to the Town Bylaw would apply to new construction only. Town Counsel, Paul Kenny, opined that "It would apply to new construction basically. However, if there were houses in

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84.

existence that were served--each one was served by its own driveway, you couldn't take three houses and have them served by a common driveway. So if your question is new construction of a driveway, the answer is 'Yes'. If it is new construction of buildings, the answer is 'No' ". He further clarified by stating, "The ones that are in existence would not have to be changed."

The motion under Article 37 was *UNANIMOUSLY VOTED*.

ARTICLE 38. AMEND BYLAW, ART. XV - BUILDING PERMIT FEES (Consent Calendar)

To see if the Town will vote to amend Article XV, Building Code, of the Town of Sudbury Bylaws, in Section, Building Permit Fees, as follows:

- 1) In line 4, by changing the minimum fee for issuance of a building permit from "ten dollars (\$10.00)" to "twenty dollars (\$20.00)"; and
- 2) In line 8, by changing the minimum fee for issuance of a building permit when work is initially commenced without benefit of permit from "twenty dollars (\$20.00)" to "forty dollars (\$40.00)";

or act on anything relative thereto.

Submitted by the building Inspector

Building Inspector Report: The increase in the minimum building permit fees is necessary to properly charge for the Town's time and expense in administering said permits.

Board of Selectmen Report: The Board supported this article.

Finance Committee Report: The Committee recommended approval.

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

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ARTICLE 39. AMEND BYLAW, ART. XVII - WIRING PERMIT FEES (Consent Calendar)

To see if the Town will vote to amend Article XVII, Fees, of the Town of Sudbury Bylaws, by deleting Section 2, Wiring Permits, in its entirety and substituting therefor the following:

"Section 2. Wiring Permits: The fee to be paid for the issuance of a wiring permit and inspections thereunder shall be as follows:

New House or Residential Unit	\$ 2.00 per \$100 value \$50.00 minimum
Residential Rewiring	\$ 2.00 per \$100 value \$25.00 minimum
Industrial, Commercial or Non-residential Unit	\$ 2.00 per \$100 value \$25.00 minimum
Industrial Maintenance	\$100.00

No fee shall be charged for the issuance of any electrical wiring permit to the Town or for work upon any building owned by the Town.";

or act on anything relative thereto.

Submitted by the Building Inspector

Building Inspector Report: This amendment to the Bylaw would increase wiring permit fees for a new house or residential unit from \$40 to \$50; for residential re-wiring and industrial, commercial or non-residential units from \$15 to \$25; industrial maintenance fees would be increased from \$50 to \$100. These increased fees are necessary to properly charge for the Town's time and expense in administering said permits.

Board of Selectmen Report: The Board supported this article.

Finance Committee Report: The Committee recommended approval.

UNANIMOUSLY VOTED (Consent Calendar)

IN THE WORDS OF THE ARTICLE

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ARTICLE 40. AMEND ZONING BYLAW, ART. IX,II,C - DELETE PORTION OF LBD #5

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX,II,C, by deleting from Limited Business District #5, the portion of land thereof which lies west of the easterly side line of the railroad right-of-way; or act on anything relative thereto.

Submitted by the Planning Board

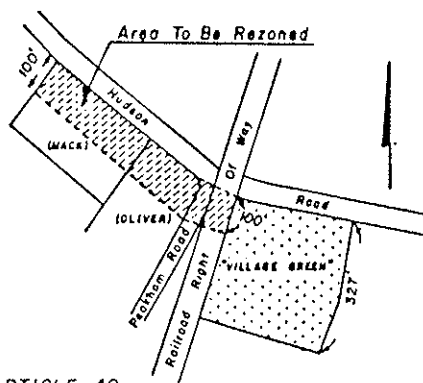
James Watterson of the Planning Board moved to amend the Sudbury Zoning Bylaw, Article IX,II,C by deleting from Limited Business District #5 the portion of land thereof which lies west of the easterly side line of the railroad right-of-way.

Planning Board Report: (J. Watterson) This article would rezone certain parcels, or portion thereof, located along Hudson Road and currently zoned Limited Business (LBD) but either vacant, or in single family residential use to the residential district which is abutting such lands. Public notice of this zoning change has been given and no land-owners in the affected area have objected to this zoning change.

Board of Selectmen Report: (J. Cope) Mrs. Cope stated she didn't have any notes on this Article but she recommended approval

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

The motion under this Article was UNANIMOUSLY VOTED.



ARTICLE 40
Limited Business District No. 5

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ARTICLE 41. AMEND BYLAWS, NEW ART. XX - PROHIBIT OVERHEAD UTILITIES

To see if the Town will vote to amend the Sudbury Bylaws by adding a new Article XX in accordance with Massachusetts General Laws, Chapter 166, Sections 21, 22, 22C and 24, substantially as follows:

"ARTICLE XX

PROHIBITION AND REGULATION OF OVERHEAD UTILITIES

Section 1. Definitions and Applicability

This Bylaw 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 therein and the definitions in Section 22A of Chapter 166. This Bylaw does not apply to transmission lines carrying electric power in excess of twenty thousand volts, phase-to-phase.

Section 2. Rules and Regulations

A. The Board of Selectmen shall adopt, and may from time to time amend, Rules and Regulations to effectuate the purposes of this Bylaw, which shall be consistent with this Bylaw and applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such rules shall prescribe, at a minimum, safety, environmental and aesthetic standards for the placement and numbers of poles, wires and associated overhead structures.

B. The Selectman may grant a waiver from their Rules and Regulations, on a case-by-case basis, only if such waiver would enhance the public safety, health, convenience or welfare.

Section 3. Regulation of Existing and 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. Any Utility replacing or upgrading existing poles, overhead wires and associated overhead structures upon, along or across any public way within the Town shall comply with the Selectmen's Rules and Regulations.

C. Any Utility or person who installs or constructs any poles, overhead wires, or associated overhead structures in violation of this Bylaw shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars.

D. This Bylaw shall not prohibit the installation of new street light poles or traffic signal poles supplied by underground electricity.

E. The Board of Selectmen may grant special permission, for a period not to exceed 90 days, in cases of emergency or unusual circumstances, to a Utility or person to erect, construct, install, maintain, use or operate, poles and overhead wires and associated overhead structures notwithstanding the provisions of this Bylaw.

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 this Bylaw 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 the Planning Board

Peter Anderson of the Planning Board moved in the words of the Article.

Mr. Anderson noted that a similar article was on last year's Warrant, which was referred by the voters to the Planning Board for further study. Since then the Board has worked with the utility companies, Town Counsel and others to develop Article 41. Putting aside the aesthetic considerations, he noted poles located too close to the roadway can pose a safety hazard. The Board's Rules and Regulations, since 1968, have prohibited overhead installations in all new residential areas. As a result, approximately 15% of Sudbury's street miles currently have underground utilities. These streets are in the newer residential areas. Although it would be desirable to have all remaining overhead utilities underground, it was pointed out by Mr. Anderson, this would involve a very long and expensive undertaking and the utility companies are unwilling to bear this cost, and any discussion to get rid of the existing overhead utilities belongs under Article 42, which the Planning Board will be recommending "Indefinite Postponement", due to its financial impact on the Town. The Board believed Article 41 merited consideration as it gave the voters an opportunity to decide if they wanted to stop the further proliferation of overhead utilities in all parts of Town, which is available through Mass. General Law, Chapter 166, Section 22C which permits Town Meeting, upon Planning Board recommendation, to adopt a bylaw forbidding utilities to install or construct, except by way of replacement or upgrading of existing facilities, any overhead poles and wires along any public way within the Town. Article 41 follows the State law. It includes a section on definitions and applicability and has the same prohibition language and provisions as the State statute. One additional provision was included requiring the Board of Selectmen to adopt Rules and Regulations containing standards for replacement of poles, numbers of wires and so forth. These Rules and regulations would apply to any replacement or upgrading of existing facilities. The prohibition provisions of this article would apply wherever a public way may get established or extended in the future regardless of whether it is part of a residential subdivision, commercial area or anything else. Two examples were The Sudbury Village Project, which has proposed extension of Nobscot Road to the north and Station Road to the west. Mr. Anderson advised the voters that before they voted on this Article, they should be aware of one additional section of the General Laws, Chapter 166 §L, which allows the State Department of Public Utilities to establish a rate differential between rates charged to customers in towns that have adopted a prohibition bylaw and those that have not, provided that no such differential can exceed any increase in cost of providing the service costs only by the adoption of the bylaw. A public hearing would be required. It was further noted that in discussions with the DPU, it was revealed that although other towns have adopted this type of bylaw, no rate differential has ever been established. The Planning Board regarded the risk as low, both in probability of occurrence and in the amount of possible differential. The Board recommended approval of Article 41.

Finance Committee Report: (J. Hepting) The Finance Committee viewed this article as a logical extension of the existing Zoning Bylaw. It was noted that it proposed provisions of the bylaw be extended beyond the scope of subdivisions and extend to all other development in Town as well. The Committee supported the motion under Article 41.

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

The motion under Article 41 was *UNANIMOUSLY VOTED*.

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ARTICLE 42. AMEND BYLAWS, NEW ART. XXI - PROGRESSIVE REMOVAL OF OVERHEAD UTILITIES

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

"ARTICLE XXI
PROGRAM FOR PROGRESSIVE REMOVAL OF OVERHEAD WIRES

Section 1. Definitions and Applicability

This Bylaw is enacted pursuant to General Laws, Chapter 166, Sections 22D, 22E, 22M and 24 and shall be construed in a manner consistent with the provisions therein and the definitions in Sections 22A and 22I of Chapter 166. This Bylaw does not apply to transmission lines carrying electric power in excess of twenty thousand volts, phase-to-phase.

Section 2. 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 areas listed in Section 3 shall remove such poles, overhead wires and associated overhead structures. The Utility shall commence the removal of such poles, overhead wires and associated overhead structures no later than the calendar year next following the effective date of this Bylaw.

B. Any Utility in providing replacement facilities of any poles and overhead wires and associated overhead structures required to be removed shall install customer service facilities up to 50 feet from the public Right of Way (ROW) or in the case of single family residences up to 150 feet from the ROW.

C. Any Utility which fails to remove any poles and overhead wires and associated overhead structures as required by this Bylaw 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 Bylaw during the term the payments provided in the cooperation agreement are to be made, so long as the Utility shall not be in default of the cooperation agreement.

E. Any entity having overhead wires or associated overhead structures which are not subject to the provisions of M.G.L. Chapter 166, Section 22D, shall remove such wires or associated overhead structures from all poles required to be removed under this Bylaw, and such removal shall be completed in such manner and in such time as not to hinder or interfere with action taken by Utilities to comply with this Bylaw.

F. Commencing one (1) year from the effective date of this Bylaw, 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 22N.

Section 3. Areas for Removal of Utility Poles and Overhead Wires

The following lists, in priority order, the areas within the Town subject to the provisions of this Bylaw:

A. Business and Town Activity Centers:

Boston Post Road (From Lafayette Drive to Massasoit Avenue), Union Avenue, Concord Road (from Boston Post Road to Town Center), Station Road.

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B. Historic and Scenic Areas:

Boston Post Road (west from Lafayette Drive to the Sudbury Town line), Wayside Inn Road, Dutton Road, French Road, Old Garrison Road, Peakham Road (from Boston Post Road to Austin Road), Concord Road (from Town Center to Morse Road), Candy Hill Road (from Concord Road 700 feet east), Plympton Road (from Concord Road 400 feet east), Morse Road (from Concord Road 300 feet west), Old Sudbury Road, Rice Road, Hudson Road (from Concord Road to Maynard Road), Peakham Road (from Hudson Road 300 feet south), Goodman's Hill Road (from Concord Road 700 feet southeast), King Philip Road, Boston Post Road (from Massasoit Avenue to Singletary Lane).

C. Heavy Traffic/Access Areas:

The remainder of the Boston Post Road (east from Singletary Lane to the Sudbury Town line), Maynard Road, North Road, Great Road, the remainder of Hudson Road (from Maynard Road to the Sudbury/Stow Town line), and the remainder of Concord Road (from Morse Road to the Sudbury/Concord Town line).

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 this Bylaw 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 the Planning Board

Peter Anderson of the Planning Board moved to indefinitely postpone Article 42.

The Planning Board reported that passage of this article would begin a systematic program to remove existing overhead utilities in selected areas of Town. As specified in State law, both Boston Edison and New England Telephone would be authorized to place a 2 percent surcharge on each subscriber's bill to recover their costs in carrying out this program. Removal of overhead utilities will improve aesthetics, public safety and reliability of service. It will take a very long time to eliminate overhead utilities from all our streetscapes. This article will at least start the process. The Planning Board further reported at Town Meeting this article would involve additional operating costs to the Town as well as increased utility rates for all subscribers--residential and commercial. Given the financial crisis faced by the Town, the Board in good conscience could not recommend this as a high priority item at this time and recommended indefinite postponement.

Finance Committee Report: (J. Hepting) Recommended indefinite postponement of Article 42.

Board of Selectmen: (J. Cope) Recommended indefinite postponement of Article 42.

Motion to indefinitely postpone Article 42 was *VOTED*.

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ARTICLE 43. AMEND ZONING BYLAW - ARTICLE IX.V.D.12 - SIGN CONTINUANCE

To see if the Town will vote to amend the Zoning Bylaw by:

1. Deleting the first paragraph of Section V.D.12., Signs and Advertising Devices - Non-conformancy in its entirety and substituting in place thereof the following:

"12. Sign Continuance - Any non-conforming sign or sign requiring a Sign Permit legally erected on or before June 30, 1990 may be continued and maintained until June 30, 2000, and any sign erected subsequent to June 30, 1990 under a Sign Permit may be continued for a period of 10 years from the date of issuance of the Sign Permit, and any sign not requiring a Sign Permit which becomes non-conforming due to changes in the Sudbury Sign Bylaw may be continued for 10 years from the effective date of the change in the Sign Bylaw which created the non-conformancy provided that:

- a. It shall not be enlarged, reworded, redesigned, or altered in any way unless it conforms with the provisions contained herein including, where applicable, obtaining the proper Sign Permit to make such changes.

- b. Any sign shall be removed within 30 days which:

1. does not have a valid non-expired Sign Continuance Permit as described in subparagraph d. below";

2. Renumbering sections V.D.12., a through d as sections V.D.12.b numbers 2 through 5;

3. Adding new paragraphs to Section V.D.12 as follows:

"c. After the applicable ten-year period set forth above, any sign legally erected pursuant to a Sign Permit which has not become non-conforming shall be eligible to apply for a new Sign Permit and, if a new Sign Permit is granted, may be continued for 10 years in accordance with the requirements of this section 12.

d. Sign Continuance Permit

1. New Permit - By September 30, 1990 for existing signs and thereafter within 60 days of the erection of a new sign under a Sign Permit, or for existing signs granted a new Sign Permit, or for signs not requiring a Permit within 60 days of a change in the Sign Bylaw creating non-conformancy, a Sign Continuance Permit Application and application fee shall be filed with the Building Inspector. The Building Inspector shall then issue a Sign Continuance Permit for every application properly completed. A properly completed application must contain at a minimum a site plan locating the sign and three or more recent (within 6 months) color photographs - one showing each side of the entire sign, and one or more as required to show the entire site, sufficient information to demonstrate that the sign was legally erected, and conforms with the provisions of Section V.D.12.b, subparagraphs 2 and 3. Signs erected under Sign Permits issued after June 30, 1990 need only provide the photographs and information which demonstrates that the sign conforms to the design and location shown in the approved Sign Permit.
2. Renewal - A Sign Continuance Permit may be renewed once five years from the date of issuance of the new Sign Continuance Permit. A Sign Continuance Permit Renewal Application and renewal fee shall be filed with the Building Inspector no more than 60 days prior to the expiration of the new Sign Continuance Permit and shall include three or more new recent color photo-

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graphs as described in 1. above and sufficient information to demonstrate that the sign conforms with Section V.D.12, subparagraphs a., b.2, b.3, and b.5. Upon receipt of the Renewal Application properly completed, the Building Inspector shall issue a renewal.

3. Validity - the new or renewal Sign Continuance Permit issued hereunder shall be valid for five years from the date of issuance except as provided in subparagraph b. above and may be revoked by the Building Inspector upon a determination that it was issued based on false or misleading information in the application.
4. Fees - The Selectmen shall establish and may from time to time amend the application and renewal fee provided for in subparagraphs 1. and 2. above after Public Hearing and legally required notices have been given.
- e. Removal - Any sign which does not have a valid Sign Continuance Permit shall be removed within 30 days of notice by the Building Inspector to the property owner. Signs not removed within 30 days of such notice shall thereafter constitute a separate zoning violation each day until it is removed.";

or act on anything relative thereto.

Submitted by Petition

Ralph Tyler of Deacon Lane moved to indefinitely postpone Article 43.

Before accepting this motion, the Moderator explained to the voters this was a zoning issue, therefore if it is indefinitely postponed, it could not come back to another Town Meeting for two years without the assent of the Planning Board.

Finance Committee Report: There was no report.

Board of Selectmen: (J. Cope) Recommended indefinite postponement.

Planning Board : (R. Brooks) The Board supported indefinite postponement.

The motion under Article 43 was *VOTED*.

ARTICLE 44. AMEND ZONING BYLAW, ART. IX.V.D.6.h,i,j -
MOTOR VEHICLE, HAND CARRIED AND POLITICAL SIGNS

To see if the Town will vote to amend the Zoning Bylaw by deleting Section V.D.6.h, Signs Which Do Not Require a Sign Permit, Special Signs, in its entirety and substituting in place thereof the following:

- "h. Motor Vehicle Signs - Signs mounted on registered motor vehicles provided that the total area of the sign(s) visible from any one direction on the motor vehicle is no more than six square feet; or, if the area is larger, the motor vehicle when parked for more than 90 minutes is parked so that it is not visible from any public way.
- i. Hand Carried Signs - Non-commercial signs carried by hand.
- j. Political Signs - All political signs, provided, however, that election signs shall be removed within 7 days following the election.";

or act on anything relative thereto.

Submitted by Petition

Ralph Tyler of Deacon Lane moved to amend the Zoning Bylaw by deleting Section V.D.6.h in its entirety and substituting in place thereof the following:

- "h. Motor Vehicle Signs - Signs mounted on registered motor vehicles provided the total area of the sign(s) visible in any one direction on the motor vehicle is no more than six square feet; or, if the area is larger, the motor vehicle whenever parked for more than 90 minutes is parked so that the sign is not visible from any public way.
- i. Hand Carried Signs - Non-commercial signs carried by hand."

In support of this motion, Mr. Tyler explained this amendment would establish an enforcement tool that could be used when trucks are flagrantly used to bypass the intent of our sign bylaw. He noted newspaper articles had suggested this would become a tool for harassment of legitimate people, employees of companies parking their pick-up trucks in front of a store, while they get a cup of coffee or something and stayed too long. He would not support this Article if he thought the Zoning Bylaw was so enforced by the Building Inspector. However, these past few years along Route 20 many times large prominent trucks or large commercial vehicles were parked in the same location, almost every night and every weekend, prominently displaying the signs on their vehicles. Mr. Tyler noted if one was familiar with the Sign Bylaw, it was understandable why this was happening, as they couldn't put up signs like that to get the visibility for their business in a legitimate way, so they park their trucks. If you see that sort of thing happening for a long time, then there would be an enforcement tool with this amendment that the Building Inspector could use to suggest to those people they move their trucks.

Finance Committee Report: (J. Ryan) The FinCom took no position on this motion.

Board of Selectmen Report: The Board took no position on this motion.

Planning Board Report: (R. Brooks) The Board did not support this amendment. Its main concern being it lacked enforceability.

Design Review Board: (J. Fantasia) Although the Design Review Board was in favor of bylaw changes that would expedite or achieve a more desired result relative to signage, it was reluctant to support changes generally perceived by the business community as harassment or seeking to redress problems of small significance or in all certainty are destined to become scoff laws. The present bylaw has no requirements for signs mounted on registered motor vehicles. Most businesses have company vehicles, perhaps two or three that have used such a vehicle to circumvent the intent of the Sign Bylaw. If Article 44 is passed, many people involved in legitimate use of their business vehicle(s) could find themselves in violation of the bylaw, thereby becoming vulnerable to harassment, if some-one were so inclined or who could realistically expect the Building Inspector to conduct a daily surveillance of the coming and going of all business vehicles in Town at 90 minute intervals. The DRB believed this article did not address issues of any real substance and would run the risk of portraying Town officials as nitpicking and anti-business, and therefore urged the voters to defeat this motion.

Henry Sorett of Longfellow Road expressed concern about this article as to what would the Goodwill truck at Star Market do or moving vans that need to make deliveries in a residential neighborhood that may take half a day or more to unload. He believed this Article would create an opportunity for arbitrary and capricious enforcement which, if done, might expose the Town to liability. He urged the defeat of Article 44.

The motion under Article 44 was defeated.

ARTICLE 45. AMEND ZONING BYLAW, ART. IX.II.B - TECHNICAL CORRECTION
WAYSIDE INN HISTORIC PRESERVATION RESIDENTIAL ZONE

To see if the Town will vote to amend the second paragraph of Section II.B of Article IX of the Town of Sudbury Bylaws (the Zoning Bylaw), location of Residential Zone "A-1" by adding to the areas excluded the Wayside Inn Historic Preservation Residential Zone so that the final clause thereof will read:

"excluding therefrom Residential Zones "C"1 and "C"2, the Wayside Inn Historic Preservation Residential Zone and all the zones described in Section II, Paragraph C. 'Location of All Other Districts'";

or act on anything relative thereto.

Submitted by the Board of Selectmen

D. Wallace of the Board of Selectmen moved in the words of the article.

Board of Selectmen Report: The 1988 Annual Town Meeting approved the establishment of the Wayside Inn Historical Preservation Residential Zone Bylaw. Article 45 will correct one part of the Bylaw which described the location of residential districts, that was overlooked.

Finance Committee Report: No report

Planning Board Report: (R. Brooks) The Board recommended approval.

The motion under Article 45 was UNANIMOUSLY VOTED.

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ARTICLE 46. AMEND ZONING BYLAW - TECHNICAL AMENDMENTS

To see if the Town will vote to amend Sections III.G.5.b.1), III.G.5.e.1), III.G.6.d.3), and V.N.7.k. of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by changing the words "Department of Environmental Quality Engineering" as therein appearing to "Department of Environmental Protection"; or act on anything relative thereto.

Submitted by the Board of Selectmen

Board of Selectmen Report: This article will amend the Zoning Bylaw by correctly amending the name of a state agency which was recently changed. The Board supported this article.

Finance Committee Report: No report

Planning Board Report: (R. Brooks) The Board recommended approval

The motion under Article 46 was UNANIMOUSLY VOTED.

ARTICLE 47. AMEND ZONING BYLAW, ART. IX, V.N.7. - WASTEWATER TREATMENT FACILITIES, APPLICATION PROCEDURE

To see if the Town will vote to amend Section V.N.7. of Article IX of the town of Sudbury Bylaws, the Zoning Bylaw, by deleting subparagraphs 7.i. and 7.j. and substituting therefor the following:

"i. The proposed mechanism, whether letter of credit, escrow account, insurance policy or other financial device to provide the Town 1) 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, and 2) an account to fund any costs necessarily associated with modifications to the facility which are required for compliance with any of its local, state or federal approvals or permits, for use in the event that the owner or operator of the facility fails to undertake such replacement or modifications when required by law, regulation or physical condition of the facility. Such financial security must be sufficient to cover against inflation and any other cost increases.

j. The proposed mechanism, whether letter of credit, escrow account, insurance policy or other financial device, in the amount of no less than \$5,000,000.00 to 1) indemnify the Town from and against any and all claims for injuries or death of persons or damage to property, the environment or groundwater arising out of the installation, operation or failure to operate of the facility, and 2) provide insurance coverage against all such injuries or damage to the Town or other persons or entities.";

or act on anything relative thereto.

Submitted by the Wastewater Advisory Committee, Board of Selectmen, and Finance Committee

Bill Cooper of the Wastewater Advisory Committee moved in the words of the Article.

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Wastewater Advisory Committee Report: Article 47 is a technical correction to sections 7.i. and 7.j. of the Wastewater Treatment Facilities Bylaw, approved at the 1989 Annual Town Meeting. The changes were made to provide a clear description of the financial protection for the Town and its citizens which an operator must have in place before a small wastewater treatment facility can be constructed.

Board of Selectmen Report: (J. Cope) The Board supported Article 47.

Finance Committee Report: (J. Ryan) The Committee recommended approval. The purpose of this article is to give as much protection to the Town as possible.

Planning Board Report: (M. Meixsell) The Board recommended approval of this article.

The motion under Article 47 was *UNANIMOUSLY VOTED*.

ARTICLE 48. ACCEPT CHAPTER 653, SECTION 40, OF THE ACTS OF 1989 -
ASSESSMENT DATE CHANGES

To see if the Town will vote to accept the provisions of Section 40 of Chapter 653 of the Acts of 1989, amending Chapter 59, section 2A(a) of the General Laws, regarding assessment date changes for new growth, or act on anything relative thereto.

Submitted by Petition

Mr. Haberstroh, Chairman of the Board of Assessors, *moved to accept the provisions of Section 40 of Chapter 653 of the Acts of 1989, amending Chapter 59, section 2A(a) of the General Laws, regarding assessment date changes for new growth.*

In support of his motion, Mr. Haberstroh explained this law, if approved, would enable the Assessors to place a value on new growth six months earlier than presently allowed. Presently, any house or newly constructed building started after January 2nd of each year, cannot have a value placed upon it until the following January. This law would permit placement of a value on the property in July--six months earlier. He further pointed out that a conservative estimate of \$20,000 would be realized by the Town for the first year with this assessment date change.

Finance Committee Report: (J. Hepting) Recommended approval.

Board of Selectmen: (J. Drobinski) Recommended approval.

The motion under Article 48 was *VOTED*.

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ARTICLE 49. AMEND ZONING BYLAW, ARTICLE IX.III.A.1 - NON-PROFIT & CHARITABLE
PERMITTED USES IN SINGLE RESIDENCE ZONES

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX, Section III.A.1, Single Residence Districts Permitted Uses, by relettering subparagraph "e." as subparagraph "f." and adding a new subparagraph e. as follows:

"e. Non-profit organization sponsored events or fund raising activities or charitable fund raising activities not exceeding 30 days' duration provided that a permit for such use specifying any conditions deemed appropriate has been issued by the Board of Selectmen if the Selectmen shall rule that the benefits to the community at large outweigh possible detriments to specific neighborhoods.";

or act on anything relative thereto.

Submitted by Petition

Ralph Tyler of Deacon Road moved to indefinitely postpone Article 49.

In support of his motion, Mr. Tyler explained, at discussions he has had with Town Counsel, after the Warrant had been printed, he was informed that a Special Permit under the Zoning Bylaw would be required and not the permit process as written in Article 49. The Special Permit process would require notices to all abutters, newspaper advertising, lengthy appeal periods and rights of appeal. Consequently, the intention to create some type of a reasonable administrative procedure within the four corners of this Article was not possible.

Finance Committee Report: The Committee did not report on this Article, but it did support the motion to indefinitely postpone.

Board of Selectmen: (J. Drobinski) The Board supported the motion to indefinitely postpone.

Planning Board Report: (R. Brooks) The Board supported the motion to indefinitely postpone.

The motion under Article 49 was UNANIMOUSLY VOTED.

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ARTICLE 50. AMEND BYLAW, ART. V, PUBLIC SAFETY - DOG CONTROL FINES

To see if the Town will vote to amend Section 3 of Article V, Public Safety, of the Town of Sudbury Bylaws, by replacing the schedule of fines under the second paragraph entitled, "Control of Dogs", with a new fine schedule, so that the last sentence of said paragraph shall read:

"The owner or keeper of a dog who violates this bylaw shall be punished by a penalty according to the following schedule of fines: for the first offense in any calendar year--twenty-five dollars; and for the second or subsequent such offense--fifty dollars.";

or act on anything relative thereto.

Submitted by Petition

Linda Ravesi of 122 Morse Road moved in the words of the Article.

Ms. Ravesi explained she was proposing to change the dog fines from \$10, \$15 and \$25 to \$25 for the first offense and \$50 for the second offense, as dog owners do not pay attention to the Dog Officer's repeated warnings, as the fine(s) are too small. She believed if the fines were increased the people would think twice about letting their dogs run loose.

Finance Committee Report: (R. Coe) According to Mr. Coe, the Finance Committee, after considerable procrastination, elected to take no position on this article. It appeared to have financial impact in the sense it addressed fines payable to the Town, but the Finance Committee couldn't convince itself the amount of fines to be collected would have enough impact to justify saying it really has a financial impact. It may have a financial impact to the owner of a roaming dog, but not to the Town, therefore the Committee, using their prerogative took no position on this article.

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

Hendrik Tober of Ames Road spoke in opposition to this Article, stating it was extremely inflexible.

The motion under Article 50 was *VOTED*.

ARTICLE 13. STREET ACCEPTANCES

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

SUFFOLK ROAD	From Belcher Drive to Ford Road, a distance of 693 feet, more or less;
BELCHER DRIVE	From the end of the public way of Belcher Drive to Ford Road, a distance of 2,491 feet, more or less;
RUN BROOK CIRCLE	From Fairbank Road to a dead end, a distance of 656 feet, more or less;
WEBSTER CIRCLE	From Phillips Road to a dead end, a distance of 1,004 feet, more or less;
PHILLIPS ROAD	From the end of the Public Way of Phillips Road to a dead end, a distance of 1,302 feet, more or less;
MARY CATHERINE LANE	From North Road, a distance of 1,065 feet, more or less;
WHITE OAK LANE	From Moore Road to a dead end, a distance of 1,490 feet, more or less;
LAUREL CIRCLE	From White Oak Lane to a dead end, a distance of 399 feet, more or less;
KATO DRIVE	From Goodman's Hill Road to a dead end, a distance of 2,264 feet, more or less;
KATO SUMMIT	From Kato Drive to a dead end, a distance of 255 feet, more or less;
CANDLEWOOD CIRCLE	From Peakham Road to a dead end, a distance of 326 feet, more or less;
WALKER FARM ROAD	From Goodman's Hill Road to a dead end, a distance of 956 feet, more or less;
OLD MEADOW ROAD (Portion)	From Elliot Road southerly to a dead end, a distance of 197 feet, on average, 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, \$1,400, or any other sum, therefor and all expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen

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Selectmen Cope moved to accept the layout of the following ways:

SUFFOLK ROAD	From Belcher Drive to Ford Road, a distance of 693 feet, more or less;
BELCHER DRIVE	From the end of the public way of Belcher Drive to Ford Road, a distance of 2,491 feet, more or less;
MARY CATHERINE LANE	From North Road a distance of 1,065 feet, more or less;
WHITE OAK LANE	From Moore Road to a dead end, a distance of 1,490 feet, more or less;
LAUREL CIRCLE	From White Oak Lane to a dead end, a distance of 399 feet, more or less;
KATO DRIVE	From Goodman's Hill Road to a dead end, a distance of 2,264 feet, more or less;
KATO SUMMIT	From Kato Drive to a dead end, a distance of 255 feet, more or less;
CANDLEWOOD CIRCLE	From Peakham Road to a dead end, a distance of 326 feet, more or less;
WALKER FARM ROAD	From Goodman's Hill Road to a dead end, a distance of 956 feet, more or less;
OLD MEADOW ROAD (Portion)	From Elliot Road southerly to a dead end, a distance of 197 feet, on average, 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 appropriate \$1,400 therefore and all expenses connected therewith, said sum to be raised by taxation. "

Board of Selectmen: (J. Cope) The Board supported this motion.

Finance Committee Report: (R. Pettingell) The Committee recommended approval of this motion.

Richard Brooks of the Planning Board moved to amend by removing from the main motion the words Kato Drive from Goodman's Hill Road to a dead end, a distance of 2,264 feet, more or less and Kato Summit from Kato Drive to a dead end, a distance of 255 feet, more or less.

At this time, the Moderator asked Town Counsel, Paul Kenny, to explain to the Hall what a "street acceptance" is and the consequences of a street acceptance. Mr. Kenny explained that a street acceptance involves the acceptance by the Town of a private way making it a public way. The effect being that the Town then takes over the maintenance of the road, is in charge of drainage, repairs pot holes, if any, and re-paves the road when necessary. It is a public way within the control and ownership of the Town. Whereas a private way, unless a community has accepted a state statute, cannot even be plowed by a town. Any work done on a private way, repairs or re-pavement of the private way must be done at the expense of the abutters to the private way. Essentially, the abutters of a private way are responsible for the upkeep and repairs of the private way, whereas the Town is responsible for the upkeep and repairs of a public way.

In support of his motion, Mr. Brooks stated these two "ways" were not up to the standards usually required for acceptance at Town Meeting. Currently, no homes have

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have been constructed on them. There could be a liability to the Town should there be pot-holes from trucks traversing them.

It was stated by others that this amendment would penalize contractors. In addition, the Town has in the past accepted streets before homes were constructed on them.

While one voter, Josiah Frost, thought this amendment would be an injustice to developers and asked for its defeat, another voter, Charles Swanger, thought the amendment would be a good incentive to get developers to complete roads, and he further commented it would protect the townspeople--the taxpayers. It was further pointed out by Russell Kirby of the Planning Board that these two roads have one aspect which separates them from virtually all the others--they do not provide any through traffic. These roads serve the subdivision and the subdivision only. They do not serve any of the residents of the Town, which was one of the basic reasons why the Board took the position it did. He asked why the Town should assume responsibility for the maintenance of roads which do not serve any of its residents. The other roads, while in other subdivisions, and also do not provide through traffic, they do provide access to dwellings on parcels which are owned by voters and citizens of the Town.

The motion to amend was defeated.

William E. Roch asked why Phillips Road, Run Brook Circle and Webster Circle were deleted from the list of ways for acceptance. Town Engineer, Bill Place explained there was a technical difficulty. The proper drainage route was not recorded for these three roads. There were also some outstanding issues as far as the Conservation Commission was concerned.

The main motion under Article 13 was UNANIMOUSLY VOTED.

ARTICLE 28 AMEND ZONING BYLAW, ART. IX, III.A.1.b-PERMITTED USES IN RESIDENCE DISTRICTS.
HOME OCCUPATION

To see if the Town will vote to amend the Zoning Bylaw by deleting Section III.A.1.b in its entirety and substituting in place thereof the following:

"b. Home Occupation

- (1) Customary Home Occupation - the practice or conduct of a profession or occupation shall be permitted in a dwelling or in an accessory building, provided that:
 - (a) Same is conducted by a resident of the dwelling;
 - (b) Not more than one full-time employee, or the equivalent, exclusive of other residents of the dwelling, is employed on the premises;
 - (c) The home profession or occupation is secondary to the use of the dwelling as the principal residence of the resident conducting the same;
 - (d) No external changes are made which alter the residential character of the premises;
 - (e) There is no exterior storage of material or equipment (including the parking of commercial vehicles) and no other exterior indication of such use or variation from the residential character of the premises;
 - (f) There is no public display of goods or wares, and there are no signs pertaining to such use, except for a name plate, not exceeding 6" in height nor 18" in width;
 - (g) There is adequate off-street parking provided in connection with the practice or conduct of the home profession or occupation which does not substantially alter the appearance of the premises as a single-family residence and such use does not require the parking of more than four vehicles at the premises at any one time (including the vehicles of all residents);
 - (h) Any traffic generated by such use is not inconsistent with traffic usually associated with a single-family residence; and
 - (i) There is no offensive noise, vibration, smoke, dust, odors, heat, or glare produced in connection with such use.
- (2) Special Home Occupations and Antique Sales - The Board of Appeals by Special Permit may authorize:
 - (a) A Special Home Occupation which otherwise meets the conditions of the foregoing subparagraphs b. (1) (a) through (i) but requires the parking of more than four vehicles or which involves more than one full time employee or the equivalent, exclusive of other residents of the dwelling or which requires a sign larger than specified in subparagraph b.(1)(f).
 - (b) The sale of antiques in a dwelling or in an accessory building, provided that the same is conducted pursuant to the conditions set forth in the foregoing subparagraphs b.(1)(a) through (i).
 - (c) Any use requiring a Special Permit shall be subject to all requirements as to setbacks, off-street parking and all requirements and restrictions pertaining to a business area.
 - (d) Any Special Permit granted hereunder shall terminate upon the resident permit holder ceasing to reside in the dwelling."

or act on anything relative thereto.

Submitted by Petition

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Ralph Tyler of Deacon Lane moved that Article 28 be referred to a joint committee of the Planning Board and the Board of Appeals to draft a Home Occupation Bylaw for presentation at the 1991 Annual Town Meeting.

The Moderator advised Mr. Tyler that there is no such joint committee as noted in his motion. The Town cannot refer to a non-existent committee. Additionally, there is no commitment that such a committee is going to exist. Thereupon, Mr. Tyler withdrew the first motion and then:

moved to refer Article 28 to the Planning Board to draft a Home Occupation Bylaw for a presentation at the 1991 Annual Town Meeting.

Mr. Tyler noted there were some significant drafting errors that could have created loop holes for people to engage in home occupations without permits. Preferring not to amend this Article on the floor, he thought it would be better to have more viewpoints on what needs to be done, as there are many people who are establishing home offices either on a part-time or full-time basis. Most of it is unregulated and unreported. The current bylaw and the need to have a home occupation kind of approval from the Board of Appeals does open up a point of view that you can arbitrarily harass certain people if you want. It could be an arbitrary bylaw, therefore it was thought it would be better to put in the language of our Zoning Bylaw certain things he thought would not be harmful to the residential character of neighborhoods. The intent is to create some kind of a bylaw where certain types of home occupations are allowed by right--occupations that would be encouraged and not create administrative burdens for people. He acknowledged that people working in this manner, reduce commuting/traffic congestion and factors such as that which are desirable.

Finance Committee Report: No report.

Board of Selectmen Report: (J. Cope) The Board deferred to the Planning Board.

Planning Board Report: (J. Watterson) The Board supported the motion.

Joseph Kline of Stone Road asked for the defeat of this amendment on its merit and also for defeat of the article.

The motion to refer was defeated.

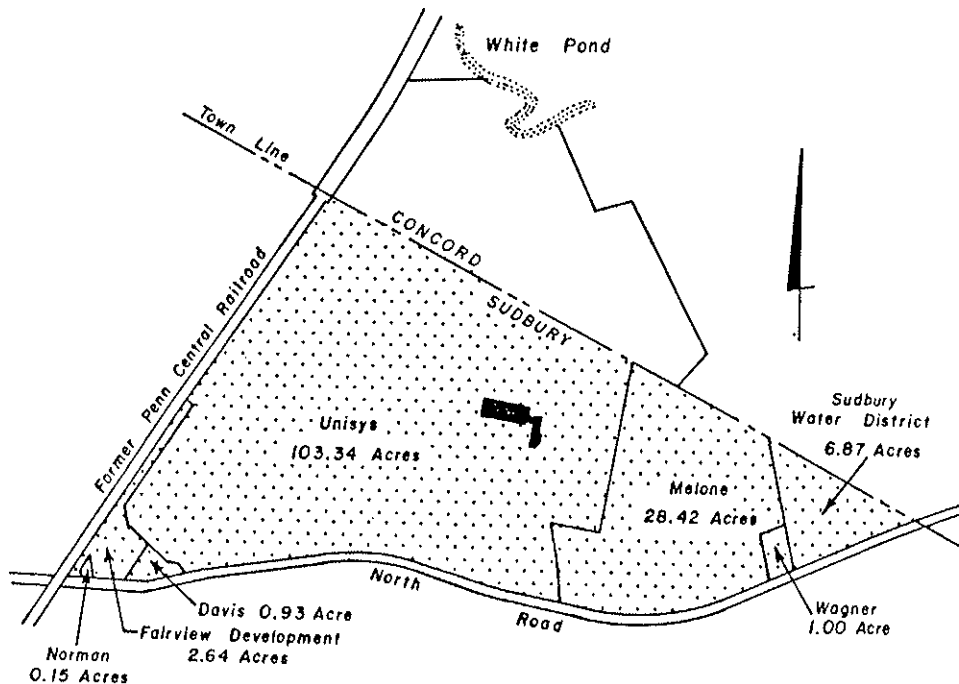
At this time Russell Kirby of the Planning Board moved to indefinitely postpone Article 28.

James Watterson of the Planning Board stated the Board supported the motion to indefinitely postpone and also supported having the Board of Appeals work on an article to be presented to Town Meeting in the future.

At this time, Town Counsel, Paul Kenny, reminded the Moderator that it would be two calendar years before this article could be presented to the voters again, absent a favorable report by the Planning Board.

The motion under Article 28 to indefinitely postpone was VOTED.

At this time Articles 29 - 35, submitted by the same petitioners, were taken up under one motion.



ARTICLES 30, 31, 32, 33, 34, & 35
Research District No. 1

ARTICLE 29 **AMEND ZONING BYLAW, ART. IX.IV.A.7 - INTENSITY REGULATIONS EXCEPTION**

To see if the Town will vote to amend the Zoning Bylaw, Section IV, to encourage the preservation of Open Space throughout Sudbury by inserting Section IV.A.7 as follows:

- "7. Exception to Encourage Open Space
 The minimum dimensional requirements for a residential subdivision plan in which at least 25% of the total land area is dedicated as Common Open Land as described in Section IV.D.4.a through f, shall be 50% of the minimum requirements prescribed in Section IV.B, Schedule of Intensity Regulations. The maximum number of lots on which a single family dwelling may be constructed in such a residential subdivision is limited to no more than the number of single family dwelling lots which could be achieved with a subdivision plan which fully met the minimum requirements of Section IV.B (the Basic Density) and Board of Health regulations plus a bonus number of lots equal to one half of the percentage of the total land area dedicated to Open Space times the Basic Density. When this calculation results in a fractional number, only a fraction of three quarters or more shall be equal to one.";

or act on anything relative thereto

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ARTICLE 30. AMEND ZONING BYLAW, ART. IX - RESEARCH DISTRICTS - PERMITTED USES
MODIFIED CLUSTER DEVELOPMENT

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX, by:

- A. renaming the Research Districts the "Research/Residential" Districts as appearing in Sections II.A.7. - Establishment of Districts, II.C - Location of All Other Districts, and wherever else appearing;
- B. adding to the list of permitted uses in Section III.D. the following:
 - d. Modified Cluster Development - a cluster development of single family detached dwellings and accessory structures upon issuance of a special permit from the Planning Board in accordance with the provisions of Section IV.D., as modified by the following requirements:
 - 1. Cluster Standards
 - a) Minimum Tract Size - 25 acres
 - b) Number of Building Lots Permitted - the number that would be allowed under the requirements of the Residence C zoning district (minimum lot size=60,000 square feet). Land which is subject to a perpetual restriction pursuant to M.G.L. Chapter 184, sections 31 and 32 and land subject to a restriction of the type described in said section 31 which is held by a governmental body shall not be included in the calculation of building lots permitted.
 - c) Dimensional Requirements - Table 1 prescribes the minimum requirements for each lot and Table 2 prescribes the requirements for the averages of all building lots created.

TABLE 1

Minimum Lot Area	Minimum Lot Frontage	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
25,000 sf	80 ft.	60 ft.	35 ft.	20 ft.	30 ft.

TABLE 2

Avg. Lot Area	Avg. Lot Frontage	Avg. Lot Width
30,000 sf	105 ft.	80 ft.

for the purposes of Table 1 and Table 2 "Lot width" shall be defined as the straight line distance between the side lot lines, as measured parallel to a line connecting the lot corners at the street line and extending back from the street line to the foundation line of the dwelling closest to the street line. The requirements of Section IV.D.3.c.1) concerning Special Water Resource Areas shall not apply.

- d) Minimum Perimeter Buffer - 50 feet
- e) Water Quality Protection - The applicant shall demonstrate that the concentration of substances in surface and groundwater shall nowhere exceed the concentration that would be expected from development of the tract under the requirements of the Residence C zoning district. In any instance where an exception for additional building lots is allowed under 3. below, the applicant shall demonstrate that the concentration shall nowhere exceed that which would be expected from development under the requirements of the Residence A Zoning District.

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2. Common Land - Except as provided below, not less than 50% of the land area of the tract shall be dedicated as common open land. No more than 33% of the common open land shall consist of land under any water body, bog, swamp, wet meadow or marsh, as defined in M.G.L. Chapter 131, section 40, The Wetlands Protection Act, and the regulations thereunder.
 - a) The minimum common open land area shall not include land to be used for streets or parking areas.
3. Exceptions to Cluster Standards and Common Land Requirements
 - a) Additional Building Lots
 - 1) The Planning Board may allow additional building lots for those developments which donate building lots to the Sudbury Housing Authority which are accepted by the Authority for construction of affordable housing, or which will include lots on which affordable housing will be constructed in conjunction with the development, in accordance with Table 3.

TABLE 3

Total Lots in Development	Lots Donated to Housing Authority or Designated for Affordable Housing	Total Permitted Lots
2 - 5	1	1 Plus total lots allowed under d.1.b)
6 or more	Up to 10% of number of lots allowed under d.1.b)	2 for each affordable housing lot plus total allowed under d.1.b)

Calculations resulting in fractional lots of 0.5 or more shall be rounded to the next larger whole number, while others shall be rounded down to the next smaller whole number. As used herein, "affordable housing" shall mean any single family detached dwelling which complies with the eligibility requirements for financial assistance under a state or federally sponsored governmental program for the construction or provision of housing for persons of low or middle income, as such persons may be defined thereunder.

- 2) The Planning Board may also allow additional lots, up to 30% of the number permitted under d.1.b) above for those developments which provide common open land in one or more of the three listed categories, according to the following formula: one additional lot for each building lot shown on the preliminary subdivision plan submitted with the special permit application which consists of land of the type described in such categories and where all of the land included in such lot will be a part of the common open land in the cluster development. In no event, however, may the total number of lots in the development exceed that which would be allowed in the Residence A Zoning District.
 - i. Land which currently is in agricultural use, or land which is suitable in location and soil characteristics to be used agriculturally, and which will be made available for commercial farming through lease or for public community gardens;
 - ii. Land which lies within a Water Resource Protection District, Zone II as set forth in Section III.C. of this Bylaw;

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- iii. Land which preserves scenic vistas or open views from Route 117 or from land abutting thereon;
- b) Reduction of Common Land Area and Minimum Average Lot Area Requirement
 - 1) When the Planning Board allows additional lots pursuant to 3.a)1) or 2) above, it may also allow a reduction in the minimum common open land requirement to 40%, if such a reduction is necessary to incorporate the additional lots into the development. When the Planning Board allows additional lots pursuant to 3.a)2), it may also allow a reduction in the minimum average lot area requirement to 27,500 s.f. if such a reduction is necessary to incorporate the additional lots into the development.
 - 2) The Planning Board may allow an additional reduction of the common open land area requirement to 35% and the reduction of the minimum average lot area to 26,500 s.f. for those developments which qualify for a reduction under 3.a)2) and which also provide affordable housing lots under 3.a)1).
 - 3) Whenever the minimum common land area requirement is reduced hereunder, no more than 50% of the common land shall consist of land under any water body, bog swamp, wet meadow or marsh as defined in said Chapter 131, section 40 and the regulations thereunder.
- 4. Application for a Special Permit
 - a) The required preliminary subdivision plan shall show development of the tract under the requirements of the Residence C Zoning District. When an applicant seeks additional lots pursuant to 3.a)1) or 2) above, a preliminary subdivision plan showing development of the tract under the requirements of the Residence A Zoning District shall also be required.
- 5. Planning Board Action
 - a) Goals of Modified Cluster Development - In acting on all applications, the Planning Board shall determine whether the proposed development is consistent with the following stated purposes of modified cluster development and shall not grant a special permit unless it finds that the development is so consistent.
 - 1) preservation and protection of natural resources and conditions on and off the site, including topography, wetlands, wildlife habitat, agricultural land, steep slopes and hillsides, and especially, open space areas abutting Route 117;
 - 2) preservation of the visual character of the tract, as viewed from both on and off the tract;
 - 3) protection of important historic features, both on and off the site, including stone walls and historic structures;
 - 4) in applications for additional lots under 3.a)1), the integration of the affordable housing lots with the other lots in the development;
- 6. Alteration of Land - After an application for a modified cluster development special permit has been made, no utility installations, no ditching, grading or construction of roads, no grading of land or lots, no excavation except for purposes of soil testing, no dredging or filling, and no construction of buildings or structures shall be done on any part of the development site until the application has been approved and a special permit granted.;
or act on anything relative thereto.

ARTICLE 31. SUDBURY RESEARCH CENTER LAND ACQUISITION

To see if the Town will vote to acquire, by purchase, or otherwise, all or part of the property owned by Unisys Corporation and located off Route 117 and shown as Parcel 300 on Town Property Map C-11, consisting of 101.52 acres more or less, for conservation purposes pursuant to Chapter 40, section 8C of the General Laws or for general municipal purposes, upon certain terms and conditions, and to raise and appropriate, or appropriate from available funds, or from the Conservation Fund, a sum of money therefor and all expenses in connection therewith, and to determine whether such sum shall be raised by borrowing; and further, to authorize the Conservation Commission to seek grants and other funding therefor; or act on anything relative thereto.

ARTICLE 32. AMEND ZONING BYLAW, ART. 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.

ARTICLE 33. AMEND ZONING BYLAW, ART. IX.III.D. - PERMITTED USES, RESEARCH DISTRICTS

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 list of permitted uses:

- "d. Executive, administrative, engineering, financial or professional offices including accessory uses thereto.
- e. Any use permitted in the Single Residence "A" District.
- f. Medical centers, nursing homes, elderly housing, or residential life care facilities for the elderly.
- g. Schools, educational facilities, or housing for educational personnel employed by the educational institution and their families.";

or act on anything relative thereto.

ARTICLE 34. AMEND ZONING BYLAW, ART. IX.IV.B - INTENSITY REGULATIONS, RESEARCH DISTRICTS

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 for Research RD Districts, by changing the Maximum Floor Area Ratio to 7,000 square feet gross floor area per acre and by changing the Minimum Lot Size to 10 acres; or act on anything relative thereto.

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ARTICLE 35. MAINTAIN EXISTING UNISYS FACILITY IN COMMERCIAL TAX BASE
ZONING BYLAW EXEMPTIONS

To see if the Town, acting under the provisions of the Sudbury Zoning Bylaw, Art. IX, Section I.B, will vote to exempt the existing Unisys buildings on eight or more acres of land in Research District No. 1 from the following provisions of the Town of Sudbury Zoning Bylaw:

1. Section IV.A & B, Intensity Regulations, provided that the existing facility remains below 75,000 square feet; and
2. Section III.A & D, Permitted Uses, if it is devoted to one or more of the following uses:
 - a. Executive, administrative, engineering, financial or professional offices including accessory uses thereto
 - b. Medical center, nursing home, elderly housing, or residential life care facilities for the elderly
 - c. Any use permitted in the Research District; and
3. The 15% impervious surface restrictions of Section III.G.5, Use Regulations, subsections a.5 and b.9, provided that any increase in paved parking or other impervious surface within the approximately 8-acre site is offset by a decrease in the paved parking or other impervious surface already existing on the Unisys property;

or act on anything relative thereto.

Submitted by Petitions

David Wallace of the Board of Selectmen moved that Articles 29 - 35 be referred to the Board of Selectmen to study and report at a Fall 1990 Special Town Meeting.

Selectman Wallace stated the Town is in the process of negotiating with Unisys, the major land owner with whom these articles would be dealing. Although no resolution was in sight as to the lawsuit itself, or as to what the Town needs and wants for this site, as well as Unisys, it was his expectation that the next couple of months, especially the next month, would bring them closer together in understanding one another's positions. He made no assertions that they would be able to negotiate a settlement, however, he stated it probably was the first time they had had really meaningful negotiations and very significant conversations with Unisys and its attorneys. It was, according to Mr. Wallace, in the Town's best interest, as well as those of the proponents of these articles, to continue to work on this. He further believed they would know whether they would be able to come to a negotiated settlement sometime before the Fall. If that isn't the case, then the court will decide what is the correct course of action, i.e. whether the zoning should remain in place or be changed. The thinking at this time was to keep things out of court. It was his hope that if a settlement is negotiated, he would return at a Fall Special Town Meeting with new zoning bylaw amendments that would incorporate any and all of the elements seen in these various articles. At this time it would be premature to pass any one of these articles and lock either side into a position at this time.

Finance Committee Report: (R. Pettingell) It was pointed out there was a strong dialogue on-going at this time between the Town and Unisys, therefore the Committee recommended support for this motion.

Planning Board Report: (R. Brooks) The Board supported this motion to refer.

Hendrik Tober of Ames Road moved to amend the motion by deleting the words "at a Fall 1990 Special Town Meeting" and substitute instead "at a future Town Meeting".

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Mr. Tober commented that the subject of the Sperry land is something which has a high order of emotionality for each and every one of Sudbury's citizens. It was his impression that a Special Town Meeting does not really represent the majority of the thinking in the Town, as it is a little more subject to manipulation than a general Town Meeting.

It was noted by Town Counsel that a "future" town meeting could be any future meeting, including a "special" town meeting.

Selectmen Wallace acknowledged there was need to act upon these articles, as the Town hadn't moved in the past five (5) years. There was need to bring something back as soon as possible, maybe not next month, but next Fall. He did not support the amendment.

Town Counsel was asked what the meaning of "future" town meeting was as opposed to a "Fall" town meeting, to which he replied the following: "This Town Meeting cannot direct nor can any Town Meeting direct the calling of a Special Town Meeting or any Special Town Meeting. It can only be accomplished by the Board of Selectmen or by a petition of a specific number of voters of the Town in accordance with the State Statute."

The Chairman of the Finance Committee expressed the concern of the Committee that the Town not be perceived as dragging its feet on this matter, and strongly supported the sentiment expressed by Mr. Wallace that if these articles are referred to the Selectmen, it is with the understanding they will move with all dispatch on this issue and report back to the Town at a future Town Meeting as soon as possible with their proposal. With that proviso, the Finance Committee supported the motion to amend.

The motion to amend the main motion was *VOTED*.

Henry Sorett of Longfellow Road stood in opposition to the amended main motion and gave the following presentation: "I am distressed by the way this matter has been handled and have said so privately, repeatedly to a number of (sic) all the members of the Board of Selectmen. The only way that I think that it would be appropriate for this Town to pass the motion to refer would be if we held Unisys' written agreement to defer pressing their lawsuit and taking any further steps until after the proposed future Town Meeting. If Unisys had given us an agreement in writing not to press their lawsuit, and was willing to negotiate in good faith, fine. I have not heard that. I am concerned about this issue (sic) that I went to the Land Court and looked at the public record and I discovered that this Town does not even have an appearance by its counsel on the public record. I have a copy of the docket in my hand and anyone is welcome to look at it. The docket contains as entry #8, Plaintiff's motion for assignment of pretrial and conference and trial date allowed. Case assigned for May 14th, the call of the list. Ladies and gentlemen, if we pass on this Article and Unisys decides it wants to press on its lawsuit, we will never have the opportunity to pass on this and it will be a decision of the judge in a case in which our counsel has not even filed an appearance. Let me say to you, if we don't deal with these articles and we don't deal with this issue and Unisys decides to play hard ball, and it is represented by very competent counsel (I have the greatest respect for Mr. D'Agostine's ability), we are going to have our heads handed to us and that seems to me to be both unwise and dangerous. In the absence of an effective defense by the Town, and there is none on the public record--in the absence of an effective defense by this Town, it strikes me that we should act on these articles and on their merits--grant Unisys some additional leniency so as, by amendment, to provide ourselves with a more effective defense. I must say that I am extraordinarily chagrined by the absence of an effective defense. I am extraordinarily chagrined that the Town has not taken advantage of the environmental issues which would, if appropriately pressed by litigation, provide it with a tremendous amount of leverage. We know that there is trichloroethylene pollution on the Unisys land.

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We know that the Water District has incurred expenses. We know that the Water District has standing to protect the Town's interest in this regard. We know that by virtue of a First Circuit's Board of Appeals decision, the recovery of response costs in this situation is a right. Lawyers skilled in environmental litigation will tell you that if appropriate discovery is undertaken, you will uncover the names and addresses of the people who operated that plant. We will find out if appropriate discovery is undertaken what Unisys' waste disposal practices actually were and we may be able by effective defense to prevent excessive development there and to protect the wellfield that exists up in North Sudbury, that has been out of use for so long. It strikes me as an abdication of our responsibilities to pass on these articles now. I hope that I am wrong. I hope that Unisys does, in fact, bargain in good faith and that we can come back here in the Fall, but I will tell you, I have the greatest fear that if we pass these articles, that by the time that we have another Town Meeting and we have an opportunity to gather and confer on this subject, it will all be out of our control as spilled milk. I urge the defeat of this motion."

Town Counsel, Paul Kenny responded to this comment by stating, "Mr. Sorett is ill-informed and uninformed. All of the things that he said are incorrect."

The motion to refer was *VOTED*.

Mr. Brooks of the Planning Board inquired if it was possible to dispose of all these articles with one vote. The Moderator responded "Yes. There is a commitment of all of....the motion was....I have been shorthanding it by saying 29 - 35, but the motion that was put on the floor was each of them individually named and I believe that that disposes of them all by Commitment Referral."

TOWN COUNSEL OPINIONS:

It is the opinion of Town Counsel that, if the Bylaw amendments proposed in the following articles in the Warrant for the 1990 Annual Town Meeting are properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed changes will become valid amendments to the Sudbury Bylaws:

Art. 4	Amend Bylaw, Art. XI	Personnel Administration Plan
Art. 17	Amend Bylaw, Art. V	Gasoline Tank Removal Fee
Art. 36	Amend Bylaw, Art. V	Driveway Location, Penalty
Art. 38	Amend Bylaw, Art. XV	Building Permit Fees
Art. 39	Amend Bylaw, Art. XVII	Wiring Permit Fees
Art. 41	Amend Bylaws, Art. XX	Prohibit Overhead Utilities
Art. 42	Amend Bylaws, Art. XXI	Progressive Removal of Overhead Utilities
Art. 50	Amend Bylaw, Art. V	Dog Control Fines

It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in the following articles in the Warrant for the 1990 Annual Town Meeting are properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General:

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Art. 29 Amend Bylaw, Art. IX.IV.A.7	Intensity Regulations, Exception
Art. 30 Amend Bylaw, Art. IX	Research Districts - Permitted
	Uses, Modified Cluster
Art. 32 Amend Bylaw, Art. IX.II.C	Delete Research District No. 1
Art. 33 Amend Bylaw, Art. IX.III.D	Permitted Uses, Research Districts
Art. 34 Amend Bylaw, Art. IX.IV.B	Intensity Regulations, Research
	Districts
Art. 37 Amend Bylaw, Art. IX.V.O	Common Driveways
Art. 40 Amend bylaw, Art. IX.II.C	Delete Portion of LBD No. 5
Art. 44 Amend Bylaw, Art. IX.V.D.6.h,i,j	Motor Vehicle, Hand Carried and
	Political Signs
Art. 45 Amend Bylaw, Art. IX.II.B	Technical Correction - Wayside
	Inn Historic Preservation Zone
Art. 46 Amend Bylaw	Technical Amendments (DEQE/DEP)
Art. 47 Amend Bylaw, Art. IX.V.N.7	Wastewater Treatment Facilities,
	Application Procedure

It is the opinion of Town Counsel that, if the Zoning Bylaw change set forth in Article 28, Amend Bylaw, Art. IX.III.A.1.b, Home Occupation, in the Warrant for the 1990 Annual Town Meeting is amended to make subparagraph b.(1)(f) not inconsistent with Zoning Bylaw Section V.D.6.a, which permits resident and occupation signs not exceeding two square feet, then properly moved and seconded, a report is given by the Planning Board as required by law, and the motion is adopted by a two-thirds vote in favor of the motion, the proposed change will become a valid amendment to the Sudbury Zoning Bylaw after approval by the Attorney General.

Dr. William Adelson, who opened the 1990 Annual Town Meeting, through the technology of video tape as he was out-of-town, expressed his desire to end it in person.

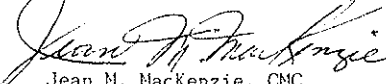
He moved that this Annual Town Meeting be dissolved.

This motion was seconded and VOTED.

The meeting was dissolved at 9:57 P.M.

Attendance: 173

Respectfully submitted,


 Jean M. MacKenzie, CMC
 Town Clerk

SPECIAL TOWN ELECTION

May 14, 1990

The Special Town Election was held at the Peter Noyes School. The polls were open from 7 AM to 8 PM. There were twelve voting machines used. The number of votes cast were 4,870 including 170 absentee ballots. The results were announced by the Town Clerk, Jean M. MacKenzie at 9:20 PM.

QUESTION 1

Shall the Town of Sudbury be allowed to assess an additional \$1,036,000 in real estate and personal property taxes for the purpose of funding general government, public safety and educational expenses of the Town of Sudbury for the fiscal year beginning July 1, 1990?

YES	2,248
NO	2,593
BLANKS	29

QUESTION 2

Shall the Town of Sudbury be allowed to assess an additional \$723,000 in real estate and personal property taxes for the purpose of funding general government, public safety and educational expenses of the Town of Sudbury for the fiscal year beginning July 1, 1990?

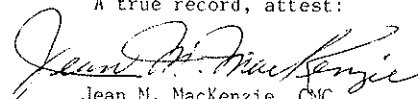
YES	2,410
NO	2,421
BLANKS	39

QUESTION 3

Shall the Town of Sudbury be allowed to assess an additional \$560,000 in real estate and personal property taxes for the purpose of funding general government, public safety and educational expenses of the Town of Sudbury for the fiscal year beginning July 1, 1990?

YES	2,710
NO	2,126
BLANKS	34

A true record, attest:


 Jean M. MacKenzie, CMC
 Town Clerk

PROCEEDINGS

SPECIAL TOWN MEETING

September 10, 1990

The meeting was called to order by the Moderator, Thomas G. Dignan, Jr., at 7:53 p.m. at the Lincoln-Sudbury Regional High School Auditorium, as a quorum was declared present.

Reverened James E. Foley, Pastor of Our Lady of Fatima Catholic Church delivered the invocation which was followed by the Pledge of Allegiance to the Flag by Selectman Judith Cope.

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.

Selectman Cope *moved* to dispense with the reading of the Call of the Meeting and the Officer's Return of Service and to waive the reading of the separate articles of the Warrant.

This motion was *VOTED*.

The Moderator was notified by the Town Accountant there was no available Free Cash. In fact the Town had a deficit of \$119,234.

As neither the Board of Selectmen or the Finance Committee had any opening remarks, the first order of business, Article 1, was taken up

ARTICLE 1. AMEND ZONING BYLAW -
RESEARCH, PROFESSIONAL PARK AND CONSERVATION DISTRICTS

To see if the Town will vote to amend Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by:

- A. Renaming the Research Districts the "Research, Professional Park and Conservation" Districts as appearing in Sections II.A.7 - Establishment of Districts, Section II.C - Location of All Other Districts, and wherever else appearing;
- B. Adding to the list of permitted uses in Section III.D the following:
 - "d. agriculture
 - e. conservation
 - f. recreation
 - g. municipal uses
 - h. professional park, in accordance with the following requirements:
 - 1) General Description - A Professional Park means a development constructed on a lot or lots under single ownership, planned and developed as an integral unit, and consisting of non-industrial uses, as hereinafter set forth.
 - 2) Area Regulations

Open Space - Not less than thirty percent (30%) of the Professional Park shall be undeveloped and maintained in its natural condition as open space. However, one or more of the following uses or facilities on such open space land shall be allowed:

Passive Recreation	. Walking and/or bridle paths;
	. Picnic areas;
	. Nature trails.

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3) Uses Permitted in a Professional Park

- a) Medical Center or Nursing Home.
- b) Day Care Center.
- c) Business or Professional Office.
- d) Financial Service Office.
- e) Commercial or Trade School.

4) Definitions of Uses

- a) Medical Center - A facility licensed as required by law and providing primary and emergency medical, surgical, diagnostic and restorative care for persons treated therein.
- b) Nursing Home - A facility licensed as required by law providing fulltime convalescent nursing or chronic care to persons residing therein.
- c) Day Care Center - A facility licensed as required by law, whether known as a nursery school, kindergarten, after school center or otherwise providing non-residential custody and care during part or all of the day, separate from their parents, and for providing for elder care.
- d) Business or Professional Office - An office for the conduct of a non-manufacturing, non-industrial trade or commercial undertaking, such as insurance, computer and information services, or for use in one of the learned professions, such as law, medicine, psychology, architecture, accounting and engineering.
- e) Financial Service Office - A bank, loan agency, credit union, investment house, or other similar facility for the carrying on of banking, lending, stock trading, investment consultation, financial analysis and other like services.
- f) Commercial or Trade School - A private educational facility, operated for profit, and offering training in business activities or a manual trade or labor.

5) Parking/Loading and Refuse Requirements

- a) For any proposed use of a lot in a Professional Park, there shall be provisions for sufficient off-street parking for that proposed use.
- b) The parking area(s) may be ground level, underground, or in a garage structure.
- c) There shall be no on-street parking permitted in a Professional Park.
- d) The parking area(s) in the proposed lot are to be landscaped. Ten percent (10%) minimum of the gross parking area is to be devoted to living landscaping, which includes grass, ground cover, plantings, shrubs and trees.
 - i) Such required landscaping areas shall be computed in addition to the open space requirements. The landscaped areas in the parking lot shall be so located that no parking space is more than one hundred twenty (120) feet from a portion of such landscaped areas.
 - ii) All landscaped area(s) required in this section shall contain less than one thousand (1000) square feet and no less than one (1) live shade or ornamental tree for every two thousand five hundred (2500) square feet of parking area including access and egress points.

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- iii) For underground parking areas and garage structures, access and egress points, and garage perimeters (ten feet from the foundation or exterior wall) must be landscaped. Such landscaping must include trees, shrubs or other plantings.
 - iv) All landscaped area(s) shall be maintained perpetually in a healthy, aesthetic manner.
 - e) To the extent possible, joint parking lots, for two or more buildings, shall be utilized so as to minimize the percentage of land covered by access and egress points. Parking may be located on a separate lot where that lot is part of the Professional Park development. In all cases, pedestrian access between parking areas will be provided.
 - f) All parking and loading areas shall be situated within the Professional Park and shall be screened so as to minimize their visual impact.
 - g) Except as provided herein, parking areas shall comply with the requirements of Section V.C, Parking Standards, of this Bylaw.
 - h) A minimum number of spaces, in accord with the following table must be provided:

Medical Center	One space for each
Business or Professional Office	300 feet of gross
Financial Service Office	floor area.
Day Care Center	One space for each staff position plus one space for each five persons of licensed capacity.
 - i) Refuse Collection Areas - All outdoor refuse collection areas shall be visually screened from the street and adjacent property by a complete opaque screen. No refuse collection areas are permitted between the street line and the building line.
- 6) General Guidelines, Requirements and Conditions Relative to Landscaping
- a) All planting to be used in the landscaping design shall be native or adaptable to the climate conditions existing in the area.
 - b) All plantings used shall be initially healthy and maintained in a healthy, vigorous condition.
- 7) Dimensional Requirements
- | MINIMUM AND MAXIMUM | PROFESSIONAL PARK |
|---|---|
| Minimum Lot Area | 15 acres, located entirely within the Town of Sudbury |
| Minimum Lot Frontage | 200 feet |
| Maximum Building Coverage (percentage of lot) | 18% |
| Minimum Front Yard Setback | 100 feet |
| Minimum Side Yard Setback | 50 feet |
| Minimum Rear Yard Setback | 50 feet |
| Minimum Street Centerline Setback | 75 feet |
| Maximum Building Height | 3 stories or 45 feet |
| Maximum Impervious Surface Lot Coverage | 40% |

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Water Resource Protection
District, Zone II,
Impervious Surface Lot
Coverage

Notwithstanding the provisions of
Section III.G.5.b of this Zoning
Bylaw the maximum impervious
surface lot coverage for a lot
lying within a Water Resource
Protection District, Zone II,
is 38%.

As used herein, impervious surface shall mean material covering the ground, including but not limited to macadam, concrete, pavement and buildings, that does not allow surface water to penetrate into the soil. Except where it is located entirely within the confines of a building footprint, an underground parking structure shall be considered as creating impervious surface.";

and inserting a "1." before the sentence reading, as amended, "The following uses only shall be permitted in Research, Professional Park and Conservation Districts:", and deleting therefrom the word "only".

C. Inserting a "2." before the sentence reading, as amended, "The following uses are specifically prohibited in Research, Professional Park and Conservation Districts:";

D. Adding the following paragraph 3:

"3. Definitions - Except where a different meaning is specified, the following terms, as used in this subsection D, shall have the following meanings:

- a. Agriculture - Cultivation of the soil and the harvesting of food, flowers or plants therefrom, the raising of livestock and use and storage of equipment and materials necessary thereto.
- b. Conservation - Maintenance and retention of land or water areas predominantly in their natural condition or improvement thereof only with trails or resource management programs that do not significantly alter their natural state.
- c. Recreation - Outdoor activities, such as horseback riding, skiing, ice skating, swimming and tennis, not carried out as a commercial venture and the necessary facilities therefor.
- d. Municipal Uses - The use of land, buildings or structures by the Town of Sudbury or the Sudbury Water District."; and

E. Adding to Section IV.B, Schedule of Intensity Regulations, for Research, Professional Park and Conservation Districts a note (9) as follows:

"(9) For agriculture, conservation, recreation and municipal uses, the intensity regulations shall be those applicable to Open Space Districts. For Professional Parks, see Section III.D and requirements thereunder, except as to Residence Zone Bound.";

or act on anything relative thereto.

Submitted by the Board of Selectmen

Board of Selectmen Report: The purpose of this amendment is to allow a Professional Park to attract environmentally acceptable non-industrial organizations, to encourage diversity in the community tax base through appropriate commercial development; to minimize potential adverse environmental conditions, such as pollution and noise, associated with industrial developments; and provide that said development promotes more efficient use of land while protecting natural resources and enhancing the aesthetic qualities of the environment.

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In 1989, an article to eliminate the Research Districts was submitted for the October 17th Special Town Meeting by Petitioner, Unisys Corporation. The article was referred to the Selectmen and the Planning Board to form a committee to present an article for action at the 1990 Annual Town Meeting. At that 1990 Annual Town Meeting, various articles, in addition to that submitted by the Selectmen and the Planning Board, were proposed to rezone the Research District areas. Some of these would have eliminated the Research Districts in favor of residential development. Such rezoning would have had the result of grandfathering the existing Research facilities in the District areas. Several substantial questions were raised in response to these articles, creating an aura of confusion. The Town Meeting, not wanting to commit the rezoning proposals to the two-year statutory moratorium, referred the matter to the Board of Selectmen for study and a report to a future town meeting. A commitment was made to the Town Meeting body to return this matter to a Special Town Meeting in the Fall. The article presented is the product of that study.

The Board of Selectmen unanimously supports passage of Article 1. We believe it meets the needs of the Town and the needs of the landowners in the Research District. Article 2 which follows is submitted as an alternative measure to be considered only if Article 1 is not passed. The Selectmen firmly believe passage of Article 1 is in the best interest of the Town and will report further at the Special Town Meeting. [This was the printed report in the Warrant.]

David Wallace of the Board of Selectmen moved in the words of the Article, with the following changes:

- 1) In subparagraph h.1), "General Description", insert, after the word "ownership" in line 2, the words "located entirely within the Town of Sudbury," and delete the words appearing after "of" in the third line and substitute the following:
"One or more of the uses set forth above and below, provided that any research, development or engineering uses shall be non-hazardous, as defined hereunder."
- 2) In subparagraph h.2), "Area Regulations", add the following language:
"Underground utilities and surface drainage retention or detention devices or features may be placed or created within open space land, provided, that the open space land shall be restored, to the fullest extent possible, to its original, natural condition after the installation thereof."
- 3) In subparagraph h.3), "Uses Permitted in a Professional Park", change item c) to read "Business, Professional or Administrative Office,";
- 4) In subparagraph h.3), "Uses Permitted in a Professional Park", add the following:
*"f) Non-hazardous research, development or engineering,
 g) Uses accessory to permitted uses, as defined in Section I.C of this Bylaw. Notwithstanding the provisions of Section III.G.5.b.5) and III.G.5.e.3) of this Bylaw, there shall be permitted as accessory to medical centers and nursing homes, the storage and use of materials otherwise prohibited as toxic or hazardous, in such amounts as reasonably required and necessary for the provision of medical, surgical, diagnostic or restorative care for persons treated or cured for therein,";*
- 5) In subparagraph h.4), "Definitions of Uses", delete the definition of "Business or Professional Office" and substitute the following:
"d) Business, professional or administrative office - An office for the conduct or administration of a business or profession, but specifically excluding manufacturing, or industrial undertakings or activities of any kind and the sale at retail or wholesale of tangible goods."

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- 6) In subparagraph h.4), "Definitions of Uses", add the following words to item f) "Commercial or Trade School":
- ",but excluding the operation of trucks and any construction or heavy equipment.";
- 7) In subparagraph h.4), "Definitions of Uses", add the following:
- "g) Non-hazardous research, development or engineering - research, development or engineering work and the manufacture, assembly, treatment, inspection and testing incidental thereto, provided that the same does not involve the manufacture, use, storage or disposal of toxic or hazardous substances, as defined in Section III.G.2.n of this Bylaw.";
- 8) In subparagraph h.5), "Parking/Loading and Refuse Requirements", delete item f) and substitute the following:
- "f) All parking and loading areas shall be situated within the professional park and shall be screened from view. Parking areas may be situated to the front or side of a building, but no parking area shall be located between any building and Route 117.";
- 9) In subparagraph h.7), "Dimensional Requirements", insert the following after "Maximum Building Coverage":
- | | |
|---|--|
| <p>"Maximum Floor Area Ratio
(in square feet gross
floor area per acre)</p> | <p>7,840
(Irrespective of this figure, the maximum gross floor area which shall be allowed for any lot or lots, existing or created out of land within the district, and in common ownership as of the first date of publication of notice of the public hearing on the amendment to permit professional parks [August 15, 1990], shall be 550,000 square feet.)";</p> |
|---|--|
- 10) In subparagraph h.7), "Dimensional Requirements", delete "Minimum front yard setback" and substitute the following requirement for "Minimum street centerline setback":
- "75 feet, except that the minimum street centerline setback from Route 117 shall be 125 feet.";
- 11) In subparagraph h.7), "Dimensional Requirements", insert the following after "Minimum Street Centerline Setback":
- "Residence zone bound setback 75 feet
(side-rear)"
- and delete the words "except as to residence zone bound" in the second sentence of note (9) in Part E;
- 12) In subparagraph h.7), "Dimensional Requirements", modify the requirement for "Maximum Building Height" to read:
- "3 stories or 45 feet, whichever is the lesser";
- 13) In subparagraph h.7), "Dimensional Requirements", substitute the following requirement for "Water Resource Protection District, Zone II, Impervious Surface Lot Coverage":
- "Notwithstanding the provisions of Section III.G all Professional Park permitted uses and a maximum impervious surface coverage of 38% shall be allowed within the Water Resource Protection District, Zone II, provided that the Special Permit granting authority finds that the proposed use and lot coverage are in compliance with the provisions of Section III.G.6.f.1 and provide adequate recharge if appropriate.";

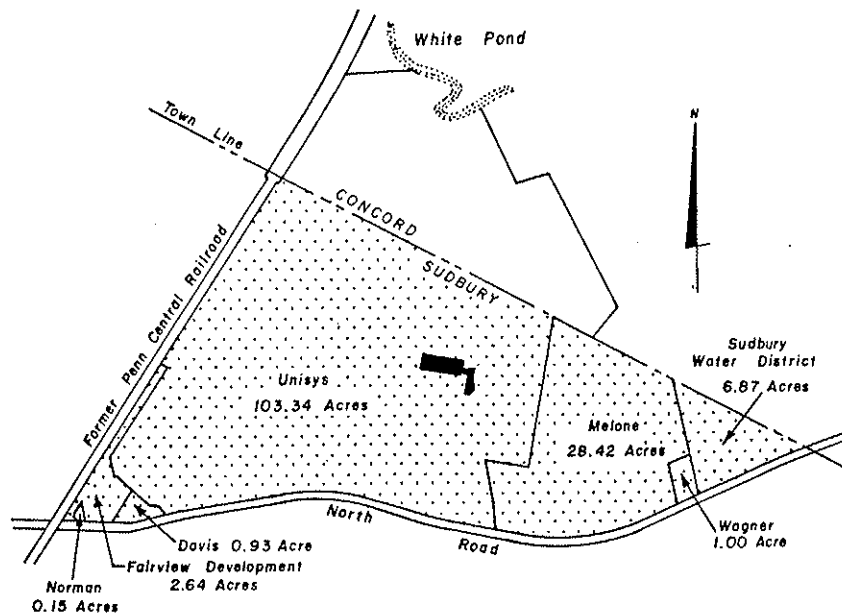
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14) In Part C, modify the amended sentence to read as follows:

"The following uses, except as here and before expressly allowed in a Professional Park, are specifically prohibited in Research, Professional Park and Conservation Districts."

There was a slight delay as neither the Town Clerk or the Moderator had a copy of the amended version of the Article or the motion. Following their receiving the newly amended versions, Mr. Wallace's motion received a second. A Point of Order was requested by Robert Coe of Churchill Street, who stated the motion before the hall was incomprehensible and the motion, as made, was not available to the hall in writing. The Moderator denied the point of order stating he felt it was unnecessary. There had been a handout and the hall could understand the section in the handout that had been re-amended.

A second Point of Order was requested by Henry Sorett of Longfellow Road who asked the Chair to rule the motion out-of-order as the Article, as presented, was not the Article presented to the Planning Board for hearing and therefore did not comply with those statutes. The Moderator asked the Planning Board if the amended Article represented a substantial change. Before the Planning Board responded, the Moderator inquired again of the Planning Board if it was prepared to speak on the Article as presented. The Chairman of the Planning Board, Richard Brooks, said "Yes". The Moderator then overruled the second point-of-order.



ARTICLES 1 & 2
Research District No. 1

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Mr. Wallace prefaced his remarks by saying he recognized Article I was a very complicated proposed bylaw change. Many changes had been made within the last few days. He, in fact, reported a change had been made that afternoon and adopted by both the Planning Board and the Selectmen that evening. Mr. Wallace commented it was his intent to discuss primarily the merits of the bylaw and not the Unisys lawsuit against the Town. He said the study for the proposed zoning change started long before the Unisys suit was initiated. In the fall of 1989, Unisys proposed a number of changes in the Town's Zoning Bylaw. Last year, Town Meeting voted to appoint a special committee consisting of members of the Planning Board and Board of Selectmen from both Sudbury and Concord, to study the proposed zoning changes, look at the zoning as it currently stood, and to report back with a new zoning change in the area of Route 117.

Before that was accomplished, a lawsuit was instituted in the winter of 1990. At the April 1990 Annual Town Meeting the Town was in the process of negotiating in good faith with Unisys and had hoped to come back in the fall with a zoning change that would satisfy all parties concerned. The negotiations, which he described as "hot, heavy and furious", revealed there were many diverse opinions as to what should be done. He reported Unisys' counsel stated the suit would be dropped if the Town voted the Zoning Bylaw amendment in the format presented tonight. He further noted it was not the Selectmen's intent to come to Town Meeting tonight expecting the suite to be dropped, but rather to have the zoning reasonable. If it was, there would be nothing to worry about in the lawsuit or any other subsequent lawsuits.

Mr. Wallace stated the reasons for presenting the Article were the following:

- 1) To allow for a Professional Park to attract environmentally acceptable non-industrial organizations;
- 2) To encourage diversity in the community tax base through appropriate commercial development;
- 3) To minimize potential adverse environmental conditions, such as pollution and noise which are associated with industrial developments;
- 4) To allow development of the land which would promote more efficient use of land while protecting natural resources and enhancing the aesthetic qualities of the environment.

A commitment was made at the Annual Town Meeting (April 1990) to return this matter to a Special Town Meeting this fall. Article I, as presented by Mr. Wallace was considered the product of that effort.

Mr. Wallace pointed out the Board of Selectmen supported Article I for the following reasons:

- 1) It would help maintain a more balanced community and a diverse economic tax base.
- 2) Tax revenues could be expected to increase at the rate of \$500,000 per year.
- 3) A compromise Professional Park zoning proposal would allow about 550,000 square feet in development. The only other viable zoning change would be residential or mixed residential/commercial, both of which would create a far greater impact on the environment, town services and the tax dollar.
- 4) More open space would be maintained.
- 5) There would be no impact on schools.
- 6) There would be a minimum impact on town services, limited to fire services.
- 7) Employment would be created and hopefully the local economy would be stimulated and that of Massachusetts.
- 8) It had been drafted as a compromise for the pending litigation.

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The original intent in drafting the article was to maintain approximately 550,000 square feet of development space to make it a viable zoning article both from the standpoint of the developer and tax revenue for the Town. The number arrived at was a compromise struck between the desires of the landowner and the needs of the Town with respect to protecting the environment and expanding the tax base. There was an arithmetical mistake which would allow 1.6 million square feet of development under the proposed article. This was an unintentional omission that didn't take into consideration the three-floor multiplier factor. The Selectmen in the amended motion added a floor area ratio of 7,840 square feet per acre which would restrict development at a maximum to 550,000 square feet per lot, as originally intended. The 550,000 square foot development figure and corresponding floor area ratio of 7,840 used an assumption that only seventy percent (70%) of the 100-acre property in Sudbury is developable. The thirty percent (30%) exclusion was clearly wetlands, according to Mr. Wallace and could not be built upon now or in the future.

He further noted the Article would provide another exemption to Unisys. If Unisys were to comply with the Town's Water Protection Bylaw it would be allowed to increase the maximum impervious lot coverage from 15% to 38%. It was said there were many other areas in Sudbury where the maximum impervious coverage is actually in excess of 38%. The Selectmen didn't feel this site would be densely developed. In fact, it was stated the area has better drainage than most places, and the existing wetlands and open space would be protected. If the Zoning amendment were approved, cited Mr. Wallace, the Professional Park proposal would have four additional controls/restrictions on the development of the site that are built in:

- 1) Planning Board Subdivisions Rules and Regulations;
- 2) Water Resource Protection District Bylaw and Regulations;
- 3) Sudbury Board of Health Rules and Regulations and State Department of Environmental Protection Regulations; and
- 4) Site Plan Special Permit Bylaw and Regulations.

Mr. Wallace claimed the "pros" of the proposal outweighed the "cons". The Selectmen's main objective was to create a "zone" which would create the least amount of impact on the environment and town services, yet would provide an economic tax base return to the Town. Mr. Wallace clearly stated Sudbury "cannot continue to be a community of residential homes with not much supporting commercial business base. The residential taxpayer cannot be expected to carry the increasing burden imposed by the laws of this State and made more severe by the current financial and economic condition in Mass." He further commented, "It behooves us, as the chief elected officials of this Town, who represent the whole Town, to bring you a proposal which will benefit the whole Town. We sincerely believe we've made a good faith effort to do so by the presentation of this article."

The Professional Park proposal was the culmination of many hours of effort by many people and Mr. Wallace assured the Hall those efforts were not diminished by the lawsuit. He further reminded the Hall, Unisys had stated it would drop the suit if the proposed zoning bylaw amendment was approved. Even if they don't drop the suit, the Board of Selectmen were confident that any court would rule this bylaw amendment, if approved, was fair to all.

Following are Mr. Wallace's explanation of the changes incorporated in the motion:

#1A-GENERAL DESCRIPTION, (subparagraph h.1) insert after the word "ownership" in line 2, the words "located entirely within the Town of Sudbury".

This clarifies that all the lots of the Professional Park must be located in the Town of Sudbury. This was done to protect Sudbury so no part of Unisys' property in Concord could be used in calculating any dimensional requirements in Sudbury.

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#1B- Delete the words appearing after "of" in the third line and substitute the following:

"one or more of the uses set forth above and below, provided that any research, development or engineering uses shall be non-hazardous, as defined hereunder.";

This allows for non-hazardous development, research development and engineering use as well as agriculture, conservation, recreation and municipal use within a Professional Park. Mr. Wallace said "This would allow Sudbury the option to keep the Research Zone in place within the Professional Park, maybe not the whole part of it, but at least to allow it to be done."

#2-AREA REGULATIONS, (subparagraph h.2), add the following:

"Underground utilities and surface drainage retention or retention devices or features may be placed or created within open space land, provided, that the open space land shall be restored, to the fullest extent possible, to its original, natural condition after the installation thereof.";

Mr. Wallace noted "This area is one of great natural beauty". This change would allow for the development of the site with as little disturbance of the natural site lines and its scenic beauty, by having utilities in the Open Space placed underground.

#3-USED PERMITTED IN A PROFESSIONAL PARK, (subparagraph h.3), change item c) to read "Business, professional or administrative office.";

This change was important to the land owners as they wanted it clear that administrative offices would be permitted also. It was Mr. Wallace's understanding this meant administrative offices like Raytheon or Digital.

#4-USES PERMITTED IN A PROFESSIONAL PARK, (subparagraph h.3), add the following:

f) Non-Hazardous Research, Development or Engineering

g) Uses accessory to permitted uses, as defined in section I.C. of this Bylaw. Notwithstanding the provisions of section III.G.5.b.5) and III.G.5.e.3) of this bylaw, there shall be permitted as accessory to medical centers and nursing homes, the storage and use of materials otherwise prohibited as toxic or hazardous, in such amounts as reasonably required and necessary for the provision of medical, surgical, diagnostic or restorative care for persons treated or cared for therein."

Mr. Wallace explained section f) would add non-hazardous research development and engineering uses; section g) would permit accessory uses and also specified that hazardous or toxic materials may be used in quantified amounts for necessary and normal medical purposes. Internal disposal of such materials is strictly controlled by State and Federal Law. It was said, "This is basically to allow a nursing home to go in there".

#5-DEFINITIONS OF USES, (subparagraph h.4), delete the definition of "Business or Professional Office" and substitute the following:

d) Business, professional or administrative office - an office for the conduct or administration of a business or profession, but specifically excluding manufacturing, or industrial undertakings or activities or any kind and the sale at retail or wholesale of tangible goods.";

This change would amend the definition to include administrative offices and would clarify the same by limiting the sale of goods. The selectmen wanted to make it "Expressly clear that there would be no retail or wholesale sale of tangible goods. This would not be a new shopping center."

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#6-DEFINITIONS OF USES, (subparagraph h.4), add the following words to item f)

"Commercial or Trade School": ",but excluding the operation of trucks and any construction heavy equipment.";

This would eliminate heavy vehicles or equipment, an expressed recommendation of the Planning Board. The Selectmen wanted to allow schools, but because of the great size of the site it could lend itself to a school specializing in the training of heavy equipment operators.

#7-DEFINITIONS OF USES, (subparagraph h.4), add the following:

"g) Non-hazardous research, development or engineering--research, development or engineering work and the manufacture, assembly, treatment, inspection and testing incidental thereto, provided that the same does not involve the manufacture, use, storage or disposal of toxic or hazardous substances, as defined in section III.G.2.n of this bylaw.";

This defined non-hazardous research development or engineering activities. The referenced definition of toxic or hazardous substances is the same as in the Water Resource Protection District Bylaw.

#8-PARKING/LOADING AND REFUSE REQUIREMENTS, (subparagraph h.5), delete item f) and substitute the following:

"f) All parking and loading areas shall be situated within the Professional Park and shall be screened from view. Parking areas may be situated to the front or side of a building, but no parking area shall be located between any building and Route 117.";

This would permit parking to the front and sides of buildings contrary to current Site Plan Regulations, which now limit the parking to behind buildings, and would add the stipulation that all parking must be screened. An exception would be that parking shall not be located between any building and Route 117. Several years ago parking was allowed in front of commercial buildings, however this change with the present town bylaw, as such parking in front of a building could become an eye sore. On such a large site, as the Unisys property, where there are 100 acres, Mr. Wallace believed it would be more beneficial to everyone, particularly those who have to look at it, that the parking be placed in such a way as to minimize the site line and the amount of clutter one would see, and anything that would disturb the site aesthetically from a view on Route 117. This change would allow flexibility in creating parking areas.

#9-DIMENSIONAL REQUIREMENTS, (subparagraph h.7), insert the following after "Maximum Building Coverage":

"Maximum Floor Area Ratio (In square feet gross floor area per acre) 7,840 (Irrespective of this figure, the maximum gross floor area to be allowed for any lot or lots, existing or created out of land within the district, and in common ownership as of the first date of publication of notice of the Public Hearing on the amendment to permit professional parks [August 15, 1990], shall be 550,000 square feet.)";

Mr. Wallace explained, "This would add a floor area ration per acre to correct an oversight which was spoken about in the final drafting of this zoning amendment. It creates a development ceiling which is 550,000 square feet. This was a compromise as the landowners wanted appreciably more, but through bargaining they came up with this reasonable amount of square footage, that would not be overdeveloping and yet would allow the landowner to realize enough compensation for the land."

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#10-DIMENSIONAL REQUIREMENTS, (subparagraph h.7), delete "Minimum Front Yard Setback" and substitute the following requirement for "Minimum Street Centerline Setback";

"75 feet, except that the minimum street centerline setback from Route 117 shall be 125 feet."

#11-DIMENSIONAL REQUIREMENTS, (subparagraph h.7), insert the following after "Minimum Street Centerline Setback":

"Residence Zone Bound Setback 75 feet
(Side-rear)"
and delete the words "Except as to Residence Zone Bound" in the second sentence of note (9) in Part E;

Changes 10 and 11 would provide a minimum setback of 125 feet from the center line of Route 117 and 75 feet from the center line of any internal roads that would be built. This would allow for flexibility and encourage the preservation of aesthetics, Mr Wallace noted.

#12-DIMENSIONAL REQUIREMENTS, (subparagraph h.7), modify the requirement for "Maximum Building Height" to read:

"3 stories or 45 feet, whichever is the lesser";

According to Mr. Wallace, the Selectmen felt by compacting the size of the building, by making it go up rather than go out, it would still preserve the integrity of the site-keep it as aesthetically pleasing as possible. Mr. Wallace said, "Essentially it is a cluster."

#13-DIMENSIONAL REQUIREMENTS, (subparagraph h.7), substitute the following requirement for "Water Resource Protection District, Zone II, Impervious Surface Lot Coverage":

"Notwithstanding the provisions of Section III.G. all Professional Park permitted uses and a maximum impervious surface coverage of 38% shall be allowed within the Water Resource Protection District, Zone II, provided that the Special Permit Granting Authority finds that the proposed use and lot coverage are in compliance with the provisions of Section III.G.6.f.1 and provide adequate re-charge if appropriate".

This was considered to be the most important change of all. The Planning Board had a particular concern as to the Water Resource Protection Bylaw. Consequently, the change had to take into consideration the concerns of both the Planning Board and Unisys.

#14-In Part "C", modify the amended sentence to read as follows:

"The following uses, except as herein above expressly allowed in a Professional Park, are specifically prohibited in Research, Professional Park and Conservation Districts."

This was to clarify those uses specifically permitted by the Bylaw in a Professional Park. In this section "prohibitions" do not apply to avoid any conflict.

Following this presentation, Selectman Wallace urged the Hall's support.

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Finance Committee Report: (J. Ryan) The Finance Committee recommended approval of Article I. Chairman Ryan stated the article was a reasonable compromise and a reasonable approach to an otherwise difficult situation. It was also an approach which appears to be in the best environmental, planning and financial interest of the Town. It would result in a use which will have a favorable financial impact on the Town at a time when Sudbury must be looking to improve, as much as possible, its tax base. He pointed out this is not an easy financial period for Sudbury or any other Massachusetts city or town, but Article I would improve the financial condition and improve the tax base, while at the same time, take into consideration the character of the town and its environmental and planning interests. The Finance Committee recommended approval of Article I.

Planning Board Report: (P. Anderson) Mr. Anderson reporting for the Planning Board did not endorse a Professional Office Park as the "best" use of the property in the Research District, although the board members did believe the concept merited consideration by the Hall. He believed a number of complex and interdependent issues needed to be considered in rezoning the Research District, such as: regional impacts, water supply protection, known contamination on the Unisys property, traffic impacts, a desire to preserve scenic vistas both to and from the site, financial impacts to the Town and the legitimate rights of owners to realize fair value for their property. A majority of the Planning Board believed Article I achieved a reasonable balance among the issues, and recommended approval. However, they preferred a less dense build-out than the 7,840 FAR allows "by right". The Planning Board believed current circumstances warranted a favorable recommendation of Article I as presented. Mr. Anderson stated the tenor of the Board's report was to briefly summarize a number of the planning issues, as objectively as possible, to assist the hall in making an informed vote.

The Research District is surrounded in Sudbury by land zoned for 40,000 square feet residential development. It abuts the Concord town line in an area where Concord has residential zoning. The Unisys property extends from Route 117 to White Pond. Mr. Anderson pointed out that the words "Research District" and "Unisys property" are not synonymous. Article I addresses the entire Research District, which includes more than the Unisys Sudbury property.

SUDBURY RESEARCH DISTRICT PROPERTIES

<u>PROPERTY</u>	<u>ACRES</u>	<u>ARTICLE 1 BUILD-OUT (SF)</u>
Unisys*	103.34	550,000
Melone	28.42	222,841
Water District	6.87	--
Other	4.72	37,010
	<u>143.35</u>	<u>809,851</u>

*Additional contiguous property in Concord: 40 Acres

Since it extends into Concord, the Unisys property goes beyond the Research District. He further pointed out that the only access to the Unisys land in Concord is through Sudbury. This would mean, if the Unisys land in Concord was developed residentially, the associated traffic would pass through Sudbury, including Concord school buses, fire, police or other services.

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Because of nearby Town wells and their associated recharge areas, both Concord and Sudbury have established Water Resource Protection Overlay Zones. In Concord the zone is called the "Concord Groundwater Conservancy Districts" and in Sudbury it is the "Sudbury Water Resource Protection District". The Research District lies completely within the Sudbury WRPD. This puts restrictions on allowed uses in the Research District and provides for a Special Permit process that can address water supply concerns. Mr. Anderson noted that if Article I were approved the uses enumerated for a Professional Park would be allowed by Special Permit. About one-third of the Unisys property in Sudbury is in Protection Zone 2, established by default as within a one-half mile radius of a Town well; the balance lies in Zone 3. Town bylaw allows a Zone 2 property owner to demonstrate, through appropriate hydrogeological investigations conducted at his expense, that parts or all of the default Zone 2 areas are actually characterized by Zone 3 criteria, where there are fewer restrictions. Article I would allow the Special Permit process to increase the 15% impervious surface restriction in Research District Zone 2 areas. The Planning Board stated it intended to investigate whether this permit process should apply to other Zone 2 areas in Sudbury and will report at the 1991 Annual Town Meeting.

As to existing conditions, Mr. Anderson pointed out two areas, shown on a viewgraph, where groundwater contamination has been detected. The areas have been undergoing a clean-up operation at Unisys' expense and are monitored by the State Department of Environmental Protection (DEP). The Sudbury Board of Health participated in a site visit with DEP and Unisys representatives on August 20, 1990. Although no direct linkage has been proven yet, some of the same contaminants detected on the Unisys property were found in the nearby Sudbury Water District Well #5, forcing it to be taken off-line. Mr. Anderson noted the Water District was starting a clean-up operation of its own for this well site. As for assessing the build-out potential, including traffic, it was noted the Town's traffic model applied to this level of development were presented at a previous Town Meeting. It was found that the over 800,000 square foot potential build-out would exacerbate existing traffic congestion problems near and along Route 117 and create new problems elsewhere.

Mr. Anderson, showed the minimum traffic mitigation measures that would be required to prevent unacceptable delays in Sudbury's road network.

MINIMUM ROADWAY IMPROVEMENTS AND COST FOR 850,000 SF DEVELOPMENT

<u>LOCATION</u>	<u>DESCRIPTION</u>	<u>COST</u>
Route 117 & Parcel Access	Signalize	\$38,000
Route 117 & Pantry/Dakin Rds	Signalize, Add NB LT Lane & WB Lane	58,000
Route 117 & Powdermill Rd.	Install 2-phase, pretimed signal & add SB approach Lane	48,000
Route 27 & Concord Rd.	Add NB Advance Phase, Retime Signal & SB + WB thru Lanes. (Approach & Exit)	63,000
Hudson Road & Fairbank Rd.	Add SB LT lane, & SB RT acceleration Lane	20,000
Route 20 & Nobscot Rd.	Install 3-phase Signal, & add EB thru lane (4-lane X-sect). Also widen WB to std.	51,000
	TOTAL	\$278,000
	Less improved required now	96,000
	NET ADDED COST	\$182,000

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Of the total \$278,000 cost indicated, approximately \$96,000 of the listed improvements would be needed to alleviate some of the congestion problems presently existing. Therefore, the minimum net added cost due to a full build-out would be about \$182,000. Article I would not provide for recovery of these costs from the owner or developer. The Planning Board would encourage the Board of Selectmen to address this issue as part of the site plan review process. A precedence for this was cited when Raytheon expanded its Sudbury facility, as the company donated \$250,000 to the Town for traffic mitigation measures as part of the site plan approval agreement.

Mr. Anderson said this was a brief summary of some of the planning issues involved with this rezoning, and there were clearly many other issues that go beyond the purview of the Planning Board. The Planning Board recommended approval of Article I.

Planning Board Report - Minority Report: (Lael Meixsell) Mr. Meixsell board member and Water Resource Coordinator for the Planning Board prefaced his remarks by informing the Hall that the other members of the Planning Board had voted to support Article I on the condition that Unisys would sign an agreement to abandon its current litigation against the Town. Mr. Meixsell stated he could not support that position as there had not been adequate opportunity for Town Boards and Townspeople to critique either the proposed agreement or the proposed re-zoning, whereupon he expressed the following concerns:

- 1) Does the agreement guarantee Unisys will accept Sudbury's other Town Bylaws, which affect this property?
- 2) Will Unisys challenge the Water Resources Protection Bylaw, as it already has in Article I?
- 3) Will Unisys challenge the Wastewater Facilities Bylaw, which does not permit "Package Treatment Plants" on each of the proposed 15-acre lots?
- 4) Does the wording of the re-zoning article already effectively exempt Unisys from the Wastewater Bylaw?

Mr. Meixsell stated he could not answer these questions, as he has not seen the agreement and further, the proposed re-zoning bylaw has changed day-by-day. Every day there were new, unanswered questions regarding the implications of the proposed agreement and the proposed zoning bylaw amendment. He stated emphatically he was "not willing to endorse an agreement or a bylaw until I have seen the final drafts--and until an opportunity for full public discussion has occurred, prior to Town Meeting, and until I understand the long-term implications".

Mr. Meixsell asked the hall to consider six (6) aspects of the proposed re-zoning:

- 1) The problem--as described by Unisys;
- 2) The bylaw preparation process;
- 3) The bylaw evaluation and public discussion process
- 4) The risk assessment process;
- 5) The deficiencies of the proposed re-zoning bylaw; and
- 6) Recommended alternative approaches

#1 The Problem as Described by Unisys

Mr. Meixsell stated Unisys claims the present zoning deprives them of the value of their property. It also claims the contamination and re-zoning issues are unrelated.

Mr. Meixsell noted that a review of State Law and consultation with financial experts indicate these claims to be false.

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He noted Unisys claims the contamination clean-up is proceeding in compliance with State requirements and the clean-up process is in the fourth and final phase.

Mr. Meixsell pointed out that a review of the State Department of Environmental Protection (DEP) files do show Unisys is in Phase 4, the final phase of the clean-up. However, how Unisys got there is far from clear, as they have not yet completed the requirements for Phase 2. Mr. Meixsell offered one possible explanation--the DEP does not have sufficient staff to assign to the Unisys case, and Sudbury did not take the initiative until earlier this year. As a result of Sudbury's initiative, the DEP now requires the necessary additional testing, which should have been completed during Phase 2. He remarked that Unisys' claims cannot be accepted at face-value, consequently their demand that Sudbury provide 550,000 square feet of commercial floor area, in order to settle the litigation cannot be accepted either, without close scrutiny. Mr. Meixsell pointed out that the claim of Unisys, to date, had not received such close scrutiny, and discussions he had with various experts left him very suspicious of its claim.

#2 The Bylaw Preparation Process

Mr. Meixsell noted the proposed bylaw was not prepared by the Planning Board. In fact, the Planning Board did not see it until last month, and the Town Planner had very little involvement. It was prepared by the Executive Secretary in consultation with Unisys, and with assistance from the Town Engineer and the Conservation Coordinator. He further noted the Selectmen's report, as printed in the Warrant, was misleading. It implied 'some study' existed which explained and justified the provision of Article I as printed in the Warrant. Mr. Meixsell stated "None of us can examine this 'study' because no study has been documented". Mr. Meixsell noted the Selectmen's report in the Warrant stated Article I met the needs of the Town and the landowners in the Research District. However, in contrast, the Planning Board unanimously opposed Article I as in the Warrant. He further remarked the amendments presented, indicate "some, but not all the reasons why the Article did not meet the needs of the Town". He reminded the Hall that these amendments were "last minute revisions", and then asked, "What other pitfalls remain which we have not yet had time to identify?"

#3 Bylaw Evaluation and Public Discussion Process

Mr. Meixsell pointed out that there was such a short time between the Public Hearing and the Town Meeting, (eleven days), it did not allow the local papers to print articles resulting from the hearing. The news articles printed earlier, basically supported the proposed bylaw, but did not discuss any deficiencies. Additionally, he commented, "The short schedule forced the Planning Board to spend an additional \$700 over what it normally spends on advertising, yet the Board of Selectmen were unable to provide \$2,000 for assistance from legal and technical experts".

#4 The Risk Assessment Process & Property Value

Mr. Meixsell opined that the risk associated with the Unisys litigation depends upon the Town's right to consider the contamination implications when re-zoning, and upon the value of the property, if it had not been down-zoned. Mr. Meixsell pointed out Unisys' claims of property value have not been challenged by the Town. He noted what appeared to him as an inconsistency--some town officials claim to be concerned about the risk of litigation yet they are unwilling to approve \$2,000 to obtain the advice of legal and technical experts. He further noted, "No official property appraisal has been obtained, only speculation. Experts contacted, unofficially, indicated the Unisys' claims were over-inflated". He then asked: 1) "What was the value of the property to the prospective purchaser who discovered the contamination in 1984, and who subsequently rejected the purchase of the property?" 2) "Can the property be developed before being cleaned up?" It was Mr. Meixsell's understanding that even if Sudbury reinstated the zoning which had existed prior to 1985, (prior to the down-zoning), the Board of Health would not allow development of the property until it had been cleaned-up.

Mr. Meixsell pointed out to the Hall that the proposed zoning bylaw amendment, if approved, would permit the property to be developed before the contamination was cleaned up. He said, "You would be granting valuable new rights to the developer which he never had before".

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#5 The Deficiencies of the Proposed Re-zoning Bylaw

Mr. Meixsell noted that if the zoning bylaw amendment was approved, the future of North Sudbury would be decided by Town Meeting, and not Town Boards. It could not be assumed that some Town Board would effectively regulate the development of the Research District, as Article I would guarantee the developer certain rights regardless of the impact upon the Town. Article I would eliminate certain tools which the Planning Board relies upon to control and regulate development. He mentioned a few of these "tools" as:

- Article I would be a "By-Right" not a "Special Permit" bylaw; A Special Permit provides tools for the Town to regulate the development.
- Unisys would be given automatic approval for full development regardless of any impacts upon the Town;
- No fees are collected to pay for Town staff and expert review by outside consultants;
- There are no provisions required for impact evaluations.

#6 Recommended Alternative Approach:

Mr. Meixsell proposed:

- a) Article I be postponed so the Town can continue to work on the Bylaw, while Unisys cleans up the contamination. Re-zoning often requires several years, even for land that is not contaminated.
- b) He recommended the Town approve \$2,000 for assistance from legal and technical specialists.
- c) The Town should officially request, in writing, not verbally, that Unisys fund an Escrow Account to be used by Sudbury for impact evaluations and the preparation of a re-zoning bylaw.
- d) Town should adopt realistic deadlines--no earlier than next Annual Town Meeting. The deadline would depend upon the degree of assistance provided by Unisys.
- e) Town should document the Bylaw Study, which should determine the tax revenue and other impacts and costs to the Town.
- f) The Town should publish a summary of the Study in the public media and make a full copy of it available in the Goodnow Library.
- g) Town should allow full public discussion in the media--prior to Town Meeting

Mr. Meixsell concluded by saying, considering the contents, the implications, the hasty review, but mostly, considering the incomplete information of the proposed bylaw, considering his own prior experience with land-use and contamination issues, and considering the opinions of experts on these issues, the proposed Agreement and Bylaw do not protect Sudbury's interests. Therefore, he recommended that both Articles be referred back to the Planning Board and the Selectmen for continued work, and that \$2,000 be approved for expert technical and legal assistance, both on the litigation and the re-zoning.

Town Counsel's Report: It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in Articles 1, 2, 9, and 10 of the Warrant for the September 10, 1990 Special Town Meeting are properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General.

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Henry Sorett of Longfellow Road spoke in opposition to Article I. He told about his moving from Cambridge to Sudbury to find a nice home in the country, as he preferred Route 117 to the Southeast Expressway, and how he did not appreciate Unisys' desires to bring the Southeast Expressway to his neighborhood. He reminded the Hall how the Town has faced efforts of developers over the years to over-commercialize and to over-build the Town.

He suggested the Town look at what 800,000 square feet of density amounts to and referred it to the Wellesley Office Park at the intersection of Route 9 and 128, as what Unisys was asking Sudbury to accept. "They want to put this on top of White's Pond". He further stated this would constitute a virtual abandonment of the limited rural character of the Town. To permit 800,000 square feet of development of the land, at that location, would be talking traffic gridlock in North Sudbury. To talk about a ratio of 250 square feet/car would be upwards of 2,500 cars parking at that location. Assuming no one goes out to lunch, goes to see a customer, or has a visitor, there would be in excess of 5,000 car trips/day. He said, "What is now proposed is not a compromise, but rather it is capitulation! This Hall has shown remarkable wisdom. While it is appropriate to permit Unisys to use its land for such minimally intrusive purposes as offices, child care facilities and health care, those uses should not be permitted to be so overbearing as to cause a severe adverse impact on North Sudbury, on Concord, on Lincoln, on Maynard, on Stow or on our neighbors. We owe our neighbors in Concord the duty to use care in the development of our land so we do not harm their interests in the continued purity of White's Pond. We would expect no less of them".

He said, "The Towns must cooperate to protect their natural resources. How many of us were here a couple of years ago when we started talking about the 'Recharge Protection Districts' and expressed the desire to have our recharge districts and theirs (Concord's) interact, so we protect each other? That's the type of cooperation we should be talking about, not capitulation. Unisys appears not to be interested in either compromise or cooperation". He informed the Hall that Unisys negotiated with the Planning Board about the sub-division control article, which would govern development, if Article 2 passed. However, Unisys has sued the Town a second time, by having a suit served upon the Planning Board on August 24th, contending the process that approved the subdivision for residential use, was "arbitrary" and "capricious". Mr. Sorett observed, "If they are going to bargain in good faith, reach a deal, and then turn around and sue us, claiming we are arbitrary and capricious when we accept what they want, one wonders about the bona fide nature of the representation they made about their plans in the law suit".

Mr. Sorett stated, "I don't accept it. If they were good faith dealings, we would see a document at the Land Court, incorporating "If we do this....then they'll do that..." I don't trust them. I don't see a document signed by Unisys committing themselves to bargain in good faith with this Hall".

Continuing, he said he had thought earlier about coming before the Hall and asking to amend Article I by having the floor area ratio reduced to 1,500 or 1,800 per acre. However, upon seeing the handout and trying to assess what the impacts might be, he concluded that would be folly. He therefore concluded the time had come to stop reacting to Unisys and instead for those who believe reasonable development is appropriate and over-development is inappropriate, to sit down and draft a petition article for next Spring.

He added if the Town was competently represented in the litigation, no realistic risks of losing the law suit existed. If the Town wished to protect itself, funds should be advanced for competent counsel to defend the Town. Mr. Sorett then quoted Thomas Jefferson, "Millions for defense, but not one penny for tribute", and added, "We are asked to sell our heritage for a few pieces of gold, and then we are shown that the gold is going to cost us even more gold. When faced with the failure of the Town's officials to protect the citizenry, we as citizens must take that responsibility upon ourselves. That we have the ability and right to do so is the glory of the Open Town Meeting form of government".

Hugh Caspe, member of the Board of Health, spoke in opposition to Article I, stating the bylaw amendment "missed the mark". Due to the last minute changes in the handout, it was difficult to comment on the additional changes as no one had sufficient time to sit down and see what impact these would have on the Town. Further, he pointed out the handout did not take into consideration the additional 28 acres, adjacent to the Unisys property, that would add an additional 28% in the total development of this area or another 600,000 square feet of development, and also another 1/4 million square feet of parking area.

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As for contamination, it was found on the property and a remediation program had been implemented. Although Unisys has over the past tried to clean up the contamination, it still remains and there have been no improvements. He further noted that through the efforts of the Board of Health and the Sudbury Water District, the Department of Environmental Protection (DEP) was contacted and informed as to what was happening with the Town's #5 well. Two weeks ago, the Sudbury Water District wrote to Unisys informing them they are most likely the culprit for the contamination of the #5 well. He hoped the DEP would get involved again with this investigation as to the cause of the contamination, and shortly after their findings, issue directives to Unisys to work closely with the Board of Health in determining what is going on there. In Mr. Caspe's words, "Unisys has not been a very good neighbor".

Mr. Caspe asked what would happen if the area gets re-zoned? Could Unisys come in with additional subdivisions for this site, sell off parcels that are not contaminated, and leave only those that are? He did not speak officially for the Board of Health, but it was his conviction the Board would look unfavorably at any development in this area until it is totally cleaned up. He reported Concord had said very much the same thing and they too wished to see no re-zoning until the area is cleaned up and then investigate as to what type of re-zoning should be considered.

As for parking, Mr. Caspe noted there have been traffic studies for the area, wherein Pantry Road is presently rated at a level "D". With additional traffic the road could be reduced to a level "F", meaning it would be in need of repairs and/or modifications. Route 117 would not be the only road impacted but all other roads leading to Route 117. Traffic was not considered when putting the bylaw amendment together, according to Mr. Caspe. "All that was considered, quite frankly, was Unisys' suit against the Town and the Selectmen's desire to mitigate the suit. The fathers of this bylaw have not communicated to Unisys what Sudbury wants. There are more possibilities than just zoning the property, as presently proposed".

Mr. Caspe claimed what was dogging the Town is basically the Unisys suit. The Town tried to avoid the suit, but did not allow itself to hire legal counsel to help Town Counsel to determine what other possibilities there may be. A \$2,000 investment to know what we can and cannot do. He said it was unbelievable that the Selectmen had not gone to the FinCom for \$2,000 so there could be additional counsel in this matter. Mr. Caspe commented, "It's like Unisys holding a sword over our head. Unisys will not give us a letter telling us they will not sue us. This is the Selectmen's way of mitigating the problem. He believed if they should decide not to sue the Town on this matter, they may well do it on other bylaws, as previously mentioned. He insisted there must be something from Unisys indicating they are negotiating honestly with the Town, and suggested Article I be turned down and, over the next year, develop something that the Town wants and will be in the best interest of the Town.

Russell Kirby of Boston Post Road, former chairman and former member of the Planning Board, reviewed for the Hall the proposed zoning amendments for the Research District since April of 1987, and shared with the Hall his views on Article I based upon the knowledge he had gained from "five and one-half very difficult years of experience on the Sudbury Planning Board".

He asked the Hall to consider the responsibilities that each voter assumes on attending Town Meeting--what they are called upon to decide. He spoke of the Town Meeting as the legislative branch of Town government that has two major responsibilities: 1) to appropriate funds needed to conduct the business of town government and 2) to make laws. The laws being in the form of amendments to the general or zoning bylaws of the Town, which is what Article proposed to do.

Mr. Kirby stated the Massachusetts State Legislature granted authority to the local communities to establish zoning regulations more than 50 years ago. It determined a 2/3rds majority vote would be needed to pass a zoning bylaw amendment. The major reason zoning regulations are so difficult to change is that they effect the rights of all property owners, and therefore should be considered very carefully. They serve to maintain order and promote the general welfare by restraining certain actions of individuals that might prove to be detrimental to the community as a whole. "They are restrictive by nature". Kirby gave the following analogy: "They fill a role not unlike mortar in a brick wall. In order to hold the wall together, the mortar must keep the bricks apart and in so doing, maintain order and provide far greater strength than the bricks are capable of providing on their own".

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He pointed out Town Meeting must decide where and how the bricks, represented by the parcels of land within the Research District, are to fit into the wall, representing the Town of Sudbury. The section of the Zoning Bylaw being the mortar that holds them in place. Kirby said, "If we do it right, the Town will be strengthened, if not the Town will be weakened".

As to why there has been so much controversy over this particular piece of property, he referred back to the 1959 Special Town Meeting, when the Research Zone was established to accommodate the wishes of the Sperry Gyroscope Company (known now as Unisys) to construct a research facility on that site. At that time, it was reported that the "ultimate maximum" number of people to be employed in the proposed facility was to be 750, and the "ultimate maximum" building size was to be 100,000 square feet. The term "ultimate maximum" was a direct quote from the official Town record of the 1959 meeting. Shortly afterwards, the North Sudbury fire house was built to provide additional protection that became necessary and the Water District expanded its above ground storage and distribution facilities to meet the needs of the new Research Center.

Mr. Kirby pointed out that in addition to the verbal assurance of a density limit as presented to the voters at that time, the 1959 version of the bylaw includes clear and specific language that prohibits "any use which may produce....contamination of ground water....". The language of the bylaw remains unchanged as of today. He commented that the authors of the original bylaw recognized the value of a priceless natural resource and took appropriate steps to protect it. However, the uses conducted within the zone did produce contamination of the ground water in violation of the prohibited "use section" of the Zoning Bylaw duly enacted by the Sudbury Town Meeting. He remarked that the Unisys Corporation is under order from the Mass. Department of Environmental Management to remove contamination in the form of trichlorethylene (TCE) from the ground water at two locations on their property within the Research District. Kirby noted the process has been going on for several years and the end is nowhere in sight.

He further noted that the Research District lies partly within the Well #5 Water Resource Protection Zone established as an amendment to the Zoning Bylaw at the Oct. 3, 1988 Special Town Meeting. It lies partly within the recharge area of an active municipal well field across the Town line in Concord. Well #5 has been closed for a number of years because of dangerous levels of cancer causing TCE compounds. The Concord well also has traces of the same substance, but at levels well below the federal limits.

Mr. Kirby continuing with the history surrounding the Research District noted that at the 1987 Annual Town Meeting, the Research District section of the Zoning Bylaw was amended to formalize the previously agreed upon "ultimate maximum" density of 100,000 square feet of building on the Unisys property. This action took place after a computer traffic model, developed by professional consultants, under contract to the Town and at taxpayers' expense, indicated the volume of traffic generated by an operating research facility of greater size would exceed the practical limits of certain major roadways and intersections. The reason for the undertaking of the study was to prevent hazardous traffic conditions from developing on Route 117 like those along Route 20. The limitation was believed to be reasonable as it was consistent with the expressed objectives of the Sperry Gyroscope Company. It allowed for continuation of all of the permitted uses in the district, for a thirty percent (30%) expansion of the existing facility and prevented serious overburdening of roadways and intersections. Town Counsel's report on that amendment, printed in the Warrant for that Town Meeting, stated the amendment would be legal if passed, and the action taken by the Town Meeting was subsequently approved by the State Attorney General.

The problem now is that Unisys has filed suit against the Town charging the 1987 action of Town Meeting was a violation of their rights and unlawfully reduced the value of their property. Mr. Kirby pointed to Article I as an attempt to appease Unisys management to such an extent they will withdraw the suit. He further noted that the Article has more input from those who have a financial interest in developing the Unisys property than it has from the Planning Board. He said the Article was inconsistent with the views expressed by the members of the joint committee of Sudbury and Concord representatives, who spent most of last winter examining the many complex issues associated with the property. Mr. Kirby was one of those committee members.

Mr. Kirby believed that before conceding the Town has caused injury to Unisys by reducing the value of its property, he asked the Hall to consider the value of the property at the time of the 1987 Town Meeting. It was contaminated with hazardous materials in violation of the Sudbury Zoning Bylaw, which is an unlawful act. Due to the liability associated with property contaminated by hazardous material, Mr. Kirby stated that for all practical purposes such property has no marketable value at all. He claimed the citizens of Sudbury are the injured party as the value of its ground water has been diminished. "It is the lives of persons living in this community that federal ground water standards say are at risk".

He suggested it was time to mount an aggressive defense of the rights of Sudbury's citizens and to challenge those who break the Town's laws. He believed the present Research District Zoning should remain in place until all the land within it has been brought back into compliance with the law established by the Sudbury Town Meeting. "Then and only then should we consider discussion of changing the zoning regulations in this district. Then, as now, our primary objective and concern should be public health, public safety, and protection of our natural resources". He stated his intention to vote against the passage of Article 1 and Article 2. The Hall indicated their overwhelming support of Mr. Kirby's presentation and resoundingly applauded him.

Hendrik Tober of Ames Road commented that after reading Article I and listening to the Selectmen's explanation, it seemed to him the proposal presented the best of all worlds. He noted a considerable amount of land would be set aside for conservation, but then he remarked, "We don't get anything for nothing". He looked upon the Selectmen's presentation as a "marvel of a painting---a fine rosy picture". He stated the threat of Sudbury wanting business at this site was fallacious. It was his belief communities that keep business out seem to be better off financially than those that don't, as businesses are difficult to control. He believed Article I was not well thought out, considering the fact it had to be changed and changed again. There was difficulty understanding the Article as it was printed in the Warrant, but by adding all the amendments, one didn't really know what was going on. He further commented, "We deserve better than this". He also noted that there were no safeguards to prevent the development of office condos or high-density housing, and such development would depend upon the economy. Mr. Tober recommended defeat of Article I.

Anne Bigelow of Curry Lane, a 35-year resident, stated she had never seen the traffic problems cited this evening on Route 117. When the original Sperry Rand company was in operation, there were no traffic problems. She expressed her support for the article and closed by stating she didn't see how the addition of a business park would affect Route 117 to the degree mentioned tonight.

Howard Kipp of Pheasant Avenue expressed his feelings that the Town was being held captive, and stated it would be better for the Town not to capitulate to the lawsuit being held over its head, but rather a counter suit would be in order to take care of the contamination. "Why not fight fire with fire". He thought the Town's legal staff could address that issue. He pointed out the owner of the property (Unisys) does not have a good track record, therefore nothing should be done with the property until it is completely, one-hundred percent, cleaned up. "What makes us believe tonight they will be any better in the future, then they have been in the past"?

Selectmen John Drobinski, an environment consultant by profession, stated that unfortunately Sudbury does not have any statutory rights to sue Unisys for contamination. The only injured party being the Sudbury Water District, and theirs was a "potential damage". He further remarked that the Sudbury Water District does have the right to sue Unisys.

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A point of order was called as to what the case law was that governed Mr. Drobinski's remarks. The Moderator interrupted and noted the rules of Town Meeting do not allow cross examination, to which the voter responded that Mr. Drobinski had made a statement without supportive background.

Richard Pettingell, past chairman of the Finance Committee, looked at the Selectmen's proposal under Article I as a solution. It was his belief those who spoke in opposition to it just didn't like the solution presented. He noted this was the first time, he could recall, when the Planning Board and the Selectmen were in agreement with a proposal. Mr. Pettingell believed it was well thought out and he supported it.

Richard A. Brooks, Chairman of the Planning Board, expressed his appreciation for Mr. Pettingell's confidence in the Board. He noted there were many difficult issues involved, but there was one he wished the Town to hear---the understanding the Planning Board had from Unisys' counsel, that the passage of Article I would result in the dropping of the suit "without prejudice" against the Town. Mr. Brooks asked if Unisys' counsel would confirm this or not.

Julian D'Agostine, of the law firm of D'Agostine, Levine & Gordon stated, "We are counsel to Unisys. In regard to the last statement made by Mr. Brooks that the lawsuit will be dismissed without prejudice, we affirm that statement on behalf of Unisys".

Henry Sorett of Longfellow Road rose to make the following clarification: a lawsuit "without prejudice" means it can be resurrected again and to dismiss a lawsuit "with prejudice" means it is over. In response to Mr. Pettingell's previous remarks, Mr. Sorett noted, "There was a proposal the Town had adopted three years ago, to cap the development at 100,000 square feet, as 967 square feet/acre for area ratio. That was the wisdom of the Hall in 1959, the wisdom of the Hall three years ago and it should be the wisdom of the Town for a long time".

Unisys' Counsel, in response to a question from Hugh Caspe of the Board of Health, stated, "The basic understanding that we have in working out this bylaw is that we have the ability to develop 550,000 square feet of commercial space in accordance with the bylaw, in accordance with the Special Permit and the protective devices of the Town. To the extent that we can develop that, most certainly, but if it ends up that we can't develop anything on the site after we get through this bylaw, because of other ramifications of the law, then most certainly that would be foolishness to say we wouldn't sue in the future. This bylaw, if adopted and if permits are granted as we understand they would be, consistent with the development and design conforming to the concerns of Sudbury and the Zoning Bylaw, so that we can build the 550,000 feet consistent with the Bylaw as now proposed, there would be no further lawsuit".

Town Counsel, Paul Kenny, was asked if the new bylaw (amendments) as presented would short-cut all the regulations already in place which mandate Unisys' cleaning up the water before the land is actually developed? To this Town Counsel opined, "The answer is 'No'. It would not short cut any other regulation and it would not short cut the Department of Environmental Protection-the State. It wouldn't short cut the Sudbury Water District from any action they're taking. I understand they are taking some. The Zoning article (amendments) as passed tonight wouldn't have anything to do with the contamination".

William Durfee of French Road stated he had come to this meeting to support Article I, but not now. One reason, "the Town has a gun held to its head, as the previous administration of several town boards took the better part of three years to take Unisys serious". He hoped present and future boards would not succumb to the same temptation. He referenced a news article that spoke of Sudbury as one of the most desirable communities in the Boston area, along with Weston, Wayland, Dover, Sherbon and others. Everyone of them, he noted, is not heavily developed commercially, professionally or industrially. He stated the basis of good taxation from a solid tax base is land values and land values are protected by protecting individual residential properties. He further noted residential properties are

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down today, not because we have a lower tax base, but because we have a recession. He advised the Hall not to overreact to a recession by further diluting the tax base.

David Lyons of the Planning Board wished to make corrections on statements he believed were statistically incorrect. First--the potential land development that existed prior to the 1987 down-zoning, which was actually a potential for a million plus square feet, which was cut to 100,000. He noted Town Meeting several years ago took action which was viewed by some as down-zoning. Whether it created a loss in property values, whether the contamination affected that loss--those were questions to be decided, most likely by a judge and jury, if no remedial action is taken at this meeting. He noted this was one of the underlying reasons he decided to support Article I. He reiterated much of what had been originally said by Selectman Wallace as to the many safeguards built into the Article. Mr. Lyons asked, "How many safeguards do people need before they stop stalling for two and three years and start a remedial action when possibly they have done something wrong?" He urged the support of the Hall for this Zoning bylaw amendment.

There was a motion to *Move the question.* This was seconded and VOTED.

The main motion under Article I was defeated.

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ARTICLE 2. AMEND THE 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

Selectmen David Wallace, moved in the words of the Article.

Mr. Wallace noted that none of the Selectmen were in favor of this Article. It was only presented as an option. The position of the Board was quite clear--it never supported residential zoning for this parcel.

Finance Committee Report: (J. Ryan) The Finance Committee did not support Article 2 as the financial implications for the Town would be significant. The revenues that could come from a residential zoning in that area would not nearly make up for the increased costs to the Town. The FinCom recommended defeat of Article 2.

Planning Board Report: (R. Brooks) The Planning Board recommended disapproval of Article 2 which would delete the research district. The Board believed there were limited, if any, financial or environmental considerations of the impact this would have upon the Town. Additionally, Article 2 is inconsistent with Article 30 of the 1990 Annual Town Meeting (See page 105 & 109 for Article 30.)

Town Counsel Opinion: It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in Articles 1, 2, 9, and 10 of the Warrant for the September 10, 1990 Special Town Meeting are properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General.

Robert Coe of Churchill Road inquired of Town Counsel if Sudbury would be required to provide access to residentially zoned land in Concord, or could a plan be rejected on the grounds that it had a street in it that could not be accessed through Concord?

Town Counsel opined, "The question to access is one which is not easily answered from the standpoint of all situations. In a particular situation where there is no access into Concord, the prevailing law suggests that they would be able to access the Concord property through the Sudbury property".

The motion under Article 2 was defeated.

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ARTICLE 3. FAIRBANK HEATING SYSTEM REMODELING

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Permanent Building Committee, for the purpose of making extraordinary repairs and remodeling of the heating and ventilating system at the Fairbank Community Center, and all expenses connected therewith, including engineering and other professional services, 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

Frank Schimmoller of the Permanent Building Committee moved to Indefinitely Postpone Article 3.

In explanation Mr. Schimmoller noted the Permanent Building Committee, at the April Town Meeting, recommended Indefinite Postponement of an article to replace the ancient heating system at the Fairbank Community Center, pending the outcome of the school administration's decision to renovate a portion of that building for their offices. A significant portion of the heating distribution system was replaced as part of the school's renovation project. Changes were made to the boiler controls to make them as efficient as possible. However, the boilers are "on a short end of a long life" and could only be expected to fail. Due to the fiscal restraints placed upon the Town, the PBC believed it could safely forestall the needed boiler replacement for the time being and recommended the article be Indefinitely Postponed.

Finance Committee Report: (J. Ryan) The Committee supported the motion to Indefinitely Postpone.

Board of Selectmen: (J. Drobinski) The Selectmen supported the motion to Indefinitely Postpone.

The motion under Article 3 to Indefinitely Postpone was *VOTED*.

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ARTICLE 4. SHERMAN'S BRIDGE CONSTRUCTION FUNDS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$137,500, or any other sum, to be expended under the direction of the Highway Surveyor, as the Town's share of the costs associated with the construction of a wooden replacement bridge on Lincoln Road, over the Sudbury River, said costs to be shared equally by the Towns of Sudbury and Wayland; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Highway Surveyor

Robert A. Noyes, Highway Surveyor moved to appropriate \$137,500, to be expended under the direction of the Highway Surveyor, as the Town's share of the costs associated with the construction of a wooden replacement bridge on Lincoln Road, over the Sudbury River, and to raise this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$137,500, under Chapter 95 of the Acts of 1990.

Mr. Noyes, Highway Surveyor, reported the 1984 Annual Town Meeting approved funds to design a replacement bridge, 20% of which was expected to be State funded and 80% Federal funded. The Towns of Wayland and Sudbury were not able to convince the Federal government to reduce its design standards to something more suitable for a country road setting, therefore Federal money was not obtainable. In the summer of 1989, Sudbury and Wayland jointly prepared to repair the top deck and rails of the existing bridge, until it was discovered several of the stringers were rotted and a section of one was actually missing. At that point the Wayland Road Commissioners and Sudbury's Highway Surveyor voted to close the bridge until an engineer could evaluate the situation. A consultant was hired and his report indicated 66% of the stringers were in such bad repair that the bridge should not be re-opened. The consultant did a study also as to what kind of a structure should replace the bridge, so the two towns could qualify for state funding.

Recognizing the status of the State's finances, there are no guarantees. However, they applied for Federal funding and expect to receive approximately \$60,000. This would be \$30,000, of FY91 "unallocated funds" and \$30,000 from the next fiscal year's appropriation. He further noted the two towns are on a list for Sub-standard Bridge Programs, but he couldn't ascertain whether they would receive the \$200,000, from the State. The State did indicate the Sherman Bridge was a very high priority. Mr. Noyes indicated it was both Sudbury and Wayland's intention, should they get the funding, to bid the replacement bridge with the option of a sidewalk.

Finance Committee Report: (D. Fitts) The Finance Committee reported State and Federal reimbursement of these monies was anticipated and the Committee was confident the project would not proceed unless the reimbursements were guaranteed.

Board of Selectmen Report: (J. Cope) As many residents from both communities are so terribly inconvenienced by the bridge being out, the Board hoped the voters would support Article 4. A great deal of research had been conducted for the replacement, and Mrs. Cope noted a letter had been received from the State assuring the Towns the \$200,000, had been reserved for this project.

Jaclyn McKenney of Lincoln Road inquired as to the proposed general design of the bridge. Mr. Noyes reported that in order to qualify for the Federal Government's Timber Bridge Replacement Program it was necessary for the bridge to be built with northern hardwoods, such as maple. It would be a H2O loading, a 20 foot wood deck, no hard top, and the railings would substantially be a little better than what is presently there. That is a safety requirement. Mr. Noyes upon further questioning stated the project schedule was a 30% submittal program on September 28, 1990, a 60% submittal to the State DPW on November 2, 1990, and the Towns will review the plans by November 30, 1990, with a 100% submittal to the State on January 1, 1991. The bidding would be in early March. This was a tentative schedule. The construction itself would take about three to four months.

The motion under Article 4 was declared UNANIMOUSLY VOTED.

September 10, 1990

ARTICLE 5. AMEND BYLAWS ART. XXI - HIGHWAY SURVEYOR 3-YEAR TERM

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

"ARTICLE XXI
HIGHWAY SURVEYOR

Section 1. The term of office for the elected position of Highway Surveyor shall be three years.

Section 2. This article shall take effect in the year 1991";

or act on anything relative thereto.

Submitted by Petition

Before placing this Article before the Hall, the Moderator asked Town Counsel's opinion if a vote on this article would be valid. Town Counsel, Paul Kenny, opined, "It is my opinion that the vote would be valid to amend the bylaws".

Robert A. Noyes, Highway Surveyor, *moved in the words of the Article.*

Mr. Noyes expanded on his report printed in the Warrant, by stating he has been elected each year for the past 14 years to the position of Highway Surveyor. In most all other communities, this same position is a 3-year term. If he had to vigorously campaign each year, a great amount of time would be taken away from his duties. It has been his experience, that as an "elected" official, highway business and complaints can be addressed much faster. When talking with his "appointed" counterparts in other communities, their positions were involved with a great deal more paperwork and much more time was required.

Finance Committee Report: (D. Fitts) Mr. Fitts stated the Finance Committee would be considering a number of proposals by other boards at its fall budget hearings that would impact and eliminate some of the flexibility the FinCom would have in the budgeting process. He believed to support this article and expand the term of office to three years would eliminate some of that budgeting flexibility.

At this time, Selectman Cope *moved that the matter be referred to the Board of Selectmen to study and report back at a future Town Meeting.*

In support of this motion, Ms. Cope stated, "The article seems innocent enough. Indeed, it is silly to expect our busy Highway Surveyor to mount a full scale political campaign annually. It is expensive and time consuming. We recognize that but we could be making an exclusive decision here. In line with our attempts to analyze all Town departments for efficiency and to save money wherever we can, the Executive Secretary, the Town Engineer and the Highway Surveyor have been meeting over the summer to study a related subject, the operations of the landfill". She reported both Mr. Place and Mr. Noyes had been informed by Mr. Thompson that he would be making recommendations to the Selectmen concerning a consolidated Department of Public Works. Mr. Thompson had recommended the Selectmen support an "appointed" Highway Surveyor rather than the present "elected" one, and to support combining the Highway and Engineering Departments. He also recommended their supporting a 1991 Annual Town Meeting article to study a consolidated DPW. Ms. Cope stated, "We haven't yet thought through the ramifications but we would certainly like the opportunity to analyze costs and possible structure of a combined DPW". She expressed concern this article would prevent such a move and could mean losing another means for saving, while gaining efficiency at the same time. She wished it to fully be understood that it was not the intent of the Selectmen to undermine Mr. Noyes and his department or Mr. Place and his Engineering Department. Selectman Cope noted that most of the Highway surveyor's responsibilities were under the jurisdiction of the Board of Selectmen: cemeteries street lighting, sanitary landfill and the tree warden. He is solely responsible for the Town's road work. Therefore, the Board did not support this article.

September 10, 1990

Richard F. Brooks of Russet Lane commented that the matter of the Highway Surveyor position was an ancient one in this Town. He told the Hall of how years ago some townspeople decided they needed more efficiency with the Highway Department and the dump and the cemeteries, etc. and a study was done. A five-member commission was formed and elected on staggered terms. This was, according to Mr. Brooks, "an unmitigated disaster". It was voted out. The Town got rid of it and went back to an elected Highway Surveyor. He agreed running on an annual basis, as has been done for many years, is not a problem, as long as there is no competition. With competition, a considerable amount of campaigning time would be involved, which would be very inefficient. He agreed the Town should have at least a 3-year term for this office, and called the motion to refer, a "Johnny come lately scheme of the Selectmen to have this thing appointed by them or the Executive Secretary for something that rings like another Highway Commission". He commented that to tie budgetary constraints with this Article was ridiculous, as the budget is on an annual basis just as it always has been. Being elected for three years would not stop the annual budgeting process for this department. Mr. Brooks believed the idea of a three-year term was long overdue and supported the article and not the motion to refer.

Quite a bit of discussion followed both in support and for defeat of the motion to refer. The motion to refer was defeated.

The main motion under Article 5 was *VOTED*.

It being after 10:30 pm, the Moderator accepted a motion to adjourn.

This was seconded and *VOTED*.

Attendance: 417

Special Town Meeting

September 11, 1990

The second session of the Special Town Meeting was called to order at 7:45 p.m. by Moderator, Thomas G. Dignan, Jr., as a quorum was declared present.

Joseph Kline of Stone Road was recognized at this time for placing a motion before the Hall. He moved to recess the Town Meeting until 8:00 p.m.

The motion received a second. The motion was made as a substantial number of interested voters were attending kindergarten orientation evening at the Sudbury Schools.

The motion was *VOTED*.

At 8:00 p.m. the meeting was reconvened. The First order of business was Article 6.

ARTICLE 6. AMEND FY91 BUDGET - SCHOOL SALARY ADJUSTMENT

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, as an addition to the Fiscal Year 1991 Budget voted by the 1990 Annual Town Meeting under Article 6 for Sudbury Public Schools line item 110, Net Sudbury Public Schools; or act on anything relative thereto.

Submitted by the Sudbury School Committee

Ms. V. Hammel of the School Committee moved to Indefinitely Postpone Article 6.

In explanation, Ms. Hammel noted the Committee had hoped to come to Town Meeting to ask for sufficient money to fund salary increases for the teachers. Due to the current state of the Town's finances and the current state of the Committee's negotiations, the School Committee recommended Indefinite Postponement.

Finance Committee: (C. McMahon) The FinCom supported the motion to Indefinitely Postpone.

Board of Selectmen: (J. Cope) The Board supported the motion to Indefinitely Postpone.

The motion under Article 6 to Indefinitely Postpone was *VOTED*.

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ARTICLE 7. AMEND FY91 BUDGET - TOWN SALARY ADJUSTMENT

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, as an addition to line item 970-110, Transfer Accounts Budget - Salary Adjustment/Town, voted by the 1990 Annual Town Meeting under Article 6 for Fiscal Year 1991; or act on anything relative thereto.

Submitted by the Board of Selectmen

Selectman Cope moved to Indefinitely Postpone Article 7.

The motion received a second.

The Selectmen had no report to give on this motion.

Finance Committee: (J. Ryan) The FinCom recommended support of the motion to Indefinitely Postpone.

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

ARTICLE 8. CARDING MILL BUILDING RENOVATIONS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$5,000, or any other sum, to be used for the repair and renovation of the Carding Mill building off Dutton Road; or act on anything relative thereto.

Submitted by the Conservation Commission

John Nixon of the Conservation Commission moved to Indefinitely Postpone Article 8.

Mr. Nixon reported that the Carding Mill building was deeded to the Town by Northland several years ago with the stipulation that it was to be kept in good order. During the interim period the building has been empty. With the support of Town Officials a plan had been developed whereby a maximum of \$5,000 would be spent to make the building habitable. It was the expectation of the Commission to have a tenant living there within 45 days. A week ago the Finance Committee approved a transfer of \$2,500 from the Reserve Fund for this purpose with the stipulation that an additional \$2,500 would be available if absolutely necessary.

Finance Committee : (J. Ryan) The Committee supported the motion to Indefinitely Postpone Article 8.

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

The motion under Article 8 was *VOTED*.

ARTICLE 9. AMEND ZONING BYLAW, ART. IX.II.C. - ENLARGE LBD#1
NORTH SIDE OF RT. 20 (WESTERLY END)

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX.II.C, by adding the following parcels of land to Limited Business District 1:

Parcel I

A certain parcel of land now known and numbered 656 Boston Post Road and being shown as Parcel #1 on a plan entitled "Change of Line - Division of Parcel of Land No. 1 and 3 for George Silva, Sudbury, Mass." F. A. Boothroyd, Eng'r., recorded with Middlesex South District Deeds, as Plan #1657 of 1951 on Record Book 7807, Page 546, bounded and described as follows:

SOUTHERLY: by Boston Post Road, three hundred eighty-six 89/100 feet;
 WESTERLY: by land of owners unknown, three hundred twenty-seven and 00/100 feet;
 NORTHERLY: by land formerly of Hawes, three hundred thirty and 00/100 feet; and
 EASTERLY: by land of Mass. Soc. Univ., as shown on said plan, three hundred thirty-two and 00/100 feet.

Parcel II

A certain parcel of land now known and numbered 662 Boston Post Road bounded and described as follows:

SOUTHERLY: by said Boston Post Road, 142 feet;
 WESTERLY: by land now or formerly of Alberta M. Bent, 340.9 feet;
 NORTHERLY: by said last mentioned land 200 feet; and
 EASTERLY: by land of Theodore W. Phelan, now or formerly, shown as Parcel numbered 1 on "Change of Line - Division of Parcel of Land No. 1 & 2, for George Silva, Sudbury, Mass., Scale 50 ft = 1 inch, F.A. Boothroyd, Engr. (original on File)" recorded with Middlesex South District Registry of Deeds, Book 7807, Page 546, 327 feet.

Parcel III

A certain parcel of land now known and numbered 8 Stone Road bounded and described as follows:

SOUTHERLY: by Boston Post Road, one hundred twenty-eight and 27/100 feet;
 SOUTHWESTERLY: on a curved line forming the intersection of said Boston Post Road with Stone Road, thirty-five and 78/100 feet;
 WESTERLY: by the easterly line of Stone Road two hundred forty-five and 27/100 feet;
 NORTHERLY: by Lot 5 on a plan hereinafter mentioned one hundred fifty feet;
 EASTERLY: by land now or formerly of Silva two hundred sixty-seven feet.

Said parcel is shown as Lots 1 and 3 on a plan of land entitled "Sudhaven Subdivision, Boston Post Road, Sudbury, Mass." dated May 3, 1950 recorded with Middlesex South Registry of Deeds as Plan #729 of 1950.

Parcel IV

That certain parcel of land now known and numbered 676 Boston Post Road bounded and described as follows:

SOUTHERLY: by Boston Post Road one hundred nineteen and 95/100 feet;
 WESTERLY: by the easterly line of the "Present Road" as shown on a plan hereinafter mentioned one hundred thirty-seven and 45/100 feet;
 NORTHERLY: by Lot numbered 4 on said plan one hundred sixty-eight and 01/100 feet;
 EASTERLY: by the westerly line of Stone Road one hundred four and 74/100 feet;
 SOUTHEASTERLY: on a curved line forming the intersection of said Boston Post Road with Stone Road forty-two and 76/100 feet;

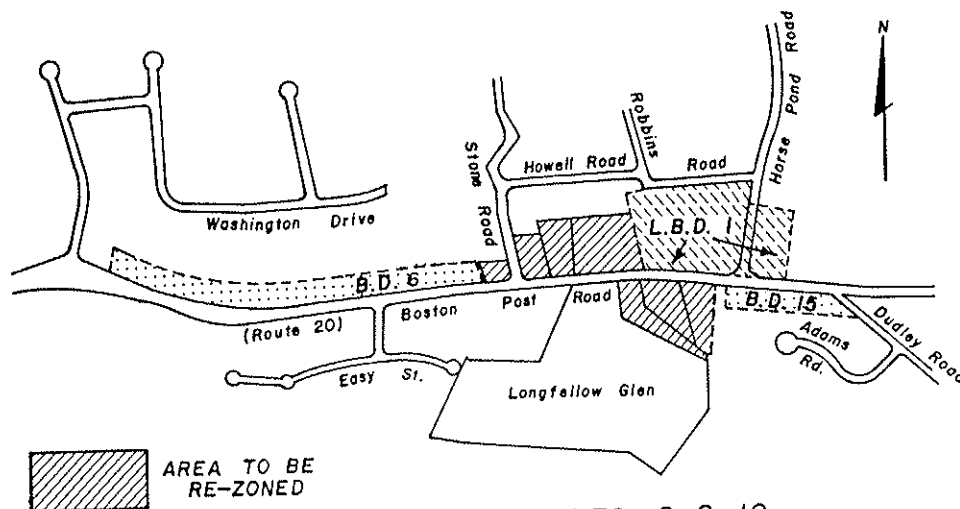
Said parcel is shown as Lot 2 on a plan of land entitled "Sudhaven Subdivision, Boston Post Road, Sudbury, Mass." dated May 3, 1950 recorded with Middlesex South Registry of Deeds as Plan #729 of 1950.

or act on anything relative thereto.

Submitted by Petition

September 11, 1990

William Duckett of 656 Boston Post Road moved to amend the Town of Sudbury Zoning Bylaw, Article IX, II, D., location of all other districts by adding to Limited Business District #1 those certain parcels of land designated under Article 9 in the Warrant of September 10, 1990, Special Town Meeting as Parcels I, II, III and IV.



ARTICLES 9 & 10
Limited Business District No. 1

With the approval of the Moderator, Mr. Duckett addressed both Articles 9 and 10 together. He explained these two articles would change the zoning designation for seven parcels of land situated on the Boston Post Road from "residential" to "limited business". The particular parcels were: the Duckett Funeral Home, the Sudbury Animal Hospital, the DeVita property at the corner of Stone and the Boston Post Roads, the Sudbury American Legion Post #191 on the southside of the Boston Post Road, the medical offices of Dr. Kramer and two parcels owned by the Bushey family. The parcels on the northside of the Post Road were said to abut a "Limited Business District" on the east and a "Business District" on the west. The parcels on the southside of the Post Road abut Longfellow Glen on the west and are less than 60 feet from a "Business District" on the east. Mr. Duckett noted it was important not to focus upon the particular use of each of the parcels involved, but rather on the entire area involved. He stated the property situated along Route 20 constitutes a neighborhood district from those properties not directly on the highway and not directly facing or abutting the commercial uses. The parcels on the northside of the Post Road have a combined frontage on the Post Road of 778± feet. It was said the parcels involved represent a small portion of the Boston Post Road. With the proposed zoning amendment, properties on the northside of the Post Road would close a gap between non-residential districts and on the south side the existing business district would be extended 520 feet westward, with the exception of a 40 or 60 foot driveway. Explanation was provided as to why the Board of Appeals granted a "use variance" to Dr. Kramer to operate his practice on the Post Road premises because of the intrusive nature of adjoining property uses. It was noted this proposed change would not permit unrestricted commercial use and development. The use and development of any parcels involved would be regulated and governed by "full community participation." He emphasized that uncontrolled development is exactly what Articles 9 and 10 are not about, as the properties in question would come under the direct development, control and supervision of all Town boards and commissions concerned with the orderly and reasonable development of land in Sudbury.

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Finance Committee Report: The Finance Committee took no position on these two articles.

Board of Selectmen: (J. Cope) The Selectmen opposed the motion of Mr. Duckett's. The Board believed it was inappropriate to bring this type of an article to a Special Town Meeting. The property owners were aware of the restrictions on the properties when they purchased the parcels in question, and to consider such permanent changes in the zoning would be unfair to existing residential homeowners. Such proposed changes would open up properties to potential new uses and expand the strip zoning and the traffic problems presently experienced. Additionally, the proposed changes would be totally contrary to current long-term plans for a downtown nucleus, user friendly, walkable shopping district.

Selectman John Drobinski spoke strongly against the proposal, noting such re-zoning would go against the grain of two professional planning studies commissioned by the Town of Sudbury. The present landowner rights currently are protected by use variances from the Zoning Board of Appeals and are taxed accordingly. "Spot zoning", as he referred this proposal to be, was the cause of the environmental and traffic problems along Route 20 that the Town has been grappling with for over ten years.

Planning Board Report: (D. Lyons) Mr. Lyons reported that the properties in discussion are abutted to the east and west by business districts, however, they are otherwise surrounded entirely by residential dwellings. Out of consideration for those homeowners, the Board believed the zoning should remain unchanged. Recognizing existing businesses will be able to continue to operate within the safeguards provided by variance and special permit procedures, and after receiving input from the petitioners, abutters and other local residents, the Planning Board voted unanimously to disapprove Articles 9 and 10.

Town Counsel Opinions: It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in Articles 1, 2, 9, and 10 of the Warrant for the September 10, 1990 Special Town Meeting are properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General.

Patrick Delaney, as associate member of the Zoning Board of Appeals, former Sudbury Assessor and a resident of the Boston Post Road gave a lengthy presentation in opposition to the proposed zoning amendment. Upon reading the petitioners' report in the Warrant, two things in particular caused him concern. First was the statement that "the properties are being taxed commercially." Using one property, the funeral home, as an example, he noted the home is situated on three acres that have an assessment of \$199,500, which is about \$70,000 per acre. That, he explained, is not the value of commercial property on Route 20. He stated, "This is a residential assessment, plain and simple." He pointed out that the Town was taxing this particular piece of property at a value of \$200,000, not including the house, as it is just the land which has the residential assessment. It was pointed out that the tax bill was about \$2,000 plus whatever the tax bill would be for the structures thereon. He clarified further by noting if a business is run in a home, the Town taxes the property a little bit more heavily, however the Town does not tax the property commercially. He noted further when half of a home is used for business, one would pay proportionally more, but under no circumstances would the owner ever pay commercial taxes on a property that is zoned residentially. In the example used, he assumed half of the property tax bill was being calculated at the commercial rate resulting in a tax bill of about \$3,000. Should the property be re-zoned, Mr. Delaney pointed out, the assessed value of the land would skyrocket. He estimated the three acres of dry buildable land on the State Highway would be worth about \$600,000 and the tax bill would be about \$12,000. "Suffice to say", said Mr. Delaney, "none of the properties that we are discussing in Article 9 are being commercially taxed."

The second concern he noted in the Warrant report was the reference to the four properties as being isolated in a commercial area. The term used in the report was "residential island", to which Mr. Delaney added "I think that implies 'in a sea of business'". By cutting up Town maps and piecing them together he provided the hall a

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view of the strip of land along Route 20, with the non-residential zoned areas darkened out. In the area involved with Articles 9 and 10, he was able to indicate that it was an area of "mixed zoning" and "hardly an area where residential property is sitting in a 'sea of business'". The situation was, in Mr. Delaney's opinion, just the opposite, as the Town had in the past spot zoned a series of businesses along Route 20. He noted further it was the businesses that stick out not the residential areas. He stated to the Hall that Route 20 really had only six zoning areas and of these only two are true zoning districts. He summarized by saying that it is not possible to erase the spot zoning sins of the past. "We must live with them. We must control them. We must freeze the zoning, bad as it is." He further stated that these properties are not being taxed in any commercial way, so the owners are not being penalized nor are they being treated unfairly. It is a residential area with a few spot zoned businesses. Having researched the variance issued to the funeral home, he found the Zoning Board of Appeals thought it was approving an incidental use to a home, when it actually was approving a permanent right of all owners of that land in the future to run a particular type of business and not to live there. That is not a residential use, but the Board felt it was approving an auxiliary residential use. At the time the variance was approved, the Board, according to Mr. Delaney, appeared to have approved something that was residential with business as an auxiliary function. This occurred in 1980. Years after the approval the Town became more stringent, not less, stated Mr. Delaney, in this area of Town "trying to keep it residential and not to let it decay."

Quite a bit of discussion followed with several residents from Stone Road and surrounding streets speaking in strong opposition to the proposed re-zoning.

A motion to move the question was received and seconded.

This motion to terminate debate was VOTED.

The main motion under Article 9 was defeated.

September 11, 1990

ARTICLE 10. AMEND ZONING BYLAW, ART. IX.II.C - C - ENLARGE LBD #1
SOUTH SIDE OF RT. 20 (WESTERLY END)

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX.II.C, by adding the following parcels of land to Limited Business District 1:

Parcel I

The land with the buildings thereon situated on the southerly side of Boston Post Road in Sudbury, Middlesex County, Massachusetts, shown as Lot A¹ on the plan entitled "Plan of Land Located in Sudbury, Mass. Belonging to Mary A. Piona" dated December 15, 1976, by Benjamin A. Chatel, Registered Land Surveyor, which plan is recorded with Middlesex South District Registry of Deeds as Plan No. 1104 of 1977 in Book 13299, Page 612, bounded and described as follows:

NORTHERLY: by the southerly line of Boston Post Road on said plan, two hundred ten (210) feet;
 EASTERLY: by land of Jacqueline J. Sykes on said plan, four hundred fourteen (414) feet;
 SOUTHERLY: by said Sykes land, twenty four and 52/100 (24.52) feet;
 SOUTHWESTERLY: by land of Mary a. Piona on said plan, ninety four (94) feet; and
 WESTERLY: by Lot A² on said plan, three hundred eighty nine and 04/100 (389.04) feet.

Parcel II

Beginning at a granite highway bound near the northwest corner of the subject property fronting on the southerly side of the country road leading from Worcester to Boston, formerly known as State Road, now known as Boston Post Road; then proceeding

SOUTH: 83° -10' -05" East, a distance of 201.90 feet to a stake, then turning SOUTH 11° -21' -05" East, a distance of 389.04 feet, then turning NORTH 48° -27' -00" West, a distance of 369.75 feet, then turning NORTH 03° -00' -55" West, a distance of 160.00 feet, to Boston Post Road;
 then turning NORTH 86° -50' -05" East, a distance of 8.10 feet to the point of beginning.

Parcel III

Beginning on the Southerly side of Boston Post Road, at a point S-86° -59' -05" -W, a distance of 8.10 feet to the West of a Massachusetts Highway bound;

Thence S-03° -00' -55" -E, a distance of 160.00 feet to a point;
 Thence, S-48° -27' -00" -E, a distance of 463.75 feet to a concrete bound;
 Thence, S-01° -10' -23" -W, a distance of 35.00 feet to a point;
 Thence, N-58° -36' -46" -W, a distance of 549.25 feet to a point;
 Thence, N-03° -00' -55" -W, a distance of 185.00 feet to a point;
 Thence, on a curved line, the radius of which is 25.00 feet, a distance of 39.27 feet to a point at Boston Post Road;
 Thence, along Boston Post Road, N-86° -59' -05" -E, a distance of 100.34 feet to the point of beginning.

or act on anything relative thereto.

Submitted by Petition

Daniel Bushey of Boston Post Road moved to amend the Town of Sudbury's Zoning Bylaw, Article IX.II.D, location of all other districts by adding to Limited Business District #1, those certain parcels of land designated under Article 10 in the Warrant for the September 10, 1990 Special Town Meeting a parcels 1, 2 and 3.

Mr. Bushey stated he purchased his property more than ten years ago, before Longfellow Glen was "in my back yard, no Doctor Kramer next door to me and no Dudley Square." Over the years he has attempted to sell his home, but has been unsuccessful. Potential buyers have tried to get variances but were turned down by Town boards. Mr. Bushey stated he has tried himself, unsuccessfully, to get a variance also.

Finance Committee Report: The FinCom took no position on this article.

Board of Selectemen Report: (J. Cope) The Board's position on this article was the same as on Article 9.

Planning Board Report: (D. Lyons) The Board recommended disapproval of this article.

Town Counsel Opinions: It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in Articles 1, 2, 9, and 10 of the Warrant for the September 10, 1990 Special Town Meeting are properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General

Martha Coe of Churchill Street moved to Indefinitely Postpone Article 10.

This motion having received a second, Mrs. Coe stated that by Indefinitely Postponing action on Article 10, possibly something could be done for the Bushey family in less than three years.

The Moderator pointed out that her motion of Indefinite Postponement would have the same effect as defeat.

With that understanding, Mrs. Coe asked to withdraw her motion. As it had been seconded, assent of the Hall was requested to withdraw the motion to Indefinitely Postpone. This assent was received.

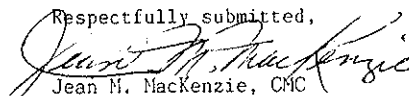
The Moderator suggested that to accomplish what Mrs. Coe was seeking could be done by a motion to refer. No such motion was made.

Hank Tober of Ames Road noted that if a property is zoned Limited Business then it can no longer be used as a residence. The Moderator didn't believe this was accurate, as any use of a lesser assent can be used in any district, and therefore you can have a residence in a limited business district. The Moderator inquired to Town Counsel if this was correct, to which Paul Kenny opined, "Provided the use was there prior to the change in the zoning. You can have a non-conforming use and it can still be used as a residence." The Moderator, after conferring with Town Counsel, further clarified by stating, "In addition to what Mr. Kenny said that a prior use would be allowed, what the bylaw says is, that in a Limited Business District any use is permitted; and in a Single Residence District, if a permit is granted by the Board of Appeals. So in addition to the existing use, there is also the right to use it as a residence if there is a permit granted by the Board of Appeals."

The motion under Article 10 was defeated.

The Moderator called for a motion to dissolve the Town Meeting. The motion was received and seconded. The motion was VOTED.

Attendance: 257

Respectfully submitted,

Jean M. MacKenzie, CMC
Town Clerk

STATE PRIMARY

September 18, 1990

The State Primary Election was held at the Peter Noyes School with the polls open from 7 AM to 8 PM. There were 2,575 Republican ballots cast including 90 absentee ballots; there were 2,616 Democratic ballots cast including 99 absentee ballots: a total of 5,191 votes cast. Twenty-three voting machines were used. The results were announced by the Town Clerk, Jean M. MacKenzie, at 11:21 PM.

REPUBLICAN BALLOT

SENATOR IN CONGRESS

Daniel W. Daly	502
Jim Rappaport	1,725
Scattering	1
Blanks	347

GOVERNOR

Steven D. Pierce	632
William F. Weld	1,903
Scattering	0
Blanks	40

LIEUTENANT GOVERNOR

Argeo Paul Cellucci	1,872
Peter G. Torkildsen	472
Scattering	0
Blanks	231

ATTORNEY GENERAL

Guy A. Carbone	720
William C. Sawyer	1,278
Scattering	1
Blanks	576

SECRETARY OF STATE

Paul McCarthy	1,561
Scattering	0
Blanks	1,014

TREASURER

Joseph D. Malone	1,984
Scattering	0
Blanks	591

AUDITOR

Douglas J. Murray	1,538
Scattering	0
Blanks	1,037

REPRESENTATIVE IN CONGRESS

Donal T. Coleman	380
John F. MacGovern	1,365
Scattering	0
Blanks	830

DEMOCRATIC BALLOT

SENATOR IN CONGRESS

John F. Kerry	1,924
Scattering	1
Blanks	691

GOVERNOR

Francis X. Bellotti	1,143
Evelyn F. Murphy	57
John Silber	1,366
Scattering	1
Blanks	49

LIEUTENANT GOVERNOR

Marjorie O'Neill Clapprood	1,331
William P. Golden	567
Nicholas A. Paleologos	333
Scattering	0
Blanks	385

ATTORNEY GENERAL

James M. Shannon	816
L. Scott Marshbarger	1,641
Scattering	0
Blanks	159

SECRETARY OF STATE

Michael Joseph Connolly	1,543
Scattering	1
Blanks	1,072

TREASURER

William Francis Galvin	1,014
George Keverian	675
Dick Kraus	540
Scattering	0
Blanks	387

AUDITOR

A. Joseph DeNucci	1,525
Scattering	0
Blanks	1,091

REPRESENTATIVE IN CONGRESS

Chester G. Atkins	1,898
Scattering	0
Blanks	718

STATE PRIMARY
(continued)

September 18, 1990

REPUBLICAN BALLOT

COUNCILLOR		
Thomas F. Healy	1,531	
Scattering	0	
Blanks	1,044	

SENATOR IN GENERAL COURT		
William M. Monnie	1,268	
Mark A. Stemmiski	600	
Scattering	0	
Blanks	707	

REPRESENTATIVE IN GENERAL COURT		
Nancy "Hasty" Evans	1,645	
Kathleena R. Scarpato	632	
Scattering	0	
Blanks	298	

DISTRICT ATTORNEY		
(No candidate)		

REGISTER OF PROBATE		
Donna M. Lambert	1,534	
Scattering	0	
Blanks	1,041	

COUNTY TREASURER		
Walter Fish	1,526	
Scattering	0	
Blanks	1,049	

COUNTY COMMISSIONER		
(No candidate)		

DEMOCRATIC BALLOT

COUNCILLOR		
Robert B. Kennedy	1,062	
Edward F. Flood	730	
Scattering	0	
Blanks	824	

SENATOR IN GENERAL COURT		
Robert A. Durand	1,419	
Scattering	1	
Blanks	1,196	

REPRESENTATIVE IN GENERAL COURT		
Mark Collins	1,831	
William F. King	418	
Scattering	0	
Blanks	367	

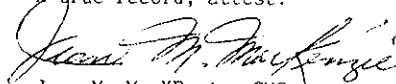
DISTRICT ATTORNEY		
Joseph K. Mackey	585	
Thomas F. Reilly	1,001	
George W. Spartichino	304	
Scattering	0	
Blanks	726	

REGISTER OF PROBATE		
Thomas J. Larkin	880	
Joseph L. Bradley	659	
Scattering	0	
Blanks	1,077	

COUNTY TREASURER		
James E. Fahey, Jr.	710	
Warren McManus	349	
Kevin J. Palmer	375	
Scattering	0	
Blanks	1,182	

COUNTY COMMISSIONER		
Bill Schmidt	319	
Barbara J. Auger Collins	487	
William J. Eckland	301	
Francis X. Flaherty	265	
William S. McFarland	150	
Scattering	0	
Blanks	1,094	

A true record, attest:


 Jean M. MacKenzie, CMC
 Town Clerk

STATE ELECTION

November 6, 1990

The State Election was held in the Peter Noyes School with the polls open from 7:00 AM to 8:00 PM. There were 7,933 votes cast including 513 absentee ballots - (Precinct 1 - 131; Precinct 2 - 113; Precinct 3 - 142; Precinct 4 - 127). Twenty-five voting machines were used. The precinct results were announced by the Assistant Town Clerk, Kathleen D. Middleton, at 1:10 a.m.

	Pct. 1	Pct. 2	Pct. 3	Pct. 4	Total
<u>Senator in Congress</u>					
John F. Kerry	1075	1157	1021	1160	4413
Jim Rappaport	834	749	868	848	3299
Write-in	-	-	-	-	-
Scattering	1	-	-	-	1
Blanks	46	53	50	71	220
 <u>Governor and</u>					
<u>Lieutenant Governor</u>					
Silber and Clapprood	607	690	699	695	2691
Weld and Cellucci	1294	1186	1186	1304	4970
Umina and DeBerry	28	52	36	37	153
Write-in/Dorothy Stevens	1	1	1	1	4
Write-in	1	1	-	-	2
Scattering	-	1	-	-	1
Blanks	25	28	17	42	112
 <u>Attorney General</u>					
L. Scott Harshbarger	1155	1214	1188	1251	4808
William C. Sawyer	716	670	673	707	2766
Write-in	-	-	-	-	-
Scattering	-	-	-	6	6
Blanks	85	75	78	115	353
 <u>Secretary of State</u>					
Michael Joseph Connolly	655	745	653	705	2758
Paul McCarthy	786	695	799	785	3065
Barbara F. Ahearn	312	316	294	348	1270
Write-in	-	-	1	-	1
Scattering	1	-	2	-	3
Blanks	202	203	190	241	836
 <u>Treasurer</u>					
William Francis Galvin	445	512	450	492	1899
Joseph D. Malone	1284	1211	1268	1330	5093
C. David Nash	117	127	126	115	485
Write-in	-	-	-	-	-
Scattering	-	-	-	1	1
Blanks	110	109	95	141	455
 <u>Auditor</u>					
A. Joseph DeNucci	831	902	812	862	3407
Douglas J. Murray	738	659	740	754	2891
Steven K. Sherman	145	178	179	188	690
Write-in	-	-	-	-	-
Scattering	-	-	-	-	-
Blanks	242	220	208	275	945

STATE ELECTION
(Continued)

November 6, 1990

	Pct. 1	Pct. 2	Pct. 3	Pct. 4	Total
<u>Representative In Congress</u>					
(Fifth District)					
Chester G. Atkins	1094	1171	1001	1171	4437
John F. MacGovern	813	719	852	823	3207
Write-in	-	-	-	-	-
Scattering	-	-	-	-	-
Blanks	49	69	86	85	289
<u>Councillor</u>					
(Third District)					
Robert B. Kennedy	595	712	649	644	2600
Thomas F. Healy	1097	971	1039	1082	4189
Write-in	-	-	-	-	-
Scattering	9	-	-	-	9
Blanks	255	276	251	353	1135
<u>Senator in General Court</u>					
(Middlesex & Worcester District)					
Robert A. Durand	683	853	741	805	3082
William M. Monnie	979	852	952	949	3732
Write-in	-	-	-	-	-
Scattering	-	-	-	-	-
Blanks	294	254	246	325	1119
<u>Representative in General Court</u>					
(Thirteenth Middlesex District)					
Mark Collins	833	952	829	888	3502
Nancy "Hasty" Evans	1051	945	1025	1110	4131
Write-in	-	-	-	-	-
Scattering	-	-	-	-	-
Blanks	72	62	85	81	300
<u>District Attorney</u>					
(Northern District)					
Thomas F. Reilly	1115	1199	1072	1082	4468
Write-in	-	-	-	-	-
Scattering	1	-	-	1	2
Blanks	840	760	867	996	3463
<u>Registrar of Probate</u>					
(Middlesex County)					
Donna M. Lambert	1050	1014	1068	1081	4213
Thomas J. Larkin	429	543	507	488	1967
Write-in	-	-	-	-	-
Scattering	-	-	-	-	-
Blanks	477	402	364	510	1753
<u>County Treasurer</u>					
(Middlesex County)					
James E. Fahey, Jr.	524	640	565	573	2302
Walter Fish	1026	902	1001	1005	3934
Write-in	-	-	-	-	-
Scattering	1	-	-	-	1
Blanks	405	417	373	501	1696
<u>County Commissioner</u>					
(Middlesex County)					
Francis X. Flaherty	1052	1152	1058	1010	4272
Write-in	-	-	-	-	-
Scattering	1	-	-	1	2
Blanks	903	807	881	1068	3659

STATE ELECTION
(Continued)

November 6, 1990

Question 1

Proposed Amendment to the Constitution

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the House of Representatives and the Senate on December 17, 1987 by a vote of 180 to 6, and on June 11, 1990 by a vote of 186 to 6?

SUMMARY

The proposed constitutional amendment would repeal the constitutional provision that a state census be taken and used as the basis for determining state representative, senatorial and councillor districts. The proposed constitutional amendment would provide that the federal census shall be the basis for determining such districts.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	1684	1675	1635	1757	6751
NO	203	208	219	220	850
BLANKS	69	76	85	102	332

Question 2

Law Proposed by Initiative Petition

Do you approve of a law summarized below, on which no vote was taken by the Senate or House of Representatives before May 2, 1990?

SUMMARY

The proposed law would place restrictions on the State's use of consultants. It would place various limits on the amount of profit, overhead charges and expenses that the State could pay consultants. It would limit the duration of consultant contracts to two years and any extension to one year, and it would limit the degree to which such contracts could be changed to require payments in excess of the original contract. The proposed law would limit to \$100,000 the amount the State could pay on a consultant contract with an individual and would require all other consultant contracts in excess of \$25,000 to be sought through competitive bidding. It would prohibit consultants from supervising State employees, and it would limit the use of consultants as substitutes for State employee positions.

In addition, the proposed law would place limits on the total amount of money State agencies, departments and Authorities could spend on consultants each year. Subsidiary provisions would also establish a method for these entities to gradually come into compliance with the new spending limits and would give authority to the State Secretary of Administration and Finance, on request, to permit some spending in excess of the new limits. The proposed law would also require State agencies, departments and Authorities as well as the Secretary of Administration and Finance to submit yearly reports concerning the State's consultant contracts to certain legislative committees and to the Inspector General.

Finally, the proposed law provides that any of its provisions, if found by a court to be unconstitutional or otherwise unlawful, would be severed from the law and the remaining provisions would continue in effect.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	683	708	763	707	2861
NO	1214	1189	1108	1284	4795
BLANKS	59	62	68	88	277

STATE ELECTION
(Continued)

November 6, 1990

Question 3

Law Proposed by Initiative Petition

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 2, 1990?

SUMMARY

This proposed law would change the state income tax rate, affect language contained in certain tax provisions, and regulate the setting of fees by state agencies and authorities.

The proposed law would set the state income tax rate on Part B taxable income (in general, earned income) at 4.25% for 1991 and 4.625% for 1992, except for income from unemployment compensation, alimony, Massachusetts bank interest, rental income, pension and annuity income, and IRA/Keogh deductions, which would be taxed at 5%.

The proposed law also provides that the fee imposed by any state agency or authority shall be no more than the fee that was in effect on or before June 30, 1988. The state Secretary of Administration would determine the amount to be charged for any service, registration, regulation, license, fee, permit or other public function, except for the rates of tuition or fees at state colleges and universities or any fees or charges relative to the administration and operation of the state courts. Any increase or decrease in a fee, or the establishment of any new fee, would require the approval of the Legislature. Any increase in a fee would not apply to persons 65 years of age or older. No state agency or authority could collect any fee which exceeds the administrative costs directly incurred by the state agency or authority to produce and process the application for any license or permit. The Secretary of Administration must report information concerning fees to the Legislature on an annual basis.

The proposed law provides that for tax periods commencing on or after January 1, 1991, language in certain provisions of the Massachusetts general laws relating to taxes shall be the same as it was on August 2, 1989, or the effective date of the proposed law, whichever language yields less tax revenue. The tax provisions affected include sections relating to the surtax on business income, corporate excise taxes, S corporation taxes, taxes on security corporations, taxes on Part A income (in general, unearned income), bank taxes, excise taxes on alcoholic beverages and cigarettes, excise taxes on deeds, estate taxes, payments to the Commonwealth relating to horse and dog racing, payments to the Commonwealth relating to boxing and sparring matches, taxes on utility companies, gasoline taxes, taxes on insurance companies, excise taxes on motor vehicles, taxes on urban redevelopment corporations, sales tax, use tax, room occupancy excise tax, property taxes, and taxes on proceeds from raffles and bazaars.

The proposed law also contains a provision that if any sections of the law are held to be invalid, all other sections of the law are to remain in effect.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	866	803	846	857	3372
NO	1047	1107	1041	1155	4350
BLANKS	43	49	52	67	211

STATE ELECTION
(continued)

November 6, 1990

Question 4

Law Proposed by Initiative Petition

Do you approve of a law summarized below, on which no vote was taken by the Senate or House of Representatives before May 2, 1990?

SUMMARY

This proposed law would change the state election laws governing the establishment of political parties and the nomination of candidates.

The proposed law would allow voters to register under a political designation other than "Independent" and in addition to the two political parties previously recognized by law (Republican or Democrat), if at least fifty voters request to be permitted to do so. It would allow any group to qualify as a political party under Massachusetts law if at least one percent of the total number of registered voters register to vote using that group's political designation, or if at least three percent of the votes cast at the preceding election for any statewide office were cast for a candidate running under that group's political designation.

The proposed law would set the minimum number of signatures needed on independent or minor party nomination papers for state office at one-half of one percent (1/2%) of the entire vote cast in the previous state election for governor (as compared to 2% as of 1989), and would also establish this number of signatures as the upper limit needed for major party candidates. The proposed law would also permit voters to sign the nomination papers of any number of candidates for the same office, would require that all blank forms to be used for nomination papers and initiative and referendum petitions be no more than 8 1/2" by 14" in size, and would allow signatures to be collected on exact copies of those forms.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	1000	952	998	1030	3980
NO	844	886	807	898	3435
BLANKS	112	121	134	151	518

STATE ELECTION
(continued)

November 6, 1990

Question 5.

Law Proposed by Initiative Petition

Do you approve of a law summarized below, on which no vote was taken by the Senator or the House of Representatives before May 2, 1990?

SUMMARY

This proposed law would regulate the distribution to cities and towns of the Local Aid Fund, which consists of at least 40% of the revenue generated by the state income, sales, and corporate taxes, as well as the balance of the State Lottery Fund.

Subject to appropriation by the legislature, the State Treasurer would distribute the Local Aid Fund to cities and towns on a quarterly basis, and each city or town would receive at least the same amount of local aid it received in the previous fiscal year unless the total Local Aid Fund decreases.

In fiscal year 1992, if there has been any increase over the fiscal year 1989 fund, half of the increase would be distributed in accordance with the distribution formula used for fiscal year 1989, and half would be distributed to each city and town in proportion to its population.

In each year after 1992, if the fund increases, the excess would be distributed through a formula devised by the State Secretary of Administration and Finance, with the advice and consent of the Local Government Advisory Committee. If the fund decreases after 1992, each town or city will have the amount it receives decreased by the same percentage.

This proposed law also requires that the Treasurer publish an annual report about the Local Aid Fund, that the state Auditor publish an annual audit of the Account, and that the Secretary of Administration and Finance issue to each city and town an estimate of funds it will receive from the Local Aid Fund.

Each city or town would be allowed to bring a lawsuit to force distribution of the account, and would be entitled to a late payment fee if distribution is not timely.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	995	1017	1024	1001	4037
NO	836	803	768	928	3335
BLANKS	125	139	147	150	561

STATE ELECTION
(continued)

November 6, 1990

Question 6.

This Question Is Not Binding

Shall radio and television broadcast outlets be required to give free and equal time to all certified candidates for public office in the commonwealth?

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	879	850	853	898	3480
NO	847	879	848	916	3490
BLANKS	230	230	238	265	963

Question 7

Shall Middlesex County elect to transfer to the Commonwealth all right, title and interest held by said County in:

- A. The Superior Court House building and land in Lowell, Massachusetts
- B. The Superior Court House building and land in Cambridge, Massachusetts
- C. The Probate Court/Registry of Deeds building and land in Cambridge, Massachusetts occupied by the judicial branch and owned by the county?

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	881	806	857	876	3420
NO	684	732	657	702	2775
BLANKS	391	421	425	501	1738

A true record, Attest:

Jean M. MacKenzie, CMC
Town Clerk

STATE ELECTION RECOUNT

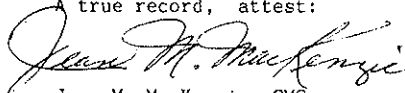
December 6, 1990

A recount for the office of Senator in General Court (Middlesex & Worcester District) was held at the Peter Noyes School at 7 PM. The results were as follows:

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
<u>Senator in General Court</u>					
(Middlesex & Worcester District)					
Robert A. Durand	683	853	741	805	3082
William M. Monnie	979	852	952	949	3732
Write-in	-	-	-	-	-
Scattering	-	-	-	-	-
Blanks	294	254	246	325	1119

The recount showed no changes in the election results of November 6, 1990.

A true record, attest:


Jean M. MacKenzie, CMC
Town Clerk

