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ANNUAL TOWN MEETING, APRIL 1, 1991
ADJOURNED ANNUAL TOWN MEETINGS:
APRIL 2, 3, 8, 9, 10, 1991
SPECIAL TOWN ELECTION, MAY 13, 1991
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ANNUAL TOWN ELECTION

MARCH 25, 1991

The Annual Town Election was held at the Peter Noyes School. The polls were open from 7 a.m. to 8 p.m. There were 2,160 votes cast, including 94 absentee ballots. Twenty voting machines were used. The results were announced by Town Clerk, Jean MacKenzie, at $10:45~\rm p.m.$

| MODERATOR: FOR ONE YEAR | | HIGHWAY SURVEYOR: FOR THREE Y | SARS |
|--|------------|---|---------------|
| Thomas G. Dignan, Jr. | 1,712 - | Robert A. Noyes | 1,512 |
| Scattering Blanks | 448 | Scattering Blanks | 648 |
| SELECTMEN: FOR THREE YEARS | | PARK & RECREATION COMMISSIONE (FOR THREE YEARS) (Vote for to | |
| Judith A. Cope Lawrence L. Blacker Hendrik Tober Scattering | 1,188 | | |
| Lawrence L. Blacker | 695 | Paul T. Rosell | 1,340 |
| Hendrik Tober | 181 | Kobert E. Maher(write-in) | 38 |
| Hendrik Tober Scattering Blanks | - 96 | Paul T. Rosell Robert E. Maher(write-in) Scattering Blanks | 3 2 939 |
| | ,, | » dance | 2,707 |
| BOARD OF ASSESSORS: FOR TH | REE YEARS | PLANNING BOARD: FOR ONE YEAR | |
| David E. Tucker Scattering Blanks | 1,432 | John O. Rhome Scattering Blanks | 1,211 |
| Scattering | _ | Scattering | _ |
| Blanks | 728 | Blanks | 949 |
| CONSTABLE: FOR THREE YEARS | | PLANNING BOARD: FOR THREE YE. (Vote for no more than two) | ARS |
| Phillip L. Lindsay Joseph Bausk | 1,365 | | |
| Joseph Bausk Scattering | 6 | Richard A. Brooks | 1,359 |
| Scattering | _ | Lael M. Meixsell | 1,151 |
| Blanks | 789 | Richard A. Brooks Lael M. Meixsell William T. Durfee, Jr. | 903 |
| | | Scattering Blanks | - 907 |
| | | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | <i>y</i> 0, |
| GOODNOW LIBRARY TRUSTEES: (Vote for no more than two | | SUDBURY HOUSING AUTHORITY: FO | R FIVE YEARS |
| Catrine E. Barr Ivan H. Lubash Scattering | 1,456 | Sidney Wittenberg Scattering | 1,299 |
| Scattering | | Blanks | 861 |
| Blanks | 1,494 | | 001 |
| BOARD OF HEALTH: FOR THRE | E YEARS | SUDBURY SCHOOL COMMITTEE; FOR (Vote for no more than two) | R THREE YEARS |
| Michael W. Guernsey | 1.504 | Patricia A. Guthy | 710 |
| Scatterine | x 4 DO4 | Patricia A. Guthy Karen Libby | 710 368 |
| Scattering Blanks | 656 | Cynthia M. Maloney Robert J. Weiskopf Carol C. Wittman | 819 |
| | | Robert J. Weiskopf | 923 |
| | | Carol C. Wittman | 784 |
| | | Scattering Blanks | - 716 |
| | | DIGHES | /10 |

ANNUAL TOWN ELECTION

MARCH 25, 1991

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

| William C. Hewins | 1.344 |
|---------------------|-------|
| Sarah Cannon Holden | 1.187 |
| Michael P. Mullen | 926 |
| Scattering | _ |
| Blanks | 863 |

(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.)

H. MacKenzie, CMC

Town Clerk

PROCEEDINGS

ANNUAL TOWN MEETING

APRIL 1, 1991

The Annual Town Meeting for the Town of Sudbury was called to order by Moderator, Thomas G. Dignan, Jr., at 7:40 PM when a quorum was declared present.

Reverend Larry K. Wolff of St. John's Evangelical Lutheran Church gave the invocation which was followed by the Pledge of Allegiance to the Flag led by Tomasina Fonte, a senior at the Lincoln-Sudbury Regional High School.

The Moderator announced the amount of certified free cash available for the meeting was 624,465. The Moderator noted he had been advised the call of the meeting and the officer's return of service and the Town Clerk's return of mailing were all in order.

Judith Cope, Chairman of the Board of Selectmen, moved to dispense with the reading of the call, the return, the notice and the separate reading of the articles.

This motion was VOTED.

State Representative "Hasty" Evans brought a brief message to the voters concerning Local Aid for this year, next year and for Fiscal 1993, as well as the problems facing our Town and all other communities throughout the State. She announced the Transportation Bond Issue, which would go before the legislature the following day, would include \$200,000 for the repair of Sherman's Bridge.

The Moderator next introduced to the Hall two foreign exchange students from Hungary and Germany. Following, George Hamm, a long-time resident and dedicated Town Meeting attendee, expressed his gratitude to all those who sent him their best wishes for his speedy and full recovery last winter when he was recovering from a serious illness. He particularly noted his indebtedness to the Sudbury Fireman's Association for arranging his transportation home from Mass. General Hospital on a snowy March day when no other help could be found.

Selectman David Wallace next read the following Resolution in memory of those citizens who had served the Town and passed away during the past year.

RESOLUTION

WHEREAS:

THE TOWN OF SUDBURY HAS ENJOYED THE BLESSING OF THOSE OF ITS CITIZENS AND EMPLOYEES WHO GAVE OF THEIR TIME AND TALENT TO ENRICH THE QUALITY OF LIFE OF THE TOWN, AND

WHEREAS:

THE PAST YEAR HAS SEEN SOME VERY SPECIAL MEMBERS OF THE SUDBURY COMMUNITY PASS FROM LIFE AND A GRATEFUL TOWN WISHES TO ACKNOWLEDGE THEIR GIFTS;

NOW, THEREFORE, BE IT

RESOLVED:

THAT THE TOWN OF SUDBURY, IN TOWN MEETING ASSEMBLED, HEREBY EXTENDS ITS HEARTFELT SYMPATHY TO THE FAMILIES OF THESE PERSONS, AND EXPRESSES ITS APPRECIATION FOR THE SPECIAL SERVICES AND GIFTS OF:

WILLIAM J. ADELSON - (1930-1991) MOVED TO SUDBURY IN 1960
SUDBURY ELEMENTARY SCHOOLS PHYSICIAN
SUDBURY VISITING NURSE ASSOCIATION ADVISORY DOARD
SUDBURY COMMUNITY ARTS CENTER ADVISORY DOARD
SUDBURY CHAMBER OF COMMERCE MEMBER
AUTHOR OF "TOWN MEETING TONIGHT" PRODUCTION FOR
SUDBURY'S 35046 CELEBRATION

FRANCIS J. AHEARN - (1912-1990) MOVED 70 SUDBURY IN 1959 SCHOOL CUSTODIAN 1971-1978

MARJORIE A. DAVIN - (1920-1991) MOVED TO SUDBURY IN 1955 ELECTION OFFICER 1972-1991

DOROTHY A. EMMONS - (1912-1990) MOVED TO SUDBURY IN 1941
ROUTE 20 STUDY COMMITTEE 1972-1973
SIGN REVIEW BOARD 1974-1981

WINTHROP H. FAIRBANK - (1923-1990)
LIFELONG SUBBURY RESIDENT
STEERING COMMITTEE 1955-1957
WATER COMMISSIONER 1973
WATER DISTRICT EXECUTIVE SECRETARY 1983-1988

1974 - 1991

MARY E. MALERBI - (1932-1991) MOVED TO SUDBURY IN 1966
CAFETERIA WORKER, PETER MOYES SCHOOL

PRESCOTT WARD - (1915-1990) MOVED TO SUDBURY IN 1929
MEMORIAL DAY COMMITTEE 1984-1990

GEORGE D. WHITE, SR. (1906-1990) 70WN ENGINEER 1957-1971

The Memoriam was UNANIMOUSLY adopted.

Following a review of the procedures governing the Town Meeting, Chairman Judith Cope gave the following account of the State of the Town.

Board of Selectmen Report: (J. Cope) Ms. Cope stated, Sudbury, over the past years, during good and bad times, has kept its act together and could have weathered this downturn in the economy if the State and Federal governments had kept their acts together, but they didn't. The most important action at this Town Meeting will be the Town's school budgets. The Finance Committee has worked long and hard on alternatives they will present to you. The Board of Selectmen highly commend their efforts in a difficult time. The level override budgets support education as do the Selectmen. Town budgets have been drastically cut to help support education, absent an override. Most of new revenue monies were budgeted for the schools. Lincoln-Sudbury received \$327,707 and local schools received \$289,572. By contrast, the Town was budgeted down by \$157,347. The Town also absorbed a \$417,477 increase in the Unclassified Account of which \$155,292 was local school costs. Further major cuts in the Town would destroy the framework of our government. Under the proposed FinCom budget, Police and Engineering Departments are at staffing levels close to ten years ago. What is the solution? We must learn to live with less, patiently wait out the crisis, pool together to fill in the gaps, seek new revenues and cut our coat according to our cloth. An immediate short term solution is to express even stronger financial support for the schools and return some monies back to the Town. The Finance Committee has recommended and included in the Warrant an optional FY92 Override Budget giving an extra \$15,000 to the Library, \$50,000 to the Highway Department, \$150,000 to the Lincoln-Sudbury Regional School and \$100,000 to the local schools. The Selectmen are sympathetic to concerns of lean times and an ever-shrinking pocketbook. We know many townspeople are under financial pressure but we believe that the Town Meeting should have the option to support an "override" which would then have to be voted on by ballot in a Town Election. We await for the public comment and action of this Town Meeting, and you will be making the choices.

Toward our long-term solution, the Board of Selectmen has sent strong communications to the President, the Governor and our Representatives and Senators that our priorities for bringing some semblance of reality back into this fiscal mess are as follows: support a campaign to set State and National priorities in terms of fiscal management and employment policies; modify Proposition 2-1/2 restrictions on capital projects and bonding; take immediate action to allow cities and towns more latitude in administering their health care costs; and repeal the State and Federal mandates that dictate local costs. These issues must be resolved at higher levels or no fiscal planning by local

cities and towns will ever be possible. We seek your support on these matters and urge you to call or write your Congressmen and Legislators. Our voices alone will not do the job!

Finance Committee Report: [Printed in Warrant]

Describing Sudbury's fiscal situation as succinctly as possible, the news is not good. The fact that every one of the Commonwealth's other 350 cities and towns is experiencing the same difficulty does not alleviate our problem. In addition, as bad as the situation is for FY92, it will only get worse in FY93. Decisions made by the Town Meeting regarding the FY92 budget must be made in the context of current economic conditions and projections for FY93.

The current fiscal situation of the Town is best appreciated by a review of the changes in the revenue picture since FY89. The Town's primary source of revenue is, of course, its property tax levy. However, absent an override, the levy limit increases each year only by 2.5% plus new construction. The \$560,000 override approved by the Town for FY91 was certainly of some help, but did not by any means make up for revenue lost to the Town in other areas. For example, revenues from new construction were \$768,000 in FY89, but the Board of Assessors has projected revenues from new construction in FY92 at only \$100,000. The most significant loss in revenue, however, has been in state aid, sometimes referred to as local aid. In FY89, Sudbury received \$3,467,917 in Cherry Sheet revenue. By FY91, that number had dropped to \$2,633,837. There is no question that this source of revenue will drop again in FY92. As of this writing, the Weld administration is projecting a 10% reduction in local aid for FY92. Depending on the state's own fiscal situation and depending on whether the aid formula is redrafted to benefit the larger cities, the reduction to Sudbury could be much worse. At this time the Finance Committee is assuming a reduction of 10%, for net Cherry Sheet revenues of \$2,370,453, a reduction of almost \$1,100,000 since FY89. In addition, the Lincoln-Sudbury School Committee is also projecting a 10% reduction in its state aid. This results in a \$100,000 increased assessment to Sudbury.

Free cash and the abatement surplus account are two other sources of revenue which have been relied upon by the Town to balance its budget as state aid decreased. However, even these sources of revenue have their limits. In FY89, the Town used \$507,336 of abatement surplus money and in FY90, it used \$777,161. For FY92, the Board of Assessors has stated that only \$175,000 is available from that account. In FY89, the Town used \$1,194,497 in free cash, and in FY91 it used \$331,142. The extensive use of this money resulted in the Town having a negative free cash balance on July 1, 1990. Due to a change in state regulations, the free cash has since been recertified and now stands at approximately \$624,000. However, in recertifying the balance, the Department of Revenue issued a stern warning — if the free cash certified on July 1, 1991 is again negative, recertification during FY92 will not be permitted. This means that no free cash would be available for FY92 emergencies (such as reductions in local aid greater than those projected by the Finance Committee) and no free cash would be available for use in the FY93 budget. We cannot afford to run that risk.

Any use of existing free cash must be conservative, but at the same time must be in the best interests of the Town. If the Town approves Articles 6 and 7 (Unpaid Bills and FY91 Budget Adjustment) in the total amount of \$150,677, the recommended source of funding for those articles, if budgets are approved as presented, is free cash. Such a vote would result in a new free cash balance of approximately \$474,000. The Finance Committee has recommended in its proposed budgets that a total of \$100,000 of free cash be allocated to the Sudbury Schools and to Lincoln-Sudbury Regional High School and that \$20,000 of free cash be allocated to the Reserve Fund. Without an allocation from free cash, the Reserve

Fund would have only \$80,000, which has clearly proven to be insufficient in a time of very tight and very lean budgets. If the Town Meeting were to adopt the Finance Committee recommendations, the free cash balance would stand at approximately \$354,000. The Finance Committee firmly believes it would be irresponsible to allow free cash to fall below this figure, especially considering the continuing recession and its effect on tax payments, the very uncertain status of local aid and the warning issued by the Department of Revenue.

Faced with this situation, the Finance Committee conducted over six weeks of hearings and deliberations to prepare its recommended budget. The task was not easy, but it was certainly made far less difficult as a result of the extensive cooperation we received from every Town department, board and committee. In performing its function, the Finance Committee was guided by principles of fairness; perceived priorities of the Town, and a desire to maintain, at least for the present time, the basic structure of Town government.

It quickly became apparent during the budget discussions that funding the recently negotiated raises for Town employees would significantly complicate the budget process. Unlike the situation in some other towns, the Finance Committee had not been invited to participate in, observe or even monitor any of the contract negotiations which took place in Town. As a result, the Committee was forced to deal with existing contracts, as negotiated. In dealing with this issue, the Committee adopted two assumptions: one legal and the other equitable. Based on advice from a number of various sources, the Committee concluded that the Town meeting could not legally rescind the contracts negotiated by the Lincoln-Sudbury School Committee and the Sudbury School Committee. This conclusion results from the autonomy granted to each school committee by state law. Although the Town Meeting may vote a bottom line budget amount for each school system, it may not dictate how that money is spent; only the respective school committees may do that. The Finance Committee further concluded that even if the Town Meeting could legally rescind the contracts negotiated with Town (as opposed to school) unions, by rejecting Article 7 and voting a budget with no money for such raises, such rescission would be inequitable. Rescinding raises for Town but not school employees would put Town employees at an unfair disadvantage and probably create significant morale problems. If contracts are to be reviewed or renegotiated, then it should be done on a townwide basis.

Working from these assumptions, the Finance Committee began the process of cutting budget requests to the level of existing revenues. Further complicating this process was a significant projected increase in the Unclassified Account, especially in the cost of health insurance; a continuing increase in the number of students in the Sudbury school system; and increased fixed costs for both the schools and the Town. The Committee could force large departments with a large number of employees to absorb any increased costs by layoff of personnel. However, this principle could not be so easily applied to smaller departments or to departments which performed mandatory functions, such as accounting, assessing or conducting elections. In addition, the Finance Committee could only cut so far into the general expense or maintenance accounts. Many of those accounts had already been substantially reduced as a result of last year's budget process and the failure of the second level override. Furthermore, failure to adequately maintain and protect Town property and equipment would only result in a larger capital expense later on. The Finance Committee's recommended budget, as printed in the Warrant, will result in significant reductions in positions in the Sudbury Schools, Lincoln-Sudbury Regional High School and the Police Department; a

reduction of at least one position in the Fire, Highway and Engineering Departments; and reduced hours for the Fire Department, Park and Recreation Department, and Town Planner. Some of these reductions will be the result of attrition, the majority will be the result of layoffs. Except for the use of free cash to Fund Articles 6 and 7, the appropriation of \$200 for street acceptances, and the use of \$120,000 of Stabilization Fund money for the removal of the gas tanks (leaving a dangerously low balance of less than \$300,000 in the Stabilization Fund), the proposed Finance Committee recommendations contain no money for other Town Meeting articles. The Finance Committee is currently reviewing the remaining articles to determine which it can recommend and an appropriate method of funding those which it does recommend.

The current budget situation has also prompted the Finance Committee to take two further steps. First, it has recommended an override in the amount of \$315,000. The beneficiaries of the proposed override are the Goodnow Library, the Highway Department capital account, and both school systems. The library budget was cut by over \$20,000 and also risks the loss of additional state aid. The recommended override would attempt to restore at least a portion of these funds. The Finance Committee grudgingly agreed to cut the proposed replacement of a rather old highway vehicle from its initial budget. We do not consider this action to be good practice, but felt it absolutely necessary in the face of the serious fiscal situation. For these reasons, the Committee recommends that \$50,000 for the replacement vehicle be restored in the override budget. Finally, the Finance Committee considers the education of our children the highest priority of the Town. For that reason, the Committee believes that the Sudbury Schools and Lincoln-Sudbury Regional High School should receive \$150,000 and \$100,000, respectively, in the override budget. These amounts will not in any respect restore either system to the level of funding they had requested or deemed educationally necessary, but at the least the proposed funding attempts to avoid placing too much of the current fiscal crisis on the backs of our schoolchildren.

The second step taken by the Finance Committee directly addresses the issue of contract negotiations discussed above. The Committee has requested a meeting of all Town and school managers and all Town and school unions for the purposes of discussing the issue of voluntary contract renegotiation. Unfortunately, because of the press of time and the need for the completion of our budget proposals by mid-February, such a meeting could not be arranged prior to our budget vote nor prior to the printing of the Town Warrant. However, the Finance Committee believes such a meeting is a necessity for not only FY92 but FY93 as well. The Committee will report at Town Meeting on the results of its discussions.

As a final note, the Finance Committee would like to thank each Town department, board and committee for its cooperation, understanding, and hard work during a most difficult budget process. Despite individual concerns, every department focused on the best interests of the Town as a whole and allowed the budget process to work for the good of the Town as a whole. It is now up to the voters to make the final decision.

Respectfully submitted,

John J. Ryan, Jr., Chairman Candace D. McMahon, Vice Chairman Suzanne B. Strouse David W. Fitts Barbara W. Pryor

James Haughey Roy T. Sanford Marjorie R. Wallace Rosalyn J. Drawas

BUDGET TERMS AND DEFINITIONS

<u>Free Cash</u>: The unreserved fund balance (amount of money remaining) after deducting from surplus revenue all uncollected taxes from prior years. Free Cash is certified by the Director of Accounts; any or all of the certified amount may be used to defray Town expenses by a vote of the Town Meeting.

Abatements and Exemptions (previously called Overlay): Amount set by the Assessors to create a fund to cover abatements of real and personal tax assessments for the current year, and raised on the tax levy.

Abatement Surplus: Accumulation of the surplus amounts of Abatements and Exemptions set aside by the Assessors each year to cover abatements of (and exemptions from) real estate and personal property tax assessments. The accumulated amount for previous years no longer committed for abatements may be used by vote of the Town Meeting.

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

<u>Cherry Sheet</u>: Details of State and County charges and reimbursements used in <u>determining</u> the tax rate. Name derives from the color of the paper used.

Enterprise Fund: A separate fund, set up to provide a specific town service, whereby the cost of providing the service is funded in total from user charges. An appropriation for an enterprise fund is funded in total from enterprise fund revenue unless otherwise noted. Enterprise fund revenue used to fund services provided by other town departments will be shown in the warrant after the appropriation total for the department. An enterprise fund is supposed to fully disclose all costs and all revenue sources needed to provide a service.

Funding Sources for Expenditures: Authorizations for the Town to expend monies are made in the form of a motion at Town Meeting. The wording of the motions will specify the funding source; that is, the place from where the money is going to come or will be raised. When a motion reads, to appropriate a sum of money, without a source being identified, that amount will be included in the tax calculation, whereby the total of all sums to be appropriated will be reduced by an estimate of local and state revenue. The balance needed will be provided by property taxes. When items in the Warrant are offset or raised from available funds, those items will also appear as offsets in the determination of the tax rate.

REVENUE AND EXPENDITURE ANALYSIS

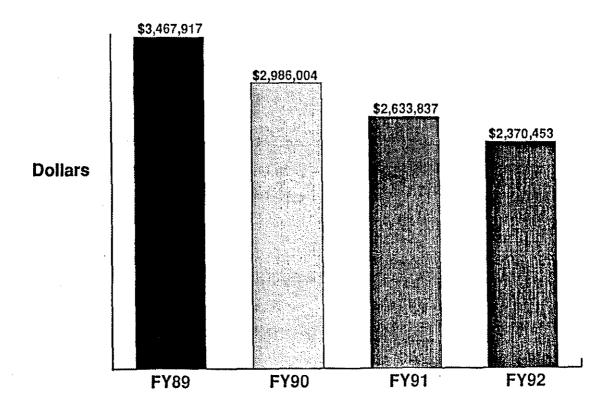
| | Expend. | Expend. | Approp. | FY 92 | FY 92 |
|---|----------------|------------|------------|-------------|---|
| | FY 89 * | FY 90 * | FY 91** | NO OVERRIDE | OVERRIDE |
| | | | | | |
| Sudbury Pub. Schls. (Gross) | 8,357,506 | 8,477,003 | 8,755,307 | 8,871,858 | 9,021,858 |
| Sudbury Pub. Schls: Offsets | 105,595 | 106,047 | 118,221 | 100,492 | 100,492 |
| SUDBURY PUB. SCHLS. (Net) | 8,251,911 | 8,370,956 | 8,637,086 | 8,771,366 | 8,921,366 |
| L.S.R.H.S.(Assessment) | 5,804,551 | 5,818,727 | 5,989,788 | 6,317,491 | 6,417,491 |
| M.R.V.T.H.S. (Assessment) | 449,347 | 400,785 | 427,832 | 366,381 | 366,381 |
| TOTAL SCHOOLS | 14,505,809 | 14,590,468 | 15,054,706 | 15,455,238 | 15,705,238 |
| | | | | | |
| 200: Debt Service | 132,052 | 364,595 | 677,000 | 434,200 | 434,200 |
| 300: Protection | 3,160,429 | 3,082,641 | 3,052,428 | 3,130,417 | 3,130,417 |
| 400: Highway/Landfill | 1,562,848 | 1,793,236 | 1,764,838 | 1,557,536 | 1,607,536 |
| 500: General Govt. | 752,932 | 822,253 | 795,720 | 786,249 | 786,249 |
| 560: Finance | 417,977 | 425,895 | 497,368 | 474,374 | 474,374 |
| 600: Library | 369,663 | 346,328 | 353,389 | 354,456 | 369,456 |
| 700: Recreation | 572,487 | 506,759 | 525,273 | 512,490 | 512,490 |
| 800: Health | 279,347 | 186,128 | 188,796 | 186,816 | 186,816 |
| 900: Veterans | 11,134 | 7,838 | 8,622 | 7,363 | 7,363 |
| 950: Unclass./Transfer Accts. | 2,089,808 | 2,251,745 | 2,634,948 | 3,052,425 | 3,052,425 |
| TOTAL TOWN | 9,348,677 | 9,787,418 | 10,498,382 | 10,496,327 | 10,561,326 |
| TOTAL OPERATING BUDGET | 23,854,486 | 24,377,886 | 25,553,088 | 25,951,564 | 26,266,564 |
| | | • | | | |
| STM Articles: | 758,902 | 3,654,688 | 137,500 | 0 | 0 |
| ATM Articles: | 372,119 | 1,055,976 | 1,351,468 | 300,877 | 300,877 |
| Borrowing | 750,000 | 4,526,000 | 1,337,500 | 0 | 0 |
| TOTAL ARTICLES | 381,021 | 184,664 | 151,468 | 300,877 | 300,877 |
| • | | | | | - • |
| TOTAL APPROPRIATIONS | 24,235,507 | 24,562,550 | 25,704,556 | 26,252,441 | 26,567,441 |
| | | | | **** | , , |
| Cherry Sheet Chgs.& Underest. | 308,503 | 317,338 | 335,667 | 335,667 | 335,667 |
| Cherry Sheet Offsets | 317,782 | 276,536 | 238,132 | 238,132 | 238,132 |
| Recap, Snow&Ice &Oth.chgs. | 91,157 | 150,000 | 100,719 | 0 | . 0 |
| Abatements & Exemptions | 500,000 | 351,518 | 399,193 | 400,000 | 400,000 |
| TOTAL CHARGES | 1,217,442 | 1,095,392 | 1,073,711 | 973,799 | 973,799 |
| | | | | • | |
| TOTAL TO BE RAISED | 25,452,949 | 25,657,942 | 26,778,267 | 27,226,240 | 27,541,240 |
| | | | | | ** .** |
| Cherry Sh. Receipts & Overest. | 3,467,917 | 2,848,529 | 2,633,837 | 2,370,453 | 2,370,453 |
| Local Receipts | 2,006,000 | 2,200,000 | 2,031,004 | 2,010,000 | 2,010,000 |
| Enterprise Fund Receipts | 517,748 | 667,724 | 714,165 | 711,355 | 711,355 |
| Ent. Fund Revenue Offsets | 0 | 0 | 103,719 | 111,466 | 111,466 |
| Free Cash applied | 1,296,497 | 123,000 | 331,142 | 270,677 | 270,677 |
| Dog Licenses (& St Aid) | 2,000 | 2,000 | 0 | 2,000 | 2,000 |
| Wetlands Protection Fund | 0 | . 0 | 4,125 | 4,125 | 4,125 |
| Abatement Surplus | 507,336 | 777,161 | 0 | 175,000 | 175,000 |
| Cemetery Fund | 20,500 | 15,000 | 15,000 | 28,000 | 28,000 |
| Stabilization Fund | 0 | 210,000 | 115,000 | 120,000 | 120,000 |
| Transfer from ATM 1987/14 | 0 | 0 | 0 | 30,000 | 30,000 |
| Transf: ATM 82/14,STM 86/6 | 0 | 0 | 0 | 7,317 | 7,317 |
| State Aid: Road Repair | Ö | 137,475 | Ö | 0 | 0 |
| Ambulance Fund | ō | 10.500 | 4,500 | 25,000 | 25,000 |
| TOTAL RECEIPTS&REVENUE | 7,817,998 | 6,991,389 | 5,952,492 | 5,865,393 | 5,865,393 |
| *************************************** | | | | | * • • • • • • • • • • • • • • • • • • • |
| REQUIRED TAX LEVY | (Not appl) | (Not appl) | 20,825,775 | 21,360.847 | 21,675,847 |
| Previous Limit +2.5% | 17,324,155 | 18,544,470 | 19,362,888 | 20,695,072 | 20,695.072 |
| New Construction | 768,010 | 346,152 | 267,427 | 100,000 | 100,000 |
| Prop 2 1/2 Override | 0 | 0 | 560,000 | 0 | 0 |
| LEVY LIMIT | 18,092,165 | 18,890,622 | 20,190,315 | 20,795,072 | 20,795,072 |
| Prop 2 1/2 Exemptions | 66,048 | 355,544 | 795,689 | 566,036 | 566,036 |
| APPLICABLE LEVY LIMIT | 18,158,213 | 19,246,166 | 20,986,004 | 21,361,108 | 21,361,108 |
| UNDER LEVY LIMIT | (Not appl) | (Not appl) | 160,229 | 261 | . 0 |
| OVER LEVY LIMIT | (Not appl) | (Not appl) | 0 | 0 | 314,739 |
| OVER LEVY LIMIT W/Override | ,, | -e | • | • | (261) |
| | | | | | • |

Finance Committee Report: [Presented by Chairman at Town Meeting]

Chairman Ryan related that unfortunately the news is not entirely good, but despite that fact, he expected the Town to pull together and do what is best for the Town and its people, as has been done in the past. The Town is going through tough economic times; the Commonwealth is going through tough economic times; the nation and some even suggest the world is going through tough economic times! How long it will last no one knows, but it is here now. There may be differing opinions on how to best deal with these times. We may even take this forum as an opportunity to air those differences, but in the end, we will make the best decision. He stated it was important to note that the Finance Committee only recommends a budget, but it is Town Meeting which has the sole power to vote the budget. The Finance Committee reached the budget after many long hours of hearings from every single department in Town, and tried to give every one of them a full opportunity to be heard. Some were heard from more than once. The sole purpose was to put together the best recommendation possible. The one aspect of the hearings that impressed him the most was the high level of cooperation given to the Finance Committee and given to the entire process by every town department. He doubted there was any department happy with the recommendations regarding its budget given by the Finance Committee, but everyone of them has offered to work with that budget to make the recommended budget work. The next step is up to the people in this Hall and to the voters in an override election to be called by the Board of Selectmen. The Finance Committee recommended the Town Meeting vote an override budget of \$315,000, and will ask the voters at the override election in May to support an override of \$315,000, a very small amount, less than 60% of the override voted last year and one-quarter of the size of the override voted by the Town of Acton six days ago.

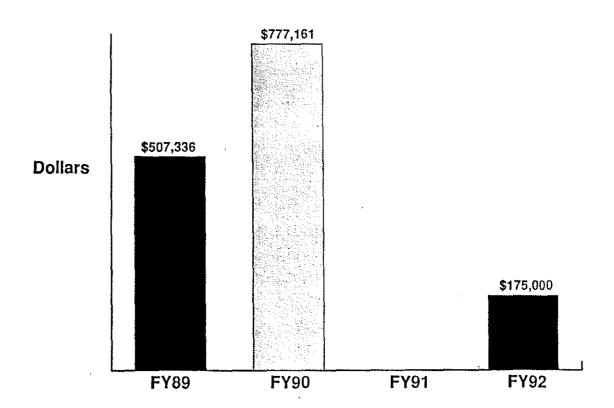
To understand the position of the Finance Committee, he suggested looking at the Town's revenue picture.

Local Aid



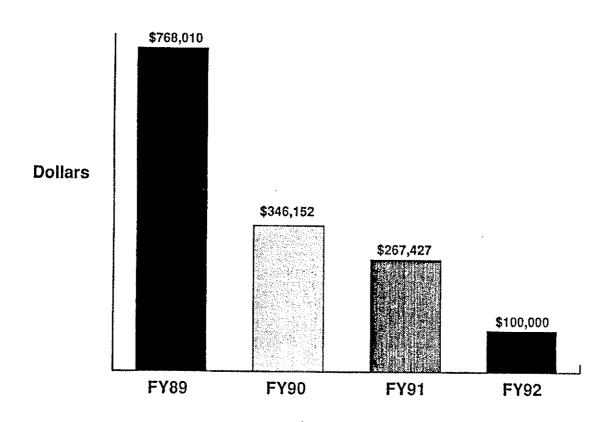
Sudbury received in FY89 approximately \$3.5 in local aid. If present projections hold true, local aid of FY92 will be \$2.4 million, a drop of \$1.1 million over four years.

Abatement Surplus



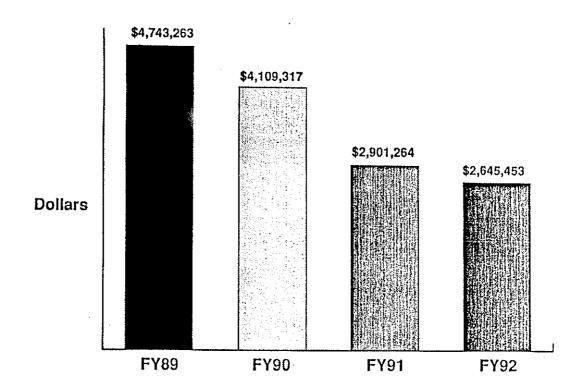
Another source of revenue has consistently been the Abatement Surplus Account. This money is returned to the Town by the Board of Assessors as money they no longer need for abatement and exemptions, that was previously set aside by the Town. Last year the town voted \$400,000 for Abatements and Exemptions and voted similar and greater amounts in past years. As the chart indicated, the Abatement Surplus Account would utilize \$507,000 in FY89 and \$777,000 in FY90. There wasn't any available in FY91, and after much discussion with the Assessors, they agreed to return \$175,000 to the Town for FY92. The Assessors have informed us not to expect for a long time the amount of money the Town realized in FY89 and FY90.

New Construction



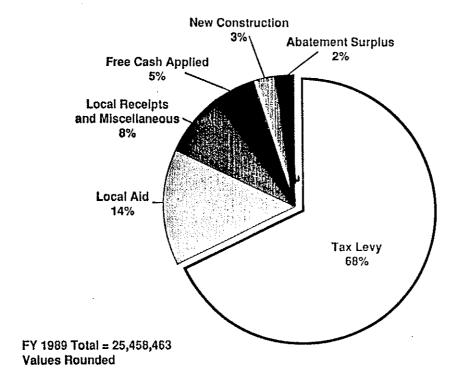
New construction represents new property which comes on to the tax rolls during the fiscal year. It is a valuable source of new revenue during periods of development. The Town has lost money dramatically there due to what has happened to new construction over the last several years—from \$768,000 in FY89 to \$100,000 in FY92.

Total

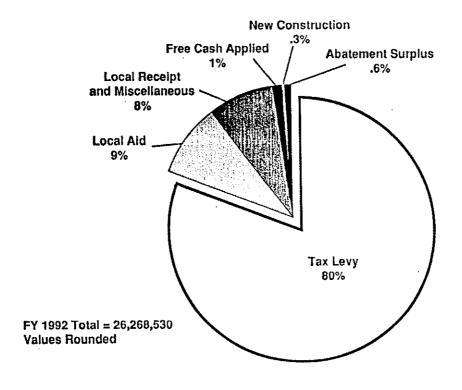


Combining these three sources of revenue into one chart we see what the total impact is on the Town. There has been a drop from \$4.7 million in FY89 to \$2.6 million in FY92, a loss of over \$2 million dollars in four years. The impact of these changes on the entire revenue picture can be seen by looking at the whole picture in a pie chart form.

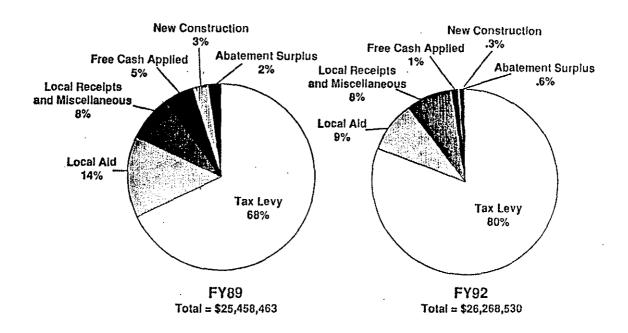
Distribution of Revenue FY89



Distribution of Revenue FY92



Distribution of Revenue FY89 and FY92

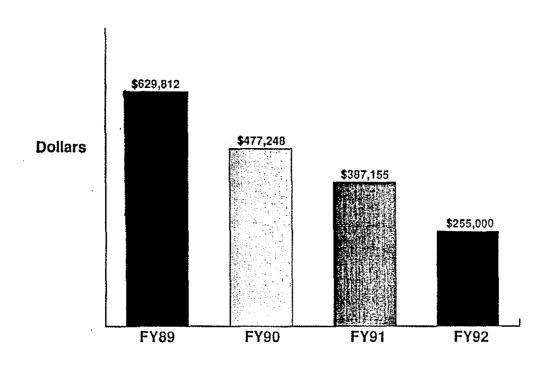


Values Rounded

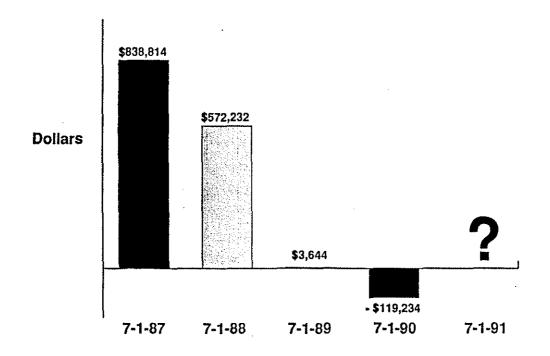
In fiscal '89 the tax levy made up 68% of the Town's available revenue. Monies from the Enterprise Funds were not included in these charts, as the money from these Funds goes directly back into those Enterprise operations—the Landfill and the Pool. The money from the Enterprise Funds do not affect the Town's General Fund. Looking at the FY92 chart, Mr. Ryan noted the revenue has gone from \$25.5 million to \$26.3 million and does not include the Enterprise Funds. Local aid went from 14% to 9%. Local receipts remained stable. Free cash went from 3% to 1%. Abatement Surplus from 2% to just over one half of 1% and new construction has gone from 3% of the budget to 3/10's of 1% of the budget. Mr. Ryan stated it became clear to the Finance Committee, looking at the revenue picture, that the only source of additional revenue in Town, was and is the tax levy.

Mr. Ryan pointed out that the bad news unfortunately did not end here, as the Town has had to turn increasingly to its Stabilization Fund to make up for other declining revenues. At the end of FY89 the Stabilization Fund stood at approximately \$630,000. It has been used consistently year to year. If the recommendations of the Finance Committee this year are voted, the Stabilization Fund will be used for two items: Article 16 the removal of gas tanks and Article 18 the purchase of a new police radio system. If these two items are approved, the Stabilization Fund will drop to \$255,000—a precipitous drop. The Stabilization Fund is one of the Town's last, if not the Town's only source of funds in the case of an emergency.

Stabilization Fund



Certified Free Cash



Mr. Ryan referred to Free Cash as the "most mysterious source of money." He stated, "After four years I haven't been able to figure it out, except for one thing I have learned, I don't want to know...." The State requires every town certify free cash on July 1 of each year, the first day of the fiscal year. The Department of Revenue (DOR), under specific circumstances, has allowed towns to re-certify free cash during a fiscal year. After the Board of Selectmen and the Town Accountant kept close track of what they thought was happening with the Free Cash numbers this year, they asked the DOR to re-certify Sudbury's Free Cash in January. That number was re-certified at \$624,000. We have gone from a positive \$839,000 in FY87 to a negative \$119,000for FY90. The drop has been consistent year after year. Why is this a problem? The DOR re-certified our Free Cash with a very stern warning. If the Town of Sudbury has a negative Free Cash number on July 1, 1991, the DOR will not permit the Town to re-certify Free Cash during fiscal year 1992. If the number is negative, we will have no Free Cash available to us for the next twelve months. This is significant for two reasons. First, if an emergency should occur during FY92 and we need to call a Special Town Meeting, we will have no source of revenue to use for that need. In addition, and perhaps more importantly, when the Finance Committee puts together its budget next year, it will not be able to rely on Free Cash as a method to balance the budget in any respect. This year we are utilizing \$285,000 of Free Cash to balance the budget. We won't have that \$285,000 available next year if the number turns out to be negative. The question then becomes, "How much Free Cash should we use?" If tax receipts go down and expenditures go up, it affects Free Cash. To allow Free Cash to drop below the area of \$340 to \$350,000 we could run the risk that Free Cash could be a negative number come July 1, 1991. For that reason, the Finance Committee recommended \$285,000 of Free Cash be used, but no more at this time. Mr. Ryan noted that even as he was speaking numbers were coming which were creating a problem from the budget perspective. Calculations which the FinCom had with respect to some of the articles are not turning out to be correct as we do further fine tuning of the budget. Because of certain changes that occur in the economic scene, we may find ourselves looking at Free Cash again.

In terms of the recommended budget, the Finance Committee attempted to keep the basic structure of the Town intact. It did not recommend the elimination of any department or board, but have recommended significant cuts in personnel, including the Sudbury Schools, the Lincoln-Sudbury School, the Police Department and positions in the Fire Department, Highway Department and Engineering Department. Every department has suffered a reduction in its budget services. The cost to run a government increases year to year, that includes the cost of personnel. Some departments are suffering direct cutbacks in personnel. The Finance Committee tried to make these cuts in an intelligent and reasonable fashion when it did so. It recommended the total station contained in Article 16 for the Engineering Department be adopted by use of free cash, because the loss of one out of three positions could be offset by the purchase of the total station which would allow fewer men to do survey work or allow the survey work to be done by fewer people. It was the recommendation of the Finance Committee to purchase a new radio system for the Police Department. Hopefully, this will have some impact on offsetting the four positions that have been cut in that department. An area of concern throughout the deliberations of the Finance Committee is the maintenance of facilities in the Town. Over the past several years it was easy to retain personnel positions or to maintain services simply by reducing the maintenance accounts. Unfortunately, reducing the maintenance accounts has begun to catch up to us now. A boiler at the Loring School was referred to as a "melt down". This morning the Police Department was closed due to an electrical fire in the electrical panel which shut down the ejector system. The boiler cost the Town some \$17,000. If that happens next year, I would have no idea where that money would come from. We were able to finagle it this year by putting off other things we probably should have done this year. The Town cannot continue to do that.

The last area of concern discussed at length by the Finance Committee was the raises for Town employees. With respect to these raises, we are discussing contracts already negotiated—contracts that are in effect for FY'91, '92 and '93. The fact that these contracts have already been negotiated becomes important. The Finance Committee position on this issue is set forth in the Warrant Report. No member of the Finance Committee was involved in the negotiation of any contract. In the future, I would strongly recommend that a member of the Finance Committee be involved in those negotiations. This is not a terribly radical proposal. It is, in fact, a proposal used by many surrounding towns. Finance Committees take part in negotiations from an active participating role to a monitoring role. Mr. Ryan believed it is time for the Town of Sudbury to adopt that approach. As stated in the Warrant Report, it was the belief of the Finance Committee, after checking with many people, that the raises for

the school employees cannot be rescinded by Town Meeting. That is a result of the fiscal autonomy existing in the schools under State law. The autonomy does not rest with the Town. However, he believed everyone in Town is agreed with the position that we probably cannot do anything about the raises negotiated by school unions whether it is the Sudbury Schools or the Lincoln-Sudbury Regional High School. The question becomes, however, whether Town Meeting can do something about raises negotiated for Town as opposed to school employees? In that respect it appears by voting Option I under Article 4, rejecting Article 7 and voting a budget under Article 9 that does not include money for raises, the Town Meeting may be able to rescind the contract for Town employees even though that contract is already in effect. That position, however, is not entirely clear and from what we understand there is no case directly on point where this has been done or attempted. The Finance Committee took a different approach, which is based not only on the legal problems with which it was faced---that it could do nothing about the school contracts, but an equitable approach. The Finance Committee voted unanimously that to attempt to balance the budget or even to attempt to obtain additional revenues on the backs of Town employees while school employees retained their raises was unfair. The Finance Committee felt all unions should be asked to explore the possibility of re-negotiations. To that end the Finance Committee called a meeting of all unions and all managers in Town for March 12th (3 weeks ago). Most all unions attended and he considered it fair to describe the meeting as very productive. The FinCom was asked for further information by the unions regarding the economic impact that re-negotiations may have, which was provided. Whether or not there is time to do anything about the raises for FY92 is a question mark, but we can certainly work towards fiscal year '93. That process has started and we intend to continue it.

In the context of all the above, the Finance Committee recommended an override of \$315,000----\$150,000 to Sudbury Schools, \$100,000 to the Lincoln-Sudbury High School, \$50,000 to the Highway Department for a vehicle and \$15,000 to the Library. The Finance Committee didn't formally vote priorities in Town, in part because it decided it was no longer dealing with low and high priorities. We are now dealing with high priorities and higher priorities and perhaps desperate priorities. The override does reflect the Finance Committee's belief that education is a very important priority in Town. This is the education of our young people who 20 to 30 years from now will be responsible for being leaders in government, business or even in education itself. That is what we are paying for. More than that, the override is a reflection of how the revenue picture has changed. Over the last four years we have used up all our non-tax sources of revenue. Free Cash is dropping, the Stabilization Fund has dropped and the percentage of the budget based on the tax levy has gone from 68% to 80%. If the Town is to maintain its revenue base, for the benefit of every department in Town and is to maintain that revenue base for next year and for the next several years, the money is only going to come from the tax levy. We can no longer rely on other sources.

Mr. Ryan thanked each member of the Finance Committee for their long hours working to put this budget together, as well as every department board and committee and every department head.

1991 LONG RANGE PLANNING COMMITTEE REPORT

The Long Range Planning Committee's Report which follows summarizes the original five-year Captial Improvement Program requests submitted to this Committee by the various Town Boards, Commissions, Committees, and Departments. The total amount of these five-year Capital Improvement Programs is \$13,605,952, a decrease of 30% compared to last year's total of \$19,557,555. This decrease is primarily due to prior year approvals of renovations to Sudbury Schools, and the Fire Department's new station, and reduction of the Highway Department's requests. Please note that the FY 1992 figures are the original requests, and that in some cases the requests will be reduced or withdrawn given the financial situation facing the Town. At the time this report was written, the Selectmen were considering the purchase of two (2) parcels of land in the Route 117 area.

Fiscal 1992 requests total \$1,787.050, 68% lower than last year's requests of \$5,498,655. The same reasons for the five-year reduction apply to the 1992 Fiscal Year Plan. Both the Historical Commission and Lincoln-Sudbury Regional High School will be submitting requests next year. The Historical Commission will be asking to paint the Hosmer House and to construct a cement cellar floor in the House, while Lincoln-Sudbury will request the funding of a five-year repair and maintenance program resulting from an engineering study completed this

The Long Range Planning Committee has prepared a separate comprehensive report identifying and prioritizing the individual 1992 Capital Program. This report is available at the Board of Selectmen's Office and will be distributed at Town Meeting.

Respectfully submitted,

Ferrara

| Robert | J. | Weiskopf, | Chairman | Philip F | errara |
|--------|----|-----------|----------|----------|----------|
| Robert | Α. | Cala | | Derek J. | Gardiner |

Robert J. Cusack

FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM UPDATE - FISCAL YEARS 1992 THROUGH 1996

| | Requested | | Requested | |
|-----------------------------|--------------|----------|---------------|--------|
| Town Agency | FY 1992 | Z | FY 92-96 | |
| Police Department | \$ 185,500 | 10.38 | \$ 519,884 | 3.82 |
| Fire Department | 120,000 | 6.71 | 585,000 | 4.30 |
| Selectmen's Office | 10,000 | 0.56 | 4,698,000 | 34.53 |
| Highway Department | 230,000 | 12.87 | 1,653,663 | 12.16 |
| Sudbury Schools | 482,950 | 27.03 | 482,950 | 3.55 |
| Lincoln-Sudbury Regional HS | 0 | 0.00 | ? | 0.00 |
| Goodnow Library | 30,900 | 1.73 | 3,403,800 | 25.02 |
| Planning Board | 0 | 0.00 | 474,455 | 3.49 |
| Historical Commission | 0 | 0.00 | 3 | 0.00 |
| Park & Recreation | 78,000 | 4.36 | 573,000 | 4.21 |
| Building Department | 20,000 | 1.12 | 259,000 | 1.90 |
| Engineering Department | 111,000 | 6.21 | 111,000 | 0.82 |
| Permanent Building | 450,000 | 25.19 | 450,000 | 3.31 |
| Accounting Department | 0 | 0.00 | 75,000 | 0.55 |
| Board of Assessors | 10,000 | 0.56 | 61,000 | 0.45 |
| Town Clerk | 51,000 | 2.85 | 63,000 | 0.45 |
| Conservation Commission | 7,700 | 0.43 | 196,200 | 1.44 |
| Treasurer/Collector | 0 | 0.00 | 0 | 0.00 |
| · | \$ 1,787,050 | 100.00 | \$ 13,605,952 | 100.00 |

assist

cker) Chairman Tucker first referenced the assist homeowners to estimate the impact the underway, will have on the tax bills. The the proposed Proposition 2-1/2 override.

Estimated Annual Increase in Residential Tax Bills for Reassessment, Override, and Warrant Articles

| Current Assessed Value of Home(in thousands of dollars) * | | | | | | | | | | | | | | | | |
|---|-----------|-------|--------------|-------|---------------|-------|-------------|-------|--------------|---------------|------------|-------|-------|--------------|-------|--------------|
| Item | Amount | 100 | 150 | 200 | 250 | 300 | 350 | 400 | 450 | 500 | 550 | 600 | 650 | 700 | 750 | 800 |
| Fiscal 1992 Reassessment/Prop 2 1/2 ** | | \$124 | \$187 | \$250 | \$ 310 | \$373 | \$436 | \$496 | \$560 | \$ 623 | \$683 | \$746 | \$808 | \$869 | \$933 | \$996 |
| Overnide | \$315,000 | \$19 | \$29 | \$39 | \$48 | \$58 | \$68 | \$77 | \$87 | \$97 | \$106 | \$116 | \$126 | \$135 | \$145 | \$155 |
| Warrant Articles *** | | | | | | | | | | | | | | | | |
| 16s/17-Voting Machines | \$51,000 | \$3 | \$5 | \$6 | \$7 | \$9 | \$11 | \$12 | \$14 | \$15 | \$16 | \$18 | \$19 | \$21 | \$23 | \$24 |
| 16b-Site Survey Vehicle | \$20,000 | \$1 | \$2 | \$3 | \$3 | \$4 | \$5 | \$5 | \$6 | \$7 | \$7 | \$8 | \$9 | 22 | \$10 | \$11 |
| 16d-Communication/Dispatch System | \$52,000 | \$3 | \$5 | \$6 | \$7 | \$9 | \$11 | \$12 | \$14 | \$15 | \$16 | \$18 | \$19 | \$21 | \$23 | \$24 |
| 16e-Copy Machine | \$10,000 | \$1 | \$1 | \$1 | \$2 | \$2 | \$2 | \$3 | \$3 | \$3 | \$4 | \$4 | \$4 | \$5 | \$5 | \$5 |
| Subtotal-Article 16 | | \$8 | \$ 13 | \$16 | \$19 | \$24 | \$29 | \$32 | \$ 37 | \$40 | \$43 | \$48 | \$51 | \$56 | \$61 | \$64 |
| 23-School Maintenance | \$25,000 | \$2 | \$3 | \$3 | \$4 | \$5 | \$ 6 | \$7 | \$8 | 82 | \$9 | \$10 | \$11 | \$ 12 | \$13 | \$ 13 |
| 24-Roof Repair | \$15,000 | \$1 | \$2 | \$2 | \$2 | \$3 | \$4 | \$4 | \$5 | \$5 | \$5 | \$6 | \$6 | \$7 | 82 | \$8 |
| 32-Golf Driving Range | \$78,000 | \$5 | \$7 | \$9 | \$12 | \$14 | \$16 | \$19 | \$21 | \$23 | \$26 | \$28 | \$30 | \$33 | \$35 | \$37 |
| Each \$10,000 of Add'l Expenditures **** | \$10,000 | \$1 | S 1 | \$1 | \$2 | \$2 | \$2 | \$3 | 53 | \$3 | C 4 | CAI | \$41 | 25] | ec | • |

Although assessed values are expected to decline an average of 10% for Fiscal 1992, the dollar amounts shown have been adjusted to reflect that reduction. Therefore, use the column closest to your current assessment to obtain an estimate of the effect of these items on your tax bill.

Source: Board of Assessors, as of March 29,1991

^{**} Based on the reassessment of all properties(effective for Fiscal 1992), and the allowable 2 1/2% increase, tax bills are expected to increase about 10% on average, independent of the warrant articles or the override. However, not all homes will experience the same increase. Certain neighborhoods and certain types of property may experience greater or lesser increases than the average.

^{***} The amounts shown reflect the estimated impact on amount residential tax bills if the warrant articles are funded via debt exemption.

^{****} For every \$ 10,000 of additional expenditures approved by Town Meeting, your tax bill will increase by the amount shown in the appropriate column.

He reminded the Town of the triennial re-valuation of commercial, industrial and residential property the Board was currently conducting, which is required by State law. This will be completed this summer, however, there is sufficient data available for the Assessors to project the overall results. The Board estimated residential property values will decline on the average by approximately 10% while commercial and other property values will decline on the average of 30% to 40%. Commercial and industrial properties will experience a much greater decline in value than residential properties. Since property taxes are based on property values, when commercial and industrial properties decline more than residential properties, a shift of the tax burden occurs from the commercial class to the residential class. The net result is that residential tax bills, on average, will increase by approximately 10%, while commercial and industrial tax bills will decrease on an average of approximately 20%. Mr. Tucker noted these were estimates based on preliminary data, however, the Board was quite confident they will be accurate for the Town as a whole. There will be significant variations from one property to another.

It was further noted that the reduction in commercial property values has not occurred for about 10 years according to the Assistant Assessor, the reduction in commercial property values now being experienced, has not occurred since the depression, which he further noted was an ominous thought. Referring to the Chart, he pointed out the first line of figures, "Fiscal 1992 Reassessment/Prop $2\frac{1}{2}$ did include the allowable increases under Prop. $2\frac{1}{2}$ but it did not include the increases associated with the override or various Warrant articles which the Town Meeting will be acting upon. The majority of the increase shown on this first line is the result of the shift of the tax burden from the commercial class to the residential class. Simply stated, when the commercials pay less, the residential must pay more to make up the difference.

Traditionally, Article 1 has been a means for honoring one of Sudbury's citizens by recognizing him or her to make the main motion under this Article. This year's honoree was Chester Hamilton, a Sudbury resident for over 30 years, who during that period had given unselfishly of his time to our Town. He was born and raised in Topeka, Kansas, and graduated Phi Beta Kapa from Hamilton College where he later served as a Trustee for five years. After serving as a meterologist in the Army Air Corp. including service in China and graduating from the Harvard Business School, he joined the Fidelty Group of Funds in 1951 from which he retired in 1977 as Vice-President and Treasurer. In 1960 he became a resident of Sudbury and four years later commenced a career of service to the Town which has lasted over 25 years. He served on the School Needs Committee from 1964-1965 and as an Election Officer from 1965-1979. During the same period he also served from 1968-1973 on the Industrial Development Commission. From 1978-1980 he served on the Finance Committee and was elected Town Treasurer in 1980, an office to which he was thereafter continuously re-elected until 1988 when it was abolished. In that year he became the first appointee to the then newly created position of Town Treasurer and Collector where he has served to this day. His financial wisdom and counsel have been greatly appreciated by Town boards and committees for many years. In addition to his service to the Town, he has also been the Treasurer and Director of the Buddy Dog Humane Society since 1977. He is an original member of the recreated Sudbury Companies of Minuteman and Militia and made the annual march to the North Bridge on 16 consecutive occasions. The Chair thereupon recognized Mr. Hamilton for the main motion under Article 1, the only person in Sudbury who can concisely explain why free cash is neither free nor cash.

Before making the motion under Article 1, Mr. Hamilton thanked the Moderator for his commendatory address and expressed the hope that when the time comes for his eulogy, the Moderator will still be here to deliver it. Mr. Hamilton noted it was 11 years to this very day that he took office as the Town Treasurer, which he pointed out was April Fool's Day, to which the hall heartily laughed. Two and one half years ago he was asked by the Board of Selectmen to take on the position of newly combined Treasurer and Collector. Over these years, he stated, I have signed a lot of checks, collected a lot of money, borrowed a lot of money, invested a lot of money to the tune of two and one-half million in investment income for you and, in spite of my zealous attack on taxes, I think that I have kept a few friends and I have made a few friends. It has been a privilege to serve you.

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

ARTICLE 1. HEAR REPORTS

To see if the Town will vote to hear, consider and accept the reports of the Town Boards, Commissions, Officers and Committees as printed in the 1990 Town Report or as otherwise presented; or act on anything relative thereto.

Submitted by the Board of Selectmen

Mr. Hamilton <u>moved</u> to accept the reports of the Town Boards, Commissions, Officers and Committees as printed in the 1990 Town Report or as otherwise presented subject to the correction of errors, if any, where found.

The motion under Article 1 was UNANIMOUSLY VOTED.

The next order of business was the voting of the Consent Calendar. The following articles were held and removed from the Consent Calendar: Articles 2, 22, and 26.

UNANIMOUSLY VOTED: TO TAKE OUT OF ORDER AND TOGETHER AT THIS TIME ARTICLES 2, 22, and 26.

UNANIMOUSLY VOTED: IN THE WORDS OF THE CONSENT CALENDAR MOTIONS AS PRINTED IN THE WARRANT FOR ARTICLES 2, 22, and 26.

(See individual articles for reports and motions voted.)

ARTICLE 2. TEMPORARY BORROWING

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of revenue of the financial year beginning July 1, 1991, in accordance with the provisions of General Laws, Chapter 44, Section 4, and Acts in amendment thereof, and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17; or act on anything relative thereto.

Submitted by the Board of Selectmen

Finance Committee Report: Recommended approval.

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

ARTICLE 3. AMEND BYLAWS, ARTICLE XI.3 - PERSONNEL ADMINISTRATION PLAN, DEFINITION

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article XI, Section 3, by substituting the following definition for the term "Regular Employee":

"Any employee, full or part-time, who has been appointed to an authorized position, except for temporary employees.";

or act on anything relative thereto.

Submitted by the Personnel Board

David Mandel of the Personnel Board moved in the words of the Article.

<u>Personnel Board Report</u>: This article effects a technical amendment of the Personnel Bylaw. At present, the Bylaw defines "regular employees" as those appointed for an "indefinite time". However, certain Town employees who are, and should be, treated as regular employees - such as the Building Inspector and Town Accountant--in fact are appointed for definite time periods, such as one year at a time. The proposed amendment would make clear that Town employees who are not employed on a temporary basis are "regular" employees.

Board of Selectmen Report: Recommended approval

Finance Committee Report: The Board took no position on this article.

<u>Town Counsel Opinion:</u> (see page 127)

The motion under Article 3 was UNANIMOUSLY VOTED.

ARTICLE 4. AMEND BYLAWS, ARTICLE XI - PERSONNEL CLASSIFICATION AND SALARY PLAN

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

"Option I: No General Salary Increases, 1990-1992 (Both FY91 and FY92)" and

"Option II: Including General Salary Increases - FY1990-1991
Second Half: 1/1/91 - 6/30/91 and FY1991-1992"
(providing for a 2% general salary increase effective January 1, 1991, a 3% general salary increase effective July 1, 1991, and a 4% general salary increase effective January 1, 1992.)

on file in the offices of the Town Clerk and Board of Selectmen, or act on anything relative thereto.

Submitted by the Personnel Board

David Mandel of the Personnel Board <u>moved</u> to amend Anticle XI of the Town of Sudkury Bylaws, entitled the Personnel and Administration Plan by deleting the Classification and Salary Plans, Schedules A & B in their entirety and substituting therefor the Option I Schedules entitled: <u>No General Salary Increases</u>, 1990-1992 (<u>Both FY'91 and FY'92</u>) on file in the offices of the Town Clerk and Board of Selectmen.

This motion received a second.

Mr. Mandel stated our Town, like others in Massachusetts, is in financial trouble. The Finance Committee's report tonight and in the Warrant gives us the bottom line. The Town does not have the money for salary increases. Salaries can be increased only by cutting services. To pay for salary increases, the Fire Department must cut its dispatcher. To pay for salary increases there will be a series of other cuts as well. The majority of the cuts will be effected by layoffs. The Personnel Board believed it was a bad idea to grant general salary increases when we would have to pay for them with deep cuts in services. Salaries should be frozen in order to preserve jobs and Town services. The Board recommended the adoption of Option I which would provide no general salary increases for the current fiscal year, ending June 30th, or next fiscal year. All employees would receive step increases or longevity payments in accordance with established policies and procedures but they would not receive across the board general increases. In a time of very tight and very lean budgets, he asked, is this approach fair to employees? The Board believed it was. Town employees' salaries are competitive with those of other comparable towns in the area. They are slightly higher than the average in the towns with which we historically compare ourselves. Salary freezes are not unheard of this year. He noted that employees for the towns of Concord, Acton and Boxboro are not receiving general increases, and State employees have received no general increases for two or three years. The Town is in serious financial difficulty. The complication, so noted by the Finance Committee, are the raises recently negotiated for the Town's union employees: teachers, police, fire, highway and engineering and the Supervisory Union. The Personnel Board played no role in those negotiations. The new agreements provide for substantial raises. The School's contract calls for a 4% increase effective February 1, 1991; 3% effective September 1, 1991; 3% effective February 1, 1992' 3% effective September 1, 1992; and 4% effective February 1, 1993, for a total salary increase of 17% over the life of the contract. For the five Town unions, the new contracts call for the following salary raises: 2% effective last January; 3% effective this coming July; 4% next January; 4% a year from July; and 4% effective January 1, 1993, again a total salary increase of 17% over the life of the contract. The negotiated union raises have, according to Mr. Mandel, a direct bearing on the matter of raises for non-union employees. If all of the Town's unionized employees receive salary increases, it would not be fair to freeze salaries of non-union employees. He stated it was fair to freeze the salaries of the non-union employees only if the Town can also freeze the salaries of the union employees. He believed the Town can freeze the salaries of the Town's union employees-the negotiated salary increases do not have to remain in effect. Whether they do or not is up to the voters at Town Meeting. Rescinding the negotiated raises could be accomplished by three actions of the voters: 1) Approve Option 1 under Article 4; 2) Reject Article 7, which would transfer money in order to fund the negotiated union raises for this fiscal year and 3) Adopt a budget that does not include money for raises-a budget that level funds salary accounts. If the Town takes these three steps, the contracts for the five Town unions will be rescinded in much the same way a union membership can refuse to ratify a contract and with the same effect. The Town and the unions would be required to resume negotiations and try to agree to a contract that the Town Meeting is willing to fund. If the Town does not take these three steps, votes for Option 2 or approves Article 7, or approves a budget for next year with money to pay the salary increases, then the union contracts will be approved. The Town will then have to pay all the raises negotiated for all three years—the full 17% increase. By funding the raises the first year, you are in fact ratifying the union contracts in their entirety and the raises for all three years will be binded. Should the Town approve the union raises and give the same raises to the non-union employees, the immediate cost to the Town for the fiscal year would be over \$93,000 for the non-union employees and a total of over \$415,00 including the Town's union employees....money the Town doesn't have. Through fiscal year 1993, the cost would be over \$275,000 for non-union employees, if they are given the same raises as the union employees and well over \$1 million in total including the Town's union employees. The Personnel Board urged the voters to take the first step necessary to rescind the raises and to freeze non-union salaries by adopting Option I, which would not address the raises negotiated by the Sudbury School Committee. It was stated the Town Meeting legally has no authority to rescind the raises that have been negotiated

by the schools, but it does have the authority to do that for the five Town unions. As to the fairness of this proposal to rescind raises for the Town unions and freeze the salaries of those employees and the non-union employees, the Personnel Board believed a salary freeze is fairer to employees than a salary increase. It was his understanding that not all school employees would get a salary increase -- some would get a pink slip instead. Whereas freezing Town employees' salaries meant they wouldn't get higher salaries but more of them would keep their jobs. The Town should not trade off raises for jobs. It was his belief that the argument that no action should be taken unless it can be taken town-wide was an argument that proves too much. He believed Town Meeting has nothing to say about the course of school negotiations. If the Town should say that whatever the schools do, the rest of the Town must do, he concluded, then we are saying the Town Meeting has no control over salaries. If Town Meeting has no control over salaries, then it has no control over the Town's finances. He also believed that Town Meeting does not have responsibility for the salaries of 299 school employees but it does have responsibility for the 200 other Town employees, therefore, it was the duty of Town Meeting to act responsibly to save their jobs and services and to refrain from spending money the Town does not have.

Finance Committee Report: (J. Ryan) The Finance Committee disagreed with the Personnel Board. It agreed with Mr. Mandel's numbers and the costs he presented. He reiterated a previous comment, that neither the Personnel Board nor the Finance Committee were involved in any of the negotiations, which he thought was a mistake. He believed that the Finance Committee, looking several years into the future in their deliberations, could bring a prospective to the negotiations that would allow the negotiating teams to understand what the costs will be to the Town. Contracts have already been negotiated -- nothing can be done about 60% of them, those applicable to the Lincoln-Sudbury School System, the Sudbury School System and Minuteman, which accounts for \$15 million out of a \$25 million budget. The question remains what to do with the remaining employees? The Personnel Board's position to treat union and non-union employees differently would fail on its face. There shouldn't be any discussion of a difference between union and non-union employees with respect to the Town--they should all be treated equally. Mr. Ryan believed to vote down Town employees' raises was not the only approach. The unions, all the unions, must be asked to consider reviewing their contractual arrangements. When the FinCom met with the unions, Mr. Ryan noted, it seemed many of them were frankly surprised at the projected costs for FY93---\$1.3 million. Using current projections, revenue for the Town will increase by \$500,000, a shortfall of \$800,000 next year. Where is that going to come from? Personnel costs represent 75-85% of the budget. That is where it will come from. Departments hit this year will be hit again next year.

Unions do not have to review their contractual arrangements, but at least we can tell them in advance what the consequences may be of their failing to do so. The decision will ultimately be left to Town Meeting when it deliberates its FY93 budget a year from now. Mr. Ryan commented that the Finance Committee may be overly optimistic in this respect, but he believed it was worth a try because the alternative is to say to the Town employees, just because we believe we may be able to control what happens in your contracts, there is no case law in Massachusetts on point on this. We don't know whether or not by adopting Option I, rejecting Article 7 and adopting a budget with no raises under Article 9 would or would not legally rescind the contracts. That is not a clear point. Therefore, we would have to spend more money on litigation costs on both sides, where only lawyers would make any money. For that reason, the Finance Committee believes it would be unfair to try and handle Town employees separately from School employees. The suggestion to rescind Town employees' raises so there will be more money available to keep Town employees and they won't get pink slips is not necessarily a true position. Town Meeting could vote to spend the additional savings for a highway vehicle, maintenance of buildings or for other non-personnel matters. It is not possible to know what Town Meeting would do if it received these additional funds to re-allocate. People could vote to cut raises for Town employees in order to give more money to the schools or to give it to one particular department over another. None of this was considered good thinking by the FinCom, as it would pit one aspect of the Town against another, which would not be healthy. It was the view of the Finance Committee that the departments already cut in terms of personnel up to this time, through FY92, can live with the cuts taken. The major problem is how to handle FY93, and this cannot be addressed by only looking at 40% of the budget, but at the entire budget. Mr. Ryan believed it is very frustrating what has happened with respect to the negotiations, but the Town should say what has happened has happened. The FinCom will, if possible, re-negotiate these matters and then in the future take an entirely different approach toward negotiations, if there are any employees after FY93 to be negotiated with. That is a problem that will have to be

addressed by every union in Town and by every union in the schools. To the extent there will be a shortfall in FY93, everybody, every department, without exception is going to have to deal with that shortfall.

Board of Selectmen Report: (J. Cope) The Selectmen did not support the motion for Option I, as it is the Board's intent to be equitable with all Town employees. They urged defeat of the motion.

Officer Peter Langmaid, representing the Police Union and Firefighter Kenneth MacLean representing the Firefighters' Union both spoke in opposition to the Personnel Board's motion.

After considerable discussion, Russell Kirby of Boston Post Road moved to postpone action on Article 4 until after the completion of action on Articles 7 and 9.

The motion was seconded.

Mr. Kirby explained the reason for his motion was that the motion on the floor at the moment has to do with the salaries of the non-union employees, but the majority of the discussion has centered around the aspects of Articles 7 and 9. He believed it would be far better to vote on Article 4, once it is known what the disposition is on Articles 7 and 9, thus making the compensation of Town employees as equitable as we can across the board. Some people are covered by bargaining union contracts negotiated by the Town, while others are covered by contracts negotiated by the School Committee and others are covered by no contracts at all. The burden rests with the voters to appropriate funds to compensate the employees. He noted that listening to the debates brought forth it was said in some cases the voters have no control at all, in other cases they had very little control and in other cases they have complete control. For the one the voters have complete control over, the voters are supposed to act upon first, then debate and argue on the others. He urged postponement of action on the motion under Article 4.

There was considerable discussion that took place on the motion to postpone action. The motion was $\underline{defeated}$.

There was a motion to move the question. This received a clear 2/3rds vote and debate was cut off

The main motion under Article 4 - Option I was defeated.

Mr. Mandel of the Personnel Board then moved to amend Article XI of the 7own of Sudlury Bylaws entitled, the Personnel Administration Plan by deleting the Classification and Salary Plan, Schedules A & B in their entirety and substituting therefor the Option II Schedules entitled <u>Including General Salary Increases</u> - 741990-1991; Second Half; 1/1/91 - 6/30/91 and F4/1991-1992: (providing for a 2% general salary increase effective January 1, 1991, a 3% general salary increase effective July 1, 1991, and a 4% general salary increase effective July 1, 1991, and a 4% general salary increase effective January 1, 1992) on file in the offices of the Town Clerk and the Board of Selectmen.

This motion received a second.

APRIL 1, 1991

Board of Selectmen: (J. Cope) The Board concurred with the Finance Committee.

A question was asked as to what would be the consequences if this motion was defeated. Town Counsel, Paul Kenny opined, "The Classification Plan would stay exactly the same as it is right now. We would not have a new Classification Plan".

The motion under Article 4 - Option 2 was VO7ED.

It being 10:30 P.M., under the rules of the Town, the meeting was adjourned.

Attendance: 268

ADJOURNED ANNUAL TOWN MEETING

APRIL 2, 1991

The second session of the 1991 Annual Town Meeting was called to order at 7:30 P.M. when a quorum was pronounced present. The first article taken up was Article 5, Stabilization Fund Addition.

ARTICLE 5. STABILIZATION FUND ADDITION

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

Submitted by the Long Range Planning Committee

William Cusack of the Long Range Planning Committee <u>moved</u> to appropriate the sum of \$30,000 to be added to the Stabilization Fund established under Article 12 of the October 7, 1982, Special Town Meeting, pursuant to Massachusetts General Laws, Chapter 40, Section 5B. Said sum to be raised by transfer from the appropriation under Article 14 of the 1987 Annual Town Meeting.

Long Range Planning Committee Report: The Long Range Planning Committee has determined that it will not need \$30,000 voted to be used by the Committee in 1987 for Space Planning needs. The Committee voted to return the \$30,000 to the Town and requests that the Town by Town Meeting Vote add these funds to the Stabilization Fund to be used in the future for capital expenditures. By approving this article, the Town will complete this request of the LRPC.

Board of Selectmen Report: The Board supported this article.

 $\underline{Finance\ Committee\ Report:}\quad The\ Finance\ Committee\ recommended\ approval.$

The motion under Article 5 was UNANIMOUSLY VOTED.

ARTICLE 6. UNPAID BILLS

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

Submitted by the Town Accountant

Selectman Judith Cope <u>moved</u> to appropriate \$109,292 for the payment of certain unpaid bills incurred in previous fiscal years which may be legally unenforceable due to the insufficiency of the appropriation in the years in which such bills were incurred as follows:

\$108,908.09 (according to calculations of the Town Accountant's Office)

250.00

- To pay Police Officer Robert I. Chaffee back pay (Police)

- To pay Comprehensive Medical Evaluation Services (Police)

- To pay Dictronics (Building)

Said appropriation to be raised by transfer from Free Cash.

Board of Selectmen Report: The Board supported this Article.

Finance Committee Report: The Finance Committee recommended approval.

In response to Robert Coe of Churchill Street who asked for an explanation of the \$108,908.09 charge, Town Counsel, Paul Kenny explained the amount represented approximately three years pay for a Police Officer who was dismissed, went through Civil Service Hearing procedures and was reinstated. The decision was appealed to the Superior Court who ordered it returned to the Civil Service who re-stated their determination. Counsel was advised by the Police Chief, that the figure of approximately \$109,000, was returned each year to Free Cash, during the time of the Police Officer's dismissal. Counsel noted that the Town was still contesting the amount of money and hoped to have it reduced.

Russell Kirby of the Boston Post Road <u>moved</u> to amend Article 6 by appropriating \$109,291.09.

In explanation of the motion, Mr. Kirby stated the article showed three component figures and the total sum of these was \$109,291.09.

The motion to amend was VO7ED.

Jeffrey Schaffer of Griffin Lane inquired as to whether a "reserve account" was set up against the possible liability during the period that the case of Police Officer Chaffee was pending? Town Counsel explained that for the three year period, funds were annually appropriated in the budget. At the end of each year, as required, all funds are turned back into the Town coffers, into Free Cash or the Town's savings account. During that period of time, money was spent out of that account. There was no separate account set aside, ear marked specifically for those funds.

Considerable discussion ensued on this article. A motion to \underline{move} the question, was received and seconded. The Moderator declared there was a clear two-thirds vote to support the motion to end debate.

The motion, as amended, was UNANIMOUSLY VOTED.

ARTICLE 7. FY91 BUDGET ADJUSTMENTS

To see if the Town will vote to amend the votes taken under Article 6, of the April 1990 Annual Town Meeting, by adding to or deleting from line items thereunder, by transfer between or among accounts or by transfer from available funds, or act on anything relative thereto.

Submitted by the Board of Selectmen

John Ryan of the Finance Committee <u>moved</u> to amend the votes taken under Article 6, of the 1990 Annual 7own Meeting, by adding to or deleting from line items thereunder, by transfer between or among accounts or by transfer from available funds, as follows:

| <u>70</u> | | FROM | | AMOUNT |
|-----------|-------------------------------------|---------|--|--------------------|
| 950-813 | Unclassified Retirement Fund | 100-140 | Minuteman Voc. Tech. H.S. | \$ 11,013 |
| 950-813 | Unclassified | 200-201 | Delt Service Temp. Loan Int. | \$ 8,097 |
| 950-813 | Unclassified Retirement Fund | 505-711 | Treus/Collector Bond und Note Issue | \$ 70,000 |
| 950-813 | Unclassified Retirement Fund | Free Ca | sh | \$ 28,288 |
| 970-110 | Transfer Accounts Town Sal. Adj. | 200-201 | Debt Service Temp. Loan Int. | \$ 26,903 |
| 970-807 | Transfer Accounts Reserve Fund | 505-711 | Treas/Collector Bond and Note Issue | \$ 4,000 |
| | | | | |
| RECAP: | | | | |
| 950-813 | Add \$57,398 | 100-140 | | Reduce by \$11,013 |
| 970-110 | Add \$26,903 | 200-201 | | Reduce by \$35,000 |
| 970-807 | Add \$ 4,000 | 505-711 | | Reduce by \$14,000 |

FREE CASH NEEDED: \$28,288

Mr. Ryan explained the intent of Article 7 was to make adjustments, especially in the Retirement Account, as the account was underfunded from FY91 and to make adjustments in the Town Salary Adjustment Account. Originally it had been intended to transfer \$10,000 from the Treasurer/Collector Account, however, with the most recent numbers available, it was the Finance Committee's view only \$4,000 should be transferred out to the Retirement Fund. The appropriation for the Salary Adjustment Account was to cover the town employees' raises.

Board of Selectmen Report: We are aware that some funds will be needed to supplement certain FY91 accounts and that other accounts may have excess funds which can be utilized as offsets. At present it is anticipated the following accounts will need increases as described: Acct. 950-813 Retirement Fund: Sudbury is a member of the Middlesex County Retirement System and is billed on a pay-as-you-go basis. A major reason at this time for the sharp rise in this account is the removal of the \$30,000 pay cap in figuring benefits. Another reason is the completed three-year phase-out by the Retirement System of their applying a reserve account to decrease assessments to cities and towns. It is estimated an additional \$122,398 will be necessary to meet our obligations for FY91.

Acct. 970-110 Salary Adjustment: It is estimated some funding will be needed to pay for any FY91 salary increases which cannot be absorbed within departmental budgets. The amount required has not yet been determined at press time.

Acct. 970-807 Reserve Fund: It may be necessary to provide additional funds for the Reserve Fund to pay various emergency expenditures at year end. Essentially the entire Fund has been earmarked to date for expenditure. A report will be made as necessary at the Annual Town Meeting.

The Selectmen noted this article would allow them the flexibility to review all accounts within the FY91 Operating Budget, and make adjustments at the Annual Town Meeting as necessary.

The Selectmen presented no additional report at Town Meeting.

The motion under Article 7 was VO7ED.

ARTICLE 8. WITHDRAWN

ARTICLE 9. 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, 1991 through June 30, 1992, inclusive, in accordance with the following schedule, which is incorporated herein by reference; and to determine whether or not the appropriation for any of the items shall be raised by borrowing; or act on anything relative thereto.

Submitted by the Finance Committee.

BUDGET NOTES:

- Transfer accounts are appropriated to the 970 account and then transferred to other line items as needed. Thus for FY89 and FY90 this account is not included in the Total Operating Budget.
- * Includes Reserve Fund and Line Item transfers, as well as transfers from the Salary Adjustment Account. Also includes other financing uses.
- ** Includes some Line Item transfers for FY91 to date. Includes no regular Reserve Fund transfers, but includes salary adjustment transfers.

TOWN OF SUDBURY FY92 BUDGET

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|-----|--------------------------|--------------------|--------------------|--------------------|----------------------|-------------------|
| 100 | EDUCATION | | • | | | |
| | SUDBURY PUBLIC SCHOOLS | | | | | |
| | Salaries | 6,509,350 | 6,706,262 | 7,030,495 | 7,154,166 | 7,304,166 |
| | Expenses | 1,702,699 | | 1,654,512 | 1,665,417 | 1,665,417 |
| | Equipment | 124,098 | 141,330 | 70,300 | 52,275 | 52,275 |
| | Community Use | 21,359 | 315 | 0 | 0 | 0 |
| | Expansion & Interim | 0 | 0 | 0 | 0 | 0 |
| | Subtot Sudbury Pub.Scls | 8,357,506 | 8,477,003 | 8,755,307 | 8,871,858 | 9,021,858 |
| | Offsets, including METCO | 105,595 | 106,047 | 118,221 | 100,492 | 100,492 |
| 110 | Net Sudbury Public Scls | 8,251,911 | 8,370,956 | 8,637,086 | 8,771,366 | 8,921,366 |
| | Insurance/Benefit Costs | 808,353 | 880,715 | 1,055,234 | 1,210,526 | 1,210,526 |
| | True Cost S.P.S. | 9,060,264 | 9,251,671 | 9,692,320 | 9,981,892 | 10,131,892 |
| | L-S REGIONAL H.S. | | | | | |
| 130 | Sudbury Assessment | 5,804,551 | 5,818,727 | 5,989,788 | 6,317,491 | 6,417,491 |
| | MINUTEMAN VOC. H.S. | | | | | |
| 140 | Sudbury Assessment | 449,347 | 400,785 | 427,832 | 366,381 | 366,381 |
| | TOTAL 100 BUDGET | 14,505,809 | 14,590,468 | 15,054,706 | 15,455,238 | 15,705,238 |
| | Offsets: Free Cash | 294,422 | 0 | 0 | 0 | 0 |
| | NET 100 BUDGET | 14,211,387 | 14,590,468 | 15,054,706 | 15,455,238 | 15,705,238 |

APRIL 2, 1991

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|------------------|---|---|-----------------------------|--|---|------------------------------|
| | 200 DEBT SERVICE | | | | | |
| - | 201 Temp. Loan Int. 203 Other Bond Int. 205 Other Bond Princ. | 11,484 26,568 94,000 | 248,903 41,692 74,000 | 40,000 362,000 275,000 | 20,000 139,200 275,000 | 20,000 139,200 275,000 |
| | 200 TOTAL DEBT SERVICE (Stone Tavern: P & I) (Septage: P & I) (Schl.Arch.Fees: P & I) (Fairbank/COA: P & I) (Nixon/Noyes: Int.) (Fire Station: P & I) | 132,052 63,720 43,213 13,635 0 0 | 32,692 0 0 | 677,000 0 0 220,000 175,000 212,000 30,000 | 434,200 0 0 141,000 140,240 0 132,960 | 140,240 |
| | | 132,052 | 364,595 | 677,000 | 434,200 | 434,200 |
| 300 | PROTECTION | | | | | |
| 310 | FIRE DEPT | | | • | | |
| | Chief's Salary | 54,175 | 57,686 | 57,686 | 61,817 | 61.817 |
| | Salaries | 915,468 | 978,329 | | 1.059.006 | 1.059.006 |
| -120 | Overtime | 92,227 | 95,079 | 123,913 | 117,411 | 117,411 |
| -130 | Clerical | 19,352 | 20,985 | 21,359 | 19,116 | 19,116 |
| | Dispatchers | 64,789 | 51,983 | 46,153 | 27,068 | 27,068 |
| -151 | Sick Buyback | 3,467 | 3,820 | 6,295 | 6,719 | 6,719 |
| | Total Personal Services | | 1,207,882 | 1,240,743 | | 1,291,137 |
| -210 | General Expense | 14,091 | 17,913 | 16,630 | 16,430 | 16,430 |
| -310 | Maintenance | 29,898 | 34,431 | 32,350 | 38,850 | 38,850 |
| -420 | Travel, Out of State | 778 | 441 | 500 | 500 | 500 |
| | Equipment | 11,369 | 10,281 | 7,750 | 10,000 | 10,000 |
| | Alarm Maint. | 1,883 | 533 | 1,500 | 1,000 | 1,000 |
| | Uniforms | 15,407 | 20,290 | 21,260 | 17,410 | 17,410 |
| -810 | Tuition | 3,516 | 3,139 | 2,000 | 2,800 | 2,800 |
| | Total Expenses | 76,942 | 87,028 | 81,990 | 86,990 | 86,990 |
| - 901 | Capital Items | 148,080 | 62,049 | 17,000 | 0 | 0 |
| | Total Capital Spending | 148,080 | 62,049 | 17,000 | 0 | 0 |
| 310 | Total | 1,374,500 | 1,356,959 | 1,339,733 | 1,378,127 | 1,378,127 |
| | Offset:Ambulance Fund | 0 | 0 | 0 | 25,000 | 25,000 |
| | Offset:Stabiliz. Fund | 0 | 0 | 0 | 0 | 0 |
| | Offset:Abatement Surplus | 130,000 | 0 | 0 | 0 | 0 |
| | Net Budget | 1,244,500 | 1,356,959 | 1,339,733 | 1,353,127 | 1,353,127 |

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|------|-------------------------|--------------------|--------------------|--------------------|----------------------|-------------------|
| 320 | POLICE DEPT | | | | | |
| | Chief's Salary | 58,515 | 66,551 | 67,468 | 72,300 | 70 500 |
| | Lieutenant's Sal. | 52,971 | 57.835 | 57,835 | 65,750 | 72,300 65,750 |
| | Salaries | 835,699 | 891,475 | 960,279 | 932,863 | 932,863 |
| -120 | Overtime | 194,545 | 153,616 | 118.749 | 112,252 | 112,252 |
| -130 | Clerical | 39.713 | 43,492 | 43,489 | 48,307 | 48,307 |
| -151 | Sick Buyback | 4,564 | 3,468 | 2,285 | 2,449 | 2,449 |
| | Total Personal Services | 1,186,007 | 1,216,437 | 1,250,105 | 1,233,921 | 1,233,921 |
| 210 | General Expense | /7 ecs | 20.050 | | | |
| | Contracted Services | 47,561 | 38,058 | 38,110 | 38,110 | 38,110 |
| | Maintenance | 25,000 | 0 | 0 | 0 | 0 |
| | Travel | 19,648 3,460 | 28,432 | 27,915 | 27,915 | 27,915 |
| | Travel, Out of State | 1,000 | 1,316 2,000 | 3,500 | 2,500 | 2,500 |
| -510 | Equipment | 5,519 | 6,983 | 2,000 | 1,000 | 1,000 |
| | Uniforms | 16,761 | 16,780 | 7,000 | 7,000 | 7,000 |
| | Tuition | 3,540 | 2,153 | 17,400 2,000 | 15,600 2,000 | 15,600 2,000 |
| | Total Expenses | 122,489 | 95,722 | 97,925 | 94,125 | 94,125 |
| -901 | Capital Items | 96,475 | 62,000 | 65,500 | 65,500 | 65,500 |
| • | Total Capital Spending | 96,475 | 62,000 | 65,500 | 65,500 | 65,500 |
| 320 | Total | 1,404,971 | 1,374,159 | 1,413,530 | 1,393,546 | 1,393,546 |
| | Offset:Revenue Sharing | ٠ ٥ | 0 | 0 | . 0 | . 0 |
| | Offset:Free Cash | 75,000 | Ō | Ŏ | 0 | 0 |
| | Net Budget | 1,329,971 | 1,374,159 | 1,413,530 | 1.393.546 | 1.393.546 |

And the second of the second of the second of

| | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|--|--------------------|--------------------|--------------------|----------------------|-------------------|
| 340 BUILDING DEPT. | | | | | |
| -100 Inspector's Salary | 41,299 | 43,776 | 43,776 | 45,991 | 45,991 |
| -110 Supv. of Town Bldgs. | 35,229 | 33,045 | 29,648 | 32,725 | 32,725 |
| -120 Overtime | 1,177 | 1,560 | 1,500 | 1,500 | 1,500 |
| -130 Clerical | 24,027 | 25,790 | 25,790 | 23,921 | 23,921 |
| -140 Deputy Inspector | 5,000 | 4,152 | 5,640 | 5,640 | 5,640 |
| -150 Custodial | 42,253 | 41,515 | 31,946 | 52,720 | 52,720 |
| -151 Sick Buyback | 0 | 720 | 0 | 0 | 0 |
| -160 Plumbing Inspector -170 Retainer: Plumbing | 8,350 | 7,660 | 8,500 | 8,500 | 8,500 |
| -180 Sealer of Weights | 2,000 1,500 | 2,000 1,500 | 2,000 | 2,300 | 2,300 |
| -190 Wiring Inspector | 6,240 | 8,240 | 1,500 10,440 | 1,500 10,440 | 1,500 |
| • | | | | 10,440 | 10,440 |
| Total Personal Services | 167,075 | 169,958 | 160,740 | 185,237 | 185,237 |
| -210 General Expense | 818 | 464 | 1,050 | 1,050 | 1,050 |
| -255 Contracted Services | 0 | 3,705 | 8,700 | 8,700 | 8,700 |
| -310 Vehicle Maintenance | 1,551 | 1,493 | 1,500 | 1,500 | 1,500 |
| -320 Town Bldg. Maint. | 77,006 | 59,983 | 55,280 | 60,530 | 60,530 |
| -325 Hosmer House | 10,052 | 2,371 | 2,500 | 3,000 | 3,000 |
| -327 Haynes Meadow House -330 Fairbank Center | 392 | 0 | 0 | 0 | . 0 |
| -331 Loring School | 47,212 2,000 | 34,219 | 14,400 | 35,100 | |
| -410 Travel | 802 | 2,000 490 | 2,000 | 2,000 0 | 2,000 0 |
| -420 Travel, Out of state | 200 | 200 | ő | Ö | 0 |
| -710 Uniforms | 0 | 181 | ŏ | ŏ | Ö |
| Total Expenses | 140,033 | 105,106 | 85,430 | 111,880 | 111,880 |
| -901 Capital Items | 0 | 0 | 0 | 0 | 0 |
| Total Capital Spending | 0 | 0 | 0 | 0 | 0 |
| 340 Total Appropriation | 307,108 | 275,064 | 246,170 | 297,117 | 297,117 |
| Pool Ent.Fund Revenue | 5,000 | 5,000 | 10,000 | 7,948 | 7,948 |
| 350 DOG OFFICER -100 Dog Officer's Salary | 21,891 | 24,114 | 17,472 | 19,268 | 19,268 |
| -120 Overtime -140 Extra Hire | 0 | - 0 | 0 | 0 | 0 |
| THO EXCIA MIFE | 441 | 414 | 500 | 500 | 500 |
| Total Personal Services | 22,332 | 24,528 | 17,972 | | 19,768 |
| -210 General Expense -310 Vehicle Maintenance | 1,773 275 | 1,523 0 | 1,153 0 | 1,153 0 | 1,153 0 |
| Total Expenses | 2,048 | 1,523 | 1,153 | 1,153 | 1,153 |
| Total Capital Spending | 0 | O | 0 | 0 | 0 |
| 350 Total | 24,380 | 26,051 | 19,125 | 20,921 | 20,921 |

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|------|--|--------------------|--------------------|--------------------|----------------------|-------------------|
| 240 | CONGRESS CONTRACTOR | | | | | |
| | CONSERVATION COMMISSION Conservation Coordinator | 20,785 | 26,071 | 17.452 | 19,405 | 19,405 |
| • | Clerical | 5,041 | 5,415 | 17,432 | 3,987 | 3,987 |
| | Wetland Protection Act | 0 | 0 | 4,125 | 4,125 | 4.125 |
| | | | ~~~~ | | | |
| | Total Personal Services | 25,826 | 31,486 | 21,577 | 27,517 | 27,517 |
| -210 | General Expense | 5,518 | 4,044 | 1,500 | 1,500 | 1,500 |
| -220 | Computer | 0 | 0 | 0 | 0 | 0 |
| | Maintenance | 9,897 | 4,786 | 1,500 | 1,500 | 1,500 |
| | Haynes Meadow House | 0 | 1,386 | 500 | 500 | 500 |
| | Travel | 252 | 366 | 200 | 200 | 200 |
| -510 | Equipment | 564 | 0 | 0 | 0. | 0 |
| | Total Expenses | 16,231 | 10,582 | 3,700 | 3,700 | 3,700 |
| -900 | Conservation Fund | 0 | 0 | 0 | 0 | 0 |
| | Total Capital Spending | 0 | 0 | 0 | 0 | 0 |
| 360 | Total | 42,057 | 42,068 | 25,277 | 31,217 | 31,217 |
| | Offset:Wetland Protect. | 0 | 0 | 4,125 | 4,125 | 4,125 |
| | Net Budget | 42,057 | 42,068 | 21,152 | 27,092 | 27,092 |
| 270 | TOURS OF ARRESTS | | | | | |
| | BOARD OF APPEALS Personal Services (Cler) | 6.980 | 7,338 | 7,595 | 8.491 | 8.491 |
| | Expenses (Gen. Exp.) | | 1,002 | 998 | 998 | 998 |
| | Total Capital Spending | 0 | 0 | 0 | Ő | 0 |
| 370 | Total | 7,413 | 8,340 | 8,593 | 9,489 | 9,489 |
| | TOTAL 300 BUDGET | 3,160,429 | 3,082,641 | 3,052,428 | 3,130,417 | 3,130,417 |
| | Offsets | 135,000 | 5,000 | 4,125 | | 29,125 |
| | NET 300 BUDGET | 3,025,429 | 3,077,641 | 3,048,303 | • | 3,101,292 |
| | | | | | | |

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | |
|------|---------------------------|----------------------|--------------------|------------------|-----------------------------|------------------|
| | PUBLIC WORKS | | | | | |
| | HIGHWAY DEPT | | | | | |
| | Surveyor's Salary | 48,975 | 46,802 | 46,723 | 50,069 | 50,069 |
| | Asst. Surveyor's Sal. | 30,534 | 36,472 | 36,472 | | 40,810 |
| -106 | Operations Asst. Sal. | 18,158 | 28,527 | 22,026 | 40,810 24,311 | 24,311 |
| -110 | Salaries | 296,071 | 369,500 | 418,854 | 423,582 | 423,582 |
| | Overtime | 14,465 | • | 15,438 | 15,438 | 15,438 |
| | Clerical | 6,594 | 11,887 | 11,427 | 13,427 | 13,427 |
| | Tree Warden | 850 | 1,000 | 1,000 | 1,072 | 1,072 |
| | Summer Temp Labor | 25,323 | 27.908 | 20,000 | 0 4,417 | 0 |
| -131 | Sick Buyback | 1,530 | 905 | 2,300 | 4,417 | 4,417 |
| | Total Personal Services | 442,500 | 537,296 | 574,240 | 573,126 | |
| -210 | General Expense | 3,715 | 3,76 <i>7</i> | 5,000 | 5,000 | 5,000 |
| | Roadwork | 243,004 | 237,440 | 215,375 | 5,000 205,870 7,770 | 205,870 |
| -310 | Bldg. Maintenance | 8,511 | 11,311 | 7,770 | 7,770 | 7,770 |
| | Trees | 12,902 | 13,890 | 14,000 20,000 | 14,000 20,000 | 14,000 20,000 |
| | Utilities | 15,825 | 17.911 | 20,000 | 20,000 | 20,000 |
| -410 | Travel, Out of State | 302 800 47,580 | 272 | 100 | 100 | 100 |
| ~450 | Landfill | 47,580 | 1,000 | 0 | n | 0 |
| | | 9.556 | 10.934 | 12,325 | 9.325 | 9.325 |
| -510 | Cemeteries Equipment | 9,556 2,636 | 0 | 0 | 0 0 0 9,325 0 | 0 |
| -511 | Vehicle Maintenance | 99,172 | 96,725 | 110,226 | 110,226 69,500 10,750 | 110,226 |
| -700 | Street Lighting | 61,752 | 63,168 | 69,500 | 69,500 | 69,500 |
| -710 | Uniforms | 9,116 | 9,950 | 10,750 | 10,750 | 10,750 |
| | Tudedon | | | | | |
| | Total Expenses | 514,871 | 466,628 | 465,046 | 452,541 | 452,541 |
| -901 | Capital Items | 223,056 | | | 20,000 | |
| | Total Capital Spending | | | | | |
| 410 | Total | 1,180,427 | 1,196,836 | 1,169,286 | 1,045,667 | 1,095,667 |
| | Offset:Cemetery Fund | 20,500 | 15,000 | 15,000 | 20,000 | 20,000 |
| | Offset:Sale of Lots | 0 | 0 | 0 | 8,000 | 8,000 |
| | Offset:ATM82/14,STM86/6 | 0 0 0 | 0 0 0 | 0 0 0 | 7,317 | 7,317 |
| | Offset:Stabiliz. Fund | 0 | 0 | 0 | | 0 |
| | Offset:Free Cash | 62,000 | 0 | | 0 | 0 |
| | Offset: Abatement Surplus | 155,000 | 0 - | 0 | 0 | 0 |
| | Net Budget | 942,927 | 1,181,836 | 1,154,286 | 1,010,350 | 1,060,350 |
| 420 | SNOW & ICE | | | | | |
| | Snow & Ice Overtime | 31,117 | 80.681 | 38,916 | 41,703 | 41.703 |
| | Snow & Ice Materials | 65,282 | 124,470 | 94,754 | 94,754 | 94,754 |
| 420 | Total | 96,399 | | 133,670 | | 136,457 |

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|------|---|----------------------|---------------------|---------------------|----------------------|---------------------|
| 460 | LANDFILL ENT. FUND # | | | | | |
| -100 | Surveyor's Salary | 28,264 | 14,651 | 5,191 | 5,563 | 5,563 |
| | Asst. Surveyor's Sal. | 7,687 | 0 | 4,973 | 2,605 | 2,605 |
| | Operations Asst. Sal. | 7,237 | 0 | 7,202 | 7,950 | 7,950 |
| | Salaries | 103,878 | 98,294 | 118,898 | 129,142 | 129,142 |
| | Overtime | 0 | 2.250 | 3,938 | 6,896 | 6,896 |
| | Clerical Sick Buyback | 14,762 0 | 15,397 | 21,261 | 23,467 | 23,467 |
| -171 | Sick buyback | | 112 | 0 | 0 | 0 |
| | Total Personal Services | 161,828 | 130,704 | 161,463 | 175,623 | 175,623 |
| -210 | General Expense | 5,821 | 7,320 | 6,500 | 9,000 | 9,000 |
| -310 | Maintenance | 25,351 | 97,318 | 102,200 | 80,900 | 80,900 |
| | Hazardous Waste | 0 | 0 | 20,000 | 58,000 | 58,000 |
| -470 | Resource Recovery | 0 | 38,821 | 58,000 | 22,000 | 22,000 |
| | Total Expenses | 31,172 | 143,459 | 186,700 | 169,900 | 169,900 |
| E00 | Candra 2 Toral | 21 561 | 27 700 | | 17 000 | 17 200 |
| | Capital Fund Capital Items | 31,561 61,461 | 37,733 | 0 #0.000 | 17,389 | 17,389 |
| -301 | Cabitai Items | 01,401 | 37,500 | 50,000 | 12,500 | 12,500 |
| | Total Capital Spending | 93,022 | 75,233 | 50,000 | | 29,889 |
| | Total 460 Direct Costs (Appropriated) | 286,022 | 349,396 | 398,163 | 375,412 | 375,412 |
| | INDIRECT COSTS: (Not Appr | opriated) | | | | |
| | Engineering Dent Compt | 0 | | n1 nn/ | 25 22/ | nr 00/ |
| | Engineering Dept. Servic Benefits/Insurance | 0 | 0 39,353 | 31,004 32.715 | 35,334 38,604 | 35,334 |
| | Audit | Ö | 2,500 | 32,713 | 30,004 | 38,604 0 |
| | | | 2,500 | | | |
| | Total Indirect Costs | 0 | 41,853 | 63,719 | 73,938 | 73,938 |
| | TOTAL 460 BUDGET | 286.022 | 391,249 | 461,882 | 449,350 | 449,350 |
| | | ,,, | | , | , | (() ,) |
| | LANDFILL RECEIPTS | 249,564 | 332,728 | 425,700 | 432,500 | 432,500 |
| | RETAINED EARNINGS | . 0 | 0 | 37,660 | | 16,850 |
| | TOTAL 400 BUDGET | 1 567 0/0 | 1 702 224 | 1 744 800 | . 1 553 504 | 1 607 506 |
| | Offsets | 1,562,848 175,500 | 1,793,236 15,000 | 1,764,838 15,000 | | |
| | NET 400 BUDGET | 1,387,348 | 1,778,236 | 1,749,838 | | 35,317 1,572,219 |
| | | .,, | 2,,20 | ********** | ********* | 490149617 |

#In accordance with Chapter 306 of the Acts of 1986, the Board of Selectmen recommends the FY1992 Landfill Enterprise Fund Budget as set forth in the "No Override" column.

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|------------------|---|--------------------|--------------------|--------------------|----------------------|-------------------|
| 500 | GENERAL GOVERNMENT | | | | | |
| 501 | SELECTMEN | | | | | |
| | | 68,651 | 72.591 | 72,591 | 77,790 | 77,790 |
| | Admin. Salaries | 54,347 | 60,527 | 60,709 | 67,607 | 67,607 |
| -120 | Overtime | 527 | 984 | 0 | 0 | 0,,007 |
| | Clerical | 55,603 | . 59,450 | 62,256 | 67,471 | 67,471 |
| | Selectmen's Salary | 3,200 | 3,200 | 0 | 0 | 0 |
| -151 | Sick Leave Buyback | 1,564 | 1,790 | 2,260 | 2,445 | 2,445 |
| | Total Personal Services | 183,892 | 198,542 | 197,816 | 215,313 | 215,313 |
| -210 | General Expense | 7,919 | 7,901 | 7,300 | 7,300 | 7,300 |
| | Maintenance | 1,644 | 2,018 | 1,200 | 1,200 | 1,200 |
| | Travel | 469 | 741 | 0 | 0 | 0 |
| | Travel, Out of State | 1,000 | 8 89 | 0 | 0 | 0 |
| | Equipment | 1,268 | 0 | 0 | 0 | 0 |
| -811 | Surveys & Studies | 2,691 | 4,500 | 0 | 0 | . 0 |
| | Total Expenses | 14,991 | 16,049 | 8,500 | 8,500 | 8,500 |
| -901 | Capital Items | 0 | 0 | 0 | 0 | 0 |
| | Total Capital Spending | 0 | 0 | . 0 | 0 | 0 |
| 501 | Total | 198,883 | 214,591 | 206,316 | 223,813 | 223,813 |
| # 02 | ENCINCEDING DEPT | | | | | |
| | ENGINEERING DEPT. Engineer's Salary | 48,674 | 53,142 | 53,142 | 56,948 | 56,948 |
| | Salaries | 130,260 | 150,188 | 153,555 | 134,448 | 134,448 |
| | Overtime | 0 | 183 | 0 | 0 | 0 |
| | Clerical | 20,195 | 21,877 | 17,063 | 16,930 | 16,930 |
| -151 | Sick Buyback | 2,008 | 1,041 | 1,041 | 1,333 | 1,333 |
| | Total Personal Services | 201,137 | 226,431 | 224,801 | 209,659 | 209,659 |
| -210 | General Expense | 10,016 | 9,194 | 4,750 | 4,750 | 4,750 |
| | Maintenance | 1,314 | 1,833 | 900 | 900 | 900 |
| | Travel | 124 | 112 | 100 | 100 | 100 |
| -710 | Uniforms | 1,750 | 2,200 | 2,200 | 1,800 | 1,800 |
| | Total Expenses | 13,204 | 13,339 | 7,950 | 7,550 | 7,550 |
| -9 01 | Capital Items | 0 | 850 | 0 | 0 | 0 |
| | Total Capital Spending | 0 | 850 | 0 | 0 | 0 |
| 502 | Total Appropriation Lndfill Ent.Fund Revenue | 214,341 0 | 240,620 0 | 232,751 31,004 | 217,209 35,334 | 217,209 35,334 |

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** 1 | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|--|--|---|---|--|--|--|
| | LAW | | | | | |
| -100 | Retainer | 26,000 | 27,560 | 27,560 | 27,560 | 27,560 |
| | Total Personal Services | 26,000 | 27,560 | 27,560 | 27,560 | 27,560 |
| -256 | General Expense Legal Expense Equipment | 3,416 62,722 200 | .5,482 75,981 0 | 6,450 60,675 0 | 6,450 60,675 0 | 0 |
| | Total Expenses | 66,338 | 81,463 | 67,125 | 67,125 | 67,125 |
| -901 | Capital Items | 0 | 0 | . 0 | 0 | 0 |
| | Total Capital Spending | 0 | 0 | 0 | 0 | 0 |
| 503 | Total | 92,338 | 109,023 | 94,685 | 94,685 | 94,685 |
| -100 -120 | TOWN CLERK & REGISTRARS Town Clerk's Salary Overtime Clerical | 35,000 2,901 54,143 | 38,150 1,347 63,810 | 38,150 2,000 68,171 | 40,882 2,000 75,164 | 40,882 2,000 75,164 |
| -140 | Registrars | 580 | 650 | 650 | 650 | 650 |
| | Total Personal Services | 92,624 | 103,957 | 108,971 | 118,696 | 118,696 |
| -220 -310 -410 -420 -510 -615 | General Expense Computer Maintenance Travel Travel, Out of State Equipment Elections Tuition | 9,265 1,838 648 785 0 5,282 13,057 689 | 10,011 4,371 805 845 0 2,904 10,711 59 | 14,988 300 800 400 0 20,970 | 13,408 300 800 400 0 10,225 | 13,408 300 800 400 0 10,225 |
| | Total Expenses | 31,564 | 29,706 | 37,458 | 25,133 | 25,133 |
| -901 | Capital Items | 0 | 0 | 0 | 0 | 0 |
| | Total Capital Spending | 0 | 0 | 0 | 0 | 0 |
| 506 | Total | 124,188 | 133,663 | 146,429 | 143,829 | 143,829 |
| -100 | MODERATOR Personal Services (Sal.) Expenses (Gen. Exp.) | 0 | 0 | 0 | 0 | 0 |
| 509 | Total | 0 | 0 | 0 | 0 | 0 |

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|------|--|--------------------|--------------------|--------------------|----------------------|-------------------|
| 510 | PERMANENT BLDG. COM. | | | | | |
| -130 | Personal Services (Cler) Expenses (Gen. Exp.) | 647 0 | 2,028 0 | 2,261 0 | 1,175 0 | 1,175 0 |
| 510 | Total | 647 | 2,028 | 2,261 | 1,175 | 1,175 |
| | PERSONNEL BOARD | | | | | |
| -130 | Personal Services (Cler) | 2,812 | 2,539 | 4,011 | 4,298 | 4,298 |
| | General Expense Equipment | 152 0 | 149 0 | 300 0 | 300 0 | 300 0 |
| | Total Expenses | 152 | 149. | 300 | 300 | 300 |
| 511 | Total | 2,964 | 2,688 | 4,311 | 4,598 | 4,598 |
| 512 | PLANNING BOARD | | | | | |
| | Town Planner | 40,668 | 44,401 | 32,611 | 28,565 | 28,565 |
| -130 | Clerical | 18,050 | 16,282 | 13,883 | 12,827 | 12,827 |
| | Total Personal Services | 58,718 | 60,683 | 46,494 | 41,392 | 41,392 |
| -210 | General Expense | 3,905 | 4,285 | 2,820 | 2,820 | 0 2,820 |
| | Contracted Services | 0 | 0 | 0 | 0 | 0 |
| | Maintenance | 0 | 0 | 0 | 0 | 0 |
| | Travel | 0 | 0 | 200 | 200 | 200 |
| | Equipment Tuition | 5 75 | 0 | 0 | 0 | 0 |
| | Surveys & Studies | 460 0 | 0 | 0 | 0 0 | 0 |
| V | barreys & brudges | | | | | |
| | Total Expenses | 4,940 | 4,285 | 3,020 | 3,020 | 3,020 |
| -901 | Capital Items | 0 | 0 | 0 | . 0 | 0 |
| | Total Capital Spending | 0 | 0 | 0 | 0 | 0 |
| 512 | Total | 63,658 | 64,968 | 49,514 | 44,412 | 44,412 |
| 513 | ANCIENT DOCUMENTS COM. | | | | | |
| -210 | Expenses (Gen. Exp.) | 1,587 | 1,600 | 1,600 | 1,600 | 1,600 |
| 513 | Total | 1,587 | 1,600 | 1,600 | 1,600 | 1,600 |
| 514 | HISTORIC DIST. COM. | | | | | |
| -130 | Personal Services (Cler) | 129 | 75 | 75 05 | 80 | 80 |
| -210 | Expenses (Gen. Exp.) | 51 | 54 | 85 | 85 | 85 |
| 514 | Total | 180 | 129 | 160 | 165 | 165 |

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|------------------------------|---|------------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| | HISTORICAL COMMISSION Personal Services (Cler) | 0 | 0 | 0 | 0 | 0 |
| | General Expense Equipment | 3,785 575 | 1,558 216 | 975 900 | 825 850 | 825 850 |
| | Total Expenses | 4,360 | 1,774 | 1,875 | 1,675 | 1,675 |
| 515 | Total | 4,360 | 1,774 | 1,875 | 1,675 | 1,675 |
| -130 | CABLE TV COMMISSION Personal Services (Cler) Expenses (Gen. Exp.) | 0 | 0 0 | 0 400 | 0 | 0 0 |
| 516 | Total | 0 | 0 | 400 | 0 | 0 |
| | DESIGN REVIEW BOARD Personal Services (Cler) | 1,154 | 2,048 | 2,122 | 2,364 | 2,364 |
| | General Expense Tuition | 162 0 | 71 0 | 47 0 | 47 0 | 47 0 |
| | Total Expenses | 162 | 71 | 47 | 47 | 47 |
| 517 | Total | 1,316 | 2,119 | 2,169 | 2,411 | 2,411 |
| -100 -110 | COUNCIL ON AGING Director's Salary Van Driver Outreach Worker | 18,570 12,068 7,195 | 18,752 12,360 7,238 | 21,258 14,403 8,266 | 22,780 16,034 9,201 | 22,780 16,034 9,201 |
| | Total Personal Services | 37,833 | 38,350 | 43,927 | 48,015 | 48,015 |
| -310 -410 -420 -510 | General Expense Maintenance Travel Out of State Travel Equipment Programs | 5,936 3,007 196 100 91 | 6,967 3,225 0 0 0 | 1,222 8,100 0 0 0 | 1,222 1,440 0 0 0 | 1,222 1,440 0 0 0 |
| -622 | Transportation | 1,307 | 508 | 0 | 0 | 0 |
| | Total Expenses | 10,637 | 10,700 | 9,322 | 2,662 | 2,662 |
| -901 | Capital Items | 0 | 0 | 0 | 0 | 0 |
| | Total Capital Spending | 0 | 0 | 0 | 0 | 0 |
| 518 | Total | 48,470 | 49,050 | 53,249 | 50,677 | 50,677 |
| | TOTAL 500 BUDGET Offsets NET 500 BUDGET | 752,932 0 752,932 | 822,253 0 822,253 | 795,720 0 795,720 | 0 | 786,249 0 786,249 |

| | | | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|------|--|---------|--------------------|--------------------|----------------------|-------------------|
| 560 | FINANCE | | | | | |
| 561 | FINANCE DIRECTOR/ACCOUNTIN | 4G | | | | |
| | Dir.Finance/Town Acct. | 50,761 | 55,422 | 55,422 | 59,562 | 59,562 |
| -120 | Overtime | 594 | 470 | 0 | . 0 | ٠٥ |
| -130 | Clerical | 45,687 | 50,734 | 52,746 | | 56,525 |
| | Total Personal Services | | 106,626 | 108,168 | | |
| -210 | General Expense | 3,297 | 1,769 | 3,591 | | |
| | Computer | 15,814 | 9,182 | 7,935 | 9,560 | 9,560 |
| | Contracted Services | 0 | 0 | 0 | 0 | 0 |
| | Maintenance | 481 | 210 | 370 | 0 | 0 |
| | Travel | 334 | 291 | 0 370 390 | 390 | |
| | Equipment | 3,048 | 21 | U | 0 | 0 |
| -810 | Tuition | 575 | 125 . | 250 | 0 | 0 |
| | Total Expenses | 23,549 | 11,598 | 12,536 | 12,525 | 12,525 |
| -901 | Capital Items | 0 | 0 | 0 | 0 | . 0 |
| | Total Capital Spending | 0 | 0 | 0 | 0 | . 0 |
| 561 | Total | 120,591 | 118,224 | 120,704 | 128,612 | 128,612 |
| 563 | TREACTION / COLLECTION | | | | | |
| | TREASURER/COLLECTOR Collec/Treas. Salary | 45,071 | 47,160 | 48 575 | 44,000 | 000 44 |
| | Overtime | 428 | 47,180 | 6,577 | | |
| | Clerical | 55,437 | 61,068 | 62,633 | 68,924 | |
| | Sick Buyback | 6,254 | 0 | 0 | 0 | 0 |
| | Total Personal Services | 107,190 | 108,708 | 117,785 | 114,924 | |
| 210 | General Expense | 16.043 | 11,111 | 11,500 | 11,500 | 11.500 |
| | Maintenance | 48 | 0 | 100 | 100 | 100 |
| | Travel | 1,278 | 1,408 | 1,300 | 1,300 | 1,300 |
| | Service Bureau | 32,527 | 40,847 | 45,500 | 52,500 | 52,500 |
| | Tax Title Expense | 1,965 | 460 | 3,000 | 3,000 | 3,000 |
| | Bond and Note Issue | 249 | 5,489 | 19,000 | 5,000 | 5,000 |
| | Tuition | 0 | 0 | 0 | 0 | 0 |
| | Total Expenses | 52,110 | 59,315 | 80,400 | 73,400 | 73,400 |
| -901 | Capital Items | 0 | 0 | 0 | 0 | 0 |
| | Total Capital Spending | 0 | 0 | 0 | 0 | 0 |
| 563 | Total | 159,300 | 168,023 | 198,185 | 188,324 | 188,324 |

| | | Expend. FY 89 * | | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|------|--------------------------|--------------------|-----------------|--------------------|----------------------|-------------------|
| 564 | ASSESSORS | | | | | |
| | Asst. Assessor's Salary | | 42,086 | 43,777 | 46,912 | 46,912 |
| | Overtime Clerical | 2,491 | 2,725 | 0 | 0 | |
| | CIEIICAI | 58,767 | 64,122 | 75,506 | 68,794 | 68,794 |
| | Total Personal Services | | 108,933 | 119,283 | | 115,706 |
| | General Expense | 7,940 | 9,993 | 10,309 | 10,309 | 10,309 |
| -255 | Contracted Services | 25,313 | 10,832 | 41,000 | | 23,125 |
| | Maintenance | 236 | 1,463 | 350 | | 350 |
| | Travel | 1,318 | 2,553 | 0 | 0 | |
| | Uniforms | 0 | 160 | 0 | 0 | 0 |
| -810 | Tuition | 583 | 926 | | 1,500 | |
| | Total Expenses | 35,390 | 25,927 | 53,159 | | 35,284 |
| -901 | Capital Items | 0 | 0 | . 0 | 0 | 0 |
| | Total Capital Spending | 0 | 0 | 0 | 0 | 0 |
| 564 | Total | 134,814 | 134,860 | 172,442 | 150,990 | 150,990 |
| | | | | | | |
| | FINANCE COMMITTEE | | | | | |
| -130 | Personal Services (Cler) | | | 5,737 | | 6,148 |
| -210 | Expenses (Gen. Exp.) | 190 | 268 | 300 | 300 | 300 |
| 568 | Total | 3,272 | 4,788 | 6,037 | 6,448 | 6,448 |
| | • | | | | | |
| | TOTAL 560 BUDGET | 417,977 | 425,895 | 497,368 | 474,374 | 474,374 |
| 600 | GOODNOW LIBRARY | • | | | | |
| | GOODNOW LIBRARY | | | | | |
| -100 | Director's Salary | 36,138 | 39,154 | 40,640 | 44,857 | 44,857 |
| | Salaries | 205,306 | 206,920 | 203,497 | 219,523 | 219,523 |
| -120 | Overtime | 3,292 | 4,181 | 3,096 | 3,262 | 3,262 |
| -150 | Custodial | 11,328 | 11,941 | 11,726 | 12,566 | 12,566 |
| | Total Personal Services | 256,064 | 262,196 | 258,959 | 280,208 | 280,208 |
| 210 | General Expense | 6,188 | 5 410 | 5 420 | E 420 | E 420 |
| | Maintenance | 14,889 | 5,419 13,569 | 5,420 11,300 | 5,420 14,800 | 5,420 14,800 |
| | Travel | 250 | 15,569 | 150 | 14,800 | 14,800 |
| | Travel, Out of State | 230 | | | | |
| | Equipment | 786 | 0 0 | 0 0 | 0 0 | 0 |
| | Books | 59.739 | 54,321 | 57,360 | | |
| | Automation | 6,000 | 10,673 | 20,200 | 19,200 | 19,200 |
| | Total Expenses | 87,852 | 84,132 | 94,430 | 74,248 | 89,248 |

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|------|---|--------------------|---------------------|--------------------|----------------------|--------------------------|
| 600 | GOODNOW LIBRARY (cont.) | | | | | |
| 901 | Capital Items | 25,747 | 0 | 0 | 0 | 0 |
| | Total Capital Spending | 25,747 | 0 | 0 | 0 | 0 |
| 600 | Total | 369,663 | 346,328 | 353,389 | 354,456 | 369,456 |
| | Offset: State Aid Offset: Dog Licenses | 2,000 | 0 2,000 | 0 | 0 2,000 | 0 2,000 |
| | NET 600 BUDGET | 3 67,663 | 344,328 | 353,389 | 352,456 | 3 67 , 456 |
| 700 | PARK AND RECREATION | , · | | | | |
| -100 | Supervisors' Salaries | 33,542 | 35,589 | 51,400 | 55,514 | 55,514 |
| | Salaries | 98,128 | 90,499 | 75,771 | 78,554 | 78,554 |
| | Overtime | 526 | 862 | 600 | 600 | 600 |
| - | Clerical | 4,090 | 6,451 | 4,571 | 5,091 | 5,091 |
| -151 | Sick Leave Buyback | 0 | 826 | 826 | 885 | 885 |
| | Total Personal Services | 136,286 | 134,227 | 133,168 | 140,644 | 140,644 |
| -210 | General Expense | 3,369 | 4,998 | 3,413 | 3,413 | 3,413 |
| | Operations Materials | 0 | 0 | 0 | 0 | 0 |
| | Maintenance | 24,180 | 27,258 [,] | 24,500 | 24,500 | 24,500 |
| -410 | Travel | 659 | 719 | 750 | 550 | 550 |
| -510 | Equipment | 2,900 | 895 | 1,000 | 1,000 | 1,000 |
| | Special Programs | 13,840 | 15,821 | 0 | 0 | 0 |
| | Teen Center | 10,498 | 5,839 | 3,840 | 3,840 | 3,840 |
| -710 | Uniforms | 845 | 971 | 1,000 | 1,000 | 1,000 |
| | Total Expenses | 56,291 | 56,501 | 34,503 | 34,303 | 34,303 |
| -901 | Capital Items | 25,818 | 6,588 | 0 | 0 | 0 |
| | Total Capital Spending | 25,818 | 6,588 | 0 | 0 | 0 |
| 700 | Total | 218,395 | 197,316 | 167,671 | 174,947 | 174,947 |
| | Offset: Free Cash | 0 | 0 | 0 | 0 | 0 |
| | Net 700 Budget | 218,395 | 197,316 | 167,671 | 174,947 | 174,947 |

| 701 POOL ENTERPRISE FUND # -100 Director's Salary | | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|--|------|----------------------------|--------------------|--------------------|--------------------|----------------------|-------------------|
| -100 Director's Salary 21,091 22,700 17,000 18,045 18,045 -110 Salaries 164,808 142,251 137,897 152,776 152,776 -120 Overtime 0 1,207 1,000 1,149 1,149 -130 Clerical 19,628 21,526 22,527 24,921 24,921 Total Personal Services 205,527 187,684 178,424 196,891 196,891 196,891 -210 General Expense 11,715 16,873 19,100 19,900 19,900 -310 Maintenance 95,643 81,928 78,800 80,165 80,165 -410 Travel 0 0 200 600 600 -420 Out of State Travel 932 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 | 701 | POOL ENTERPRISE FUND # | | | | | |
| -110 Salaries 164,808 142,251 137,897 152,776 152,776 -120 Overtime 0 1,207 1,000 1,149 1, | | | 21.091 | 22,700 | 17,000 | 18.045 | 18.045 |
| -130 Clerical 19,628 21,526 22,527 24,921 24,921 Total Personal Services 205,527 187,684 178,424 196,891 196,891 -210 General Expense 11,715 16,873 19,100 19,900 19,900 -310 Maintenance 95,643 81,928 78,800 80,165 80,165 -410 Travel 0 0 200 600 600 -420 Out of State Travel 932 0 0 0 0 0 0 -510 Equipment 1,660 0 1,000 1,000 1,000 -610 Programs 17,294 16,423 13,500 17,000 17,000 Total Expenses 127,244 115,224 112,600 118,665 118,665 -500 Capital Fund 0 0 0 0 0 0 0 -666 FY 89 Deficit 0 0 24,978 20,387 20,387 Total Capital Spending 0 0 24,978 20,387 20,387 Total Direct Costs 332,771 302,908 316,002 335,943 335,943 INDIRECT COSTS: (Not Appropriated) Insurance & Benefits 0 0 30,000 29,580 29,580 Custodian 5,000 5,000 10,000 7,948 7,948 Audit 0 0 0 0 0 0 0 0 Total Indirect Costs 5,000 5,000 40,000 37,528 37,528 | | | | | | | • |
| Total Personal Services 205,527 187,684 178,424 196,891 196,891 -210 General Expense 11,715 16,873 19,100 19,900 19,900 -310 Maintenance 95,643 81,928 78,800 80,165 80,165 -410 Travel 0 200 600 600 -420 Out of State Travel 932 0 0 0 0 0 -510 Equipment 1,660 0 1,000 1,000 1,000 -610 Programs 17,294 16,423 13,500 17,000 17,000 Total Expenses 127,244 115,224 112,600 118,665 118,665 -500 Capital Fund 0 0 0 0 0 0 -666 FY 89 Deficit 0 0 24,978 20,387 20,387 Total Capital Spending 0 0 24,978 20,387 20,387 Total Direct Costs 332,771 302,908 316,002 335,943 335,943 (Appropriated) INDIRECT COSTS: (Not Appropriated) Insurance & Benefits 0 0 30,000 29,580 29,580 Custodian 5,000 5,000 10,000 7,948 7,948 Audit 0 0 0 0 0 0 0 Total Indirect Costs 5,000 5,000 40,000 37,528 37,528 | | | 0 | 1,207 | 1,000 | 1,149 | 1,149 |
| Total Personal Services 205,527 187,684 178,424 196,891 196,891 196,891 -210 General Expense 11,715 16,873 19,100 19,900 19,900 -310 Maintenance 95,643 81,928 78,800 80,165 80,165 -410 Travel 0 0 200 600 600 -420 Out of State Travel 932 0 0 0 0 0 0 0 -510 Equipment 1,660 0 1,000 1,000 17,000 17,000 Total Expenses 127,244 115,224 112,600 118,665 118,665 -500 Capital Fund 0 0 0 0 0 0 0 0 0 0 0 -666 FY 89 Deficit 0 0 24,978 20,387 20,387 Total Capital Spending 0 0 24,978 20,387 20,387 (Appropriated) INDIRECT COSTS: (Not Appropriated) Insurance & Benefits 0 0 30,000 29,580 29,580 Custodian 5,000 5,000 10,000 7,948 7,948 Audit 0 0 0 0 0 0 0 0 0 0 0 Total Indirect Costs 5,000 5,000 40,000 37,528 37,528 | -130 | Clerical | | | • | | |
| -310 Maintenance 95,643 81,928 78,800 80,165 80,165 -410 Travel 0 0 200 600 600 -420 Out of State Travel 932 0 0 0 0 0 -510 Equipment 1,660 0 1,000 1,000 1,000 -610 Programs 17,294 16,423 13,500 17,000 17,000 Total Expenses 127,244 115,224 112,600 118,665 118,665 -500 Capital Fund 0 0 0 0 0 0 0 -666 FY 89 Deficit 0 0 24,978 20,387 20,387 Total Capital Spending 0 0 24,978 20,387 20,387 Total Direct Costs 332,771 302,908 316,002 335,943 335,943 (Appropriated) INDIRECT COSTS: (Not Appropriated) Insurance & Benefits 0 0 30,000 29,580 29,580 Custodian 5,000 5,000 10,000 7,948 7,948 Audit 0 0 0 0 0 0 0 Total Indirect Costs 5,000 5,000 40,000 37,528 37,528 | | Total Personal Services | | | | | |
| -410 Travel 0 0 0 200 600 600 600 -420 Out of State Travel 932 0 0 0 0 0 0 0 -510 Equipment 1,660 0 1,000 1,000 17 | | | 11,715 | 16,873 | 19,100 | 19,900 | 19,900 |
| -420 Out of State Travel 932 0 0 0 0 0 0 0 0 -510 Equipment 1,660 0 1,000 1,000 1,000 1,000 -610 Programs 17,294 16,423 13,500 17,000 17,000 17,000 Total Expenses 127,244 115,224 112,600 118,665 118,665 -500 Capital Fund 0 0 0 0 0 0 0 0 0 0 0 -666 FY 89 Deficit 0 0 0 24,978 20,387 20,387 Total Capital Spending 0 0 24,978 20,387 20,387 701 Total Direct Costs 332,771 302,908 316,002 335,943 335,943 (Appropriated) Insurance & Benefits 0 0 30,000 29,580 29,580 Custodian 5,000 5,000 10,000 7,948 7,948 Audit 0 0 0 0 0 0 0 0 Total Indirect Costs 5,000 5,000 40,000 37,528 37,528 | | | 95,643 | 81,928 | 78,800 | 80,165 | 80,165 |
| -510 Equipment 1,660 0 1,000 1,000 1,000 1,000 -610 Programs 17,294 16,423 13,500 17,000 17,000 17,000 Total Expenses 127,244 115,224 112,600 118,665 118,665 -500 Capital Fund 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 | | | | | | | 600 |
| -610 Programs 17,294 16,423 13,500 17,000 17,000 17,000 Total Expenses 127,244 115,224 112,600 118,665 118,665 -500 Capital Fund 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 | | | | - | _ | _ | - |
| Total Expenses 127,244 115,224 112,600 118,665 118,665 -500 Capital Fund 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 | | | | - | | | |
| Total Expenses 127,244 115,224 112,600 118,665 118,665 -500 Capital Fund 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 | -610 | Programs | • | 16,423 | • | • | • |
| -666 FY 89 Deficit 0 0 24,978 20,387 20,387 Total Capital Spending 0 0 24,978 20,387 20,387 701 Total Direct Costs 332,771 302,908 316,002 335,943 335,943 (Appropriated) INDIRECT COSTS: (Not Appropriated) Insurance & Benefits 0 0 30,000 29,580 29,580 Custodian 5,000 5,000 10,000 7,948 7,948 Audit 0 0 0 7,948 7,948 Audit 0 0 0 30,000 37,528 37,528 Total Indirect Costs 5,000 5,000 40,000 37,528 37,528 | | Total Expenses | | 115,224 | | | |
| Total Capital Spending 0 0 24,978 20,387 20,387 701 Total Direct Costs 332,771 302,908 316,002 335,943 335,943 [Appropriated] Indirect Costs: (Not Appropriated) Insurance & Benefits 0 0 30,000 29,580 29,580 Custodian 5,000 5,000 10,000 7,948 7,948 Audit 0 0 0 0 0 0 Total Indirect Costs 5,000 5,000 40,000 37,528 37,528 TOTAL 701 BUDGET 337,771 307,908 356,002 373,471 373,471 | -500 | Capital Fund | 0 | 0 | 0 | 0 | 0 |
| Total Capital Spending 0 0 24,978 20,387 20,387 701 Total Direct Costs 332,771 302,908 316,002 335,943 335,943 INDIRECT COSTS: (Not Appropriated) Insurance & Benefits 0 0 30,000 29,580 29,580 Custodian 5,000 5,000 10,000 7,948 7,948 Audit 0 0 0 0 0 0 0 Total Indirect Costs 5,000 5,000 40,000 37,528 37,528 TOTAL 701 BUDGET 337,771 307,908 356,002 373,471 373,471 | -666 | FY 89 Deficit | 0 | 0 | | | |
| (Appropriated) INDIRECT COSTS: (Not Appropriated) Insurance & Benefits | | Total Capital Spending | 0 | 0 | | | |
| Insurance & Benefits 0 0 30,000 29,580 29,580 Custodian 5,000 5,000 10,000 7,948 7,948 Audit 0 0 0 0 0 0 0 Total Indirect Costs 5,000 5,000 40,000 37,528 37,528 TOTAL 701 BUDGET 337,771 307,908 356,002 373,471 373,471 | 701 | | 332,771 | 302,908 | 316,002 | 335,943 | 335,943 |
| Custodian 5,000 5,000 10,000 7,948 7,948 Audit 0 0 0 0 0 0 0 Total Indirect Costs 5,000 5,000 40,000 37,528 37,528 TOTAL 701 BUDGET 337,771 307,908 356,002 373,471 373,471 | | INDIRECT COSTS: (Not Appro | priated) | | | | |
| Custodian 5,000 5,000 10,000 7,948 7,948 Audit 0 0 0 0 0 0 0 Total Indirect Costs 5,000 5,000 40,000 37,528 37,528 TOTAL 701 BUDGET 337,771 307,908 356,002 373,471 373,471 | | Insurance & Benefits | 0 | 0 | 30,000 | 29.580 | 29.580 |
| Audit 0 0 0 0 0 0 0 Total Indirect Costs 5,000 5,000 40,000 37,528 37,528 TOTAL 701 BUDGET 337,771 307,908 356,002 373,471 373,471 | | | | | | | |
| TOTAL 701 BUDGET 337,771 307,908 356,002 373,471 373,471 | | Audit | - • | - • - | | | • |
| | | Total Indirect Costs | 5,000 | 5,000 | 40,000 | 37,528 | 37,528 |
| POOL ENTERPRISE RECEIPTS 268.184 276.475 356.700 373.471 373.471 | | TOTAL 701 BUDGET | 337,771 | 307,908 | 356,002 | 373,471 | 373,471 |
| | | POOL ENTERPRISE RECEIPTS | 268,184 | 276,475 | 356,700 | 373,471 | 373,471 |

[#]In accordance with Chapter 306 of the Acts of 1986, the Board of Selectmen recommends the FY1992 Pool Enterprise Fund Budget as set forth in the "No Override" column.

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|------|-------------------------|--------------------|--------------------|-----------------|----------------------|-------------------|
| 710 | YOUTH COMMISSION | | | | | |
| | Salaries | ο . | 0 | 0 | 0 | 0 |
| | Clerical | 0 | 0 | 0 | 0 | 0 |
| | Total Personal Services | 0 | 0 | 0 | 0 | 0 |
| -210 | General Expense | 242 | 0 | 100 | 100 | 100 |
| -611 | Community Programming | 1,200 | 1,535 | 1,500 | 1,500 | 1,500 |
| | Total Expenses | 1,442 | 1,535 | 1,600 | 1,600 | 1,600 |
| 710 | Total | 1,442 | 1,535 | 1,600 | 1,600 | 1,600 |
| | 350th CELEBRATION | | | | | |
| -210 | General Expense | 14,879 | 0 | 0 | 0 | . 0 |
| | Total Expenses | 14,879 | 0 | 0 | 0 | 0 |
| 715 | Total | 14,879 | 0 | 0 | 0 | 0 |
| | Offset: Free Cash | 15,000 | 0 | Ó | 0 | 0 |
| | Net 700 Budget | (121) | 0 | 0 | 0 | 0 |
| | TOTAL 700 BUDGET | 572,487 | 506,759 | 525,273 | 512,490 | 512,490 |
| | Offsets | 0 | 0 | 525,273 0 | 0 | 312,490 |
| | NET 700 BUDGET | 572,487 | 506,759 | 525,273 | 512,490 | 512,490 |

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| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|--------------|---|--------------------|--------------------|--------------------|----------------------|-------------------|
| 800 | BOARD OF HEALTH | | | | | |
| -100 | Director's Salary | 39,237 | 42,839 | 44,124 | 47,284 | 47,284 |
| | Clerical | 22,607 | 24,902 | 25,883 | 28,178 | 28,178 |
| -140 | Animal Inspector | 1,389 | 1,487 | 1,487 | 1,593 | 1,593 |
| | Extra Hire | 1,054 | 0 | 0 | 0 | 0 |
| | Total Personal Services | 64,287 | 69,228 | 71,494 | 77,055 | 77,055 |
| -210 | General Expense | 1,426 | 1,608 | 1,700 | 1,700 | 1,700 |
| -255 | Contracted Services | 0 | 1,720 | 1,500 | 1,500 | 1,500 |
| -310 | Maintenance | 180 | 176 | 200 | 200 | 200 |
| | Lab Expense | 2,212 | 192 | 3,700 | 500 | 500 |
| | Equipment | 0 | 0 | 0 | 0 | 0 |
| | SVNA | 34,545 | 35,398 | 37,370 | 34,834 | 34,834 |
| | Community Outreach Prog | 30,720 | 35,875 | 42,732 | 43,577 | 43,577 |
| | Mosquito Control | 19,000 | 21,000 | 21,400 | 21,400 | 21,400 |
| | Septage: Interest | 13,846 | 1,602 | 0 | 0 | 0 |
| -731 -811 | Septage: Operation. Exp. Studies & Surveys | 95,924 0 | 0 0 | 0 | 0 | 0 |
| -011 | Mental Health | 8,765 | 7,350 | 0 8,700 | - | • |
| | Hazardous Waste | 8,442 | 7,330 | 0. | | 6,050 0 |
| | Total Expenses | 215,060 | 104,921 | 117,302 | 109,761 | 109,761 |
| -901 | Capital Items | 0 | 11,979 | 0 | 0 | 0 |
| | Total Capital Spending | 0 | 11,979 | 0 | 0 | 0 |
| 800 | TOTAL | 279,347 | 186,128 | 188,796 | 186,816 | 186,816 |
| 900 | Veterans | | | | | |
| -100 | Agent's Salary | 3,181 | 3,372 | 3,372 | 3,613 | 3,613 |
| | Total Personal Services | 3,181 | 3,372 | 3,372 | 3,613 | 3,613 |
| -210 | General Expense | 891 | 750 | 750 | 750 | 750 |
| | Veteran's Benefits | 7,062 | 3,716 | 4,500 | 3,000 | 3,000 |
| | Total Expenses | 7,953 | 4,466 | 5,250 | 3,750 | 3,750 |
| 900 | TOTAL | 11,134 | 7,838 | 8,622 | 7,363 | 7,363 |

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| | • | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|-------|-------------------------------|---|--------------------|--------------------|---------------------------|-------------------|
| 95 | O UNCLASSIFIED | | | | | ···· |
| | | | | | | |
| | EMPLOYEE BENEFITS . | • | | | | |
| 0.07 | 7 Wanish # | | | | | |
| | Health Insurance Town Share: | 932,073 | 1,086,686 | 1,284,000 | 1,476,000 | 1,476,000 |
| | Scl Share: | 415,239 516,834 | 494,007 | 571,765 | 657,263 | 657,263 |
| | ber bhate. | 210,634 | 592,679 | 712,235 | 818,737 | 818,737 |
| -80 | l Life Insurance | 4,155 | 4,538 | 5,000 | 4,600 | 4,600 |
| | Town Share: | 1,851 | 2,063 | 2,227 | 2,048 | 2,048 |
| | Scl Share: | 2,304 | 2,475 | 2,773 | 2,552 | 2,552 |
| -811 | Retirement Fund | 690,163 | 672 572 | 675 000 | 052 000 | 052 000 |
| 01. | Town Share: | 545,298 | 673,572 532,189 | 675,000 | 853,000 | 853,000 |
| | Scl Share: | 144,865 | 141,383 | 533,318 141,682 | 673,955 | 673,955 |
| | 551 5114161 | 144,000 | 141,303 | 141,002 | 179,045 | 179,045 |
| -821 | Worker's Compensation | 102,466 | 115,882 | 160,000 | 160.000 | *** |
| | Town Share: | 66,603 | 76,482 | 160,000 107,984 | 160,000 | 160,000 |
| | Scl Share: | 35,863 | 39,400 | 52,016 | 107,984 52,0 16 | 107,984 |
| • | • | 00,000 | 37,400 | 32,010 | 32,016 | 52,016 |
| -822 | Prica/Medicare | 36,352 | 42,811 | 65,000 | 85,000 | 85,000 |
| | Town Share: | 16,195 | 19,462 | 28,945 | 37,850 | 37,850 |
| | Scl Share: | 20,157 | 23,349 | 36,056 | 47,150 | 47,150 |
| -825 | Unemploy. Compensation | • | | _ | | • |
| -02. | Town Share: | 0 | 0 | 0 | 1,000 | 1,000 |
| | Scl Share: | 0 | 0 | 0 | 445 | 445 |
| | box bhate. | v | U | 0 | 555 | 555 |
| -952 | Pension Lisb. 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 | 1,785,209 | 1,943,489 | 2,209,000 | 2 500 600 | 2 500 600 |
| | | .,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | 2,575,405 | 2,203,000 | 2,599,600 | 2,599,600 |
| | OPERATING EXPENSES | | | | | |
| | | | | | | |
| | Audit | 0 | 5,293 | 0 | 0 | 0 |
| -803 | Property/Liab. Insurance | 177,595 | 178,683 | 215,000 | 215,000 | 215,000 |
| | Town Share: | 93,463 | 106,744 | 108,726 | 108,726 | 108,726 |
| | Scl Share: | 84,132 | 71,939 | 106,274 | 106,274 | 106,274 |
| - 004 | Destruction Description | | | | · | |
| -904 | Print Town Report | 6,813 | 6,828 | 8,000 | 8,000 | 8,000 |
| -814 | Memorial Day Town Meetings | 1,274 | 1,236 | 1,325 | 1,325 | 1,325 |
| -815 | Postage | 15,919 23,988 | 15,943 | 18,400 | 18,000 | 18,000 |
| -816 | Telephone | | 20,996 | 24,500 | 30,000 | 30,000 |
| -818 | Gasoline | 19,601 46,594 | 24,957 46,893 | 23,000 | 25,500 | 25,500 |
| -830 | Handicapped Transport | 3,560 | 40,093 | 45,000 0 | 45,000 | 45,000 |
| ~951 | Copying | 9,255 | 7,427 | 11,000 | 0 10,000 | 0 10,000 |
| -953 | Copiers: Equipment | 0 | 0 | 11,000 | 10,000 | 10,000 |
| | | - | <u>-</u> | · | J | v |
| | Total Operating Expenses | 304,599 | 308,256 | 346,225 | 352.825 | 352,825 |

;

| | | Expend. FY 89 * | Expend. FY 90 * | Approp. FY 91** | FY 92 NO OVERRIDE | FY 92 OVERRIDE |
|-----|--|-----------------------------------|-----------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 950 | TOTAL UNCLASSIFIED (Total Town Related) (Total School Related) | 2,089,808 1,281,455 808,353 | 2,251,745 1,371,030 880,715 | 2,555,225 1,499,991 1,055,234 | 2,952,425 1,741,899 1,210,526 | 2,952,425 1,741,899 1,210,526 |
| | Offset: Free Cash Offset:Abstement Surplus | 777,098 9 0,000 | 123,000 287,394 | 331,142 0 | 100,000 175,000 | 100,000 175,000 |
| | NET 950 BUDGET Pool Ent.Fund Revenue Lndfill Ent.Fund Revenue | 1,222,710 | 1,841,351 0 41,853 | 2,224,083 30,000 32,715 | 2,677,425 29,580 38,604 | 2,677,425 29,580 38,604 |
| 970 | TRANSFER ACCOUNTS ** | | | | | |
| | Salary Adjustment Acct. Reserve Fund | 163,732 125,000 | 0 74,259 | 0 80,000 | 0 100,000 | 0 100,000 |
| 970 | TOTAL TRANSFER ACCOUNTS | 288,732 | 74,259 | 80,000 | 100,000 | 100,000 |
| | Offset:Abatement Surplus Offset:Free Cash | 125,000 0 | 74,259 0 | 0 | 20,000 | 0 20,000 |
| | NET 970 BUDGET | 163,732 | 0 | 80,000 | 100,000 | 100,000 |
| | | | | | | |
| | TOTAL OPERATING BUDGET | 23,854,486 | 24,377,886 | 25,553,088 | 25,951,564 | 26,266,564 |
| | Total Offsets Free Cash Applied | 527,500 1,223,520 | 425,506 123,000 | 19,125 331,142 | 241,442 120,000 | 241,442 120,000 |
| | NET OPERATING BUDGET | 22,103,466 | 23,829,380 | 25,202,821 | 25,590,122 | 25,905,122 |

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.

1990-91 RESERVE FUND TRANSFERS

| Reserve Fund Appropriation | \$80,000.00 |
|--|-------------|
| ACCOUNT NUMBER/DESCRIPTION | AMOUNT |
| 502-710 Engineering - Uniforms | 2,200.00 |
| 360-310 Conservation - Maintenance | 2,500.00 |
| 518-310 Council on Aging - Maintenance | 1,307.30 |
| 516-210 Cable Television Committee - General Expense | 836.17 |
| 521-255 Accounting - Contracted Services | 15,000.00 |
| BALANCE AS OF 1/31/91: | \$58,156.53 |

100 EDUCATION: 110 SUDBURY SCHOOLS

| | FY | 90 | FY | 91 | LEVEL FY | SERVICE 92 |
|--|--------------|-----------|---------------|--------------|--------------|---------------|
| | Staff | Cost | Staff | Cost | Staff | Cost |
| Total Gross Budget | 195.90 | 8,735,113 | 196.30 | 8,755,307.00 | 199.15 | 9,497,446 |
| Offsets: State & Federal Grants | | 106,347 | | 118,221.00 | | 100,492 |
| Total Net Budget | | 8,629,086 | | 8,637,086.00 | | 9,396,954 |
| Section 1.0 Professional Staff | 131.30 | 5,170,178 | 133.70 | 5,272,347.00 | 135.60 | 5,780,916 |
| Section 2.0 Support Staff | 64.60 | 1,764,322 | 62.60 | 1,758,148.00 | 63.55 | 1,879,966 |
| Section 3.0 Supplies/Services Equipment | | 1,800,633 | | 1,724,812.00 | | 1,836,564 |
| Equipment | | | | | | |
| Section 1.0 Professional Staff | 131.30 | | 133.70 | | 135.60 | |
| 1.1 Classroom Teachers | 74.00 | | 76.50 | | 79.00 | |
| Elementary | 44.00 | | 46.50 | | 48.00 | |
| Middle | 30.00 | | 30.00 | | 31.00 | |
| 1.2 Spec. Subject Tchrs | 29.50 | | 28.5 0 | | 28.30 | |
| 1.3 Remedial Teachers | 27.80 | 1,114,704 | 28.70 | 1,160,404.00 | 28.30 | 1,235,330 |
| Section 1.2 Special Subject Tchrs | 29.50 | 1,157,530 | 28.50 | 1,147,285.00 | 28.30 | 1,237,674 |
| 1.2.1 Art | 3.00 | | 3.00 | | 3.00 | |
| 1.2.2 Catalyst | 4.00 | | 4.00 | | 4.00 2.00 | ļ |
| 1.2.3 Computer | 2.00 | | 2.00 1.80 | | 1.80 | |
| 1.2.4 Foreign Language 1.2.5 Home Economics | 1.80 1.80 | | 1.60 | | 1.60 | |
| | 2.00 | | 1.20 | | 1.00 | |
| 1.2.6 Industrial Arts 1.2.7 Instrumental Music | 2.00 | | 2.00 | | 2.00 | |
| 1.2.8 Librarian | 3.00 | | 3.00 | | 3.00 | |
| 1.2.9 Music | 3.00 | | 3.00 | | 3.00 | |
| 1.2.10 Phys Ed | 6.00 | | 6.00 | | 6.00 | |
| 1.2.11 Writing | 0.90 | | 0.90 | | 0.90 | |
| | | | | | | |
| | | | | | | 2/23/91 |

110 SUDBURY SCHOOLS

| | | | | | LEVEL | SERVICE |
|---|-----------|--|--------------|-----------|-------|---|
| | — FV | 90 | FY | 01 | | 92 |
| | Stati | Cost | Staff | Cost | Stall | Cost |
| | | | | | | 7.07 |
| Section 1.3 Remedial Teachers | 27.80 | 1,114,704 | 28.50 | 1,160,404 | 28.30 | 1,235,33 |
| 1.3.1 Early Childhood | 0.50 | | 0.50 | | 0.30 | |
| 1.3.2 Guidance | 6.30 | | 6.30 | | 6.30 | |
| 1.3.3 Psychologist | 1.00 | | 1.00 | | 1.00 | |
| 1.3.4 Reading | 4.00 | | 4.00 | | 3.50 | *************************************** |
| 1.3.5 SPED-Resource | 9.00 | | 9.00 | | 9.30 | |
| 1.3.6 SPED-Sub Separate | 4.30 | · · · · · · · · · · · · · · · · · · · | 5.00 | | 5.00 | ~ |
| 1.3.7 Speech | 2.70 | | 2.70 | | 2.70 | |
| Section 2.0 Support Stat! | 64.60 | 1,764,322 | . 62.60 | 1,758,148 | 63.55 | 1,879,96 |
| 2.1 Teachers Assistants | 21.00 | 250.811 | 20.50 | 261,884 | 21.00 | 293,92 |
| Computer | 1.00 | | 1.00 | | 1.00 | |
| Genesis-Grade 1 | 4.00 | ······································ | 4.00 | | 4.00 | |
| Kindergarten | 6.00 | | 5.50 | | 6.00 | |
| Library | 5.00 | | 3.00 | | 5.00 | |
| Special Education | 3.00 | | 5.00 | | 5.00 | |
| 2.2 Office Support | 20.10 | 418,301 | | | 20.30 | |
| 2.3 Custodial-Maintenance | 14.50 | | | | | 386,35 |
| 2.4 Administrators | 9.00 | | | 568,369 | 9.00 | |
| 2.5 Contracted Services | | 127,900 | | 126,900 | | 143,26 |
| Section 3.0 Supplies/Services | | 1,800,633 | | 1,724,812 | | 1,836,56 |
| Haynes/Noyes/Curtis | | 147,800 | | 128,600 | | 128,25 |
| Curriculum Department | | 90,515 | | 80,000 | | 80,00 |
| SPED/PPS Department | | 603,975 | | 603,975 | - | 699,00 |
| Maintenance | | 159,170 | | 159,170 | | 159,20 |
| Heat,Elec.,Tel. | | 232,910 | | 232,910 | | 256,92 |
| Central Off.,S.C. | | 81,133 | | 76,000 | | 82,50 |
| Health Services | | 84,733 | | 84.733 | | 89,90 |
| Transportation | | 278,897 | | 289,124 | | 288.30 |
| Equipment | | 121,500 | | 70,300 | | 52,27 |
| | | | LEVEL | LEVEL | | |
| STAFF PUPIL SUMMARY | | · | SERVICE | FUNDED | | |
| | 1989-90 | 1990-91 | 1991-92 | 1991-92 | | |
| Number of Pupils | 1.794 | 1.828 | 1,886 | 1,886 | | |
| Teaching Staff | 131.3 | 133.7 | 135.6 | 120.1 | | |
| Other Staff | 64.6 | 62.6 | 63.55 | 31.5 | | |
| Cost Per Pupil (Gross) | \$4.869 | \$4,790 | \$5.036 | \$4,650 | | |
| + School Benefits | \$880.715 | | \$121 0. 526 | | | 2/23/91 |
| r School Benefits Total Per Pupil Cost | \$5,360 | \$1.055.234 \$5.367 | | | | 444771 |
| car Ler tobir copt | 132,200 | 70,00/ | \$5,678 | \$5.284 | | |

100 EDUCATION: 130 LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT

| | FY '89 | FY '90 | FY '90 | FY 191 | FY '92 |
|---------------------------|---------|--------------------|--------------|---------|----------|
| Administration: | Budget | Budget | Expenditure | Budget | Proposed |
| School Committee | 24,000 | 43,000 | 107,822.17 | 46,000 | 46,000 |
| Administration | 33,500 | 29,000 | 36,962.97 | 27,250 | 35,950 |
| Business Office | 13,150 | 13,150 | 13,726.79 | 14,480 | 15,350 |
| Central Office | 19,500 | 17,500 | 18,462.03 | 17,500 | 17,700 |
| | 90,150 | 102,650 | 176,973.96 | 105,230 | 115,000 |
| | FY *89 | FY '9 0 | FY '90 | FY '91 | FY '92 |
| Instruction: | Budget | Budget | Expenditure | Budget | Proposed |
| Art | 7,000 | 6,750 | 7,467.13 | 6,125 | 6,125 |
| Business | 34,185 | 32,410 | 20,511.94 | 0 | 0 |
| Computer | 120,206 | 75,615 | 105,399.17 | 31,100 | 37,600 |
| English | 15,850 | 14,500 | 15,344.41 | 14,500 | 16,720 |
| Foreign Language | 12,100 | 11,800 | 10,561.89 | 9,100 | 9,600 |
| History | 13,050 | 10,900 | 12,666.62 | 14,650 | 15,050 |
| Home Economics | 8,770 | 8,350 | 2,936.38 | 0 | 0 |
| LS Central | 8,050 | 6,885 | 1,415.45 | 6,400 | 6,650 |
| Mathematics | 7,225 | 9,325 | 9,020.44 | 8,650 | 9,450 |
| Music | 9,300 | 6,900 | 7,708.26 | 6,830 | 20,000 |
| -Physical Education | 15,400 | 14,250 | 14,589.94 | 11,400 | 12,000 |
| Science | 21,800 | 19,900 | 23,313.20 | 19,400 | 20,400 |
| Technology | 27,840 | 16,800 | 7,270.51 | 6,000 | 8,800 |
| Hork Experience | 3,125 | 4,450 | 1,235.22 | 3,450 | 4,175 |
| Human Relations | 2,500 | 0 | 0.00 | 0 | 0 |
| General Supplies | 35,000 | 43,500 | 43,736.23 | 47,000 | 51,000 |
| Instruction Total | 341,401 | 282,335 | 283, 176. 79 | 184,605 | 217,570 |
| | FY '89 | FY ¹ 90 | FY '90 | FY '91 | FY '92 |
| Educational Support | Budget | Budget | Expenditure | Budget | Proposed |
| House Services | 17,300 | 17,000 | 12,512.03 | 17,000 | 17,700 |
| Student Services | 51,246 | 55,188 | 56,360.17 | 41,592 | 20,650 |
| Audio-Visual | 23,150 | 26,850 | 36,797.42 | 20,350 | 15,650 |
| Library | 17,050 | 14,050 | 17,048.84 | 14,050 | 14,950 |
| Student Activities | 12,500 | 5,000 | 4,354.08 | 10,000 | 15,000 |
| Athletics | 104,400 | 41,800 | 40,280.37 | 104,000 | 124,000 |
| Transportation | 277,000 | 276,000 | 253,793.80 | 231,955 | 250,000 |
| Cafeteria Transfer | . 0 | 0 | 25,000.00 | 0 | 0 |
| Development | 10,000 | 8,000 | 9,746.88 | 8,000 | 10,000 |
| Educational Support Total | 512,646 | 443,888 | 455,893.59 | 446,947 | 467,950 |

130 LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT

| Operations | FY '89 Budget | FY ¹ 90 Budget | FY '90 Expenditure | FY '91 Budget | FY '92 Proposed |
|-------------------------------|--------------------|------------------------------|--------------------------|------------------------------|--------------------|
| Custodial | 46,500 | 45,500 | 39,870.33 | 37,000 | 37,250 |
| Grounds | 25,500 | 27,700 | 22,584.66 | 28,700 | 28,700 |
| Naintenance | 178,000 | 169,000 | 189,616.78 | 176,500 | 182,500 |
| Utilities | 293,400 | 282,300 | 258,979.32 | 294,500 | 339,700 |
| Operations Total | 543,400 | 524,500 | 510,151.09 | 536,700 | 588,150 |
| Special Education | fY '89 Budget | FY '90 Budget | FY '90 Expenditure | FY ¹ 91 Budget | FY '92 Proposed |
| Local Services | 445 450 | 165,950 | 161,010.51 | 100 517 | 204, 517 |
| Out-of-District | 146,450 515,000 | 802,915 | 611,775.77 | 192,517 892,880 | 711,692 |
| Special Ed Total | 661,450 | 968,865 | 772,786.28 | 1,085,397 | 916,209 |
| • | FY '89 | FY '90 | FY '90 | FY ¹ 91 | FY '92 |
| Contingency | Budget | Budget | Expenditure | Budget | Proposed |
| Contingency | 25,000 | 25,000 | 0.00 | 50,250 | 50,250 |
| Contingency Total | 25,000 | 25,000 | 0.00 | \$0,250 | 50,250 |
| Salaries & Other | FY 'B9 | FY '90 | FY '90 | FY '91 | FY '92 |
| Compensation: | Budget | Budget | Expenditure | Budget | Proposed |
| Administration | 460,000 | 465,588 | 440,835.00 | 465,505 | 452,007 |
| Administrative Support | 109,900 | 119,921 | 104,664.80 | 93, 395 | 100,867 |
| Professional Staff | 3,788,638 | 3,424,431 | 3,415,643.00 | 3,418,902 | 3,736,736 |
| Course Reimbursement | 15,000 | 15,000 | 15,001.90 | 19,000 | 19,000 |
| Curriculum Development | 30,000 | 30,000 | 29,974.00 | 30,000 | 32,000 |
| Extra Services | 30,000 | 35,000 | 29,408.00 | 35,000 | 40,500 |
| Educational Support | 214,839 | 181,358 | 159,396.00 | 172,462 | 202.376 |
| Substitutes Clerical | 45,000 | 45,000 | 44,596.00 | 45,000 | 50,000 |
| Blg./Grds/Maint. | 318,210 430,390 | 313,763 444,421 | 325,119.00 439,792.00 | 312,436 416,446 | 359,435 460,880 |
| Coaches/Trainer | 156,000 | 90,000 | 90,000.00 | 170,000 | 182,000 |
| Unemployment Compensation | 6,000 | 100,000 | 44,605.89 | 96,000 | 40,000 |
| Salaries Total | 5,604,177 | 5,264,482 | 5,139,035.59 | 5,274,146 | 5,675,801 |
| | FY '89 | FY '90 | FY '90 | FY 191 | FY '92 |
| Regional Fixed Costs | Budget | Budget | Expenditure | Budget | Proposed |
| Insurance Benefits | 65,201 628,000 | 71,501 705,000 | 68,785.95 689,938.31 | 76,900 | 79,100 931,500 |
| Regional Fixed Costs | 693,201 | 776,501 | 758,724.26 | 890,915 | 1,010,600 |
| THEY TO HELL F LANGUING COSES | 0234501 | 770,501 | , 001, 124, 20 | 050,510 | 1,010,000 |

130 LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT

| | FY '89 | FY '90 | FY '90 | FY '93 | FY '92 |
|--|---------------|-------------------|--------------|----------------------------|---------------------------------------|
| Debt Service | Budget | Budget | Expenditure | Budget | Proposed |
| Roof Debt | 108,575 | | | 0 | |
| Renovation Debt | | 191,175 | 191,175.00 | 182,025 | 172,875 |
| Debt Service Total | 108,575 | 191, 175 | 191, 175.00 | 182,025 | 172,875 |
| | FY 189 | FY '90 | FY '90 | FY '91 | Fy '92 |
| Capital Projects | Budget | Budget | Expenditure | Budget | Proposed |
| Various Asbestos Capital Project Study Boiler | | 10,000 | 10,000.00 | 0 0 25,000 10,000 | |
| Capital Project Total | 0 | 10,000 | 10,000.00 | 35, 000 | 0 |
| TOTAL BUDGET | 8,580,000 | 8 ,589,396 | 8,297,916.56 | 8,791,215 | 9, 214, 405 |
| Less Estimated Receipts: | | | | | |
| | 0 | 0 | 0.00 | (191,966) | (180,000) |
| | 8,580,000 | 8,589,396 | 8,297,916.56 | 8,599,249 | 9,034,405 |
| | ************* | ****** | *********** | 就并非正正是 计电报 大大学的 | 完 业业 医 医 医 单 单 4 4 4 7 5 5 5 5 |
| | | | | FY '91 | FY '92 |
| OFFSETS | | | | Budget | Proposed |
| State Aid: | | | | \ | |
| Chapter 70 | | | | 707,774 | 611,517 |
| Chapter 71 | | | | 494,300 | 427,075 |
| Transportation | | | | 260,000 | 258, 958 |
| Residential Tuition | | | | 100,000 | 100,000 |
| Construction Aid | | | | 0 | 0 |
| Total State Aid | | | | | |
| | | | | 1,562,074 | 1,397,550 |
| Ajustments from Prior Yea | ın | | | 266,579.20 | 294,745.80 |
| Total Offsets | | | | 1,828,653.20 | 1,692,295.80 |
| | | | | | |
| TOTAL ASSESSMENT | | | • | 6,770,595.80 | 7,342,109.20 |
| Sudbury Assessment | | | | 5,989,787.60 | 6,453,762.04 |
| F1ncom Recommended Assess | sment . | | | | 6,317,490.28 |
| Overryide Assessment | | | | | 6,417,490.01 |

100 EDUCATION: 140 MINUTEMAN REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL

| | | Amount FY91 | | Proposed FY92 | Dif | ference % |
|-----------------------|----------------|----------------|-------------|-------------------|------|-----------|
| DOUCDAM ADEX | | | | | | |
| PROGRAM AREA | | 00 020 | | 00 070 | | |
| Construction | \$ | 90,930 | | 90,970 | | 40 |
| Commerical | | 166,218 | | 165,418 | - | 800 |
| Technology | | 55,210 | | 54,646 | - | 564 |
| Auto/Metals | | 56,382 | | 54,757 | - | 1,625 |
| Academic | | 144,363 | | 148,923 | | 4,560 |
| Instruction Sub-tot | al · \$ | 513,103 | \$ | 514,714 | | 1,611 |
| SUPPORT DIV. | | | | | | |
| Library | \$ | 22,100 | \$ | 21,900 | _ | 200 |
| Audio-visual | | 8,675 | | 8,675 | | 0 |
| Television | | 870 | | 870 | | ō |
| Microcomputer Service | | 24,850 | | 24.850 | | ō |
| Special Education | | 10,300 | | 10,300 | | ŏ |
| Psychological Service | | 4,400 | | 4,400 | | ŏ |
| Guidance Service | | 11,810 | | 11,810 | | ŏ |
| Health Service | | 8,301 | | 8,301 | | 0 |
| Principal's Office | | 77,775 | | | | Ö |
| Transportation | | 715,892 | | 77,775 722,592 | | 6,700 |
| Vocation Coordination | | 7,650 | | | | 6,700 |
| Computer Service Mini | | | | 7,650 | | |
| Dean's Office | | 40,255 | | 38,255 | _ | 2,000 |
| | | 2,400 | | 2,400 | | 1 000 |
| District Programs | | 48,900 | | 49,900 | | 1,000 |
| Superintendent's Offi | ce | 4,650 | | 4,650 | | 0 |
| Planning Office | | 51,260 | | 51,260 | | 0 |
| Business Office | | 14,950 | | 13,450 | - | 1,500 |
| Risk Insurance | | 115,340 | | 122,650 | | 7,310 |
| Employee Benefits | | 987,295 | | ,052,759 | | 65,464 |
| Medicare | | 27,000 | | 36,300 | | 9,300 |
| Custodial | | 20,700 | | 22,000 | | 1,300 |
| Utilities | | 433,500 | | 481,050 | | 47,550 |
| Maintenance Operation | s | 59,000 | | 54,000 | _ | 5,000 |
| Maintenance Repairs | | 94,950 | | 102,450 | | 7,500 |
| Building Improvement | | 115,361 | | 118,000 | | 2,639 |
| Debt Management | | 15,000 | | 0 | | 15,000 |
| Equipment/Capital | | 156,685 | | 148,344 | - | 8,341 |
| Food Service | | 9,675 | | 5,450 | _ | 4,225 |
| Support Div. Sub-to | tal \$3, | 089,544 | \$3 | ,202,041 | | 112,497 |
| SALARIES | \$5 , | 757,389 | \$ 5 | ,980,639 | | 223,250 |
| TOTAL | \$9, | 360,036 | \$9 | ,697,394 | | 373,358 |
| ESTIMATED ASSESSMENT, | based on level | funded | Stat | e Aid | \$ | 366,381 |
| Apportionment Formula | : Day Share | | Afte | rnoon Share | | |
| Students (39) | Operating \$ | + | | Pupils (11) | - \$ | 366,381 |
| 6 49297 | \$364 531 | - | <u></u> | 3 950 | - 4 | 200,201 |

6.4929% \$1,850 \$364,531

Before a motion was received under this Article, the Moderator explained to the voters the Article, as printed in the Warrant, contained two proposed budgets: one a "Non-override Budget" and the other a "Proposed Contingency Budget"; which, if voted, would require an "override vote" of the Town at a special election to be held later in the spring.

Following, Mr. Ryan of the Finance Committee recapped briefly the highlights of the previous evening's discussion on the Town's revenue situation: Local Aid figures had dropped precipitously over the last four years from 3.5 to 2.4 million dollars; new construction had dropped from almost \$800,000 to \$100,000 during the same period of time; total revenues available in FY89 were roughly \$25.5 million and in FY92 26.3 million, an increase of approximately \$800,000. Local Aid went from 14% to 9%; new construction went from 3% to 3/10th of 1%; Free Cash dropped from 5% to 1%; the Abatement Surplus Account went from around 2% to about 1/2 of 1%; and the tax levy had increased by 12% during this four year period in terms of its share of the revenue base. He noted that if the Town intended to increase or just maintain its present revenue base, the only source of additional funds would be the Tax Levy.

Mr. Ryan moved that the amount appropriated under the "Override Budget" not exceed the sum of \$26,279,511.

The motion received a second.

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

Ivan Lubash of Barbara Road and a Trustee of the Goodnow Library acknowledged the information provided as valid, however, he noted that the incomes of a great many people in Sudbury have not increased and they have no resources. He urged the voters not to support this motion as it was inappropriate for the school committees to be increasing salaries at this time.

Lincoln Anderson of Goodman's Hill Road spoke to the budget itself and specifically to certain line items. In response to the FinCom Chairman's comment that the property taxes have gone up 12% as a share of the budget, he commented that they have gone up considerably more in aggregate not as a share of the budget. He noted it would not be large at all if everyone's income were steadily going up or even stable. However, now in the deepest recession that has been seen in the past ten years or more in this state, resident's incomes are probably level or falling in nominal terms, which brought up once again the issue of salary increases for public employees. "When asking people to pay higher taxes, we should take into account we are saying 'this small amount here', 'the marginal increase is small', and 'it's not a big deal'." He emphatically said, "It is not! What is large is the tax bill we are forced to pay with level or falling nominal incomes." Looking at the Engineering budget, he noted one position had been eliminated, but as was previously pointed out by Mr. Ryan, new construction in Sudbury had collapsed. It has gone from close to a million dollars down to zero. He asked, "Why, in that kind of environment, do we need to be spending these kinds of money on the engineering?" When speaking about the Police Department, he asked, "Do we really need new radios? I see nothing in the documents that shows me there has been some sort of rise in crime rates or is there a big crime wave here that is triggering a need to spend all this money on radios in the midst of a recession in the Town of Sudbury?" He noted the uniform budget and said, "We are spending close to \$16,000 a year on uniforms. I don't know where we shop for uniforms, but unless we have a much larger Police Department than I suspect, it may well be that they are in at Brooks Brothers." He pointed out it was the same story with the Fire Department, but if that included the big rubber suits, it was understandable. Alluding to Mr. Ryan's comment that further cuts could force the closing of one of the fire stations, Mr. Anderson asked, "Why the heck are we building a new Fire Station right now or a new Fire Headquarters costing 1.2 million dollars?" He also spoke of the cost to the town to have Goodman's Hill Road paved, where people already drive way too fast. With a tight budget, he would have expected this street to "slide a little bit" and have pot holes appear. As for General Government, he noted the Selectmen's Executive Secretary's salary budgeted fora 7.2% increase to \$77,800. The Pool Enterprise Fund he pointed out

spends \$356,000, "....amazingly enough, that is exactly what it takes in." He commented further, "It does balance the operating budget, but it doesn't repay any interest or retire any of the debt which it was promised to do." He noted \$178,000 is being spent just on swimming pool personnel, and another \$178,000 to maintain the pool, which he considered as high. Lastly, he referred to the Dog Officer's budget, and the fact that less than 100 dogs were caught last year. This averaged out to \$250/dog the Town has paid, which Mr. Anderson called "Absurd!" He considered this an absurd waste of his money, especially when it was six times what is spent by the Veteran's Officer. It was his opinion that there were a number of line items in the budget, outside of the schools, that could be reduced without any 2-1/2 override. He suggested that rather than fire eleven teachers and raising taxes, he proposed cutting the engineering and public works budgets much more, as well as the Police radios and reduce the uniform budget sharply. He believed the Fire Department and the General Government Account could both be reduced further and pool spending should be cut and the dog officer's budget should be reduced to a bare minimum. It was his considered opinion that, "There is a lot of fat still evident in this budget. I find arguments for an override and higher taxes at this time quite unpersuasive."

Jeffrey Schaffer of Griffin Lane asked for the amount of real dollars we would be getting this year from the State, and what the difference would be from that received last year. He was informed that in FY91 the Town received \$2,633,837 and in FY92 it was \$2,370,453. Mr. Schaffer then noted that according to information received from the Assessors Department, commercial values have decreased around 30-40%, therefore homeowners taxes would automatically go up around 10%, depending upon the value of your home. The reason being when business/commercial values decrease then the burden is placed upon the residential owners whose values also have decreased. He noted that as long as the town has a \$21 million budget, there are no other options. He further noted that the only solution presented for the past two nights for the loss of local aid, was to place the burden on the homeowners. Considering the shortfall of this year, an override of \$315,000, and what will probably happen next year, which he believed would be tougher economic times than now, he inquired, "What structurally is the Town doing in terms of stepping back, blinking twice, starting from a zero base budget and asking how can you do things differently?" He noted some suggestions, i.e. shared fire departments, shared police departments, reduction or elimination of cars for employees, etc. The Town having approved \$11 million dollars in overrides during the past four years, and an annual budget of \$25 or \$26 million, he believed the taxpayers were doing their share. He addressed the 17% salary increase over the next two years for the non-teacher union employees, noting it was a three-year contract but the 17% was front-loaded over two years. Commenting on the loss of three quarters of a million just in the tax levy, and the need for an override, indicated to him that this wasn't "business as usual" in this Town. However, listening to the Selectmen and the Finance Committee endorse all of the increases, he felt he was hearing "business as usual", which disappointed him as he believed the Town must be more prudent.

William Reed of Candy Hill Lane, acknowledging that Sudbury is considered a "plush" town, noted that it has not taken into consideration the tremendous loss of employment in the area—the closing of the General Motors Plant in Framingham, layoffs at Digital, Raytheon, and John Hancock, all of which may have affected many who live in the area. He pointed out the salary of the prior Superintendent of Sudbury's Public Schools having been in excess of that of the Superintendent of the entire Boston School System. He was concerned that the Town should look at its priorities and recognize it is paying too much for what it is getting.

Peter Anderson of Landham Road, noted there were approximately 9,000 registered voters in Sudbury, and they would not have a chance to speak on the "override budget" if this motion were to fail. He urged the support of the voters.

Theodore Fedynyshyn of Atkinson Lane staunchly supported the "override budget" motion as it would provide an additional \$250,000 to the two school systems. However, he felt he could question some of the rather high salary increases. It was his concern the schools would indeed be hurt should they not receive the additional funding.

Thomas Moriarty of Blueberry Hill Lane expressed his concern that the Hall was working without enough information. He pointed out the L-S Regional Budget as comparing FY91 budget with FY92 budget, but there are no "actuals" for FY91. There are for FY90. He noted the Special Education as an example. In Fiscal Year '90 the budget was \$968,000, the actual was \$772. Fiscal Year '91 was budgeted for a million eighty-five and the proposed budget was \$916, but there were no details for the one million eighty-five. He pointed out there have been cost reduction programs, but there are no numbers. We're told there have been a number of positions eliminated; how much did each of the positions translate into hard dollar savings year to year? He wanted to know what real costs and cost increases are we facing. He wasn't sure that we have a revenue problem. Without enough information, it is not possible to know if it is a revenue problem or one that can be approached from controlling expenses. He emphasized the need for the missing information—Fiscal Year '91 actual numbers and asked if the Finance Committee had the same. The Moderator answered for the Finance Committee by stating Fiscal Year '91 had not ended yet and that the Finance Committee did not have quarterly numbers.

Chairman Ryan of the Finance Committee noted that they received monthly expenditure reports on all budgets, and look very closely at these as well as the past two fiscal years in determining where money may best be saved. The Committee also receives a six-year analysis on what accounts were underfunded over this same period of time, as well as those accounts that were overfunded.

Mr. Moriarty pointed out that it is not an "individual line-item" question, it is a "process" question. He asked where is the process where there is a zero based budget analysis that says okay, we have not only a revenue problem, but we may have an expense problem. He asked if that was done this year?

Mr. Ryan noted that the Finance Committee as a whole did not adopt this principle of zero-based budgeting.

Mr. Moriarty concluded his observations saying, "What I am hearing is that we don't have actual and forecast FY91 numbers, but we are being asked to approve a FY92 increase plus an override, and there hasn't been a process where we built the thing up from the botton with enough detail to insure that we have our expense structure under control. On that basis, I don't feel very good about approving an override."

The limiting motion on the "Override Budget" was VOTED.

Hans Lopater of Winsor Road inquired as to the total number of teachers, administrators and custodial personnel in the Sudbury Public Schools. Before he received a response to this question, the Moderator interjected that the main motion for the budget had not been placed.

At this time John Ryan of the Finance Committee \underline{moved} that the 7own appropriate the sums of money set forth in the Warrant under Article 9 in the column "FY92 Override" for Fiscal Year 1992, except as follows:

| <u>Line Item</u> | Override Budget | | |
|------------------|-----------------|--|--|
| 100-140 | \$ 379,328 | | |
| 460-389 | \$ 22,000 | | |
| 460-470 | \$ 58,000 | | |
| 501-100 | \$ 72.591 | | |

Amend account number for Public Works Snow & Ice from 420 to 410;

The following items to be raised as designated, by transfer from available fund balances and interfund transfers:

| From | <u>70</u> | Amount |
|--------------------------------------|-----------|---------|
| Ambulance Reserve for Approp. Acct. | 310-110 | \$ 750 |
| Ambulance Reserve for Approp. Acct. | 310-120 | 16,150 |
| Ambulance Reserve for Approp. Acct. | 310-210 | 300 |
| Ambulance Reserve for Approp. Acct. | 310-310 | 2,000 |
| Ambulance Reserve for Approp. Acct. | 310-510 | 5,000 |
| Ambulance Reserve for Approp. Acct. | 310-810 | 800 |
| Wetlands Protection Account | 360-195 | 4,125 |
| Cemetery Fund | 410-110 | 20,000 |
| Cemetery Sale of Lots | 410-110 | 8,000 |
| 1982 ATM Art. 14, Dutton Walkway | 410-110 | 3,552 |
| 1986 STM Art. 6, Highway Roof Repair | 470-110 | 3,765 |
| Dog Licenses | 600-520 | 2,000 |
| Akatement Surplus | 950-800 | 175,000 |
| Free Cash | 950-800 | 132,947 |

and further, that appropriations within departmental ludgets 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 Sudhury Public Schools, Sudhury Assessment (Schools), Total Delt 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.

Continuing with the previous question, Mr. Lopater was informed there were 125 teachers and 26.6 administrative people, which suggested to him that there are 26 people who are not teaching and 125 who are teaching, which to him said the ratio was too high, one administrative person for approximately every 5 people. Thereupon he urged the School Committee to look at the administrative area for savings, especially in these difficult times.

Ralph Tyler of Deacon Lane <u>moved</u> that FY1992 education resources be shifted to reduce the disparity of per student funding provided by Sudbury taxpayers in the Override Budget as follows:

| ~ | - Destait Surger us poetous. | | | Override | | | |
|---------------------|---|------------------|------------------------|--------------|--|--|--|
| | | | \$ Change | FY92 Budget | | | |
| Inca | Increase Line Items | | | | | | |
| Sudl | ury Public Schools | | | | | | |
| 110 | Net Sudbury Pub. Schools Salary Account Equipment & Maintenance Anticle 23 \$136,900 Equipment & Supplies \$50,000 | \$176,560 | | | | | |
| | Subtotal Total 110 Acct. | <u>\$186,900</u> | ly \$ 363,460 | \$ 9,284,826 | | | |
| | and | | | | | | |
| 950 | Unclassified Benefits S.P.S. (17%) | | ly <u>\$ 30,015</u> | \$ 2,629,615 | | | |
| | Total True Cost S.P.S. for Total Increases of | | \$ 393,475 | | | | |
| Decrease Line Items | | | | | | | |
| LSRH | S | | | | | | |
| 130 | Sudbury Assessment | | ly \$(353,040) | \$ 6,064,450 | | | |
| Minu | temen 7ech. | | | | | | |
| 140 | Sudbury Assessment | | by <u>\$(40,435</u>) | \$ 338,893 | | | |
| | Total Decreases of | | \$(393,475) | | | | |

This motion received a second.

In support of his motion to amend, Mr. Tyler stated it was important to make a comparative analysis of the cost per student in each of the school systems. In his explanation, he indicated he had two numbers to compare with other school systems. One was the gross cost of the schools before any offsets and the other one was the net cost to Sudbury taxpayers. He concluded that the gross cost per pupil in the Sudbury Public Schools was \$5,550, that is before any reimbursements. The net cost per pupil was \$5,315. Using the same methodology for the L-S High School, the gross cost per pupil was \$9,400. On a gross basis, 69% more is spent on L-S High School, and 131% more on Minuteman Vocational. Mr. Tyler pointed out that the reason for his motion was based upon all that research has indicated--individualizing the attention of students; small class sizes can be demonstrated to be important in resolving improved educational performance at the earlier grades especially. He stated this evidence is less true as children get older. Therefore, with very limited educational resources, there should be some significant shifts in the allocation of the funds from our historical precedence. In view of the comments of the previous speaker, he agreed zero base budgeting needs to be totally re-examined. He included also everything from work rules and work loads, programs that must be offered or to be considered part of a program; historical financial trends. He added, if the Town were to equalize the funding, based upon the number of students in each of the school systems, there would be a tremendously larger amount of shifts in resources--over a million and a half dollars more would go to the Sudbury Public Schools coming from other budgets. This

he was pointing out, but not recommending. He concluded by saying there was a need to make some of these types of major cuts or changes in the budget that don't seem to be addressed for whatever reason in the normal budget process.

Before the vote was taken on the motion to amend, the Moderator offered a correction to the motion wherein the figure \$324,096 should be changed to \$338,893. Upon his explanation, Mr. Tyler accepted it.

For the benefit of the Hall, the Moderator explained that under the Regional Agreement with respect to the Minuteman Vocational Technical High School, if two-thirds of the towns accept the Minuteman budget, the other third are bound by that acceptance. If the town does not accept the budget figure as given in the main motion, and lowers it, the Town could find itself coming back to another Town Meeting, if two-thirds of the towns do accept it. If two towns cannot agree on the budget, then there has to be a district wide meeting, a town meeting of both towns to settle the question. As the Moderator pointed out, we are working with numbers here in short that we don't have full control of.

<u>Finance Committee Report:</u> (C. McMahon) To take money from the High School for the Sudbury Public Schools would harm the school. Per pupil costs were just one of many factors examined when budgets are being analyzed, so stated Ms. McMahon. The FinCom recommended defeat of this motion.

 $\underline{\text{Board of Selectmen:}}$ (J. Drobinski) Based upon the regional agreement, the Board could not support the motion to amend.

The motion to amend the main motion was defeated.

A question was asked of the L-S budget, (as the Superintendent of L-S-R-H-S had noted, the school had joined a health insurance consortium) as to possible application to the Town and as to percentage of increase in premiums from previous to the proposed budget. The Business Manager/Treasurer for the high school noted that the increase projected from FY91 to FY92 was just under 20%. Had they stayed with Blue Cross/Blue Shield they would have been looking at a 30-32% increase or more.

Thomas Hollocher of Concord Road <u>moved</u> to decrease line item 100-130, Lincoln-Sudlury High School, by \$100,000. This motion was seconded.

Mr. Hollacher noted that with the override, the increase in one year was about 4%, with \$120,000 for athletic support and \$180,000 for trainers and coaches. He proposed a cut back in this area and for participating students to pay their own way.

Finance Committee Report: The Committee urged defeat of this motion to amend.

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

The motion to amend by reducing line item 100-130 by \$100,000 was defeated.

A good deal of discussion continued regarding the legal costs of the $\operatorname{High}\nolimits$ School.

A Point of Order was requested by Henry Sorett of Longfellow Road who inquired if it would be in order to make a motion to adjourn at this point of the "Override Budget" and resume the following evening? The Moderator noted he would accept such a motion but it would require a two-thirds vote to pass, as Town Bylaws require an article under discussion at 10:30 p.m. to be finished, unless a two-thirds vote of the Hall decides otherwise.

Mr. Sorett <u>moved</u> to adjourn. The Moderator declared it was a clear two-thirds vote and the meeting was adjourned at $10:37~\mathrm{p.m.}$ until the following evening, when the "Override Budget" would be resumed at line item 310.

Attendance: 341

ADJOURNED ANNUAL TOWN MEETING

APRIL 3, 1991

The Meeting was called to order at 7:43 P.M. as a quorum was declared present. The first order of business was the continuation of Article 9, the Budget, at line item 310, Fire, where the discussion ended the previous evening. The Moderator continued to call each budget line item for any motions offered to amend.

Thomas Hollacher of Concord Road <u>moved</u> to amend the Fire Department ludget, 310, by reducing line item 100, Chief's Salary, in the amount of \$2,000, from \$61,817 to \$59,817; reducing line item 105, Salaries, in the amount of \$40,000, from \$1,059,006 to \$1,019,006; reducing line item 120, Overtime in the amount of \$50,000, from \$117,411 to \$67,411; reducing line item 310, Maintenance, in the amount of \$4,000, from \$38,850 to \$34,850; reducing line item 510, Equipment, in the amount of \$2,000, from \$10,000 to \$8,000; and reducing line item 710, Uniforms, in the amount of \$9,000, from \$17,410 to \$8,410.

This motion received a second.

In support of his motion, Mr. Hollacher explained he was attempting to bring fiscal reality to the Town Budget. The first two evenings of Town Meeting saw the approval of every penny proposed in the School Budgets and the first step to an override. It was his concern if the entire budget was approved, the residential property tax bill would increase between 10 and 12%. Two years ago, the tax rate increased by 6.8%. Although he did not have the percentage of last year's increase, he concluded the tax increases have been enormous and in view of the difficult economic circumstances, they must be dealt with, in part, by down-sizing government.

Board of Selectmen: (J. Cope) The Board did not support the motion to amend as it believed the department was as low as it could possibly go for the safety of the Town.

Mr. Hollacher reminded the Hall, according to the Town Report, there were at least 33 full-time firemen, which he did not consider thin, considering the relatively few fires that occur in the Town.

The motion to amend 310, the Fire Department was defeated.

Thomas Hollacher of Concord Road <u>moved</u> to amend the Police Department ludget, 320, by reducing line item 100, Chief's Salary, in the amount of \$3,000 from \$72,300 to \$69,300; reducing line item 105, Lieutenant's salary, in the amount of \$6,000, from \$65,750 to \$59,750; reducing line item 110, Salaries, in the amount of \$20,000, from \$932,863 to \$912,863; reducing line item 120, Overtime, in the amount of \$50,000, from \$112,252 to \$62,252; reducing line item 130, Clerical, in the amount of \$3,000, from \$48,307 to \$45,307; and reducing line item 710, Uniforms, in the amount of \$8,000, from \$15,600 to \$7,600.

This motion received a second.

APRIL 3, 1991

In support of his motion, Mr. Hollacher noted in the salary area there had been a considerable increase, 11.6% between fiscal 1989 and 1992. As for the uniforms, he inquired why the Town needs to provide approximately \$500 in uniforms to each policeman. It seemed to him that the badge was the important item.

Finance Committee Report: (R. Sanford) The FinCom recommended defeat of this motion noting the uniform budget was a contractual issue, and noting the actual cost was \$600/policeman. The Committee believed the reductions already taken in the overtime and staffing were somewhat drastic, within the grounds necessary to maintain the budget and yet still maintain a high level of safety for the Town. It was noted the International Association of Chiefs of Police specifies an average of 1 to 2 patrolman/thousand residents as a fair number for protection, and the town was within this level.

Board of Selectmen (J. Cope) The Board did not support the motion to amend.

Mr. Hollacher, referring to the Town Report again, cited the number of crimes handled by the Police Department for the previous year, and concluded it was more than a million dollar Police Department and it was far in excess of what this town needs and what it can afford.

The motion to amend the Police Department, 320, was <u>defeated</u>.

A considerable discussion followed pertaining to the negotiated salary increases, as to who sets the salaries of the various supervisors/managers? How can the voters, looking in the Warrant, know which employees' salaries are union negotiated and those individually negotiated?

Thomas Hollacher <u>moved</u> to amend the Building Department Rudget, 340, Ry reducing line item 100, Inspecton's Salary, in the amount of \$20,000, from \$45,991 to \$25,991, making it a part-time position; reducing line item 120, Overtime, in the amount of \$1,500, from \$1,500 to \$0; reducing line item 130, Clerical, in the amount of \$5,000, from \$23,921 to \$18,921; reducing line item, 140, Deputy Inspector, in the amount of \$5,640 from \$5,640 to \$0; reducing line item 150, Custodial, in the amount of \$5,000, from \$52,720 to \$47,720; reducing line item 160, Plumking Inspector, in the amount of \$2,000, from \$8,500 to \$6,500; reducing line item 190, Wiring Inspector, in the amount of \$4,000, from \$10,440 to \$6,440; reducing line item 325, Hosmer House, in the amount of \$3,000, from \$3,000 to \$0; and reducing line item 330, Fairhank Center, in the amount of \$10,000, from \$35,100 to \$25,100.

This motion received a second.

Mr. Hollacher's rationale for his motion to amend was that there is very little construction going on in Sudbury. There was very little last year and the prospects did not look very bright for construction next year. Secondly, he believed in these difficult times, he could see no reason for the Town to hold on to properties it really doesn't need, i.e. the Hosmer House.

<u>Finance Committee Report</u> (R. Drawas) The FinCom recommended disapproval of the motion to amend pointing out it had gone through a great deal of coordination with the Building Inspector to consolidate all building responsibilities under one budget. To do so, monies were removed from the School and the Council on Aging budgets for custodial services as well as Park & Rec and the common areas for having one central custodian, thus the increase in "Custodial Service". The same approach was used with the fuel and other expenses. In addition to new construction and the inspection of renovated homes, the Building Inspector, it was so noted, is responsible for all Town buildings and that includes maintenance, i.e., the Loring Building furnace when it blew up.

Board of Selectmen Report: (J. Cope) The Board recommended defeat of this motion to amend, pointing out the Building Department was doing more maintenance, more preventative maintenance, more zoning enforcement, more catching up and causing the office to be more efficient.

Chester Hamilton of Morse Road objected to the motions for amending the budget that had no rationale behind them other than to cut expenses. He pointed out there were significant drops in the number of permits issued the previous year, but there were also 203 additions and there were permits for swimming pools and miscellaneous demolitions and most importantly the Department brought in revenue in excess of \$70,000. Because construction is down, it is ridiculous to assume the Building Inspector sits in his office all day long and does nothing. Mr. Hamilton remarked how the Building Inspector is one of the few people who comes in at 8 A.M. and has office hours until 3 P.M., and he further noted the tremendous service the town receives from the Building Department and it should not be attacked in this manner.

The motion to amend the Building Department budget, 340, was <u>defeated</u>.

Thomas Hollacher of Concord Road <u>moved</u> to amend the Dog Officer Account, 350, in the amount of \$20,291, from \$20,291 to \$0.

This motion received a second.

 $\mbox{\rm Mr. Hollacher}$ suggested that the support of the Dog Officer should come entirely from licensing fees.

<u>Finance Committee Report:</u> (J. Ryan) Mr. Ryan explained the licensing fees do not go to the Dog Officer's budget, but go to the library instead for the purchasing of books. The Committee recommended defeat of the motion to amend, noting State law required there be a Dog Officer.

Board of Selectmen (J. Cope) The Board recommended defeat of the motion to amend.

The motion to amend the Dog Officer's budget was <u>defeated</u>.

Thomas Hollacher of Concord Road <u>moved</u> to amend the Highway Department Rudget, 410, by reducing line item 110, Salaries, in the amount of \$40,000, from \$423,582 to \$383,582; reducing line item 120, Overtime, in the amount of \$5,000, from \$15,438 to \$10,438; and reducing line item 710, Uniforms, in the amount of \$6,000, from \$10,750 to \$4,750.

This motion received a second.

Mr. Hollacher's explanation for this motion was to tighten up the budget, downsize government slightly but in a way he considered responsible and yet allow more or less normal functioning during this difficult time.

<u>Finance Committee Report:</u> (D. Fitts) The FinCom recommended disapproval of this motion to amend also, remarking the Highway Budget had already taken a significant reduction, primarily in the Capital Equipment account and the Cemetery account, as well as the reduction of one full-time person.

<u>Board of Selectmen Report:</u> (D. Wallace) The Board noted it had personally reviewed the Highway budget, and made recommendations for cuts where it was believed necessary and possible.

When asked by Mr. Hollacher what services would be affected or not rendered should the budget decreases be supported, the Highway Surveyor noted that obviously more people would have to be layed off. He pointed out that \$168,000 in cuts had already been made.

The motion to amend the Highway Budget, 410, was defeated.

Joseph Klein of Stone Road <u>moved</u> to amend line item 501-100, by reducing it to \$72,591.

This motion received a second.

In explanation of his motion to amend, Mr. Klein remarked this was not the first time he had made such a motion. All previous attempts had failed. He commented he used to make motions to substantially reduce out-of-state travel money and they also failed, however, very little money was designated in the current budget for this travel, therefore he gathered all the battles were lost, but the war was won. Mr. Klein noted he has objected to substantial administrative pay raises previously on the grounds the position was overpaid. He noted the Executive Secretary a few years ago was paid more than the Governor of the Commonwealth. As to this still being the situation, he wasn't sure, as there have been substantial pay raises on the State level, but he added, the Executive Secretary's position has not lagged behind and he still believed the position to be overpaid. Despite the tight economic situation, pay raises of 7% or more were being proposed, and the one for the Executive Secretary represented a 7.16% increase. He believed despite all the pessimistic talk from the FinCom and others, it was still "business as usual", and the Town had to realize its need to economize. Salaries being the largest percentage of the budget, they too must be included in the cost cutting. He said, "You can play the game of increasing the salary account and laying off people because of pay raises, but after a while there aren't going to be any people to lay off if you continue this. We must hold the line on salaries and what better place to start than at the top." "Salaries of school administrators," he remarked, "cannot be controlled, and other administrators in Town are protected by unions. Therefore, if salary raises are denied to the top administrative personnel whom Town Meeting controls, perhaps they will work a lot harder to reduce expenses and improve the Town's financial situation to the point where pay raises can be granted. 'Business as usual' means only higher taxes. It's time to economize on expenses and that means salaries." As to why

he singled out the position of the Executive Secretary, he explained, "It was the highest paid Town Official salary. The salary for this position was already sufficiently substantial and denial of a raise would not affect seriously the individual's ability to provide a comfortable standard of living to his family." He further pointed out that this position was the key one in the Town. The Executive Secretary can and does affect expenses and services throughout the Town. He is also the salary negotiator for the Town. Mr. Klein reminded the Hall of the considerable discussions that took place on Monday night prior as to the effect of the pay raises granted to Town Employees, and that it was the Executive Secretary who negotiated those raises. "By denying him a pay raise, we are sending him a message—a message that he perhaps may receive and act accordingly in the future....as we cannot affect the salaries of the other Town Administrators." Mr. Klein further commented that probably one of the Selectmen would argue that the Executive Secretary's salary compared favorably with that paid by Towns of comparable size. According to Mr. Klein this argument was a game of one-up-man-ship really being played that has been heard at Town Meetings for years.

George Hamm of Mossman Road agreed with Mr. Klein this was not an attempt to cut a service or reduce a position to part-time, but an honest effort to reduce costs. There would still be an Executive Secretary position no matter what is done with the dollar number. It was his conviction there had to be some cut and this was a good way to do it. He further remarked, there were other salaries in Town he felt the same way about. He was opposed to cutting services, but he was in favor of trying to cut some of the frills and some of the high wages being paid.

<u>Finance Committee Report:</u> (J. Ryan) The Committee recommended disapproval of this motion. Mr. Ryan commented he fully expected, that in terms of other budgets, and other salaries, this position would be handled in the same fashion as others, when salary discussions continue with the various unions.

<u>Board of Selectmen Report:</u> (D. Wallace) It was stated the percentage of increase for this position was the same as that for the Fire and Police Chiefs, the three individually contracted department heads, and to treat the Executive Secretary's position differently would be unfair.

Jeffrey Schaffer of Griffin Lane not understanding the FinCom Chairman's statement, asked for an explanation. The Moderator clarified the Chairman's statement saying the Finance Committee had recommended efforts be made to see if the unions would be willing to re-negotiate because of the tough times. Assuming the unions would be willing, the same request would be made to managers.

Mr. Schaffer then inquired if the Finance Committee's position on this amendment was because the union contracts were at a similar level? It seemed to him the Finance Committee would support this amendment if the "union deals" weren't at the same level, but "since they are, we certainly don't want to single out this position which is non-union." Once again, the Moderator clarified the question for the Chairman by rephrasing the question, "Is the position of the Finance Committee in opposing the motion to amend, based in any way, on the fact that, unless and until the unions' numbers drop, this, in fairness, should not drop?" "Is that influencing the decision of the members?", to which the Chairman, John Ryan, responded "That is correct."

As the motion to amend the Executive Secretary's salary line item,501-100,had both a hand vote and a standing vote which were very close, the Hall was counted. The counted vote on the motion to amend was: YES 93 NO 91. The motion was VO7ED.

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Thomas Hollocher of Concord Road \underline{moved} to reduce by \$4,000 line item 500-130, Clerical Salaries, from \$67,471 to \$63,471. This motion received a second.

In support of his motion, Mr. Hollocher pointed out this line item had increased substantially since fiscal year 1989. He remarked it had gone from \$55,600 to \$59,400, about a 5% increase, to \$62,200 and now to \$67,400; the latter amount indicating again a 5 or 6% increase from last year. With the Town obligated to limit its increases in revenue to the order of 2-1/2% or in good years maybe 3-1/2%, it was his belief the salary line items must be held more tightly. He inquired why these increases were necessary and what essential services would be eliminated should the line item be reduced by \$4,000.

Financee Committee Position: (J. Ryan) The Committee deferred to the Board of Selectmen.

The Executive Secretary for the Board of Selectmen stated a reduction of that magnitude would reduce in half the step increases of the clerical personnel. It was his opinion that there hasn't been "any drastic increase in the clerical function or the salaries in the Selectmen's Office, if anything the work load has probably increased by 30% in the last ten years."

The motion to amend line item 500-130 was defeated.

Geraldine Nogelo of Washington Drive <u>moved</u> to amend line item 501-100, Executive Secretary's Salary, increasing it by 4% from \$72,591 to \$75,495. This motion received a second.

Ms. Nogelo expressed her concern that when salaries are in a high range, such as the Executive Secretary's, they should not receive the same percentage of increase as those in the lower levels, as a great deal more money is involved in the higher fiscal environment.

<u>Finance Committee Report:</u> (J. Ryan) The Finance Committee looked upon itself as being in an interesting position, because it did support this motion to amend, while it had opposed the earlier motion.

<u>Board of Selectmen:</u> (D. Wallace) It was the belief of the Board of Selectmen the contract it had voted earlier called for a salary of \$77,790, and the prior vote, if adhered to, literally would violate its contract. The Selectmen supported the motion to increase the line item 501-100 by 4%.

Jeffrey Schaffer of Griffin Lane, raised a question of procedural formality, as to whether this motion could be taken up at this point, as the Hall had already proceeded several items beyond line item 501-100, and secondly how could something like this come before a Town Meeting, if, in fact, "we have no authority."

The Moderator responded saying the motion was a perfectly legitimate one. It did not cause the Town to do an illegal act and therefore it must be taken up and voted upon.

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Joseph Klein of Stone Road remarked that if Town Meeting had no power to act upon most of the things on the agenda, "Why are we here?" He reiterated his position that the Executive Secretary's position was overpaid.

The motion to amend line item 501-100 was defeated.

Thomas Hollocher <u>moved</u> to amend line item 513-210, General Expenses for the Ancient Documents Committee by reducing it from \$1,600 to \$0. This motion received a second.

Mr. Hollocher stated this was a Town function that could be done away with as he didn't see any important function was being served by attempting to preserve Ancient Documents at a yearly cost of \$1,600.

<u>Finance Committee Position:</u> (M. Wallace) The purpose of the Ancient Documents Committee was reported by Ms. Wallace to preserve the Town's Ancient Reports and in addition it was the Records Management Program for the Town's current records—not a function that can be accomplished without a cost. The Committee urged defeat of the motion to amend.

Russell Kirby of the Boston Post Road, Acting Chairman of the Ancient Documents Committee, provided the Hall a very clear history of the Committee and its value to the Town. "The Town of Sudbury was very fortunate to have the voluntary services of a man who established the Records Management Program for the Town. Once it was put into place, the Supervisor of Public Records for the State of Massachusetts, came to Sudbury to examine the program and was so impressed by it that he requested the State be allowed to use this as a model for other towns. The reason for the ADC is there are many public records which must be maintained because of statutory requirements. Many of them have to be kept—some of them, I should say, have to be kept in their original form. Many of them can be, that is copies, can be retained on microfilm after the completion of a satisfactory audit. That is the cornerstone of the program we have in Sudbury. The records are being reduced on to microfilm and are stored in Iron Mountain in New York, so if the Town Hall burns to the ground, the vital records of the Town will survive. The cost is almost insignificant, but the cost of microfilming of records is a continuing expense. That is what the Ancient Documents Committee or the Records Management Program has been reduced to in recent years.

Prior to that, there were larger sums of money spent for the restoration and preservation of the truly ancient records of the Town and that is how the Committee got its name. The program fortunately was launched early enough in the game so the Town could afford to preserve its records. The records go back to the very first Town Meeting in the early 1600's. Now the money is being spent solely for the purpose of preserving information that is required either for the operation of the Town or to satisfy the legal requirements imposed by the State." Mr. Kirby indicated that to reduce this line-item below what it is, would run the risk of either losing records the Town may need to operate or to find ourselves in default with some State regulation."

Upon hearing the above explanation, Mr. Hollocher withdrew his motion to amend.

Mr. Hollocher then requested an explanation of the Goodnow Library's line item 600-616, Automation. William Talentino, Director of the Library explained the library belongs to an automated network of libraries, which consists of most of the area libraries plus two academic ones. They share a central site of hardware and software, and are connected to it through telecommunication lines at an annual maintenance cost of \$19,200. This includes the Town's share of the annual maintenance on the hardware and software, as well as on the local equipment, terminals, lasers and telecommunication equipment, and the salaries associated with the staff at the central site.

Mr. Hollocher inquired of the Library Trustees if in their judgment this cost was really worth the trade off---\$19,200 in automation and only \$34,600 for books. It seemed to him that quite a bit of money was being spent for something that did not increase the holdings of the library.

Mr. Talentino responded that automation was absolutely an essential library service. It inventories the status of every item in the library. The level of staffing at the Goodnow is below the standard for a library with its level of activity, one of the highest in the State, therefore without the automation, in terms of its day to day operations, it would not be able to function. Sudbury is able to access the resources of the other members of the network; the library is able to identify what items are in other libraries that we don't own. Given there are approximately 700,000 unique items, while Sudbury has a collection of 50,000, we are able to tap into a tremendous resource outside of our own library. Mr. Talentino estimated there are close to 2,000 items acquired each year through the system. The price of books being around \$15.00, he considered this program a critical asset, being equal to or better than half the annual book budget.

At this point, Joseph Klein of Stone Road inquired whether the Pools Enterprise Fund fees figured into the tax rate? The Chairman of the Finance Committee reported none of the fees do. If the Pool's revenue does not meet all of its expenses, then it carries a deficit forward to a future year. Town revenues do not come into play at all. Should the deficit become too large, changes will have to be implemented, such as reduction of staff or whatever other cuts would be required to make its expenses match its revenue. Enterprise Funds are legally required to be in the Budget.

Tom Lopater of Winsor Road inquired if the "cum" deficit figure for the pool, since it first opened, would be in the six figure range. Mr. Ryan stated "Absolutely not," but he could not provide the exact amount. Mr. Lopater reminded the Hall when the pool was being debated at Town Meeting, it was stated there was basically no way it would lose money, it would be a money making effort for the Town. He pointed out this has not happened and it appeared it was unlikely the deficit would be made up in the next four or five years.

George Hamm of Mossman Road inquired whether monies are being set aside for the eventual replacement of the pool, as the pool has a definite life span of maybe 20 years? Mr. Ryan replied, "No."

Having completely gone through the Override Budget, there was one amendment to the main motion as moved by the Finance Committee.

The main motion, as amended, on the Override Budget was declared by the Moderator WNANIMOUSLY VOTED, unless seven people forced a count, as there was one voter in opposition. Questioned by the one dissenter as to why the Moderator called the vote as he did, it was explained, that he wished to get a "Unanimous" vote, in case it should turn out later that certain funds being utilized in the budget required a two-thirds vote. Although he had been advised there were no such funds involved in the budget, if it turned out later he had received bad advice, Town Meeting would have to be reconvened to remedy the situation.

John Ryan, Chairman of the Finance Committee, gave the following limiting motion for the Non-Override Budget, move that the amount appropriated under the No Override Budget not exceed the sum of \$25,964,511. This motion received a second.

The Moderator explained this motion was to set the limit on the budget. He further noted any motion to amend a line item that was not changed in the prior budget, would be considered a motion to reconsider.

The limited motion was VOTED.

The Chairman of the Finance Committee <u>moved</u> that the 7own appropriate the sums of money set forth in the Warrant under Article 9, in the column "FY92 No Override", for Fiscal Year 1991, except as follows:

| <u>Line Item</u> | <u>No Override Budget</u> |
|--------------------|---------------------------|
| 100-140 | \$ 379,328 |
| 460-389 460-470 | \$ 22,000 \$ 58,000 |
| 501-100 | \$ 72,591 |

Amend Account Number for Public Works Snow & Ice from 420 to 410;

The following items to be raised as designated, by transfer from available fund balances and interfund transfers.

| From | <u>70</u> | Amount |
|---|--|--|
| Ambulance Reserve for Approp. Acct. | 310-110 310-120 310-210 310-310 310-510 310-810 | \$ 750 16,150 300 2,000 5,000 800 |
| Wetlands Protection Account | 360-195 | 4,125 |
| Cemetery Fund Cemetery Sale of Lots 1982 ATM Ant. 14, Dutton Walkway 1986 STM Ant. 6, Highway Roof Repair | 410-110 410-110 410-110 410-110 | 20,000 8,000 3,552 3,765 |
| Dog Licenses | 600-520 | 2,000 |
| Alatement Surplus | 950-800 | 175,000 |
| Free Cash | 950-800 | 132,947 |

and further, that appropriations within departmental ludgets 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 Sudhury Public Schools, Sudhury Assessment (Schools), Total Delt 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.

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The Finance Committee had no further discussion on the budget, nor did the Board of Selectmen.

Beverly Bentley of Concord Road noting the School Salary line item was down \$200,000 or less from the Override Budget, inquired why the Benefits and Costs weren't proportionately reduced. Should there be fewer employees under the Non-Override Budget, wouldn't there be a reduction in benefits as well?

James Haughey of the FinCom explained it was not possible to know the people who would be affected should the Non-Override Budget prevail; whether they would be part of the Retirement System; or whether they would claim unemployment insurance benefits or not. While the numbers were in the wrong account, the total was correct.

Joseph Klein of Stone Road <u>moved</u> that line item 501-100 he reduced from \$77,790 to \$72,591. This motion received a second.

Richard F. Brooks of Russet Lane put forth a motion to amend in the second degree. He <u>moved</u> to amend the amendment by changing the number \$72,597\$ to \$75,495. This motion received a second.

Mr. Brook's motion to amend was defeated.

The original motion to amend was VO7ED.

Joseph Klein of Stone Road <u>moved</u> to amend line item 600-520, Books, by increasing it by \$5,000 from \$34,678 to \$39,678, the increase coming from the reduction previously voted on line item 501-100, Executive Secretary's Salary.

In support of his motion, Mr. Klein noted the Goodnow Library was in severe danger of losing its accreditation by the State as it lacked the funds required to appropriate books. This would mean loss of State Aid as well as intra-library services. Recognizing \$15,000 was needed to meet the accreditation requirement, and considering the possibility the Override Budget may not be approved, at least \$5,000 would be there and hopefully the additional \$10,000 could be raised in some other manner.

Finance Committee Position: (J. Ryan) The Committee opposed the motion to amend.

Board of Selectmen: (D. Wallace) The Board opposed the motion to amend.

The motion to amend was deleated.

The main motion on the No Override Budget, as amended, was UNANIMOUSLY VOTED.

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ARTICLE 10 STREET ACCEPTANCES

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

TWIN POND LANE

From Concord Road to a dead end, a distance of 816 feet, more or less;

FROST LANE

From Concord Road to a dead end, a distance of 688 feet, more or less;

JACK PINE DRIVE

From Pride's Crossing Road to Red Oak Drive a distance of \$1,775 feet, more or less;

RED OAK DRIVE

From the centerline of Jack Pine Drive southerly to a dead end, a distance of

817 feet, more or less;

And from the centerline of Jack Pine Drive northerly to a dead end, a distance of 383

feet, more or less;

as laid out by the Board of Selectmen in accordance with the descriptions and plans on file in the Town Clerk's Office; to authorize the acquisition by purchase, by gift or by a taking by eminent domain, in fee simple, of the property shown on said plans; and to raise and appropriate, or appropriate from available funds, \$200, or any other sum, therefor and all expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen

Selectman John Drobinski moved to accept the layout of the following ways:

Frost Lane

From Concord Road to a dead end, a distance of 688 feet, more or less;

Jack Pine Drive

From Pride's Crossing Road to Red Oak Drive a distance of 1,775 feet, more or less;

Red Oak Drive

From the centerline of Jack Pine Drive southerly to a dead end, a distance of 817 feet, more or less; and from the centerline of Jack Pine Drive northerly to a dead end, a distance of 383 feet, more or less;

as laid out by the Board of Selectmen in accordance with the descriptions and plans on file in the 7own 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 \$200 therefor and all expenses connected therewith.

In support of this motion, Mr. Drobinski informed the Hall by voting for this Article the Town is formally accepting these streets as public ways in the Town of Sudbury.

Finance Committee Report: (J. Ryan) The Board recommended approval of the motion.

Planning Board Report: (P. Anderson) The Board recommended approval of the motion

At this time the Moderator interrupted the discussion under Article 10 for the benefit of a question by Cathy Wagner of Peakham Road who inquired, "How do we control the Budget if by the time we get hereit sounds like it has already been decided?"

The Moderator responded, "I will say simply this. As a former member of the Finance Committee and as someone who has had the privilege of holding this gavel for a number of years now, I had the feeling that a lot of questions were asked from the floor that could well have been asked by somebody who would go to a Finance Committee Meeting, go to a Selectmen's Meeting or go to a School Committee Meeting at which time the questions could have been asked.....probably answered in more and better detail at the time and not taken up the time of the Town Meeting. So the answer is to the extent that people feel in the Hall that things are settled by the time we get here, and if they were settled, I hate to see how long we would debate an unsettling matter. The fact of the matter is, the way that you get input into that is to get into your Town Government, to go to meetings of your committees, to make your views known. The Finance Committee, which I have the privilege of appointing, in my opinion does a Herculean task every year, and every year at times I get the feeling they are put up there as though they are defendants in a trial by people, who I then inquire quietly, "Did that individual ever come to one of your meetings? And so the short answer, ma'am, is the way that you see to it that you get your input, if you consider things terribly settled at Town Meeting, is to go to the meetings of the committees. That is the only process that I can offer you. The Town Meeting, itself, is run under a set of rules and it must be run under that set of rules.

The main motion under Article 10, Street Acceptances, was UNANIFOUSLY VOTED.

It being almost 10:30 p.m., the Moderator accepted a motion to adjourn. This received a second and was VO7ED. The meeting was adjourned at 10:30 p.m. until the following Monday.

Attendance: 241

ADJOURNED ANNUAL TOWN MEETING

APRIL 8, 1991

The meeting was called to order at 7:45 P.M. by the Moderator as a quorum was present. Before taking up the next order of business, the Chairman of the Board of Selectmen announced Monday, May 13th, was the scheduled date for the Special Town Election. It would be held at the Peter Noyes School from 7:00 A.M. to 8:00 P.M.

ARTICLE 11. AMEND ZONING BYLAW, ART. IX.VI.C-REDUCE TERM OF BOARD OF APPEALS

To see if the Town will vote to amend Section VI.C of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by deleting the first sentence thereof and substituting therefor the following:

"The Selectmen shall appoint a Board of Appeals of five members, each for a term of three years.";

and to effect such amendment with the next appointment hereafter; or act on anything relative thereto.

Submitted by the Board of Selectmen

David Wallace of the Board of Selectmen \underline{moved} in the words of the Anticle. The motion received a second.

In support of the motion, Mr. Wallace remarked to ask someone to serve for five years was a long time and the Board believed a 3-year commitment was long enough to ask anyone to serve. Should someone wish to be re-appointed they could serve six years or more. However, to serve five years and then have another appointment, if that is what they desire, would be a ten year commitment, one he believed was too long a period of time for a volunteer. The Board further believed by reducing the term of office, it would make it easier to get more volunteers.

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

Eben Stevens, member of the Board of Appeals, asked two questions of the Selectmen:

1) "Have there been any current or past members of the Board of Appeals who have complained about five years being too long?", to which the Selectmen responded, "Not that we know of." 2) "Is there a lack of volunteers for Associate Members to the Board of Appeals", to which Mr. Wallace noted that normally there are five Associate Members, and presently there are four.

To these responses, Mr. Stevens commented that he did not understand what the concern was, as there was no problem. Being a member of the Board of Appeals, as he has been for four years, was not onerous nor did it put people out. Therefore, he urged defeat of this article.

Joseph Klein of Stone Road couldn't understand the position of the Board of Selectmen as it is the Selectmen who appoint the ZBA members. He noted they could remedy the situation by not re-appointing the members. However, he believed the Selectmen should understand that the Board of Appeals is kind of special in that it is a "quasi-legal" body--it legalizes actions in Town that would otherwise violate the Zoning Bylaw. As such it builds up what could be called Case Law. He pointed out the

importance of having experienced members on the Board as they have a frame of reference for prior cases and can rely upon the memory of its senior members. Not having a law clerk to remind them of previous or similar cases, the ZBA members must rely upon each other. Without experienced members, there would not be a consistency of opinions. He urged the defeat of this motion as there was nothing to be gained by voting such a change.

<u>Planning Board Report:</u> (P. Anderson) The Planning Board took no position on this Article.

George Hamm of Mossman Road agreed with Mr. Klein that the term of membership on the ZBA should not be changed as there is need for long-term stability on the Board of Appeals.

The vote under Article 11 was taken both by a hand and standing vote. The Moderator considered the vote too close to be sure it was a 2/3rds, so a counted vote followed:

YES: 68 OPPOSED: 49 The motion under Article II was defeated.

ARTICLE 12. ACCEPT M.G.L. CH.90 §22B, SUBSECTIONS (b) THROUGH (k) NON-CRIMINAL DISPOSITION OF ABANDONED MOTOR VEHICLE OFFENSES

To see if the Town will vote to accept the provisions of subsections (b) through (k) of Section 22B of Chapter 90 of the Massachusetts General Laws concerning non-criminal disposition of abandoned motor vehicle offenses; or act on anything relative thereto.

Submitted by the Board of Selectmen

Judith Cope, Selectman, <u>moved</u> in the words of the Article. This motion received a second.

Board of Selectmen Report: Subsection (a) of Section 22B makes it a crime to abandon a motor vehicle on a public or private way or the property of another without permission from the owner or lessee, and sets a schedule of fines and sanctions including license revocation up to three months and inability to register a vehicle for one year. Subsections (b) through (k) were added in 1989 to provide for a non-criminal enforcement procedure with civil penalties in the same amount as the criminal fines (\$250 for the first offense and \$500 for subsequent offenses). Vehicles determined to be abandoned are tagged by a police officer or other person assigned this responsibility by the parking clerk. The tag must state that the vehicle may be towed and disposed of after a certain period of time. The owner is then notified by mail of a hearing before the parking clerk. He or she may appear for the hearing or dispose of the matter by mailing payment of the penalty amount. If the owner fails to appear or pay the penalty, the parking clerk must notify the Registrar of Motor Vehicles, who will take action to not renew the owner's license. If the owner is a business entity, the Registrar must notify the appropriate authority to revoke or not renew the owner's license to operate a business involving towing or servicing of motor vehicles. Also, if the vehicle is registered in the owner's name or was last registered in his or her name, the Registrar will prohibit the registration or renewal for any vehicle under the owner's name. An owner who incurs three violations and penalties will, for each subsequent violation, have his or its license to operate a vehicle or a business described above, revoked for one year. Any abandoned vehicle deemed by the parking clerk to be worth less than the cost of

removal, transportation and three days storage and disposal expenses is to be taken and disposed of as refuse. The owner must pay such costs within 14 days or be subject to the penalties described above. If subsections (b) through (k) are accepted, subsection (a) will no longer apply. The Board supports this article.

Finance Committee Report: The Committee took no position on this Article.

Article 12 was VOTED.

ARTICLE 13. AMEND ZONING BYLAW, ART. IX.III.E.4. (f) - FLOOD PLAIN PERMITTED USES

To see if the Town will vote to amend Section III.E.4.(f) of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by inserting in line 4, after the word "in", the following phrase:

"any increase in the base flood level elevation of the area in which the work is to be performed, as established pursuant to Section I.H of this Bylaw,"

so that the section reads as follows:

"(f) Any other filling, excavating or transferring of any material, or erection, construction, alteration, enlargement, removal or demolition of any structure, upon the condition that with respect to each such action and structure the Board of Appeals determines that granting a special permit therefor would not result in any increase in the base flood level elevation of the area in which the work is to be performed, as established pursuant to Section I.H. of this Bylaw, any risk of pollution or contamination of any waterway or pond, reduction of seasonal high water storage areas, reduction of ground water absorption areas which serve the public water supply or other derogation from the intent and purpose of this Section E.";

or act on anything relative thereto.

Submitted by the Board of Selectmen

Ms. Cope <u>moved</u> in the words of the Article except to add the word, "any" on page 47 as follows: 1) in the eighth line before the word "reduction", 2) in the rinth line before the word "reduction" and 3) in the 10th line before the word "other." This motion received a second.

Board of Selectmen Report: (J. Cope) Ms. Cope stated the changes were just grammatical corrections. The Selectmen's report as printed in the Warrant was as follows: During 1990, the Office of Water Resources in the state's Department of Environmental Management reviewed the flood plain provisions of the Zoning Bylaw for compliance with the minimum criteria developed by the Federal Emergency Management Agency for communities who participate in the National Flood Insurance Program. The Office found the flood plain provisions to be in compliance, but suggested adding the criterion of no increase in the base flood elevation for the issuance of a special permit for general filling, excavation or construction in a Flood Plain District. The Board supports this article.

<u>Finance Committee Report:</u> The Committee took no position on the Article.

Planning Board Report: (L. Meixsell) The Board supported Article 13.

Robert Coe of Churchill Road asked what it meant "to increase the base flood level elevation"?, as it was not defined in the Selectmen's report.

Town Engineer, Bill Place, explained that according to the Department of Environmental Management-Flood Hazard Management Program, the Town complies with the minimum standards of the National Flood Insurance Program. They suggested the Town's regulations are more strict than the National Flood Insurance Program and recommended this amendment so that there would be no further increase in the base flood elevation. According to the Federal Emergency Management Agency, FEMA, the flood elevation line of the Sudbury River is 122-123, while the Town's is 125. FEMA, as explained by Mr. Place, is saying if you have a building within the flood plain zone, FEMA will not displace any more flood storage than that building takes up now. Therefore, adding to property, such as a porch, in the flood plain zone, would not be allowed, as it would displace more flood storage.

Ralph Tyler of Deacon Lane inquired whether the proposed corrections would broaden the Article beyond its "four corners". The Moderator, after conferring with Town Counsel, stated the addition of the word "any" as proposed would not change the legal meaning of the article.

More discussion followed with George Hamm of Mossman Road noting the article was difficult to understand, then Frank Riepe of Concord Road reiterated what Mr. Place had stated that Sudbury's demarcation of flood plain was higher than the federal definition, yet we are imposing restrictions that are more than what the Federal Government require. He called it an "excessive" restriction and stood opposed to the Article.

The motion under Article 13 was defeated.

ARTICLE 14. AMEND ZONING BYLAW, ART. IX.III.E.3.(f) - FLOOD PLAIN PERMITTED USES - TECHNICAL CORRECTION

To see if the Town will vote to amend Section III.E.3.(f) of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by deleting the phrase "Section 2" in line 2 and substituting therefor "Section 3" so that the section reads as follows:

"Any religious use or any education use which is religious, sectarian, denominational or public as provided for by Section 3 of Chapter 40A, G.L.;

or act on anything relative thereto.

Submitted by the Board of Selectmen

Judith Cope, Selectman, \underline{moved} in the words of the Article. This motion received a second.

<u>Board of Selectmen Report:</u> The present reference to Section 2 is incorrect. This amendment will change the citation to the correct section of Chapter 40A of the General Laws. The Board supports this article.

Finance Committee Report: The Committee took no position on this Article.

Planning Board Report: (L. Meixsell) The Board supported the Article.

The motion under Article 14 was UNANIMOUSLY VOTED.

ARTICLE 15. AMEND BYLAWS, ART. V, SECTION 27.(d) - HANDICAPPED PARKING PENALTY AMOUNT

To see if the Town will vote to amend Section 27.(d) of Article V of the Town of Sudbury Bylaws by deleting therefrom the words "ten dollars" and substituting therefor the words "twenty-five dollars" as the penalty for each violation of handicapped parking and egress requirements; or act on anything relative thereto.

Submitted by the Board of Selectmen

Judith Cope of the Board of Selectmen, \underline{moved} in the words of the Article. This motion received a second.

<u>Board of Selectmen Report:</u> (J. Cope) It was noted favorable action on this motion would increase the penalty for each violation of the bylaw, thus bringing the penalty more in line with other parking penalties in Town.

Finance Committee Report: The Committee took no position on this Article.

The motion under Article 15 was VOTED.

ARTICLE 16. PURCHASE CAPITAL EQUIPMENT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums of money, or any other sums, to be expended as follows:

- a) \$51,000 under the direction of the Town Clerk
- b) \$20,000 under the direction of the Town Engineer
- c) \$15,000 under the direction of the Town Engineer
- d) \$120,000 under the direction of the Police Chief
- e) \$10,000 under the direction of the Selectmen
- f) \$120,000 under the direction of the Fire Chief

for the purchase of a precinct level optical scan voting system and voting booths to be used therewith

for the purchase a new site survey vehicle

for the purchase of an electronic measuring device, known as a total station

for the purchase of a secure communications and dispatching system, including base station, and mobil and portable radios

for the purchase of a copy machine for the offices at the Loring Parsonage

for the removal of one gasoline tank 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 Board of Selectmen

D. Wallace of the Board of Selectmen <u>moved</u> to appropriate the following sums of money to be expended as follows: \$15,000 under the direction of the Town Engineer for the purchase of an electronic measuring device, known as a total station, to be raised by a transfer from Free Cash; \$60,000 under the direction of the Police Chief for the purchase of a secure communications and dispatching system, including a base station, and mobile and portable radios, to be raised by a transfer from the Stabilization Fund; \$120,000 under the direction of the Fire Chief for the removal of one gasoline tank and pumps at the South Fire Station at 550 Boston Post Road, and for the removal of two tanks and pumps at the Highway Department, 275 Old Lancaster Road, and for the purchase or lease and instablation of one new gasoline tank with pump and one new diesel fuel tank with pump at the Highway Department, 275 Old Lancaster Road to be raised by a transfer from the Stabilization Fund.

This motion received a second.

Board of Selectmen Report: The Selectmen did not report at Town Meeting but the following report was printed in the Warrant: Following review of capital equipment needs over the next few years, it is the consensus of the Board of Selectmen that certain items should be purchased in FY92. These are items of immediate need for various reasons given below, and are part of a two-year plan for capital purchasing. It is recommended that items be funded by use of the Stabilization Fund. Articles 17 and 18 will be passed over if the voting equipment and gas tanks and pumps are approved under this article. The Selectmen will report further at Town Meeting as to their priorities for funding, because they have not had enough opportunity to consult with the Long Range Planning Committee and Finance Committee prior to warrant printing.

<u>Voting Machines</u> - For the past several years, the Town continues to experience having over 80-85% of its total electorate (9711) voting at its State and local elections, placing a serious impact upon the Peter Noyes School, its children's programs and staff, far beyond whatever had been anticipated when elections were first scheduled there. The present number of registered voters dictates elections in this Town be held by precincts, as they are in all other communities. No longer is Peter Noyes School a viable location, as it presents a serious space problem as well as a safety problem for the voters and the school children.

The proposed Optech Voting System will provide voters with an easy-to-use voter actuated ballot tabulating system. The scanner counts each vote, sorts the information in the memory pack, updates, totals and directs the ballot to the proper ballot box in less than one second. At the close of the polls, an alpha-numeric printout is produced with office titles, candidates' names and their respective vote totals, along with precinct totals in a matter of minutes. Candidates' names, issues and write-in positions are clearly printed on the ballots. A person votes by completing the arrow pointing to his/her choice and inserts the ballot in the Optech III Unit. The system is efficient, fast, easy to use, easy to service, reliable and proven.

The current voting system (Automatic Voting Machines) is extremely slow and unreliable. Despite regular preventative maintenance, it continues to break down. The AVMs were purchased over twenty-two (22) years ago, refurbished, not new. There is only one reliable vendor who services these machines and provides supplies, and he is located in New York. Maintenance and parts are very costly. For the September Primary and November Election this amounted to \$2,800. Locating technicians to program the machines has become another serious problem, as is the storage of the machines at the Peter Noyes School.

Engineering Site Survey Vehicle - A new vehicle is being requested to replace a 1982 Ford Bronco with over 63,000 miles on the odometer. This 9-year-old vehicle was 'ready' for trade-in two years ago.

<u>Engineering Total Station</u> - The total station will replace a 1974 Wild Teodolite and a 1979 Auto Ranger (Electronic Distance Measuring Device). The existing equipment is outdated and repairs are costly.

The total station is one unit which electronically measures distances, horizontal and vertical angles. The digital readout eliminates reading errors inherent with the present system.

Proposed budget constraints will force the layoff of one employee. The acquisition of the total station will help to fill the void.

<u>Police Communications System - The Emergency Communications Planning Report</u> which was an independent study and analysis of town-wide communications was completed in November of 1973.

The report recognized that Sudbury was a town in transition and as such was experiencing a plethora of problems, one important aspect being an inadequate emergency communication system.

The problems identified in 1973 are still present, such as the inability of the Police and Fire Departments to communicate directly via radio communications even though both agencies are mandated to work closely with each other in various emergency situations.

The poor state of the current emergency communication system has become critical and deteriorated to the point that it severely hampers the ability of the Police Department to respond to calls for service, emergency or not.

The inability of the Police Department to communicate with other departments in emergency situations is in itself critical, while frequently police officers find it impossible to communicate with themselves from mobile to mobile almost 75% of the time. This simply means cruisers are unable to contact each other directly and most transmissions must be relayed through the dispatcher.

A recent review of the Police Communications System by Motorola felt that in general terms the existing problems with the system are not a result of system design, but more a result of generic problems with the Low Band Frequency spectrum with regard to public safety.

Not only would the problems of the Police Emergency Communications be vastly improved but the enhancement of town-wide radio communications directly among personnel, in particular, Police, Fire and Highway, would be experienced by replacing the current system.

The proposed system is a single site repeater system on 800 Mhz and is capable of digitally secure communications. The main repeater is a 75 watt base that will be controlled, via wireline, by a microprocessor base communications control console. The electronics for the console would be capable of supporting future upgrades to the system, including the addition of another dispatch position. This position could be added at the same location or can be remoted via wireline.

The console will also serve as the display for the emergency radio identification system of which the proposed radio system is capable.

Additional fixed end equipment will include an RF controlled base unit which can serve as a back-up to the console or the main repeater should any disruption in wireline service occur.

The system also includes 10 mobile and 10 portable radios. Both the mobile and the portable radios are equipped with data signalling to generate an emergency ID, and can be equipped with a module to operate in the secure communications mode.

Pricing for the system is based on contract prices from the Commonwealth of Massachusetts Metro Police Radio System Contract and includes all installation.

 $\frac{ ext{Copier}}{ ext{Loring}}$ - This request is for replacement of the copy machine located in the $\frac{ ext{Loring}}{ ext{Loring}}$ Parsonage. The present copier is seven years old and has seen much use, and from an economic sense should be replaced now; which actually would be post July 1991.

Gas Tanks and Pumps Removal/Installation - The Town presently has two 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 tank which is 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.

Finance Committee Report: The Finance Committee supported the purchase of the Total Station, the Police Dispatching System, the removal of gas tanks and pumps and the purchase and installation of new gas tanks.

Long Range Planning Committee: (R. Cusack) The Committee supported the motion under this article.

Lt. Nix of the Police Department encouraged the voters to support this article, explaining the Police Department had no capability whatsoever of interdepartmental communication via radio, not even with ambulances at times of emergencies or fire trucks. Presently, all calls must go through the Police switchboard using the current mobil system--radios in the cars. He noted there was a serious need for a portable communication system, radios officers can carry with them from the cars. With the present mobil system, all communications from one patrol officer to another must also go through the station switchboard. Many factors influenced the Police Department's decision to go forward with this portable communications system, not the least of which was the opportunity to "buy-in" on an \$8 million MDC bid. Secondly, Sudbury is very likely to be included in a high band frequency--either 806 mhz or 821 mhz. In addition, the Police Department has been provided the opportunity to place its system on a tower already in place on Nobscot Hill in Sudbury, which would save the Town \$30,000 to \$40,000, as there will be no expense to the Town and no rental fees. Lt. Nix noted Wayland recently paid about \$240,000 for its radio system which included fire and police. The proposed portable communication system, at a cost of \$120,000 would be just for the police, however, the technology would be in place for communications for the entire town, i.e., Fire Department, Highway, Engineering, etc. He further stated the Police Association was firm in its resolve to raise the balance of the funding, \$60,000, and urged the support of the voters.

Fire Chief Dunne explained there were three tanks, each one more than twenty years old, which he believed should be removed, one at the South Fire Station which is in the Aquifer Protection Zone 2 and two at the Highway Department. There is need to purchase new pumps and a new system to monitor the use of gasoline. With the new monitoring system, every town car would have a card, which would be placed in the gas machine, and the individual would put in his code number and pump the gas. Every employee would have a code number. At any point in time, an accounting can be provided as to what vehicles received gas and how much.

The motion under Article 16 was UNANIMOUSLY VOTED.

ARTICLE 17. PURCHASE VOTING EQUIPMENT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$51,000, or any other sum, to be expended under the direction of the Town Clerk for the purchase of a precinct level optical scan voting system and voting booths to be used therewith, or act on anything relative thereto.

Submitted by Town Clerk and Board of Selectmen

Jean MacKenzie, Town Clerk, \underline{moved} to $Indefinitely\ Postpone\ Anticle\ 17$. This motion received a second.

The Town Clerk briefly stated that the situation with the voting machines hasn't improved. It has become more acute, but so have the finances of the Town. Therefore, until the Town can see its way clear, the automatic lever voting machines will continue to be used.

Board of Selectmen Report: (D. Wallace) The Board agreed with the Town Clerk

<u>Finance Committee Report:</u> (B. Pryor) The Committee supported the motion to Indefinitely Postpone.

The motion under Article 17 was VOTED.

ARTICLE 18. GASOLINE TANKS AND PUMPS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$120,000, or any other sum, for the removal of one gasoline tank 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

PASSED OVER

ARTICLE 19. AMEND WAYLAND/SUDBURY SEPTAGE DISPOSAL FACILITY AGREEMENT ACCOUNTING PROCEDURES

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

By deleting subparagraphs 1, 2 and 3 of Section VI.C, Apportionment and Payment of Capital Costs, and substituting therefor the following:

- "1. Through Fiscal Year 1991, all original capital costs shall be shared equally by Sudbury and Wayland. Beginning with the fiscal year starting on July 1, 1991, all remaining unpaid original capital costs shall be paid from the Enterprise Account Reserve Fund.
- 2. Through Fiscal Year 1991, SUDBURY shall timely pay to the Treasurer of WAYLAND one half of the amount necessary to meet the payment schedule of each and every principal and interest payment that WAYLAND must pay on the bonded indebtedness incurred to finance the original capital costs for the facility. Beginning with the fiscal year starting on July 1, 1991, the Treasurer of SUDBURY shall forthwith transmit to the Treasurer of WAYLAND such sums of excess income appropriated to the Enterprise Account Reserve Fund as are requested by the said Treasurer of WAYLAND for the payment of the original capital costs for the facility.
- 3. Through Fiscal Year 1991, subsequent capital costs shall be apportioned between the Towns according to the gallonage ratio (as hereinafter defined) since the last previous capital expenditure, but shall otherwise be paid in the same manner as original capital costs. Beginning with the fiscal year starting on July 1, 1991, subsequent capital costs shall be paid from the Enterprise Account Reserve Fund as in the same manner as original capital costs shall be so paid.";

or act on anything relative thereto.

Submitted by the Operational Review Committee

Michael Guernsey of the Board of Health \underline{moved} in the words of the Article. This motion received a second.

Operational Review Committee Report: With tight budgets the last couple of years both towns are looking for every savings. The debt service for bonds issued for the original costs of construction of the Wayland/Sudbury Septage Facility appeared to be a cost that could be transferred to the Enterprise Fund of the Facility. Since the intertown agreement says that 50% of these costs must be paid by each town, implementing such a change became cumbersome. This amendment will make the assumption of all bond payments by the Enterprise Fund a simpler process. The Committee has always felt that all legitimate costs associated with the Facility should be paid by the Enterprise Fund.

Finance Committee Report: (B. Pryor) The Committee recommended approval.

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

The motion under Article 19 was UNANIMOUSLY VOTED,

ARTICLE 20. REGIONAL FIRE/AMBULANCE/RESCUE DISPATCH SERVICES

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a contract with one or more town(s) or other governmental units for the provision of regional fire/ambulance/rescue dispatch services, pursuant to the provisions of Chapter 40, Section 4A of the General Laws; or act on anything relative thereto.

Submitted by the Fire Chief

<u>Fire Chief Report:</u> The 1988 ATM gave informal direction to the Fire Chief to explore consolidation of dispatch functions. Over the past year the Fire Chiefs of Acton, Boxboro, Maynard, Stow and Sudbury have been meeting to develop a multi-town dispatch system. Recently other communities have expressed interest. Passage of this article will allow the Selectmen to further explore joint dispatch and to enter an agreement for its implementation if they determine it to be in Sudbury's interest.

 $\frac{Finance\ Committee\ Report:}{Service\ as\ it\ could\ result\ in\ a\ substantial\ savings\ to\ the\ Town.}$

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

Asked about a common dispatch system with the Police Department, Chief Dunne explained the legislation for the new enhanced 911, which was approved by the voters earlier this Town Meeting, allows the State Board to determine the number of Public Service Answering Points (PSAP's) for each community. In Sudbury the Police Department would probably be the main PSAP. However, when one dials "911" and explains they have a fire or ambulance emergency, just by pressing one button the call would be transferred to the second PSAP, which could be the Dispatch Center and the Fire Department would be able to pick it up. He further noted that with a 5-Town Dispatch Center, the cost of the second PSAP may be picked up by the State.

Asked about consolidating dispatch services locally rather than regionally, Chief Dunne noted this article allows the Selectmen to talk to other towns. It does not exclude us from going in with the Police, should the regional project turn out to be too costly with the moving of alarms, etc. However, he did see consolidation definitely as a way of the times, whether it be locally or regionally. He further noted a study was underway in town to consolidate the police and fire dispatch systems.

The motion under Article 20 was VOTED.

ARTICLE 21. AMEND BYLAWS, ARTICLE V(D) - FIRE ALARM SYSTEMS

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article V, Public Safety, by adding thereto a new Article $V(\mathbb{D})$ entitled "Fire Alarm Systems", to read as follows:

"SECTION 1. DEFINITIONS

When used in this Bylaw, unless a contrary intention clearly appears, the following words shall have the following meanings:

- A. "Central station operating company": A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the Sudbury Fire Department (SFD) the location of any such alarm it receives.
- B. "Fire alarm system": Any heat-activated, smoke-activated, flame-energy-activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the SFD by way of a master box.
- C. "Fire alarm malfunction": The transmittal of a fire alarm to a central station operating company or directly to the SFD by way of a master box which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reason that causes a fire alarm to sound even though there is no actual fire or situation that reasonably could evolve into a fire.
- D. "Fire alarm system owner": An individual or entity which owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the SFD by way of a master box.
- E. "Fire Chief": The Chief of the Sudbury Fire Department.
- F. "Master box owner": An individual or entity who has on his business or residential premises a fire alarm system equipped to send a fire alarm signal directly to the SFD by way of a master box.

SECTION 2. CONNECTION OF FIRE ALARM SYSTEM TO THE SFD BY WAY OF A MASTER BOX

A. Every master box owner whose fire alarm system as of the date of adoption of this Bylaw is connected to the SFD by way of a master box shall pay the following fees:

Annual Fee for Churches and Non-Profit Organizations \$75.00 Annual Fee for All Others \$200.00

B. Every master box owner whose fire alarm system is connected after the date of adoption of this Bylaw to the SFD by way of a master box shall pay the following fees:

| Permit Fee | \$ 20.00 |
|--|----------|
| Connection Fee | \$100.00 |
| Annual Fee for Churches and Non-Profit Organizations | \$ 75.00 |
| Annual Fee for All Others | \$200.00 |

- C. Before any fire alarm system is connected to the SFD, the master box owner shall install a key box providing the SFD access as required and specified in Section 7, and provide the Fire Chief with the following information:
- the name, address, and home and work telephone numbers of the master box owner and other persons or businesses protected.
- 2. the street address where the master box is located.

- 3. the names, addresses and home and work telephone numbers of at least two persons other than the owner who can be contacted twenty-four hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located.
- the insurance carrier (with a copy of the insurance policy) for the building.
- 5. such other information as the Fire Chief may require.

If, as of the date of adoption of the Bylaw, a fire alarm system has already been connected to the SFD by way of a master box, the master box owner shall comply with the requirements of this section within sixty (60) days after the SFD has sent him notice by certified mail, return receipt requested, of the requirements of this section.

If a master box owner fails to comply with this section, the Fire Chief may assess a penalty of Fifty Dollars (\$50.00) for each day of non-compliance.

SECTION 3. CONNECTION OF CENTRAL STATION OPERATING COMPANIES TO THE SFD

A. Every central station operating company or other entity which makes a direct connection after the date of adoption of this Bylaw to the SFD shall pay the following fees:

| Permit Fee | \$ 20.00 |
|--|----------|
| Connection Fee | \$100.00 |
| Annual Fee for Churches and Non-Profit Organizations | 75.00 |
| Annual Fee for All Others | \$200.00 |

- B. Before any central station operating company is connected to the SFD, it shall provide the Fire Chief with the following information:
- the name, address, and telephone numbers of the central station operating company.
- 2. the names, addresses and home and work telephone numbers of at least two persons who can be contacted twenty-four hours a day, who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises emitting the alarm signal to the central station operating company.
- 3. the name, address, home and work telephone numbers, and location of the premises of each customer of the central station operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company.
- the insurance carrier (with a copy of the insurance policy) for the company.
- 5. such other information as the Fire Chief may require.

If, as of the date of adoption of the Bylaw, a central station operating company already has a direct connection to the SFD, the central station operating company shall comply with the requirements of this section within sixty (60) days after the SFD has sent it notice by certified mail, return receipt requested, of the requirements of this section.

If a central station operating company fails to comply with this section, the Fire Chief may assess a penalty of Fifty Dollars (\$50.00) for each day of non-compliance.

SECTION 4. UPDATING INFORMATION

Every master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Fire Chief. If the information provided changes, the master box owner and the central station operating company shall provide the Fire Chief with the updated information and shall pay the fee, if any, required by this Bylaw. If a master box owner or a central station operating company fails to comply with this section, the Fire Chief may assess a penalty of Fifty Dollars (\$50.00) for each day of non-compliance.

SECTION 5. FIRE ALARM SYSTEM MALFUNCTIONS - PENALTIES

A. If there is a fire alarm system malfunction, the Fire Chief may assess a penalty against a fire alarm system owner for each malfunction occurring during any fiscal year according to the following schedule:

FIRST THROUGH THIRD MALFUNCTION NO CHARGE
Upon recording of the third false alarm by the SFD, the Fire Chief shall notify the owner of the building, in writing and by certified mail, of such fact, and at this time inform the owner of the Department's policy with regard to charging for false alarms.

FOURTH THROUGH SIXTH MALFUNCTION \$100.00

SEVENTH THROUGH ELEVENTH MALFUNCTION \$200.00

EACH MALFUNCTION AFTER THE ELEVENTH \$300.00

- B. Private fire alarm systems connected to the Sudbury Fire Department by other automatic means or through a central station system shall also be subject to the schedule of penalties set forth in Paragrah A of this Section.
- C. Any false fire alarm which is the result of the failure of the property owner, occupant or its agents to notify the Sudbury Fire Department of repair, maintenance or testing of an internal fire alarm system within the protected premises, shall cause a penalty to be assessed in accordance with the schedule of penalties set forth in Paragraph A of this Section.
- ${\tt D.}$ For the purposes of this Bylaw, a false fire alarm shall be defined as follows:
- 1. The operation of a faulty smoke or heat detection device.
- 2. Faulty control panel or associated equipment.
- 3. A water pressure surge in automatic sprinkler equipment.
- 4. Accidental operation of an automatic sprinkler system.
- 5. An action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant, causing accidental activation of an internal fire alarm system.
- $E. \;\;$ Property owners will be billed once a month for the malfunction activity occuring during the previous month.
- F. If any bill is not paid within thirty (30) days of issuance written notice will be sent; if the bill is not paid after a second thirty (30) day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and his insurance company notified.

SECTION 6. RESTRICTIONS ON TAPE DIALERS AND SIMILAR AUTOMATIC TELEPHONE DEVICES

No fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines of the SFD. If, upon adoption of this Bylaw, a fire alarm system is equipped with such a tape dialer or similar automatic telephone device, the fire alarm system owner shall have sixty (60) days from adoption of this Bylaw to disconnect such tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with this section, the Fire Chief may assess a penalty of Fifty Dollars (\$50.00) for each day of non-compliance.

SECTION 7. SECURED KEY ACCESS

Any building, other than a residential building of less than six (6) units, which has an alarm system or other fire protection system shall be provided with a secure key box installed in a location accessible to the SFD in case of emergency. This key box shall contain keys to the structure served by the alarm system, keys to the fire alarm control panels and other keys necessary to operate or service fire protection systems. In addition, if required by the Fire Chief, a lock-box, sufficient in size, shall be obtained and shall contain a list and Material Safety Data Sheet for hazardous substances present on the site in "significant quantities". As used herein, the phrases "hazardous substances" and "significant quantities" shall be as defined by applicable Town, Commonwealth of Massachusetts and Federal laws and regulations governing the storage of these substances.

The key box and/or lock-box shall be of a type approved by the Fire Chief and compatible with the key box system presently in use. The key box and/or lock-box shall be located and installed as approved by the Fire Chief.

No permit for a fire alarm system will be issued until the permit applicant has placed an order for a key box/lock-box as specified above.

Any building owner violating this section of this Bylaw after receiving due notice by the SFD shall be subject to a penalty of Fifty Dollars (\$50.00) for each day of non-compliance.

SECTION 8. APPEAL PROCEDURE

Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this Bylaw may, within ten (10) days of such action, file an appeal, in writing, to the Board of Selectmen of the Town of Sudbury (the "Board"). After public notice, the Board shall hold a hearing, after which it shall issue a decision in which it may suspend, affirm, annul, or modify the action taken by the Fire Chief giving its written reasons therefor. The Board shall send its decision to the owner by first class mail within ten (10) days after the hearing.

SECTION 9. REGULATIONS AND ENFORCEMENT

The Fire Chief may promulgate such regulations as may be necessary to implement this Bylaw. The Fire Chief is authorized to pursue such legal action as may be necessary to enforce this Bylaw. This Bylaw may be enforced by civil process, as authorized by M.G.L. Chapter 40, §21D and Article VI of the Town of Sudbury.

SECTION 10. DEPOSIT OF FEES AND FINES

All fees and fines collected shall be paid to the Sudbury Fire Department, which will forward all amounts collected to the Town Treasurer for deposit in the General Fund.

SECTION 11. SEVERABILITY

The provisions of this Bylaw shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.";

or act on anything relative thereto.

Submitted by the Fire Chief.

Fire Chief, Michael Dunne, \underline{moved} in the words of the Article. The motion received a second.

Chief Dunne explained he had two reasons for presenting this article:

1) the town has been providing direct alarm connections to many businesses and organizations at no charge for many years. It has maintained the cables, the signal receiving equipment and provided trained personnel to keep the system operating, for which other Towns charge; and 2) many people have installed alarms but they have failed to maintain them creating unnecessary runs for the Fire Department. During 1990 there were 203 system malfunctions or people working on systems, without notifying the Fire Department. Consequently, this article would levy penalties for excessive false alarms. The first three malfunctions would not be penalized. However, for the fourth through the sixth there would be a \$100 penalty, and for the seventh through the eleventh a \$200 penalty. There would be a \$300 penalty for all malfunctions over and above 11. Chief Dunne estimated the Town would realize approximately \$9 to \$10 thousand additional revenue annually.

<u>Finance Committee Report:</u> (S. Strouse) The Committee supported Article 21 with its fee-penalty structuring.

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

Ralph Tyler of Deacon Lane, concerned about homeowners who had automatic dial systems that were reliable and do not present problems to the Fire Department, moved to insert at the end of the first sentence of Section 6, the words "unless approved by the Fire Chief based on reliability and characteristics of operation under electrical disturbances." The motion received a second.

In explanation of his motion, Mr. Tyler stated if homeowners are willing to invest in a system Chief Dunne prior approved, in order to get protection when they are away from home, that would be another safety service provided by the Town. He believed unreliable systems that tie up the switchboards should be banned. With this amendment, it was his purpose to give that discretion to the Fire Chief.

The motion to amend was defeated.

The motion under Article 21 was UNANIMOUSLY VOTED.

ARTICLE 22. ACCEPT CHAPTER 291 OF THE ACTS OF 1990 - EMERGENCY TELEPHONE E-911

To see if the Town will vote to accept the provisions of Chapter 291 of the Acts of 1990 concerning Enhanced 911 phone legislation and to authorize the Board of Selectmen to enter into agreements relative thereto.

Submitted by the Fire Chief

<u>Fire Chief Report:</u> The Legislature has passed a law requiring the telephone company to provide E-911 phone service and the accompanying equipment to each community in the state which accepts the legislation within one year of its passage. If we do not accept E-911 now we will have to pay for it in the future. The Fire Chief and Police Chief strongly support this public safety measure and urge the Town's acceptance.

Board of Selectmen Report: The Board supports this article.

Finance Committee Report: Recommended approval.

The motion under Article 22 was UNANIMOUSLY VOTED; IN THE WORDS OF THE ARTICLE.

(Consent Calendar)

ARTICLE 23. SCHOOL FACILITIES MAINTENANCE - CURTIS, HAYNES, NOYES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$136,900, or any other sum, to be expended under the direction of the Sudbury School Committee, for the purpose of making extraordinary repairs to and/or remodeling, and purchasing additional equipment for the Curtis Middle School, the Haynes School and the Noyes School, including facility repairs, furniture replacement and building improvements and all expenses connected therewith, including professional, engineering and architectural services and preparation of plans, specifications and bidding documents and supervision of work and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Sudbury School Committee

S. Bober for the School Committee <u>moved</u> to appropriate the sum of \$25,000 to be expended under the direction of the Sudbury School Committee for the purpose of making extraordinary repairs to and purchasing additional equipment for the Curtis Middle School, the Haynes School and the Noyes School and professional and engineering services to investigate and report on askestos conditions and removal, said funds to be raised by transfer from Free Cash.

The motion received a second.

In explanation of this motion, Mr. Bober said the article would fund only the most crucial of the schools maintenance needs—specifically at Curtis four emergency lights that are the automatic back-up for a power failure; at Haynes, the globes on the light fixtures in the front of the building which have decayed to the point they are too brittle to be handled; at Noyes obsolete hall light fixtures needed to be replaced. He also mentioned chalkboards at Curtis that were 30 years old and simply could not be used any longer. He acknowledged the unanimous feeling of the School Committee not to present this article due to the Town's finances, and that the Committee would respect whatever action the Town determined.

Finance Committee Report: (J. Ryan) It was explained the motion as given was inconsistent with what had been reported to the FinCom by the School Committee as to the funding source. With the approval of the Hall the motion was amended with the words of the motion "from Free Cash" being changed to "from the Stabilization Fund." With the source of money clarified, the Finance Committee recommended disapproval of the motion based on the fact, the passage of Article 16, Purchase of Capital Equipment, dropped the balance of the Stabilization Fund to \$255,000.

<u>Board of Selectmen</u> (J. Drobinski) The Board agreed with the Finance Committee and did not support this motion under Article 23.

The motion under Article 23 was deleated.

ARTICLE 24. ROOF REPAIR - CURTIS AND HAYNES SCHOOLS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$450,000, or any other sum, to be expended under the direction of the Permanent Building Committee for the purpose of performing extraordinary repairs and maintenance and/or replacing the roofs at the Baynes School and the Curtis School including engaging a qualified firm to investigate the condition of said roofs with recommendations for its maintenance, repair or replacement, and including engineering and architectural services and preparation of plans, specifications and bidding documents and supervision of work and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Sudbury School Committee

S. Bober of the Sudbury School Committee, <u>moved</u> to appropriate the sum of \$15,000 to be expended under the direction of the Permanent Building Committee for engineering and architectural services, including the preparation of plans, specifications, and bidding documents for performing extraordinary repairs and maintenance and/or replacing the roofs at the Haynes School and the Curtis School. Said appropriation to be raised by transfer from the Stabilization Fund. The motion received a second.

School Committee Report: In 1980 a planned maintenance program was developed by the Permanent Building Committee for the repair or replacement of the roofs on the school buildings. The first phase of the roof replacement program has been completed at the Noyes School and on part of the Curtis Middle School. Additionally, the roof repairs at the Nixon School are now being completed as part of the renovation project to that building. With the completion of these projects, the Permanent Building Committee is now recommending that the Town fund the replacement of the roof at the Haynes School and the remaining portion of the roof at the Curtis Middle School. Work on these roofs has been postponed for several years due to the ability to maintain them with spot patching using tar in the damaged areas. It is no longer possible to function with patching - these roofs are in need of replacement and must be done as soon as possible.

Finance Committee Report: (C. McMahon) The Finance Committee recommended disapproval of such an appropriation as it would bring the Stabilization Fund to a serious low level.

Board of Selectmen Report; (J. Drobinski) The Board recommended disapproval of the Article.

Permanent Building Committee: It was reported the original section of both the Curtis Middle School and the Haynes Elementary School were almost 30 years old. Except for a portion of the Curtis roof, both roofs are the originals and have leaks, as they have exceeded their useful lives and must be replaced. Although the PBC has for several years recommended replacing these roofs, it has postponed that recommendation due to the limited available Town resources. This request had been reluctantly modified by the PBC to include just engineering fees for the new roofing design and to prepare bidding documents, thus delaying the actual roof replacements for one more year. The Hall was reminded these roof repairs cannot be postponed forever and will be an item of utmost importance at the next Annual Town Meeting.

Dan Clapp of Dutton Road inquired if the Finance Committee would support the motion were the money to come from another source, such as Free Cash, as the school roofs were a genuine dilemma. It was stated, the Finance Committee had recommended the amount requested come out of the existing School Budget.

<u>Long Range Planning Committee:</u> (D. Gardiner) The Committee, having reviewed the situation, recommended approval.

Jeff Schaffer of Griffin Lane, noting that roofs eventually do need to be replaced, stated he didn't understand why after the Town builds facilities, it doesn't appropriate funds year by year or set up a reserve to know that in so many years ahead, when a roof has to be replaced, it won't come as a "budget buster" surprise with an extraordinary expense.

The motion under Article 24 was defeated.

ARTICLE 25. LIBRARY ARCHITECTURAL SERVICES

To see if the Town will vote to raise and appropriate or appropriate from available funds, \$30,900, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of obtaining engineering and architectural services, including preparation of plans, specifications and bidding documents, for the remodeling, making of extraordinary repairs to, and constructing additions to the Goodnow Library, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Library Trustees

Ken Ritchie, Library Trustee, <u>moved</u> to Indefinitely Postpone Article 25. The motion received a second.

Mr. Ritchie briefly explained the library needs are indeed great however the Town's finances are such that the Trustees cannot at this time ask for funds.

<u>Finance Committee Report:</u> (B. Pryor) The Committee agreed with the position of the Board of Trustees for Indefinite Postponement.

Board of Selectmen Report - (D. Wallace) The Board supported the motion to postpone.

The motion under Article 25 to Indefinitely Postpone was VOTED.

ARTICLE 26. TRANSFER LIBRARY MATERIALS TO FRIENDS OF THE GOODNOW LIBRARY

To see if the Town will vote to authorize the Trustees of the Goodnow Library to transfer, from time to time as they deem proper, print and non-print library materials, no longer useful to the Library, to the Friends of the Goodnow Library. Inc. at less than fair market value; or act on anything relative thereto.

Submitted by the Board of Library Trustees

Board of Library Trustees Report: The Friends of the Goodnow Library is an incorporated tax-exempt organization whose purpose is to "support and cooperate with the library in developing library services and facilities for the community". The material transferred to the Friends will be included in their book sales. The funds generated from the book sales are used to purchase the library's museum passes and other resources and services that are not supported by the library's budget. The material transferred would be items that are obsolete, damaged or in some other way no longer of value to the library collection. Currently this material is held until a non-profit organization is found to which to give them.

Board of Selectmen Report: The Board supports this article.

Finance Committee Report: Recommended approval.

The motion under Article 26 was UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

ARTICLE 27. AMEND ZONING BYLAW, ART. IX, V.D.6.h - SPECIAL SIGNS

To see if the Town will vote to amend Section V.D.6.h of the Zoning Bylaw, Signs Which Do Not Require a Sign Permit - Special Signs, by deleting the present language and substituting therefor:

"h. Special Signs - Signs mounted on or within registered motor vehicles except where the signs are mounted on parked vehicles for the purposes of advertising goods or services sold or provided on the property where the motor vehicle is parked or elsewhere either by direct sale or by order.

Notwithstanding the foregoing, signs normally painted on or attached to a motor vehicle identifying the owner and his or her trade and signs advertising the sale of the motor vehicle itself shall be allowed.";

or act on anything relative thereto.

Submitted by Petition

Jack Hepting, Town Building Inspector, <u>moved</u> in the words of the Article. This motion received a second.

Mr. Hepting explained the proposed amendment was intended to eliminate the use of motor vehicles as advertising devices to circumvent the sign provisions of the Zoning Bylaw.

<u>Finance Committee Report:</u> (B. Pryor) The Committee did not take any position on the Article as it had no obvious financial impact to the Town.

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

Planning Board Report: (R. Brooks) The Board supported the Article.

Design Review Board: (F. Riepe) The Board supported the Article.

The motion under Article 27 was UNANIMOUSLY VOTED.

ARTICLE 28. AMEND ZONING BYLAW - ARTICLE IX.V.A.5.d - BUILDING PLANS AND ELEVATIONS

To see if the Town will vote to amend Section V.A.5.d of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by deleting the first sentence thereof and substituting therefor the following:

"d. A Building Plan(s) and Elevations shall be prepared by a Registered Architect in all cases where the plan specified a facility of 35,000 cubic feet or more or gross volume.";

or act on anything relative thereto.

Submitted by the Design Review Board

Frank Riepe of the Design Review Board \underline{moved} in the words of the Anticle. The motion received a second.

Mr. Riepe explained the present Bylaw calls for an architect to prepare plans when a facility exceeds 10,000 feet in area. The Board stated there are many important commercial projects, that have been proposed in the past, less than 10,000 square feet that have had a very important impact on the design of the commercial area. Therefore, it was seeking to have the Bylaw changed so a proposed facility in excess of 35,000 cubic feet, wording used in the State Building Code, would be designed by an architect in the approval stage. This would not call for the involvement of anyone new, as an architect is already part of the team in a development project. This would just bring the architect in the early reviewing process, allowing Town boards to better control the quality of development projects in Sudbury that are of a commercial nature.

Finance Committee Report: The Board took no position on the Article.

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

Planning Board Report: (R. Brooks) The Board supported the Article.

<u>Building Inspector Report:</u> Jack Hepting stated it would make life a great deal easier for him and his department if the Town Bylaw and the State Building Code were in compliance with one another, which is exactly what this Article would do. He recommended approval of the Article.

John Rhome of Dutton Road, correcting a typographical error, moved to correct the second "or" in the third line of the paragraph lakeled "d" to read "of".

The motion to amend received a second.

The motion to amend was VOTED.

Larry Johnson of Hawes Road questioned whether Article 28 applied only to commercial properties or to residential as well. In response to this question posed by both Mr. Johnson and Mrs. McMahon, and after conferring with Town Counsel, Paul Kenny, the Moderator stated, "As I have been advised, Mr. Kenny, I will ask you to confirm what I am about to say, this does not have applicability to a residential structure." Mr. McMahon responded by saying that was how it was in the State Build-

ing Code, but should this Article 28 pass, would it then apply to Sudbury? The Moderator advised "No, no it would not. I am advised that under the structure of our Zoning Bylaw this would apply only to non-residential buildings. Mr. Kenny, have I stated it correctly?" Town Counsel answered "That is correct, Mr. Moderator."

The motion under Article 28, as amended, was UNANIMOUSLY VOTED.

ARTICLE 29. AMEND ZONING BYLAW, ARTICLE IX.V.B.1 DESIGN REVIEW BOARD MEMBERSHIP CRITERIA

To see if the Town will vote to amend Section V.B.1 of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by inserting after "landscape architect," the words "a graphics designer,";

or act on anything relative thereto.

Submitted by the Design Review Board.

F. Riepe of the Design Review Board \underline{moved} in the words of the Article. The motion received a second.

<u>Design Review Board Report:</u> This article provides for the appointment of a graphics designer to the Design Review Board. Present membership of the Board, where possible and in order of appointment preference, includes that of an architect, a landscape architect, and a resident from within the Business District. As a large percentage of the Board's work relates to signage, an expert in this field will contribute to the Board's overall effectiveness. The Board supports this Article.

Finance Committee Report: The Committee took no position on the Article.

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

Planning Board Report: (R. Brooks) The Board supported the Article.

Michael Ladd of Concord Road inquired if with the passing of this Article, a graphics designer would take precedence over a resident if a choice had to be made between the two, because it comes before "resident"? Town Counsel, Paul Kenny opined, "It would give preference."

Mr. Ladd then offered the following amendment, \underline{move} to insert after "a resident from within or near the Business District", the words, "and a graphics designer." The motion received a second.

Mr. Ladd explained a graphics designer probably has little more knowledge or opinions of what a good sign is than a resident, and he preferred to see a resident first.

The motion to amend was VOTED.

The main motion under Article 29, as amended, was UNANIMOUSLY VOTED.

ARTICLE 30. WITHDRAWN

ARTICLE 31. WITHDRAWN

At this time, Mrs. Cope of the Board of Selectmen \underline{moved} to adjourn the 7own Meeting until 7:30 p.m. the following evening.

The motion received a second.

The Moderator declared the motion received a clear $2/3 \mathrm{rds}$ vote, and the meeting was adjourned at $10:25~\mathrm{p.m.}$

Attendance: 206

ADJOURNED ANNUAL TOWN MEETING

APRIL 9, 1991

A quorum being present, the fifth session of the Annual Town Meeting was called to order. The first order of business was Article 32.

ARTICLE 32 GOLF DRIVING RANGE

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$78,000, or any other sum, to be expended under the direction of the Sudbury Park and Recreation Commission, for the purpose of constructing a golf driving range to be located on Town-owned land off North Road, known as the Davis Land (Town Property Map ClO Parcel 500) and purchasing equipment, landscaping and all expenses connected therewith, including professional, architectural and engineering services and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Park and Recreaction Commission

Gerald Berenson, Chairman of the Park & Recreation Commission moved to appropriate the sum of \$78,000 to be expended under the direction of the Park and Recreation Commission, for the purpose of constructing a golf driving range to be located on Town-owned land off North Road, known as the Davis Land (Town Property Map C10, Parcel 500) and purchasing equipment, landscaping whall expenses connected therewith, including professional, architectural and engineering services and bidding documents; and to raise this appropriation, the Treasurer with the approval of the Selectmen is authorized to borrow \$78,000 under Massachusetts General Law Chapter 44, Section 7 and to appropriate an additional sum of \$2,000 to be expended under the direction of the Treasurer for the payment of costs and interest associated with the borrowing. Said sum to be raised by transfer from Tree Cash. This motion received a second.

In explanation of his motion, Mr. Berenson noted the proposed driving range would be built on the Davis Land on Route 117, which was purchased in 1974 in conjunction with the Conservation Commission. Presently the portion of the land to be used for the range is a stump dump. The range to be built and operated by the Commission, would be a dawn to dusk operation, running from mid-April or May to October. There would be no nighttime operation, eliminating the need for lighting; there would be no food or beverages available, minimizing daily clean up; and the driving range would have approximately 28 tees.

It was the belief of the P & R Commission the proposed driving range would be the least invasive project for this particular piece of land and would present no environmental issues. Two reasons for considering a driving range were 1) it would provide the Town with a very popular sport and 2) at the same time generate a considerable amount of income. Mr. Berenson noted the itemized projected total cost would be \$76,643, which included the construction of the range and the necessary equipment.

Using the worst scenario, open from 9 a.m. to 8 p.m. and only 25 percent usage, the Commission anticipated it would realize \$92,400 in revenue. The difference between the income and its expenditures being an initial profit of \$3,900 after debt service. He further noted the profit margin could easily be increased by raising the cost of each bucket of balls from \$4 to \$4.50. The additional fifty cents would add close of \$20,000 to the income. However, the Commission believed the actual usage of the range would be somewhere between 25% and 50% per day occupancy, with a large usage during workday lunch hours and after 5 p.m., as well as weekends and holidays. The Commission expected to repay the \$78,000, the initial amount borrowed, within 5 years from the income generated. Mr. Berenson noted the Commission expected the range would be in operation by the spring of 1992, with its first debt payment not due until later that year. All income from the range would be placed in a holding account, and its use would be decided each year by Town Meeting.

Mr. Ryan of the Finance Committee questioned the \$2,000 in the motion to be appropriated from Free Cash, which he noted was not the understanding of the FinCom. Mr. Berenson explained this amount would not be necessary, thereupon the Moderator asked the Hall to strike out the last four lines of the motion, which included the \$2,000 request. Chet Hamilton, Town Treasurer, addressed the Hall and stated the \$2,000 was the estimated interest cost for the first fiscal year on the proposed monies to be borrowed.

A point of order requested by George Hamm of Morse Road inquired whether it was within the four corners of the article to come to the meeting with a title and then write the article on the floor. The Moderator expressed his belief the motion was within the four corners of the article. Mr. Berenson, after conferring with Mr. Ryan, noted the motion would not be amended.

<u>Finance Committee Report:</u> Mr. Ryan explained the Committee's concern of the use of Free Cash. The Park & Rec Commission indicated to the FinCom it had approximately \$2,000 from prior years' articles which would be turned back to the Town, either to the Stabilization Fund or Free Cash or some other needs. In light of that and the fact the money was necessary, the FinCom had no further objection.

Suzanne Strouse of the Finance Committee noted the Board's approval of the Driving Range and its recommendation to support the motion.

Board of Selectmen: (J. Drobinski) The Board of Selectmen supported Article 32. Recognizing the tight financial times, the Board believed the opportunity to raise revenues was quite important to the Town. Additionally, the proposed use, an environmentally sound one, would provide year-round recreation to the residents of the Town.

George Hamm of Morse Road stood in opposition to Article 32 pointing out the land in question was a beautiful pasture when it was first purchased, and now the Town, which made it a stump dump, was asking for money to fix it up and make it look like it was originally. He noted he sought help from a professional golfer to study this Article, a man who was planning a \$500,000 driving range of his own in Rhode Island in the near future. The gentleman's considered opinion was there isn't sufficient business in this area to support a professional golf driving range. It was noted by Mr. Hamm there are requirements for driving range facilities which are established by a professional association of Driving Range Operators. These include: sufficient area to keep weekend waiting to a minimum; commercial pro shop, adequately protected from vandals; a teaching facility separate from the driving tees and from children's distractions; snack, toilet and washing facilities; sufficient separation from residential areas to avoid being a nuisance; dependable low income part-time labor; adequate liability insurance and associated liability costs; fencing and policing for reasonable protection from Town and neighborhood politics. A twenty year guarantee was a typical expectation before money should be put into it. Mr. Hamm further commented that insurance costs for driving ranges are rising out of control, and for private ranges, it is a highly expensive item. Expensive fences and protections are an absolute must. To make any profit at all, there would have to be evening use. According to what he was told, parks and playgrounds, non-professional ranges, have not generally been long-term successes when not associated with public golf courses to share the pro shop, the teaching and the other facilities as well as labor.

Mr. Hamm further remarked that when the driving range was first proposed it had all the required features, but proponents could not overcome neighborhood and other Town objections, so they scaled back what he called "their shared time non-professional proposal." It was his belief that in two years they would return seeking lights and an extended season, possibly miniature golf, all of which they discussed in their public meetings. Mr. Hamm commented lastly that to ask retired engineers and middle professionals, who are being forced to exist on one-sixth or one-third of their previous earnings, along with the unemployed, who are now the "new poor" of Sudbury, to contribute to the construction and maintenance if not

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the real operating losses of a "more executive sand box" merely to give Sudbury the appearance of the rich and famous, was very offensive. He urged the defeat of Article 32.

Conservation Commission: (J. Nixon) Speaking for the Commission, Mr. Nixon moved to amend the main motion by adding the words "provided that the extent and the scope of the project, hours of operation and the use of lighting is not expanded beyond 28 tees, dawn to dusk operation and no field lighting."

The motion received a second.

Mr. Nixon indicated that although Mr. Berenson stated in his presentation there were no wetland issues involved, there certainly were some wetland issues but not sufficient enough for issuing a denial on the project. The Commission's concern was what would happen in ten years when possibly there wasn't a Park and Recreation Commission as sensitive to these issues as there is now. Should this project become a "real cash cow" and expansion was desired, there are no safe guards.

The Finance Committee supported the motion to amend as did the Board of Selectmen.

Robert Coe of Churchill Street stood in opposition to both the motion to amend as well as the main motion contending he did not believe the story the driving range would be a "cash cow" and further with the amended motion the livelihood was less probable the range would operate at a profit.

David Mandel of Dakin Road questioned whether the motion to amend would limit the actual operations of the driving range to 28 golf driving range tees, and asked for Town Counsel's opinion. Counsel, Paul Kenny, responded. "I believe the gentleman is correct."

Mr. Mandel then <u>moved</u> to amend the motion to amend by adding thereto the words, "provided further that the operation of the project shall not be expanded in any manner beyond 28 golf driving range tees." The motion received a second.

Mr. Mandel noted he believed the Conservation Commission intended to limit the number of tees, but as Town Counsel's opinion confirmed, the Commission's motion wouldn't accomplish the limits, and his motion would.

Both the Finance Committee and the Board of Selectmen supported the motion in the second degree.

Following considerable discussion, there was a motion to <u>move</u> the question, which was seconded and a "clear two thirds" was declared by the Moderator.

The motion to amend in the second degree was VO7ED.

The motion to amend, as amended by the second degree motion, was $VO7\mathcal{ED}$.

Before the main motion, as twice amended, was placed before the voters, further discussion followed concerning the potential traffic problems on Route 117.

Long Range Planning Committee; Philip Ferrar reported the LRPC did not support the driving range proposal as the Committee has serious doubts the range could attract the projected 125 people/day, according to information it received from other driving ranges. Secondly, such a range would require very strong management to attract golfers and achieve the expectations presented. Additionally, real problems with drainage could shorten the playing time in a wet spring or wet fall, and make it very difficult for machinery to pick up the balls. The opinion of the LRPC was

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that a golf driving range should not be considered for its profitability. On a long-term basis it was not there and would not fund much in terms of additional recreational facilities to the Town. It would be crucial for this project to be profitable. Weekend play would be of the utmost importance and weather would decidedly dictate whether the Park & Recreation Commission could realize a profit.

After considerable more discussion, there was another motion to \underline{move} the question, which was seconded, and which the Moderator declared received a clear two-thirds vote.

The main motion under Article 32, as amended, was <u>defeated</u>.

ARTICLE 33. REVOLVING FUND - GOLF DRIVING RANGE

PASSED OVER

ARTICLE 34. ACCEPT CHAPTER 40, SECTION 22D - TOWING REGULATIONS

To see if the Town will vote to accept the provisions of M.G.L. Chapter 40, Section 22D, authorizing the Selectmen to adopt regulations concerning the towing of vehicles obstructing handicapped ramps, disabled veterans or handicapped parking, or impeding snow removal or plowing operations, or act on anything relative thereto.

Submitted by Petition

Judith Cope, Chairman of the Board of Selectmen <u>moved</u> in the words of the Article. The motion received a second.

Board of Selectmen Report: (As printed in the Warrant)

The law referred to in this Warrant article makes specific provisions for regulations governing the towing of motor vehicles in certain circumstances. Notwithstanding the general police power to provide safe roads and facilities within the Town, it is suggested that the acceptance of the statue bring us in complete conformance with the legislative enactment. The Board supports this article.

Finance Committee Report: No report was given

The Moderator took both a hand and standing vote on this Article.

The motion was VOTED.

ARTICLE 35. PURCHASE UNISYS PROPERTY

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 Board of Selectmen, for the purchase or taking by eminent domain of the Unisys property located off Route 117, situated in Sudbury and Concord, shown as parcel 300 on Sudbury town Property Map C11 and as Parcel 3416-1 on Concord Town Property Maps D15 and E15, and consisting of approximately 142 acres; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Petition

David Wallace of the Board of Selectmen moved to appropriate the sum of \$1,800,000 to be expended under the direction of the Board of Selectmen for the purchase or taking by eminent domain of the Unisys Property located off Route 117, situated in Sudhury and Concord shown as Parcel 300 on Sudhury Town Property map C11 and as Parcel 34164 on Concord Town Property Maps D15 and E15 and consisting of approximately 142 acres for conservation, recreation, wetlands protection, housing or any other municipal purpose on such terms as the Selectmen may determine; and to raise this appropriation, the Treasurer with the approval of the Selectmen is authorized to horrow \$1,800,000 under Massachusetts General Laws, Chapter 44, Section 7; and to appropriate an additional sum of \$108,000 to be expended under the direction of the Treasurer for payment of interest associated with the horrowing; and to appropriate an additional sum of money of \$25,000 to be expended under the direction of the Treasurer for the payment of associated bond and note issuance expense. Said sum of \$25,000 to be raised by transfer from Free Cash. All appropriations hereunder to be contingent upon the approval of a Proposition 2-1/2 debt exclusion of said borrowing and interest in accordance with Massachusetts General Laws, Chapter 59, Section 21C. Any subsequent change of use shall require the prior approval of Town Meeting. This motion received a second.

Mr. Wallace's presentation in support of Article 35 included the Selectmen's discussion and support for Article 36 as well, however each article was voted upon separately.

First Mr. Wallace provided some history on the Unisys property noting it was formerly known as Sperry Rand, and had been acquired in 1959 by that company until December 31, 1983, when Unisys left the Town as an active facility. The building remains on the property. Following its closing, the Town passed a new density bylaw which Unisys has maintained has restricted the use and further development of the property, and that the bylaw constituted the taking without compensation. Unisys filed suit in February of 1990 against the Town to nullify the bylaw and sought money damages for having allegedly suffered as a result of the alleged taking. The Selectmen attempted to respond by proposing at a 1990 fall Special Town Meeting a Zoning Bylaw amendment which would have created a "new zone" allowing for the development of an Office Park and greater development of the site. It was defeated.

Mr. Wallace acknowledged that it has been well publicized the Unisys site is contaminated with hazardous materials which in all probability were disposed on the site by Sperry when it was in operation. Sudbury's Town Well #5 is contaminated with hazardous materials which are suspected to have originated from the Unisys site. The site is being assessed and cleaned by Unisys in accordance with State Law, and Unisys is assisting the Town in locating the source of Well #5's contamination. The firm of Woodard & Curran, Inc. is overseeing the analysis being conducted by Unisys' own environmental firm, Leggette, Brashears & Graham, Inc. Unisys also agreed to pay all costs associated in overseeing this work. The clean-up could take years, according to Mr. Wallace. Recognizing Unisys' financial difficulties, he expressed concern about the completion of the clean-up should Unisys go bankrupt, as no matter who is the ultimate owner of the property, everyone would be affected.

In January, Unisys offered to sell the Research Center including the 142 acres of land to the Towns of Sudbury and Concord for \$1.8 million dollars. The consensus of the Conservation Commission, the Planning Board, the Board of Appeals, the Sudbury Water District, the Town Engineer and representatives from Concord's Board of Selectmen, Finance Committee and Natural Resources Commission was to proceed and purchase. As the offer was for only 90 days, the Sudbury Board of Selectmen decided to take the lead and purchase the property including Concord's portion. At the same time and in conjunction with the Unisys property, it was also a consensus of this group to purchase the adjoining Melone property, because of its extensive gravel deposits which would have an immediate pay back to the Town, to support the purchase of the Unisys property.

Mr. Wallace stated the proposal before the Town at this time was due to the negative financial condition Unisys presently is in, which creates a unique opportunity for Sudbury, that may not present itself again. He considered Unisys' offering to be a "fire sale price of about one quarter of its assessed valuation". He further noted, Unisys had agreed, with the purchase of the property the lawsuit would be eliminated, which would save the Town legal costs and avoid a possible unfavorable judgment.

With the purchase of the Melone property, it was estimated the Town could save \$500,000/year using the gravel for the landfill. Additionally, gravel could also be sold to other landfills. Wallace read off many possibilities for the use of the land, i.e. recreational rights, additional cemetery needs, participation with Concord and the Water District for aquifer protection, etc.

The disadvantages of purchasing the Unisys property, according to Wallace, were the existing building on the property which may need to be razed, the loss of real estate taxes and the initial dollar outlay by the Town.

Mr. Wallace believed "this venture" was one which merited serious consideration. He offered the following five (5) commitments in the event the voters supported the motion under Article 35:

- The contamination issue would be so resolved there would be no future liability for the Town;
- 2. The current Unisys suit against the Town would be withdrawn;
- 3. The Board of Selectmen would continue to negotiate with Unisys and the Melone family seeking a sale price less than the \$1.8 million dollars and \$1 million dollars;
- 4. Confirmation that Concord would purchase the property within Concord so long as Sudbury retains the right to access White's Pond; and
- 5. A favorable Special Election after this Town Meeting, exempting the debt for borrowing under both Article 35 and Article 36.

A portion of correspondence received from Unisys was read into the minutes, as follows: "....please let me assure you that Unisys has and will continue to commit all resources necessary to fully complete the on-going clean-up of the property regardless of any strict legal apportionment of responsibilities, environmental liability which may result coincidental with the change in property ownership." The Town received on March 4, 1991 from Unisys a draft Purchase & Sale Agreement and an Environmental Indemnification Agreement that was reviewed and redrafted by Paul Kenny, the Town's Counsel, to incorporate the concerns of all boards. The Selectmen also received on March 12, 1991 a letter from the Chairman of the Concord Board of Selectmen expressing interest in discussing Concord's purchasing that portion of the Unisys property within Concord, and "...investigating ways in which we might enter into a joint venture on this property." A letter was received on March 19, 1991 from the Trust for Public Land, stating "....it may have a potential solution which addressed the long-term use of the office building it-In late March, copies of the Warrant for Concord's April 23, 1991 Special Town Meeting were received, which authorized participation in the purchase of the Unisys and Melone properties. On March 25, 1991 the Board of Selectmen received an

unsolicited letter from Unisys providing further assurances that it intends to clean-up the contamination on the site. In March the Selectmen commenced negotiating with Unisys about possible terms of a Purchase and Sale Agreement and the Indemnification Agreement with regard to the clean-up. Unisys agreed to hold the purchase price in escrow until the clean-up is satisfactorily completed, in the event of Unisys' failure or bankruptcy.

Deborah Montemerlo, Conservation Coordinator spoke in support of Article 35 and 36 and reiterated the offering price to the Town was about one-fourth the current assessed value, while the Melone property was essentially a trade for the gravel on the site. She spoke of the ownership of these parcels as having long-term benefits as well as removing the immediate risk of court imposed damages that could result, due to the current zoning on the property. By way of slides, she indicated there was a great deal of open space and open fields on the Unisys property, the topography of which was very diverse as is the vegetation. She pointed out there were approximately 25 acres of wetland, with a small kettle hole located on the boundary of the Unisys and Melone parcel near Route 117.

Ms. Montemerlo informed the voters Unisys' consultant, Leggette, Brashears and Graham had determined the southeast portion of the site was in Zone 2 of the Aquifer Well #5 while the Melone Property was located almost entirely with Zone 2. She noted Town or Water District ownership could control the uses in Zone 2 beyond what would result from a development that had State only mandated protections.

The Conservation Commission voted to support the purchase of both parcels contingent upon the Selectmen successfully negotiating their five point commitment plan and the establishment of enough security to cover the clean-up of all toxics on the site.

William Place, Town Engineer, spoke specifically to the southerly portion of the Unisys and Melone properties--101 acres of the Unisys parcel consisting of approximately 25% wetlands, 6% ledge, 8% glacial till and 60% sand and gravel. It was his belief that without severe alteration to the Unisys site, or impacts to the water table, a total of approximately 250,000 cubic yards of material could be taken, if necessary, to recover a portion of the purchase cost. Through the use of an overhead, Mr. Place indicated 100,000 cubic yards of gravel would come from the northwest corner, 50,000 cubic yards from the north, and 100,000 from the southeast corner. According to Mr. Place, almost the entire Melone parcel consisted of sand and gravel---approximately 1 million yards, the gravel depth being 40 - 60 feet throughout the Melone site. He stated the graveling operation could be controlled, to insure a more adequate cover was maintained over the water table. The aesthetics of the parcel would be maintained and all exposed areas would be loamed and seeded when the gravel operation was completed, for future use. Mr. Place estimated the value of the material on the land as being between \$3.5 and \$4 million. Two years ago, the Engineering Department recognized that the borrow material located on the pit, east of the Melone Property would soon be depleted and new sources of material would have to be located. According to Mr. Place, the Sudbury landfill uses approximately 20,000 cubic yards of this each year for daily cover, as required by law. The current expected life of the landfill is four years, needing 80,000 cubic yards, the cost of which is approximately \$300,000. It was reported the Town was negotiating with the Department of Environmental Protection to extend the life of the landfill, 10 to 15 years. The cost for the daily cover during such an extended length of time would be anywhere from \$1.5 to \$2 million dollars. Current estimates to cap the landfill are between \$500,000 and \$1 million dollars, not including the post closure, monitoring and testing. Should the DEP deny the Town's request for additional years for the landfill, Mr. Place noted, he would have to return to Town Meeting requesting \$1 million dollars to purchase a transfer station. He further noted the Town's continuing need of sand for snow and ice removal as well. Gravel is used for drainage and road reconstruction projects. The Melone property, Mr. Place confirmed, contained 1 million yards of gravel valued between \$3.4 and \$4.5 million dollars. The additional gravel on the Unisys property, if needed, was valued by Mr. Place at approximately \$5 million dollars. He noted for the Town to own the underlying land was a bonus, as the land could be used by the Town or the Water District for active or passive recreation or could be rezoned in accordance with future Town Meeting vote.

Finance Committee: (J. Ryan) The Finance Committee, recognizing the purchase of the Unisys Property was an excellent opportunity for the Town, recommended disapproval of Article 35 for reasons of fiscal concerns. Noting the difficult financial times facing the Town, Mr. Ryan stated there was a limit to the amount of revenue available and that the Town must spend the revenues from the tax levy carefully. Also, there were too many questions regarding the property as to the extent of the pollution and the cost of cleaning it up. The position of the Finance Committee was that Town funds should not be used to purchase a piece of property known to be contaminated, when the degree of contamination is unknown and won't be known for months. Not having this information made it impossible to know the cost for cleaning it up. Although guarantees could be built into the purchase which would clearly escrow the \$1.8 million dollars, the suggested purchase price, the clean-up could exceed that figure. Should that happen, the people of Sudbury would bear the cost of the clean-up.

As to the building on the property, this was reported to be in need of a great deal of maintenance. Mr. Ryan noted the maintenance of the Town's buildings now are of great concern. With the purchase of this property, another building over 30 years old, probably requiring a new roof, would come under the maintenance care of the Town. The only alternative would be to have it torn down.

Besides the land pollution and another building to be maintained, it was pointed out such a purchase as recommended in Article 35, would substantially reduce Town revenue, as it would be taken off the tax rolls. It was pointed out this property has been on the market for approximately 7 years. The FinCom recommended waiting for the engineering reports from the Department of Environmental Protection and the Department of Environmental Quality, which would define the extent of the pollution, and then the Town would be in a better position to determine whether the purchase of the property would be worthwhile or not.

Henry Sorett of Longfellow Road <u>moved</u> to add at the end the following words, "provided, however, the Selectmen may only purchase the property pursuant to an agreement which: 1) causes the Town to be held wholly and completely harmless from the consequences of any and all contamination which exists on the property and in the building; 2) that causes Unisys to remain solely responsible for all site assessment and remediation costs; 3) is designed, drafted and constructed in such a way as to cause the Town to be a secured creditor in any Unisys bankruptcy proceedings and 4) causes the existing suit to be dismissed with prejudice."

The motion was seconded.

In support of his motion, Mr. Sorett noted the amendment would require the Selectmen to honor their commitment in any agreement between the Town and Unisys to purchase the property. The provision requiring Unisys remain solely responsible for all site assessment and remediation costs would require Unisys to "go the extra mile" if it wants Sudbury to purchase the property. The amendment also, would deal with the question of the Town's position should Unisys file for bankruptcy. In summing up his views, Mr. Sorett commented "If we are going to present the question to the voters, let's present it in a form which requires that there be an agreement that protects our vital interests." He urged the defeat of the main motion.

Finance Committee: (J. Ryan) The FinCom did not take a position on the motion to amend.

Charles Cooper of Morse Road <u>moved</u> to amend Mr. Soreti's motion by adding after the words "exists on the property", the following words, "and any off-site contamination which is determined by the Massachusetts Department of Environmental Protection to have originated on the property." The motion received a second.

In explanation of the motion to amend, Mr. Cooper expressed his concern there had been no mention of this issue by Unisys in the correspondence to Mr. Wallace. If and when an accounting takes place of where the real risks are associated with this property, the risks will be determined to be with the contamination that has migrated off the site. Mr. Cooper believed if the Town considers purchasing the property in question at this time, prior to a full accounting of the contamination, it must protect itself against the off-site contamination.

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Board of Selectmen: (J. Drobinski) Mr. Drobinski informed the voters the Board had no problem with the amendment. Unisys was working on a "parallel track to look at the off-site contamination", as to where it was coming from as well as conducting extensive aquifer tests of Well #5, to determine the zone of influence. This was being accomplished in conjunction with the Division of Water Supply, DEP, and the Water District consultant. He further noted Unisys had committed funds and staff to accomplish this effort.

Hugh Caspe of the Board of Health informed the voters the contamination on the property was worse than originally expected, according to the findings, which he said were not totally conclusive, but were leading towards a situation where it might be assumed the Well #5 contamination was part and parcel of what happened at Unisys. He noted aerators were being built adjacent to Well #5 at a cost to the Water District of approximately \$300,000, which the Water District was considering recovering by suing Unisys. He commented the direct involvement of DEP was good news, as it was taking action to rectify the situation. Mr. Caspe believed the real question was would the Town be protected should Unisys, as it tries to repair the situation, go bankrupt, or would the Town be liable for cleaning up the site afterwards? He recommended the passing of Article 35.

Russell Kirby of Boston Post Road, noting there had been two contaminated sites identified with this parcel of land, — one on the Sudbury side of the town line and the other on the Concord side of the line, inquired as to the Town's liability if it purchases the entire parcel then has to sell off a portion of the land which is known to have a contaminated site on it.

Paul Kenny, Town Counsel opined, "If the Town were to purchase the whole site and it included the two contaminated areas as indicated, if there are two such contaminated areas, the (sic) what we would propose to negotiate for the purchase of that site is an Indemnification Clause that would cover both of those contaminated areas."

Chuck Schwager of Ridge Hill Road inquired if the contamination migrated off the site, would the Town be protected in that event. Town Counsel stated, "In our negotiations with Unisys, we would attempt to negotiate an Indemnification Agreement that would protect the Town for all liability both on site and off site. Mr. Schwager asked Town Counsel again, if the Town, under the law, would be liable for the offsite contamination which migrated off site, after the land was purchased by the Town.

The Moderator stated, "That is going to depend upon what is negotiated." Still not satisfied with this response, Mr. Schwager rephrased his question by saying, "You may get an indemnification from the seller for that, but you are clearly under 21E or whatever it is, liable. I am asking the question, a legal question. In law are you liable for contamination which is determined judicially or by the DEP to have migrated off the site?"

The Moderator in an effort to clearly understand Mr. Schwager's concern, rephrased the question as follows: Even assuming we had indemnification would we still have liability if, for example. Unisys couldn't respond to the Indemnification? Does the legal liability still lie with the Town?"

Town Counsel opined, "While the question in fact is not delineated sufficiently to give a completely definitive answer because of all the ramifications, I will state, as I understand the law, Mr. Moderator, off-site contamination may give liability to the purchaser of a site even though a predecessor caused that contamination if there is a trail that will allow that under certain circumstances. We will seek total indemnification from Unisys for any off-site liability and any on-site liability."

Robert Sheldon of Saxony Drive, A Water District Commissioner, explained the actions and position of the Water District with regard to Unisys. The District had two concerns with the future and past history of the Unisys property: the development of the property itself and the contamination of Well #5. The District was concerned with future activity on the site, especially as part of the site is within the half-mile default recharge zone of Well #5. He noted construction was underway for a stripper tower and associated equipment so the Well could be brought back on line with treatment to remove the contaminate TCE. It was the intention of the Water District to recoup the associated costs involved, from the party or parties responsible for causing contamination, which would become part of everyone's water bill. He informed the voters the Water District had taken steps toward filing an attachment on the Unisys property as a means of recovering costs. Under its charter, the Water District would be entitled to upwards of three times the damages for contamination, should the case go to court. The sum of \$350,000 has already been spent on rehabilitation of the well. The DEP has displayed considerable interest in the site, as have the respective consultants for both the Water District and the Town. The DEP expected results from the testing to be completed in 3 to 6 months. Mr. Sheldon emphasized off-site contamination was an issue that must be an integral part of the Town's Purchase and Sale Agreement. Although Unisys has assured everyone in meetings and in the press that after a sale of the property they would continue to see the Unisys land cleaned up, the Water District expressed concern about a similar commitment, on Unisys' part, regarding off-site migration of contamination whether it be at Well #5, the Melone property, or another piece of adjacent land. He reminded the voters how very important a "solid Purchase and Sale Agreement was to the Town and to the District."

Anne Donald of Hudson Road, inquired if the purchase price was put in escrow, as the Selectmen intended to require, would that be protected in the event Unisys went bankrupt?

Paul Kenny, Town Counsel, opined, "There are a number of vehicles which we are looking at in order to protect that purchase price. One of which certainly would be an Escrow Agreement in which no title to the funds would pass to Unisys, and therefore we believe there would be protection under that. The other is a Surety Bond which could be provided with a Surety Company. That would not be the same thing but it would provide someone else from whom we could get the funds. Not only these but other avenues are being pursued to insure that whatever funds were necessary for the clean-up would not be subject to the bankruptcy courts--not being subject to be taken by the trustee of bankruptcy."

Hale Lamont-Haver of Morse Road inquired what the cost would be to purchase the property. Fred Haberstroh stated for the "average \$300,000 house" the projected figure was \$93 on next year's tax bill. According to the Moderator, this assumed the purchase of both pieces of property.

Donald Oasis of Willow Road inquired if the money derived from the gravel was used as an offset in determining the tax rate? Mr. Haberstroh stated, "No, definitely not. The way we calculated it, is we based it on the additional monies necessary for—to cover the borrowing bond plus the lost tax revenue from the sale of the properties." He further explained the offsets were not taken into consideration, as there was no way to determine how much gravel would be removed and how much it was worth, etc.

As to where the money received from the sale of the gravel would go, it was stated by the Executive Secretary, the money would go into the Town's General Fund and eventually become available as Free Cash.

Charles Cooper's secondary motion to amend was defeated.

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Henry Sorett's motion to amend the main motion was VOTED.

After these two votes, there followed considerable discussion regarding White's Pond and whether or not the Town of Concord was fully into this deal with Sudbury. Frank Riepe of Concord Road inquired of Selectmen Wallace if Sudbury had assurances the Town of Concord would buy their 40 acres.

Mr. Wallace stated, "The leadership has indicated very strong feeling towards doing that but it will take---they are going to have a Special Town Meeting within their Annual in about two weeks so it would have to be approved at the Special Town Meeting. I have it in private conversations with one of their Selectmen, whom I have known for many years, I know, that is the intention of the leadership. But as you know, anything can happen at Town Meeting."

Following more discussion there was a motion to <u>move</u> the question. The Moderator declared there was a clear 2/3rds vote in support and debate was ended.

The vote on the main motion, as amended, was taken up. First there was a hand vote, then a standing vote. In the opinion of the Chair the motion was VO7ED. Seven voters requested the vote be counted. A total of 195 people voted.

117 Voted "YES" 78 Voted "NO"

The motion was defeated, as it required a 2/3rds vote.

The time being 10:57 p.m., Henry Sorett of Longfellow Road, \underline{moved} to have the 7own Meeting remain in session. This motion received a second.

The motion to remain in session, requiring a 2/3rds vote, failed.

The meeting was adjourned until the following evening at 7:30 p.m.

Attendance: 283

ADJOURNED ANNUAL TOWN MEETING

APRIL 10, 1991

The Moderator called the meeting to order at 7:43 p.m. as a quorum was present. The first order of business was Article 36.

ARTICLE 36. PURCHASE MELONE PROPERTY

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 Board of Selectmen, for the purchase or taking by eminent domain of the Melone property located off Route 117, situated in Sudbury and Concord, shown as Parcels 1, 2, and 100on Sudbury Town Property Maps C11 and C12 and as Parcel 3419 on Concord Town Property Map El5 and consisting of approximately 43.92 acres, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Petition.

David Wallace of the Board of Selectmen moved to appropriate the sum of one million dollars to be expended under the direction of the Board of Selectmen for the purchase or taking by eminent domain of the Melone property located off Route 117, situated in Sudbury and Concord, shown as purcels 1, 2 and 100 on Sudbury Town Property Maps C11, C12 and as Parcel 3419 on Concord Town Property Map E15 and consisting of approximately 43.92 acres for conservation, recreation, wetlands protection, housing or any other municipal purpose on such terms as the Selectmen may determine and to raise this appropriation, the Treasurer with the approval of the Selectmen, is authorized to korrow one million dollars from the Massachusetts General Laws, Chapter 24, Section 7 and to appropriate an additional sum of \$60,000 to be expended under the direction of the Treasurer for the payment of interest associated with borrowing and to appropriate an additional sum of \$15,000 to be expended under the direction of the Treasurer for the payment of the associated hond and note issue expense. Said sum of \$15,000 to be raised by transfer from Free Cash. All appropriations hereunder to be contingent upon approval of Proposition 2-1/2 debt exclusion of said borrowing and interest in accordance with Massachusetts General Laws, Chapter 59 §21C. Any subsequent change of use will require approval of Town Meeting.

MELONE PROPERTY

\$1,000,000

PURCHASE PRICE

| INTEREST @ 6.75% | (20-YR. BOND) | 725,625 \$1,725,625 | |
|------------------|----------------|------------------------|-------------|
| | | | |
| REVENUE: | | | |
| GRAVEL AVAILABLE | (SUDBURY ONLY) | 1,000,000+ CY = | \$4,000,000 |
| USE FOR: | | | |

| LANDFILL COVER MATERIAL AND CAPPING COSTS | 500,000 CY = | \$2,000,000 |
|---|---------------|-------------|
| RESERVE FOR HIGHWAY SANDING (10 YRS) | 100.000 CY = | 400.000 |
| BALANCE TO BE SOLD FOR PROFIT* | 400,000 CY = | 1,600,000 |
| | | \$4,000,000 |

*PROFITS WILL COVER \$1M TRANSFER STATION - THUS TAKING CARE OF ALL FUTURE SOLID WASTE EXPENSES.

POSSIBLE RESERVE REVENUE FOR THE FUTURE:

RESIDENTIAL REZONING (22 HOUSE LOTS) = \$2,000,000 TO \$3,000,000

The motion received a second. As Articles 35 and 36 were discussed together the previous evening, Mr. Wallace made the following brief comments regarding the Board of Selectmen's support for the purchase of the Melone Property and the Board's commitments to the Town:

- 1) The Town will further negotiate the price of \$1 million dollars or less.
- 2) Prior to the purchase of the property, there will be a "21E Evaluation a Hazardous Waste Evaluation--pursuant to Massachusetts General Laws, to determine if there are any hazardous materials.

Mr. Wallace stated no known hazardous materials were on the site, as an assessment had yet to be made.

- Negotiations will continue with the Town of Concord to have that Town purchase that portion of the Melone land that lies within its border.
- 4) The purchase of the property will be contingent upon a favorable debt exemption vote at a Special Election, on May 13th.

Wallace explained the Melone property contains a total of 44 acres, $28\frac{1}{2}$ in Sudbury and $15\frac{1}{2}$ in Concord. The current assessed valuation in Sudbury is \$1,069,000, and the projected fiscal year assessed evaluation is \$695,400. These figures did not reflect the value of any gravel that could be taken off the site. Current taxes on the property, \$23,500, will be a loss of tax revenue to the Town and the cost of \$1 million would be borrowed at approximately 6.75% on a 20-year bond. The cost for the borrowing being estimated at \$725,625. The gravel located within Sudbury's acreage, around a million cubic yards, was valued, according to Mr. Wallace, at about \$4 million.

The amount of gravel which would be needed for landfill use was estimated at roughly 500,000 cubic yards, and its value at about \$2 million. He noted there is enough gravel on site for highway purposes, i.e. sanding, and in ten years there would be about 100,000 cubic yards, valued at \$400,000, the balance of which could be sold to other municipalities. Wallace estimated there could be 400,000 cubic yards remaining, which would realize a profit of \$1.6 million. The profits would cover starter costs for a transfer station and/or capping the landfill. While this would not cover all future solid waste expenses, it would cover up front costs and the Town would have the land.

Mr. Wallace suggested it was quite possible that Town Meeting could zone the land for another use--residential, possibly 22 house lots, thus making its worth \$2 to \$3 million over and above the \$4 million already discussed. He was quite confident this was a valuable investment for the Town, and after all bills have been paid, it would have the potential of presenting to the Town an additional revenue source of approximately \$2 million, at a minimum.

<u>Finance Committee Report:</u> (J. Ryan) The Finance Committee did not approve of this purchase, as Town finances were a major consideration. The projections with respect to the use of the land were perhaps somewhat speculative and there was no emergency to buy this property now. To do so would be a burden on the tax rate. As the purchase would primarily benefit the landfill, and the landfill has an Enterprise Fund, the FinCom recommended the funds to pay for it should come for the Enterprise Fund and not the tax levy.

Henry Sorett of Longfellow Road agreed with the position of the Finance Committee. Noting there had been no discussion of evidence of contamination on this property, he also expressed skepticism as to how many people would be willing to buy house lots there when they know the area had been a large scale gravel removal operation.

Conservation Commission: (Cheryl Baggen) Speaking for the Commission, Ms. Baggen stated support for the purchase of the Melone property, pointing out the topography and deep sandy soils as being ideally suited for a gravel operation with no disturbance to the water table. The natural knolls adjacent to Route 117 and between the Melone and Unisys sites would help the aesthetics of the operation by providing natural screening of the gravel areas where the removal would take place. No wetlands would be involved, except for a small kettle hole, and that would not be impacted by the gravel removal. The area of gravel removal will be loamed and seeded to provide a maximum amount of stability to the finished grade, that may be used for recreation or other municipal purposes. It could be purchased by the Water District or used for any other need so voted by Town Meeting. It was the opinion of the Conservation Commission that once the gravel is removed, the Town would own the land for far less that it would have had to pay for purchasing the gravel elsewhere. Ms. Baggen suggested that towns must look at creative ways to finance land purchases for all municipal needs, such as this article presents. The Commission urged the voters to support the motion under Article 36.

Michael Ladd of Concord Road inquired if the costs for loaming and seeding, and also the removal of the gravel were included in the cost estimates. William Place, Town Engineer, explained some loam on the site would be pushed aside for the stabilization of the slopes, and the costs for the removal of the gravel and trucking had been factored into the estimates as presented.

Charles Swagner of Ridge Hill Road asked why the Melone family was willing to sell this land for \$1 million when there was \$4 million worth of gravel on it? Secondly, he asked who valued the gravel at this \$4 million figure? It was explained by the Executive Secretary that the selling price of \$1 million was because of the present economic conditions, plus the fact the words "eminent domain" were included in the motion, at the request of the Melones. "Should the land be taken by eminent domain, it would be a tax benefit to them and they would be able to purchase property elsewhere." He further explained that the Melones were selling the land as they are prohibited, by town bylaw, to engage in the removal or trucking of the gravel whereas the Town has municipal exemption. As for the reliability of the estimated figures, these were worked out by William Place the Town's Engineer. It was decided to use the \$4 million number, as they projected the purchase would be bonded over twenty years and the projected average costs of gravel over that same period of time would be about \$4 million. This figure was considered to be on the conservative side, stated the Executive Secretary.

Joseph Klein of Stone Road noted that the Finance Committee objected to Article 36 as the projected figures were "speculative", however, he remarked the previous evening the FinCom supported a golf driving range article, asserted to make money, based merely upon a statement of the Park and Recreation Commission. He added his support to this motion.

Larry Johnson of Hawes Road inquiring as to the size of the daily operation, was informed there was no intention of increasing the present operation at Route 117, according to the Executive Secretary. In response to using the Enterprise Fund for this purchase, he commented the landfill sticker fees would have to be increased to accommodate such a system.

Charles Cooper of Morse Road noted there had been a statement the previous evening in the discussion of off-site contamination related to the Unisys land, that the Melone property and Town Well #5 were locations where off-site contamination was believed to exist. As he looked at the information available on ground-water flow between the Unisys site and Well #5, it seemed to him that such contamination would be expected to travel through some portion of the Melone property, thereupon he asked Selectman Drobinski, a geohydrologist by profession, to clarify some of the statements made with specific reference to the sampling results completed to date on this property.

Mr. Drobinski stated that, "What we know of the groundwater flow in the zones of contamination on the Unisys property is that the Melone property, as we know right now is probably not affected. This may change as more data comes in. There will be a total 21E investigation on the property... an environmental assessment to evaluate both the soil and groundwater quality beneath the site. Unisys has committed to the Board of Selectmen that it would take careof all offsite liabilities its property caused and it was in the process of doing that right now." He expressed the Board's full faith that Unisys will do this since they are a priority site and a super lien would be put on them through the DEP if they don't do it. He reaffirmed the position of the Board of Selectmen saying they would not go ahead and buy contaminated property. He added that no testing had been taken on the Melone property so the true quality of the soil and water was unknown. Looking at the groundwater flow patterns, there were no indications that the property would be contaminated, but this could change."

As this statement did not satisfy all of Mr. Cooper's concerns, he asked what action would there be, should the findings of a "21E" indicate contamination was there on the site---would the Town forego its option to purchase?

Selectman David Wallace reassured the hall they were only asking for approval to spend up to \$1 million, to be negotiated further down, particularly if there are problems or there are additional costs. "If there is a contamination issue as the result of '21E' assessment, then we wouldn't buy it obviously. The fact is we are asking for approval of up to \$1 million. We believe that is what the Melone family would accept and if there are other problems involved, then the negotiations would reflect them and the actual purchase price would be lower."

Charles Cooper then \underline{moved} to amend the motion by adding at the conclusion of the motion the phrase, "the 7own shall not purchase the property if any contamination is discovered on the property." This motion received a second.

Town Counsel, Paul Kenny remarked, "I don't know what the word 'contamination'—how that would be construed with respect to purchase of the property. My assumption is that the author meant hazardous waste of some sort but contamination can be a lot of things that are not hazardous waste." Discussion followed as to whether the term 'hazardous waste' should be substituted for 'contamination', but Mr. Cooper did not wish to change his motion as there are forms of contamination that are hazardous waste.

In support of his motion, Mr. Cooper stated it was his understanding that part of the debate over what has contaminated Well #5 for many years evolved around the question of whether any contamination originated on the Melone property as well as the question of whether contamination originated on the Unisys property...whether or not Unisys and the Town reach some agreement on contamination originating on its property that does reduce concern over the possible contamination on the Melone property. He further commented he had heard nothing regarding any indemnification with respect to contamination that may exist on the property or may have migrated off the property. Given those uncertainties, he believed it would be unwise for the Town to purchase the property should any contamination be found, and it would also be unwise to further limit the definition of 'contamination' prior to the conduct of some studies on the property.

There was a call on the motion to amend to \underline{move} the question which was seconded. The Moderator declared there was a clear two-thirds vote and the debate on the motion to amend was terminated.

The motion to amend was defeated.

There followed another motion to \underline{move} the question on the main motion. This was seconded and it was $\underline{defeated}$.

Jeffrey Schaeffer of Griffin Lane inquired what the annual cost of this article would be, in terms of tax dollars, on a typical \$300,000\$ home? Daniel Loughlin, Assistant Town Assessor, stated the figure had been calculated to be \$20 per \$100,000 assessment or \$60/year.

Mr. Schaffer thereupon commented he was opposed to the purchase of the Melone property for the same fundamental reason he was opposed to the purchase of the Unisys property---both proposals were wholly incomplete as they did not explain why the Town had not negotiated with a third party for the sale of the gravel. are saying we need all of the gravel," he commented, "maybe that is one point but I didn't hear that. I heard that we had this gold mine and we could sell the gravel. If we know the gravel market locally and we know there are business men, contractors who are prepared, ready, willing and able to enter into long-term contracts to buy the gravel from us, now I am beginning to see an income stream. Even if an agreement was for a portion of the gravel so the Town could keep enough for its own needs and sell the excess, this is the part that is missing. And it begins to get real muddled, in my view, where 'we maybe can buy this' and 'we maybe can sell gravel' and 'we have some possibilities of what this could generate over time' and 'after you measure this after 20 years, we will come out ahead', but it is speculative! What I think is also speculative is other possible future needs or future uses, as with the Unisys property....possibly cemetery, possibly recreation, possibly this, that and the other thing. Where is the plan? If we can't use the Park & Recreation land across 117 to fly airplanes or hit golf balls or as the Chairman of the Finance Committee said, God forbid, a golf course, I almost wonder what we are doing. We are buying property and I see a lot of speculation here and with the Town's economy, I question if it is the time to speculate."

Russell Kirby of Boston Post Road pointed out that the Finance Committee did not support the article as it believed the cost was too high and it would not be a self-supporting operation from a financial standpoint. Yet the Board of Selectmen's information indicated it would be extremely profitable. He concluded if they are both correct, this would indicate the taxpayers would be taking a short-term hit and at some point along the way the situation would reverse itself. He inquired if it had been projected out as to when those lines would cross? He further noted that the tax rate would go up immediately, as indicated by the Board of Assessors, but when the Town does purchase the property and a gravel operation is in place, there should be some relief from this. He asked if this would be in a year, five years, ten years, never or when?

The Executive Secretary responded that "Within three or four years the Town might start seeing the lines cross. It will take time to get organized." Presently the Town is working on approximately a four-year time span on the landfill. A "vertical expansion" is also being worked upon, and if approved, it would add another 10 to 15 years to the life of the landfill.

Thomas Hollocher of Concord Road, noted when he translated the increased tax rate to an annual carrying charge, he arrived at a figure that was approximately \$330,000/year. He then inquired about the gravel operation being profitable and exceeding \$300,000/year, which would call for a minimum of about 100,000 cubic yards of gravel?

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The Executive Secretary reminded Mr. Hollacher this would be a 20-year project and it would be compatible with long-term borrowing. As to the quantity of gravel, Town Engineer, William Place, noted that currently the landfill uses approximately 20,000 cubic yards of gravel/year, therefore, with an estimated landfill life of four years remaining, the need would only be for 80,000 cubic yards. He further stated the Town removes 14 truckloads of material each day and he would not like to see that exceeded. To remove 100,000 cubic yards in a year would probably require twenty truckloads a day.

At this point of the discussion, Daniel Loughlin, Assistant Assessor, corrected his previously stated projection of the increase in the tax rate on a \$300,000 home from \$60/year to \$30/year.

Dan Claff of Dutton Road, expressed concern of the cumulative effect of the tax budget, "that is beginning to wear heavily on the people." He inquired as to what assurance there could be that the temporary \$30 tax increase would drop inversely by \$30 as the "lines cross" and the gravel removal becomes an economic success? He feared the \$30 tax increase would be realized, but not the tax reduction, even though there could be other tax savings in other parts of the Town which would not translate into any tax reduction for himself and others.

John Ryan, Chairman of the Finance Committee, reiterated the FinCom's position that it was important for the people to realize that the landfill exists as an Enterprise Fund. If the Town chooses not to have its landfill operated under an Enterprise Fund, that would be fine also, but the Town must be consistent. The landfill operates as an Enterprise Fund and covers all costs associated with it, including those coming from the Engineering Department and the Highway Department. He emphasized all costs associated with the landfill should be assessed as the landfill's through its Enterprise Fund. Should the people choose not to pay increased landfill fees, then they can avoid that problem very simply by eliminating the Enterprise Fund and return the landfill back to the regular budget. He stressed the importance of the Enterprise Funds, and the purpose for which they were created.

A motion was received at this time to \underline{move} the question. This was seconded and $VO7\mathcal{ED}$, whereupon debate was ended under this article.

The vote under the main motion for Article 36 appeared to the Moderator to be a two-thirds vote, with a certain number of voters not in support. Thereupon he decided to take the vote in what he called the "reverse negative procedure," whereby he first counted the voters who voted "No." There were twenty-one (21) votes in the negative. The Moderator then counted forty-four (44) votes in the affirmative, whereupon he declared a 74%0-744IRDS VOTE in support of Article 36.

ARTICLE 37. AMEND ZONING BYLAW, ARTICLE IX.II.C - REDUCE RESEARCH DISTRICT No. 1

To see if the Town will vote to amend the Sudbury Zoning Bylaw Article IX, Section II.C, to reduce the size of Research District Number 1 to 25 acres of the Unisys Property which include the existing buildings, parking areas, and access driveway as shown on map entitled, "Plan of 25 \pm /- Acre Research District", dated February 1, 1991 by Ralph S. Tyler and on file in the Town Clerk's Office; or act on anything relative thereto.

Submitted by Petition

Ralph Tyler of Deacon Lane <u>moved</u> to amend the Sudhuny Zoning Bylaw, Anticle IX.II.C to reduce the size of the Research District No. 1 to 25.191 acres of the Unisys property which includes the existing buildings, parking areas and access driveway as shown on the map entitled, "Proposed 25 Acre Research District", 1991 Annual Town Meeting, Anticle 37 by Schofield Brothers, Inc., dated April 5, 1991, scale 1 inch equals 100 feet and on file in the Town Clerk's Office.

This motion received a second.

Henry Sorett of Longfellow Road called for a "Point of Order" at this time inquiring, "Where the issue of rezoning this property was before the Special Town Meeting and the Annual Town Meeting of last year, may a zoning article with regard to this property be properly brought before Town Meeting without a prior affirmative vote of the Planning Board?"

Discussion took place between Mr. Sorett and the Moderator as to whether this article had been before the voters before and defeated or referred back to the Planning Board. Mr. Sorett stated it had been on the Warrant for the September 1990 Special Town Meeting, but the Moderator stated, "There was no Special in 1990." He also noted that he had been concerned about the same problem, as noted by Mr. Sorett, when he saw all of these articles, however he reviewed them with Town Counsel against the Annual Town Meeting of 1990 and the Special Town Meeting of 1989, and his conclusion was "none of them transgressed that one, because in that one, certain ones were defeated." He assured Mr. Sorett he had no doubts as to what occurred at the last Annual Town Meeting and the Special of 1989, which would have fallen in less than two years—he did not believe there was a problem with any of the articles remaining.

In support of his motion, Mr. Tyler explained that for the past several years he has been working to resolve the Sudbury zoning issue and to work with Unisys in planning the development of its property, attempting to look for a constructive resolution with the Town of Sudbury.....zoning acceptable to Sudbury as well as a solution that is acceptable to Unisys. He noted he has been open and above board, clearly communicating his objectives and where Unisys and he were headed and what needed to be done. He stated he was again this evening continuing that process of seeking a constructive resolution to the zoning issue. He referred to the "1987 down-zoning which created 967 square foot/acre limit on an industrially zoned district, in fact which created 98.9% open space, was an extreme zoning measure, which would not be sustained." It was his belief, as those of friends and neighbors in North Sudbury with whom he's discussed this issue, that "Sudbury had a responsibility to decide the appropriate land use in the Research District and to establish a legally appropriate and non-discriminatory zoning scheme." He explained he was attempting "to balance what he perceived these last couple of years as a couple of conflicting viewpoints as to how the Research District should be developed." In the past he had viewed the Hall as being more comfortable with another residential neighborhood being created in North Sudbury, as there appeared to be a little anxiety

and concern about more industrial development. Yet he observed other groups and boards who proposed maintaining the entire district in the industrial tax base or the non-residential tax base in order to pay for Town services. These proposals were brought forward by Town Boards within the past year, Mr. Tyler stated, pointing out the Planning Board offered at the 1990 Annual Town Meeting a proposal for a "modified cluster" where a developer would have been able to develop residential property there of 1 acre zoning....Residential A. Less than 6 months later the Selectmen developed a proposal for an "Eight hundred thousand square foot Professional Park", that was at their instigation, and was not, according to Mr. Tyler, a Unisys initiative, but he noted Unisys responded favorably. It was his observation "There are two entirely different floating currents in Town as to how this district should be used".

The motion under Article 37 would limit the industrial development in an established and traditional way in Sudbury by reducing the size of the district and allowing the rest of it to be developed as another Sudbury neighborhood. Mr. Tyler stated, "He had had numerous discussions with Unisys and they had communicated with the Planning Board at its public hearings that the passage of this and the following articles would, in fact, form the basis for the settlement of all the outstanding issues around zoning". He stated Unisys wants "to be flexible". They want to have a constructive relationship, but they need legally appropriate non-discriminatory zoning".

Article 37, he explained, would expand the area of the Research District either beside or behind the existing buildings, which were far from Route 117. He reminded the hall that when the down-zoning first took place in 1987, it had been characterized by a Planning Board member as a "temporary holding measure to study the options". Now four years and many studies later, he hoped the voters would not be told there is need for additional study, but rather some decisions. He informed the hall that back in 1987 they had been misinformed about Unisys being able to build 60 houses on the property. Creating a residential development is not allowed in the district. The only way the district can be developed is in a research mode and the density is the subject of dispute. Assuming additional housing was developed, Mr. Tyler using statistical data, predicted over a period of time the approximate number of new students that would be realized and the additional tax revenue that would be realized, concluding there would not be a negative impact to the Town for funding additional school costs.

Through the benefit of slides, he indicated where the proposed new buildings would be, and the fact it would be "a very quality residential development because one of its features and assets would be the accessibility of White's Pond which is very desirable." This re-zoning article would also re-zone the Melone property.

Several areas in town were pointed out by Mr. Tyler where residents in the past did not want a major change in their neighborhoods, such as the proposed shopping center at Haynes Road and Route 117, and the Limited Industrial area off Powder Mill Road, and the Industrial Park District in South Sudbury. What resulted were new traditional neighborhoods and the districts were eliminated. He noted that in the Industrial Park District, before it was re-zoned to residential, Technology Concepts had been constructed there. Mr. Tyler referred to this area as a nice mix between the development of an industrial building and residential houses. It was his belief that the Unisys property could also have some limited industrial development in conjunction with residential developments. He further commented that Sudbury has already established the tradition and the 25-acre Research District is consistent with that past practice.

Following Mr. Tyler's presentation, the Moderator brought to the attention of the hall there had been a Special Town Meeting in 1990, as earlier discussed, and he had sent for the minutes. For the purpose of clarification of the original "Point of Order", the Moderator read the exact wording of the specific statue in question, Chapter 48§5 of the General Laws. After reading the minutes of the 1990 Special Town Meeting the Moderator ruled that the reduction of the Research District as proposed in Article 37 would not be the same as deleting it in its entirety.

Mr. Sorett, the originator of the Point of Order," respectively disagreed with the ruling and requested a vote on it, which was denied.

Planning Board Report: (J. Rhome) The Board unanimously recommended unfavorable action on this motion, stating the proposal seemed to contain the idea the way to make the problem go away is to simply make it smaller geographically. The Board disagreed and believed by making it smaller to the extent that it can, it makes the problem somewhat bigger. It was further noted that the Planning Board has never seen anything in writing to the effect that the Unisys suit would be settled if this and the articles to follow were approved. Mr. Rhome doubted very much that Unisys would feel barred from continuing their suit if the articles passed. By shrinking the Research District, it would leave residential area which would be "inventory goodies on the Unisys shelves for sale," observed Mr. Rhome. He stated if this area or any part of it is to be residentially zoned, we should come in the front door and not have it as a by-product of shrinking the Research District. He concluded by saying to approve this motion the voters would simply willy nilly get the residential area that was there before, which may or may not be the right idea. The Planning Board unanimously recommended defeating the motion under Article 37.

Finance Committee Report: The Committee took no position on this motion.

Michael Guernsey of Silver Hill Road \underline{moved} that Articles 37, 38 and 39 he discussed together and voted individually. This motion was seconded and failed.

 $\underline{\text{Board of Selectmen Report:}}$ (D. Wallace) The Board took no position on this motion due to the current litigation.

After considerable discussion, there was a motion to "move the question, which was seconded. This motion to terminate debate was declared VO7ED by a clear two-thirds vote.

The main motion under Article 37 was defeated.

Henry Sorett of Longfellow Road called for a "Point of Order" inquiring if a motion to pass over all remaining articles and conclude Town Meeting would be in order at this time? The Moderator ruled that it would not be in order.

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ARTICLE 38. AMEND ZONING BYLAW, ART. IX.IV.B-RESEARCH DISTRICT INTENSITY REGULATIONS

To see if the Town will vote to amend the Sudbury Zoning Bylaw Article IX, Section IV.B, Schedule of Intensity Regulations for the Research District, by changing current restrictions as follows:

Maximum Floor Area Ratio = 10,000 gross square feet per acre Minimum Lot Size = 7 Acres Minimum Yard Depths (front, side, rear) = 50 feet Minimum Street Centerline Setback = 75 feet

or act on anything relative thereto.

Submitted by Petition

No motion was made under Article 38. Ralph Tyler of Deacon Lane, one of the petitioners, commented that in view of the action taken under Article 37, the outcome was predetermined as to what would happen with Article 38.

Article 38 was PASSED OVER.

ARTICLE 39. AMEND ZONING BYLAW, ARTICLE IX.III.D-RESEARCH DISTRICT USE REGULATIONS

To see if the Town will vote to amend the Sudbury Zoning Bylaw Article IX, Section III.D. Research District Use Regulations, by adding the following permitted uses:

"d. Executive, administrative, engineering, financial, or professional offices and corporate headquarters facilities including accessory uses thereto."

and revising permitted uses Subsection b. and prohibited uses Subsection a. by adding to the end of each the following:

"or other permitted use.";

or act on anything relative thereto.

Submitted by Petition

Ralph Tyler of Deacon Lane, one of the petitioners, <u>moved</u> to amend the Sudbury Zoning Bylaw Article IX, §III.D. Research District Use Regulations by adding the following permitted uses: "d. Executive, administrative, engineering, financial, or professional offices and corporate headquarters facilities including accessory uses thereto."

This motion received a second.

In support of his motion, Mr. Tyler stated he believed many people for a number of years have been concerned that research use in an area that is close to a Sudbury Town well is not necessarily the most desirable use for the property. Uses such as an insurance company, a financial services office, a group of lawyers, a software development company, various things like that are less likely to be conducting activities which would negatively impact on any kind of spillage or any sort of events that could lead to further contamination on the site. To adopt this article these services would be permitted, to choose not to support this article would only continue the research uses.

Finance Committee Report: The FinCom took no position on this Article.

<u>Board of Selectmen:</u> (D. Wallace) The Selectmen supported this in view of the fact they had sponsored an article similar to this at the Special Town Meeting the previous fall.

<u>Planning Board Report</u>: (P. Anderson) The Planning Board believed Article 39 provided flexibility for possible uses which could be more sensitive to the environmental concerns than the present restrictions allow. The Board viewed this as a minor improvement of the current bylaw and recommended approval.

Henry Sorett of Longfellow Road \underline{moved} to amend the article by adding "provided, however, this section shall not be effected if the existing floor area ratio is set aside by judicial action or otherwise." This motion received a second

In support of his motion, he stated Unisys should be permitted to use the existing building and the existing floor area ratio for office space, but he did not believe they should be permitted to expand it as dramatically as would occur if there was the congruence of the passage of this article and Unisys' success in the lawsuit. He believed the amendment would keep the existing dimension but give Unisys the broader use right.

The motion to amend was defeated.

Russell Kirby of Boston Post Road commented that Town Meeting had charged the formation of a committee to examine the property together with people from Concord to determine what the appropriate uses would be. A report was prepared. An alternative zoning proposal was prepared. These were all passed over at a previous Town Meeting because of the litigation situation. He suggested no action of any kind be taken to alter the zoning on this property until three things were concluded: 1) the litigation; 2) resolution of the contamination on the property and 3) the final determination of the building presently located on the property. Mr. Kirby noted the building has very limited uses, therefore there is the issue of whether the building is going to remain or not. He urged defeat of the article and all the others that remained in the Warrant.

The main motion under Article 39 was defeated.

ARTICLE 40. RESEARCH DISTRICT LAND ACQUISITION - FUNDED BY RESEARCH DISTRICT TAXES

To see if the Town will vote to authorize the Selectmen to acquire by purchase or eminent domain a portion or portions of the Research District and/or adjacent Concord Land as can be acquired at an annual cost which is less than the estimated future Real Estate Tax Revenues from the Research District net of the cost of providing town services to the District; and upon such terms and conditions as the Selectmen may determine, and to raise and appropriate, or appropriate from available funds, a sum of money therefor and all expenses in connection therewith, and to determine whether such sum shall be raised by borrowing or otherwise; and further, to authorize the Town to seek grants and other funding therefor; or act on anything relative thereto.

Submitted by Petition

No motion was submitted under this Article. Article 40 was PASSED OVER.

ARTICLE 41. AMEND ZONING BYLAW, WATER RESOURCE PROTECTION DISTRICT SITE PLAN REVIEW

To see if the Town will vote to move and revise Section IX.III.G.5.c.2) of the Sudbury Zoning Bylaw so that it becomes a new Section IX.III.G. 5.g and reads as follows:

"g. Business, industrial, research and institutional activities permitted in the underlying district are permitted within Water Resource Protection District Zone II subject to a Site Plan Review by the Planning Board to assure that the use complies with the restrictions of subsection 5.b.",

move and revise Section IX.III.G.5.f.2) so that it becomes a new Section IX.III.G.5.h and reads as follows:

"h. Business, industrial, research and institutional activities permitted in the underlying district are permitted within Water Resource Protection District Zone III subject to a Site Plan Review by the Planning Board to assure that the use complies with the restrictions of subsection 5.e.",

and add Section IX.III.G.9 to read as follows:

- "9. Procedures for Site Plan Review
 - a. Site Plan Review Authority Site Plan Review shall be the responsibility of the Planning Board. Site Plan Approval shall only be granted if the Planning Board determines that the use fully meets the applicable restrictions of this Bylaw. In making such determination, the Planning Board shall give due consideration to:
 - Possible equipment or process failures which could cause prohibited discharges,
 - The adequacy of back-up systems and equipment to prevent prohibited discharges,
 - The adequacy of the monitoring capability and Sudbury's ability to make routine independent verification,

- The adequacy and reliability of measures proposed to clean up prohibited discharges, and
- The degree of threat to water quality which would result if the prohibited discharge were to occur.

For uses involving substances, processes or equipment where failure could reasonably result in a discharge which violates the restrictions of this Bylaw, the Planning Board may impose such conditions, safeguards and limitations as it deems appropriate given the threat to water quality and consistent with a reasonable use of the site for purposes permitted or permissible in the underlying district.

- b. Rules and Regulations The Planning Board may adopt, and from time to time amend, Water Resources Site Plan Review Rules and Regulations consistent with the provisions of this Bylaw and provisions of Massachusetts General Laws and shall file a copy of said Rules and Regulations or amendments with the Town Clerk. Such Rules and Regulations may provide for a review by other Town Boards similar to that described in Section III.G.6.e.
- c. Application Contents The Application shall comply with the requirements of the Water Resources Site Plan Review Rules and Regulations. Each application shall, at a minimum, contain a description of the planned use sufficient for the Planning Board's evaluation of the potential impact on the Water Resource Protection District including:
 - Plans, descriptions, and/or calculations as appropriate confirming that the planned use is in compliance with applicable Water Resource District restrictions.
 - A profile of potential events, if any, which could be expected to occur at least once during the lifetime of the planned use which could result in discharges prohibited by this Bylaw.
 - 3. Where potential event(s), if any, are identified which could lead to prohibited discharges the application shall in addition contain:
 - a. A description of the proposed monitoring methods, capable of independent routine verification by Sudbury, which will be used to learn of prohibited discharges, and the process, technology and/or methods which could be employed, if necessary, to fully remediate the impact of the prohibited discharge.
 - b. An analysis, by a professional geologist, hydrogeologist, soil scientist or Registered Professional Engineer experienced in groundwater pollution remediation, sufficient to determine that potential prohibited discharges can be effectively remediated and will not cause the groundwater quality to fall below the standards established in 314 CMR 6.00, Massachusetts Groundwater Quality Standards.
- d. Technical Assistance Where the Planning Board reasonably determines that potential events associated with the proposed use could lead to prohibited discharges, the Planning Board may obtain independent technical assistance in the same manner as is described in Section III.G.6.c.1.

- e. Site Plan Review Process and Decisions -
 - 1. The Site Plan Review shall conform to the applicable procedural requirements provided in M.G.L. Chapter 41, Section 81T, and 81U for Definitive Subdivisions except that a decision shall be made within 90 days.
 - The vote of a majority of the Planning Board shall be sufficient to render a Site Plan Review Decision.
 - 3. In the event of disapproval, the Planning Board shall state in detail the reasons for disapproval and shall revoke its disapproval and approve a Site Plan application which, as amended, conforms to all Zoning Restrictions and Site Plan Rules and Regulations.";

or act on anything relative thereto.

Submitted by Petition

Ralph Tyler, one of the Petitioners, <u>moved</u> in the words of the article. This motion received a second.

Mr. Tyler explained many of these articles were placed in the Warrant with the understanding there would have already been some decisions on some of these issues. He expressed concern the Town's Water Resource Protection Bylaw, which specifies a discretionary Special Permit be acquired by the Planning Board, would be ruled a totally illegal action by the Town. He remarked this was not his opinion, but he wished to share some of the judicial opinions of the court, which he didn't expect the voters to necessarily accept. He suggested the Town's bylaw be brought into conformance with the established case law.

Finance Committee Report: The Committee took no position on this Article.

L. Meixsell of the Planning Board \underline{moved} that Article 41 be referred back to the Planning Board.

This motion received a second.

The Moderator explained to the Hall that this motion to refer would have the legal effect of assuring the voters nothing would block it from coming back.

Mr. Meixsell reported that if this article was not referred back, the Planning Board would present several amendments to it. He provided two <u>general</u> reasons for the amendment to refer back: 1) The original bylaw was drafted over a period of three years after having been studied by the League of Women Voters and developed by perhaps a dozen volunteers and Planning Board members with the assistance of the Regional Planning Agency, and 2) The proposed revision of Article 41 came before the Planning Board about a month ago and there was no time to address the revision to the same extent that the original article was addressed due to the loss of the Town Planner and the shortage of staff. The three <u>specific</u> reasons for recommending

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referral were: 1) The present Water Resource Bylaw was based upon guidelines established by our Regional Planning Agency for over 80 communities in the region. Although Mr. Tyler, the petitioner, claimed the present bylaw illegal, Mr. Meixsell pointed out the Regional Planning Agency had not verified that claim, nor had the Planning Board had the opportunity to discuss it with the Agency; 2) It appeared Article 41 might result in taxpayers paying for a professional consultant to review proposed development projects, whereas under the present bylaw, the developer pays; and 3) The wording of Article 41 must be analyzed to ensure that modifications of site plans, which have been brought in previously, would require new public hearings. Without a new public hearing, the public and the abutters to the project would not have an opportunity to review and comment on the project. The proposed revision, according to Mr. Meixsell, was not clear as to whether there would be a public hearing or not. He concluded saying the Planning Board recommended Article 41 be referred back to the Planning Board for further consideration.

The motion to refer under Article 41, was VO7ED.

TOWN COUNSEL OPINIONS

It was the opinion of Town Counsel that, if the Bylaw amendments proposed for

| Art. | 3 | Amend Art. XI | Personnel Administration Plan |
|------|----|---------------------|-------------------------------------|
| Art. | 4 | Amend Art. XI | Personnel Class. & Salary Plan |
| Art. | 15 | Amend Art. V.27.(d) | Handicapped Parking, Penalty Amount |
| Art. | 21 | Create Art. V(D) | Fire Alarm Systems |

in the Warrant for the 1991 Annual Town Meeting were properly moved, seconded and adopted by a majority vote in favor of the motions, the proposed changes would become valid amendments to the Sudbury Bylaws.

It was the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in

| Art. | 11 Amend | Art. IX.VI.C | Reduce Term of Board of Appeals |
|------|----------|---------------------|---|
| Art. | 13 Amend | Art. IX.III.E.4.(f) | Flood Plain Permitted Uses |
| Art. | 14 Amend | Art. IX.III.E.3.(f) | Flood Plain Permitted Uses Technical |
| | | | Correction |
| Art. | 27 Amend | Art. IX.V.D.6.h | Special Signs |
| Art. | 28 Amend | Art. IX.V.A.5.d | Building Plans & Elevations |
| Art. | 29 Amend | Art. IX.V.B.1 | Design Review Board Membership Criteria |
| Art. | 37 Amend | Art. IX.II.C | Reduce Research District No. 1 |
| Art. | 38 Amend | Art. IX.IV.B | Research District Intensity Regulations |
| Art. | 39 Amend | Art. IX.III.D | Research District Use Regulations |
| Art. | 41 Amend | Zoning Bylaw | Water Resource Protection District |
| | | | Site Plan Review |

in the Warrant for the 1991 Annual Town Meeting were properly moved and seconded, reports given by the Planning Board as required by law, and the motions adopted by a two-thirds vote in favor of the motions, the proposed changes would become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General.

A motion to dissolve the Town Meeting was received and seconded. The motion was VOTED.

The meeting was dissolved at 10:20 p.m.

Attendance: 145

Jean M. MacKenzie, CMC Town Clerk

SPECIAL TOWN ELECTION

MAY 13, 1991

The Special Town Election was held at the Peter Noyes School. The polls were open from 7 a.m. to 8 p.m. Eighteen voting machines were used. The number of votes cast were 3,205 including 112 absentee ballots. The results were announced by the Town Clerk, Jean MacKenzie, at 8:55 p.m.

QUESTION 1

Shall the Town of Sudbury be allowed to assess an additional \$315,000 in real estate and personal property taxes for the purposes of funding educational, public works and library expenses of the Town of Sudbury for the fiscal year beginning July 1, 1991?

YES 1,613 NO 1,588 BLANKS 4

QUESTION 2

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to acquire in fee simple the Melone property located off Route 117, situated in Sudbury and Concord, shown as Parcels 1, 2, and 100 on Sudbury Town Property Maps Cl1 and Cl2 and as Parcel 3419 on Concord Town Property Map El5, and consisting of approximately 43.92 acres?

YES 1,546 NO 1,542 BLANKS 117

A true record, Attest:

Jean M. MacKenzie, CMC

Town Clerk

SPECIAL TOWN MEETING

OCTOBER 21, 1991

The first session of the Special Town Meeting was held at the Lincoln-Sudbury Regional High School auditorium. A quorum being present, the Moderator called the meeting to order at 7:32 p.m. The Reverend David Platt, Minister of the First Baptist Church of Sudbury, gave the invocation, which was followed by the Pledge of Allegiance.

The Moderator announced the amount of available certified Free Cash was \$185,283. He had examined and found in order the Call of the Meeting, the Officer's Return of Service and the Town Clerk's Return of Mailing. Following, John Drobinski of the Board of Selectmen, moved to dispense with the reading of the Call of the Meeting, the Officer's Return of Service, and the Town Clerk's Return of Mailing to each household in the Town, and to waive the reading of the articles of the Warrant for the Special Town Meeting of October 21, 1991.

The motion received a second and was UNANIMOUSLY VOTED.

The Moderator then announced there were technical matters that still needed to be cleared up with Unisys, before the Town Meeting could proceed with the first three articles. Therefore, it was advised that Article 4, and possibly 5 and 6 should be acted upon at this time.

John Drobinski of the Board of Selectmen, <u>moved</u> to take out of order Article 4, and if necessary, Articles 5 and 6 for the start of the 7own Meeting. The motion received a second.

Henry Sorett of Longfellow Road, upon inquiring as to the reason for the delay, was told by the Moderator that the Chairman of the Board of Selectmen and the Town Counsel had informed him they were not in a position to intelligently present these articles until they had completed phone calls with Unisys.

The motion to take Articles 4, 5 and 6 out of order was $VO7\mathcal{E}D$. The Moderator declared "there seemed to be a clear 80 percent".

ARTICLE 4. FY92 BUDGET ADJUSTMENTS

To see if the Town will vote to amend the votes taken under Article 9 of the April 1991 Annual Town Meeting, by adding to or deleting from line items thereunder, by transfer between or among accounts or by transfer from available funds, or act on anything relative thereto.

Submitted by the Board of Selectmen

Roy Sanford, Chairman of the Finance Committee, <u>moved</u> to amend the votes taken under Article 9 of the April 1991 Annual Town Meeting, by adding to or deleting from line items thereunder, as follows:

| LINE ITEM | <u>DELETE/ADD</u> | <u>AMOUNT</u> | NEW 707AL |
|--------------------------------------|-------------------|---------------------------|--------------|
| 110 (NET) Sud. School | Delete s | \$50,000 so that it reads | \$8,871,366 |
| 130 LSRHS | Delete | \$50,000 so that it reads | \$6,367,491 |
| 140 Minuteman S | Delete ch. | \$21,958 so that it reads | \$ 357,370 |
| 200-203 Delt Servic Other Bond | _ | \$56,000 so that it reads | s \$ 195,200 |

Mr. Sanford explained the motion was made to balance the FY92 Budget following the publication of the final figures of State Local Aid provided to Sudbury, and to implement a debt service correction to the Budget as well. The \$56,000 was a technical correction on the Debt Service to adjust for the borrowing on bonds for the new Fire Station and the Senior Center. This was an oversight that should have been included in the FY92 Budget Article at the April Annual Town Meeting. The correction will assure the interest expense for insured notes will be covered for FY92.

As to the Budget's shortfall, Mr. Sanford noted, the original budget provided for a 10% estimated reduction in State Aid, when in actuality there was approximately an 18% reduction, giving the Town a shortfall of \$181,910 in its FY92 Budget. According to Mr. Sanford there were three means to correct the shortfall: 1) look at reductions from existing fund accounts, such as Free Cash and the Stabilization Fund. Free Cash he noted presently was approximately \$186,000. The State recommends a "safe zone" for Free Cash at \$300,000 or more. The Stabilization Fund currently has a balance of \$224,000. Department of Revenue guidelines suggest Stabilization Funds be held at 5% - 10% of a Town's budget. Mr. Sanford pointed out Sudbury was already well below that number. Both funds were dangerously low, therefore the Committee believed it was not prudent to reduce them any further; 2) look at estimated local receipts—the current anticipated FY92 receipts are lower than the actual FY91 receipts received by \$191,000. It was noted by Mr. Sanford that the Board of Assessors expressed concern over increasing receipts due to the significant downward trend in the collection of automobile excise taxes. However, the Finance Committee felt a conservative increase of \$51,000 was warranted but could not fund the shortfall; 3) looking at re-evaluating the individual budget items themselves. It was noted funds, due to be returned because of the increases in State Aid provided to the high school and Minuteman, amount to \$35,416 for L-S and \$21,958 in the case of Minuteman, part of which includes teacher salary deferrals. The additional funds requested are \$15,000 from the Assessment for L-S and the \$50,000 from the Sudbury Public Schools.

Mr. Sanford pointed out the shortfall would be funded from within existing budgets and local receipts, and would not require staff reductions, nor any major restructuring in smaller town departments with low budgets, and would result in little loss of service to the Town. The Committee recommended approval.

Board of Selectmen Report: The Moderator informed the Hall he had been advised by the Selectmen, who were out back caucusing, they unanimously supported the motion under Article 4.

Sudbury School Committee: Superintendent, Henry DeRusha, responding to the FinCom's recommendation, noted the requested \$50,000 would be coming directly out of the School's current Operating Budget. Mr. DeRusha first spoke of the money the School currently has in an "un-committed account", in the amount of \$116,434, after certain adjustments had been made.

Current Budget Status and a List of Available Funds

| | <u>August 1991</u> | October 2, 1991 |
|-----------------------------|--------------------|-----------------|
| "A" Account Adjustment | \$ 32,693 | \$ 17,120 |
| SPED Adjustment | 42,000 | 42,000 |
| Anticipated Music Fees | 20,000 | 22,500 |
| METCO SPED Reimbursement | 20,109 | 20,109 |
| End of Year METCO Close Out | 14,705 | 14,705 |
| Sub Total | \$129,507 | \$116,434 |

| | October 2, 1991 |
|--|--|
| Anticipated and knowndeficits and obligations: | |
| Special Education Contingency Haynes and Curtis Roof Specifications Tuition Reimbursement Account Dutton Road Mini-van Custodial Overtime (Noyes School) Degree Change Retirement Incentive Priority Maintenance Items | (\$ 25,000) (20,000) (20,000) (5,000) (4,100) (5,000) (7,500) (52,000) |
| <u>Total</u> | (\$138,600) |
| Negative Balance | (\$ 22,166) |

Some of the adjustments were: restoration of music programs to kindergarten classes, increasing a foreign language position by 1/10, which allowed 7th graders to have an immersion class in both Spanish and French. Mr. DeRusha pointed out that this "un-committed" money received some local publicity, but the publicity did not mention the Schools known deficits.

Mr. DeRusha provided the following charts indicating the reductions and savings of the Schools for the past and present fiscal years.

FY 91 BUDGET REDUCTIONS

- * Eliminated one clerical aide position at Haynes
- * Eliminated full custodian position at Curtis
- * Reduced Home Economics program by 20%
- * Reduced Curtis Industrial Arts program by one full position
- * Eliminated late buses at Curtis
- * Reduced teacher conference accounts by 33%
- * Reduced summer workshop account by 33%
- * Eliminated extra duty compensation account
- * Reduced equipment account by 42%
- * Reduced instructional supply account and each school supply account by 10%

COST SAVING INITIATIVES

- * Instituted fee collection for music and after school activities
- * Instituted 100% building user fee
- * Introduced new energy conservation program
- * Absorbed entire FY 91 salary increase through budget freeze in personnel, programs and supplies accounts

FY 92 BUDGET REDUCTIONS

- * Reduced Kindergarten by one full section by raising class sizes
- * Reduced Kindergarten aids by 33%
- * Reduced music staffing by .4 of a full position
- * Eliminated one elementary librarian position
- * Eliminated one library paraprofessional position at Curtis
- * Eliminated one remedial reading position (25% program reduction)
- * Eliminated two Catalyst positions (50% program reduction)
- * Eliminated one Curtis School secretary
- * Reduced one systemwide maintenance position by 33%
- * Eliminated .5 of a custodian position at Noyes
- * Eliminated one crossing guard position
- * Reduced workshop account by an additional 50%
- * Reduced equipment account by an additional 25%
- * Reduced supplies and services budget by an additional 10% in all three schools and at Central Office

COST SAVING INITIATIVES

- * Reduced health budget by 33% by hiring own nurses in place of contracting
- * Reduced Special Education transportation through joint venture purchase of wheelchair van with Senior Citizens
- * Instituted additional 50% increase in music fees

He pointed out when the schools found themselves with some "uncommitted" money, they did not immediately go to restore some of the programs that had been eliminated. At this point, the Superintendent reviewed some of the deficits facing the Schools, i.e. out-school district special education placement requirement, roof specifications for Haynes and Curtis in the amount of \$20 000, tuition re-imbursement account—an obligated account which shows a present shortfall of \$8,000 and an overall anticipated shortfall of \$20,000, overtime fees for the opening of the Peter Noyes School, and a "Degree Change Account", another obligated account, which has increased by \$5,000, and \$52,000 for priority maintenance items.

The Superintendent stated the School Committee view was that this motion should be Indefinitely Postponed. However, it also believed it would not be appropriate for the School Committee to make such a motion, as this type of action should be taken by the Town as a whole. The School Committee stated it would respect the vote of the Hall.

<u>Lincoln-Sudbury Regional High School:</u> Fred Pryor of the Regional Committee, speaking informally for the Committee, approved the reduction as recommended by the Finance Committee. However, he expressed concern for the precedent being taken here, and stated the Committee would like to see the FinCom go back to all departments on a pro-rata basis. He expressed further concern about FY93, as Sudbury is facing a large deficit which would carry over to the Regional High School which has major facility and plant needs, such as 30 year old boilers.

The motion under Article 4 was VOTED.

ARTICLE 5. STREET ACCEPTANCES

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

Carriage Way from French Road to a dead end,

a distance of 2,150 feet, more or less;

Emerson Way from Morse Road to a dead end,

a distance of 877 feet, more or less;

Henry's Mill Lane from French Road to Carriage Way,

a distance of 1,499 feet, more or less;

from Concord Road to a dead end, Twin Pond Lane a distance of 817 feet, more or less:

as laid out by the Board of Selectmen in accordance with the descriptions and plans on file in the Town Clerk's Office; and 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 see what sum the Town will raise and appropriate, or appropriate from available funds, therefor and all expenses in connection therewith, or act on anything relative thereto.

Submitted by the Board of Selectmen

John Drobinski of the Board of Selectmen moved to accept the layout of the following ways:

> Carriage Way from French Road to a dead end,

a distance of 2,150 feet, more or less;

Emerson Way from Morse Road to a dead end,

a distance of 877 feet, more or less;

Henry's Mill Lane

from French Road to Carriage Way, a distance of 1,499 feet, more or less;

Twin Pond Lane from Concord Road to a dead end, a distance of 817 feet, more or less;

as laid out by the Board of Selectmen in accordance with the descriptions and plans on file in the Town Clerk's Office; and 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.

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

Finance Committee: (R. Sanford) The Committee recommended approval.

Planning Board: (U. Lyons) The Planning Board recommended approval.

The motion under Article 5 was UNANIMOUSLY VOTED.

ARTICLE 6. WOOD-DAVISON HOUSE RESOLUTION

To see if the Town will vote to approve the following resolution, or act on anything relative thereto:

Resolved, that it is the sense of this town meeting assembled that the Town of Sudbury should \underline{not} acquire title to or commit Town real estate for the Wood-Davison House, so called.

Submitted by Petition

Richard Brooks of Russet Lane presented the Resolution as follows:

"Resolved, that it is the sense of this town meeting assembled that the Town of Sudlury should <u>not</u> acquire title to or commit Town real estate for the Wood-Davison House, so called."

This resolution received a second.

Mr. Brooks explained the petitioners believed Town Meeting should have an opportunity to express its view respecting the move of this house to the Town Center. The lot in question, located between the Loring Parsonage and the Flynn Building, he described as a lovely piece of real estate and one not to be dealt with lightly. "It is very attractive the way it is, and a lot of care should be taken before any commitment of that property be made for any use whatsoever." Recognizing the Wood-Davison house as being an authentic piece of "Americana" in terms of its design, it was noted by Mr. Brooks the condition of the building was "very weak and poor" and would require enormous effort to bring it up to standards for public use. Financially, it was suggested it could be privately achieved, but once the house is removed from its present foundation, it would "become positively and absolutely the responsibility of the Town of Sudbury from that point forward, and would be once it was in place". If a private group could not come up with the necessary funds, which he believed would be a sizeable amount of money, it would then be incumbent upon the Town to either destroy the building or provide the funds to rehabilitate the building. Alternatives for a Town Museum, as proposed for the Wood-Davison House, were offered as follows: The Wood-Davison House could be under private auspices and moved to the grounds of the Wayside Inn; the Town Hall after the Fire Department moves to its new quarters would have plenty of available space; the Loring Parsonage (an historic building presently in place), and presently housing Town offices, could be used as a museum if the occupants moved to Town Hall.

 $\mbox{\rm Mr.}$ Brooks expressed his belief the Town should not get involved directly with the Wood-Davison House project.

Finance Committee: (R. Sanford) The Finance Committee unanimously approved the Resolution.

<u>Board of Selectmen:</u> (D. Wallace) It was stated the Board never intended to do what the Town didn't wish. It appeared to the Board two years ago, and right along, that the Town was in support of this project, and it wasn't until the last two months the Board realized the Town did not approve the project.

As the cost of moving the house had increased substantially from the original figure, it was no longer economically feasible. Therefore, the Board of Selectmen on October 16th wrote to Nancy Taylor, the owner of the house, its decision not to support the move of the Wood-Davison house this year or in the foreseeable future due to the financial shortfall reported by the Wood-Davison House Restoration Task Force.

Long Range Planning Board: Robert Cusack reported his Board agreed with the concept of a Town museum, so long as it is private and has no direct or indirect assistance from the Town in the way of funds, services or allowing it to be placed on town-owned land. The Committee expressed concern for the long term financial impact such a project would have on Sudbury's tax payers. After meeting with the proponents as well as those not in support of the project, the Long Range Planning Board reviewed the documents submitted and found neither was a business plan. At best they were an action plan which did not address fund raising, operating budgets, expenses or other customary topics normally expected when starting or funding a business. Whether it would be non-profit or not, Mr. Cusack stated it is a business and should be treated as such.

Mr. Cusack reported the members of the Long Range Planning Board sent a list of questions to the individuals working on the project, and the answers received did not relieve the Long Range Planning Board's concerns, which he listed as follows:

- The Town will indeed own the house and ultimately will be responsible for all costs not covered by the Historical Society and the Wood-Davison Task Force;
- 2) The cost of the moving of the house has proven greater than expected, thus the cost of restoration, estimated between \$100,000 and \$150,000 may not be an accurate estimate, and may be substantially more, as was the moving costs:
- 3) No funds have been raised to cover the restoration;
- 4) Should the house be moved, and insufficient funds be raised for the restoration, the Town might be forced to finish the work or demolish the house at taxpayers' expense;
- 5) No detail plans for offsetting annual operating expenses through donations, charging for admission or outside funding sources have been brought forward, therefore there is no way for the taxpayers to know whether they will have to support the museum in the future;
- 6) Other questions such as parking, increased traffic flow near a school and alternative sites on private land still remain unanswered.

It was the Long Range Planning Board's opinion that in these times when existing services and programs are being reduced because of the financial constraints of Proposition 2-1/2, the Town should not put itself in a position whereby it might be necessary to expend funds it does not have, to complete, eliminate or support an endeavor, which may be of benefit to the taxpayers, but is still a private operation. Finally, Mr. Cusack pointed out that the question of using the last town-owned open space in the centre of Town to support a private endeavor remains open to a decision by the taxpayers. The Board believed that as the "sale" of town property is subject to the approval of the taxpayers at a Town Meeting, also, should a "change in the use" of town property be subject to final approval of the taxpayers, and urged approval of the Resolution.

The Moderator declared the Resolution carried by a very substantial majority.

Following the Resolution vote, the Chair stated it was in a "procedural quandary" and explained the Selectmen would like to adjourn the meeting to next Monday, October 28th. Town Bylaw does not allow debate on a motion to adjourn. The Moderator wishing the voters to understand the reason for the proposed adjournment, before they voted on it, declared a recess in the meeting, a "recess in place", so Selectman Wallace could explain the reason for the adjournment. During the recess, the Moderator stated, "We will conduct what amounts to a debate, if you want, in other words you can ask any questions you wish but they will all be in rec.. (sic) the meeting will be in recess, so formally I won't be violating the procedural rules. After we are finished discussing it, and everybody understands it, we'll come back on, the motion will be made, there will be no further opportunity for debate and we will vote on it." The meeting was declared in recess for an indefinite period of time at 8:31 p.m.

Mr. Wallace explained a number of amendments proposed by the Planning Board to Article I, which would further amend the Zoning Bylaw, had been accepted by the Trust for Public Land (TPL) and do not affect the Trust's ability to market the land. Unisys stated this evening, it could not sign the agreement, as Mr. Wallace understood it to be. What was proposed, according to Mr. Wallace, was not at odds with the basic concept, in what he understood it to be. Unisys stated it had not had an opportunity to review the most recent suggested amendments of the Planning Board and wanted to do so. Right up to early evening, Mr. Wallace noted he thought the Town had a Signed Agreement with Unisys, and he still believed it was not a serious problem. He then deferred to Dan Taylor, TPL's counsel, to add his comments.

Mr. Taylor explained TPL has said all along there are three parts to the package it wants to deliver to the Town:

- 1) 76 acres of open space, which was firmly in place;
- an Unlimited Indemnity to ensure the Unisys site is fully remediated, which was also in place and secured;
- 3) a Settlement Agreement committing Unisys to drop its lawsuit when the zoning takes effect and the Town buys the 76 acres, and this was almost in place.

What he claimed was firmly in place was "the motion that the Town would never be stuck with new zoning and a lawsuit." Paragraph "K", the last provision of the Zoning motion, published in the Warrant, was quoted as very specifically stating, "The foregoing amendments are being adopted in furtherance of a settlement of Unisys Corporation v. Town of Sudbury, Land Court and will take effect only if entry of a final judgment dismissing such case occurs before it is approved by the Attorney General." Mr. Taylor further stated TPL also wanted to obtain for the Town a signed Settlement Agreement committing Unisys also to drop its lawsuit, if these things occurred. It did not want to bring the vote to Town Meeting unless Unisys signed the Settlement Agreement. At the moment this had not been signed. This morning, TPL received suggested amendments from the Planning Board, which it incorporated into its motion, because it thought they were appropriate and reasonable amendments. Unisys wished to review the amendments for more than three or four hours, as well as the final form of the Settlement Agreement. Mr. Taylor was confident this would be completed in the next two or three days, and stated, "It will be completed and signed before TPL will move its motion."

Before leaving the "recess", the Moderator inquired if there were any questions. Mr. Sorett expressed two concerns before this entire subject matter should come before the town meeting for full debate: 1) The article would create what amounts to "contingent" zoning, contingent upon the settlement of a lawsuit. He expressed concern that portion of the Article would be struck down if challenged and the lawsuit was not settled; 2) What happens in the event the Town does not purchase the land? He expressed his concern that possibly Unisys would then have the commercial zoning for the entire parcel. He suggested it might be a good idea to get an opinion from the Attorney General on these two issues.

Lawrence Blacker of Country Village Lane, looking around the Hall, commented it was beyond his comprehension that the Planning Board at this late hour had proposed appropriate amendments to the Zoning article. The Moderator interrupted and stated, "Comments during the recess were in order only on the issues of 'Do you understand the motion to adjourn?', 'Are you against it or for it?' It's giving an opportunity to debate that would normally not be given." He expressed his view that this was not the time to go after the Planning Board so that the Board would have to get up and defend itself, and a lot of time would be spent on a very simple matter of whether the Town wishes to adjourn or not. Mr. Blacker expressed his opinion that this issue was germane to the discussion, but the Moderator ruled it out of order.

At this time, the Moderator ruled out of order, "any comments on the purported views that the Planning Board will express on the debate or any amendments to the motions as made."

William Cooper of Cedar Creek Road asked Selectman Wallace to expand on what he saw as the consequences if the people do not vote to postpone or adjourn the meeting until next week. Mr. Wallace stated, "I couldn't represent to you what I thought I would be representing to you, which is, we have a written, signed Settlement Agreement. There are no loose ends. When we came in here tonight, we thought everything had been signed, sealed and ready to be delivered. The Indemnification Agreement, as I understand it, is signed. \$600,000 has been agreed to be set aside to be held in escrow, that has been agreed. We are really down to what I would say is a very very nit picking item." He explained further, after spending forty-five minutes on the phone with Unisys, they would not allow their local person to sign the Agreement. They insisted they must review the Planning Board's proposed amendments and Counsels for both parties would talk tomorrow.

A motion was made to move the question, but as the meeting was in recess, it was not accepted.

Steven Wishner of Fox Run Road inquired if the Hall voted against postponement and debated the issue and reached a point where it understood the issues, but felt indifference to Mr. Wallace and the Selectmen, then at that point it would make sense to defer the vote for a week, until all the loose ends were tied down, would that be procedurally acceptable? The Moderator stated that it would be and further explained, if the motion to adjourn was defeated, Article I would be presented. After the motion and while the Article was being debated, a motion to adjourn could be made and there would be no debate.

There being no further comments on the issue of adjournment, the Moderator at $8:47\ p.m.$ declared the meeting back in session.

Mr. Wallace \underline{moved} that we adjourn Special 7own Meeting until one week from tonight at 7:30 p.m., on October 28th right here.

The motion received a second.

The Moderator declared the motion carried by a substantial majority and by over two-thirds.

The meeting was adjourned at 8:49 p.m.

SPECIAL TOWN MEETING

OCTOBER 28, 1991

The second session of the October 21, 1991 Special Town Meeting was called to order by the Moderator at 7:40 p.m. at the Lincoln-Sudbury Regional High School Auditorium, as a quorum was declared present. Voters were advised to pick up a set of handouts in the lobby for the articles to be presented, particularly the one entitled, "Motion under Article 1 of the October 21, 1991, Special Town Meeting", that had a notation in the upper right-hand corner "revised 10-28-91". In order to follow the motion, the Moderator stated it would be necessary to have this handout.

The Hall was reminded that Articles 4, 5 and 6 of the Warrant had been acted upon at the first session and Article 1 was the first order of business this evening.

ARTICLE 1. AMEND ZONING BYLAW ART. IX, SEC. III.D. RESEARCH DISTRICTS; SEC. III.G. WATER PROTECTION DISTRICTS; SEC. IV.B. SCHEDULE OF INTENSITY REGULATIONS; AND SEC. V. SPECIAL REGULATIONS

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

- A. Adding to the list of permitted uses in Section III, D (Research District) the following:
 - "d. Agriculture, conservation and recreation.
 - e. Business and professional including medical offices.
 - f. Accessory uses including cafeterias, fitness centers, day-care centers and other facilities primarily serving employees working within the District.
 - g. The provisions of Section III, G,5(b) and (e), and any other provisions of the Zoning Bylaw relating to the storage or use of toxic or hazardous materials or chemicals shall not be interpreted or applied to prohibit in the Research District the storage and use of such materials and chemicals in the course of a lawful business conducted in compliance with applicable federal and state laws concerning such storage and use."
- B. Adding to the list of permitted uses in Section III, G, 5(a) (Water Resource Protection Districts, Zone II) the following:
 - "8. In the Research District, uses and development to accommodate such uses permitted in the Research District, provided that no more than 38% of any portion of a lot lying within the Water Resources Protection District, Zone II is rendered impervious."
- C. Adding to the end of Section III, G, 5(b) (9) the following: "except as otherwise permitted in subsection 5(a) (8) of this Section III, G."
- D. Adding to the list of permitted uses in Section III, G, 5(d) (Water Resource Protection Districts, Zone III) the following:
 - "7. In the Research District, uses and development to accommodate such uses permitted in the Research District."
- E. Adding after the words "commercial or bacteriological laboratories" in each of Section III, G, 5(b) (11) and (e) (7) the following: "except as otherwise permitted in the Research District"

F. Deleting the following existing requirements and substituting in place thereof the following requirements in Section IV, B (Schedule of Intensity Regulations) for the Research District:

"Minimum Lot Dimensions - Area Sq. Ft: 8 acres

Maximum Building Coverage - % of Lot: 18

Minimum Required Yard Dimensions - Front (2) (depth): 100

Minimum Required Yard Dimensions - Side (width): 50(6)

Minimum Required Yard Dimensions - Rear (depth): 50(6)

Minimum Required Set Back Distance - Street Centerline: 125*

Maximum Building Height (3) - stories: 3

Maximum Building Height (3) - feet: 45

Maximum Floor Area Ratio (In square feet gross floor area per acre):
There is no intensity regulation for the Research District"

- G. Adding to the beginning of Section V, A, 1 (Site Plan Special Permit) after the word "APPLICABILITY-" the following: "Except in the Research District which shall not be subject to this Subsection A, but shall be subject to Section V, A1,"
- H. Adding after Section V, A the following new subsection Al:

"Al Site Plan Review - Research District

- 1. Any application for a building permit to construct in the Research District a new building or an addition to an existing building containing in gross floor area 25% or more of the gross floor area of such existing building shall be accompanied by a site plan prepared by a registered land surveyor or registered professional engineer. This site plan shall contain the following:
 - (a) Existing conditions the topography of the land; the location of existing trees, wooded areas, and other natural features; the area and dimensions of said land, including lot lines, boundaries, easements and rights of way; existing structures, if any; and existing buildings, if any, located on parcels adjoining said land, if such buildings are situated within 50 feet of said land.
 - (b) Proposed structures the location, ground coverage outline, dimensions, and gross floor area of proposed buildings.
 - (c) Proposed accessory facilities proposed parking and loading areas, driveways, and other means of access; proposed circulation of traffic within the proposed development; location of pedestrian walkways; the location and strength of exterior lighting and the areas to be illuminated thereby.
 - (d) Landscaping designation of existing features of the landscape to be retained or enhanced; location of open space and buffers, walls and fences which serve to screen the site from surrounding properties; and proposed grading.
 - (e) Drainage and wetlands resources existing water courses, wetlands and flood plains; provisions for drainage and their effects on adjoining parcels; and measures relating to ground water recharge and to prevent soil erosion, excessive precipitation run-off and flooding of other properties.
 - (f) Utilities the location of sewerage, gas, water and other such lines and facilities.

The Board of Selectmen may, however, waive any one or more of the foregoing requirements for a site plan depending on the circumstances.

- Application Procedures Every application for a building permit in the Research District must be accompanied by a site plan, and shall be submitted with such copies and in such form to the Building Inspector as the Board of Selectmen may specify.
- 3. Transmittal Requirements upon receipt of such application, the Building Inspector shall forthwith transmit three copies thereof (together with three copies of the accompanying plan) to the Board of Selectmen and the Planning Board. No building permit shall be issued in response to any such application until 75 days have elapsed since the date on which such application was submitted to the Building Inspector or the issuance of the Board of Selectmen's report described in subsection 6 below, if earlier.
- 4. Within 45 days of the date on which any such application is filed with the Building Inspector, the Planning Board may file a report with the Board of Selectmen.
- 5. Review by the Board of Selectmen Within 60 days of the date on which any such application is filed with the Building Inspector, the Board of Selectmen shall schedule a public hearing thereon and shall mail to the applicant, the Building Inspector, and any other agencies or persons deemed by the Board to be interested, a notice of the time and place of that hearing. Notices shall be mailed by regular first class mail at least seven days prior to the date of the hearing. An additional copy of such notice shall be posted in the office of the Town Clerk for seven consecutive days prior to the hearing. At the hearing, the Board of Selectmen shall review said application and plan and shall accept comments thereon.
- 6. Within 75 days of the date on which any such application is filed with the Building Inspector (which time period may be extended with the approval of the applicant), the Board of Selectmen shall file a report with the Building Inspector. In that report, the Board of Selectmen shall indicate the results of its review of the application and accompanying plan and whether or not such application and plan reflect, in its view, compliance with the provisions of this Bylaw.
- 7. If the Board of Selectmen should determine that the application and plan do, in its view, reflect compliance with the provisions of this Bylaw, but that they do not fulfill any one or more of the following provisions, then the Board of Selectmen shall include in its report a written statement setting forth in detail how the application and plan do not meet any one or more of the following:
 - (a) Internal circulation and egress are such that safety will be reasonably protected.
 - (b) Visibility from public ways of parking areas located in front yards will be reasonably minimized.
 - (c) Adequate access to each structure for fire service equipment will be provided.
 - (d) Utilities and drainage will be adequate for the improvements.
 - (e) Effective use will be made of topography, landscaping and building placement to maintain, to a reasonable degree of feasibility, the character of the neighborhood.

The applicant will take into account any such statement of the Board of Selectmen by filing appropriate amendments to its application and accompanying plan. The Building Inspector shall take action on such application promptly thereafter, and in any event promptly after the end of the 75 day period following the filing of such application if the Board of Selectmen have not filed a report within such 75 day period, unless an extension of time is agreed to by the applicant."

- I. Adding to the end of Section V, C, 3(c) (7) (Parking Standards) the following: ", except in the Research District the standard shall be one space for each 300 square feet of gross floor area."
- J. Adding to the end of Section V, C, 9(d) the following: ", except in the Research District where parking may be located elsewhere so long as appropriate reasonable landscaping is placed around those parking areas not located behind a building and which can be seen from public ways, all as shown on a site plan accepted by the Selectmen submitted pursuant to Section V, Al."
- K. The foregoing amendments are being adopted in furtherance of a settlement of <u>Unisys Corporation v. Town of Sudbury</u>, Land Court #141550, and shall take effect only if entry of a final judgment dismissing such case following satisfaction of other conditions precedent to settlement of the case occurs prior to the approval of such amendments in the manner provided in M.G.L. c.40, §32.

or act on anything relative thereto.

Submitted by the Board of Selectmen for the Trust for Public Land

AMENDED PROPOSED SUDBURY ZONING BYLAW AS PRINTED IN THE WARRANT

D. RESEARCH DISTRICTS - IX (III, D)

The following uses only shall be permitted in Research Districts:

- a. Research, development or engineering work.
- b. Manufacture, assembly, treatment, inspection and test incidental to research, development or engineering work.
- c. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.

See Insert A

The following uses are specifically prohibited in Research Districts:

- a. Any process of manufacture, assembly or treatment which is not incidental to research, development or engineering work.
- b. Any retail trade or general business activity requiring the storage of or transfer of merchandise.
- c. Warehousing or storage of materials or merchandise except as required in connection with research, development or engineering work or in connection with manufacture, assembly, treatment, inspection or test incidental thereto.
- d. Hotels, tourist cabins, motor courts, or motels.
- e. Commercial food refreshment establishments except for facilities contained within a plant or office building for the convenience of employees working in said plant or office building.
- f. Any use which may produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor,

OCTOBER 28, 1991

harmful radioactivity, offensive noise or vibration, flashes or objectionable effluent and electrical interference which may adversely affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the neighborhood, contamination of ground water, pollution of streams or other atmospheric pollutant beyond the lot on which such use in conducted.

(NOTE: Special regulations applying to Research Districts such as site plan approval, off-street parking, exterior lights, signs, and screening of open space uses are listed in Section V herein; paragraph V.E.8. being specifically applicable.)

INSERT A

- "d. Agriculture, conservation and recreation.
- e. Business and professional including medical offices.
- f. Accessory uses including cafeterias, fitness centers, day-care centers and other facilities primarily serving employees working within the District.
- g. The provisions of Section III, G,5(b) and (e), and any other provisions of the Zoning Bylaw relating to the storage or use of toxic or hazardous materials or chemicals shall not be interpreted or applied to prohibit in the Research District the storage and use of such materials and chemicals in the course of a lawful business conducted in compliance with applicable federal and state laws concerning such storage and use."

[WATER RESOURCE PROTECTION DISTRICTS] <u>Use Regulations</u> - IX (III,G)

- 5. $\underline{\text{Use Regulations}}$ Within the Water Resource Protection Districts, these regulations shall apply:
 - a. The following uses are <u>permitted</u> within Water Resource Protection Districts, Zone II, subject to subsection 5.b provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:
 - [1) through 7) Not amended]
 - 8) In the Research District, uses and development to accommodate such uses permitted in the Research District, provided that no more than 38% of any portion of a lot lying within the Water Resources Protection District, Zone II is rendered impervious.
 - b. The following uses are specifically <u>prohibited</u> within Water Resource Protection Districts, Zone II:
 - [1) through 8), 10, 12 & 13 Not Amended]
 - 9) Rendering impervious more than fifteen percent (15%) of the surface area of any lot as defined in subsection 2.f; $_{\blacktriangle}$

except as otherwise permitted in subsection 5(a) (8) of this Section III.G except as otherwise permitted in the Research District

- 11) Boat or motor vehicle service or repair shops, animal feed lots, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, and establishments conducting drycleaning activities on the premises;
- d. The following uses are <u>permitted</u> within Water Resource Protection Districts, Zone III, subject to subsection 5.e, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:
 - [1) through 6) Not Amended]
- 7) In the Research District, uses and development to accommodate such uses permitted in the Research District.
- e. The following uses are specifically prohibited within Water Resource Protection Districts, Zone III:
 - [1) through 6) and 8) Not amended]

except as otherwise permitted in the Research District 7) Boat or motor vehicle service or repair shops, animal feed lots, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, and establishments conducting drycleaning activities on the premises; and

B. SCHEDULE OF INTENSITY REGULATIONS (All dimensions in feet unless otherwise noted)

| Gen. Use | District Designation | Minimum Lot on Dimensions | | Maximum Minimum Required Building Yard Dimensions Coverage (1) | | | Minimum Required Set Back Distance | | Maximum Building Height(3) | | Maximum Floor Area Ratio (In square feet gross floor area per acre.) | |
|----------------------|---|--|-------------------------------------|--|---------------------------|---|--|---------------------------|--|-----------------------|--|---|
| | | Area Sq.ft. | Frontage Any street or way (7), (8) | \$ of Lot | Front(2) (depth) | Side (width) | Rear (depth) | Street Center- line | Residence Zone Bound (side-rear) | Stories | Feet | |
| . E | Single Res."A". Single Res."C" Single Res. Wayside Inn Historic Pre- gervation zone | 40,000 60,000 5 AC | 180 210 210 | 40 40 40 | 35 35 | 20 20 20 | 30+ 30+ | 65 65 | none none | 214* 214* 234 | 35° 35° | |
| Bus. | Business BD- Lim. Bus. LBD- | none none | 50 50 | 60* | 50 35 | 5*(4) 5* | none* none* | 70 65 | 20 20 | 24° 24° | 32. | |
| Research and Ind. | Industry ID- Lim. Ind. LID- Research RD- Ind. Pk. Dist. IPD- | none 100,000 25 acres 8 100,000 | 50 50 200 50 | 60 25 12 18 25 | 20+ 125+ 100 125 | 30(4) 50(4) 300(8) 50(6) 50(4) | 30(4) 50(4) 200 (6) 50(6) 50(4) | -50 150 125* 130 | 30 100 150 300 | 2 2 2 3 2 | 35 35 35 45 35 | There is no intensity |
| Chen | Open Space Dist. OSP- | none | none | 10% | 40 | 40 | 40 | 70 | 100 | 2 | 35 | regulation for the Research District |

- * Subject to special qualifications in TV C. "Modifications and Exceptions".
 - (1) Including principal and accessory buildings.
- (2) As measured perpendicular to nearest street or way line.
- (3) Vertical distance to ridge or highest point of roof.
- (4) Unless abutting a railroad siding.
- (5) Deleted by vote of 1980 Annual Town Heating, Article 41
- (6) Unless abutting a railroad siding or Town Line
- (7) For purposes of calculation, the frontage length at the intersection of two streets is to be measured to the point of intersection of the two tangents.
- (8) The point of intersection of the tangents at the intersection of two streets is considered tohave frontage on each street.

[SITE PLAN SPECIAL PERMIT] V SPECIAL REGULATIONS - IX (V.A.1)

A. SITE PLAN SPECIAL PERMIT - The Board of Selectmen may grant a Site Plan Special Permit in accordance with the standards of this bylaw.

Except in the Research District which shall not be subject to this Subsection A, but shall be subject to Section V,Al,

APPLICABILITY— No business, industrial research or institutions building, nor any building to be used for any of those non-residential uses designated in Section III, subsections B,C,D, of this bylaw shall hereafter be erected or externally enlarged and no area for parking, loading or vehicular services (including driveways giving access thereto) shall be established or substantially altered and no use shall be changed except in conformity with a site plan bearing an endorsement of approval by the Board of Selectmen; provided, however, that the temporary use of trailers for storage or office purposes is allowed where they conform to procedural regulations adopted by the Board of Selectmen.

[SITE PLAN REVIEW - RESEARCH DISTRICT] - IX, A1

INSERT B

"Al Site Plan Review - Research District

- 1. Any application for a building permit to construct in the Research District a new building or an addition to an existing building containing in gross floor area 25% or more or the gross floor area of such existing building shall be accompanied by a site plan prepared by a registered land surveyor or registered professional engineer. This site plan shall contain the following:
 - (a) Existing conditions the topography of the land; the location of existing trees, wooded areas, and other natural features; the area and dimensions of said land, including lot lines, boundaries, easements and rights of way; existing structures, if any; and existing buildings, if any, located on parcels adjoining said land, if such buildings are situated within 50 feet of said land.
 - (b) Proposed structures the location, ground coverage outline, dimensions, and gross floor area of proposed buildings.
 - (c) Proposed accessory facilities proposed parking and loading areas, driveways, and other means of access; proposed circulation of traffic within the proposed development; location of pedestrian walkways; the location and strength of exterior lighting and the areas to be illuminated thereby.
 - (d) Landscaping designation of existing features of the landscape to be retained or enhanced; location of open space and buffers, walls and fences which serve to screen the site from surrounding properties; and proposed grading.

- (e) Drainage and wetlands resources existing water courses, wetlands and flood plains; provisions for drainage and their effects on adjoining parcels; and measures relating to ground water recharge and to prevent soil erosion, excessive precipitation run-off and flooding of other properties.
- (f) Utilities the location of sewerage, gas, water and other such lines and facilities.

The Board of Selectmen may, however, waive any one or more of the foregoing requirements for a site plan depending on the circumstances.

- Application procedures Every application for a building permit in the Research District must be accompanied by a site plan, and shall be submitted with such copies and in such form to the Building Inspector as the Board of Selectmen may specify.
- 3. Transmittal Requirements upon receipt of such application, the Building Inspector shall forthwith transmit three copies thereof (together with three copies of the accompanying plan) to the Board of Selectmen and the Planning Board. No building permit shall be issued in response to any such application until 60 days have elapsed since the date on which such application was submitted to the Building Commissioner, or the issuance of the Board of Selectmen's report described in subsection 6 below, if earlier.
- 4. Within 45 days of the date on which any such application is filed with the Building Inspector, the Planning Board may file a report with the Board of Selectmen.
- 5. Review by the Board of Selectmen Within 60 days of the date on which any such application is filed with the Building Inspector, the Board of Selectmen shall schedule a public hearing thereon and shall mail to the applicant, the Building Inspector, and any other agencies or persons deemed by the Board to be interested, a notice of the time and place of that hearing. Notices shall be mailed by regular first class mail at least seven days prior to the date of the hearing. An additional copy of such notice shall be posted in the office of the Town Clerk for seven consecutive days prior to the hearing. At the hearing, the Board of Selectmen shall review said application and plan and shall accept comments thereon.
- 6. Within 75 days of the date on which any such application is filed with the Building Inspector (which time period may be extended with the approval of the applicant), the Board of Selectmen shall file a report with the Building Inspector. In that report, the Board of Selectmen shall indicate the results of its review of the application and accompanying plan and whether or not such application and plan reflect, in its view, compliance with the provisions of this Bylaw.
- 7. If the Board of Selectmen should determine that the application and plan do, in its view, reflect compliance with the provisions of this Bylaw, but that they do not fulfill any one or more of the following provisions, then the Board of Selectmen shall include in its report a written statement setting forth in detail how the application and plan do not meet any one or more of the following:

a written statement setting forth in detail how the application and plan do not meet any one or more of the following:

- (a) Internal circulation and egress are such that safety will be reasonably protected.
- (b) Visibility from public ways of parking areas located in front yards will be reasonably minimized.

OCTOBER 28, 1991

- (c) Adequate access to each structure for fire service equipment will be provided.
- (d) Utilities and drainage will be adequate for the improvements.
- (e) Effective use will be made of topography, landscaping and building placement to maintain, to a reasonable degree of feasibility, the character of the neighborhood.

The applicant will take into account any such statement of the Board of Selectmen by filing appropriate amendments to its application and accompanying plan. The Building Inspector shall take action on such application promptly thereafter, and in any event promptly after the end of the 75 day period following the filing of such application if the Board of Selectmen have not filed a report within such 75 day period, unless an extension of time is agreed to by the applicant."

[PARKING STANDARDS]

IX (V,C,3C,7)

[1) - 6) & 8) - 10) Not Amended]

7) Business or Professional Office

One space for each 200 square feet of gross floor area.

, except in the Research District the standard shall be one space for each 300 square feet of gross floor area

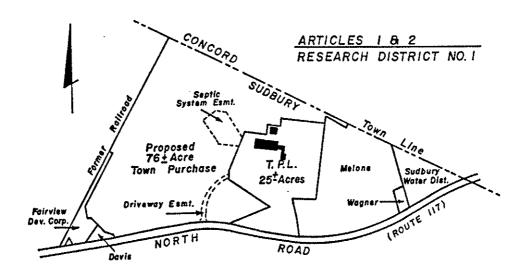
[PARKING STANDARDS]

IX (V,C,9.d.)

[9. a. - c. & e. Not Amended]

d. Non-residential Uses - All parking shall be located behind buildings.

, except in the Research District where parking may be located elsewhere so long as appropriate reasonablelandscaping is placed around those parking areas not located behind a building and which can be seen from public ways, all as shown on a site plan accepted by the Selectmen pursuant to Section V, Al.



David Wallace of the Board of Selectmen, moved to amend Anticle IX, of the $7\,\mathrm{com}$ of Sudlury Zoning Bylaw as set forth in the handout entitled, "Motion under Anticle 1 of the October 21st 1991, Special Town Meeting. The motion received a second.

REVISED HANDOUT

10/28/91

MOTION UNDER ARTICLE 1 OF THE OCTOBER 21, 1991 SPECIAL TOWN MEETING

Move to amend Article IX of the Town of Sudbury Zoning Bylaw, by:

- A. Adding to the list of permitted uses in Section III, D (Research District) the following:
 - "d. Agriculture, conservation and recreation.
 - e. Business and professional including medical offices.
 - f. Accessory uses including cafeterias, fitness centers, day-care centers and other facilities primarily serving employees working within the District.
 - g. The provisions of Section III, G,5(b) and (e), and any other provisions of the Zoning Bylaw relating to the storage or use of toxic or hazardous materials or chemicals shall not be interpreted or applied to prohibit in the Research District very small quantity generators as defined under 310 CMR 30.00 (or users who, though, not generators, would nevertheless qualify as very small quantity

generators if such users were generators) or water remediation treatment works approved under 314 CMR 5.00, provided that any associated storage and use of toxic or hazardous materials or chemicals is in the course of a lawful business conducted in compliance with applicable federal and state laws concerning such storage and use including without limitation applicable regulations of the Massachusetts Department of Environmental Protection relating to the protection of public water supply wells and wellfields."

- B. Adding to the list of permitted uses in Section III, G, 5(a) (Water Resource Protection Districts, Zone II) the following:
 - "8. In the Research District, uses and development to accommodate such uses permitted in the Research District, provided that no more than 38% of any portion of a lot lying within the Water Resources Protection District, Zone II is rendered impervious and, if more than 15% of a lot is rendered impervious, then adequate provision is made for appropriate recharge of precipitation attributable to the excess of impervious surface about 15% all as reflected in the site plan described in Section V, AI. To be adequate and appropriate, any proposed system for groundwater recharge must not degrade groundwater quality and must meet all applicable standards for groundwater quality. For non-residential uses, recharge shall be by stormwater infiltration basins or a similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. All stormwater recharges from non-residential uses shall be preceded by oil, grease, and sediment traps, and any other necessary provisions to facilitate removal of contamination and provide assurance that all applicable water quality standards are met. Any and all recharge areas shall be permanently maintained in full working order by the owner. Such uses shall not be subject to Section III, G, 5(c).
- C. Adding to the end of Section III, G, 5(b) (9) the following: "except as otherwise permitted in subsection 5(a)(8) of this Section III,G."
- D. Adding to the list of permitted uses in Section III, G, 5(d) (Water Resource Protection Districts, Zone III) the following:
 - "7. In the Research District, uses and development to accommodate such uses permitted in the Research District. Such uses shall not be subject to Section III, G, 5(f)."
- E. Adding after the words "commercial or bacteriological laboratories" in each of Section III,G, 5(b)(11) and (e)(7) the following: "except as otherwise permitted in the Research District"
- F. Deleting the following existing requirements and substituting in place thereof the following requirements in Section IV, B (Schedule of Intensity Regulations) for the Research District:

```
"Minimum Lot Dimensions - Area Sq. Ft: 8 acres

Maximum Building Coverage - % of Lot: 18

Minimum Required Yard Dimensions - Front (2) (depth): 100

Minimum Required Yard Dimensions - Side (width): 50(6)

Minimum Required Yard Dimensions - Rear (depth): 50(6)

Minimum Required Set Back Distance - Street Centerline: 125*

Maximum Building Height (3) - stories: 3

Maximum Building Height (3) - feet: 45

Maximum Floor Area Ratio (In square feet gross floor area per acre):

There is no intensity regulation for the Research District"
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G. Adding to the beginning of Section V, A, 1 (Site Plan Special Permit) after the word "APPLICABILITY-" the following: "Except in the Research District which shall not be subject to this Subsection A, but shall be subject to Section V, Al,"

H. Adding after Section V, A the following new subsection Al:

"Al Site Plan Review - Research District

- 1. Any application for a building permit to construct in the Research District a new building or an addition to an existing building containing in gross floor area 25% or more of the gross floor area of such existing building shall be accompanied by an approved site plan prepared by a registered land surveyor or registered professional engineer. This site plan shall contain the following:
 - (a) Existing conditions the topography of the land; the location of existing trees, wooded areas, and other natural features; the area and dimensions of said land, including lot lines, boundaries, easements and rights of way; existing structures, if any; and existing buildings, if any, located on parcels adjoining said land, if such buildings are situated within 50 feet of said land.
 - (b) Proposed structures the location, ground coverage outline, dimensions, and gross floor area of proposed buildings.
 - (c) Proposed accessory facilities proposed parking and loading areas, driveways, and other means of access; proposed circulation of traffic within the proposed development; location of pedestrian walkways; the location and strength of exterior lighting and the areas to be illuminated thereby.
 - (d) Landscaping designation of existing features of the landscape to be retained or enhanced; location of open space and buffers, walls and fences which serve to screen the site from surrounding properties; and proposed grading.
 - (e) Drainage and wetlands resources existing water courses, wetlands and flood plains; provisions for drainage and their effects on adjoining parcels; and measures relating to ground water recharge and to prevent soil erosion, excessive precipitation run-off and flooding of other properties.
 - (f) Utilities the location of sewerage, gas, water and other such lines and facilities.

The Board of Selectmen may, however, waive any one or more of the foregoing requirements for a site plan depending on the circumstances.

- 2. Application Procedures Every application for a site plan approval in the Research District shall be submitted with such copies and in such form to the Building Inspector as the Board of Selectmen may specify. To assist its review of applications, the Board of Selectmen may engage a professional geologist, hydrologist, soil scientist, or Massachusetts engineer experienced in groundwater evaluation or hydrogeology to review the application for completeness and accuracy and shall charge the applicant for the reasonable cost of such review.
- 3. Transmittal Requirements upon receipt of such application, the Building Inspector shall forthwith transmit three copies thereof (together with three copies of the accompanying plan) to the Board of Selectmen and the Planning Board.
- 4. Within 45 days of the date on which any site plan application is filed with the Building Inspector, the Planning Board may file a report with the Board of Selectmen.
- 5. Review by the Board of Selectmen Within 60 days of the date on which any such application is filed with the Building Inspector, the Board of Selectmen shall schedule a public hearing thereon and shall mail to the applicant, the Building Inspector, and any other agencies or persons deemed by the Board to be interested, a notice of the time and place of that hearing. Notices shall be mailed by regular first class mail at least seven days prior to the date of the hearing. An additional copy of such notice shall be posted in the office of the Town Clerk for seven consecutive days prior to the hearing. At the hearing, the Board of Selectmen shall review said application and plan and shall accept comments thereon.

6. Within 75 days of the date on which any such application is filed with the Building Inspector (which time period may be extended with the approval of the applicant), the Board of Selectmen shall file a report with the Building Inspector. In that report, the Board of Selectmen shall indicate the results of its review of the application and accompanying plan and whether or not such application and plan reflect, in its view, compliance with the provisions of this Bylaw.

If the Board of Selectmen should determine that the application and plan do not, in its view, reflect compliance with the provisions of this Bylaw, then the Board of Selectmen shall disapprove the same. If the Board of Selectmen should determine that the application and plan do, in its view, reflect compliance with the provisions of this Bylaw, but that they do not fulfill any one or more of the following provisions, then the Board of Selectmen shall include in its report a written statement setting forth in detail how the application and plan do not meet any one or more of the following:

- (a) Internal circulation and egress are such that safety will be reasonably protected.
- (b) Visibility from public ways of parking areas located in front yards will be reasonably minimized.
- (c) Adequate access to each structure for fire service equipment will be provided.
- (d) Utilities and drainage will be adequate for the improvements.
- (e) Effective use will be made of topography, landscaping and building placement to maintain, to a reasonable degree of feasibility, the character of the neighborhood.
- (f) Meets the criteria listed under Section III, G, 6.f (Water Resource Protection District).

The applicant will take into account any such statement of the Board of Selectmen by filing appropriate amendments to its application and accompanying plan. The Building Inspector shall take action on a building permit application after a finding by the Board of Selectmen that the application and plan, as amended, meet all of the provisions of this Bylaw, including the criteria in 6(a)-6(f) or after the end of the 75 day period following the filing of a site plan if the Board of Selectmen have not filed a report within such 75 day period, unless an extension of time is agreed to by the applicant."

- I. Adding to the end of Section V, C, 3(c)(7) (Parking Standards) the following: ", except in the Research District the standard shall be one space for each 300 square feet of gross floor area."
- J. Adding to the end of Section V, C, 9(d) the following: ", except in the Research District where parking may be located elsewhere so long as appropriate reasonable landscaping is placed around those parking areas not located behind a building and which can be seen from public ways, all as shown on a site plan accepted by the Selectmen submitted pursuant to Section V, Al."
- K. The foregoing amendments are being adopted in furtherance of a settlement of <u>Unisys Corporation v. Town of Sudbury</u>, Land Court #141550, and shall take effect only if entry of a final judgment dismissing such case following satisfaction of other conditions precedent to settlement of the case occurs prior to the approval of such amendments in the manner provided in M.G.L. C.40, §32.

Peter Forbes, the New England Director of the Trust for Public Land, explained the Trust for Public Land (TPL) is a national, non-profit, land conservation organization whose staff and financial resources are entirely devoted to helping communities acquire land for public open space. It takes on the role of risk taker, problem solver and facilitator for communities. It has completed over 800 projects nationwide and has worked with many communities in New England. Although TPL has worked for several years to preserve White Pond and the Unisys property, the last six months have been spent working to create an extraordinary and final opportunity to protect the open space and solve several critical problems that have long frustrated any successful conclusion. It was pointed out that protection of the property around White Pond has long been a priority for both Sudbury and Concord. Much of the land surrounding the 141 acres of the research site has already been protected or is in active farm use. There are acres of open fields, derelict apple orchards and hardwood forests which provide for a landscape that is crisscrossed with hiking and horseback riding trails. White Pond, a 60 acre Great Pond with only its northern half developed, is considered deep for its size and remarkably clear. Purchase of the Unisys site would preserve almost half the shore front of the pond and a long and wide sand beach as well as an extraordinary 30 foot dune. The property is abutted to the north and east by town owned open space.

The purchase of the property, according to Mr. Forbes, would be more than a conservation project, it would also be an exercise in successful problem solving. Three things would be accomplished: 1) the acquisition of much sought after open space; 2) a settlement of a pending court case and its potential for money damages against the Town; and 3) receiving a guarantee, backed by collateral, that the environmental hazards of the property would be cleaned up once and for all. Mr. Forbes informed the hall, TPL has been working on this particular project since 1987, when it first tried, unsuccessfully to acquire the property. Following this year's Annual Town Meeting, it re-initiated negotiations with Unisys hoping to provide both Concord and Sudbury with a last opportunity to save the land. Negotiations with Unisys took four months to complete. TPL understood that to succeed, it would have to purchase the entire site and break it up into manageable acquisitions for each community, plus there would have to be an ironclad Environmental Indemnification with collateral to back it up. Additionally, TPL would have to negotiate a settlement of the court battle between Unisys and Sudbury that would become part of the rezoning, so a sale of the 25 acre "development parcel" would be possible. Mr. Forbes stated there was a signed court settlement, contingent upon the zoning changes and the purchase of the land. There was also a full Environmental Indemnification with a \$600,000 cash escrow, which had been worked out by the counsels from both communities, TPL and Unisys. This was attached to the Settlement Agreement. TPL did acquire an option on the property so that title to the 76 acres $o\bar{f}$ open space could be delivered to Sudbury and 40 acres of open space could be delivered to Concord. Articles 1 and 2, submitted by the Selectmen on behalf of TPL, would provide Sudbury an opportunity to purchase the 76 acres of open space for \$1 million, and the Zoning Bylaw would be amended giving TPL a "fair shot" at selling the 25 acre "development parcel" on the open market. Mr. Forbes pointed out approval of these two articles together, would solve, once and for all, the "Unisys problem" - 1) the court case would be settled; 2) the Town would have a full Environmental Indemnification and 3) there would be a conservation initiative which would include all 116 acres of open space, plus access to White Pond. It was TPL's opinion the passage of these two articles made sense for Sudbury as they would create a "win, win" situation out of a bad problem where no one stands to gain. It was further noted, for the price of 76 acres of open space and the rezoning of the 25 acre "development parcel", Sudbury could end a lengthy legal battle, gain valuable open space, access to White Pond, assure zoning for the "development parcel" that would stand up in the future, and get a full Environmental Indemnification with the money to back it up. Considering the difficult current economic times and the fact a million dollars is a great deal of money, the alternative would be far more costly 1) more legal battles with a potential for significant damages against the Town, 2) loss of open space entirely and 3) an unresolved environmental hazard claim. To take no action may save one million dollars, but it would be at the expense of losing 76 acres of open space, the Town would be exposed to potentially losing many times more that amount in lawsuits; and 4) the environmental situation would remain unresolved. Mr. Forbes described the effort of TPL as much more than a land conservation project, much more than a rezoning issue, and much more than even a question of open space - it was an effort for sound fiscal responsibility. He noted a summary decision on part of Sudbury's case had already been issued in favor of Unisys. The scheduled trial of October 19th, was being delayed at TPL's request, pending the outcome of the vote on Articles 1 and 2. Mr. Forbes cited a U.S. Supreme Court Case, Evangelical Church vs. Los Angeles County whereby the precedent was established that municipalities can be held liable for damages if a landowner suffers loss of income, due to overly restrictive zoning which effectively takes the land and the value by preventing its use for all practical purposes. As part of the conservation package, TPL facilitated the Settlement Agreement between Unisys and Sudbury, which would provide for the complete dismissal of the existing suit and related damages. The Settlement would go into effect upon the approval of Articles 1 and 2.

As to the volatile organic compound, TCE, which exists on the site, Mr. Forbes reported the consultants for TPL, Unisys and Sudbury did a thorough investigation into the most recent test results conducted. TPL negotiated a full Environmental Indemnification from Unisys, which is assignable to Sudbury, Concord and the private buyer of the 25 acre "development parcel". The Indemnification is backed up by a cash escrow of \$600,000 to insure that Unisys would have the money to complete the cleanup. The negotiated amount of money was reached after considerable consultation with several different environmental consultants. The independent consultant believed the site could be remediated, to the satisfaction of the State, for approximately \$480,000. This cost figure assumed the most expensive of proposed alternative treatments, and included the "pump and treat" system having to operate for up to 10 years. TPL negotiated an additional contingency amount of \$120,000 or 25% more. The Indemnification would require Unisys to do whatever is necessary to clean-up the site, and the escrow money is there to secure Unisys' obligation. Mr. Forbes reminded the Hall, by supporting Article 1, which would amend the Town's Zoning Bylaw, no longer would there be a risk that the lawsuit would not be settled. Article I specifically states that unless the lawsuit is dismissed, the Zoning Bylaw amendments would not take effect. A signed Settlement Agreement obligates Unisys to drop the lawsuit when Article 1 is approved and when the land is conveyed to Sudbury under the option TPL currently owns. It was pointed out, that previous rezoning proposals were not specifically tied to the settlement of the Unisys lawsuit. In the settlement, Concord will purchase from TPL, the 40 acres within its own town borders, including White Pond. Concord will pay TPL in excess of \$600,000, in cash and land. It was stated by Mr. Forbes that, "Acre by acre, the price Concord will pay for its portion of the Unisys land, is actually more than the price Sudbury will pay for its land."

Sudbury residents will be able to use the Concord land, the trail system and White Pond for passive recreation. The same will be true for Concord residents, as both communities' rights will be guaranteed through cross easements.

One of TPL's biggest risks will be the marketing of the "development parcel", which is why there is need for the zoning amendments. The current Zoning Bylaw, according to Mr.Forbes, makes the property unmarketable. In order to complete the Conservation Project, zoning changes would be required for the development parcel—changes that would solve the problem and at the same time furnish Sudbury with some appropriate controls which would stand up to any future challenge. Mr. Forbes repeated at this point, that TPL was in the business of land conservation and not commercial real estate business, therefore, it had no intention to own or hold on to the property. Once the zoning amendments are approved, TPL would actively market the parcel on the open market.

At this time, Dan Taylor of the firm Hill and Barlow, counsel for TPL, explained the proposed zoning changes, which he stated to be somewhat more restrictive overall than the 1990 Unisys Zoning Agreement that was defeated at the 1991 Annual Town Meeting. The proposed changes, which according to Mr. Taylor would address the Research District only, were not considered perfect by him, but he believed them to be appropriate and able to withstand any court challenge. He stated, the proposed zoning "does not affect any other zoning in the Town and its only practical effect will be on the 25 acres that Peter (Forbes) has spoken of since the Town owns or will acquire nearly all of the other land in the Research District." With the passing of the zoning changes, the current lawsuit would be settled, leaving good, reasonable zoning controls in place for the Town, according to Mr. Taylor.

Addressing the issue of marketability, he noted the zoning changes would broaden the permitted uses to allow not only conservation and recreation uses needed for the Town's purchase, but they would also allow business and professional activities and their accessory uses, such as cafeterias, fitness centers and day care centers. The current and only permitted uses for years on this parcel, research, development and engineering, would not be enlarged. Nor, would it alter in any way the current bylaw IX, III.D (f), which specifically prohibits the following: "Any use which may produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration,

flashes or objectionable effluent electrical interference which may adversely affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the neighborhood, contamination of ground water, pollution of streams or other atmospheric pollutant beyond the lot which such use is conducted." Mr. Taylor stated that the proposed TPL zoning amendments would liberalize the Density Regulations, the most strict of any zoning district in the Town:

- the existing provision for 25 acres would be reduced to 8 acres for lot area;
- 2) 200 foot frontage would remain unchanged;
- 3) maximum building coverage would increase from 15% to 18%, which it was pointed out is significantly under the 25% building lot coverage permitted in the Limited Industrial and Industrial Park Districts or the 60% permitted in Business, Limited Business or Industry Districts;
- 4) the 200 foot front yard depth would be reduced to 100 feet, which is more than the 50 foot front yard requirement in the Business District or the 20 foot requirement for the Industry District;
- 5) side and rear yard requirements would be reduced from 100 feet to 50 feet;
- 6) building height would be increased from two stories and 35 feet to 3 stories and 45 feet, in order to encourage less building sprawl and less impervious surface. TPL would not propose a floor area requirement (FAR) as the current one was struck down in the lawsuit.

Impervious surface limitations could exceed the current 15% up to an absolute maximum of 38%, so long as the excess over 15% is mitigated by appropriate ground water recharge measures, incorporated as part of a Site Plan Review Process. TPL reiterated its belief the proposed zoning changes were both reasonable and appropriate. Unlike the 1990 amendments that were not approved, nursing homes, hospitals and commercial trade schools will not be permitted. Mr. Taylor explained relief was needed from the 15% impervious surface requirement, as the impervious surface on the 25 Acre lot would allow little or no new building at all beyond the improvements already there. The proposed zoning amendments would also address the current dual requirements of obtaining a Special Permit from the Board of Appeals and another one from the Board of Selectmen to carry out any use at all on the "development parcel". This requirement, according to TPL, makes the 25 acre parcel wholly unmarketable. Mr. Taylor believed if the current zoning litigation was not settled, the court would strike down both Special Permit requirements under the authority of a case entitled, "Scit versus the Town of Braintree", which held that a zoning bylaw requiring a Special Permit for all types of uses in a particular district is invalid. It was Mr. Taylor's opinion that Sudbury's current Zoning Bylaw, requires two Special Permits of the type held invalid in the "Scit" case. TPL's proposal would eliminate the two Special Permit requirements and replace them with a Site Plan Review Process to be implemented by the Selectmen. The Site Plan Process, as to what it must include and how it will be reviewed, was detailed in the handout provided the voters, and also included Planning Board suggestions on how to improve the process. Among other provisions, the Site Plan Process would be required to include the Water Resources Protection District's criteria for a Special Permit. He further noted that at the end of the Process, six specific matters will be taken into account by site plan amendments, if necessary, which will require the Selectmen's approval before a building permit may be issued. Mr. Taylor noted there is case law which allows this type of Site Plan Review with comments to improve a plan.

TPL's zoning amendments would also address what Mr. Taylor referred to as "some glitches that may seem innocuous, but taken literally and in light of the zoning history of the particular property involved, would in his mind have severe consequences on marketability".

1) The Water Resource Protection District prohibits outright any "use" or "storage" of hazardous materials. Exceptions would only be normal household activities which would allow homeowners to use toiletcleaners, paint thinners and the like, but, read literally, might not allow those things in a business, i.e. toner for copiers, cleaners for typewriter heads and normal office products for operations; read literally, these could not be used or stored in buildings on the 25 acre parcel. TPL did not believe the

Town meant to prohibit these types of activities, therefore, the amendments clarified this, incorporating the Planning Board's suggestions that the literal prohibition would not apply to "very small quantity generators" [a term of art in State Water Resource Protection Regulations] in the course of a lawful business conducted in compliance with all applicable Federal and State laws, including the Mass. Department of Environmental Protection Regulations, that apply to public water supply wells and wellfields. All other prohibitions would remain in place, unaffected by the proposed zoning amendments, i.e. no solid waste disposals, no manufacture or disposal of toxic or hazardous materials, no industrial uses which discharge processed liquids on site and all of the others.

2) Current zoning regulations require all parking be located behind buildings.

TPL believed a campus-style development should occur on this 25 acre parcel, and that the current parking requirement, taken literally, would be a difficult and inappropriate one. TPL proposed, solely for the Research District, that there be a screening requirement implemented through the Site Plan Review Process.

In response to a question posed at the October 21st meeting, as to whether or not this might be "impermissible so-called contract zoning", which depends on contingencies for taking effect, Mr. Taylor stated, "A Settlement Agreement has now been signed, committing Unisys to drop the lawsuit if the Town acts favorably on the zoning, and then purchases the 76 acres for \$1 million. The only quid pro quo in the zoning amendment is paragraph "K", which was written in, very deliberately, to protect the Town and which would require that the case be dismissed prior to the Attorney General's approval of the zoning (changes) or the zoning (changes) will not take effect".

Mr. Taylor noted that "contract zoning", so-called, has been upheld in this State in a case called "Sylvania Electric". He further noted, courts long have favored the settlement of legal disputes between parties and he believed there was no reason to think the provision included for the Town's protection, whereby the new zoning amendments will not take effect if the case isn't settled, would be of any question at all. Summarizing Mr. Taylor opined the expansion of the permitted uses was small and appropriate as was the increase in dimensional limits, and through a Site Plan Review Process, instead of two Special Permit Processes, the Town would be able to review actual proposed developments on the 25 acres.

Completing the TPL presentation, Mr. Forbes stated, "Taking risks on behalf of land conservation is what the Trust for Public Land does and we are willing to do that because we believe there is some long term conservation and economic benefits in all of this for Sudbury and Concord. The Trust for Public Land, he continued, was providing Sudbury with a signed "complete package" that makes sense and solves many problems. Articles 1 and 2 were economical in that they would save the Town potentially millions of dollars; they present a "win, win" situation for the Town, which he referred to as a "very successful exercise in problem solving"; aside from the zoning, and aside from the court settlement, the package would preserve critically important open space for both Concord and Sudbury."

Board of Selectmen's Report (D. Wallace) Selectman Wallace speaking for the Selectmen, reported the Board unanimously supported TPL's proposal under Article 1 and Article 2, and believed it would achieve the goal everyone wanted. He commented, "The agreement is signed. It is all there. This is the time to act." He further stated that the purchase of this property would provide open space for passive recreation, wetland protection and what he considered "the biggest bonus of all"--access to White's Pond, which is an integral part of Sudbury's open space plan for this area. "This may not be the best solution or a perfect solution, but it is the best that I have ever seen," stated Wallace. "Due to the current circumstances surrounding the Town, the TPL proposal is the best alternative available with the least amount of risk. In fact, there is no risk other than what we know is already there." Reflecting back on the action taken at the last April Town Meeting, when the proposal to purchase the entire 141 acres from Unisys for \$1.8 million was defeated by 13 votes, Wallace described that as "the Town having lost". Responding to questions previously asked of him, Wallace said that even if the down-zoning had been replaced with the old zoning, that would not have answered all the questions raised in the lawsuit, and the damage question would still exist. He went on to explain what had occurred since the 1991 Annual Town Meeting and read Judge Marilyn Sullivan's summary judgment opinion on one provision of Sudbury's Zoning Bylaw, where the gross floor area in the Research District was restricted to 967 square feet per acre. Judge Sullivan found the provision "void and of no effect and not subject to enforcement". Wallace commented the validity of other provisions in the Town's Zoning Bylaw would be decided in court, unless there was favorable action on Article 1 and 2 this evening. He read excerpts of an August 1991 letter from TPL wherein it informed the Town it had gained site control under the terms of an option agreement, and wanted to speak with Sudbury authorities as to whether they would be receptive to acquiring a portion of the land for public open space. TPL's ability to successfully gain site control with the Unisys Corporation had been based upon the Town of Sudbury's acceptance of an overall transaction which required a calendar year-end closing. Later in August, TPL communicated to the Town its ability to exercise Sudbury's option on the Unisys/White Pond property was contingent on several factors: 1) TPL's favorable review of the environmental liability known to exist on the property; 2) the desire of both towns to purchase the open space and 3) TPL's ability to market the improved portion of the property to a private party. The greatest concern, expressed in the letter, related to the current zoning on the property, where it was stated, "I don't think it is much of an overstatement to say that there is practically no use that can be made of the Unisys land at the present time as a matter of right. We do see a unique opportunity to create a win-win situation for all parties by our facilitating an agreement between the Town of Sudbury and Unisys which settles the litigation once and for all, and at the same time allows the Town to acquire very high priority open space land at an excellent price....

Unisys, aware that Sudbury Selectmen were going to ask the voters to once again consider purchasing the 141 acres of Unisys property, informed the Town, its offer to sell the entire parcel to Sudbury expired with the defeat of the Article at the 1991 Annual Town Meeting, and the offer was not available to the Town for reconsideration, as Unisys had entered into an option agreement with TPL and given TPL its unqualified support in its effort to complete a sale. The Warrant for the October Special Town Meeting did include an article proposing the Town purchase the entire 141 acre site, and a letter was received in October from Unisys informing the Selectmen, it absolutely had no interest in discussing a sale of all or any portion of the property directly to Sudbury and that it had reluctantly agreed to enter into an option agreement with TPL based upon their successful track record as a nonprofit land conservation organization , skilled in facilitating the settlement of land use disputes for the public benefit, and that Article 1 and 2 should be viewed by Sudbury voters at the last opportunity to settle this long-lived dispute without resorting to the courts. Wallace pointed out that the Trust for Public Land's proposal was Sudbury's last chance before allowing a judge to decide the town's fate. Acceptance of TPL's proposal would give Sudbury 76 acres of open space, an indemnification with escrow funds to protect the Town against possible future clean-up of the property, settlement of the court case and 25 acres of business zoned land that would remain on the tax rolls. The alternatives would be possible dollar damages. If damages were awarded, it would be a court judgment against the Town not requiring appropriation by Town Meeting but a direct levy on the tax rate, and further portions of the Town's Zoning Bylaw may be severely weakened. He urged the voters' support for Articles 1 and 2.

Conservation Commission Report: (D. Montemerlo) Ms. Montermerlo noted how fortunate the Town was to have TPL involved in the resolution of the Unisys situation. She pointed out that through Articles 1 and 2, TPL has been able to address concerns raised at last April's Town Meeting. She reviewed some of those issues. Issue one - the contamination of the site, a serious and valid concern. She noted Unisys' consultants, Leggatt, Beshear and Graham of Nashua, N.H. had conducted an extensive ground water investigation which was overseen and reviewed by the Town's Consultant, Cary Parsons of Woodward and Curran. It was revealed that the contamination was more extensive than originally estimated, but the extent on the Unisys site and the type of contamination is now known and documented. With this information, the Town can properly review the Indemnification Agreement to insure that the cash escrow amount will cover the remaining clean-up costs. The second issue - Indemnification Agreement. TPL has signed an Indemnification Agreement which includes a \$600,000 cash escrow. The agreement will be assigned to Sudbury, Concord and the buyer of the "development parcel", by TPL. The third issue - Court Case. With the passage of Articles 1 and 2, we would have assurances that the court case will be dismissed. Fourth issue - building maintenance, repair and sale. TPL will now take on the risk of maintaining and reselling the building. She noted there would be little loss of tax revenue as the building and 25 acres will remain on the tax rolls. TPL had agreed to pay the taxes during the time it maintained ownership of the "development parcel". Once the parcel is sold and its uses expanded, taxes on the "development parcel" would increase, according to Ms. Montemerlo. The maximum development of the 25 acre "development parcel" under the TPL proposal would be 300,000 square feet of building floor area - a total of only 150,000 square feet of building coverage in two and three story buildings up to a maximum height of 45 feet. The site would not accommodate a greater density due to the need to create parking and have suitable soils to meet septic requirements. She further noted that the development of the 25 acres within the Research District would amount to a maximum of $17\frac{1}{2}\%$ of the entire Research District that would be developed. The financial impact of the 20 year bonding would be approximately \$27 the first year on a \$300,000 valued home. Ms. Montemerlo viewed this as a shared cost by future as well as present residents. For this additional \$27, the Town would benefit in the following ways: access to White Pond, a continuous linking trail network, planning for future bike/pedestrian trail linkage, access through Sudbury to Concord Conservation land, the ability to use the land for municipal purposes if voted by a future Town Meeting, the dismissal of the court case and associated legal fees and possible damages, keeping of the property on the tax rolls and obtaining the cash escrow to insure the completion of the clean-up. She urged the voters to support Article 1 and Article 2.

Finance Committee Report (R. Sanford) Mr. Sanford spoke of the Unisys situation as a risk management scenario. The cost exposure due to a lawsuit could be in the order of magnitude greater than the proposed \$1 million purchase option. The impact on town finances and on the residents tax bills could also be quite extreme. In reviewing the financial details, he noted the purchase would be funded by a debt exemption of \$1 million which would amount to an estimated \$9/\$100,000 assessed value on the residential side and \$16/\$100,000 assessed value for commercial properties; the effect on the tax receipts, collected by the Town, being minimal The tax receipts for the 101 acres currently owned by Sudbury are \$107,435, while the estimate for the 25 acres under the proposed zoning changes would be \$92,340, a minimal difference. With a maximum build-out of the 25 acre "development parcel", the town could realize a tax receipt potential of over \$360,000. As for the contamination, Mr. Sanford stated it has been studied for sometime and is now known and bounded. As part of the Indeminity Agreement, there is \$600,000 in a cash escrow for the full clean-up. As for the Town's benefits - these would include the purchase and control of 76 acres of land for open space; land would be zoned according to Town recommendations rather than court judgment; and most importantly, extreme financial exposure and costly litigation expenses would be eliminated. The Finance Committee recommended approval of Articles 1 and 2.

Planning Board Report (P. Anderson) It was reported that at the Planning Board's public hearing on October 5th and at a meeting with the Board of Selectmen which followed, both the benefits and concerns raised by TPL's proposal were discussed in detail. The sense of the Planning Board members attending was that there was a close balance between the benefits and concerns, which was reflected in a deadlocked 2 to 2vote. On October 18th, the Planning Board formulated a set of three changes to be included under Article 1, which would significantly mitigate the Board's concerns. The changes were faxed to TPL the following Monday morning, accepted by them and appeared in the final motion, as distributed to the voters. Mr. Anderson pointed out these changes still remain in the motion before the Hall tonight. Briefly, he reviewed some of the changes: 1) paragraph A.g now has specific standards for limiting any future hazardous materials that can be generated, used or stored in the Research District; 2) paragraph B.8, now has specific language on the quality of extra groundwater recharge to be provided in the event that more than 15% of a lot in the Research District is rendered impervious. It was the Planning Board's belief that the quality of water entering the ground is just as important as quantity, perhaps more so, especially for this particular property; finally, 3) paragraph H,6.f now contains a requirement that the Selectmen acting on a Site Plan for the Research District must find that the plan meets the approval criteria listed under the Water Research District Zoning Bylaw. As most of the Research District development parcel lies within Aquifer Protection Zone II, the Planning Board strongly believed it should receive the protection which Town Meeting adopted for its Water Resource Protection Districts. These were not the only concerns of the Planning Board, but these were the ones that led to changes in TPL's Article 1. Other issues, such as the status of the Melone property and legal questions on contract zoning were resolved internally to the satisfaction of a majority of the Planning Board through discussions with the Selectmen's Office and Town Counsel. "Although it may not be perfect to everyone's satisfaction, a 4-1majority of the Planning Board believes the changes incorporated into the motion before you now tip the scales decidedly in favor of its benefits", so stated Chairman Peter Anderson. Understanding there were shortcomings with Article 1, he further noted that "some of these concerns could be addressed at a future Town Meeting with appropriate Zoning Bylaw amendments". He acknowledged that compromises were made, the Article wasn't perfect, but "to wait for perfection at this juncture would lose a significant opportunity to gain the benefits which has been described". The Planning Board recommended approval of Article 1.

Planning Board Report (Minority Position - L. Meixsell) As Water Resources Coordinator for the Planning Board, Mr. Meixsell explained that the purpose of his minority report is to share some of his impressions regarding the effect which the TPL proposal would have upon Sudbury's ability to protect the Route 117 aquifer. Through the use of several charts Mr. Meixsell was able to present an historical perspective of events beginning with the establishment of the Unisys Research District through to tonight's Town Meeting. The three most important events according to Mr. Meixsell were: 1) the Department of Environmental Protection's designation of the site as a priority site; 2) Sudbury's hiring of a technical consultant whose expenses Unisys agreed to pay; and 3) the Water District's retention of a legal expert on contamination to assist the Water District's General Counsel. He noted that it had been recommended to the Board of Selectmen that the Town retain legal counsel who had expertise on contamination, who could assist Town Counsel in a manner similar to that adopted by the Water District. He had a list of Sudbury's potential objectives relative to the Unisys site. These ranged from having Unisys accomplish a complete site assessment of the extent of the contamination and the contamination migration routes and mechanism to possible purchase and/or rezoning at the site or possible purchase or rezoning of the site. He further noted that the preferred procedure for drafting an Aquifer Protection Bylaw was used to draft Sudbury's present bylaw. The process spanned a period of over two years, while TPL's proposed revisions of the Aquifer and other bylaws involved the Planning Board over a period of only a few weeks. He stated the process was far from ideal, and that was one reason changes were being considered right up to the evening of Town Meeting. Mr. Meixsell then presented five additional charts that indicated why Sudbury's Aquifer Bylaw should be relatively immune to legal challenge by Unisys. He noted two main things--the State's new model Bylaw contains five important sections not in Sudbury's Bylaw. Those sections are the list of chemicals, the toxic materials management plan, the monitoring wells, enforcement procedure and remediation costs. However, Sudbury's Bylaw contains an important section on technical assistance which is not in the State's model. With his charts he was able to compare Sudbury's Water Resource Protection Bylaw with the State's present model Bylaw, the State's newly revised draft model Bylaw and with TPL's Proposed Bylaw. After making the comparisons, one major observation was noted--Sudbury's Bylaw was very similar both

to the State's present model bylaw and also the State's newly revised draft model Bylaw. Mr. Meixsell concluded that it appeared if Sudbury used the assistance of legal experts in Water Resource Protection Bylaws and if Sudbury calls expert witnesses from the State agencies involved in drafting these model bylaws, then Sudbury should be able to defend its Water Resource Protection Bylaw. Another observation he made from the charts was that the bylaw revisions proposed by TPL were difficult to interpret and appeared to be seriously deficient regarding water supply protection, although recent revisions did improve TPL's bylaw. In summation, three general observations were given: 1) the history of the Unisys issue appears to indicate that Sudbury has most of the resources necessary to protects its rights relative to the contamination and the remediation costs; 2) Sudbury has achieved and is achieving important objectives with Unisys' cooperation in some instances, regarding site clean-up, reimbursement of expenses, indemnification for potential liability and so forth. However, some important objectives have not yet been achieved; 3) Sudbury's Water Resources Bylaw would appear to be relatively immune to legal challenge. Although he was uncomfortable with some of the proposed rezoning, he did not recommend against the motion before the Hall.

Conservation Commission (F. Clark) Ms. Clark, Vice-Chairman of the Conservation Commission noted that her Board had worked closely with the Planning Board over the years to find potential buyers and to develop viable zoning articles for this property. With TPL stepping into the picture, the Town was provided with a concrete alternative to a longstanding complex and expensive problem. Ms. Clark pointed out that $\ensuremath{\mathsf{TPL}}$ has provided the Town with invaluable expertise, negotiating power and a commitment to protect some of the last remaining open space in Sudbury, and that the Town owed them a debt of gratitude, no matter how the vote may turn out this evening. She too noted that Articles 1 and 2 held some risks to the Town and had a price tag of \$1 million, but looking at the alternatives, they offered the best opportunity. "If we are going to spend our dollars, we would prefer to gain something tangible in return-in this case 76 acres of open space, rather than hand the money over as damages to Unisys as a result of the court case". She noted the desirability of the parcel, in that the Mass. Department of Environmental Management, the agency that manages the State Park System, sought to purchase the property in 1987, but the price tag of \$7.2 million was too high. Ms. Clark noted that open space and recreational values of the property are many. Approximately 24 acres are wetlands, most of which are passable and can be incorporated into a seasonal loop trail, which would enhance the diversity of the trail system. Of equal value is the property's proximity to other open space in the Towns of Concord and Sudbury and the potential for trail linkages. It was pointed out that there is an abandoned railroad track along the west boundary of the property which is owned by the State Executive Office of Transportation and Construction, which is designated as a future State biking and pedestrian trail from Sudbury to Lowell. Potentially, one could walk or bike from this property all the way to the National Historic Park in Lowell. The Unisys parcel connects to open space in Concord. The trail network joins 20 acres of Concord Conservation land and an additional 80 acres owned by a private land trust. Thus acquisition of this property would provide many passive recreational opportunities not only in Sudbury but in Concord as well for Town residents. As Sudbury develops over the years, Ms. Clark believed the open spaces will increase in value for everyone in Sudbury.

Concluding her remarks, she noted there were some tradeoffs with the solution proposed with Articles 1 and 2---25 acres will be developed more intensely than they are now, but the density will be almost half as much as must be allowed now under the latest ruling of the court; however the development will be mostly on disturbed areas of parking lots, gravel pits and old buildings. Though the Town will have to pay \$1 million, this money will settle the lawsuit, provide indemnification and maintain tax revenue, but in addition it will provide 76 acres of prime open space. Over 150 acres, including the Melone property, will be controlled by the Town. Speaking for the Commission, Ms. Clark stated the Commissioners believed this was the "cheapest environment solution to the Town". It will help resolve an immediate problem, and will provide the Town with many opportunities for the future.

Mr. Gordon Shaw, Chairman of the Concord Conservation Commission and a director of the Sudbury Valley Trustees, addressed the Hall. Mr. Shaw worked with a joint committee of Sudbury and Concord officials to come up with a solution for the Unisys land. Since then he has worked with TPL resolving two other Concord projects, the Concord Commons, a development that is now saved in the Walden Woods Project and the acquisition of two farms, which are being held by TPL until the Minuteman National Park Service has sufficient funds to own these important lands. Mr. Shaw stated that after a great deal of research and analysis, the Concord Town Meeting moved, by unanimous vote, to acquire the 40 acres of Unisys land in Concord. The voters understood this was a valid solution for Concord as representatives from the State and Federal authorities indicated the restoration project was being handled effectively, and Unisys could provide assurance it would complete the clean-up currently underway. Like Sudbury, Concord also has its municipal well close by---barely 600 feet from the eastern contaminated site. With hope our town meeting would approve Article 1 and Article 2, Mr. Shaw noted that by conserving this land a much larger green belt of protection is united stretching from Concord s conservation land along White Pond and its well site property, across to the Sudbury Water Department land and to Sudbury's agricultural preservation farm lands, south of Route 117 fenced to the Davis Farm and the Pantry Brook Wildlife Area.

Long Range Planning Committee: (David Palmer) Speaking for the Long Range Planning Committee, Mrs. Palmer reported that the Committee unanimously supported approval of Articles 1 and 2.

<u>Sudbury Water District Commission:</u> (Robert Sheldon) Chairman Sheldon noted that due to the language of the Article at the Commission's last meeting, no vote was taken on these articles, although they did agree on some fundamental aspects of them. In general the Commissioners had difficulty supporting any modification to the Aquifer Protection Bylaw that would relax the protection of the town's water supply, and would increase the risk of contamination. Article 1 was stated as being placed on the Warrant so passage of site review would be more marketable in a time of down real estate. This means fewer restrictions. The Commission wants to make sure Article 1 is looking out for the best interests of the Town and specifically its water supply.

As to Well #5, Sheldon reported that an air stripper tower system was in place on Well #5, which successfully removes the contaminant concerned, trichlorethylene, TCE, to nondetectable levels. However, the system does not remove everything that might be dumped into the water supply. He stated quite clearly that the voters at Town Meeting cannot expect the treatment system of Well #5 to justify for relaxed Aquifer Protection, as the stripper tower will not deal with everything. He also asked the voters not to think that a contaminated aquifer should remain contaminated. He reported Unisys and its consultant have been working to further define areas of contamination on the site to determine the source of Well #5's contamination. At this time, Unisys has stated the findings regarding Well #5 are "inconclusive", while the Water District Commission has counted that the studies are also "incomplete". Unisys has said further testing is required to determine the source of contamination of the Well, however it has also said further testing may not show anything so why do it? The Commission does not agree that because Unisys and its consultant have found no link between the Unisys site and Well #5, there should be a relaxation of the aquifer's protection. Mr. Sheldon stated the Water District preferred no reduction of Aquifer Protection. Once the water supply is damaged, people will want to know what could have been done to prevent it. He noted that with our Aquifer Protection we have one means of prevention already in place. With Article 1 the Town is being asked to "tweak" it a bit, to "ratchet it down", which will allow uses on the site that may not otherwise have been allowed. He asked the voters when considering Article 1, to assure themselves that the Town will not place itself in such a vulnerable position in the future, and that the protection of the Town's water supply will not be further compromised. Once the Unisys issue goes away, he asked the voters not to sit back and relax, as this has not been an easy issue. "These articles affect all of us. It's an emotional issue. Please remember that it is also an issue affecting the protection of our water supply".

Town Counsel's Opinion: It is the opinion of Town Counsel that, if the Zoning Bylaw change set forth in Article 1 in the Warrant for the October 21, 1991 Special Town Meeting is properly moved and seconded, 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.

Hendrik Tober of Ames Road commented that it wasn't until very recently that he had ever heard of "TPL", therefore he had a few misgivings. It was his conviction TPL didn't come all the way from San Francisco not to make a profit. He commented upon their presentation as a "high pressure sales pitch---take it now buddy, this deal won't last". He asked, "Why is TPL attempting to jam all this public spirit, its excruciating benevolence down our throats? Because only public money can handle 141 acres these days. The market is sick, and who wants to be stuck with big mortgages and killing taxes?" He stated that, "Unisys cannot begin to sell its land piecemeal-nobody can buy it all, so they look to the Town to bail them out." He emphasized that "Unisys was not out to do us (Sudbury) favors. They just cannot do their wheeling and dealing without us and we would be utterly foolish to oblige. In any event, for a developer, the three way deal is a steal". Although the Selectmen supported the purchase of the Unisys property for \$1 million, Mr. Tober wasn't so certain that we couldn't do better. He thought the \$600,000 to be placed in an Indemnification escrow fund plus the million dollars "was conspicuously close to the \$1,800,000 options" the Town had earlier this year. He also doubted that Unisys, being pragmatic people, were really bound to TPL. He observed they just want to get out, and after the Town down-zoned the property, they became much more reasonable. However, he believed if there was a realistic chance they could win in the order of magnitude more than they are going for now, we would be in court instead of in this Town Meeting. It was his belief that if any of these articles were to pass, it should be Article 3 and nothing else.

Russell Kirby of the Boston Post Road and former member of the Planning Board stood in opposition to the proposal under Article 1 which would amend the Research District section of the Town's Zoning Bylaw. He repeated the proponents' three objectives: 1) save 76 acres of open space including access to White Pond;

- 2) earn a full environmental indemnification and cash escrow; and
- 3) settle a pending court case.

Mr. Kirby stated he didn't take issue with the objectives, however, there were certain facts that indicated this job could not be finished tonight. He warned that if the voters weren't careful, the action taken on Article 1 would solve only the problems faced by the Unisys Corporation while creating a whole set of even more serious problems for the Town of Sudbury. He noted Article 1 would permit much higher density development, not just on the 25 acre "development parce1" which TPL hopes to sell to some 3rd party, but on the remaining 100 plus acres as well. Article 1 applies to the entire Research District, so that the owner of any property within the Research District would have the right to develop it to the new limits set forth in Article 1. Building coverage limits would be increased from 15% to 18% and the maximum number of stories from 2 to 3. This would, in Mr. Kirby's calculations, figure out to 3,800,514 square feet that would be allowed by right in the Research District. He reminded the Hall that experts in the field of Traffic Management stated at a previous town meeting, that 100,000 square feet is about all that Route 117 could handle and any density of use significantly over that would be felt at intersections throughout the Town, including the Route 20 Business District. "These facts alone", he said, "demonstrate that rather than preserve open space, Article 1 could have the opposite effect. Collectively the proposed changes would expose this most environmentally sensitive land to even higher risk of damage than what has already occurred".

It was Mr. Kirby's opinion that it is not certain the Town will ever take title to the Melone property that lies within the Research District, even though the Town voted to purchase it. He also observed that the property owners along the Post Road, who are subject to the Site Plan and Aquifer District restrictions as they now stand, will receive no relief from these changes, as they only apply to the Research District. Mr. Kirby stated that, "Protection of our natural resources and control over the development process should at the very least be consistent". He opposed the Zoning Bylaw amendments as they would not achieve the stated goals and they were not consistent with the purpose of zoning as set forth in Mass. General Law Chapter 40. He noted that residents of North Sudbury and others who in the past have voiced concern over the possibility of over-development that could result in another "Route 20 situation" along Route 117, will really have something to keep them awake nights, if Article 1 should pass.

He observed that Article 1's amendments would remove the "unreasonable zoning restrictions" which Unisys Corp. has charged have reduced the value of its land. If the Article is approved, Kirby stated, Unisys would be satisfied that all of the restrictions are reasonable, valid and binding. He then pointed out one of the remaining restrictions in the bylaw, paragraph "f" in the Research District's prohibitive use section. "The last two phrases state explicitly that any use which may produce contamination of ground water or pollution of streams is prohibited. Remember that was written 30 years ago". He then commented that, "the language which Unisys seems to accept as reasonable, valid and binding was in the Bylaw of the Town of Sudbury when the Sperry Corporation designed and built the research facility they operated for nearly a quarter of a century". He then referred to the handout prepared by the consulting firm hired by Unisys and distributed to the public, which stated, "...the extent of ground water contamination on the property is greater than originally thought. TCE was found in bedrock beneath the leach field area. The data indicate a more complicated, vertical and horizontal distribution of contaminants at the leach field than indicated in previous studies. However, sufficient data were collected to redefine the extent of ground water contamination". After touring the Unisys building, Mr. Kirby concluded that, "Sperry Corp. designed ambuilt a facility with multiple wet labs, each having a sink intended to dispose of laboratory waste water directly into the septic system, thence to the leach field and inevitably into the ground water. The October 8 handout confirms that is is exactly what happened." He then went on to say, "The Sperry Corporation by its own actions contaminated the land and the ground water beneath it. They, in fact, violated the zoning regulations of this Town for more than 20 years; in so doing, caused severe damage to the most valuable natural resource that the Town owns. Make no mistake, the ground water belongs to the Town, not the Water District". Mr. Kirby expressed his belief that high levels of contamination in and around the leach field in all probability would result in additional ground water contamination if any quantity of waste water were discharged in that vicinity before the clean-up is complete. He further stated that it was Unisys who violated the law, caused serious damage to the natural resources of the Town and rendered their own property unusable and practically worthless. The restrictive measures taken by the voters at Town Meeting have been defensive in nature and were intended to provide some measure of protection for its citizens and to cause injury to no one and they were consistent with the objectives set forth in Chapter 40 of the General Laws of the Commonwealth. He further expressed his concern that no amendments of any kind should be applied to the Research District until all the property in the district is brought back into compliance with current regulations. It was his hope that the legislative authority of Town Meeting would not be "bargained away" according to terms dictated from Lubbell, Pennsylvania (Unisys), but rather Article 1 would be defeated and the Town end its longstanding policy of ignoring violations of its bylaws, and instead mount an aggressive challenge to the charges pending before the courts, skillfully presented on behalf of the Town so that logic and reason may prevail.

Henry Sorett of Longfellow Road, who also opposed the passing of Article 1, stated that should it pass, the Town does not have a binding deal with Melone that is reduced to writing, according to his last conversation with Selectman John Drobinski. He noted that if that is the case, the owners of the Melone property may see the ability to rely upon Article 1 to develop their property at a substantial profit, then they wouldn't sell it to the Town. Instead they would develop it and have the profit, which is something to seriously think about.

Lael Meixsell of the Planning Board asked the Board of Selectmen a question regarding the permitted uses listed for the Research District, which includes such uses as research, business and professional offices. "Are such uses permitted if they involve the storage or use of hazardous or toxic substances other than very small quantity generators or water remediation treatment works?" He noted that the prohibitions under section IX.3.G.b.5 & 6 and E.3 & 4, under the water Resources Protection District, prohibit the use of storage or disposal of hazardous materials, "Then how can these prohibitions be reconciled with the permitted uses if the permitted uses involve hazardous substances?" Selectman Wallace deferred to Town Counsel, Paul Kenny, who opined, "The answer to the question as I understand it, is that the uses that are now going to be allowed as of right now in the Water Protection District will not include any uses which employ, use or generate hazardous waste other than what are known as very small quantity generators as described in the Department of Environmental Protection Regulations".

The Moderator called for the vote under Article 1. First he asked for all those in favor of the main motion, then all those opposed. He then stated it seemed to him there was a very clear two-thirds. He then decided to call the vote once more, asking those who voted in the negative to abstain, as this would give a third choice, an abstention vote. He then asked for all those in favor, then all those opposed, then all those abstaining. He declared the vote UNANIMOUS.

ARTICLE 2. PURCHASE PORTION OF UNISYS PROPERTY (\$1M)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$1,000,000, or any other sum, to be expended under the direction of the Board of Selectmen, for the purchase or taking by eminent domain of a portion of the Unisys property consisting of approximately seventy-six (76) acres, located off Route 117, situated in Sudbury, being a portion of the entire site shown as Parcel 300 on Sudbury Town Property Map Cll, and generally as shown on the sketch entitled, "Sketch Plan Showing Unisys Land/North Road", dated September 24, 1991, prepared by the Town of Sudbury Engineering Department, and on file in the Town Clerk's Office, reserving to the Grantor the easements for septic system and access as shown on said sketch, or including in the parcel retained in fee by the Grantor one or both of those areas shown as easements; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen for the Trust for Public Land

Selectman Wallace moved to appropriate the sum of \$1 million to be expended under the direction of the Board of Selectmen, for the purchase or taking by eminent domain of a portion of the Unisys property consisting of approximately 76 acres, located off Route 117, situated in Sudbury, being a portion of the site shown as Parcel 300 on Sudbury Town Property Map C11, and as shown on the sketch entitled, "Sketch Plan Showing Unisys Land/North Road", dated October 15, 1991, prepared by the Sudbury Engineering Department amending the September 24, 1991, sketch and on file in the Town Clerk's office reserving to the grantor the easement for access as shown on such sketch for municipal purposes on such terms as the Selectman may determine provided that a purchase and sale agreement or other legal instruments acceptable to the Board of Selectmen, shall include 1A) indemnification against any and all losses, liabilities, claims and cost and the like resulting from hazardous materials on on emanating from the property as set forth in the indemnification agreement between the Trust for Public Land and Unisys Corporation to be assigned to the Town. 1B) Security to insure complete clean-up of identified hazardous materials on or emanating from the property as set forth in the said. Indemnification Agreement.

2) A complete dismissal of Unisys' pending suit against the Town of Sudlury and any related damages with prejudice. 3) Access easement guaranteeing public access to White Pond in Concord running directly from the property to be purchased by Sudlury and to appropriate an additional sum of \$35,000 to be expended under the direction of the Treasurer for the payment of associated kond and note issue expense and to appropriate an additional sum of \$.15,000 to be expended under the direction of the Selectmen to pay all closing and title insurance costs and to raise this appropriation, the Treasurer, with the approprial of the Selectmen, is authorized to borrow \$1,050,000 under Massachusetts General Laws, Chapter 44, Section 7. All appropriations, hereunder, to be contingent upon an approval of a Proposition 25 Debt Exclusion of said borrowing and interest in accordance with Massachusetts General Laws, Chapter 59, Section 21C. This motion received a second.

<u>Planning Board Report:</u> (R. Brooks) The Planning Board unanimously supported this Article.

There being no discussion under this Article, the Moderator called for the vote. He called first for all those in favor, then those opposed. The Moderator declared there was a very clear two-thirds. However, he called for the vote one more time. First he called for those in favor of the motion, then those who were opposed, then those abstaining. He then declared the vote UNANIFOLLS.

ARTICLE 3. PURCHASE ENTIRE UNISYS SITE - CONCORD & SUDBURY

This Article was Passed Over.

The Moderator then accepted a motion to adjourn, which was seconded. The motion to adjourn was UNANIMOUSLY VOTED.

The meeting was dissolved at 10:13 p.m.

Attendance: 332

Respectfully submitted,

Jean M. MacKenzie, CMC

Town Clerk

SPECIAL TOWN ELECTION

DECEMBER 9, 1991

The Special Town Election was held at the Peter Noyes School. The polls were open from 7 a.m. to 8 p.m. Sixteen voting machines were used. The number of votes cast were 1,410 including 50 absentee ballots. The results were announced by the Town Clerk, Jean MacKenzie at 8:30 p.m.

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 acquire in fee simple a portion of the Unisys property consisting of approximately seventy-six (76) acres, located off Route 117, situated in Sudbury, being a portion of the site shown as Parcel 300 on Sudbury Town Property Map C11, and as shown on the sketch entitled, "Sketch Plan Showing Unisys Land/North Road", dated October 15, 1991, prepared by the Town of Sudbury Engineering Department, amending the September 24, 1991 sketch, and on file in the Town Clerk's Office?

YES: 1067

NO: 343

true record, attest;

Jean M. MacKenzie, CMC

Town Clerk