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Def Defeated
IP Indefinitely Postponed
PO Passed Over
Ref Referred for further study

PRESIDENTIAL PRIMARY

MARCH 10, 1992

The Presidential Primary Election was held at the Peter Noyes School with the polls open from 7 a.m. to 8 p.m. There were 1,200 Republican ballots cast including 42 absentee ballots; there were 2,560 Democratic ballots cast including 78 absentee ballots; 3 Independent Voter Party ballots were also cast bringing the total number of ballots cast to 3,763. Twenty voting machines were used. Jean MacKenzie, Town Clerk, announced the results at 11:20 p.m.

DEMOCRATIC BALLOT

PRESIDENTIAL PREFERENCE

Ralph Nader	47
Lyndon H. LaRouche	3
Jerry Brown	341
Tom Harkin	8
Larry Agran	2
Paul Tsongas	1961
Eugene McCarthy	6
Bill Clinton	150
Robert Kerrey	6
No Preference	16
Write-in	6
Scattering	1
Blanks	13

STATE COMMITTEE MAN
(Middlesex and Worcester District)

Robert A. Durand	1049
Scattering	-
Blanks	1511

STATE COMMITTEE WOMAN
(Middlesex & Worcester District)

Virginia M. Allan	1374
Scattering	-
Blanks	1186

TOWN COMMITTEE

Jane C. Carroll	692
Virginia M. Allan	936
Carolee M. McGinley	658
JoAnn Savoy	750
Beverly B. Guild	618
Winifred C. Fitzgerald	756
James R. Guild	569
Thomas R. Carroll	642
Judith Deutsch	692
William S. Farrell	662
Maurice J. Fitzgerald	753
Eva Jane N. Fridman	623
Jonathan D. Fridman	589
Carmine Lawrence Gentile	631
Hester M. Lewis	623
Mary J. Long	624
Frederick A. Long	573
Margaret Burns Surwilo	687
Henry P. Sorett	613
Helga Andrews	622
Maxine J. Yarbrough	789
Dorothy M. Sears	703
John F. Walsh Jr.	600
Jeremy M. Glass	652
Lawrence A. Ovia	701
Jeanne M. Maloney	719
Carl D. Offner	675
Lisa M. Evans	669

Presidential Primary, March 10, 1992

REPUBLICAN BALLOT

PRESIDENTIAL PREFERENCE

Patrick J. Buchanan	294
David Duke	20
George Bush	806
No Preference	50
Write-in	8
Scattering	-
Blanks	22

STATE COMMITTEE MAN
(Middlesex & Worcester District)

William C. Sawyer	593
Write-in	-
Scattering	-
Blanks	607

STATE COMMITTEE WOMAN
(Middlesex & Worcester District)

Catherine A. Barry Ghent	535
Write-in	-
Scattering	-
Blanks	665

TOWN COMMITTEE

Clifford A. Card	383
Edith L. Hull	335
Fred H. Hitchcock, Jr.	341
James A. Spiegel	304
Roberta Gardiner Cerul	327
Donald M. Stacey	329
Kathleen R. Paderson	316
Richard C. Rubin	316
William R. Koss	295
Martha J. Coe	362
John M. McMorrow	318
Susan B. Bistany	328
John G. Paderson	306
Leonard Katz	312
Richard L. Warren	329
Linda P. Warren	330
Lily A. Gordon	322
Clifford Askinazi	311
Mitchell Z. Bistany	317
Seaforth M. Lyle	304
Margaret R. Fredrickson	327
Arden B. MacNeill, II	331
Eva Marie MacNeill	329
Anne N. Lehr	327
Robert Holzwasser	311
Robert T. Trimper	322
Margaract D. Seier	300
Donald S. Gleason	320
Patricia R. LeVan	307
Catherine M. Lynch	325
G. Burton Mullen	403
F. Daniel Buttner	350
Robert C. Hunnewell	343
Betsy M. Hunnewell	350
John F. Lynch	326

Presidential Primary, March 10, 1992

INDEPENDENT VOTERS PARTY

PRESIDENTIAL PREFERENCE

Robert J. Smith	-
Darcy G. Richardson	-
Erik Thompson	-
Howard Phillips	1
Earl F. Dodge	-
J. Quinn Brisben	-
Michael S. Levinson	-
Bo Gritz	1
No Preference	1
Write-in	-
Scattering	-
Blanks	-

STATE COMMITTEEMAN

Leonard J. Umina	3
Scattering	-
Blanks	-

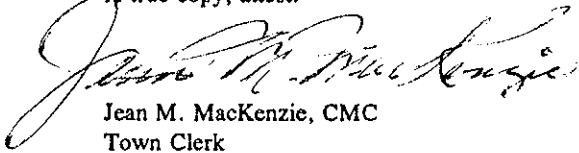
STATE COMMITTEEWOMAN

- -

TOWN COMMITTEE

Edward Kreitsek - write-in 1

A true copy, attest:



Jean M. MacKenzie, CMC
Town Clerk

9,172	Registered Voters
3,763	Votes Cast
41%	Of Registered Voters cast ballots

PRESIDENTIAL PRIMARY RECOUNT

MARCH 16, 1992

Pursuant to a certificate of the Town Clerk issued under the provisions of Chapter 54 Section 135A of the General Laws, a recount of the Presidential Primary ballots was held March 16, 1992, in the Town Clerk's office. The results were as follows:

DEMOCRATIC BALLOT

PRESIDENTIAL PREFERENCE

Ralph Nader	47
Lyndon H. LaRouche	3
Jerry Brown	341
Tom Harkin	8
Larry Agran	2
Paul Tsongas	1961
Eugene McCarthy	6
Bill Clinton	150
Robert Kerrey	6
No Preference	16
Write-in	6
Scattering	1
Blanks	13

STATE COMMITTEE MAN
(Middlesex and Worcester District)

Robert A. Durand	1049
Scattering	-
Blanks	1511

STATE COMMITTEE WOMAN
(Middlesex & Worcester District)

Virginia M. Allan	1374
Scattering	-
Blanks	1186

TOWN COMMITTEE

Jane C. Carroll	692
Virginia M. Allan	936
Carolee M. McGinley	658
JoAnn Savoy	750
Beverly B. Guild	618
Winifred C. Fitzgerald	756
James R. Guild	569
Thomas R. Carroll	642
Judith Deutsch	692
William S. Farrell	662
Maurice J. Fitzgerald	753
Eva Jane N. Fridman	623
Jonathan D. Fridman	589
Carmine Lawrence Gentile	631
Hester M. Lewis	623
Mary J. Long	624
Frederick A. Long	573
Margaret Burns Surwilo	687
Henry P. Sorett	613
Helga Andrews	622
Maxine J. Yarbrough	789
Dorothy M. Sears	703
John F. Walsh Jr.	600
Jeremy M. Glass	652
Lawrence A. Ovia	701
Jeanne M. Maloney	719
Carl D. Offner	675
Lisa M. Evans	669

Presidential Primary Recount - March 16, 1992

REPUBLICAN BALLOT

PRESIDENTIAL PREFERENCE

Patrick J. Buchanan	294
David Duke	20
George Bush	806
No Preference	50
Write-in	8
Scattering	-
Blanks	22

STATE COMMITTEE MAN
(Middlesex & Worcester District)

William C. Sawyer	593
Write-in	-
Scattering	-
Blanks	607

STATE COMMITTEE WOMAN
(Middlesex & Worcester District)

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Write-in	-
Scattering	-
Blanks	665

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Clifford A. Card	383
Edith L. Hull	335
Fred H. Hitchcock, Jr.	341
James A. Spiegel	304
Roberta Gardiner Cerul	327
Donald M. Stacey	329
Kathleen R. Paderson	316
Richard C. Rubin	316
William R. Koss	295
Martha J. Coe	362
John M. McMorrow	318
Susan B. Bistany	328
John G. Paderson	306
Leonard Katz	312
Richard L. Warren	329
Linda P. Warren	330
Lily A. Gordon	322
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Margaret R. Fredrickson	327
Arden B. MacNeill, II	331
Eva Marie MacNeill	329
Anne N. Lehr	327
Robert Holzwasser	311
Robert T. Trimper	322
Margaraet D. Seier	300
Donald S. Gleason	320
Patricia R. LeVan	307
Catherine M. Lynch	325
G. Burton Mullen	403
F. Daniel Buttner	350
Robert C. Hunnewell	343
Betsy M. Hunnewell	350
John F. Lynch	326

INDEPENDENT VOTERS PARTY

PRESIDENTIAL PREFERENCE

Robert J. Smith	-
Darcy G. Richardson	-
Erik Thompson	-
Howard Phillips	1
Earl F. Dodge	-
J. Quinn Brisben	-
Michael S. Levinson	-
Bo Gritz	1
No Preference	1
Write-in	-
Scattering	-
Blanks	-

STATE COMMITTEEMAN

Leonard J. Umina	3
Scattering	-
Blanks	-

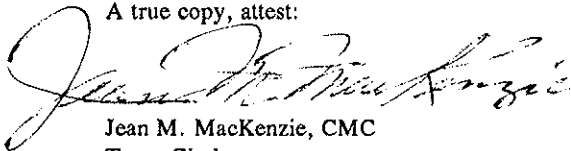
STATE COMMITTEEWOMAN

- -

TOWN COMMITTEE

Edward Kreitsek - write-in 1

A true copy, attest:



Jean M. MacKenzie, CMC
Town Clerk

ANNUAL TOWN ELECTION

MARCH 30, 1992

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 2,893 votes cast including 123 absentee ballots. The number of ballots cast represents thirty-one percent of the Town's 9,259 registered voters. Twenty voting machines were used. The results were announced by the Town Clerk, Jean MacKenzie, at 10:50 p.m.

MODERATOR: FOR ONE YEAR

Thomas G. Dignan, Jr.	2,105
Scattering	-
Blanks	788

SELECTMEN: FOR THREE YEARS

Lawrence L. Blacker	1,111
Richard F. Brooks	868
Lael M. Meixsell	404
John W. Regan	162
Scattering	-
Blanks	348

TOWN CLERK: FOR THREE YEARS

Jean M. MacKenzie	1,962
Scattering	-
Blanks	931

BOARD OF ASSESSORS: FOR THREE YEARS

Fred N. Haberstroh	1,756
Scattering	-
Blanks	1,137

CONSTABLE: FOR THREE YEARS

Derilyn L. Forte	1,712
Scattering	-
Blanks	1,181

GOODNOW LIBRARY TRUSTEES: FOR THREE YEARS
(Vote for two)

Carol Hull	1,815
Kenneth L. Ritchie	1,790
Scattering	-
Blanks	2,181

BOARD OF HEALTH: FOR THREE YEARS

Donald C. Kern	1,762
Scattering	1
Blanks	1,130

PARK & RECREATION COMMISSIONERS:
(FOR THREE YEARS) (Vote for two)

Gerald B. Berenson	1,652
Elizabeth J. Nikula	1,859
Scattering	1
Blanks	2,274

PLANNING BOARD: FOR ONE YEAR

Ursula Lyons	1,801
Scattering	1
Blanks	1,091

PLANNING BOARD: FOR THREE YEARS
(Vote for two)

John O. Rhome	1,614
Carmine L. Gentile	1,657
Scattering	-
Blanks	2,515

SUDBURY HOUSING AUTHORITY: FOR TWO YEARS

Renee Reiner	1,666
Scattering	-
Blanks	1,227

SUDBURY HOUSING AUTHORITY: FOR FIVE YEARS

Steven J. Swanger	1,684
Scattering	-
Blanks	1,209

ANNUAL TOWN ELECTION

MARCH 30, 1992

SUDBURY PUBLIC SCHOOLS: FOR THREE YEARS

Stephenie Cook	1,357
Eric M. Elfman	1,239
Scattering	-
Blanks	297

LINCOLN-SUDBURY REGIONAL DISTRICT SCHOOL COMMITTEE: FOR THREE YEARS

(Vote for two)

Geraldine C. Nogelo	1,760
David P. Wilson	1,661
Scattering	-
Blanks	2,365

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

QUESTION 1

Shall the Town of Sudbury adopt the optional form of municipal administration summarized as follows, according to the provisions of Chapter Forty-three C of the General Laws providing for optional plans of municipal administration?

"Section eleven of Chapter Forty-three C of the General Law authorizes the legislative body to provide, by ordinance or by law, for a consolidated department of municipal finance which may include the offices of accountant, auditor or comptroller, treasurer, collector and assessors."

YES: 1283 NO: 1225 BLANKS: 385

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 Town's apportioned share of the bonds issued by the Lincoln-Sudbury Regional School District in order to finance costs of reconstructing, equipping, remodeling and making extraordinary repairs to the regional high school?

YES: 1167 NO: 1529 BLANKS: 197

ANNUAL TOWN ELECTION

MARCH 30, 1992

QUESTION 3

Shall the Town of Sudbury be allowed to assess an additional \$287,627 in real estate and personal property taxes for the purposes of providing for the general administration cost of operating the schools, fire department and other town departments for the fiscal year beginning July 1, 1992?

YES: 1078 NO: 1633 BLANKS: 182

QUESTION 4

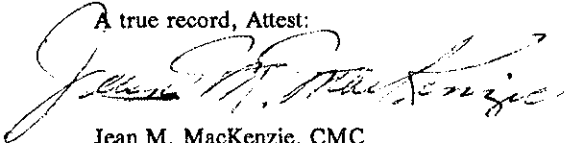
This question is not binding.

Shall our Representative, Chester G. Atkins, and our Senators, Edward M. Kennedy and John F. Kerry, be instructed to take all suitable measures:

1. To enact reductions in military expenditures of at least fifty (50%) by the 1996 budget year;
2. To provide assistance to communities and employers to convert from military to peace-time productions, and;
3. To reallocate funds from military uses to meet domestic needs such as health care, education and environmental protection and to reduce the federal deficit?

YES: 1367 NO: 1200 BLANKS: 326

A true record, Attest:



Jean M. MacKenzie, CMC
Town Clerk

TOWN OF SUDBURY
ANNUAL TOWN MEETING
PROCEEDINGS
APRIL 6, 1992

A quorum being present, the meeting was called to order at 7:40 p.m. by Thomas Dignan, the Moderator, at the Lincoln-Sudbury Regional High School Auditorium. Sister Mary McGovern of Our Lady of Fatima Catholic Church delivered the invocation and Kevin Dolan, an outstanding student in the senior class at the Lincoln-Sudbury Regional High School, led the hall in the Pledge of Allegiance to the Flag.

Free Cash available for the Town Meeting was certified at \$667,338. The Call of the Meeting, the Officer's Return of Service and the Town Clerk's Return of Mailing were all found to be in order.

Chairman David Wallace of the Board of Selectmen *moved to dispense with the reading of the Call, the Returns and the reading of the individual articles.* The motion received a second and was **VOTED**.

Following, Selectmen John Drobinski read a resolution in memory of those citizens who had served the Town and had passed away this year.

RESOLUTION

WHEREAS: THE PAST YEAR HAS SEEN SOME VERY SPECIAL MEMBERS OF THE SUDBURY COMMUNITY PASS FROM LIFE; AND

WHEREAS: THESE SPECIAL CITIZENS AND EMPLOYEES HAVE UNSELFISHLY GIVEN THEIR TIME AND TALENTS TO ENRICH THE QUALITY OF LIFE OF THE TOWN;

NOW, THEREFORE, BE IT

RESOLVED: THAT THE TOWN OF SUDBURY HEREBY EXPRESSES ITS DEEP APPRECIATION FOR THE SERVICES AND GIFTS OF:

<i>PHILIP O. AHLIN, JR.</i>	<i>- (1916-1991) MOVED TO SUDBURY IN 1963 REVOLUTIONARY WAR BICENTENNIAL COMMITTEE: 1969-1976 BOARD OF APPEALS ASSOCIATE: 1970-1972 BOARD OF APPEALS: 1972-1976</i>
<i>ELINOR LILLIAN BENTLEY</i>	<i>- (1908-1991) MOVED TO SUDBURY IN 1929 COUNCIL ON AGING: 1973-1980 REVOLUTIONARY WAR BICENTENNIAL COMMITTEE: 1973-1975</i>
<i>GRACE M. GELPKE</i>	<i>- (1907-1991) MOVED TO SUDBURY IN 1962 PERMANENT LANDSCAPE COMMITTEE: 1967-1988 HISTORIC DISTRICTS COMMISSION: 1968-1969</i>
<i>ARTHUR F. HOWARD</i>	<i>- (1929-1992) MOVED TO SUDBURY IN 1955 PARK AND RECREATION COMMISSION: 1966-1969 TOWN NEEDS COMMITTEE: 1966-1967</i>

APRIL 6, 1992

- JAMES I. KATES* - (1943-1991) MOVED TO SUDBURY IN 1978
MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL
COMMITTEE REPRESENTATIVE: 1983-1986
FINANCE COMMITTEE: 1986-1987
- ROBIN S. LAZARE* - (1950-1992) MOVED TO SUDBURY IN 1977
SPECIAL EDUCATION TEACHER AT NOYES SCHOOL:
1988-1992
- IRVING E. PLACE* - (1921-1991) MOVED TO SUDBURY IN 1952
BUSINESS ADVISORY COMMITTEE: 1971-1977
PUBLIC WEIGHER: 1985-1991
- SAMUEL L. REED* - (1911-1992) MOVED TO SUDBURY IN 1956
HISTORIC STRUCTURES COMMISSION: 1960-1973
POUND KEEPER: 1965-1992
REVOLUTIONARY WAR BICENTENNIAL COMMITTEE: 1969-1976
HISTORICAL COMMISSION: 1970-1973
CONCORD-LEXINGTON 1975 CELEBRATION COMM.: 1972-1973
KNOX TRAIL PLANNING COMMITTEE: 1974
PERMANENT LANDSCAPE COMMITTEE: 1978-1980
- ROBERT G. WENTWORTH* - (1937-1991)
LINCOLN-SUDBURY MUSIC TEACHER, ALSO SERVED AS
CHORUS DIRECTOR, HALL DIRECTOR: 1960-1984

AND BE IT FURTHER

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

The resolution was UNANIMOUSLY VOTED.

Retiring Selectman Wallace, addressing the hall, spoke of the many concerns as well as the many good things that occurred during his tenure in office. The concerns included the decline of the state's local aid, the improvement of Town services provided, the reduction of the Town's escalating health insurance costs, management of the Atkinson Pool, centralization of town office space, the future use of the Unisys and Melone properties, and a more aggressive program for the collection of delinquent taxes. Some "good happenings" during his tenure was the increase in the number of housing permits for the first three months of this year—stated as the highest number issued in the first three months for the past ten years, and new construction which appeared to be showing signs of rebounding. He closed his remarks by expressing his appreciation for having served the Town these past six years.

APRIL 6, 1992

Finance Committee Report:

The FY93 budget process has proven to be one of Sudbury's most challenging in recent years. Faced with continued economic recessionary pressures at both state and local levels, as well as rising costs needed to provide critical services, the townwide fiscal situation continues to be severely constrained. Realizing the constraints which face the Town going into FY94 and beyond, budget recommendations have been made in the context of continued fiscal pressure and limited state aid in the foreseeable future.

ECONOMIC CLIMATE

Massachusetts cities and towns have been affected by the full impact of the national economic recession. State aid to Sudbury decreased by 18% from FY91 to FY92. The local economic index, an indicator of price increases for local goods and services, continues to hover at the 5.5% level for FY92 and is projected to remain the same for FY93. Although Sudbury is considered one of the state's ten most affluent towns, measured by per capita income, the latest unemployment figures indicate that the Town still copes with a 4.5% unemployment rate.

SOURCES OF REVENUE

The Town's primary source of revenue is the property tax levy. Currently, 81% of Sudbury's total annual budget is funded via the property tax. The levy limit is fixed by state law at a maximum increase of 2.5% plus new construction and any override amounts. The \$315,000 override in FY92 provided a crucial source of additional funds, but did not fully offset losses to revenue in other areas. In more prosperous years, such as FY89, new construction revenues rose as high as \$768,000. For FY93, the Board of Assessors has projected only \$250,000. After a precipitous drop of over \$459,845 in state aid last year, we anticipate a level fund in Cherry Sheet receipts for FY93 at \$2,173,992, assuming no change to the state aid formula. Local receipts, covering such items as motor vehicle excise taxes, penalties on back tax payments, and court/parking fines, have been essentially level for the past three years, accounting for approximately \$2,010,000 in revenues to Sudbury.

The major remaining sources of local revenue are Free Cash, Stabilization Fund and Abatement Surplus. While \$175,000 was used from Abatement Surplus in FY92, the Board of Assessors has stated that no funds are available for disbursement from Abatement Surplus in FY93. In past years both the Stabilization Fund and Free Cash have been used extensively, leaving low balances in these accounts. The Town currently has a Stabilization Fund balance of under \$300,000, the lowest amount in recent years. In FY91, Sudbury received a stern warning from the Department of Revenue for its overuse of Free Cash. In FY92, \$300,527 was allocated from Free Cash to assist in balancing the Budget. This year, the Finance Committee has again recommended the use of \$326,736 of Free Cash, a conservative but prudent amount. This would leave a Free Cash balance of approximately \$325,000. The Finance Committee strongly believes that it would be fiscally irresponsible to allow the Town's Free Cash and Stabilization Fund balances to fall below these amounts, given the current sluggish economic environment and continued fiscal uncertainty.

THE BUDGET PROCESS

As early as June of last year, the Finance Committee was aware of the extreme expense pressures confronting the Town for FY93. The combined effects of the negotiated raises for all Town employees and mandated health benefit costs increasing 18.5% created a potential \$1,400,000 shortfall in the FY93 budget. Faced with these challenges and the declining revenue situation, the Finance Committee requested that all Town departments prepare two operating budget proposals: a "Department Request" budget that would permit the continuation of operations at the same level of services as FY92, and a "Level-Funded" budget, in which the FY93 spending cap was limited to the FY92 appropriation.

The Finance Committee conducted over six weeks of budget hearings and discussions, in which it met with the Town department heads and both the Lincoln-Sudbury Regional and Sudbury Public School Committees. More than three dozen budgets were presented and evaluated, in addition to Town Meeting articles which represented possible uses of funds. During the course

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of the budget deliberations it became apparent that to fully fund raises and health costs, in addition to the normal increases in operating costs, the budget process would be severely complicated and possibly derailed. Although larger departments could be asked to absorb increased costs by curtailment of capital spending or workforce reductions, these options are not available to smaller departments which perform mandatory functions such as accounting or tax collecting. Over the past two years, many of these departments had already been substantially constrained by reductions or level funded budgets. The Committee voted unanimously to be fair and equitable across all Town departments regarding the recommendation of potential cuts which may be required to balance the budget.

Three actions of the Committee resulted in significant improvements in our attempts at balancing the budget. First, a special task force of selected Committee members and Town volunteers was formed with the explicit purpose of reducing the Atkinson Pool deficit for FY93. Within three weeks, the Pool Task Force formulated recommendations which reduced a projected \$54,000 deficit to approximately \$6,000. These actions, approved by both the Board of Selectmen and Town Accountant, represent a savings of \$48,000 over initial budget estimates. Second, the Committee identified and obtained approval from Town departments for the return of over \$17,000 in unused funds from prior year Town Meeting articles. Third, the creation of a Salary Contingency line item in Unclassified and the funding of certain larger department salary line items at 98% of their appropriations permits the use of an additional \$35,000 in funds in FY93 that would not have been available until FY94. This action alone results in the saving of at least one position in Town.

Finally, in the spirit of teamwork and cooperation townwide, a number of unions have agreed to reduce their negotiated salary increases. The Lincoln-Sudbury teachers Union voted to cut their salary increases for FY93 in half, resulting in a savings of over \$126,000. The administrative and non-contractual employees at Lincoln-Sudbury agreed to reduce their salary increases, for an additional \$62,000 savings. The Supervisory Union in Town also voted to reduce their salary increase by one half, and as of this writing, the other four Town unions are in active discussions with the Board of Selectmen regarding similar concessions. If final agreements are not reached prior to the start of FY93, further personnel reductions will be required to balance the budget. The Selectmen, Personnel Board and Finance Committee jointly agreed that it would be equitable to offer the same salary increase givebacks on the part of all non-union and elected Town employees, for an additional savings of approximately \$50,000. These raise reductions have been considered in formulation of the budget recommendation, and the Committee has sought, where feasible, to use the givebacks specifically to retain or restore key personnel within the affected departments.

Working with these assumptions, and using the Level Fund request as a base for comparison, the Finance Committee began the preparation of a budget which matched the mandatory constraints of the Proposition 2-1/2 levy limit.

SERVICE EFFECTS

Despite our best efforts, the Finance Committee's recommended non-override budget as printed in the Warrant, will result in significant reductions in personnel in the Sudbury Public Schools, Lincoln-Sudbury Regional High School, the reduction of one position in each of the Fire, Highway and Engineering Departments as well as reduced hours for Police, Highway, Park and Recreation, Library, Selectmen and Town Clerk offices. The majority of these reductions will occur as the result of layoffs.

The Finance Committee also reviewed the use of funds for Town Meeting articles. Given the severity of the budget constraints described above, the Committee is recommending the expenditure of only \$38,500, including \$500 for Street Acceptances and \$38,000 for required FY92 Budget Adjustments to accommodate unanticipated increases in health insurance and unemployment costs. The Finance Committee is currently reviewing the remaining articles to determine which, if any, it can recommend for approval at Town Meeting.

The severity of service reductions in the FY93 levy limit budget prompted the Finance Committee to recommend an override in the amount of \$287,627. The additional funds have been targeted specifically to restore critical Town functions. The override includes \$23,046 to restore the personnel in the Fire Department to FY92 levels and allow the North Sudbury Fire Station to remain

open; \$22,200 to the Library for books and to restore staffing to FY92 levels; \$18,974 to restore the Town Clerk's office to a fully staffed five-day-a-week operation; \$10,407 to the Council on Aging to fund the Director position at full time; and \$3,000 to the Board of Health for increased mosquito treatment to reduce the health risk due to recent outbreaks of encephalitis in Massachusetts. Because

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the Committee believes the education of our children to be of the highest importance, we recommend that the Sudbury Schools and the Lincoln-Sudbury Regional High School receive \$125,000 and \$85,000 respectively in the override budget to reinstate critical educational programs which were cut from their level funded budgets.

PLANNING FOR FY94

For the past three fiscal years, budgetary constraints have reduced service levels provided by a wide number of Town departments. The continued high quality of our education systems is now at risk. Recognizing the potential long term impact of these changes, the Finance Committee has requested a joint meeting with the Board of Selectmen to explore ideas which would both reduce the cost of local government, while preserving or in some cases restoring service levels provided. These options for change will involve issues such as regionalization or sharing of services with neighboring towns, consolidation of Town departments to eliminate redundancies, and privatization of functions to significantly reduce costs. Issues which have broad impact often involve infrastructure change in local governments, and as such will take time to gain the full consensus of the affected departments. The objective of this meeting is to identify a set of well defined initiatives for action, which can be researched, formalized and acted upon in time for inclusion in the FY94 budget process. The Committee believes that such initiatives will become a necessity, if we are to continue to provide quality local services with limited funds. The Committee will provide a preliminary report at Town Meeting on the results of its discussions.

SUMMARY

The Finance Committee believes its FY93 non-override and override budget recommendations make best use of available funds for Sudbury. The override budget restores many critical services which are lost through the required application of Proposition 2-1/2 limitations. We strongly endorse and recommend approval of both of these budgets.

As a final note, the Finance Committee would like to express its appreciation to each Town department, board and committee for its continued cooperation and understanding during this difficult budget process. Despite individual concerns, all departments operated in a cooperative spirit, focusing on the best interests of the Town as a whole.

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BUDGET TERMS AND DEFINITIONS

Free Cash: The unreserved fund balance (amount of money remaining) after deducting from surplus revenue all uncollected taxes from prior years. Free Cash is certified 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.

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

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 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 FY91 *	Approp. FY92 **	Dept Request FY93	FinCom Rec Non-Override FY93	FinCom Rec Override FY93
Sudbury Pub. Schls. (Gross)	8,755,308	8,971,858	9,609,051	9,171,858	9,296,858
Sudbury Pub. Schls: Offsets	118,222	100,492	130,492	130,492	130,492
SUDBURY PUB. SCHLS. (Net)	8,637,086	8,871,366	9,478,559	9,041,366	9,166,366
L.S.R.H.S. (Assessment)	5,989,788	6,367,491	6,664,523	6,539,191	6,624,191
M.R.V.T.H.S. (Assessment)	416,819	357,370	381,446	381,446	381,446
TOTAL SCHOOLS	15,043,693	15,596,227	16,524,528	15,962,003	16,172,003
200: Debt Service	487,438	490,200	1,073,835	1,073,835	1,073,835
300: Protection	3,026,032	3,130,417	3,385,281	3,137,903	3,160,949
400: Highway/Landfill	1,717,565	1,607,536	1,998,382	1,576,382	1,576,382
500: General Govt.	782,380	781,050	888,959	770,701	800,082
560: Finance	477,619	474,374	529,649	464,584	464,584
600: Library	353,497	369,456	425,571	363,529	385,729
700: Recreation	509,326	492,103	533,431	462,405	462,405
800: Health	183,300	186,816	191,419	186,397	189,397
900: Veterans	6,920	7,363	7,658	7,363	7,363
950: Unclass./Transfer Accts	2,529,330	3,052,425	3,484,892	3,515,833	3,515,833
TOT. TOWN (inc. Unclassif.)	10,073,107	10,591,741	12,519,077	11,558,932	11,636,559
TOT. OPERATING BUDGET	25,116,800	26,187,968	29,043,605	27,520,935	27,808,562
STM Articles:	137,500	0	0	0	0
ATM Articles:	1,351,468	1,437,780	287,236	38,500	38,500
Borrowing	1,337,500	1,000,000	0	0	0
TOTAL ARTICLES	151,468	437,780	287,236	38,500	38,500
TOTAL APPROPRIATIONS	25,268,268	26,625,748	29,330,841	27,559,435	27,847,062
Cherry Sheet Chgs. & Underest.	335,667	347,160	347,160	347,160	347,160
Cherry Sheet Offsets	238,132	217,547	217,547	217,547	217,547
Recap, Snow&Ice & Oth. chgs.	100,719	70,727	50,000	50,000	50,000
Abatements & Exemptions	399,193	394,184	400,000	350,000	350,000
TOTAL CHARGES	1,073,711	1,029,618	1,014,707	964,707	964,707
TOTAL TO BE RAISED	26,341,979	27,655,366	30,345,548	28,524,142	28,811,769
Cherry Sh. Receipts & Overrest.	2,633,837	2,173,992	2,173,992	2,173,992	2,173,992
Local Receipts	2,031,004	2,069,951	2,010,000	2,010,000	2,010,000
Enterprise Fund Receipts	629,164	690,968	737,064	674,589	674,589
Ent. Fund Revenue Offsets	93,719	111,466	127,269	116,099	116,099
Free Cash applied	359,430	300,527	326,736	326,736	326,736
Dog Licenses (& St Aid)	0	2,000	7,750	7,750	7,750
Wetlands Protection Fund	4,125	4,125	4,125	4,125	4,125
Abatement Surplus	0	175,000	0	0	0
Cemetery Fund	15,000	28,000	11,700	11,700	11,700
Stabilization Fund	115,000	180,000	0	0	0
Transfer from ATM 1987/14	0	30,000	0	0	0
Transf: ATM 82/14,STM 86/6	0	7,317	0	0	0
State Aid: Road Repair	0	0	0	0	0
Ambulance Fund	4,500	25,000	25,000	50,000	50,000
TOT. RECEIPTS & REVENUE	5,885,779	5,798,346	5,423,636	5,374,991	5,374,991

REVENUE AND EXPENDITURE ANALYSIS (Continued)

	Expend. FY 91 *	Approp. FY 92 **	Dept Request FY 93	FinCom Rec Non Override FY 93	FinCom Rec Override FY 93
REQUIRED TAX LEVY	20,456,200	21,857,020	24,921,912	23,149,151	23,436,778
Previous Limit +2.5%	19,362,888	20,695,073	21,710,546	21,710,546	21,710,546
New Construction	267,427	170,948	200,000	250,000	250,000
Prop 2-1/2 Override	560,000	315,000	0	0	287,627
LEVY LIMIT	20,190,315	21,181,021	21,910,546	21,960,546	22,248,173
Prop 2-1/2 Exemptions	483,582	682,036	1,192,733	1,192,733	1,192,733
APPLICABLE LEVY LIMIT	20,673,897	21,863,057	23,103,279	23,153,279	23,440,906
UNDER LEVY LIMIT	(Not appl)	6,037	0	4,128	4,128
OVER LEVY LIMIT	(Not appl)	0	1,818,633	0	0

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Long Range Planning Committee Report:

This Long Range Planning Committee's report summarizes the original five-year Capital Improvement Program requests submitted to this Committee by the various Town boards, commissions, committees, and departments. Consideration has also been given to those departments which annually have maintained a regular program for the replacement of capital equipment, by including some funds in future years to replace equipment. These departments initially did not submit a five-year plan because of the fiscal climate. The LRPC, in the summary below, has factored in an expense for replacement of equipment which might be needed in the future.

The total amount of these five-year Capital Improvement Programs is \$10,359,750 - a decrease of 23.8% compared to last year's total of \$13,605,952. Please note that the FY93 figures are the original requests, and that in some cases the requests will be reduced or withdrawn given the financial situation facing the Town.

The Long Range Planning Committee will prepare a separate comprehensive report identifying and prioritizing the individual 1993 Capital Program, as well as several recommendations for improving the operation of the Town. This report will be available at the Board of Selectmen's office, as well as at Town Meeting.

FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM UPDATE
FISCAL YEARS 1993 THROUGH 1997

<u>Town Agency</u>	<u>Requested FY 1993</u>	<u>%</u>	<u>Requested FY 93-97</u>	<u>%</u>
Police	\$ 82,800	2.9	\$ 414,000	4.0
Sudbury Sch.	473,400	16.7	1,280,350	12.4
LSRHS	2,135,000	75.5	2,135,000	20.6
Building	126,000	4.5	126,000	1.2
Landfill	12,500	.4	12,500	.1
Library			100,000	1.0
Fire			428,000	4.1
Selectmen			4,698,000	45.3
Highway			300,000	2.9
Planning			356,200	3.4
Park & Rec.			50,000	.5
Engineering			91,000	.9
Accounting			40,000	.4
Assessors			39,500	.4
Clerk			61,000	.6
Conservation			196,200	1.9
Treas/Collect.			32,000	.3
	<u>\$2,289,700</u>	<u>100.0</u>	<u>\$10,359,750</u>	<u>100.0</u>

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(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 1991 Town Report or as otherwise presented; or act on anything relative thereto.

Submitted by the Board of Selectmen

Michael Guernsey of Silver Hill Road *moved to accept the reports of the Town Boards, Commissions, Officers and Committees as printed in the 1991 Town Report or as otherwise presented subject to the correction of errors, if any, where found.*

The motion under Article 1 was seconded and **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 9, 13 and 24. On a motion by Selectman Wallace and seconded, it was

VOTED: TO TAKE OUT OF ORDER AND TOGETHER AT THIS TIME ARTICLES 8, 14, 17, 18, 19 AND 28.

A motion was received, seconded and **UNANIMOUSLY VOTED: IN THE WORDS OF THE CONSENT CALENDAR MOTIONS AS PRINTED IN THE WARRANT FOR ARTICLES 8, 14, 17, 18, 19 AND 28.**

(See individual articles for reports and motions voted.)

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ARTICLE 2. AMEND BYLAWS, ART. 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 its entirety and substituting therefor plan entitled "FY1993 Schedule A - Classification Plan and Schedule B - Salary Plan" (providing for a 4% general salary increase effective July 1, 1992), a copy of which is 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 *moved* to amend Article XI of the Town of Sudbury Bylaws entitled the Personnel Administration Plan by deleting the Classification and Salary Plan, Schedules A & B, in its entirety, and substituting therefore a Plan entitled: "FY1993 Schedule A - Classification Plan and Schedule B - Salary Plan" (Providing for a 4% general salary increase effective July 1, 1992, on file in the Offices of the Town Clerk and the Board of Selectmen.)

The motion received a second.

Mr. Mandel explained Article 2 would change the Salary and Classification Plan for the Town's non-union employees in two ways. First, it would confirm a number of position reclassifications that the Personnel Board adopted during the past year. Second, it would provide a 4% general or so-called across the board salary increase for most non-union employees effective July 1, 1992. This increase was the same as had been re-negotiated with the Police, Fire and Supervisory Unions and just slightly more than had been re-negotiated for Sudbury Schools and Lincoln-Sudbury employees. The Personnel Board believed the Town should provide its non-union employees with increases that are comparable to those received by the Town's union employees. The 4% increase was considered appropriate in light of the current rate of inflation and the median increases that now prevail.

Finance Committee Report: (R. Drawas) Recommended approval.

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

Town Counsel Opinion: (See page 121)

Henry Sorett of Longfellow Road *moved* to postpone consideration of this article until the first order of business in the next session of Town Meeting and to ask the Personnel Board to provide the proposed Salaries and Classification Plan and the proposed changes to the hall.

The motion received a second.

In support of his motion, Mr. Sorett explained that during his tenure on the Personnel Board it was the role of the Board to present the Salary and Classification Plan in its detail to the Hall expressing both union and non-union salaries and compensations, so the Town could examine the plan and be informed as to what it was paying its employees. The present article does not provide that information, so the Hall may debate or understand the issues. Mr. Sorett requested the Personnel Board to compile the information, including a description of the changes that Mr. Mandel referred to in his presentation, for the following session and make it available as a handout.

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Lincoln Anderson of Goodmans Hill Road requested additional information regarding the basis for all pay increases.

Mr. Mandel reviewed the position of the Personnel Board. It had recommended a wage freeze for the non-union people and recommended the Hall disapprove the negotiated union salary increases. The voters did support the union contracts and provided raises for the non-union personnel. Last year there were some re-negotiations, whereby Lincoln-Sudbury School District, originally scheduled to receive a 7% increase for FY93, extended its contract to receive 3-1/2% in FY93 and 3-1/2% in FY94. The Sudbury Public Schools also re-negotiated their contract so the teachers would receive 2% on July 1, 1992 and 2% on January 1, 1993, a total increase of 4% on the base in FY93. The Sudbury Schools also extended their contract and will receive 3-1/2% in FY94. The Supervisory, Police and Fire Unions all re-negotiated their contracts so they will receive a 4% increase in FY93, effective July 1, 1992, exactly the same as proposed for the non-union employees. The Engineering Union and the Town were in the process of re-negotiating their raise agreement but as of Town Meeting no settlement had been reached. The Highway Department contract was not re-negotiated. It provided a 4% increase on July 1, 1992 and another 4% increase on January 1, 1993.

(See page 39 for vote under Article 2)

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ARTICLE 3. AMEND BYLAWS, ARTICLE XI, PERSONNEL ADMINISTRATION PLAN - REDUCTION IN FORCE

To see if the Town will vote to amend Article XI of the Town of Sudbury Bylaws, entitled "The Personnel Administration Plan", by adding a new Section 10, entitled "Reduction In Force", to read as follows:

"Section 10. Reduction In Force

When layoffs are deemed necessary by department heads, employees shall be laid off in inverse order of classification seniority, provided their qualifications, demonstrated ability to perform the work, and dependability are substantially equal as determined by a department head. For purposes of this Article, 'classification seniority' shall mean the employee's length of continuous service in the classification.";

or act on anything relative thereto.

Submitted by the Personnel Board

Mr. Mandel *moved in the words of the article.*

The motion received a second.

Personnel Board Report: Mr. Mandel believed Article 3 would establish standards for selecting non-union employees for layoff when layoffs become necessary. As a result of negotiations, the Town established layoff procedures with several unions representing town employees. The Board believed comparable standards should be established for non-union employees. With this article, when layoffs are necessary, a department head would select employees for layoff, taking into consideration a person's qualifications, demonstrated ability to perform the work and dependability. When such factors appear to be substantially equal, employees within the affected classification would be laid off by classification seniority. The Board believed these standards are workable and fair to both the Town and the non-union employees.

Finance Committee Report: (R. Drawas) Recommended approval.

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

Town Counsel Opinion: (See page 121)

Robert Coe of Churchill Street and Henry Sorett of Longfellow Road both stood in opposition to Article 3. Mr. Sorett, pointing out the Article did not look at all like the layoff policies existing in some detail in many of the union contracts, expressed concern the Article had the potential for many lawsuits and recommended layoffs remain at the discretion of department heads.

The motion under Article 3 was defeated.

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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

D. Wallace of the Board of Selectmen *moved to Indefinitely Postpone Article 4.*

The motion received a second.

Mr. Wallace deferred to R. Sanford of the Finance Committee to explain the motion. Mr. Sanford noted the Town had a potential \$14,000 exposure, primarily in the Health Benefits Category, that could be solved by line-item transfers within the Unclassified Accounts, therefore budget adjustments were not necessary.

The motion under Article 4 was **VOTED.**

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ARTICLE 5. UNPAID BILLS

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

Submitted by the Town Accountant

PASSED OVER

ARTICLE 6. (Withdrawn)

ARTICLE 7. GOODNOW LIBRARY REVOLVING FUNDS

To see if the Town will vote to authorize for Fiscal Year 1993 the use of two revolving funds by the Goodnow Library: one, for the acquisition of new books, to be funded by all receipts from the library item reserve procedure charge; and the second, for maintenance and utility charges for the multi-purpose room, to be funded by all receipts from the room reservation charge policy for non-Town agencies; each to be maintained as a separate account, in accordance with Massachusetts General Laws Chapter 44, Section 53E-1/2, and to be expended under the direction of the Trustees of the Goodnow Library; or act on anything relative thereto.

Submitted by the Trustees of the Goodnow Library

William Talentino, Library Director, *moved to authorize for fiscal year 1993 the use of a revolving fund by the Goodnow library for maintenance and utility charges for the multi-purpose room, to be funded by all receipts from the room reservation charge policy for non-Town agencies; said fund to be maintained as a separate account in accordance with Massachusetts General Law, Chapter 44, Section 53E-1/2, and expended under the direction of the Trustees of the Goodnow Library. The amount to be expended therefrom shall not exceed the sum of \$1,000.*

The motion received a second.

Mr. Talentino explained that the library's building maintenance budget has been inadequate to support basic utilities, fuel and maintenance operating costs for a number of years. Consequently repairs and preventative maintenance measures have had to be delayed, ignored or paid with funds from other budget line-items such as books or automation. With the Revolving Fund, funds would be generated to cover fundamental building operating costs and basic repairs, and maintenance needs would be met without having to take funds from other library budget items. It was noted this procedure is not unusual, as many public libraries have meeting room fees. The library plans to charge non-profit groups \$10 and profit making groups \$50/room. The fee would be waived for town agencies, such as the Selectmen and the Finance Committee.

Finance Committee Report: (B. Pryor) Recommended approval.

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

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Clarification was requested by Sidney Wittenberg of Surrey Lane as to the \$1,000 expenditure limit. Town Counsel, Paul Kenny, opined that the statute specifically requires that the maximum amount to be spent out of this account would be voted by Town Meeting, and the amount was \$1,000, not for one item but in total.

The motion under Article 7 was **VOTED**.

ARTICLE 8. ELDERLY EXEMPTION/DEFERRAL OF REAL ESTATE TAXES - INCREASE INCOME LIMIT
(Consent Calendar)

To see if the Town will vote to approve the adoption of a \$30,000 maximum gross receipts amount under Massachusetts General Laws Chapter 59, Section 5, Clause 41A, for the exemption and deferral of real estate taxes on property owned by persons aged 65 or over who have annual gross receipts of no more than the maximum amount; or act on anything relative thereto.

Submitted by the Board of Assessors

Board of Assessors Report: The Assessors wish to present to Town Meeting for voter consideration an increase in the income limit that would qualify Sudbury senior citizens for a property tax deferral. This program does not eliminate a person's taxable obligation, but is a deferral, which provides for recovery of unpaid taxes by placement of a lien against the real estate. Monies are collected (including accrued interest at 8% per year) when the house is sold, or the person qualifying for the program (or surviving spouse) is deceased.

The Massachusetts legislature passed the initial legislation with a \$20,000 income limit in 1974. In addition to the income limitation, the applicant must be 65 years or older, and satisfy residency requirements. In 1991, the legislature amended the law to increase the limit up to \$40,000. Each city and town in the Commonwealth has the option of: a) leaving the income limit at \$20,000 or b) increasing the income limit to any amount up to \$40,000. Since living expenses have risen significantly in seventeen years, an income limit which was appropriate in 1974 is inappropriate today.

The Assessors are asking Town Meeting to determine if the maximum annual income which would qualify a Sudbury homeowner for the Clause 41A provision should be increased from \$20,000 to \$30,000.

In Fiscal 1991, twelve Sudbury homeowners participated in the existing program, with approximately \$20,000 in property taxes deferred.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended approval.

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

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ARTICLE 9. STREET ACCEPTANCES

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

Jason Drive	From Landham Road to a dead end, a distance of 632 feet, more or less;
Trailside Circle	From Bridle Path to a dead end, a distance of 501 feet, more or less;
Bridle Path	From Tall Pine Drive to Tall Pine Drive, a distance of 2,530 feet, more or less;
Carding Mill Road	From Boston Post Road (Rt. 20) to Bigelow Drive, a distance of 1,235 feet, more or less;
Bigelow Drive	From Boston Post Road (Rt. 20) to a dead end, a distance of 3,010 feet, more or less;
Tavern Circle	From Powder Mill Road to a dead end, a distance of 1,104 feet, more or less;
Cranberry Circle	From Powder Mill Road to a dead end, a distance of 2,670 feet, more or less;
Webster Circle	From Phillips Road to a dead end, a distance of 1,004 feet, more or less;
Phillips Road	From the end of the Public Way of Phillips Road to a dead end, a distance of 1,302 feet, more or less;

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

Submitted by the Board of Selectmen

J. Drobinski of the Board of Selectmen *moved* to accept the layouts of the following ways:

<i>Jason Drive</i>	<i>From Landham Road to a dead end, a distance of 632 feet, more or less;</i>
<i>Carding Mill Road</i>	<i>From Boston Post Road (Rt. 20) to Bigelow Drive, a distance of 1,235 feet, more or less;</i>
<i>Bigelow Drive</i>	<i>From Boston Post Road (Rt. 20) to a dead end, a distance of 3,010 feet, more or less;</i>

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<i>Tavern Circle</i>	<i>From Powder Mill Road to a dead end, a distance of 1,104 feet, more or less;</i>
<i>Cranberry Circle</i>	<i>From Powder Mill Road to a dead end, a distance of 2,670 feet, more or less;</i>
<i>Webster Circle</i>	<i>From Phillips Road to a dead end, a distance of 1,004 feet, more or less;</i>
<i>Phillips Road</i>	<i>From the end of the Public Way of Phillips Road to a dead end, a distance of 1,302 feet, more or less;</i>

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

The motion received a second.

Board of Selectmen Report: Article 9 is the result of the recommendations of the Highway Surveyor and Town Engineer as to roads which meet legal requirements for acceptance. The Selectmen, at a previous public hearing, voted the layout of these roads. If the above streets are voted and accepted by the Town Meeting as public ways, all future maintenance and repair will be done by the Town.

Finance Committee Report: (R. Sanford) Recommended approval.

Frances Clark of the Conservation Commission noted both Cranberry Circle and Tavern Circle had outstanding Orders of Conditions under the jurisdiction of the Department of Environmental Protection, and she wished to be sure these orders would be met. Town Counsel explained that upon acceptance by Town Meeting, the Selectmen have 120 days in which to sign the Order of Taking. Should the conditions not be met by that time, the Order of Taking will not be signed and the acceptance of these two streets would be brought back to Town Meeting once again for acceptance.

Thomas Geagan of Concord Road moved to amend the main motion by eliminating therefrom the words, "Tavern Circle and Cranberry Circle" and the descriptions following them from the main motion.

The motion received a second.

The motion to amend failed.

The main motion under Article 9 was **UNANIMOUSLY VOTED**.

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ARTICLE 10. AMEND BYLAWS - FINANCE DEPARTMENT

To see if the Town will vote to amend the Town of Sudbury Bylaws by inserting a new article to be numbered by the Town Clerk to establish a Finance Department for the Town of Sudbury as follows:

"Section 1. Finance Department

There is hereby established a Municipal Finance Department (hereinafter called the Finance Department) pursuant to the provisions of Massachusetts General Laws Chapter 43C, Section 11, which shall include the offices of Town Accountant and Town Treasurer and Collector, but shall not include the office of Assessors.

Section 2. Director of Finance

The Finance Department shall be under the direction of a Director of Finance who shall be appointed by the Board of Selectmen for a term of no less than three years nor more than five years. In the event of a vacancy in the office of the Director, a temporary Director may be appointed pending appointment of a permanent Director. An Assistant Finance Director may be appointed by the Finance Director with approval from the Board of Selectmen. The Director of Finance shall serve ex officio as the Town Accountant.

Section 3. Duties

The Director of Finance shall:

- a) Coordinate all financial services and activities;
- b) Prepare and maintain all financial and accounting records pursuant to the Massachusetts Uniform Municipal Accounting System;
- c) Coordinate payments of all obligations for all departments;
- d) Coordinate all receipts and investments;
- e) Oversee and assist all other Town departments and offices in all matters related to financial affairs;
- f) Monitor budget preparation and implementation through to setting of tax rate;
- g) Monitor expenditures by all departments;
- h) Monitor expenditures and revenues of all funds;
- i) Prepare and file all financial reports required by state and federal agencies, Board of Selectmen, Executive Secretary;
- j) Manage audit of financial operations;
- k) Supervise the purchase of all goods, materials, supplies and services;
- l) Maintain and implement inventory control and fixed assets;
- m) Supervise and direct all data processing facilities;
- n) Appoint all personnel under direction and control of Finance Director, subject to approval of the Board of Selectmen.

Section 4. Areas of Responsibility

The Director of Finance shall report directly to the Executive Secretary on all matters relating to the following departments:

- a) Personnel and Employee Benefits
- b) Accounting
- c) Five-year Financial Planning
- d) Long-range Capital Planning
- e) Treasurer
- f) Tax Collector
- g) Data Processing
- h) Risk Management and Retirement";
or act on anything relative thereto.

Submitted by the Board of Selectmen

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D. Wallace of the Board of Selectmen moved in the words of the article as printed in the Warrant.

The motion received a second.

Speaking for Selectman Drobinski and himself, Mr. Wallace expressed support for the implementation of the new bylaw to restructure existing departments into one Finance Department. He said there was no position for an "Assistant Finance Director", as that is something to be decided by the Selectmen "down the road". The only employees to be affected were those in the Accounting Department, the Treasurer and Collector's Department, and the Budget and Personnel position. He recognized that the Long Range Planning Committee had raised questions as to the functional organization, and that the LRPC had suggested combining the accounting in the Sudbury Schools first, with which the Selectmen did not agree. He also noted the LRPC recommended a management study, with which the Selectmen also disagreed, as this consolidation was not a complicated infrastructure change. The LRPC recommended having an independent audit done of the Town and School accounts, however, Mr. Wallace stated the Town's operation was too small to require a separate management and audit study which could cost in excess of \$20,000. He referred to the Selectmen's report in the Warrant for a complete understanding of his position.

Warrant Report: The Board of Selectmen has been looking into establishing a Municipal Finance Department for several years. The major advantages of doing so are as follows:

1. Allows better coordination of all Town finances.
2. Hopefully provides dollar savings in the future by combining jobs or eliminating jobs.
3. Single department head overseeing all Town financial operations.
4. Provides framework to expand in the future to include Schools or others.
5. Does not provide salary increases or upgrades for any personnel at this time.
6. Does not usurp power or authority of any existing Town agency or department.
7. Provides professionalism and easier recruitment of personnel.
8. Avoids duplication of effort.
9. Allows for better checks and balances in all financial operations.
10. Provides better public service.
11. Does not cost anything to implement.

The Towns of Concord and Lexington have been operating under a similar finance setup for many years very successfully. We are very impressed with their innovations in performance reporting and Town insurance matters.

The Board of Selectmen does not recommend or support the Assessors being incorporated under this bylaw. The Assessors should remain independent and elected.

The General Laws (M.G.L. Ch.43C) under which this Finance Department be set up states in part:

"Any person holding any office or position in the service of a city or town which accepts one of the optional forms of administration provided in this chapter and who is employed in an office or agency which is merged with another or abolished or otherwise constituted shall be transferred to the department or agency thereby created without reduction in compensation, or impairment of any civil service, retirement, pension, seniority, vacation, sick leave or other rights or benefits to which then entitled. Any reduction in force which is to result from the new form of administration shall be accomplished through attrition, or other reassignment and not by dismissal."

Thus, it is not our intention to do away with anyone's job, or expand anyone's job or department; rather, it is our intention to provide a mechanism which will protect the Town's future by providing a professional structure for its financial operations. A professional structure will be more efficient and cost effective.

The Board of Selectmen recommends your approval.

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Board of Selectmen's Minority Report: (Judith Cope) Ms. Cope reported she originally was on record supporting Article 10, as it had been her understanding the consolidation would enhance Moody's Rating. But the way the consolidation has turned out, some things were included while others were left out. The anti-rift clause in the legislation would effectively tie the hands of the Town regarding layoffs. She now believed the proposed consolidation would not impress anyone, let alone some Moody's analysts. She did not see any benefits in the "major advantages" listed in the Warrant. They are all provided now as best as can be done, and a "Finance Department" would do no better. She believed the article should be sent back to the committee so all departments could buy into it, if it is such a good thing. Such a committee she believed should comprise of the Long Range Planning Members and other involved department representatives.

Finance Committee Report: (R. Sanford) The Committee expressed belief this measure was a cost saving one for FY93, and would "reap the benefits of better administration of similar functions within one department"; more effective sharing of similar services; increased budgetary control and fiscal priority setting within the fiscal context and financial context of the Town". He disclaimed this was an effort to either save jobs or create jobs. He urged quick approval as there was no reason not to move on this. He noted the personnel in the effected departments had all been consulted and they were in approval of the proposal and the management recommendations involved. In his opinion this was a bellwether for the consideration of additional consolidations and cost saving measures in other areas of town such as a Department of Public Works. The Committee unanimously recommended approval.

Board of Assessors Report: (F. Haberstroh) Chairman Haberstroh, spoke for the full Board of Assessors. Having done some extensive research relating to Article 10 and extensive research of towns that have re-organized their financial departments under Chapter 43C, he stated he was able to find just one town, Hanover, who had re-organized under Chapter 43C. That Town's assessor responded with the comment that "43C was okay as long as the individual at the top was impartial." Right now Hanover considered itself lucky, but certainly didn't know what the future might hold, as they could run into serious problems of favoritism. Mr. Haberstroh's reaction to Hanover's remarks was, "We must be very careful when building a straight line chain of command and not concentrate too much authority in any one position."

The Selectmen referred to the town of Concord in their report, whereupon Mr. Haberstroh noted Concord is not organized under Chapter 43C. Inquiring as to where elected officials fit into their organization, the Concord Assessor responded, "What elected officials? Concord has very few remaining."

Mr. Haberstroh contacted the Department of Revenue, the Division of Local Services, where he was told the wording of Chapter 43C was vague and ambiguous citing two responsibilities of the Director of Finance: 1) He shall oversee and assist other town departments in all matters reflecting all financial affairs. Mr. Murphy of the DOR described this as pretty ambiguous and pretty far reaching; 2) Director of Finance shall coordinate all financial services and activities. On the recommendation of Mr. Murphy, Mr. Haberstroh contacted Harry Grossman, Chief Council of the Bureau of Taxation, who reiterated the concerns stated earlier by the Hanover town official. The people at the DOR when speaking about trouble, they were talking about controls--they did not want one individual in charge of the entire show. According to Mr. Grossman, an amendment to Chapter 43C is being considered by the legislature, which will more clearly define the responsibilities of the position Director of Finance. Mr. Haberstroh concluded by repeating what the Selectmen had previously admitted, this article really doesn't change anything. What it does, it makes permanent what has already been in existence for ten years. Mr. Haberstroh suggested that if we are going to start changing things around here, we should make meaningful changes and not stay with more of the same old structure by passing a bylaw.

Patrick Delaney of the Boston Post Road, a former Assessor and present member of the Board of Appeals, reported his findings upon contacting the town of Concord also. The Finance Director expressed some reservations about the idea of creating a Finance Office and specifically about the idea it would have a direct effect on our bond rating, as the credit rating of a town is

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affected by many factors, noting that Concord's credit rating remained unchanged for nearly ten years after they reorganized. He recommended alternatives be studied. In Hudson, Mr. Delaney pointed out that after they adopted a Finance Department, it actually cost the town more money. When the accountant's title changed to Finance Director, his base salary increased by \$7,000. Mr. Delaney believed, should our present accountant take another position, this town would be advertising for not an accountant but for a Director of Finance, a title that could command a hefty salary. Mr. Delaney commented on the subtle shift of power being taken away from the people with this Article, as appointment would be made by those who are not directly responsible to the voters...the accountant would report to the Executive Secretary and not to the Selectmen. It was Mr. Delaney's point of view that it would not be good for the Town to have a Finance Director reporting to anyone but our elected officials, not even the accountant. He recommended defeat of the Article.

Long Range Planning Committee: (R. Cala) Speaking for the Committee, Mr. Cala recommended very seriously a delay in the approval of the implementation of this bylaw. The LRPC recommended that an organizational plan addressing the staffing of both the Town and the Schools be thought about prior to this change, noting that a management study is not a minor issue here. With a management study to be done in time for next year's Annual Town Meeting, the structure could be suggested by people who know about these types of town organizations and recommend accurate recommendations to the Town for everyone to evaluate. The LRPC also recommended that an independent audit of the Town and School Accounts be completed first, so that a baseline against which to measure the operations and efficiencies of the system could be evaluated.

Susan Bistany of Old Meadow Road, a member of the Board of Registrars, unable to attend town meeting, had James Spiegel read a statement for her. Ms. Bistany remarked there were two issues--1) Is this a good idea under any circumstance?, and 2) Is this a good idea in Sudbury under the present circumstances? Her answer to both these questions was "NO", as we are being asked to disfranchise ourselves by abdicating our voting power, as we would be giving the Selectmen, with the recommendation of the Executive Secretary, the power to appoint those who we now elect. She noted the Selectmen's minutes of January 3, 1992, wherein we could be asked to surrender our power to elect Highway and Park and Recreation personnel. However well intentioned, this would place too much power in the hands of too few people, and it would take town government another step away from us and make town government less accountable to us. It was this factor, accountability, she stated that has become a major issue at all levels of government. Sudbury would be moving in the wrong direction if we vote in favor of this question. Government at all levels should be more accountable to us, not less. After reviewing the extensive list of duties the Director of Finance would undertake, Ms. Bistany requested the town's most recent Audit and Managements Reports to see how often and under what circumstances the town does conform to generally accepted accounting practices presently. She quoted a few examples of concern from the most recent Management Report prepared in 1989 by an independent firm, Ernst & Young: 1) the Town no longer keeps a detailed listing by security of investments income earned during the year--how then does the Town keep track and safeguard the Town's investments?; 2) Town Accountant has posted journal entries for the general ledger, but has not always kept appropriate supportive documentation for the journal entries--why hasn't the appropriate documentation been kept?; 3) Reviewing the accounts receivable and cash receipt systems, it was noted one person handles currency, prepares deposits, prepares the cash receipts journal, signs checks and reconciles the bank statements--to this Ms. Bistany remarked, "As Paul Tsongas would say, you don't have to be a rocket scientist to see the potential problems." Ernst and Young recommended these practices be corrected. Failure to do so, in her opinion, indicates a form of arrogance which shows lack of concern or accountability or respect for us the taxpayers. As to what the Executive Secretary has done about these recommendations in the 1989 Management Report, Ms. Bistany could not report, as there have been no further Management Reports since 1989. Arguments may be put forth there were no funds for such reports, however, Ms. Bistany noted that if money can be found to pay another newly created full-time salary position--Assistant Finance Director, then we can pay for an up-to-date Management Report to evaluate the handling of our ever increasing tax dollar. With Chapter 43C we are asked to trust more responsibility and more power. We are told there is no financial impact of Article 10 and it is for efficiency purposes. However, an increased financial impact of adding another layer to the present bureaucracy of paid officials into the staff would appear to be present.

She asked, "Do we have to give up our voting power to reorganize town offices, to consolidate and save money? What other options do we have?" She noted we are being asked to change the form of Town government in a vacuum just as we were at the polls on March 30th, when the Town voted to approve the change by the slimmest of margins, 51% for and 49% against, a

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difference of only 58 votes. She believed this was one of those issues which sounds simple and innocent on the surface, but which should make us step very cautiously, and have us understand all of the implications of such a drastic change in our form of town government. At the very least, there should be an impact study by an independent commission before ever considering this change. Any doubts, any vague answers to questions, any promises without facts should cause us to step back and think before we give up the power to vote to the appointive processes.

Chester Hamilton of Morse Road, former Town Treasurer/Collector and former Finance Committee member, spoke in opposition to Article 10. "In spite of all, what I consider dubious and questionable advantages set forth by the Selectmen on page 16 (in the Warrant), the facts simply do not justify what they say." Mr. Hamilton reviewed the advantages one by one and gave them credit for being correct on two. The rest he thought to be doubtful, highly suspicious, unworkable and impossible. The only thing to be gained would be to put under the rather eager awaiting thumb of one appointed Town Official, complete control over all the financial operations of this Town except for the Assessors.

He reported the Treasurer in the past fiscal year earned more money than ever before, close to \$450,000. All without any oversight or interference or guidance from a Finance Director. Thousands of checks were distributed, thousands of checks were reconciled and balanced. Millions of dollars were deposited, invested and used as necessary. All again, without any oversight or any interference from a Director of Finance. The new Treasurer/Collector, in less than two months time, put together, with help from outside finance authorities, a legal document, which, Mr. Hamilton referred to as a "devil", and "did it effectively enough and well enough and good enough so we were able to offer almost \$4 million dollars worth of bonds and most importantly kept our AA rating." This he called a "significant achievement and it was done, again, without any input, interference or anything else from a Director of Finance". In the Collector's Office, millions of dollars in taxes were collected. Referring to the outstanding \$2 million plus in unpaid taxes, he noted the new Collector will have to live with this problem, as it requires a great deal of cooperation of many people. The Collector cannot do that job alone. Although it is a job that should be done, and must be done, it won't be improved upon by having a Director of Finance.

Referring to the Selectmen's high praise of Concord's financial set-up, Mr. Hamilton noted Concord's financial department was formed in the mid-1970's and the Financial Director has a department of 18 people. Should Sudbury consolidate, it would have 8. He further remarked that Concord's Finance Director was a rather unusual person in that he has a Masters in Finance, he is the Past President of the Mass. Collectors and Treasurers Association, he is an officer and board member on committees of both the Government Financial Officers Association (GFOA) and the Mass. Financial Officers Association (MFOA), and it was also noted that he was the Treasurer and Collector of Concord and not the Town Accountant. Mr. Hamilton informed the Hall that of the 351 cities and towns in the Commonwealth, only 63 or 18% have a Director of Finance, and of these 63, 12 are Treasurers or Collectors and 7 are Accountants. He also pointed out there are a very limited number of towns that have a Financial Department. The Town of Reading has a very highly regarded one, and there again the Treasurer/Collector is the Director of Finance. Mr. Hamilton expressed his belief that if there is to be a Finance Department in this town, the first thing that should happen is that they must get together physically. The opportunity presented itself when the Sudbury VNA moved out of the Flynn Building. Then there was then adequate space to combine all the financial operations in one building, under one roof, not necessarily under one management, but nevertheless, far better able to serve the public. It didn't happen and in his personal opinion, Mr. Hamilton stated it will not happen.

To combine the financial departments as proposed, Mr. Hamilton believed would further weaken the system of financial checks and balances the taxpayers of this Town ought to be able to rely upon. He admitted there had been weakening in this area when the offices of Collector and Treasurer were combined and he has "sweat blood over that one." At that time, it was understood the Treasurer/Collector would be appointed by the Board of Selectmen, however with Article 10, this position would be appointed by the Town Accountant. To this he said, "Good grief!" and further commented that this should not be allowed to happen, and urged defeat of Article 10.

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Many other voters spoke in opposition to the proposal under Article 10. Russell Kirby of Boston Post Road moved to amend Article 10 by adding a last sentence as follows, This bylaw shall not become effective before July 1, 1996.

The motion received a second.

Mr. Kirby explained that Town Meeting was in a position of deliberating on a bylaw in response to an action of the voters in a general election, where the plurality of the vote was a mere 58 votes, hardly a mandate. He seriously doubted very many of the people who voted in favor of the bylaw, had seen a copy of the law or had any idea what it really represented. This is a situation where the action of the voters has already taken place and cannot be reversed for four years. The article should be amended so it cannot take effect for four years, which then gives everyone in the Town an opportunity to step back, consider all of the arguments presented this evening and determine what really is a proper course of action for the Town to take. Just defeating the article tonight would leave the Town another Unisys situation—we'll be back here at every Special Town Meeting and Annual Town Meeting because the bylaw has a four year time clock which is running and cannot be shut down.

The motion to amend was defeated.

The main motion under Article 10 was defeated.

ARTICLE 11. (WITHDRAWN)

A motion to adjourn until tomorrow evening at this place at 7:30 p.m. was received and seconded.

The motion was **VOTED.**

Attendance: 244

PROCEEDINGS

APRIL 7, 1992

Pursuant to a Warrant issued by the Board of Selectman March 2, 1992, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Tuesday, April 7, 1992, for the second session of the Annual Town Meeting.

The meeting was called to order by the Moderator at 7:55 P.M. when a quorum was declared present.

William Talentino, Director of the Goodnow Library and a member of the Town's Employees Recognition Committee, presented two Town employees with the Employee Commitment to Excellence Award. The Commitment to Excellence Program was established a year ago for the purpose of recognizing Town employees for particular achievements of excellence. The recipients for 1992 were Jack Braim of the Park and Recreation Department and Drew Goodwin of the Highway Department's Recycling Center. Each received an engraved Revere bowl and a savings bond.

ARTICLE 2. AMEND BYLAWS, ART. 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 its entirety and substituting therefor plan entitled "FY1993 Schedule A - Classification Plan and Schedule B - Salary Plan" (providing for a 4% general salary increase effective July 1, 1992), a copy of which is on file in the offices of the Town Clerk and Board of Selectmen, or act on anything relative thereto.

Submitted by the Personnel Board

Mr. Mandel of the Personnel Board *moved* to amend Article 11 of the Town of Sudbury Bylaws entitled "The Personnel Administration Plan" by deleting the Classification and Salary Plans Schedules A & B in its entirety, and substituting therefore a plan entitled, "FY1993 Schedule A, Classification Plan and Schedule B, Salary Plan" providing for a 4% general salary increase effective July 1, 1992, on file in the offices of the Town Clerk and Board of Selectmen.

The motion received a second.

Mr. Mandel explained the Board's two handouts - 1) the complete FY93 Salary and Classification Plan and 2) a one sheet document noting the changes in the Classification and Salary Plan and a table of the Salary Increases.

TOWN OF SUDBURY

FY 1993

SCHEDULE A - CLASSIFICATION PLAN

SCHEDULE B - SALARY PLAN

GRADE 1

GRADE 2

Clerk I
Switchboard Operator/Receptionist

GRADE 3

Clerk II/Senior Clerk
Library Clerk
Recording Secretary

GRADE 4

Fire Dispatcher (40 hrs/wk)
Library Technician
Secretary I
Van Driver, Senior Citizens Center
Senior Data Processing Clerk
Groundsperson (40 hrs/wk)
Maintenance Custodian

GRADE 5

Outreach Case Manager
Library Office Coordinator
Grounds Mechanic (40 hrs/wk)
Census and Documentation Coord.
Accounting Administrative Asst.
Part-Time Reference Librarian

GRADE 6

Assistant Tax Collector
Associate Librarian
Dog Officer
Police Dispatcher (40 hrs/wk)
Secretary/Legal Secretary
Secretary II/Office Supervisor
Supervisor of Town Buildings*
Grounds Foreman (40 hrs/wk)
Board of Health Coordinator

GRADE 7

Assessors Office Coordinator
Assistant Town Accountant
Assistant Town Clerk
Assistant Town Treasurer
Staff Librarian

GRADE 8

Conservation Coordinator
Director, Council on Aging
Adult Services/Reference Librarian
Senior Librarian

GRADE 9

Administrative Asst. to Board of Selectmen
Assistant Library Director

GRADE 10

Town Clerk*
Community Social Worker

GRADE 11

Assessor/Appraiser*
Library Director*
Supt., Parks & Grounds Management*
Town Planner*
Budget and Personnel Officer

GRADE 12

Director of Public Health*
Insp. of Buildings/Zoning Enforcement Agent*
Town Treasurer/Collector*

GRADE 13

GRADE 14

Director of Finance/Town Accountant*
Highway Surveyor*
Town Engineer*

GRADE 15

Fire Chief
Police Chief

GRADE 16

GRADE 17

Executive Secretary* (contract)

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

TOWN OF SUDBURY
FY93 NON-UNION SALARY GRID

GRADE	Minimum			Maximum			
	1	2	3	4	5	6	7
1	8.50	8.83	9.17	9.54	9.91	10.30	10.71
2	9.18	9.54	9.91	10.30	10.70	11.12	11.56
	321.15	333.75	346.84	360.45	374.59	389.29	404.56
	16,764	17,422	18,105	18,816	19,554	20,321	21,118
3	9.91	10.30	10.70	11.12	11.56	12.01	12.48
	346.84	360.45	374.59	389.29	404.56	420.43	436.92
	18,105	18,816	19,554	20,321	21,118	21,946	22,807
4	10.70	11.12	11.56	12.01	12.48	12.97	13.48
	374.59	389.29	404.56	420.43	436.92	454.06	471.88
	19,554	20,321	21,118	21,946	22,807	23,702	24,632
5	11.56	12.01	12.48	12.97	13.48	14.01	14.56
	404.56	420.43	436.92	454.06	471.88	490.39	509.63
	21,118	21,946	22,807	23,702	24,632	25,598	26,603
6	12.48	12.97	13.48	14.01	14.56	15.13	15.73
	436.92	454.06	471.88	490.39	509.63	529.62	550.40
	22,807	23,702	24,632	25,598	26,603	27,646	28,731
7	13.48	14.01	14.56	15.13	15.73	16.34	16.98
	471.88	490.39	509.63	529.63	550.40	571.99	594.43
	24,632	25,598	26,602	27,647	28,731	29,858	31,029
8	14.70	15.27	15.87	16.49	17.14	17.81	18.51
	514.34	534.52	555.48	577.27	599.92	623.47	647.93
	26,848	27,902	28,996	30,134	31,316	32,545	33,822
9	16.02	16.65	17.30	17.98	18.68	19.42	20.18
	560.63	582.63	605.47	629.23	653.91	679.58	706.24
	29,265	30,413	31,606	32,846	34,134	35,474	36,866
10	17.46	18.14	18.86	19.60	20.36	21.16	21.99
	611.08	635.07	659.97	685.86	712.76	740.74	769.80
	31,898	33,150	34,450	35,802	37,206	38,667	40,184
11	19.03	19.78	20.55	21.36	22.20	23.07	23.97
	666.08	692.22	719.36	747.59	776.91	807.41	839.08
	34,769	36,133	37,551	39,024	40,555	42,147	43,800
12	20.74	21.56	22.40	23.28	24.20	25.14	26.13
	726.03	754.52	784.11	814.87	846.84	880.08	914.60
	37,899	39,385	40,930	42,536	44,205	45,940	47,742

GRADE

13	22.61	23.50	24.42	25.38	26.37	27.41	28.48
	791.37	822.43	854.68	888.21	923.05	959.28	996.92
	41,309	42,930	44,614	46,364	48,183	50,075	52,039
14	24.65	25.61	26.62	27.66	28.75	29.87	31.05
	862.59	896.44	931.60	968.14	1006.12	1045.62	1086.64
	45,027	46,794	48,629	50,537	52,520	54,581	56,723
15	26.86	27.92	29.01	30.15	31.33	32.56	33.84
	940.22	977.12	1015.44	1055.28	1096.68	1139.72	1184.44
	49,080	51,005	53,006	55,085	57,246	59,494	61,828
16	29.28	30.43	31.62	32.86	34.15	35.49	36.89
	1024.85	1065.06	1106.83	1150.25	1195.38	1242.30	1291.04
	53,497	55,596	57,777	60,043	62,399	64,848	67,392
17	31.92	33.17	34.47	35.82	37.23	38.69	40.21
	1117.08	1160.92	1206.45	1253.78	1302.96	1354.11	1407.23
	58,312	60,599	62,977	65,447	68,015	70,684	73,457

NOTE: Full-time employees are normally scheduled to work 35 hours per week. Full-time employees who are denoted as normally scheduled to work 40 hours per week are paid for a week's work at 40 times the stated hourly rate. The annual rate is based on 52.2 weeks per year.

<u>CLASSIFICATION</u>	<u>HRS/WEEK</u>	<u>MINIMUM</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>MAXIMUM</u>
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LIBRARY

HOURLY RATED:

Library Page	\$ 5.88	\$ 6.14	\$ 6.34
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PARK & RECREATION DEPARTMENT

ANNUALLY RATED:

Recreation Director: \$30,672 - \$40,184

	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>	<u>STEP 7</u>
Program Director:	\$11,738	\$12,211	\$12,817	\$13,483	\$14,159	\$14,868	\$15,611

<u>SEASONALLY RATED</u>	<u>MINIMUM</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>MAXIMUM</u>
Camp Supervisor	\$ 2,293	2,388	2,505	2,632	2,766

HOURLY RATED:

Teen Center Coordinator:	\$11.31 - 16.97
Temporary Laborer	6.32 - 7.72

Atkinson Pool

ANNUALLY RATED:

Pool Director:	\$ 33,432 - \$43,800 (Position not filled in FY92, FY93)
Recreation Director:	\$ 30,672 - \$40,184
Aquatic Director:	\$ 28,139 - \$36,866
Pool Sec.II/Off. Super:	\$ 21,930 - \$28,731
Aquatic Coordinator:	\$ 20,306 - \$26,603

HOURLY RATED:

Lifeguard/Pool Receptionist:	\$ 6.50 - \$ 8.89
Childcare Helper/Water Safety Instr.	7.05 - 9.60
Receptionist/WSI Supervisor	8.23 - 10.36

TOWN ADMINISTRATION

	<u>MINIMUM</u>						<u>MAXIMUM</u>
	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>	<u>STEP 7</u>
Custodian:	\$ 9.97	10.35	10.76	11.18	11.61	12.06	12.56

SINGLE RATED

Vets. Agent & Dir.	\$3,831/Yr.
Animal Inspector	1,691/Yr.
Census Taker	5.88/Hr.
Election Warden	5.88/Hr.
Election Clerk	5.88/Hr.
Deputy Election Warden	5.88/Hr.
Deputy Election Clerk	5.88/Hr.
Election Officer & Teller	5.88/Hr.
Plumbing Inspector	Fees
Assistant Dog Officer	9.35/Hr.

April 7, 1992

Article 2 would change the Salary and Classification Plan for the non-union people in two respects: 1) it would confirm the Board's re-classification of positions adopted this past year and 2) provide a 4% salary increase for most non-union personnel, effective July 1, 1992. The two newly created positions were Landfill supervisor, a union position, and Community Social Worker. A number of positions would change from the salary grid to annual ratings which were indicated in the Classification and Salary Plan for FY93. Many Atkinson Pool positions would change from a 7-step hourly pay scale to hourly rated positions. Last year the Personnel Board recommended the newly negotiated union wage contracts not be funded and a general wage freeze be implemented for both union and nonunion employees. The Board's recommendation was voted down. Union contracts approved last year are binding, therefore the Board believed it would be unfair this year to provide non-union employees with a smaller increase or no wage increase compared to union employees.

Finance Committee Report: (R. Drawas) Recommended approval.

Board of Selectmen (D. Wallace) Recommended approval.

Lincoln Anderson of Goodman's Hill Road moved to amend the main motion by striking out the figure 4% and substituting therefore 2%. The motion received a second.

After lengthy discussions, the motion to amend was defeated by a voice vote.

A few questions were asked regarding specific changes in the Classification and Salary Plan then the main motion under Article 2 by a voice vote was **VOTED**.

ARTICLE 12. 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, 1992 through June 30, 1993, 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

Finance Committee Chairman, R. Sanford, presenting the "Limiting Motion" first, moved that the amount appropriated under the non-override budget not exceed the sum of \$27,454,635. The motion received a second.

It was explained the passing of the "Limited Motion" would lock in a cap for the balance of Town Meeting. Therefore, just motions which would reduce an item or reduce an item and raise another by the same amount, would be accepted on the Budget.

The "Limiting Motion" was presented and **VOTED** by a voice vote.

Finance Chairman, R. Sanford, offered under Article 12, Budget, the main motion, move that the Town appropriate the sums of money set forth in the Warrant under Article 12 in the column "FinCom Recommended Non-Override FY93" for fiscal year

APRIL 7, 1992

1993 except as follows: under 320 - Police, Personal Services, \$1,266,394; under 320 - Police, Capital Spending, \$15,000; under 950 - Unclassified, \$3,314,592. The following items be raised as designated by transfer from available fund balances and interfund transfers: from Ambulance Reserve for Appropriation Account, to 310, Fire Personal Services, \$47,500; from Ambulance Reserve for Appropriation Account, to 310 Fire Expenses, \$2,500; from Wetland Protection Account, to 360 Conservation Personal Services, \$4,125; from Cemetery Funds, 410 Highway Personal Services, \$11,700; from Dog Licenses, to 600 Library Expenses, \$7,750; from Free Cash, to 950 Unclassified, \$361,536 and further that appropriations within departmental budgets under personal services expenses, capital spending, snow and ice, net Sudbury Public Schools, Sudbury Assessment Schools, Total Debt Service and Total Unclassified must be expended within those categories unless in each instance the Finance Committee grants prior approval; and that automobile mileage allowance rates shall be paid in accordance with Federal Internal Revenue Service mileage allowance regulations; and further that the item under retained earnings on page 20 of the Warrant is for informational purposes only. The motion received a second.

In explanation of the budget, four key areas were discussed: 1) Town's current revenue situation, 2) FinCom's budget recommendation process, 3) recommendations probable impact on town services and 4) FinCom's plans to improve the current situation for next year. Sudbury's resources of revenue having diminished over the past years, its major sources of revenue now are the tax levy, state aid, local receipts and available Free Cash. Town's dependence on the tax levy for the past five years has increased from 71% to over 81%, as state aid has decreased and accounts for only 8% of the Town's revenue sources. Local receipts, though stated as remaining stable, percentage wise as a budget revenue source were adjusted downward for FY93. Free Cash dropped from over \$800,000 in 1987 to a negative number in 1990. This year the Department of Revenue issued a ruling prohibiting the use of Free Cash in a year that follows a negative certification. There is a moderate balance of Free Cash however, the FinCom recommended even more Free Cash use this year than last, so as not to have "wholesale elimination of essential departmental functions". Sanford stated: "Major expenses for local services have increased steadily for the past seven years; health costs increase on an average of 10% each year - 17% for the last three years; salaries increase on the average annually 5.1%, and general expenses, as measured by the Consumer Price Index, around 4.5% annually for the past seven years. These costs, which do not include capital expenditures, continue to grow 2-5 times the rate of the levy limit." The FinCom determined the allocation of the Town's funds by measuring local governmental services as being 1) essential or critical to the well being of the Town residents and 2) the cost of such services. For this budget, a new item was created called the Salary Contingency Reserve, an accounting device which allows the Town to reserve 2% of the salary line items of the major budgets in Town, i.e. police, fire, highway, library. According to Sanford, "We use 1% of the 2% saved this year. The other 1% we put in the Salary Contingency Reserve."

A subcommittee was formed to address the ongoing Pool deficit. It was believed the recommendations made could reduce the proposed deficit of \$50,000 for next year to \$6,000. At the same time Debt Service had increased, and \$584,000 was added to the Operating Budget. The Town is reaching the maximum recommended debt level. Other budgetary items he noted were: County Retirement Assessment Account up over \$99,000 - 11.6% increase from last year and lower revenue sources - well under \$300,000. The recommended FY93 Non-override Budget did meet the State levy limit requirements, however reductions would be realized in the following departments: Schools, Fire, Highway, Town Clerk, Library, Engineering, Assessors, Park & Recreation, and the town switchboard operator.

Several speakers followed who spoke to their own particular budgets so as to enlighten the voters as to their views and reasons for their budget requests- Supt. King and Fred Pryor for the Lincoln Sudbury High School, Vicki Hammel for the Sudbury Public Schools, and Peter Berkel for the Town Pool. Joseph Klein spoke of his extreme displeasure with the Warrant's new format which eliminated the line by line explanation for each budget, and L. Anderson commented on certain aspect of Mr. Sanford's presentation. *The full text of these presentations is available at the Town Clerk's Office.*

At 11:00 p.m., while Article 12 was still under discussion, H. Sorett *moved* that the meeting stand adjourned until Wednesday, April 8, 1992, at 7:30 p.m. The Moderator declared the voice vote to be UNANIMOUS.

The meeting adjourned at 11 p.m.

Attendance: 262

ANNUAL TOWN MEETING

PROCEEDINGS

APRIL 8, 1992

Pursuant to a Warrant issued by the Board of Selectmen, March 2, 1992, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Tuesday, April 8, 1992, for the third session of the Annual Town Meeting.

The meeting was called to order by the Moderator at 7:42 P.M. when a quorum was declared present.

ARTICLE 12 BUDGET (Continued)

Town Clerk, Jean MacKenzie, due to mis-information provided the voters the previous evening regarding her budget, addressed the serious and concerning 17% reduction recommended by the FinCom for the Town Clerk's department. She informed the hall she had not agreed to the recommended budget, as so stated, as it would not enable her to meet the department's statutory requirements and the Town's elections would be in jeopardy.

A motion to amend was offered by Russell Kirby of Boston Post Road. *Move to amend Article 12 as follows: delete the words and numbers printed in the Warrant in their entirety and substitute therefore the words and numbers printed in the Finance Committee's handout entitled, "Budget Long Form."* The motion received a second. The Moderator requested the Town Clerk to incorporate in the minutes of the meeting a copy of the handout.

The explanation for the motion was the budget, as printed in the Warrant, contained very little detail and was extremely difficult to understand, based upon the numbers printed in the Warrant. With the handout the voters would have a greater understanding for what they would be appropriating money.

The motion to amend was **VOTED** by a hand vote.

BUDGET LONG FORM	Expend FY 91*	Approp. FY92**	Dept. Request FY 93	FinCom Rec Non Override FY 93
<u>100 EDUCATION</u>				
SUDBURY PUBLIC SCHOOLS				
Salaries	7,030,496	7,315,136	7,814,566	7,379,373
Expenses	1,654,512	1,604,447	1,742,210	1,740,210
Equipment	70,300	52,275	52,275	52,275
Subtot Sudbury Public Schools	8,755,308	8,971,858	9,609,051	9,171,858
Offsets, including METCO	118,222	100,492	130,492	130,492
110 Net Sudbury Public Schools	8,637,086	8,871,366	9,478,559	9,041,366
Insurance/Benefit Costs	989,831	1,210,526	1,427,612	1,388,616
True Cost S.P.S.	9,626,917	10,081,892	10,906,171	10,429,982
L-S REGIONAL HIGH SCHOOL				
130 Sudbury Assessment	5,989,788	6,367,491	6,664,523	6,539,191
MINUTEMAN VOC. HIGH SCHOOL				
140 Sudbury Assessment	416,819	357,370	381,446	381,446
TOTAL 100 BUDGET	15,043,693	15,596,227	16,524,528	15,962,003
Offsets: Free Cash	0	0	0	0
NET 100 BUDGET	15,043,693	15,596,227	16,524,528	15,962,003
<u>200 DEBT SERVICE #</u>				
-201 Temp. Loan Int.	5,849	20,000	38,641	38,641
-203 Other Bond Int.	206,589	195,200	355,194	355,194
-205 Other Bond Princ.	275,000	275,000	675,000	675,000
-711 Bond & Note Expense			5,000	5,000
200 TOTAL DEBT SERVICE	487,438	490,200	1,073,835	1,073,835
(Fairbank/COA: P & I)	145,955	140,240	134,480	134,480
(Nixon/Noyes: P & I)	148,938	196,880	733,400	733,400
(Fire Station: P & I)	136,770	132,960	129,120	129,120
(Melone land: 1/2 yr Int)	0	0	51,954	51,954
Unisys land: 1/2 yr Int)			51,954	51,954

	Expend FY 91 *	Approp. FY 92**	Dept Request FY93	FinCom Rec Non Override FY93
300 PROTECTION				
310 FIRE DEPARTMENT				
-100 Chief's Salary	58,682	61,817	66,863	65,552
-110 Salaries	993,202	1,059,006	1,147,435	1,076,098
-120 Overtime	111,011	117,411	126,804	114,515
-130 Clerical	22,396	19,116	20,595	20,191
-140 Dispatchers	47,325	27,068	29,284	28,710
-151 Sick Buyback	4,086	6,719	6,708	6,577
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Total Personal Services	1,236,702	1,291,137	1,397,689	1,311,643
-210 General Expense	14,411	16,430	13,470	13,470
-310 Maintenance	26,112	38,850	52,850	52,850
-420 Travel, Out of State	431	500	500	500
-510 Equipment	7,073	10,000	8,500	8,500
-620 Alarm Maint.	1,445	1,000	1,000	1,000
-710 Uniforms	16,382	17,410	17,410	17,410
-810 Tuition	9,660	2,800	2,800	2,800
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Total Expenses	75,514	86,990	96,530	96,530
-901 Capital Items	9,956	0	0	0
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Total Capital Spending	9,956	0	0	0
310 Total	1,322,172	1,378,127	1,494,219	1,408,173
Offset: Ambulance Fund	0	25,000	25,000	50,000
Net Budget	1,322,172	1,353,127	1,469,219	1,358,173
320 POLICE DEPARTMENT				
-100 Chief's Salary	73,642	72,300	78,201	76,668
-105 Lieutenant's Salary	65,180	65,750	71,116	69,722
-110 Salaries	916,311	932,863	1,008,973	963,462
-120 Overtime	116,699	112,252	112,252	102,647
-130 Clerical	44,805	48,307	52,219	51,196
-151 Sick Buyback	1,686	2,449	2,753	2,699
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Total Personal Services	1,218,323	1,233,921	1,325,514	1,266,394
-210 General Expense	36,045	38,110	38,110	30,758
-310 Maintenance	31,167	27,915	27,915	27,915
-410 Travel	2,140	2,500	2,500	2,500
-420 Travel, Out of State	1,976	1,000	1,000	1,000
-510 Equipment	6,923	7,000	7,000	7,000
-710 Uniforms	15,338	15,600	15,600	15,600
-810 Tuition	1,971	2,000	2,000	2,000
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Total Expenses	95,560	94,125	94,125	86,773
-901 Capital Items	65,465	65,500	82,800	15,000
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Total Capital Spending	65,465	65,500	82,800	15,000
320 Total	1,379,348	1,393,546	1,502,439	1,368,167

	Expend. FY 91 *	Approp. FY 92**	Dept. Request FY 93	FinCom Rec Non Override FY 93
340 BUILDING DEPT.				
-100 Inspector's Salary	38,118	45,991	49,740	48,765
-110 Supv. of Town Bldgs.	29,962	32,725	36,454	35,740
-120 Overtime	1,406	1,500	1,500	0
-130 Clerical	26,047	23,921	25,872	25,365
-140 Deputy Inspector	1,101	5,640	5,640	3,500
-150 Custodial	32,318	52,720	52,762	51,728
-151 Sick Buyback	2,283	0	0	0
-160 Plumbing Inspector	6,281	8,500	8,500	8,500
-170 Retainer: Plumbing	2,000	2,300	2,300	2,300
-180 Sealer of Weights	1,500	1,500	1,650	1,500
-190 Wiring Inspector	10,280	10,440	10,440	10,440
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Total Personal Services	151,296	185,237	194,858	187,837
-210 General Expense	1,452	850	1,160	850
-255 Contracted Services	8,250	8,700	8,700	7,000
-310 Vehicle Maintenance	1,148	1,500	1,500	1,500
-320 Town Bldg. Maintenance	66,676	60,530	68,605	65,502
-325 Hosmer House	3,642	3,000	3,700	3,000
-330 Fairbank Center	34,850	35,100	35,600	34,100
-331 Loring School	0	2,000	2,000	0
-710 Uniforms	211	200	400	200
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Total Expenses	116,229	111,880	121,665	112,152
-901 Capital Items	0	0	0	0
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Total Capital Spending	0	0	0	0
340 Total Appropriation	267,525	297,117	316,523	299,989
Pool Ent. Fund Revenue	10,000	7,948	8,940	8,765
350 DOG OFFICER				
-100 Dog Officer's Salary	17,477	19,268	21,038	18,913
-140 Extra Hire	503	500	500	500
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Total Personal Services	17,980	19,768	21,538	19,413
-210 General Expense	1,153	1,153	1,153	1,089
-310 Vehicle Maintenance	0	0	0	0
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Total Expenses	1,153	1,153	1,153	1,089
Total Capital Spending	0	0	0	0
350 Total	19,133	20,921	22,691	20,502

	Expend. FY 91 *	Approp. FY 92**	Dept. Request FY 93	FinCom Rec Non Override FY 93
360 CONSERVATION COMMISSION				
-100 Conservation Coordinator	17,619	19,405	20,955	20,544
-130 Clerical	0	3,987	4,311	4,227
-195 Wetland Protection Act	4,125	4,125	4,125	4,125
Total Personal Services	21,744	27,517	29,391	28,896
-210 General Expense	1,695	1,500	1,500	1,243
-220 Computer	0	0	250	0
-310 Maintenance	6,180	1,500	7,750	1,244
-327 Haynes Meadow House	384	500	0	0
-410 Travel	237	200	250	200
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Total Expenses	8,496	3,700	9,750	2,687
-900 Conservation Fund	0	0	0	0
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Total Capital Spending	0	0	0	0
360 Total	30,240	31,217	39,141	31,583
Offset: Wetland Protect.	4,125	4,125	4,125	4,125
Net Budget	26,115	27,092	35,016	27,458
370 BOARD OF APPEALS				
-130 Personal Services (Clerical)	6,409	8,491	9,618	8,659
-210 Expenses (Gen. Exp.)	1,205	998	650	830
-901 Total Capital Spending	0	0	0	0
370 Total	7,614	9,489	10,268	9,489
TOTAL 300 BUDGET	3,026,032	3,130,417	3,385,281	3,137,903
Offsets	4,125	29,125	29,125	54,125
NET 300 BUDGET	3,021,907	3,101,292	3,356,156	3,083,778

	Expend. FY 91 *	Approp. FY 92**	Dept. Request FY 93	FinCom Rec Non Override FY93
400 PUBLIC WORKS				
410 HIGHWAY DEPARTMENT				
-100 Surveyor's Salary	47,191	50,069	54,154	53,093
-105 Asst. Surveyor's Salary	36,008	40,810	46,958	46,038
-106 Operations Asst. Salary	22,122	24,311	30,813	30,209
-110 Salaries	430,034	423,582	481,024	410,935
-120 Overtime	14,580	15,438	16,438	16,116
-130 Clerical	12,212	13,427	14,753	14,464
-140 Tree Warden	1,000	1,072	1,200	1,136
-141 Summer Temp. Labor	0	0	17,500	0
-151 Sick Buyback	2,719	4,417	6,709	6,578
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Total Personal Services	565,866	573,126	669,549	578,567
-002 Police detail	0	0	7,000	0
-210 General Expense	4,823	5,000	5,000	5,000
-218 Roadwork	224,309	205,870	250,000	205,870
-310 Bldg. Maintenance	5,222	7,770	10,500	6,770
-311 Trees	13,514	14,000	16,000	14,000
-334 Utilities	15,825	20,000	17,300	17,000
-410 Travel	94	100	100	100
-420 Travel, Out of State	0	0	1,000	0
-451 Cemeteries	11,702	9,325	12,500	9,325
-511 Vehicle Maintenance	106,645	110,226	78,201	78,201
-700 Street Lighting	64,650	69,500	65,700	65,500
-710 Uniforms	10,260	10,750	11,250	10,750
-810 Tuition	0	0	2,500	0
-818 Gasoline	0	0	77,000	77,000
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Total Expenses	457,044	452,541	554,051	489,516
-901 Capital Items	164,749	70,000	200,000	0
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Total Capital Spending	164,749	70,000	200,000	0
-121 Snow & Ice Overtime	42,170	41,703	41,703	41,703
-301 Snow & Ice Materials	58,968	94,754	94,754	94,754
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Total Snow and Ice	101,138	136,457	136,457	136,457
TOTAL 410 BUDGET	1,288,797	1,232,124	1,560,057	1,204,540
Offset:Cemetery Revenue	15,000	28,000	11,700	11,700
Offset:ATM82/14,STM86/6	0	7,317	0	0
NET 410 BUDGET	1,273,797	1,196,807	1,548,357	1,192,840

	Expend FY 91 *	Approp. FY 92**	Dept. Request FY 93	FinCom Rec Non Override FY 93
460 LANDFILL ENT. FUND				
-100 Surveyor's Salary	5,244	5,563	6,017	5,899
-105 Asst. Surveyor's Salary	4,910	2,605	0	0
-106 Operations Asst. Salary	7,397	7,950	5,438	5,331
-110 Salaries	110,672	129,142	143,802	140,984
-120 Overtime	2,187	6,896	6,896	6,761
-130 Clerical	20,000	23,467	26,043	25,533
-151 Sick Buyback	225	0	3,537	3,468
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total Personal Services	150,635	175,623	191,733	187,976
-210 General Expense	3,319	9,000	9,000	9,000
-310 Maintenance	106,320	80,900	110,000	86,517
-389 Hazardous Waste	39,171	22,000	40,000	22,000
-470 Resource Recovery	15,604	58,000	58,000	33,000
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total Expenses	164,414	169,900	217,000	150,517
-500 Capital Fund	0	17,389	17,092	20,849
-901 Capital Items	50,000	12,500	12,500	12,500
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total Capital Spending	50,000	29,889	29,592	33,349
Total 460 Direct Costs (Appropriated)	365,049	375,412	438,325	371,842
INDIRECT COSTS: (Not Appropriated)				
Engineering Dept. Service	31,004	35,334	38,904	31,767
Benefits/Insurance	32,715	38,604	38,604	38,579
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total Indirect Costs	63,719	73,938	77,508	70,346
TOTAL 460 BUDGET	428,768	449,350	515,833	442,188
LANDFILL RECEIPTS	402,483	432,500	515,833	442,188
RETAINED EARNINGS	37,664	16,875	54,310	54,310
TOTAL 400 BUDGET	1,717,565	1,607,536	1,998,382	1,576,382
Offsets	15,000	35,317	11,700	11,700
NET 400 BUDGET	1,702,565	1,572,219	1,986,682	1,564,682

	Expend. FY 91 *	Approp. FY 92**	Dept. Request FY 93	FinCom Rec Non Override FY 93
<u>500 GENERAL GOVERNMENT</u>				
501 SELECTMEN				
-100 Exec. Sec'y Salary	73,313	72,591	76,822	75,375
-110 Admin. Salaries	61,319	67,607	74,858	73,391
-120 Overtime	1,180	0	0	820
-130 Clerical	58,572	67,471	74,248	61,690
-151 Sick Leave Buyback	2,053	2,445	2,574	2,524
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Total Personal Services	196,437	210,114	228,502	213,800
-210 General Expense	7,109	7,300	7,300	7,300
-310 Maintenance	1,198	1,200	1,200	1,200
-420 Travel, Out of State	0	0	1,000	0
-811 Surveys & Studies	0	0	3,836	3,836
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Total Expenses	8,307	8,500	13,336	12,336
-901 Capital Items	0	0	0	0
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Total Capital Spending	0	0	0	0
501 Total	204,744	218,614	241,838	226,136
502 ENGINEERING DEPARTMENT				
-100 Engineer's Salary	53,671	56,948	61,991	60,776
-110 Salaries	151,553	134,448	148,976	115,220
-130 Clerical	18,210	16,930	25,322	17,788
-151 Sick Buyback	1,094	1,333	1,455	1,182
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Total Personal Services	224,528	209,659	237,744	194,966
-210 General Expense	4,462	4,750	9,000	6,110
-310 Maintenance	756	900	2,000	2,150
-410 Travel	31	100	100	100
-710 Uniforms	2,200	1,800	1,800	1,400
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Total Expenses	7,449	7,550	12,900	9,760
-901 Capital Items	0	0	6,000	6,000
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Total Capital Spending	0	0	6,000	6,000
502 Total Appropriation	231,977	217,209	256,644	210,726
Landfill Ent. Fund Revenue	31,004	35,334	38,904	31,767
503 LAW				
-100 Retainer	27,560	27,560	29,214	27,560
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Total Personal Services	27,560	27,560	29,214	27,560
-210 General Expense	3,543	6,450	6,450	5,050
-256 Legal Expense	63,582	60,675	62,467	58,629
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Total Expenses	67,125	67,125	68,917	63,679
-901 Capital Items	0	0	0	0
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Total Capital Spending	0	0	0	0
503 Total	94,685	94,685	98,131	91,239

	Expend. FY 91 *	Approp. FY 92**	Dept Request FY 93	FinCom Rec Non Override FY 93
506 TOWN CLERK & REGISTRARS				
-100 Town Clerk's Salary	38,532	40,882	42,108	42,517
-120 Overtime	2,295	2,000	2,500	2,451
-130 Clerical	68,620	75,164	83,172	62,568
-140 Registrars	650	650	650	650
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Total Personal Services	110,097	118,696	128,430	108,187
-210 General Expense	10,530	13,408	13,810	9,687
-220 Computer	207	300	5,000	300
-310 Maintenance	560	800	800	800
-410 Travel	666	400	450	450
-510 Equipment	3,105	0	0	0
-615 Elections	18,864	10,225	19,015	19,015
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Total Expenses	33,932	25,133	39,075	30,252
-901 Capital Items	0	0	0	0
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Total Capital Spending	0	0	0	0
506 Total	144,029	143,829	167,505	138,439
509 MODERATOR				
-100 Personal Services (Salary)	0	0	0	0
-210 Expenses (Gen. Exp.)	0	0	0	0
509 Total	0	0	0	0
510 PERMANENT BLDG. COMMITTEE				
-130 Personal Services (Clerical)	1,101	1,175	1,415	1,175
-210 Expenses (General Expense)	0	0	0	0
501 Total	1,101	1,175	1,415	1,175
511 PERSONNEL BOARD				
-130 Personal Services (Clerical)	4,051	4,298	4,739	4,438
-210 General Expense	266	300	225	160
-511 Employ. Recognition Program	0	0	500	200
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Total Expenses	266	300	725	360
511 Total	4,317	4,598	5,464	4,798

	Expend. FY 91 *	Approp. FY 92**	Dept Request FY 93	FinCom Rec Non Override FY 93
512 PLANNING BOARD				
-100 Town Planner	24,754	28,565	32,145	26,263
-130 Clerical	13,722	12,827	14,802	12,225
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Total Personal Services	38,476	41,392	46,947	38,488
-210 General Expense	1,838	2,820	1,622	1,622
-410 Travel	0	200	0	0
-510 Equipment	0	0	1,200	1,200
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Total Expenses	1,838	3,020	2,822	2,822
-901 Capital Items	0	0	0	0
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Total Capital Spending	0	0	0	0
512 Total	40,314	44,412	49,769	41,310
513 ANCIENT DOCUMENTS COMMITTEE				
-210 Expenses (Gen. Exp.)	1,600	1,600	1,600	1,600
513 Total	1,600	1,600	1,600	1,600
514 HISTORIC DIST. COMMITTEE				
-130 Personal Services (Cler)	75	80	80	80
-210 Expenses (Gen. Exp.)	15	85	85	85
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514 Total	90	165	165	165
515 HISTORICAL COMMISSION				
-130 Personal Services (Cler)	0	0	0	0
-210 General Expense	967	825	800	800
-510 Equipment	899	850	825	825
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Total Expenses	1,866	1,675	1,625	1,625
515 Total	1,866	1,675	1,625	1,625
516 CABLE TV COMMISSION				
-130 Personal Services (Cler)	0	0	0	0
-210 Expenses (Gen. Exp.)	1,193	0	1,100	400
516 Total	1,193	0	1,100	400

	Expend. FY 91 *	Approp. FY 92**	Dept Request FY 93	FinCom Rec Non Override FY 93
517 DESIGN REVIEW BOARD				
-130 Personal Services (Cler)	1,646	2,364	1,795	1,795
-210 General Expense	35	47	165	165
-606 Outreach Program	0	0	451	451
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Total Expenses	35	47	616	616
517 Total	1,681	2,411	2,411	2,411
518 COUNCIL ON AGING				
-100 Director's Salary	21,629	22,780	31,473	21,582
-110 Van Driver	14,338	16,034	17,974	17,619
-120 Outreach Worker	8,242	9,201	10,344	9,975
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Total Personal Services	44,209	48,015	59,791	49,176
-210 General Expense	1,872	1,222	0	0
-310 Maintenance	8,702	1,440	1,501	1,501
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Total Expenses	10,574	2,662	1,501	1,501
-901 Capital Items	0	0	0	0
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Total Capital Spending	0	0	0	0
518 Total	54,783	50,677	61,292	50,677
TOTAL 500 BUDGET	782,380	781,050	888,959	770,701
560 FINANCE				
561 FINANCE DIRECTOR/ACCOUNTING				
-100 Dir.Finance/Town Acct.	56,020	59,562	64,852	63,581
-130 Clerical	53,273	56,525	53,456	52,408
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Total Personal Services	109,293	116,087	118,308	115,989
-210 General Expense	2,751	2,575	2,575	2,575
-220 Computer	9,433	9,560	9,810	9,612
-255 Contracted Services	15,000	0	0	0
-310 Maintenance	106	0	0	0
-410 Travel	120	390	390	390
-810 Tuition	125	0	0	0
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Total Expenses	27,535	12,525	12,775	12,577
-901 Capital Items	0	0	0	0
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Total Capital Spending	0	0	0	0
561 Total	136,828	128,612	131,083	128,566

	Expend. FY 91 *	Approp. FY 92**	Dept Request FY 93	FinCom Rec Non Override FY 93
563 TREASURER/COLLECTOR				
-100 Collec/Treas. Salary	44,371	44,000	43,384	42,534
-120 Overtime	1,892	2,000	2,000	1,961
-130 Clerical	67,579	68,924	85,145	74,801
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Total Personal Services	113,842	114,924	130,529	119,295
-210 General Expense	10,961	11,500	11,500	11,270
-310 Maintenance	0	100	100	100
-410 Travel	1,065	1,300	1,300	1,300
-440 Interest Refund	161	0	0	0
-521 Service Bureau	45,931	52,500	45,975	45,975
-610 Tax Title Expense	1,549	3,000	44,100	3,000
-711 Bond and Note Issue	1,992	5,000	0	0
-799 Audit	3,000	0	0	0
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Total Expenses	64,659	73,400	102,975	61,645
-901 Capital Items	0	0	0	0
	<hr/>	<hr/>	<hr/>	<hr/>
Total Capital Spending	0	0	0	0
563 Total	178,501	188,324	233,504	180,940
564 ASSESSORS				
-100 Asst. Assessor's Salary	44,214	46,912	50,740	49,745
-130 Clerical	64,832	68,794	71,197	69,802
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Total Personal Services	109,046	115,706	121,937	119,547
-210 General Expense	6,510	10,309	9,928	9,928
-255 Contracted Services	38,867	23,125	18,125	18,125
-310 Maintenance	48	350	0	0
-510 Equipment	1,533	0	0	0
-710 Uniforms	218	0	0	0
-810 Tuition	0	1,500	1,000	1,000
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Total Expenses	47,176	35,284	29,053	29,053
-901 Capital Items	0	0	7,000	0
	<hr/>	<hr/>	<hr/>	<hr/>
Total Capital Spending	0	0	7,000	0
564 Total	156,222	150,990	157,990	148,600
568 FINANCE COMMITTEE				
-130 Personal Services (Cler)	5,794	6,148	6,772	6,218
-210 Expenses (Gen. Exp.)	274	300	300	260
568 Total	6,068	6,448	7,072	6,478
TOTAL 560 BUDGET	477,619	474,374	529,649	464,584

	Expend. FY 91 *	Approp. FY 92**	Dept Request FY 93	FinCom Rec Non Override FY 93
<u>600 GOODNOW LIBRARY</u>				
-100 Director's Salary	41,045	44,857	49,976	47,611
-110 Salaries	203,996	219,393	254,053	224,655
-120 Overtime	3,096	3,514	5,316	5,212
-150 Custodial	12,444	12,444	13,718	12,957
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Total Personal Services	260,581	280,208	323,063	290,435
-210 General Expense	5,077	5,420	5,420	5,420
-310 Maintenance	12,173	14,800	14,800	14,800
-410 Travel	275	150	150	150
-520 Books	55,191	49,678	62,138	35,524
-616 Automation	20,200	19,200	20,000	17,200
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Total Expenses	92,916	89,248	102,508	73,094
-901 Capital Items	0	0	0	0
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Total Capital Spending	0	0	0	0
600 Total	353,497	369,456	425,571	363,529
Offset: Dog Licenses	0	2,000	7,750	7,750
NET 600 BUDGET	353,497	367,456	417,821	355,779

700 PARK AND RECREATION

-100 Supervisors' Salaries	51,913	55,514	60,700	57,579
-110 Salaries	76,711	78,554	93,996	68,459
-120 Overtime	0	600	600	0
-130 Clerical	4,615	5,091	5,021	2,962
-151 Sick Leave Buyback	835	885	958	939
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Total Personal Services	134,074	140,644	161,345	129,939
-210 General Expense	2,619	3,413	3,413	1,413
-310 Maintenance	23,425	24,500	24,500	19,579
-410 Travel	735	550	550	0
-510 Equipment	2,729	1,000	1,000	0
-623 Teen Center	3,837	3,840	3,840	1,840
-710 Uniforms	999	1,000	1,000	250
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Total Expenses	34,344	34,303	34,303	23,082
-901 Capital Items	0	0	0	0
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Total Capital Spending	0	0	0	0
700 Total	168,418	174,947	195,648	153,021

	Expend. FY 91 *	Approp. FY 92**	Dept. Request FY 93	FinCom Rec Non Override FY 93
701 POOL ENTERPRISE FUND				
-100 Director's Salary	16,169	18,045	20,280	19,135
-110 Salaries	150,743	152,776	170,041	144,100
-120 Overtime	1,372	1,149	1,252	1,252
-130 Clerical	23,766	24,921	25,945	24,632
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Total Personal Services	192,050	196,891	217,518	189,119
-210 General Expense	15,346	19,900	19,900	19,900
-310 Maintenance	62,535	80,165	80,165	80,165
-410 Travel	199	600	600	600
-510 Equipment	0	1,000	1,000	1,000
-610 Programs	14,325	17,000	17,000	17,000
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Total Expenses	92,405	118,665	118,665	118,665
-500 Capital Fund	0	0	0	0
-666 Previous yrs' deficit(s)	24,978	***	0	0
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Total Capital Spending	24,978	0	0	0
701 Total Direct Costs	309,433	315,556	336,183	307,784
 (Appropriated)				
 INDIRECT COSTS: (Not Appropriated)				
Insurance & Benefits	30,000	29,580	40,821	36,988
Custodian	0	7,948	8,940	8,765
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Total Indirect Costs	30,000	37,528	49,761	45,753
TOTAL 701 BUDGET	339,433	353,084	385,944	353,537
POOL ENTERPRISE REC.	264,115	353,084	348,500	348,500
710 YOUTH COMMISSION				
Total Personal Services	0	0	0	0
-210 General Expense	0	100	100	100
-611 Community Programming	1,475	1,500	1,500	1,500
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Total Expenses	1,475	1,600	1,600	1,600
710 Total	1,475	1,600	1,600	1,600
TOTAL 700 BUDGET	509,326	492,103	533,431	462,405

	Expend. FY 91 *	Approp. FY 92**	Dept. Request FY 93	FinCom Rec Non Override FY 93
<u>800 BOARD OF HEALTH</u>				
-100 Director's Salary	44,569	47,284	51,138	50,136
-110 Salaries	0	0	35,136	34,447
-130 Clerical	26,138	28,178	30,475	29,878
-140 Animal Inspector	1,502	1,593	1,725	1,691
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Total Personal Services	72,209	77,055	118,474	116,152
-210 General Expense	953	1,700	1,700	1,700
-255 Contracted Services	1,500	1,500	1,500	1,500
-310 Maintenance	15	200	0	0
-321 Lab Expense	355	500	1,200	500
-510 Equipment	1,597	0	0	0
-612 SVNA	37,370	34,834	35,000	35,000
-614 Community Outreach Prog.	40,889	43,577	4,045	4,045
-712 Mosquito Control	22,150	21,400	21,500	21,500
-910 Mental Health	6,262	6,050	8,000	6,000
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Total Expenses	111,091	109,761	72,945	70,245
-901 Capital Items	0	0	0	0
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Total Capital Spending	0	0	0	0
800 TOTAL	183,300	186,816	191,419	186,397
<u>900 VETERANS</u>				
-100 Agent's Salary	3,406	3,613	3,908	3,613
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Total Personal Services	3,406	3,613	3,908	3,613
-210 General Expense	750	750	750	750
-613 Veteran's Benefits	2,764	3,000	3,000	3,000
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Total Expenses	3,514	3,750	3,750	3,750
900 TOTAL	6,920	7,363	7,658	7,363

	Expend. FY 91 *	Approp. FY 92**	Dept Request FY 93	FinCom Rec Non Override FY 93
OPERATING EXPENSES				
-803 Property/Liab. Insurance	178,814	215,000	215,000	215,000
Town Share:	108,726	108,726	108,726	108,726
School Share:	70,088	106,274	106,274	106,274
-804 Print Town Report	6,099	8,000	8,000	8,000
-805 Memorial Day	1,298	1,325	1,325	1,325
-814 Town Meetings	12,635	18,000	18,000	18,000
-815 Postage	24,500	30,000	30,000	30,000
-816 Telephone	22,846	25,500	43,000	43,000
-818 Gasoline	55,179	45,000	0	0
-951 Copying	10,848	10,000	9,000	9,000
Total Operating Expenses	312,219	352,825	324,325	324,325
950 TOTAL UNCLASSIFIED	2,529,030	2,952,425	3,384,892	3,314,592
(Total Town Related)	1,539,199	1,741,899	1,957,280	1,925,975
(Total School Related)	989,831	1,210,526	1,427,612	1,388,616
Offset: Free Cash	359,430	132,947	288,236	361,536
Offset: Abatement Surplus	0	175,000	0	0
NET 950 BUDGET	2,169,600	2,644,478	3,096,656	2,953,056
Pool Ent. Fund Revenue	30,000	29,580	40,821	36,988
Landfill Ent.Fund Revenue	32,715	38,604	38,604	38,579
<u>970 TRANSFER ACCOUNTS***</u>				
-110 Salary Adjustment Acct.	28,225	0	0	0
-807 Reserve Fund	75,664	100,000	100,000	100,000
-970 Town Salary Contingency				34,941
-971 Sel Salary Contingency				0
970 TOTAL TRANSFER ACC.	103,889	100,000	100,000	134,941
Offset: Abatement Surplus	0	0	0	0
Offset: Free Cash	0	0	0	0
NET 970 BUDGET	103,889	100,000	100,000	134,941
TOTAL OPER. BUDGET	25,116,800	26,187,967	29,043,605	27,454,635
Total Offsets	19,125	241,442	48,575	73,575
Free Cash Applied	359,430	132,947	288,236	361,536
NET OPER. BUDGET	24,738,245	25,813,578	28,706,794	27,019,524

	Expend. FY 91 *	Approp. FY 92**	Dept Request FY 93	FinCom Rec Non Override FY 93
<u>950 UNCLASSIFIED</u>				
EMPLOYEE BENEFITS				
-800 Health Insurance	1,225,734	1,476,000	1,734,300	1,664,000
Town Share:	545,819	657,263	772,284	740,979
Scl Share:	679,915	818,737	962,016	923,021
-801 Life Insurance	4,515	4,600	4,600	4,600
Town Share:	2,011	2,048	2,048	2,048
Scl Share:	2,504	2,552	2,552	2,552
-813 Retirement Fund	797,398	853,000	951,667	951,667
Town Share:	630,024	673,955	751,912	751,912
Scl Share:	167,374	179,045	199,755	199,755
-821 Worker's Compensation	122,312	160,000	180,000	180,000
Town Share:	82,548	107,984	121,482	121,482
Scl Share:	39,764	52,016	58,518	58,518
-822 FICA/Medicare	46,852	85,000	100,000	100,000
Town Share:	20,863	37,850	44,530	44,530
Scl Share:	25,989	47,150	55,470	55,470
-825 Unemploy. Compensation	0	1,000	70,000	70,000
Town Share:	0	445	31,171	31,171
Scl Share:	0	555	38,829	38,829
-952 Pension Liab. Fund	20,000	20,000	20,000	20,000
Town Share:	15,802	15,802	15,802	15,802
Scl Share:	4,198	4,198	4,198	4,198
Total Employee Benefits	2,216,811	2,599,600	3,060,567	2,990,267

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The hall was reminded once more that available Free Cash was in the amount of \$667,338.

Ralph Tyler of Deacon Lane spoke to the Sudbury Public Schools' budget, specifically the current teachers' contract which included a 3-1/2% increase on top of step increases bringing the full increase to approximately 4.4 to 4.8%, at a time when there is discussion of cutting major parts of the educational program, and when the economic environment sees many people in the community losing their jobs while others have had salary freezes for several years. He expressed concern that until the quality of the school system is first priority and salary increases for the administrators is last in priority, the town's educational system will "go down the tubes," as there is no apparent policy in place to generate revenue, except to increase taxes.

The following amendments were offered to the main motion under Article 12:

L. Anderson of Goodman's Hill Road *moved* to reduce line item 310-100, Fire Chief's Salary, to the sum of \$63,053 and to increase line item 518-210 Council on Aging General Expense, by the amount of \$2,499. The motion received a second.

At this time the Moderator interrupted the action on the floor, and requested the Hall to reconsider Mr. Kirby's motion to amend for a technical correction. The Moderator declared the Hall's assent by a hand vote to be a clear two-thirds.

Mr. Kirby's corrected motion to amend read as follows: *Move to amend Article 12 as follows: delete the words and numbers printed in the Warrant in their entirety and substitute therefore the words and numbers printed in the column headed "FinCom Recommended Non Override FY93" in the Finance Committee's sixteen page handout entitled "Budget Long Form" distributed at the Town Meeting.* The motion received a second.

The amended motion to amend, offered by Mr. Kirby was **VOTED** by a hand vote.

Returning to the motion to amend line items 310-100 and 518-210 and after considerable discussion took place, there was a motion offered to *move the previous questions*, and it was so **VOTED** by a hand vote.

The motion to amend line items 310-100 and 518-10 was **defeated** by a hand vote.

Ralph Tyler inquired about the process used for contract negotiations, to which Town Counsel, Paul Kenny opined, "The law concerning that is that once a contract is negotiated and signed, the contract must be presented to Town Meeting within 30 days for funding. Once that has been done, then the contract is in effect and must be funded from that time on. There has been a procedure in the Town that if the contracts are signed more than 30 days prior to Town Meeting, the parties have agreed to wait until Town Meeting to bring them to Town Meeting. However, this is a contract that has been in existence and has already passed that step." On another question regarding an amendment to a contract, whether there would be an additional 30 days period for endorsement, Town Counsel replied, "The contract—the amendment was signed to extend the contract. The contract under those circumstances—there were no new appropriations, is that correct? There were no new additions, the items that you see in there, in that particular time have been in the contract for many years and will continue on." He further added, "It is a three year contract. The reason for bringing it to Town Meeting is to take amendments or additions to the contract, which are subject to Town Meeting approval and appropriation." Mr. Tyler inquired about when contracts are extended or opened, if that was an opportunity for voters at Town Meeting to perhaps reject them in their entirety. Mr. Kenny responded, "The answer, Mr. Moderator, is no." Mr. Tyler then inquired if Labor Counsel had advised the Town official who bargained the extension of the teachers' contract that it would preclude Town Meeting from perhaps rejecting a contract for FY94? Finance Committee Chairman Sanford stated the FinCom was aware of the implications.

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An amendment was offered to the main motion under Article 12 by Steve Wishner, *Move that line item 310-100, Fire Chief's Salary, be changed from \$65,552 to \$64,290.* The motion received a second.

To support his motion, Mr. Wishner noted that the salary figure of \$64,290 represents a 4% increase over the appropriated amount from the prior fiscal year. The discussion the previous evening centered around 4% increases for fire, police, etc. Therefore, a 4% increase should be 4% and not in excess of 6%.

The motion to amend line item 310-100, Fire Chief's Salary was **defeated** by a hand vote.

As to Sick Leave Buy Back in the Fire Fighters contract being open for discussion, Town Counsel, Paul Kenny, opined it was in the fire fighters contract and therefore not available for amendment.

Steve Wishner offered the following amendment to the Fire Department's budget, *move to amend line item 310-420, Travel Out-of-State, to \$0.* The motion received a second.

The motion to amend line item 310-420 **failed** by a hand vote.

Mary E. Mahoney of Grindstone Lane inquired if the Police Chief received overtime commensurate with his salary step? Town Counsel, Paul Kenny opined the "The Chief does not receive overtime as part of his salary. However, there is a State law that provides under certain circumstances on holidays if the Chief is required to work, it is mandated that he be paid overtime by State statute. If the Police Chief is required to be called out on a holiday for an emergency of some nature, then he would be required to be paid overtime by statute. That would, I assume, come out of the overtime budget."

Steve Wishner inquired of the difference between the 4% increase in Police Chief's salary, which came to \$75,192 and the increase that brought it to \$76,668. The explanation was there had been a 2% increase carried over from the second half of FY92. A 4% raise had been given to all union and non-union employees in January of 1992. Only half of FY92, according to the Budget Coordinator, was budgeted for the 4% increase. Therefore, there were two parts to the raise, 4% to be received July 1, 1992, and the carry over from the previous year where the raise was received in the middle of FY92, for a total of 6.04%. The Budget Coordinator noted the additional 2% increase/raise did not appear on the handout for this Town Meeting. Mr. Wishner inquired about the components of the increases for the salaries of the Building Inspector and the Supervisor of Town Buildings as the recommended amounts were significantly in excess of last year's appropriations. Mr. Fitzgerald of the FinCom indicated the 9% represented 4% annual increase, 2% carry over from last year and a step increase of 3%.

L. Anderson *moved to eliminate both line items 350-100 and 350-140 of the Dog Officer's Budget and reduce them to zero, and add \$5,000 to the Police Department new line item Contracted Services and \$15,502 to Free Cash.* The motion received a second.

The motion to amend the Dog Officers' Budget, 350, was **defeated** by a hand vote.

Under the Highway Budget, L. Anderson *moved to reduce line item 210, Road Work, from \$205,870 to \$155,870.* The motion received a second.

The motion to amend the Highway line item, Road Work, was **defeated** by a hand vote.

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Steve Wishner of Fox Run Road inquired of line item 400-105, Assistant Surveyor's salary, which indicated a 13% increase on top of a 10% increase last year. After a long complicated explanation from the FinCom, Mr. Wishner asked if there was a similar situation with the Operations Assistant's salary which indicated a 24% increase over last year, which also had a 10% increase the year before. FinCom chairman Sanford stated this was a very similar situation because the personnel in both the Highway and the Landfill budgets are cross-mixed in terms of their skills and employment.

Charles Schwager of Ridge Hill Road moved to amend the Budget, section 500, under General Government, 501, Selectmen, deleting \$30,479 and raising Section 503 Law, line item 210, General Expense by \$30,479. The motion received a second.

Considerable discussion followed including a minority position by Judy Cope of the Board of Selectmen in strong support of the motion to amend. The remaining Selectmen urged its defeat.

A question was asked whether the motion to amend would require any organizational change or changes in the actual work for the particular position involved. Town Counsel, Paul Kenny responded, "I would assume that if this motion is passed that Elaine Jones would become the legal secretary and paralegal for the Town of Sudbury and I could utilize her in that fashion and I could save the time that my own personal secretary uses for litigation support for the Town of Sudbury and I could use her in all those manners that the Selectmen--she wouldn't be under them any more. As it stands right now, she is their liaison to me with respect to that 48% but, yet I believe there would be an organizational change. I believe that that would be what Town Meeting would be saying." The questioner, R. Coe, further inquired of the Moderator where in the motion did it say an organizational change would result from the accounting change, to which the Moderator replied, "The motion, as I heard it, is simply a transfer of funds."

A technical correction in the motion was placed before the voters, whereby the motion read, move to amend the Budget, by reducing line item 501-130 Selectmen, Clerical by the sum of \$29,882 and putting that same amount in a new line item to be created and known as 503-130.

The motion was presented but the Moderator was in doubt as to the hand vote. The motion was again presented and the Moderator asked for a standing vote. The Moderator declared the motion was defeated.

A request was made for a counted vote. At this time a further correction of the motion was indicated to take care of a needed correction, by adding, "and reduce line item 501-151, Sick Leave Buy Back by the sum of \$536 and to insert that in the legal budget in a new line item to be created." This second correction of the motion to amend was acceptable to Mr. Schwager, who made the original motion to amend under Article 10.

The motion to amend, as twice amended, was presented and was **VOTED** by a count of hands. The hand count was:

YES: 104 NO: 83 TOTAL VOTE: 187

Dave Palmer, of Peakham Road, a member of the Long Range Planning Committee, moved that the pending motion be amended by deleting the sum of \$6,000 from line item 502-901, Engineering, Capital Spending, and reduce the line item 502- Total Appropriation by \$6,000.

The purpose of the motion was not to support the purchase of a large format xerox printer at this time, as the cost to produce the reproductions at an outside printing company were estimated to be \$600/year, and the cost for maintenance of the old Diazo printer in the Engineering Department was \$500/year. The motion to amend the Engineering Budget was defeated by a hand vote.

At 10:32 PM, Henry Soret moved that the meeting stand adjourned until Monday, April 13, 1992, at 7:30 PM. The Moderator declared the motion **CARRIED**, and the meeting was adjourned.

Attendance: 306

ANNUAL TOWN MEETING

PROCEEDINGS

APRIL 13, 1992

Pursuant to a Warrant issued by the Board of Selectmen, March 2, 1992, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Tuesday, April 13, 1992, for the fourth session of the Annual Town Meeting.

The meeting was called to order by the Moderator at 7:45 PM when a quorum was declared present.

ARTICLE 12. BUDGET (continued)

The first order of business was to correct the main motion under Article 12, Budget. The moderator when rephrasing Mr. Kirby's motion omitted necessary technical wording. A motion to amend was received from the Selectmen, move to insert directly preceding the columnar presentation, headed "From", "To" and "Amount" in the present motion, the words, "The following items to be raised as designated by transfer from available fund balances and interfund transfers." The motion received a second, and it was **VOTED** by a hand vote.

Henry Sorett of Longfellow Road moved to amend line item 503-256, Legal Expenses, by reducing it from the sum of \$58,629 to \$0 and to transfer said funds to the Reserve Fund.

Explanation for the motion was when Selectmen retain counsel they could then seek a transfer for defense or prosecutorial purposes. Mr. Sorett viewed the Town as not having supervised or monitored its legal services and expenses for over fifteen years and stated there was a need for a system where Town Counsel would be "accountable and submit, defend, justify and adhere to a budget."

Finance Committee Report: The Board did not support the motion to amend.

Board of Selectmen: The Board did not support the motion to amend.

The motion to amend failed with a hand vote.

Charles Schwager of Ridge Hill Road noted the Legal Services Committee reported Town Counsel had not provided backup in the form of hours worked against the retainer and inquired if a system had yet been instituted to require such documentation. The Executive Secretary reported a record reporting system was in place as of last July but only for the Assistant Counsel. Town Counsel had been directed, by vote of the Selectmen, to document his retainer but there was no mention of such accounting being in place at this time.

Ralph Tyler of Deacon Lane moved to amend by reducing line item 950-800, Unclassified Insurance Account from the sum of \$1,664,000 to the sum of \$1,645,000, and to add \$14,000 to line item 506-130 Town Clerk Clerical and add \$4,000 to line item 506-210, Town Clerk, General Expenses. The motion received a second.

Explanation for Mr. Tyler's motion was his disappointment to see critical elements of Town government being removed as a result of unwise precedence in salary increases. He specifically noted the high school's decision to offer very high wage increases which have cascaded down to the Sudbury Schools and eventually throughout the Town government, and which should not be the process for dismantling Town government, especially as critical an area as the Town's records. He expressed the need to figure out other strategies on how to balance the budget, but not through such critical areas as the Town Clerk's office. He observed the amount of money being recommended for the Unclassified Insurance Account, was a projected estimate and not an exact amount

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and it did include a guesstimate amount of increased rates for two additional months beyond the Town's anniversary date.

Finance Committee Report: The Board did not support the motion to amend.

After considerable discussion, there was a motion to move the question. The motion received a second and the Moderator declared the motion to terminate debate was **VOTED** by a hand vote of a clear two-thirds.

The Moderator presented the motion to amend to the voters, but he was in doubt as to the hand vote. He requested the voters to stand and raise their cards, and then declared the motion to amend as having **PASSED**. Seven voters requested a counted vote. The motion was again presented and **CARRIED** by a count of hands. The count was YES: 95 NO: 89 TOTAL VOTE: 184. The motion to amend was **VOTED**.

Ralph Tyler of Deacon Lane moved to transfer the Ancient Document Committee's expense money of \$1,600 to the Town Clerk's office to a new category called Document Retention or Document Preservation and place that function under the responsibility of the current Town employees.

The motion received a second and failed by a hand vote.

Robert Cusack of the Long Range Planning Committee moved to reduce line item 950-952, Pension Liability Fund, by \$2,000 to the amount of \$118,000 and to increase line item 563-210, Treasurer/Tax Collector General Expenses from \$11,270 to \$13,270. The motion received a second.

The explanation for the motion was the General Expenses line item had been underfunded and should additional expenses occur in running the bank account and should the FinCom not appropriate additional funds from the Reserve Account, the Town would lose a great deal of interest on its deposits.

The motion failed by a hand vote.

Chester Hamilton of Mossman Road moved to amend line item 563-100, Treasurer/Tax Collector's salary, from \$42,534 to \$40,930 and to amend line item 563-21, General Expenses, from \$11,270 to \$12,874. The motion received a second.

Explanation for the motion was in part to address the prior concern of Mr. Cusack on the previous motion to amend, and to recognize one of the failings of the Town's Personnel Bylaw and Salary Schedule. He recalled the Treasurer's position, in May of 1991 was set at Grade 12, level 3, with a salary of \$36,740. Two months later the position was upgraded with a 3% increase effective on July 1st, thereby actually making the starting salary \$37,842, an increase of \$1,100. The position was again upgraded on January 1 of 1992 to approximately \$39,200. The present proposal would upgrade the position once again to Grade level 12, step 4. The proposed amendment would provide a 4% salary increase, comparable to other salary increases and an overall 8% salary increase for the year, rather than a 12.5% salary increase for the year.

The motion to amend failed by a hand vote.

Hans Lopater of 43 Winsor Road moved to amend account 701, Town Pool, Total Direct Cost, Pool Enterprise Fund from the sum of \$307,784 to \$277,784, a reduction of \$15,000 to be cut from line item Total Personal Services and \$15,000 to be cut from line items Total Expenses at the discretion of the pool. The motion received a second.

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Explanation for the motion was that the pool, since its inception, has never been self-supporting, as its proponents had assured the Town, nor was the issue of maintenance costs ever considered when it was proposed. There is an accumulated deficit in excess of \$75,000, and the Town is now liable for the pool deficits, through the tax rate, as dictated by the State Department of Revenue. Mr. Lopater viewed the pool to be a continuing financial burden and liability for the Town unless sufficient money is cut with this amendment so the pool does not run in the red again. To achieve this end, the budget appropriation should be reduced so the projected income exceeds whatever the costs may be.

Ms. Pryor of the Finance Committee and also a member of a sub-committee to address FY93 Pool costs, reported measures had been taken to reduce expenses--step and salary increases were eliminated, working hours had been reduced, and there were reductions in Indirect Costs such as FICA. Additionally, the Pool by increasing its rental and babysitting fees and increasing its membership, anticipated revenue increases for FY93.

Considerable discussion followed, then there was a motion to move the question. The motion to terminate debate was **VOTED** by a hand vote.

The motion to amend **failed** by a hand vote.

Henry Sorett of Longfellow Road moved to reduce line item 950-804, Town Report, from \$8,000 to \$10. The motion received a second. The motion **failed** by a hand vote.

In response to an inquiry by Joseph Klein of Stone Road as to the approximate 70% increase in the telephone account, the explanation provided by R. Sanford of the Finance Committee was the switchboard operator was cut from the Selectmen's budget and a \$15,000 updated phone system had been put in place "to still have the calls at least received." Then the Executive Secretary added the switchboard operator, who had been shared by both the school department and the Town was eliminated from both budgets. With the new telephone system, the Schools expect to save more than \$100,000 over the next seven years.

Russell Kirby of the Boston Post Road moved to increase line item 970-807, Reserve Fund, by \$47,266 to the sum of \$147,266 and moved to decrease line item 310-100, Fire Chief's salary by \$3,735 to the sum of \$61,817, making the category total \$1,307,908; decrease line item 320-100, Police Chief's salary, by \$4,368 to the sum of \$72,300 and decrease line item 320-105, Lieutenant's salary, by \$3,972 to the sum of \$65,750 making the category total \$1,258,054; decrease line item 340-100, Building Inspector's salary by \$2,774 to the sum of \$45,991 making the category total \$185,063; decrease line item 410-100, Highway Surveyor's salary, by \$3,024 to the sum of \$50,069, decrease 410-105, Asst. Surveyor's salary by \$5,228 to the sum of \$40,810 making the category total \$570,315; decrease line item 501-100, Exec. Secretary salary by \$2,784 to the sum of \$72,591; decrease line item 501-110, Clerical by \$5,784 to the sum of \$67,607 making the category total \$217,568; decrease line item 502-100, Engineer's salary, by \$3,828, to the sum of \$56,948 making the category total \$191,138; decrease line item 561-100, Finance Director/Accountant salary, by \$4,019 to the sum of \$59,562 making the category total \$111,970; decrease line item 564-100, Asst. Assessor's salary, by \$2,833 to the sum of \$46,912 making the category total \$116,714; decrease line item 700-100, Park & Recreation Supervisors' salaries by \$2,065 to the sum of \$55,514, making the category total \$127,874; decrease line item 800-100 by \$2,852 to the sum of \$47,284 making the category total \$113,300.

Before a second was asked for on the motion to amend, the Moderator declared that the form of the motion would require a two-thirds vote for reconsideration of matters already addressed this evening. No one having moved for reconsideration on the action which took place under 310-100 the previous evening, a unanimous vote would be required for the motion to amend. The Moderator stated that the Budget was not "locked up" however, when a line item already voted upon is asked to be reconsidered, it must be viewed as reconsideration and a unanimous vote is required. Mr. Kirby stated it was his understanding from the Moderator's opening statements that the entire budget was open until it was acted upon in its entirety.

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The Moderator agreed the Budget was still open but ruled again to X the Fire Chief's salary would require the entire motion to receive a unanimous vote. After further discussion, the Moderator asked for the sense of the Hall on this matter as to whether they understood his prior ruling. Upon a show of hands he withdrew his ruling and allowed Mr. Kirby to place his motion on the floor, requiring a majority vote.

The motion received a second. Explanation for the motion was the unsuccessful struggle there has been with the budget for several years to provide necessary services without exceeding revenue limits. With successful Proposition 2-1/2 overrides and reduced services, the situation has grown worse rather than better, he noted. Using a Finance Committee graph which indicated two curves, one for rising costs and the other for revenue, he pointed out the rising costs curve crosses over the revenue curve, wherein a solution must be found to bring the costs back under the revenue curve and keep it there. The proposed amendment would attempt to do just that. By freezing salaries at some level, a major contributor to the rising costs of Town government would be removed. It was his belief Town Meeting can only begin to exercise meaningful cost control when it puts a lid on salaries, and it should begin with this motion to amend.

Finance Committee Report: The Committee did not support the motion to amend as the recommended salary cuts were not totally across the board but just those positions at the upper end, which they considered unfair.

Board of Selectmen: The Board did not support the motion to amend for the same reason as the Finance Committee.

Ralph Tyler inquired as to whether the renegotiated Supervisory Association contracts had been extended. When informed they had been, he further inquired on what basis the Town is allowed to enter into what appeared to be four-year contracts when Mass. statute allows no more than three years. It was his conviction that by extending a contract, it increased in length of years, and with each extension of the contracts, the voters at Town Meeting are unable to refuse the renegotiated bargaining points.

Town Counsel, Paul Kenny, opined, "The salary increases that are involved are the increases for a third year on a three-year contract that was signed by the Supervisory employees. It is my understanding that they have agreed with the Selectmen to take and reduce the amount of that salary. So the question has been before the Supreme Court with respect to the end of the second and third years of a first year contract, what Town Meeting has to have is a 30 day---within 30 days contracts or cost items are presented to the Town Meeting for approval. We don't have that situation with the matters before the Town Meeting this year. As to the four-year contract, there is no four-year contract. There was a three-year contract, which I believe has been extended or the parties have agreed to extend for an additional year, but the Labor Relations Commission of this Commonwealth has long approved extensions of contracts which have gone beyond the time. As an example, you couldn't extend it the first day of the contract but if a year or two have gone beyond then it is appropriate to extend the contract."

The motion to amend the Budget was defeated by a hand vote.

The main motion under Article 12, Budget, as twice amended, was presented to the voters and was **UNANIMOUSLY VOTED** by a hand vote.

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ARTICLE 12. BUDGET

UNANIMOUSLY VOTED: That the Town appropriate the sums of money set forth in a 16-page "Budget Long Form", distributed at the Town Meeting, in the column headed "FinCom Rec Non Override FY93", except as follows:

<u>Line Item</u>	<u>Non Override Budget</u>	
Amendments		
501-130	\$ 31,808	(-\$29,882)
501-151	\$ 1,988	(-\$536)
503-130	\$ 29,882	(+\$29,882)
503-151	\$ 536	(+\$536)
506-130	\$ 75,568	(+\$14,000)
506-210	\$ 13,687	(+\$4,000)
950-800	\$1,646,000	(-\$18,000)

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Ambulance Reserve for Appropriation Account	310 Fire Pers. Service	\$ 47,500
Ambulance Reserve for Appropriation Account	310 Fire Expenses	\$ 2,500
Wetlands Protection Acct.	360 Cons. Pers. Service	\$ 4,125
Cemetery Funds	410 Highway Pers. Service	\$ 11,700
Dog Licenses	600 Library Expenses	\$ 7,750
Free Cash	950 Unclassified	\$361,536

and further, that appropriations within departmental budgets under Personal Services, Expenses, Capital Spending, Snow and Ice, net Sudbury Public Schools, Sudbury Assessment (Schools) Total Debt Service, and Total Unclassified must be expended within those categories unless, in each instance, the Finance Committee grants prior approval; and that automobile mileage allowance rates shall be paid in accordance with Federal Internal Revenue Service Mileage allowance regulations; and further that the item under retained earnings on Page 20 of the Warrant is for informational purposes only.

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As it was past 10:30 PM, the Moderator declared the meeting adjourned until tomorrow, April 14, 1992, at 7:30 PM at the Lincoln-Sudbury Regional High School Auditorium. The meeting was adjourned at 10:35 PM.

Attendance: 221

ANNUAL TOWN MEETING

PROCEEDINGS

APRIL 14, 1992

Pursuant to a Warrant issued by the Board of Selectmen, March 2, 1992, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School Auditorium on Wednesday, April 14, 1992, for the fifth session of the Annual Town Meeting.

The meeting was called to order by the Moderator at 7:50 PM when a quorum was declared present.

ARTICLE 13. ACCEPT M.G.L. CHAPTER 40, SECTION 22F - FEES

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Sec. 22F, to allow the imposition of fees for services rendered and to allow an increase in the fees assessed beyond the statutory limit, or act on anything relative thereto.

Submitted by the Board of Selectmen

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

Board of Selectmen's Report: Section 22F of Chapter 40 reads as follows:

"Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing city or town, and may fix reasonable charges to be paid for any services rendered or work performed by the city or town or any department thereof, for any person or class of persons.

A fee or charge imposed pursuant to this section shall supersede fees or charges already in effect, or any limitations on amounts placed thereon for the same service, work, license, permit or certificate, provided that this section shall not supersede the provisions of Chapter six A sections thirty one through seventy-seven, Chapter eighty, Chapter eighty-three, or Chapter one hundred and thirty-eight. The fee or charge being collected immediately prior to acceptance of this section for any license, permit, certificate service or work will be utilized until a new fee or charge is fixed under this section."

Approval of this article would allow a Town board or official to set reasonable fees for licenses, permits, certificates and services rendered by that particular office where the fees are retained by the Town, with the exception of charges for health care services approved by the Rate Setting Commission, betterments, assessments for sewers, drains and sidewalks, and alcoholic liquors licenses and permits, without regard to statutory limitations in most cases. However, fees must be set in accordance with Massachusetts Department of Revenue guidelines, which state, "Where a charge, such as a collector's demand fee, is not imposed for the benefit or at the request of the person who must pay, the officer or board imposing the charge has no power under Sec. 22F to vary the fee schedule established by statute or local law." Said guidelines specify that a "reasonable" fee does not exceed the cost of providing the municipal service. The Town will thus have the opportunity of being fully reimbursed for performing a specific service. The Board of Selectman supports this article.

Finance Committee Report: Recommended approval.

APRIL 14, 1992

In response to a question as to what this state statute actually does and does not do, Town Counsel provided the following opinion: "I'll try and indicate why I believe the legislature passed the law. It is my understanding that it was passed so that fees could be raised to represent the exact cost, or as near the exact cost, as providing the services would be. Sometimes the fees that were set in other matters didn't, in fact, take that into account for different boards and commissions. This statute will not address certain types of fees. The charges for health care services can't be affected. Liquor license fees cannot be affected. Fees that are not paid over completely to the city or town cannot be affected by this statute. For example, the dog license fees are collected by the County and they go into the County then they come back to the library. They are not collected--they are not intended to be collected to pay for the service that they are providing. Sewer and betterment assessments certainly can't be done. I have a few that--for example, landfill permits can be set. Driveway permits can be set. Connection of fire alarms to the Fire Department. These (fees) are by bylaws. A number of these things require a great deal of research and a great deal being a little bit subjective but requires either Selectmen's Office or whatever committee or board is doing to look into different areas, to prepare ads for the newspaper and to, in fact, get the ads into the newspaper. Then the administrative functions--the purpose, I believe of the law, as I said again, is to minimize that cost or the impact of that cost to the town to set it against the actual user of the service rather than the taxpayer."

The Moderator presented the motion to the voters but he was in doubt as to the hand vote. He requested the voters to stand and raise their cards. He then declared the motion under Article 13 **VOTED**. Seven voters challenged the Moderator's declaration and a counted vote was taken. YES: 50 NO: 44 TOTAL VOTE: 94. The motion was **VOTED**.

ARTICLE 14. RELEASE OF EASEMENT - LIBERTY HILL ESTATES SUBDIVISION (Consent Calendar)

To see if the Town will vote to authorize and direct the Selectmen to execute a deed or deeds releasing an easement granted to the Town entitled "Drainage Easement", executed on January 4, 1989 and recorded at the Middlesex South District Registry of Deeds on January 5, 1989, Document Number 674, in return for a new easement required by amendment to the Liberty Hill Estates subdivision; or act on anything relative thereto.

Submitted by the Board of Selectmen

Board of Selectmen Report: Statute requires Town Meeting action to release an interest in land once accepted by the Board of Selectmen. In connection with the initial subdivision approval, certain easements were granted to the Town. Subsequent to acceptance, modifications to the subdivision plan, changing the number and orientation of several lots, were made. These modifications have necessitated changes to the previously executed easement document. The Board supports this article.

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

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

APRIL 14, 1992

ARTICLE 15. MOUNT PLEASANT CEMETERY - EMINENT DOMAIN TAKING

To see if the Town will vote to take by eminent domain all the real estate of the Mount Pleasant Cemetery Association situated in Sudbury, Massachusetts, located off Concord Road, shown as parcel 005 on Town Property Map G09 and more particularly described on a plan entitled, "Plan of Land in Sudbury, Massachusetts Showing Land of Mt. Pleasant Cemetery Association", prepared by the Town of Sudbury Engineering Department, dated December 24, 1991, together with all the privileges, appurtenances and rights appertaining and belonging thereto, but subject to all rights heretofore existing in any burial lots; and to see what sum the Town will vote to appropriate for expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen

John Drobinski of the Board of Selectmen *moved in the words of the article.* The motion received a second.

The purpose for this article was the necessity to take by eminent domain a certain portion of the Mount Pleasant Cemetery, to clear the title description problems existing from the discrepancy between the original plot plan of the 1800's and the existing survey.

Finance Committee Report: Recommended approval.

In answer to a query as to whether there would be any recording costs, it was noted these costs would be covered by Town Counsel's budget.

The motion was presented to the voters and **UNANIMOUSLY VOTED** by a hand vote.

APRIL 14, 1992

ARTICLE 16. COMPENSATING BALANCE AGREEMENTS

To see if the Town will vote to authorize its Treasurer to enter into a compensating balance agreement or agreements for Fiscal Year 1993 pursuant to Chapter 44, section 53F, of the General Laws, or act on anything relative thereto.

Submitted by the Town Treasurer and Collector

The motion under the article was *move to Indefinitely Postpone*. It received a second.

No explanation was provided for the motion.

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

Finance Committee Report: (R. Sanford) Recommended approval.

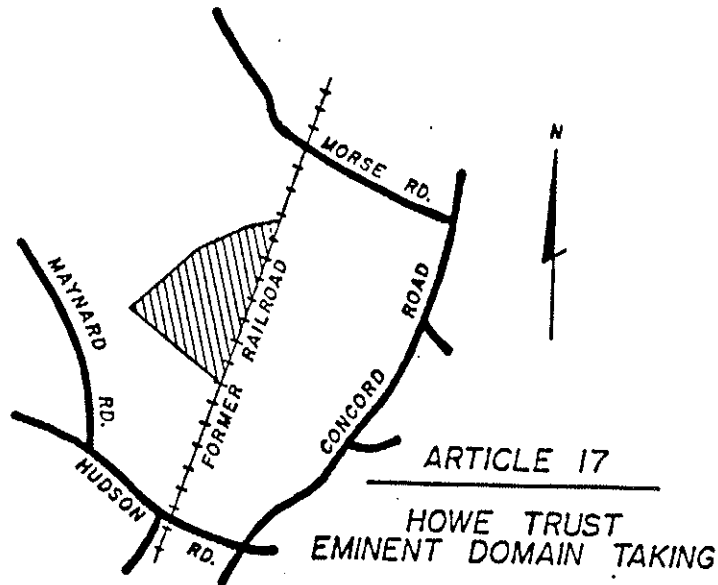
The motion under Article was presented to the voters and **VOTED** by a hand vote.

APRIL 14, 1992

ARTICLE 17. HOWE TRUST - EMINENT DOMAIN TAKING

To see if the Town will vote to take by eminent domain the land located between Maynard Road and Concord Road, bound on one side by the former Penn Central Railroad line now owned by the Commonwealth of Massachusetts, consisting of 24.7 +/- acres, shown as Parcel 2-1 on a plan entitled, "Plan of Land in Sudbury, Massachusetts, owned by Janet R. Howe Revocable Trust" dated December 19, 1991, prepared by the Sudbury Engineering Department; and to see what sum the Town will vote to appropriate for expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen



Board of Selectmen Report: This article will facilitate the transfer of title to land bordering existing Town conservation property offered to the Town by the owners and clarify any discrepancies between the on-ground survey and deed descriptions. No damages are involved. The Board strongly supports this article.

Finance Committee Report: Recommended approval.

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

APRIL 14, 1992

ARTICLE 18. TRANSFER PORTION OF NEW TOWN CEMETERY TO SELECTMEN FOR SALE (Consent Calendar)

To see if the Town will vote to transfer from the control of the Selectmen to the Selectmen for the purpose of sale to the Janet R. Howe Revocable Trust, the following described parcel of land:

a portion of the New Town Cemetery on Concord Road, shown as Parcel 007 on Town Property Map G09, containing approximately 0.30 acres and more particularly described on a plan entitled, "Plan Showing New Town Cemetery Sudbury, Massachusetts, dated January 21, 1992, prepared by the Town of Sudbury Engineering Department;

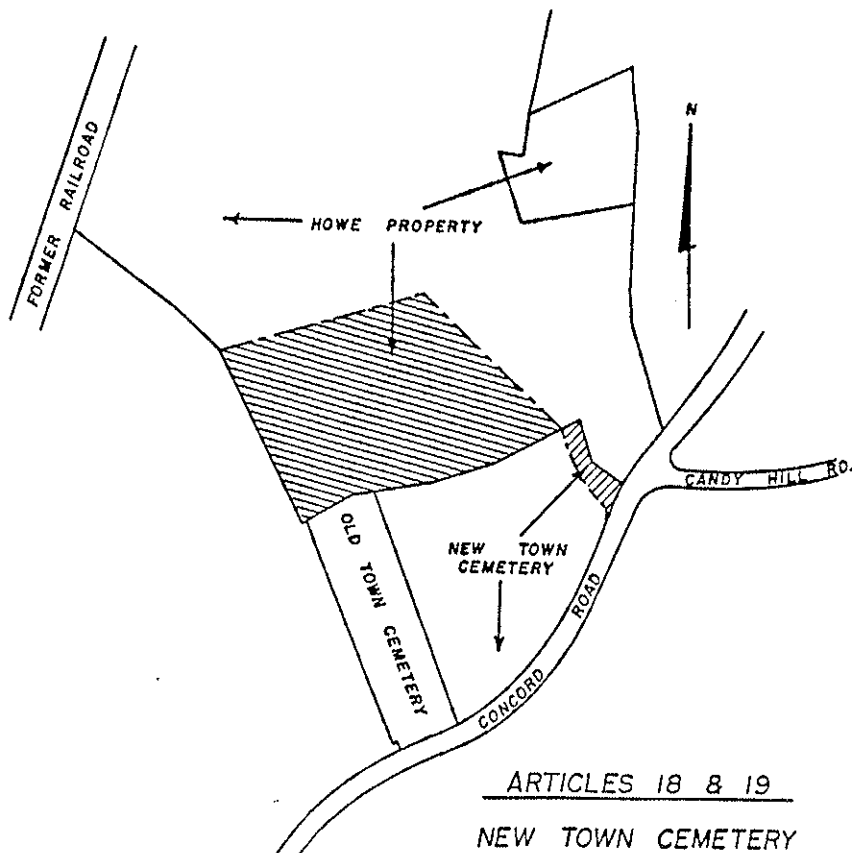
or act on anything relative thereto.

Submitted by the Board of Selectmen

Board of Selectmen Report: Articles 18 and 19 will facilitate the transfer of a proposed right-of-way off Concord Road which will allow the Trustees for the Janet R. Howe Revocable Trust suitable access to upland not currently available to them. In exchange for the right-of-way, the Trustees will give the Town approximately five acres of land abutting the New Town and Old Town Cemeteries which will provide the Town cemetery expansion area so urgently required. The Board urges support of these articles.

Finance Committee Report: Recommended approval.

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



APRIL 14, 1992

ARTICLE 19. AUTHORIZE SELECTMEN TO SELL PORTION OF NEW TOWN CEMETERY TO HOWE TRUST

To see if the Town will vote to authorize the Selectmen, acting on behalf of the Inhabitants of the Town of Sudbury, to execute a deed or deeds conveying in fee simple the following described land to the Janet R. Howe Revocable Trust, for a sum of no less than \$1.00 and upon such other terms as the Selectmen shall consider proper:

a portion of New Town Cemetery on Concord Road, shown as Parcel 007 on Town Property Map G09, containing approximately 0.30 acres and more particularly described on a plan entitled, "Plan Showing New Town Cemetery Sudbury, Massachusetts", dated January 21, 1992, prepared by the Town of Sudbury Engineering Department;
or act on anything relative thereto.

Submitted by the Board of Selectmen

Board of Selectmen Report: Articles 18 and 19 will facilitate the transfer of a proposed right-of-way off Concord Road which will allow the Trustees for the Janet R. Howe Revocable Trust suitable access to upland not currently available to them. In exchange for the right-of-way, the Trustees will give the Town approximately five acres of land abutting the New Town and Old Town Cemeteries which will provide the Town cemetery expansion area so urgently required. The Board urges support of these articles.

Finance Committee Report: Recommended approval

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

ARTICLE 20. (WITHDRAWN)

APRIL 14, 1992

ARTICLE 21. AMEND BYLAWS-UNDERGROUND STORAGE TANKS

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article V, Public Safety, by adding thereto a new Article entitled, "Underground Storage Tanks", to read as follows:

Section 1. Authority and Purpose

A. This bylaw is adopted by the Town of Sudbury under its Home Rule powers, its police powers to protect the public health and welfare, its authorization under Massachusetts General Laws, Chapter 40, Section 21, and Chapter 148, Section 9, and other provisions of law.

B. The purpose of this bylaw is to control the use and maintenance of underground tanks for the storage of hazardous substances that are generally exempt from State and Federal regulation, to protect groundwater and surface water from contamination because of leakage, and to prevent damage to persons or property because of fire. The purpose of the bylaw is also to protect the owners of these tanks and the Town of Sudbury from the potentially devastating financial and environmental consequences of contamination of wells or groundwater due to leakage arising from tank corrosion, improper installation or other causes.

Section 2. Definitions

A. Abandoned - in the case of underground storage tanks shall mean out of service for a continuous period in excess of six months where a license from the local licensing authority is required under the provisions of Massachusetts General Laws Chapter 148, Section 13, and for a period in excess of twenty-four (24) months in the case of any other underground storage facility or an aboveground tank of 10,000 gallons capacity or less; and in the case of aboveground storage of any fluid other than water, where a permit is required from the commissioner under provisions of Massachusetts General Laws Chapter 148, Section 37, it shall mean out of service for a continuous period in excess of sixty (60) months and it has been deemed to be unsafe and a threat to the public safety by the head of the Fire Department and by the Department of Public Safety Division of Inspectional Services.

B. Double-walled Tank - means a container with two complete shells which provide both primary and secondary containment. The container shall have a continuous 360 degree interstitial space between the primary and secondary shell. The interstitial space shall be designed so that an approved interstitial space monitor is able to continuously monitor this space. All double-walled tanks shall be UL-listed.

C. Fuel Oil - means oil of grades 1,2,4,5 and 6, established in accordance with Massachusetts General Laws Chapter 94, Section 249H.

D. Fire Chief - means the Fire Chief of the Town of Sudbury.

E. Hazardous Substance - means any liquid hydrocarbon product, including but not limited to gasoline, heating oil and diesel oil, and any other substance controlled as being toxic or hazardous under Massachusetts General Laws Chapter 21E.

F. Owner - with respect to a tank means the owner of the land on which an underground tank is located.

G. Petroleum Products - means fuel oil, waste oil and gasoline.

H. Underground Tanks - means any containment system (including associated piping) used to contain a hazardous substance ten percent or more of the volume of which is beneath the surface of the ground, but excluding:

- (1) a tank of over 1,100 gallons capacity for storing motor fuel.
- (2) a tank for storing motor fuel for commercial and governmental purposes.
- (3) a tank for storing heating oil other than for consumptive use on the premises where stored.
- (4) a septic tank used to contain sewage.
- (5) a pipeline facility regulated under State or Federal law.
- (6) a tank situated upon or above the surface of the floor in an underground area, such as the basement of a home.

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I. Code - means the Board of Fire Prevention Regulations Governing Tanks and Containers as set forth at 527 CMR 9.00 and following.

Section 3. Registration of Existing Tanks

A. On or before December 1, 1992, the owner of each underground tank shall file with the Fire Chief a form setting forth the size, type, age (with proof of age), contents and location of the underground tank. This form shall be made available to the public by the Fire Chief. The age of a tank is to be determined from the date when it was first installed. If the owner cannot document the age of a tank to the satisfaction of the Fire Chief, the installation date will be presumed to be January 1971. The registration tag issued by the Fire Chief shall be visibly affixed to the fill pipe by the owner on or before January 1, 1993.

B. On or after January 2, 1993, each distributor of fuel oil or other hazardous substance that is requested to fill an underground tank without a registration tag shall notify the Fire Chief within forty-eight (48) hours of such request of the existence and location of the tank. It shall not be considered a violation of any provision of this bylaw for a fuel oil distributor to fill an underground tank without a registration tag provided that the distributor duly notifies the Fire Chief in accordance with the provisions of the previous sentence.

Section 4. New Tanks

Following the effective date of this regulation, installation of underground petroleum products storage tanks is prohibited with the following exceptions:

A. Underground storage of a flammable petroleum product with a flash point of 100 degrees Fahrenheit or less is permitted in a double-walled steel or double-walled fiber glass tank.

B. The storage of fuel oil for consumptive use on the premises is permitted in double-walled steel or double-walled fiber glass tanks limited to a maximum of 1,000 gallons for residential properties up to five units and to a maximum of 5,000 gallons for residential properties over five units.

C. The storage of fuel oil for consumptive use is permitted in double-walled steel or double-walled fiber glass tanks to a maximum of 10,000 gallons for other than residential use.

D. The storage of fuel oil for resale is permitted in double-walled steel or double-walled fiber glass tanks limited to that amount which the property is licensed for on the effective date of this regulation.

E. All other tanks are to be indoors or outside aboveground.

Section 5. Removal of Underground Tanks

A. On or before December 31, 1996, the owner shall empty and remove any underground tank that was installed before December 31, 1971.

B. Any tank which is not required to be removed under paragraph A of this section shall be emptied and removed in accordance with the schedule set forth in Appendix 1 of the bylaw.

C. As required by the provisions of the Code, the owner must empty and remove any underground tank that is abandoned.

D. Removal of an underground tank shall be performed under the supervision of the Fire Chief in compliance with the removal provisions of the Code. The Fire Chief may approve decommissioning of a tank instead of removal where permitted by the Code, provided that, immediately prior to decommissioning, the tank shall be tested for leakage of a hazardous substance using a method acceptable to the Fire Chief and that no leakage shall be detected by such testing.

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

Section 6. Procedure in Case of Spill or Leak

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

B. If a leak from an underground tank is confirmed, the owner must empty and remove or decommission the tank in accordance with the Code.

Section 7. Variances

A. The Board of Selectmen may, after receiving comment from the Fire Chief and after a public hearing, vary the application of this bylaw in accordance with the provisions of this section, when the applicant has demonstrated financial hardship. Notice of the hearing shall be given by the Selectmen, at the applicant's expense, at least ten days prior thereto, by certified mail to all abutters to the property on which the tank is located. The notice shall include a statement of the variance sought and the reasons therefor. Any grant or denial of variance shall be in writing and shall contain a brief statement of the reasons for the grant or denial.

B. In considering the variance request, the Board of Selectmen shall take into consideration factors such as the direction of the groundwater flow, soil conditions, depth to groundwater, size, shape and slope of the lot, and proximity of existing and potential water supplies. No variance shall be granted unless the Board of Selectmen finds that the variance, as granted, would result in the same degree of environmental protection as required by the bylaw.

C. Any variance granted under this section shall be limited in effect to extending the period of compliance with the removal provisions of this bylaw, as set forth in Section 5. In no event shall any variance extend the period of compliance thirty-six (36) months or more beyond the time otherwise required under the bylaw.

Section 8. Administration and Enforcement

A. This bylaw shall be administered by the Fire Chief.

B. Any owner or fuel oil distributor who violates any provision of this bylaw shall be subject to a fine of one hundred dollars for each offense. Each day during which such violation continues shall constitute a separate offense.

Section 9. Costs

All costs incurred in complying with the provisions of this bylaw and in obtaining compliance shall be paid by the owner and operator of the affected underground tank.

Section 10. Severability

Each part of this bylaw shall be construed as separate to the end that if any part or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that part and all other parts of the bylaw shall continue in full force.

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APPENDIX 1

Underground Storage Tank Removal Schedule

Installation Date	Final Removal Date
1971	December 31, 1996
1972	December 31, 1997
1973	December 31, 1998
1974	December 31, 1999
1975	December 31, 2000
1976	December 31, 2001
1977	December 31, 2002
1978	December 31, 2003
1979	December 31, 2004
1980	December 31, 2005
1981	December 31, 2006
1982	December 31, 2007
1983	December 31, 2008
1984	December 31, 2009
1985	December 31, 2010
1986	December 31, 2011
1987	December 31, 2012
1988	December 31, 2013
1989	December 31, 2014
1990	December 31, 2015
1991	December 31, 2016

Tanks installed after 1991 and installed in accordance with Section 4, "New Tanks" shall be removed thirty (30) years after installation or shall submit to the Fire Chief annually a tank tightness test performed by a qualified person which indicates the tank's tightness.";

or act on anything relative thereto.

Submitted by the Board of Selectmen

Fire Chief Dunne *moved in the words of the Article*. The motion was seconded.

Chief Dunne explained Article 21 was drawn up due to the number of underground storage tanks in the community, though the actual number was not known. Leaks have occurred in some tanks, but the Town has been fortunate as no pollution problems have resulted. Neighboring communities, such as Natick, have experienced some serious problems.

Board of Selectmen Report: The intent of this bylaw is to control the use and maintenance of underground tanks for the storage of hazardous substances that are generally exempt from state and federal regulation. The primary storage tank that will be affected is heating oil, as most other products are covered by state and federal regulations.

Finance Committee Report: Recommended Approval

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Adoption of this bylaw will accomplish the following:

1. Establish a permit process that will cause all underground tanks to be registered with the Town.
2. Establish a removal schedule for underground tanks based on 25-year life expectancy. The first removal would be required in 1996.
3. Require new tanks to be double-walled with interstitial space monitoring.
4. Limit the quantity of product that may be stored underground.

This bylaw will help protect Sudbury's groundwater and surface water from contamination and prevent leakage which might cause a fire or become an explosion hazard. The Fire Department is designated as the enforcing agency because it is the designated agency under existing state and federal regulations.

The effects of a leak can be costly for both the owner and the Town. The owner is legally responsible for ALL costs of a cleanup. These costs can easily reach \$10,000-\$75,000 or more. Additionally, a leak could prevent a homeowner from selling his property--a possibility that none of us wants to face.

Bylaws and Board of Health Regulations similar to this have been passed in many towns and Sudbury should act now to protect its resources. The Board of Selectmen supports this article.

Finance Committee Report: Recommended approval.

The motion under Article 21 was presented to the voters and was **VOTED** by a hand vote.

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ARTICLE 22. TOWN BUILDING REPAIRS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$86,500, or any other sum, to be expended under the direction of the Building Inspector, for the purpose of providing critical repairs and State mandated water protection measures (backflow prevention) to Town buildings, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Building Inspector

J. Hepting, Building Inspector, moved to Indefinitely Postpone Article 22. The motion received a second.

It was explained a survey of Town Buildings had been made regarding repairs to improve the buildings to a minimally acceptable level. A so called "laundry list" was developed of items, which if not addressed would result in further deterioration, thus producing far more costs for future repairs. The list included:

1. Roof inspections and emergency repairs	\$10,000
2. Paint Town Hall outside front	5,000
3. Paint upper Town Hall	3,000
4. Re-set brick walk at Loring Parsonage	2,000
5. Re-clapboard and paint Loring Parsonage	10,000
6. Loring Parsonage repairs/chimney, fireplace, floorboards, etc.	4,000
7. Replace picket fence at Loring Parsonage	1,000
8. Replace 18 windows in Flynn Building	9,000
9. Pump all septic tanks	2,000
10. Emergency lighting - 22 fixtures	2,500
11. Upgrade existing boilers	6,000
12. Parking lot circulation revisions behind Town Hall	7,000
13. Miscellaneous painting	5,000
14. Repair and wash windows	3,000
15. Backflow preventers (13) - (State mandate)	15,500
16. Flynn Building sewer main	1,500
TOTAL	\$86,500

After meeting with the Finance Committee, a transfer from the Reserve Fund was made for two items that were considered emergencies: 1) emergency lighting in the Town buildings and 2) thirteen back-flow preventers, mandated by the State. Alternative measures since suggested included receiving free semi-skilled and unskilled labor, transportation and supervision of inmates from the Billerica House of Corrections and Concord Reformatory for work/labor on any Town building or facility, i.e. painting, minor siding repairs, etc. Mr. Hepting was also looking for volunteerism within the Town, such as there was for the Kidspace Playground.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended approval

The motion to Indefinitely Postpone Article 22 was presented to the voters and **VOTED** by a hand vote.

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ARTICLE 23. HANDICAPPED ACCESSIBILITY TO TOWN BUILDINGS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$85,000, or any other sum, to be expended under the direction of the Building Inspector, for the purpose of providing handicapped accessibility and toilet facilities for four of the most heavily utilized town buildings, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Building Inspector.

Mr. Hepting, moved to *Indefinitely Postpone Article 23*. The motion received a second.

Mr. Hepting explained that presently, with the exception of the schools, the Fairbanks Community Center is the only Town building that is adequately handicapped accessible, therefore all public meetings are held there. At one time there was a Handicapped Advisory Committee, of which he was a member, that put together a priority list with some cost figures, for four of the buildings to have minimal handicapped accessibility, so they could be used. After the article was submitted, a new Space Planning Committee for the Town was put together to see what should be done with certain town buildings. The Visiting Nurses having moved to a new location and the Fire Department having moved to its new headquarters, two buildings remain that are partially used, yet have to be heated in the winter and kept cool in the summer--an inefficient use of town space. The Space Planning Committee is going to look into these situations, including the Nixon School. Rather than make buildings accessible that may end up being used for storage, Mr. Hepting recommended Article 23 be Postponed Indefinitely.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended approval.

The motion to Indefinitely Postpone Article 23 was presented to the voters and **VOTED** by a hand vote.

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ARTICLE 24. ACCEPT M.G.L. CH. 71, Sec.71F, TUITIONS

To see if the Town will vote to accept the provisions of Section 71F of Chapter 71 of the General Laws, directing the establishment of separate accounts for tuitions received from non-resident students and reimbursements from the State for foster care students; or act on anything relative thereto.

Submitted by the Sudbury School Committee

Cynthia Maloney, School Committee Member, *moved in the words of the Article*. The motion received a second.

Explanation for the motion was that due to the current difficult financial times, the School Committee has had to consider seeking fees for some of its programs and services. One of the programs is a special program for the special needs children. The program provides required services close to home for the children. It is cost effective and has saved funds that would be spent in out-of-district placements. The program has always been offered to children whose parents did not have the financial ability to pay for a private nursery program. Due to the fiscal climate, the School Committee plans to charge tuition for those children without special needs. It would be based on the Department of Social Service Rates and the sliding income scale. With this Article, if space became available other Towns could participate in the program and other programs for children with significant special needs. The tuition, to be determined by the number of children enrolled, would be used to directly offset special education costs.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended approval

The motion under Article 24 was presented to the voters and **VOTED** by a hand vote.

APRIL 14, 1992

ARTICLE 25. SCHOOL HEATING SYSTEMS - PROFESSIONAL SERVICES

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Permanent Building Committee, for the purpose of obtaining professional, engineering, and architectural services, and all expenses connected therewith, including preparation of plans, specifications and bidding documents and supervision of work, involved with extraordinary repairs and/or replacement of the heating systems, or portions thereof, at the Curtis Middle School and the Haynes Elementary School, including but not limited to the removal of asbestos, conversion from oil to gas, and fuel tank removal; to authorize the Permanent Building Committee to execute a contract or contracts therefor; 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

R. Weiskopf of the Sudbury School Committee moved to Indefinitely Postpone Article 25. The motion received a second.

Explanation for the motion was the financial challenges presently facing the Town and the view of the Permanent Building Committee that the school should not have an emergency within the next few years regarding the proposed capital projects.

Board of Selectmen Report: Recommended support.

Finance Committee Report: Recommended support.

The motion to Indefinitely Postpone was **VOTED** by a hand vote.

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ARTICLE 26. ROOF REPAIR/REPLACEMENT - CURTIS & HAYNES SCHOOLS

To see if the Town will vote to amend the vote taken under Article 5 of the October 17, 1989, Special Town Meeting for the purpose of making extraordinary repairs to and/or reconstructing the Curtis Middle School and Haynes School roofs, or portions thereof, and all expenses connected therewith, including professional, engineering, and architectural services including plans, specifications and bidding documents and supervision of work; and to authorize the Permanent Building Committee to execute a contract or contracts therefor; or act on anything relative thereto.

Submitted by the Sudbury School Committee

R. Weiskopf of the Sudbury School Committee *moved to amend the vote taken under Article 5 of the October 17, 1989, Special Town Meeting by adding to the purpose thereof making extraordinary repairs to and/or reconstructing the Curtis Middle School and Haynes Schools roofs or portions thereof and all expenses connected therewith including professional, engineering and architectural services including plans, specifications and bidding documents and supervision of work and to authorize the Permanent Building Committee to execute a contract or contracts therefore.* The motion received a second.

In explanation of the motion, Mr. Weiskopf stated roof replacements were required for a large portion of the Curtis and the entire Haynes Schools. Article 26 would amend the October 1989 Nixon/Noyes Renovation Article, Article 5 of the October 1989 Town Meeting and allow the roof replacements to be included under the umbrella of the original article under the four corners of the article. The replacement cost of the roof would then be paid for by the remaining funds from the October 1989 Article 5, which would not require any additional borrowing nor would it affect the tax rate. (Mr. Weiskopf's complete presentation is available at the Town Clerk's office.)

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended approval

The motion under Article 26 was presented to the voters and **VOTED** by a hand vote.

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ARTICLE 27. SCHOOL MAINTENANCE FUNDS

To see if the Town will vote to amend the vote taken under Article 5 of the October 17, 1989, Special Town Meeting for the purpose of making extraordinary repairs to and/or remodeling, and purchasing additional equipment for, the Curtis Middle School, the Haynes Elementary School and the Noyes Elementary School, including facility repairs, furniture replacement and building improvements, and all expenses connected therewith; or act on anything relative thereto.

Submitted by the Sudbury School Committee

R. Weiskopf of the Sudbury School Committee *moved to amend the vote taken under Article 5 of the October 17, 1989 Special Town Meeting by adding to the purpose thereof making extraordinary repairs to and/or remodeling and purchasing additional equipment for the Curtis Middle School, the Haynes Elementary School and the Noyes Elementary School including facility repairs, furniture replacement and building improvements and all expenses connected therewith.* The motion received a second.

A slide presentation was given to indicate the serious maintenance needs of the schools. It was noted of the money remaining from Article 5 of the Special Town Meeting on October 17th, \$480,000 would be allocated for Article 26. Remaining funds would be used for the balance of the work as indicated. Once again, it was noted the tax rate would not be impacted by this process, as the money had already been borrowed.

Board of Selectmen Report: Recommended approval.

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

Considerable discussion followed as to the propriety of the use of these funds for what appeared to be routine maintenance items that have been allowed to accumulate over a number of years, so that what would be considered a normal maintenance expense has now become a capital expense.

The motion under Article 27 was presented to the voters and **VOTED** with a hand vote.

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ARTICLE 28. LSRHS STABILIZATION FUND (Consent Calendar)

To see if the Town will vote to approve the establishment by the Lincoln-Sudbury Regional School District of a Stabilization Fund in accordance with the provisions of Chapter 71, Section 16G 1/2, of the Massachusetts General Laws, or act on anything relative thereto.

Submitted by the Lincoln-Sudbury Regional School District Committee

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

ARTICLE 29. LSRHS DEBT AUTHORIZATION - RENOVATIONS/REPAIRS

To see if the Town will vote to approve the amount of \$2,134,424 debt authorized on February 25, 1992, by the Lincoln-Sudbury Regional School District School Committee, for the purpose of financing costs of reconstructing, equipping, remodeling and making extraordinary repairs to the regional high school, including costs incidental and related thereto; or act on anything relative thereto.

Submitted by the Lincoln-Sudbury Regional School District Committee

G. Nogelo of the LSRHSDC *moved in the words of the Article*. The motion received a second.

The approval requested under this motion was one of a two-step process, to exempt monies under Proposition 2-1/2. The ballot portion of the request failed at the Annual Town Election on March 30th of this year. With this Town Meeting's approval for the debt exemption, the question will be placed on a ballot for the voters' authorization at a future election. Due to the economy, the scope of the high school projects was said to have been reduced so as to go forward only with those items necessary to preserve the facility and which pose an immediate safety concern. It was explained these renovations/repairs will keep the building and grounds in good condition for the next 20 years.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended approval.

Considerable discussion followed, the full text of which is available at the Town Clerk's department.

The motion under Article 29 was presented to the voters and **VOTED** by a hand vote.

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ARTICLE 30. (WITHDRAWN)

ARTICLE 31. AMEND ZONING BYLAWS, ARTICLE IX, III.A.2 - PERMITTED USES, RESIDENCE DISTRICTS:
SINGLE ACCESSORY DWELLING UNITS

To see if the Town will vote to amend the Sudbury Zoning Bylaw, Article IX, Section III.A, entitled: "Residence Districts", by adding new paragraph 2 entitled: "Special Provisions for Single Accessory Dwelling Units in Residence Districts", to read as follows:

"2. Special Provisions for Single Accessory Dwelling Units in Residence Districts

a. Definition - A single accessory dwelling unit is a second dwelling unit located within a structure constructed as a detached single family dwelling, or its attached accessory structures, subordinate in size to the principal dwelling unit and separated from it in a manner that maintains the appearance of the structure as a one family dwelling.

b. General Purpose - The existing development patterns of the Town have resulted in conditions which make it difficult for our parents, our children, and persons of low and moderate income to find suitable housing within the Town. The special regulations contained in this Section III.A.2 have been enacted for the purpose of permitting the creation of a limited number of housing units suitable for occupancy by such persons, while ensuring compliance with the local planning standards and policies concerned with land use, building design, and requirements of the health, safety, convenience and general welfare of the inhabitants of the Town.

c. Conditions and Requirements - An owner or owners of a single family dwelling in Single Residence District "A", "C" or Wayside Inn Historic Preservation Zone may apply to the Board of Appeals for a Special Permit for the creation and occupancy of a single accessory dwelling unit in a detached single family dwelling. Such application shall be accompanied by the application fee established by the Board of Appeals. After notice and public hearing, and after due consideration of the report of the Board of Health, (and the Historic Districts Commission, where applicable), the Board of Appeals may grant such Special Permit provided that each of the following conditions and requirements is met:

1) Occupancy

a) Such unit shall be occupied by not more than four persons related by blood, adoption or marriage to the family owning and residing in the principal dwelling; or

b) Such unit shall be occupied by not more than two domestic employees of the family owning and residing in the principal dwelling; or

c) Such unit shall be occupied by a low or moderate income family with income not to exceed 80% of the regional median household income established in the Local Initiative Program Guidelines of the Executive Office of Communities and Development (as the same may be amended from time to time).

2) The accessory dwelling unit shall be located within the single family dwelling or its attached accessory structures in substantially the same size as they existed on the day of adoption of this Section III.A.2 or, for single family dwellings not in existence on such day of adoption, as they have existed for five years prior to the application for such Special Permit. Such status shall be verified in the records of the Building/Inspection Department. A single family dwelling shall be deemed to comply

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with the requirements of this subparagraph 2.c.2) if any alteration or enlargement thereof subsequent to said day of adoption or within the said five year period does not increase the floor area of said dwelling, as hereinafter defined, by more than fifty (50) square feet. For dwellings in existence on the day of adoption which have been increased in floor area by more than fifty (50) square feet subsequent to the day of adoption, no special permit hereunder may be issued until after the expiration of five years from the last such alteration or enlargement. On request of the applicant, the Board of Appeals may waive all or a portion of any applicable five year period if it finds that such waiver will further the purposes of this Section III.A.2.

3) The accessory dwelling unit shall be a use incidental to the single family dwelling, shall contain no more than 1,200 square feet, and shall occupy no more than 30% of the floor area of the single family dwelling and its attached accessory structures. Floor area is defined herein as the actual heated living area and does not include unfinished basements, attics, or storage spaces.

4) There shall be no more than one single accessory dwelling unit per building lot.

5) The owner of the dwelling in which the single accessory dwelling unit is created shall reside in the dwelling, either in the principal dwelling unit or the accessory dwelling unit. If the owner resides in the accessory dwelling unit, occupancy of the principal dwelling unit must be by persons satisfying the relationship or income criteria in subparagraph 2.c.1)a) or c). For the purpose of this Paragraph 2, the "owner" shall be one or more individuals who constitute a family, who hold title to the dwelling, and for whom the dwelling is the primary residence for voting purposes. If the lot on which the single accessory dwelling unit is to be located is owned by the Town of Sudbury, the owner-occupancy requirement of this paragraph shall not be applicable as long as the lot and the structures thereon continue to be owned by the Town of Sudbury.

6) Adequate provisions shall be made for the disposal of sewage, waste and drainage generated by the occupancy of the single accessory dwelling unit in accordance with all requirements of the Board of Health.

7) The creation and occupancy of the single accessory dwelling unit shall not be detrimental to the neighborhood in which the lot is located or injurious to persons or property.

8) Applicable requirements of the Massachusetts State Building Code must be met.

9) Special Provisions for Low or Moderate Income Units - In order to facilitate the creation of affordable housing units in Sudbury which will count toward the ten percent statutory goal (Massachusetts General Laws Chapter 40B, Section 20), all applicants for a special permit for a unit to be occupied by a low or moderate income family shall be furnished with copies of the regulations and guidelines of the Massachusetts Executive Office of Communities and Development for approval of such unit as an affordable housing unit for purposes of the statutory goal. Such regulations and guidelines shall include those of the Local Initiative Program and any other program designed to promote the creation of certifiable affordable housing units. After issuance of a Special Permit for a low or moderate income unit which is to be occupied and operated in accordance with any of such programs, the Board of Selectmen shall make application to the Executive Office of Communities and Development for certification of the unit as an affordable housing unit includable in the Town's inventory of low and moderate income housing for the purposes of Chapter 40B of the Massachusetts General Laws. Such application may, at the discretion of the Board of Selectmen, be made prior to actual issuance of the Special Permit.

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10) Exterior appearance of a dwelling with a single accessory dwelling unit - The single accessory dwelling unit shall be designed so that the appearance of the structure remains that of a single family dwelling, subject further to the following conditions and requirements:

- a) All stairways to upper floors shall be enclosed within the exterior walls of the dwelling.
- b) There shall be no enlargements or extensions of the dwelling in connection with a single accessory dwelling unit except for minimal additions necessary to comply with building, safety or health codes, or the enclosure of an entryway or stairway.
- c) Any new exterior entrance shall be located on the side or in the rear of the dwelling.

11) Off-Street Parking - There shall be at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space for the single accessory dwelling unit. No parking space shall be located within the boundary of a street right of way. In no case shall parking spaces which are more than two spaces deep be considered in computing the required parking.

d. Board of Health Report - In order to ensure compliance with subparagraph 2.c6) above, the applicant shall obtain and submit to the Board of Appeals prior to the hearing, a written report of the Board of Health certifying that the conditions of subparagraph 2.c6) have been met.

e. Planning Board Report - In connection with an application for a Special Permit under this subsection, the applicant may consult with the Planning Board prior to the hearing and the Planning Board may submit in writing, prior to the hearing, its recommendations and report to the Board of Appeals.

f. Number of Accessory Dwelling Units - The number of accessory dwelling units permitted under this bylaw shall not exceed five percent of the total number of single-family residences existing in the Town at the beginning of the year in which the application was filed.

g. Duration of Special Permit

1) The Special Permit for an accessory dwelling unit occupied by persons related to the family owning and residing in the principal dwelling may be issued for the duration of such occupancy. Such permit shall require the filing by the owner(s) of a sworn affidavit with the Town Clerk, with a copy to the Board of Appeals, certifying such occupancy every four years consistent with the Special Permit and this Paragraph 2. Such permit shall automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit.

2) The Special Permit for a unit occupied by domestic help shall be issued for a period of two years. The permit shall automatically expire on the second anniversary of its issuance, unless extended for one or more additional two year periods upon the filing by the owner(s) of a sworn affidavit with the Town Clerk, with a copy to the Board of Appeals certifying occupancy consistent with the Special Permit and this Paragraph 2. Such permit shall automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit.

3) The Special Permit for a unit occupied by a low or moderate income family shall be issued for a period of two years. The permit shall automatically expire on the second anniversary of its issuance unless extended for one or more additional two year periods upon the filing by the owner(s) of a sworn affidavit and income verification of the present occupants of the accessory dwelling unit with the Town Clerk, with a copy to the Board of Appeals certifying occupancy consistent with the Special Permit and this Paragraph 2. The Special Permit for a low or moderate income unit which is approved as an

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affordable housing unit under one of the programs identified in subparagraph 2.c.9) shall be for a period of five (5) years and shall be renewable in accordance with the foregoing procedure.

h. No Separate Conveyance - The ownership of the accessory dwelling unit shall not be conveyed or otherwise transferred separately from the principal dwelling.

i. Removal of Separate Facilities - The Building Inspector may, in addition to other remedies, order removal of the separate kitchen facilities, equipment or fixtures that were made or installed to create such unit, if the unlawful use of such unit is discovered.

j. Revocation - A Special Permit granted hereunder may be revoked by the Board of Appeals for violation of the terms thereof or occupancy of the accessory dwelling unit in violation of the Special Permit or the Zoning Bylaw.

k. Provision of Information - The applicant for a Special Permit shall file with the Board of Appeals such plans, specifications and other information concerning the unit and its proposed use as the Board may require by general rule or request to the applicant.

l. The Board of Appeals may adopt, and from time to time amend, Rules and Regulations to implement the provisions of this Paragraph 2, and shall file a copy of said Rules and Regulations with the Town Clerk.

m. Other Requirements - Except as provided herein, all requirements of Single Residence Districts apply as provided in this Zoning Bylaw.";

or act on anything relative thereto.

Submitted by the Inclusionary Zoning Study Committee and the Planning Board

P. Endicott of the Inclusionary Zoning Study Committee *moved in the words of the Article*. The motion received a second.

Mr. Endicott reviewed the major factors of the proposed bylaw. Approximately 250 of these accessory units would be allowed. The Committee believed these units meet an important need as well as housing opportunities, while not impacting on the Town. It was also believed that accessory apartments was one of the best ways to provide some affordable housing in the Town.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: The Committee took no position on Article 31.

Planning Board Report: Recommended approval.

George Hamm of Mossman Road *moved to amend Article 31, Section 2C, Subsection 1-c by adding the following sentence: Approval for such low or moderate income single accessory dwelling units as described in paragraph 2C, Subsection 1-c shall be limited to dwelling spacings not closer than one-half airline mile from any other such approved similar unit not intended for relatives or domestic employees.* The motion received a second.

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In explanation of his motion to amend, Mr. Hamm expressed his support for the Article, but also expressed concern the Article was a "thrust towards affordable housing." Though the Article limits the maximum income for those living in each housing unit and also the total number of such converted homes, it does not prevent the clustering of such units which he believed could generate a low income neighborhood.

Considerable discussion followed, whereupon there was a motion to move the question.

The motion to terminate debate was presented to the voters and **VOTED** by a hand vote.

The motion to amend was presented to the voters and defeated by a hand vote.

Sudbury Housing Authority: The Authority supported and endorsed Article 31 as it would provide housing for not just relatives of Sudbury residents, who may typically be elderly, but it would also provide a source of low cost housing for people of low and moderate income. Following considerable discussion, both in support and opposition to Article 31, there was a motion to move the question.

The motion was presented to the voters and **VOTED** by a hand vote.

The main motion under Article 31 was presented to the voters and was **UNANIMOUSLY VOTED** by a hand vote.

It being 11:00 PM, the Moderator declared the meeting adjourned until tomorrow evening at 7:30 PM.

Attendance: 182

ANNUAL TOWN MEETING

PROCEEDINGS

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Pursuant to a Warrant issued by the Board of Selectmen on March 2, 1992, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs met in the Lincoln-Sudbury Regional High School on Wednesday, April 15, 1992 for the sixth and final session of the 1992 Annual Town Meeting. A quorum being present, the meeting was called to order at 7:50 p.m. by the Moderator.

(The full text of each presentation is available at the Town Clerk's office)

ARTICLE 32 AMEND ZONING BYLAW, ARTICLE IX.III.G - WATER RESOURCE PROTECTION DISTRICTS

To see if the Town will vote to amend Section III.G of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, as follows:

A. By adding a new subsection 1.f (Purpose of Districts) as follows:

"f. To provide for monitoring of ground and surface water quality in areas of present and potential water supply sources to accomplish detection of potential contamination at an early stage, thereby minimizing damage to such sources.";

B. By adding a new subsection 2.n (Definitions) and renumbering the existing definitions accordingly as follows:

"n. Special Permit Granting Authority - The Special Permit Granting Authority under this Section III.G shall be the Planning Board.";

C. By adding the following language to renumbered subsection 2.o (Definitions, "Toxic or Hazardous Materials"):

"o. and all substances defined as Toxic or Hazardous under Massachusetts General Laws (MGL) Chapter 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.";

D. By inserting the following two sentences after the first sentence of subsection 3 (Scope of Authority):

"These overlay districts shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities or uses which fall within the Water Resource Protection Districts must comply with the requirements of these districts as well as those of the underlying zoning district.";

E. By adding a new Section 5.a.9), (Zone II Permitted Uses), as follows:

"9) Construction, maintenance, repair, and enlargement of drinking water supply facilities, such as, but not limited to, wells, pipelines, aqueducts and tunnels, but excluding underground storage tanks related to such facilities which are categorically not permitted.";

F. By revising and adding to those uses prohibited in Zone II, Section 5.b, so that Section 5.b reads as follows:

"b. The following uses are specifically prohibited within Water Resource Protection Districts, Zone II:

1) Solid waste disposal facilities, including, without limitation, landfills and junk and salvage yards that require a site assignment from the Board of Health under Massachusetts General

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Laws, Chapter 111, Section 150A (the landfill assignment law) and regulations adopted by the Department of Environmental Protection, 310 CMR 19.00; {No Change}

2) Storage of liquid petroleum products, except the following: (a) normal household use, outdoor maintenance, and heating of a structure; (b) waste oil retention facilities required by statute, rule, or regulation; (c) emergency generators required by statute, rule, or regulation; (d) treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; {Revised}

3) Storage of road salt or deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate; {Revised}

4) Dumping of snow, containing road salt or other deicing chemicals, which is brought in from outside the district; {No Change}

5) Manufacture, generation, treatment, storage, or disposal of toxic or hazardous materials, except by the following: (a) very small quantity generators as defined under 310 CMR 30.00; (b) household hazardous waste collection centers and events under 310 CMR 30.390; (c) waste oil retention facilities required by MGL Chapter 21, s.52A; (d) water remediation treatment works approved under 314 CMR 5.00; {Revised}

6) Automobile graveyards and junkyards, as defined in Massachusetts General Laws, Chapter 140B, s.1; {New}

7) Disposal of liquid or leachable wastes, except by individual on-site domestic sewage disposal systems serving one- or two-family residences, or serving business, industrial, research or institutional uses discharging not more than 440 gallons per day per 40,000 square feet of lot area (1000 gallons per day in the Research District) in compliance with Title V of the State Environmental Code and the Sudbury Board of Health Rules and Regulations Governing the Subsurface Disposal of Sewage; {Revised}

8) Permanent removal, or regrading of the existing soil cover resulting in a finished grade at a level less than 8 feet above the average high water level for the preceding five years as determined by the Board of Health (5 feet in the Research District), except for excavations for building foundations, roads, or utility works. Earth removal or earth moving shall be subject to the provisions of subsection 5.g; {Revised}

9) Boat or motor vehicle service or repair shops, animal feed lots, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, except as otherwise permitted in the Research District, and establishments conducting dry cleaning activities on the premises; {No Change}

10) Storage of animal manure unless covered or contained; {Revised}

11) Mining of land, except as incidental to a permitted use; {No Change}

12) Landfilling of sludge or septage as defined in 310 CMR 32.05, {New}

13) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31; {New}

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14) Treatment works that are subject to 314 CMR 5.00 including privately owned sewage treatment facilities, except the following; (a) the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works; (b) the replacement of existing subsurface sewage disposal system(s) with wastewater works that will not result in a design capacity greater than the design capacity of the existing system(s); (c) treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater. In the Research District treatment works subject to 314 CMR 5.00 shall be permitted in accordance with Section III.G.5.a.8).; {New}

15) Storage of liquid hazardous materials; unless in a freestanding container within a building or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity; {New}

16) Industrial and commercial uses which discharge process wastewater on-site; {Revised}

17) Storage of commercial fertilizers and soil conditioners, as defined in Massachusetts General Laws Chapter 128, s.64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate; {New} and

18) The use of septic system cleaners which contain toxic or hazardous chemicals."; {New}

G. By revising and adding to those uses permitted in Zone II by special permit, subsection 5.c, so that subsection 5.c reads as follows:

"c. The following uses and activities are permitted by special permit within the Water Resource Protection Districts, Zone II, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to subsection 5.b:

1) Enlargement or alteration of existing uses that do not conform to the Water Resource Protection District; {New}

2) The application of pesticides, including herbicides, insecticides, fungicides, and rodenticides, for nondomestic or nonagricultural uses in accordance with state and federal standards. If applicable, the applicant shall provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00; {Revised}

3) The application of fertilizers for nondomestic or nonagricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition, and sedimentation; {New}

4) Except as otherwise permitted under Section III.D.g, those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under subsection b.); {New}

5) With the exception of drainage improvements associated with permitted uses in the Research District, which shall be permitted, the construction of dams or other water control devices, ponds, pools, or other changes in water bodies or courses, created for swimming,

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fishing, or other recreational uses, agricultural uses, or drainage improvements, provided such activities do not adversely affect water quality or quantity; {New}

6) Any use that will render impervious more than 15%, but less than 38%, of any lot, except as otherwise permitted in subsection 5.a.8) of this section III.G. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar systems covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease and sediment traps to accomplish removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner; {New} and

7) Those business, industrial, research and institutional activities permitted in the underlying district with a site plan review to prevent any adverse impact on the Water Resource Protection District and the interests to be protected thereunder."; {No Change}

H. By adding new subsections 5.d.8) and 5.d.9), (Zone III Permitted Uses), as follows:

"8) Maintenance, repair and enlargement of any existing structure, provided no more than fifteen percent (15%) of a building lot is rendered impervious; and

9) Construction, maintenance, repair and enlargement of drinking water supply facilities, such as, but not limited to, wells, pipelines, aqueducts and tunnels, but excluding underground storage tanks related to such facilities which are categorically not permitted.";

I. By revising and adding to those uses prohibited in Zone III, subsection 5.e so that subsection 5.e reads as follows:

"e. The following uses are specifically prohibited within Water Resource Protection Districts, Zone III:

1) Solid waste disposal facilities, including, without limitation, landfills and junk and salvage yards that require a site assignment from the Board of Health under Massachusetts General Laws, Chapter 111, Section 150A (the landfill assignment law) and regulations adopted by the Department of Environmental Protection, 310 CMR 19.00; {No Change}

2) Storage of liquid petroleum products, except the following: (a) normal household use, outdoor maintenance, and heating of a structure; (b) waste oil retention facilities required by statute, rule, or regulation; (c) emergency generators required by statute, rule, or regulation; (d) treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; {Revised}

3) Manufacture, generation, treatment, storage, or disposal of toxic or hazardous materials, except by the following: (a) very small quantity generators as defined under 310 CMR 30.00; (b) household hazardous waste collection centers and events under 310 CMR 30.390; (c) waste oil retention facilities required by Massachusetts General Laws Chapter 21 s.52A; (d) water remediation treatment works approved under 314 CMR 5.00; {Revised}

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- 4) Industrial and commercial uses which discharge process wastewater on-site; {Revised}
- 5) Disposal of liquid or leachable wastes, except by individual on-site domestic sewage disposal systems serving one- or two-family residences or serving business, industrial, research, or institutional uses discharging not more than 440 gallons per day per 40,000 square feet of lot area (1000 gallons per day in the Research District) in compliance with Title V of the State Environmental Code and the Sudbury Board of Health Rules and Regulations Governing the Subsurface Disposal of Sewage; {Revised}
- 6) Boat or motor vehicle service or repair shops, animal feed lots, car washes, heliports, electronic manufacturing, metal plating, commercial or bacteriological laboratories, except as otherwise permitted in the Research District, and establishments conducting dry cleaning activities on the premises; {No Change}
- 7) Mining of land, except as incidental to a permitted use; {No Change}
- 8) Automobile graveyards and junkyards as defined in Massachusetts General laws, Chapter 140B, s.1.; {New}
- 9) Storage of liquid hazardous materials, unless in a freestanding container within a building or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity; {New}
- 10) Storage of commercial fertilizers and soil conditioners, as defined in Massachusetts General Laws, Chapter 128, s.64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate; {New}
- 11) Permanent removal or regrading of the existing soil cover resulting in a finished grade at a level less than 8 feet above the average high water level for the preceding five years as determined by the Board of Health (5 feet in the Research District), except for excavations for building foundations, roads or utility works. Earth removal or earth moving shall be subject to the provisions of subsection 5.g; {New}
- 12) The use of septic system cleaners which contain toxic or hazardous chemicals; {New}
- 13) Landfilling of sludge or septage as defined in 310 CMR 32.05; {New}
- 14) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31; {New} and
- 15) Treatment works that are subject to 314 CMR 5.00 including privately owned sewage treatment facilities, except the following: (a) the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works; (b) the replacement of existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s); (c) treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater. In the Research District treatment works subject to 314 CMR 5.00 shall be permitted in accordance with Section III.G.5.a.8)."; {New}

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J. By revising and adding to those uses permitted in Zone III by special permit, subsection 5.f, so that the subsection 5.f reads as follows:

"f. The following uses are permitted by special permit within Water Resource Protection Districts, Zone III, subject to the approval of the Special Permit Granting Authority under such conditions as they may require and also subject to subsection 5.e:

1) Enlargement or alteration of existing uses that do not conform to the Water Resource Protection District; {New}

2) The application of pesticides, including herbicides, insecticides, fungicides, and rodenticides, for nondomestic or nonagricultural uses in accordance with state and federal standards. If applicable, the applicant shall provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00; {Revised}

3) The application of fertilizers for nondomestic or nonagricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition, and sedimentation;

4) Except as otherwise permitted under Section III.D.g, those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under subsection b.); {New}

5) With the exception of drainage improvements associated with permitted uses in the Research District, which shall be permitted, the construction of dams or other water control devices, ponds, pools or other changes in water bodies or courses, created for swimming, fishing or other recreational uses, agricultural uses, or drainage improvements, provided such activities do not adversely affect water quality or quantity; {Revised}

6) Any use that will render impervious more than 15%, but less than 38% of any lot, except as otherwise permitted in subsection 5.a.8) of this Section III.G. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner; {New}

7) Storage of uncovered manure, except within 100 feet from the average highwater line for the preceding five years of any water bodies and courses within Water Resource Protection Districts as determined by the Planning Board, provided that such storage will not adversely affect the quantity or quality of water available in the Water Resource Protection District; {No Change}

8) Storage of road salt or other deicing chemicals in quantities greater than for normal individual household use; {No Change}

9) Dumping of snow, containing road salt or other deicing chemicals, which is brought in from outside the district; {No Change} and

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10) Those business, industrial, research and institutional activities permitted in the underlying district with site plan review to prevent any adverse impact on the Water Resource Protection District and the interests to be protected thereunder."; {No Change}

K. By adding a new subsection 5.g, as follows:

"g. Earth Removal or Earth Moving Procedures and Conditions:

1) Plan Requirements - No special permit involving excavation shall be issued or renewed under this Section III.G until the applicant has submitted to the Special Permit Granting Authority a plan showing existing grades in the area from which material is to be removed, together with a plan showing the grades as they will be at the conclusion of the operation;

2) Groundwater Monitoring - The grading plans must indicate maximum groundwater elevation throughout the entire area proposed to be excavated. Maximum groundwater elevation shall be determined by means of monitoring wells, test pits and soil borings during the months of March, April or May. Such tests shall be conducted by a Massachusetts Registered Professional Engineer at the expense of the applicant and shall be observed by a representative of the Special Permit Granting Authority or its designee. Test results shall be submitted to the Special Permit Granting Authority;

3) Grading and Slopes - The plan showing the grades at the conclusion of the operation shall show no grades in excess of one foot of vertical rise in two feet of horizontal distance; 4:1 slopes are preferred;

4) Permit Conditions - Special permits granted under this Section III.G involving excavation must be made subject to the following conditions, said conditions to be written in the permit and made a part thereof:

a) That proper and reasonable surface drainage of the land affected by earth removal operations be assured during and after the removal operation and further, that the quantity of runoff after removal operations are complete shall not exceed the quantity of runoff that left the site before excavation;

b) That areas that have been compacted by heavy machinery shall be scarified to a depth of at least 3 feet before topsoil is replaced;

c) That at the conclusion of the excavation operations, or of any substantial portion thereof, the whole area where excavation has taken place be covered with not less than eight inches of top soil and seeded with a suitable cover crop, except where ledge rock is exposed, and that all large stones and boulders which protrude above the finished grade are to be removed or buried.

d) That activities ancillary to the excavation, including, but not limited to, equipment and vehicle maintenance and storage of lubricants, fuels, solvents, and other chemicals associated with earth removal operations will be prohibited in Zone II;

e) That the applicant post a bond with the Treasurer of the Town in an amount determined by the Special Permit Granting Authority as sufficient to guarantee conformity with the provisions or conditions of the permit, the amount of the bond to be not less than \$5,000 per acre of land from which earth is to be removed.";

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L. By adding the following paragraphs to subsection 6.d (Special Permit Application Contents) after paragraph 1) and renumbering the existing paragraphs accordingly:

"2) The application shall contain a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;

3) For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Town's Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include: (a) provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures; (b) provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces; (c) evidence of compliance with the Massachusetts Hazardous Waste Regulations, 310 CMR 30.00, including an EPA identification number from the Massachusetts Department of Environmental Protection;

4) The application shall include proposed locations for groundwater monitoring wells adequate to enable timely detection of potential contamination so as to prevent or minimize damage and remediation costs. The Special Permit Granting Authority may require periodic testing by the owner of the property and full disclosure of the test results from the laboratory directly to the appropriate Town boards and Sudbury Water District. The Special Permit Granting Authority may also impose requirements for reporting threats of contamination to appropriate Town agencies and the Water District.

M. By revising subsection 4 (2nd paragraph), subsection 6.c.1) and 6.c.2), and subsection 6.d.6), as renumbered, by inserting the words, "or other such consultant" after the words "Massachusetts engineer"; and by inserting the words "or wastewater or toxic and hazardous waste" after the word "hydrogeology" wherever appearing therein;

N. By inserting the following new paragraph 1) in subsection 6.f (Special Permit Approval Criteria), renumbering the existing paragraphs accordingly and adding language to paragraph 4), as renumbered, so that it reads as follows:

"1) Will in no way, during construction or any time thereafter, adversely affect the existing of potential quality or quantity of water that is available in the Water Resource Protection District;";

"4) Is appropriate to the natural topography, soils, and other characteristics of the site to be developed, and is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water related natural characteristics of the site to be developed;";

O. By adding a new subsection 8, as follows, and renumbering the following subsection accordingly:

"8. Violations

a. Written notice of any violation of this section shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for

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avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Board of Health, Conservation Commission, Planning Board, Town Engineer, and Sudbury Water District. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

b. The owner and operator of any property for which a special permit has been issued hereunder shall notify the Building Inspector and the Board of Health of any known violation of the terms or conditions of such special permit. Such notification shall be given immediately (within 48 hours) after knowledge thereof, in person or by telephone, and shall be followed within two (2) weeks by written notice specifying the details of the violation. The owner and operator shall take all appropriate remedial action to cure such violation. Failure of the owner or operator to report a violation in a timely manner, or failure to take appropriate remedial action, or failure to otherwise comply with the terms and conditions of a special permit shall be sufficient grounds for revocation of the special permit.";

or act on anything relative thereto.

Submitted by the Planning Board

Mr. Meixsell of the Planning Board *moved to amend Section III.G of Article IX of the Town of Sudbury Zoning Bylaw in the words of Article 32 in the Town Meeting Warrant, except for Section G.5.e.7 and Section G.5.e.5 both of which shall read "Disposal of liquid or leachable wastes except by individual on-site domestic sewage disposal systems serving one or two family residences or serving business, industrial, research or institutional uses, discharging not more than 440 gallons per day per 40,000 square feet of lot area, (1000 gallons per day in the Research District) in compliance with Title V of the State Environmental Code and the Sudbury Board of Health Rules and Regulations governing the subsurface disposal of sewage. The replacement or repair of an existing system that will not result in an increase in design capacity above the original design shall not be prohibited hereunder"; except that the following paragraph shall be added in each of the two respective locations as Section G.5.b.19 and as Section G.5.e.16, "All uses requiring a Special Permit are prohibited unless such a permit has been obtained, a certification has been recorded as required by Massachusetts General Law, Chapter 40A, Section 11 and a copy of the recording receipt has been filed with the Special Permit Granting Authority."* The motion received a second.

Explaining his motion, Mr. Meixsell stated the main purpose of the Article was to revise Sudbury's present Water Resource Protection Bylaw and bring it into compliance with the 1990 State regulations. The proposed amended bylaw, which had been circulated throughout the Town prior to Town Meeting and also available to the voters this evening, was a joint effort of the Board of Health, the Water District Commission and the Long Range Planning Committee as well as the Planning Board.

Mr. Meixsell, while addressing the general principles and the sequence of events which led to the proposed Article, stated the bylaw was basically a response to requests for greater flexibility to Unisys' challenge to the legality of the present bylaw and the State's 1990 revisions of the State Water Resources Regulations. So the voters would better understand the bylaw, Mr. Meixsell provided the following; 1) the background of Sudbury's present bylaw emphasizing the economic considerations, 2) Unisys' legal challenge and request for revisions, 3) the Planning Board's response to Unisys, 4) an evaluation of the Town's bylaw,

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5) a review of the action at last October's Special Town Meeting which revised the bylaw and gave special concessions to the Unisys parcel which it did not grant to other Town parcels, 6) a summary of the current bylaw, noting certain inconsistencies believed could create controversy and invite litigation, and 7) the Planning Board's recommendations.

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

Finance Committee Report: The Finance Committee took no position on Article 32.

Board of Health: (M. Guernsey) The Board did not support Article 32 as it believed problems would develop if it were enacted. Foremost concern was the home limits of 440 gallons/day of domestic sewage discharge in Zones 2 and 3 which seemed unnecessarily prohibitive whereas the allowance of 1000 gallons/day in the Research District would allow 25,000 gallons/day, which Mr. Guernsey considered excessive. The concerns of the Board of Health had been presented to the Planning Board. However, according to Mr. Guernsey, no changes were made. It was further noted the two proposed amended paragraphs concerning 'replacement systems', had not been seen by the Board before this evening, therefore it was not prepared to make comment on the changes. The Board expressed concern too that Mass. Law permits registered engineers and registered sanitarians to determine ground water elevations, yet, the proposed bylaw would require ground water to be determined only by a Mass. registered engineer under the supervision of the Granting Authority, which Mr. Guernsey viewed as an unnecessary duplication of effort. The recommendation of the Board of Health was to return the proposed zoning bylaw amendment back to the Planning Board

Water District Report (R. Sheldon) Chairman Sheldon noted the Water District Commission (WDC) had one reservation---the District has been performing hydrogeological modeling to more firmly delineate areas that contribute to the District's wells, and the WDC would like the redelineation to become part of or be in conjunction with the proposed article. The Commission, however, urged support of the motion under Article 32. Mr. Sheldon commented the Water Resources Bylaw protects the Town's water supply. Although the WDC can seek damages from those who contaminate the Town's wells, the protection of the water supply, through restrictions on uses within contributing areas, is the responsibility of the voters. The District depends on the Town for maintenance of clean water.

Considerable voter discussion followed.

Ann Donald of Hudson Road *moved* to amend the motion under Article 32 by striking the proposed changes to G.5.e.7 and G.5.e.5. The motion received a second.

In support of the motion to amend, Ms. Donald noted there were many changes brought forward by the voters that were good and it was too bad they couldn't be incorporated into the Bylaw at this time. The issues causing a problem should be further studied, however it would be unfortunate to send everything back as most of the Article was useful.

Walter Griffin of Old Coach Road remarked the floor debate clearly indicated the confusion and complexity of the entire Article, and recommended not attempting to amend anything from the floor that is not understood in the first place, as it would confuse the issue even further.

R. Coe of Churchill Street commended the Planning Board for presenting a very complex bylaw, clearly indicating what the current bylaw states, what the proposed bylaw would do and why it was being proposed. He stated it was an illusion to think that by sending the Article back for further study it would make it more simplified or more understandable.

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A motion was received to move the question. The Moderator declared there was a clear 2/3rds and debate was terminated.

There followed considerable exchange between Ms. Donald, who proposed the motion to amend, and the Moderator, who had been advised by Town Counsel, Paul Kenny, the form of the motion to amend would not accomplish the purpose intended. A bit of confusion prevailed. The Moderator then provided the following corrected motion to amend, move to substitute for "disposal of liquid" down through "prohibited hereunder", in the present motion, the words, "disposal of liquid or leachable wastes, except by individual on-sight domestic sewage disposal systems serving one or two family residences or serving business, industrial or institutional uses discharging not more than one thousand gallons per day, per 40,000 square feet of lot area in compliance with Title V of the State Environmental Code."

There was another call to move the question, but the Moderator declared the "Question" was already moved.

The motion to amend, as corrected was presented to the voters and failed.

Ms. Donald noted it was printed in the Warrant the Town Counsel would give an opinion on Article 32 at Town Meeting.

Paul Kenny, Town Counsel, thereupon opined, "I believe that if this passes it will be a valid amendment to the Zoning Bylaw."

Ms. M. Wallace moved to refer Article 32 back to the Planning Board for clarification and study. The motion received a second.

Then a motion to amend the motion to refer was received, move to amend the motion to refer to add a joint committee of the Planning Board and the Water District. The motion to amend the 'motion to refer' received a second.

A request was made by Mr. Durfee of French Road that a Town map delineating Zones 2 and 3 be provided at a future meeting for the voters to make an informed decision.

P. Anderson expressed support by the Planning Board for referral of the Article and to make it a joint committee with the Water District.

The motion to amend the motion to refer was placed before the voters and was **VOTED**.

The main motion to refer as amended was placed before the voters and was **VOTED**.

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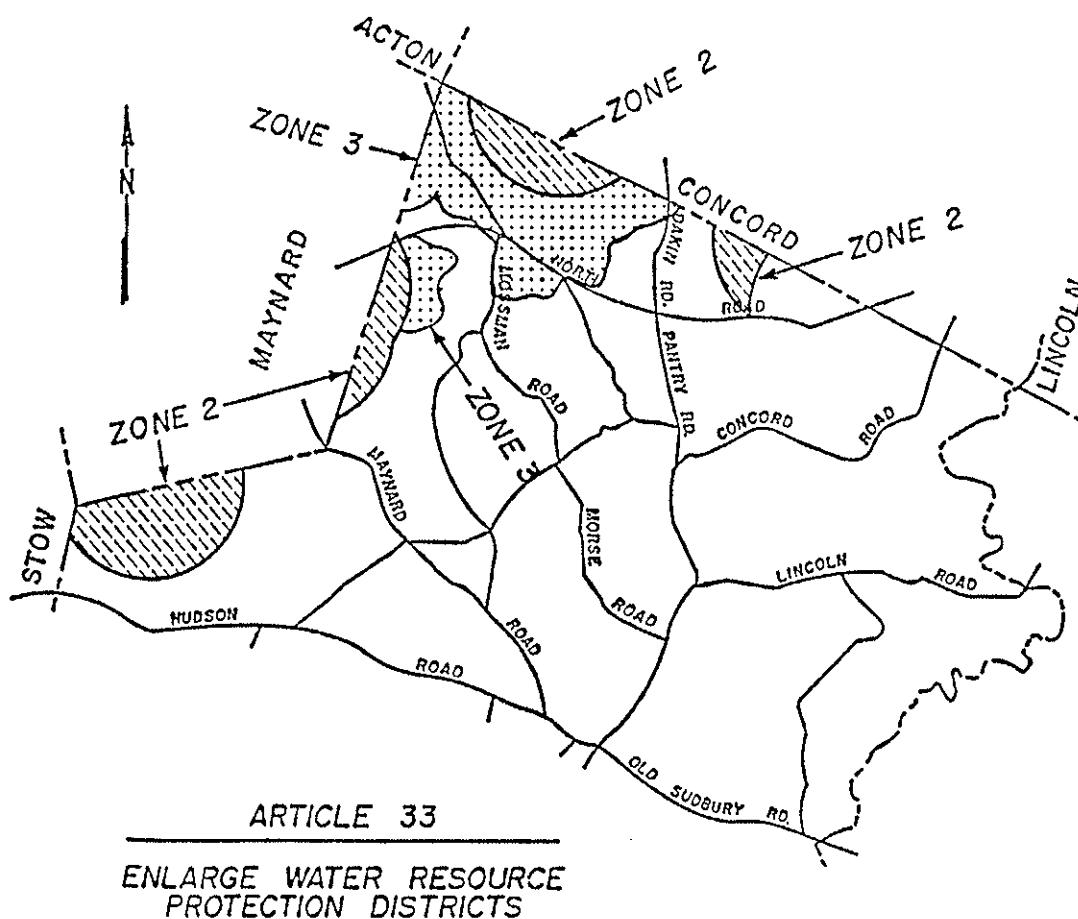
ARTICLE 33 AMEND ZONING BYLAW, ARTICLE IX.I.I - ENLARGE WATER RESOURCE PROTECTION DISTRICTS

To see if the Town will vote to amend Section I.I of Article IX of the Town of Sudbury Bylaws, the Zoning Bylaw, by establishing additional Water Resource Protection District areas, as follows:

- a. an aquifer contribution zone (Zone II) surrounding Puffer Pond, as shown on a map entitled, "Article 33, Enlarge Water Resource Protection Districts, Town of Sudbury, Massachusetts", dated February 26, 1992, a copy of which is on file in the Town Clerk's Office, to protect potential sources of water supply; and
- b. aquifer contribution zones (Zones II) and aquifer recharge zones (Zones III) in North Sudbury, as shown on a map entitled, "Article 33, Enlarge Water Resource Protection Districts, Town of Sudbury, Massachusetts", dated February 26, 1992, a copy of which is on file in the Town Clerk's Office, to protect water supply wells located in the Towns of Concord and Maynard whose aquifer contribution zones and aquifer recharge zones fall within the Town of Sudbury boundaries;

and by amending the "Water Resource Protection Districts, Town of Sudbury" map accordingly; or act on anything relative thereto.

Submitted by the Planning Board



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Ursula Lyons of the Planning Board moved to Indefinitely Postpone Article 33.

Recognizing that without a favorable report from the Planning Board, a vote to Indefinitely Postpone Article 33, would not permit it to be brought back for two years, Ms. Lyons changed her motion and moved to refer Article 33 to the Planning Board and the Water District. The motion to refer received a second.

Ms. Lyons remarked the Planning Board truly believed the Regional Water Supply protection, as expressed in Article 33, was a very worthwhile endeavor, but at this time, the Board also believed it needed further research and coordination with the Sudbury Water District.

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

The motion to refer Article 33 was presented to the voters and **VOTED.**

APRIL 15, 1992

ARTICLE 34 AMEND BYLAWS, ART. VII, LEGAL AFFAIRS - ADD SEC. 5 -
LEGAL SERVICES PROCUREMENT AND IMPLEMENTATION

To see if the Town will vote to adopt the following Legal Services Article, or anything related thereto, and incorporate it into Article VII of the Sudbury Bylaws following Section 4 of Article VII, and to renumber the current Sections of Article VII if necessary:

"Section 5. Legal Services Procurement and Implementation

1. Purpose

The purpose of this bylaw is to reduce legal and coincidental costs by establishing procedures whereby the special legal requirements of each of the Town boards are addressed.

This is accomplished: by establishing a Legal Services Committee (LSC) whose members represent each of the major legal services user boards; by providing incentives to each board to obtain the most cost-effective legal consultation available; and by authorizing the boards to use portions of their application fees not only for technical but also for legal consultation.

Those boards which elect to participate in the Legal Services Committee procurement evaluation and recommendation process may appoint a voting member if the board is a major legal services user or a non-voting member if the board is not a major user, to the LSC.

Those boards which elect to participate in the incentive arrangement are allocated a portion of the legal services budget. They may use this account for legal consultation either with Town Counsel or with outside legal consultants - whichever they regard as being most cost-effective.

Those boards which use application fee accounts to reimburse Town staff and outside technical consultants for services rendered are authorized to use such accounts also to reimburse legal consultants for consultation services but not for litigation services.

2. Definitions

Boards - This term includes Town boards, committees, commissions, and other similar Town bodies.

Legal Consultation - Advice and discussions relative to matters which are not under litigation.

Litigation - Matters which are under the jurisdiction of a court of law.

Major user boards - Town boards, committees, commissions of other groups which customarily use legal services during their normal course of operations.

Minor user boards - Town boards which use legal services only on a sporadic basis or on special occasions.

3. Legal Services Committee

3.1 Purpose:

The purpose of the LSC is to coordinate, monitor, evaluate, and recommend on the procurement of legal services for Town boards, and to provide general assistance and advice to the boards when needed.

3.2 Composition:

Each of the user boards consisting of the Assessors, the Board of Appeals, the Planning Board, The Board of Health, and the Conservation Commission may, but are not required to, appoint one regular member and one alternate member to the LSC every three years during December, or as necessary to fill vacancies. The initial terms appointed by the Assessors and Board of Health shall expire after one year and of the Planning Board and the Board of Health after two years, so as to achieve a rotation of appointments each year.

The LSC may by a vote of three voting members, accept appointments of non-voting members by other boards, who shall have all the privileges, of regular members, except voting. The appointees to the LSC should have an acquaintance with the needs of the appointing board and may have experience with the legal profession, or may be a former board member or other citizen, and need not be a current or former board member.

3.3 Organization:

The Board shall elect its own Chairman, Vice Chairman or Co-Chairman, Secretary and any other officers by majority vote each year during the month following the Annual Town Meeting. Minutes may be kept by any member or by Town staff, but must be approved by the LSC and endorsed by the elected Secretary. Town staff shall provide typing, clerical, and other support as required.

3.4 Responsibilities:

The LSC is responsible for:

- (1) Reviewing each user board's legal services requirements, as described by each board.
- (2) Initiating regular period legal services search procedures, including preparation and distribution of Requests for Proposals (RFP's), and review and evaluation of applicants.
- (3) Forwarding recommendations regarding the applicants to the Selectmen.
- (4) Responding as appropriate to requests from Town boards for general advice or assistance.
- (5) Reporting annually to the townspeople in the Town Report.

3.5 Schedule:

The following tentative schedule, but not the duties, may be varied as necessary by vote of the LSC, but written notice of such alteration together with the reason therefor must be sent to each of the appointing user boards within 30 days of the change.

The LSC shall:

- (1) Prepare a draft Request for Proposals (RFP) for legal services procurement every even numbered year and shall forward copies to each appointing board and any other interested parties during July. The recipients shall return any comments on the draft and on past experience and future requirements during August. The LSC shall prepare a final RFP during September and shall distribute it to the recipients of the draft.

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- (2) Advertise in at least one major newspaper and in selected professional publications, and distribute the RFP during October and November.
- (3) Evaluate responses and interview candidates as appropriate during December and January.
- (4) Submit evaluations and recommendations to Selectmen, appointing boards, and interested parties in February.
- (5) Prepare and submit the LSC annual report for the Town Report in December using the comments from the boards received in August, and any other pertinent information.
- (6) During odd-numbered years when an RFP is prepared, the LSC annual report shall contain a synopsis of the RFP contents. During even-numbered years when candidates are reviewed and evaluated, the report shall contain a synopsis of the evaluations and shall compare them with the procurement decision made by the Selectmen.

4. Cost-effectiveness Incentives

4.1 Purpose:

The purpose of the Incentive Program is to encourage user boards to obtain timely legal consultation from the most cost-effective source, either within or outside the Town's professional staff. Consultation with legal specialists at an early stage can often prevent subsequent problems or litigation.

4.2 Procedure:

Each user board which requests to participate in the Incentive Program shall request that an appropriate portion or percentage of the Legal Services budget be reserved for its use for legal consultation services but not for litigation services. The LSC, if one exists, shall review the requested amount for appropriateness and after consultation with the user board may recommend the same or an alternative amount. The user boards shall forward its requested amount together with the LSC recommended amount to the Finance Committee (FinCom).

The FinCom may designate some appropriate amount to be reserved for use by the requesting board. The board shall forward the FinCom's recommendation (approved meeting minutes would suffice) to the Accounting Department for implementation.

The amounts reserved may be less than those expected to be expended. If the reserved amounts are exhausted, then the board would either request replenishment of the reserve fund or would revert to use of the general legal services budget.

5. Application Fee Accounts

Boards using Application Fee Accounts to reimburse costs of Town staff and of outside consultant services may also use these accounts to reimburse the costs of legal consultation but not costs of litigation.";

or act on anything relative thereto.

Submitted by Petition

APRIL 15, 1992

M. Meixsell of the Planning Board, moved to postpone consideration of Article 34 until the Town has taken up and dealt with Article 38. The motion received a second.

Explanation for the motion was to place the two legal service articles together and avoid repetitious presentations.

The motion to postpone Article 34 was **VOTED**.

(See page 116 for action taken under Article 34)

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ARTICLE 35. DIRECTION TO SELECTMEN REGARDING MARLBORO WASTEWATER TREATMENT PLANT

To see if the Town will vote to request the Selectmen to contact the U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) for the following purposes:

1. To notify the EPA and the DEP that there is a violation of the National Pollutant Discharge Elimination System Permit (NPDES#MA0100498) issued to the Marlborough Easterly Wastewater Advanced Treatment Facility for the period October 8, 1988 to October 8, 1993. This permit is issued pursuant to the Clean Water Act (Federal) and the Clean Waters Act (State). Specifically, the violation involves the following:

A. On pages 2 and 3 of the NPDES Permit #MA0100498 the bottom line reads as follows: "THE DISCHARGE SHALL NOT CAUSE A VIOLATION OF THE WATER QUALITY STANDARDS OF THE RECEIVING WATER." The receiving waters are the Hop Brook Ponds System.

B. The Hop Brook Ponds are classified as Class B Waterways according to the Massachusetts Surface Water Quality Standards, #314CMR4.06. Class B Waterways are defined as waters "designated as a habitat for fish, other aquatic life, and wildlife, and for primary and secondary contact recreation....These waters shall have consistently good aesthetic value." (314CMR4.05)

In addition the Whitman and Howard Report, prepared for the Town of Sudbury in 1989, and the Massachusetts Department of Environmental Protection's "Summary of Water Quality of the Sudbury and Assabet Basins, 1990" have both confirmed in their reports that the water quality of the ponds does not even meet the Class C Water Quality Standards.

2. To demand of the EPA and the DEP that these violations be brought into compliance with the terms of the current permit.

3. To request of the EPA and the DEP that all future NPDES Permits issued to the Marlborough Easterly Wastewater Advanced Treatment Facility include provisions to abate and remediate the current degradation of Hop Brook as well as to restore the ponds and streams to Class B or better status with a minimum of cost to the Town of Sudbury.

or act on anything relative thereto.

Submitted by Petition

Ursula Lyons, Planning Board member, moved in the words of the Resolution

*DIRECTION TO SELECTMEN REGARDING MARLBORO
WASTEWATER TREATMENT PLANT*

BE IT RESOLVED THAT THIS TOWN MEETING ASSEMBLED IS DESIROUS OF HAVING THE TOWN, THROUGH ITS BOARDS OF SELECTMEN, INITIATE A COMPLAINT OR REPORT TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURPOSES SET FORTH IN ARTICLE 35 IN THE WARRANT FOR THIS MEETING.

The Resolution received a second.

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For the benefit of those who were not familiar with the Hop Brook Pond System, Ms. Lyons using the view graph, traced the nine mile Hop Brook System, formerly called Pantry Brook. Beginning at the northerly side of Route 20, where the Marlboro Sewage Treatment Plant is located, the Hop Brook System flows into Hager Pond in Marlboro, under Route 20 into Sudbury's Grist Mill Pond, Carding Mill Pond, French Pond and Stearns Mill Pond, down through Sudbury and again under Route 20 at Mill Village down past Landham Road and into the Sudbury River. The Hop Brook is the main tributary which flows into the Sudbury River, then in turn flows into the Concord River, the Merrimac River and into the Atlantic Ocean. Ms. Lyons pointed out the City of Marlboro for more than 50 years has been sending raw then secondary sewage or effluent into Hop Brook. A secondary treatment plant was built in 1946 and a tertiary plant in 1974 due to the complaints and threats of lawsuits by the Town of Sudbury. Marlboro has continued to build on wetlands and even on a section of Hager Pond, continuing to ignore the real and potential effects to the environment caused by the additional sewage or effluent to its treatment plant. The purpose of the Resolution is to attempt to point out the violation that exists in the permit issued to the Marlboro Easterly Wastewater Treatment Plant, and for Sudbury to formally express its outrage at having its ponds and streams degraded, property values lowered, fish and wildlife harmed and its treasured National Historic Site, the Wayside Inn, lose its popularity in the summer months because tourists cannot walk around the Inn or the Grist Mill without being visually assaulted by the algae covered waters and overpowered by the stench of decaying algae.

Finance Committee Report: The Committee took no position on Article 35.

Board of Selectmen Report: (J. Cope) It was stated the Board would follow through with the Resolution.

Conservation Commission Report: (F. Clark) Supported the Resolution

The Resolution was presented to the Voters and was **UNANIMOUSLY VOTED.**

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ARTICLE 36. EXTEND PEAKHAM ROAD WALKWAY

To see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum of money to be expended under the direction of the Highway Surveyor for the construction of a walkway on Peakham Road, or act on anything relative thereto.

Submitted by Petition

J. Drobinski of the Board of Selectmen, moved to *Indefinitely Postpone Article 36*. The motion received a second.

The reason of Indefinitely Postponing the Article was insufficient funds.

Finance Committee Report: (R. Sanford) The Committee supported the motion to Indefinitely Postpone.

The motion was presented to the voters and was **VOTED**.

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ARTICLE 37. EARLY RETIREMENT INCENTIVES

To see if the Town will vote to accept the provisions of legislation enacted, or to be enacted, providing for early retirement incentives for employees who are members of the Town's Contributory Retirement System;

or act on anything relative thereto.

Submitted by Petition

J. MacKenzie, Town Clerk, *moved to refer Article 37, Early Retirement Incentives, to the Long Range Planning Committee for further study and reconsideration and to have the Committee report back or submit a warrant article at the 1993 Annual Town Meeting.* The motion received a second.

The reason for the motion to refer was that the required State Legislation had not been enacted at this time, as it was awaiting the Governor's signature. The purpose of the Article itself was to provide a tool for the Town so it could possibly realize a substantial savings in salaries for those employees who would be willing to retire from their positions earlier than planned.

Finance Committee Report: (R. Sanford) The Committee supported the motion to refer.

Board of Selectmen Report: (D. Wallace) The Board supported the motion to refer.

Long Range Planning Committee: (D. Palmer) The Long Range Planning Committee agreed to undertake the study and report back.

The motion to refer Article 37 was presented to the voters and was VOTED.

APRIL 15, 1992

ARTICLE 38. AMEND BYLAWS, ARTICLE VII, LEGAL AFFAIRS - SELECTION OF TOWN COUNSEL

To see if the Town will vote to adopt the following article, Selection of Town Counsel, or anything related thereto, and incorporate it into Article VII (Legal Affairs) of the Sudbury Bylaws as a new section to appear after Section 4 of Article VII, its section number to be assigned by the Town Clerk:

"Selection of Town Counsel

(a) The term of Town Counsel shall be for a length of no more than 30 months. Prior to the conclusion of the term, the Selectmen shall use the procedure specified herein to either reappoint the incumbent Town Counsel or appoint a replacement under the terms of Section 1. The procedure for selecting a qualified legal services provider to serve in the succeeding terms, whether it be appointment of a replacement or reappointment of the incumbent, shall be as follows, in the sequence listed:

- i. Step 1.-- No later than four months preceding the conclusion of the incumbent Town Counsel's term, the Selectmen shall request proposals from a minimum of three legal service providers. The request for proposals shall state the criteria by which candidates will be judged. Criteria shall include, but not be limited to, qualifications, experience, and cost for providing services.
- ii. Step 2.--The Selectmen shall review all proposals in sufficient detail to judge whether they are sufficiently responsive to the selection criteria to merit a subsequent interview.
- iii. Step 3.--The Selectmen shall invite at least three responsible candidates to make oral presentations to the Selectmen in open session. Each candidate shall be allotted an equal length of time before the Selectmen.
- iv. Step 4.--After interviewing the responsive candidates and deliberating the merits of each responsive proposal, the Selectmen shall choose by majority vote the most responsive candidate for the succeeding term of Town Counsel and document the basis for the selection.
- v. If the Selectmen do not approve of any of the candidates for Town Counsel among those interviewed, then the preceding four steps shall be repeated.

(b) If the Selectmen are unable to complete the selection process specified in Paragraph (a) to reappoint or replace Town Counsel by the end of the incumbent Town Counsel's term, the Selectmen may extend the term of the incumbent Town Counsel or appoint a qualified interim Town Counsel, in either case for a period not to exceed 60 calendar days, to allow the Selectmen to complete the selection process. Such an extension or interim appointment may only occur once in any given term of Town Counsel.";

or act on anything relative thereto.

Submitted by Petition

Robert Sheldon of Saxony Drive *moved to see if the Town will vote to adopt the following article, Selection of Town Counsel, and incorporate it into Article VII, Legal Affairs, of the Sudbury Bylaws, as a new section to appear after Section 4 of Article VII, its section number to be assigned by the Town Clerk.*

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Selection of Town Counsel

At least every 30 months, the Selectmen shall request proposals from legal service providers for the position of Town Counsel under the terms of Section I using the procedure specified herein to either reappoint the incumbent Town Counsel or appoint a replacement. This means that a person or firm may serve as Town Counsel for a single term or a series of continuous terms for more than 30 months only by participating in at least one competitive review procedure. The competitive review procedure for selecting a qualified legal services provider shall be as follows in the sequence listed and the Selectmen shall allow at least four months to complete the listed steps.

Step 1. The Selectmen shall request proposals from a minimum of three legal service providers. The request for proposals shall state the criteria by which candidates will be judged. Criteria shall include but not be limited to qualifications, experience and cost for providing services.

Step 2. The Selectmen shall review all proposals in sufficient detail to judge whether they are sufficiently responsive to the selection criteria to merit a subsequent interview.

Step 3. The Selectmen shall invite at least three responsive candidates to make oral presentations to the Selectmen in open session. Each candidate shall be allotted an equal length of time before the Selectmen.

Step 4. After interviewing the responsive candidates and deliberating the merits of each responsive proposal, the Selectman shall choose by majority vote the most responsive candidate for the succeeding term of Town Counsel and document the basis for that selection. If the Selectmen do not approve of any of the candidates for Town Counsel among those interviewed, then the preceding four steps shall be repeated.

If the Selectmen are unable to complete the selection process specified in Paragraph A to reappoint or replace Town Counsel by the end of the incumbent Town Counsel's term, the Selectmen may extend the term of the incumbent Town Counsel, in either case for a period not to exceed 120 calendar days, to allow the Selectmen to complete the selection process. Such an extension or interim appointment may only occur once after an unsuccessful selection process.

The motion received a second.

Mr. Sheldon explained Article 38 addressed the procurement of a person or firm to serve as Town Counsel and would modify Article VII of the Sudbury Town Bylaws, which establishes and describes the position of Town Counsel, whereupon he read into the minutes that section of the Town's Bylaw. Article 38 was intended to make sure the Selectmen will request proposals from at least three candidates approximately every two years. A maximum of 30 months between competitive selection processes would provide a "degree of cushion". It was important to have at least three candidates submit proposals, and there was nothing to preclude the incumbent from participating. The requests for proposals should clearly state the criteria by which the candidates would be judged. Though the Article specifically calls for "qualifications", "experience" and "costs for services", other criteria may be included and given greater weight in the decision process. Candidates would be given an equal amount of time for their interviews, and the basis of selection would be clearly documented. The Article included three provisions: 1) The Selectmen must repeat the process if none of the finalists are suitable. As to whether or not repeating the process would have better results, Mr. Sheldon commented that if no candidate was suitable the first time, then there was something wrong with the "Request for Proposals" and a better one should be generated; 2) The Selectmen may reappoint the incumbent or replace him/her with a qualified member of the Bar Association if the selection process cannot be completed before the termination of the 30 month period--however, the interim appointment would be for no more than 120 days and could occur only one time for each unsuccessful specified selection process; 3) The 30 month period between competitive reviews allows for flexibility in the actual length of time for Town Counsel's term of service to correspond with the anticipated critical events in the Town.

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Article 38 came about as a response to the Report of the Legal Services Committee, as well as a reaction to the forming of another committee, following that report. Rather than reappointing the Legal Services Committee with new and expanded duties, Mr. Sheldon preferred to see some form of action to avoid some of the problems identified with the delivery of legal services to the Town, and moreover, the process of selecting Town Counsel. He believed the Selectmen should undertake the competitive review process every so often for three reasons. It will require the Selectmen to 1) fully understand what the Town is getting for its legal services dollar; 2) learn about other philosophies regarding the provision of legal services and 3) know what other candidates can offer. He believed Article 38 would help, not hinder the Selectmen. There will be no question of whether or not to consider other candidates for the position of Town Counsel—the Town Bylaws will call for it. Mr. Sheldon stated, "Time places kind of an interesting role in the relationship between employer and employee or consultant in the municipality. As the time of employment or service increases, a couple of things can happen, and usually do. First, the professional relationship can become more personal. Employer and employee become more familiar with one another's family, medical history, finances, likes, dislikes and so forth. Such relationships can make an objective, critical and honest review difficult. Second, the employer learns to depend on the opinions and work performance of that particular employee and it is difficult for the employer to know how that performance stacks up against other potential employees. If we, as the Town Meeting, force the Selectmen to competitively review the performance of Town Counsel, then the Selectmen do not have to decide if they ought to request proposals from other legal people or firms. They do not have to worry about the feelings of the incumbent or whether the exercise is worth the time. They simply have to do it."

Mr. Sheldon noted his concern with the procurement and delivery of legal services to the Town was not just a passing curiosity of his alone as the Selectmen, more than a year and a half ago, formed the Legal Services Committee, the findings of which are found in its report dated June 26, 1991. He noted one section directly relates to Article 38 and read the excerpt in its entirety:

"Although the Committee strongly believes that the position of Town Counsel or Special Counsel should not be political and even though legal counsel is specifically exempted from the Uniform Procurement Act, Massachusetts General Law 30B on balance we feel that the Town of Sudbury would best be served by a periodic, systematic review of the market for legal services in order to insure that the Town has the best Town Counsel and Special Counsel that the Town can afford. However, the RFP process is time consuming. Therefore, the RFP process should be initiated only when the Selectmen are open to fairly receiving and reviewing all proposals for Town Counsel and/or Special Counsel. In light of the long time span since an RFP was initiated for Town Counsel, the Committee recommends that the Board of Selectmen currently consider a formal RFP for Town Counsel and any Special Counsel that the Legal Services Committee recommends the town use.

In the RFP process, depending on the formal evaluation of current Town Counsel by the Board of Selectmen, current Town Counsel should be encouraged to be considered for re-appointment and due deference should be given to him based on such formal evaluation. It should be emphasized that the Committee has not formally evaluated the current Town Counsel nor is it in a position to do so since none of the members of the Committee had the opportunity to recently use or observe the current Town Counsel's legal services. The Committee's recommendation for a formal RFP is not intended to imply any deficiency in the current Town Counsel."

Mr. Sheldon went on to point out he had attended the interviews of those who applied for the Town Counsel position and noted that the review process, in particular the interview process, was incomplete without the inclusion of the incumbent. The re-appointment of the incumbent was not fair to the others because of his absence at the interviews. Had the Selectmen chosen somebody new, the absence of the incumbent at the formal interview would not have been fair to the incumbent. He closed his remarks by asking for support of Article 38.

Finance Committee Report: The Committee took no position on Article 38.

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Board of Selectmen: (J. Drobinski) Mr. Drobinski moved to amend Article 38 as follows: *substitute the figure 60 for 30 in paragraph A of the motion.* The motion received a second.

Mr. Drobinski stated the Board of Selectmen agreed with Mr. Sheldon's comments. He noted the competitive bidding process was educational as the Selectmen... "found a lot of information regarding risk management, controlling costs of litigation, and we thought the process was very informative." Mr. Drobinski explained the reason for not interviewing the incumbent Town Counsel was that they "knew very clearly about his qualifications, experience and just thought that it would be a redundant exercise." The reason for the motion to amend the procurement process going out to bid every 60 months rather than 30 months was the legal community would look upon it as an "exercise" and ... "the legal community will eliminate some excellent and well qualified firms from applying for the position which actually happened in this procurement process where a number of legal firms did not apply for the position of Town Counsel because they thought that the process was more of relying on political pressure than giving a thorough evaluation of the various candidates for Town Counsel." He stated the 60-month time frame would give a message to the legal community the Selectmen want to go out to competitive bids and will evaluate the bids solely on qualifications, experience and cost.

Asked as to why 60-months would make legal firms think the Selectmen were more serious and less political than 30-months, Mr. Drobinski responded that was his value judgment.

The motion to amend was presented to the voters. The motion was defeated.

Mr. Durfee of French Road offered the following motion, move to amend Article 38 as follows: *substitute the figure 36 for 30 in paragraph A of the motion.* The motion received a second.

Mr. Sheldon explained the 30-months was put in the article to provide a cushion of 6 months after two years. It really meant 24 months.

The motion to amend to 36 months was presented to the voters. The motion was **VOTED**.

The main motion, as amended was presented to the voters and **VOTED**.

APRIL 15, 1992

ARTICLE 34 AMEND BYLAWS, ART. VII, LEGAL AFFAIRS - ADD SEC. 5 -
LEGAL SERVICES PROCUREMENT AND IMPLEMENTATION

To see if the Town will vote to adopt the following Legal Services Article, or anything related thereto, and incorporate it into Article VII of the Sudbury Bylaws following Section 4 of Article VII, and to renumber the current Sections of Article VII if necessary:

"Section 5. Legal Services Procurement and Implementation

1. Purpose

The purpose of this bylaw is to reduce legal and coincidental costs by establishing procedures whereby the special legal requirements of each of the Town boards are addressed.

This is accomplished: by establishing a Legal Services Committee (LSC) whose members represent each of the major legal services user boards; by providing incentives to each board to obtain the most cost-effective legal consultation available; and by authorizing the boards to use portions of their application fees not only for technical but also for legal consultation.

Those boards which elect to participate in the Legal Services Committee procurement evaluation and recommendation process may appoint a voting member if the board is a major legal services user or a non-voting member if the board is not a major user, to the LSC.

Those boards which elect to participate in the incentive arrangement are allocated a portion of the legal services budget. They may use this account for legal consultation either with Town Counsel or with outside legal consultants - whichever they regard as being most cost-effective.

Those boards which use application fee accounts to reimburse Town staff and outside technical consultants for services rendered are authorized to use such accounts also to reimburse legal consultants for consultation services but not for litigation services.

2. Definitions

Boards - This term includes Town boards, committees, commissions, and other similar Town bodies.

Legal Consultation - Advice and discussions relative to matters which are not under litigation.

Litigation - Matters which are under the jurisdiction of a court of law.

Major user boards - Town boards, committees, commissions of other groups which customarily use legal services during their normal course of operations.

Minor user boards - Town boards which use legal services only on a sporadic basis or on special occasions.

3. Legal Services Committee

3.1 Purpose:

The purpose of the LSC is to coordinate, monitor, evaluate, and recommend on the procurement of legal services for Town boards, and to provide general assistance and advice to the boards when needed.

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3.2 Composition:

Each of the user boards consisting of the Assessors, the Board of Appeals, the Planning Board, The Board of Health, and the Conservation Commission may, but are not required to, appoint one regular member and one alternate member to the LSC every three years during December, or as necessary to fill vacancies. The initial terms appointed by the Assessors and Board of Health shall expire after one year and of the Planning Board and the Board of Health after two years, so as to achieve a rotation of appointments each year.

The LSC may by a vote of three voting members, accept appointments of non-voting members by other boards, who shall have all the privileges, of regular members, except voting. The appointees to the LSC should have an acquaintance with the needs of the appointing board and may have experience with the legal profession, or may be a former board member or other citizen, and need not be a current or former board member.

3.3 Organization:

The Board shall elect its own Chairman, Vice Chairman or Co-Chairman, Secretary and any other officers by majority vote each year during the month following the Annual Town Meeting. Minutes may be kept by any member or by Town staff, but must be approved by the LSC and endorsed by the elected Secretary. Town staff shall provide typing, clerical, and other support as required.

3.4 Responsibilities:

The LSC is responsible for:

- (1) Reviewing each user board's legal services requirements, as described by each board.
- (2) Initiating regular period legal services search procedures, including preparation and distribution of Requests for Proposals (RFP's), and review and evaluation of applicants.
- (3) Forwarding recommendations regarding the applicants to the Selectmen.
- (4) Responding as appropriate to requests from Town boards for general advice or assistance.
- (5) Reporting annually to the townspeople in the Town Report.

3.5 Schedule:

The following tentative schedule, but not the duties, may be varied as necessary by vote of the LSC, but written notice of such alteration together with the reason therefor must be sent to each of the appointing user boards within 30 days of the change.

The LSC shall:

- (1) Prepare a draft Request for Proposals (RFP) for legal services procurement every even numbered year and shall forward copies to each appointing board and any other interested parties during July. The recipients shall return any comments on the draft and on past experience and future requirements during August. The LSC shall prepare a final RFP during September and shall distribute it to the recipients of the draft.

APRIL 15, 1992

(2) Advertise in at least one major newspaper and in selected professional publications, and distribute the RFP during October and November.

(3) Evaluate responses and interview candidates as appropriate during December and January.

(4) Submit evaluations and recommendations to Selectmen, appointing boards, and interested parties in February.

(5) Prepare and submit the LSC annual report for the Town Report in December using the comments from the boards received in August, and any other pertinent information.

(6) During odd-numbered years when an RFP is prepared, the LSC annual report shall contain a synopsis of the RFP contents. During even-numbered years when candidates are reviewed and evaluated, the report shall contain a synopsis of the evaluations and shall compare them with the procurement decision made by the Selectmen.

4. Cost-effectiveness Incentives

4.1 Purpose:

The purpose of the Incentive Program is to encourage user boards to obtain timely legal consultation from the most cost-effective source, either within or outside the Town's professional staff. Consultation with legal specialists at an early stage can often prevent subsequent problems or litigation.

4.2 Procedure:

Each user board which requests to participate in the Incentive Program shall request that an appropriate portion or percentage of the Legal Services budget be reserved for its use for legal consultation services but not for litigation services. The LSC, if one exists, shall review the requested amount for appropriateness and after consultation with the user board may recommend the same or an alternative amount. The user boards shall forward its requested amount together with the LSC recommended amount to the Finance Committee (FinCom).

The FinCom may designate some appropriate amount to be reserved for use by the requesting board. The board shall forward the FinCom's recommendation (approved meeting minutes would suffice) to the Accounting Department for implementation.

The amounts reserved may be less than those expected to be expended. If the reserved amounts are exhausted, then the board would either request replenishment of the reserve fund or would revert to use of the general legal services budget.

5. Application Fee Accounts

Boards using Application Fee Accounts to reimburse costs of Town staff and of outside consultant services may also use these accounts to reimburse the costs of legal consultation but not costs of litigation.";

or act on anything relative thereto.

Submitted by Petition

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M. Meixsell of the Planning Board moved in the words of Article 34 as printed in the Warrant except for Sections 4 and 5 which shall read as follows:

Section 4. Cost Effectiveness Incentives

4.1 Purpose - The purpose of the cost effectiveness incentive program is to encourage user boards to seek timely legal consultation but not litigation services from the most cost effective sources—either Town staff or outside professionals. Consultation with the legal specialists is encouraged during the early stages of an issue such as during the drafting of bylaws or decision documents in order to maximize effectiveness and minimize subsequent problems or litigation.

4.2 Procedure - Each user board which elects to participate in the incentive program may request that the Selectmen reserve an appropriate portion of the legal services budget for its use for legal consultation services but not for litigation services. The Legal Services Committee, if one exists, shall review the requested amount for appropriateness and may recommend the same or any alternative amount. The user board may forward its requested amount and/or the Legal Services Committee's recommended amount to the Selectmen. The Selectmen may designate some appropriate amount to be reserved for use by the requesting board and shall forward their recommendation, approved minutes shall suffice, to the Accounting Department and to the requesting board for implementation. The reserved amounts shall then be available for the user board to obtain legal consultation as needed from the most cost effective sources available. The amounts reserved may be less than those expected to be expended. If the user boards exhaust the reserved amounts, then it may request replenishment of the reserved amounts or may revert to use of the unreserved portion of the General Legal Services budget.

Section 5. Application Fee Accounts

Boards using application fee accounts in addition to Town Budget accounts to defray costs of Town staff and of outside consultant services may use these accounts to defray the costs of legal consultation but not costs of litigation. These accounts shall be used in compliance with applicable State law. The application fee account corresponding to a given application shall be used to defray the costs associated with reviewing, evaluating and otherwise processing only that application.

The motion received a second.

Mr. Meixsell thereupon moved to divide the question under Article 34 into 3 parts: Part 1 consisting of sections 1, 2, and 3; Part 2 consisting of section 4 and Part 3 consisting of section 5.

The motion received a second.

Explanation for dividing the question was that parts 2 and 3 were fairly simple and could possibly be disposed of in a short time, whereas part 1 was expected to be referred to the Legal Services Committee for study.

The motion to divide failed.

Addressing the main motion, Mr. Meixsell stated Article 34 was prepared to address complaints received regarding legal expenses and litigation costs during the past few years and to address recommendations made by the Legal Services Committee in their report. In his presentation, Mr. Meixsell provided some background for developing the Article, examples of procedural

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deficiencies, basic procedural problems, recommendations for procedural improvements by the Legal Services Committee and failure of the Selectmen to implement those recommendations of the Legal Service Committee which the Board did adopt as part of its policies and regulations.

Finance Committee Report: (J. Ryan) Recommended disapproval.

Board of Selectmen Report: (J. Cope) Selectman Cope agreed the Board should be more sensitive to all Town Boards legal requirements. She stated the Board has not and will not dismiss the need to try to communicate and solve these problems, and was willing to set up some sort of a Needs Review Process. As the Board did not believe Article 34 best addressed the Town's boards' needs, she reluctantly recommended defeat of the main motion.

Richard Brooks of the Planning Board moved to refer Article 34, Legal Affairs and Legal Services to the Board of Selectmen for consideration of including the intent of Article 34 into its Policies and Procedures or Rules and Regulations.

The motion received a second.

The motion to refer was presented to the voters. The motion was **VOTED**.

As the time was then 11 PM, a motion was received to continue. The motion was seconded.

The motion to continue was declared to have received the required 2/3rds vote. The motion to continue was **VOTED**.

APRIL 15, 1992

ARTICLE 39. MASS. 1991 TRANSPORTATION BOND ISSUE

To see if the Town will vote to raise and appropriate the sum of \$319,713, or any other sum, to be expended under the direction of the Highway Surveyor, for the construction, reconstruction and maintenance projects of Town and County ways pursuant to Chapter 33 of the Acts of 1991, and to determine whether this sum shall be raised by transfer from 1991 Transportation Bond Issue of the Commonwealth, or act on anything relative thereto.

Submitted by Petition

R. Noyes, Highway Surveyor, *moved to appropriate the sum of \$319,713 to be expended under the direction of the Highway Surveyor for the construction, reconstruction and maintenance projects of the Town and County ways pursuant to Chapter 33 of the Acts of 1991. Said sum to be raised by transfer from the 1991 Transportation Bond Issue of the Commonwealth.*

The motion received a second.

Petitioner's Report: Funding under this article has been provided by the latest ten cent State gas tax. The pavement management program currently being undertaken will provide a long and short term recommendation for the expenditure of these funds. Due to the State cut in our Chapter 90 funds for the past three years, amounting to approximately \$240,000, our infrastructure has started to deteriorate at an alarming rate.

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

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

The motion was presented to the voters and was **VOTED**.

TOWN COUNSEL OPINIONS

It is the opinion of Town Counsel that, if the Bylaw amendments proposed in the following articles in the Warrant for the 1992 Annual Town Meeting are properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed changes will become valid amendments to the Sudbury Bylaws:

Art. 2	Amend Art. XI	Personnel Classification and Salary Plan
Art. 3	Amend Art. XI	Personnel Administration Plan
Art. 10	Amend Bylaws	Finance Department
Art. 21	Amend Art. V	Underground Storage Tanks

It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in the following articles in the Warrant for the 1992 Annual Town Meeting are properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General.

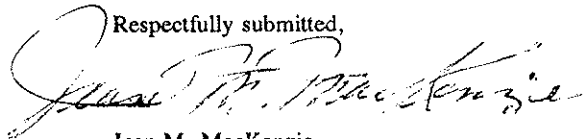
Art. 33 Amend Art. IX.II Enlarge Water Resource Protection Districts

APRIL 15, 1992

A motion to dissolve the 1992 Annual Town Meeting was received, seconded and **UNANIMOUSLY VOTED**.

The meeting was dissolved at 11:03 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jean M. MacKenzie". The signature is written in black ink and is positioned above the printed name and title.

Jean M. MacKenzie
Town Clerk

Attendance: 115

STATE PRIMARY

SEPTEMBER 15, 1992

The State Primary was held at the Nixon School. The polls were open from 7 a.m. to 8 p.m. There were 2,407 votes cast representing 26 percent of the Town's 9,368 registered voters. There were 1,640 Democratic votes cast including 75 absentee ballots, 766 Republican including 32 absentee ballots and 1 Independent Voter Party. Twenty-three voting machines were used. The results were announced by Town Clerk, Jean MacKenzie, at 10 p.m.

REPUBLICAN BALLOT

REPRESENTATIVE IN CONGRESS

Michael G. Conway	233
Paul W. Cronin	510
Blanks	23

COUNCILLOR

Vincent P. McLaughlin	510
Blanks	256

SENATOR IN GENERAL COURT

William M. Monnie	602
Blanks	164

REPRESENTATIVE IN GENERAL COURT

Hasty Evans	668
Blanks	98

SHERIFF

Gary Buxton	364
Michael J. Dever	157
Vincent Lawrence Dixon	96
Blanks	149

COUNTY COMMISSIONER

(Vote for two)

Anthony F. Ranieri	146
James P. Regan	414
Edward L. Weinberg	379
Blanks	593

INDEPENDENT VOTER PARTY BALLOT

REPRESENTATIVE IN CONGRESS

Len Umina (write in)	1
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(No candidates ran for any of the positions)

DEMOCRATIC BALLOT

REPRESENTATIVE IN CONGRESS

Chester G. Atkins	1021
Martin T. Meehan	605
Blanks	14

COUNCILLOR

Robert B. Kennedy	500
Michael J. O'Halloran	617
Blanks	523

SENATOR IN GENERAL COURT

Robert A. Durand	1116
Blanks	524

REPRESENTATIVE IN GENERAL COURT

Vicki Hammel	1217
Scattering	1
Blanks	422

SHERIFF

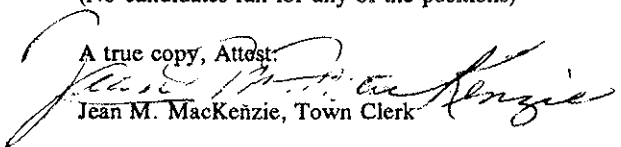
John P. McGonigle	890
Blanks	750

COUNTY COMMISSIONER

(Vote for two)

Edward J. Kennedy	414
Thomas J. Larkin	503
Leonard H. Golder	467
Albert J. Onessimo	97
Dennis J. Ready	126
Adelle Schwalberg	405
Blanks	1268

A true copy, Attest:



Jean M. MacKenzie, Town Clerk

STATE ELECTION

NOVEMBER 3, 1992

The State Election was held in the Nixon School with the polls open from 7 a.m. to 8 p.m. There were 8,990 votes cast including 948 absentee ballots. (Precinct 1 - 254; Precinct 2 - 217; Precinct 3 - 237; Precinct 4 - 240) The number of voters casting ballots represented 89% of the Town's 10,057 registered voters. The precinct results were announced by the Town Clerk at 12:20

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
PRESIDENT AND VICE PRESIDENT					
Bush & Quayle	766	713	734	729	2942
Clinton & Gore	1005	1094	958	1112	4169
Fulani & Munoz	1	1	1	-	3
Hagelin & Tompkins	2	1	2	1	6
LaRouche, Jr. & Bevel	-	1	1	-	2
Marrou & Lord	8	10	4	15	37
Perot & Stockdale	437	434	449	479	1799
Phillips & Knight, Jr.	-	-	-	-	-
Brisben & Garson (write in)	-	-	-	-	-
Dodge & Ormsby (write in)	-	-	-	-	-
Scattering	2	1	4	2	9
Blanks	4	3	1	15	23
 REPRESENTATIVE IN CONGRESS					
(Fifth District)					
Paul W. Cronin	1009	876	909	957	3751
Martin T. Meehan	883	1006	872	1022	3783
David E. Coleman	24	28	32	38	122
Mary J. Farinelli	102	125	152	123	502
Write in	-	1	-	-	1
Scattering	3	1	1	1	6
Blanks	204	221	188	212	825
 COUNCILLOR					
(Third District)					
Robert B. Kennedy	921	1042	932	1002	3897
Vincent P. McLaughlin	941	840	867	937	3585
Write in	-	-	-	-	-
Scattering	-	-	-	-	-
Blanks	363	376	355	406	1500

State Election - November 3, 1992 (Continued)

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
SENATOR IN GENERAL COURT					
(Middlesex & Worcester District)					
Robert A. Durand	877	1026	909	1086	3898
William M. Monnie	1117	981	1007	1016	4121
Write in	-	-	-	-	-
Scattering	-	-	-	-	-
Blanks	231	251	238	243	963
REPRESENTATIVE IN GENERAL COURT					
(Thirteenth Middlesex District)					
Hasty Evans	1461	1320	1240	1401	5422
Vicki Hammel	654	816	802	845	3117
Write in	-	-	-	-	-
Scattering	-	-	-	-	-
Blanks	110	122	112	99	443
SHERIFF					
(Middlesex County)					
John P. McGonigle	882	1048	927	995	3852
Michael J. Dever	915	779	828	870	3392
Write in	-	-	-	-	-
Scattering	-	-	-	-	-
Blanks	428	431	399	480	1738
COUNTY COMMISSIONER					
(Middlesex County)					
(Vote for not more than two)					
Edward J. Kennedy	746	844	740	816	3146
Thomas J. Larkin	651	711	659	695	2716
James P. Regan	846	721	766	821	3154
Edward L. Weinberg	769	688	715	724	2896
Richard S. Mahoney	133	170	166	195	664
Write in	-	-	-	-	-
Scattering	-	-	-	-	-
Blanks	1305	1382	1262	1439	5388

QUESTION 1 - Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 1992?

SUMMARY

This proposed law would establish a Health Protection Fund to pay for health programs relating to tobacco use, including distribution of information about tobacco use, to be financed by a new excise tax on cigarettes and smokeless tobacco. The Health Protection Fund would be used, subject to appropriation by the State Legislature, to supplement existing funding for the following purposes: school health education programs including information about the hazards of tobacco use; smoking prevention and smoking cessation programs in the workplace and community; tobacco-related public service advertising; drug education programs; support of prenatal and maternal care at community health centers which provide programs on smoking cessation and information on the harmful effects of smoking; and monitoring by the state Department of Public Health of illness and death associated with tobacco.

The proposed law would establish a new excise tax of one and one-quarter cents per cigarette (twenty-five cents per pack of 20) and twenty-five percent of the wholesale price of smokeless tobacco. This excise would be in addition to the excise already imposed on cigarettes and smokeless tobacco. The new excise would be collected by the state Department of Revenue under the same procedures that apply to the existing tobacco excise.

The proposed law would direct the State Comptroller to report annually on the revenues and expenditures of the Health Protection Fund. The proposed law states that if any of its provisions were found invalid, the other provisions would remain in effect. The proposed law would go into effect on January 1, 1993.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	1598	1507	1463	1627	6195
NO	579	676	620	626	2501
BLANKS	48	75	71	92	286

QUESTION 2 - Do you approve of a law summarized below on which no vote was taken by the Senate or the House of Representatives before May 6, 1992?

SUMMARY

This proposed law would require certain banks, insurance companies and publicly-traded corporations to file annual reports with the Massachusetts Secretary of State listing information from their state tax returns, including profit, income, corporate income tax due, deductions, exemptions and credits. These reports would be made public. This provision would apply only to those banks, insurance companies and publicly-traded corporations required by federal and other Massachusetts laws to disclose information concerning their federal tax payments.

The proposed law would also require the annual release by state officials of a detailed analysis of certain tax expenditures enacted or changed after January 1, 1988. State law defines a tax expenditure as an exemption, exclusion, deduction, or credit that results in less corporate, sales, or income tax revenue for the state. This analysis would be required only for tax expenditures with an annual revenue impact of \$1,000,000 or more. The analysis would include information on the actual revenue loss, as well as the number and proportion of taxpayers or taxpaying entities benefiting from the tax expenditure, according to income, profit, receipts or sales.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	1083	1113	1054	1167	4417
NO	920	910	861	912	3603
BLANKS	222	235	239	266	962

QUESTION 3 - Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 1992?

SUMMARY

This proposed law would require all packaging used in Massachusetts on or after July 1, 1996 to be reusable at least five times, with at least 50% of such packaging actually being reused; or recycled at a 50% rate; or composed of 25% or more of recycled materials (increasing to 35% on July 1, 1999 and 50% on July 1, 2002); or composed of materials being recycled at an annual rate of 25% (increasing to 35% in 1999 and 50% in 2002). The requirements would apply to any packaging or containers used to protect, store, handle, transport, display, or sell products.

Packaging would have to be either reduced in size by at least 25% every five years; or designed to be reusable at least five times, with at least 50% of such packaging actually being reused; or recycled at a 50% rate; or composed of 25% or more of recycled materials (increasing to 35% on July 1, 1999 and 50% on July 1, 2002); or composed of materials being recycled at an annual rate of 25% (increasing to 35% in 1999 and 50% in 2002). The requirements would apply to any packaging or containers used to protect, store, handle, transport, display, or sell products.

These requirements would not be applicable to tamper-resistant or tamper-evident seals; packaging for medication or medical devices; packaging merely being shipped through the state; packaging required by federal or state health or safety laws or regulations; or flexible film packaging necessary to prevent food from spoiling.

The state Department of Environmental Protection could also grant exemptions for packaging that represents an innovative approach for which additional time is needed to meet the requirements of the law; or packaging made of material that cannot be reused or recycled, and cannot be made of recycled material, but is being composted at a significant rate; or products for which there is no complying packaging and for which compliance with the law would impose undue hardship (other than increased cost) on Massachusetts residents. A person applying for an exemption would pay a fee to be used, subject to legislative appropriation, to pay the cost of administering the proposed law.

The Department would be required to issue regulations to carry out the proposed law and would be required to investigate suspected violations. After issuing a warning, the Department could assess administrative penalties of up to \$100 for each offense and up to \$10,000 for any single shipment or single continuing act of non-compliance. The state Attorney General could also file court actions for civil penalties of up to \$500 for each offense and up to \$25,000 for any single shipment or continuing act of non-compliance, and could seek a court order requiring compliance. Each non-complying piece of packaging would be considered a separate offense or act of non-compliance.

The proposed law states that if any of its provisions were declared invalid, the other provisions would remain in effect.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	1089	1122	1039	1205	4455
NO	1074	1063	1023	1034	4194
BLANKS	62	73	92	106	333

QUESTION 4 - Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 1992?

SUMMARY

This proposed law would impose an excise tax on oil, toxic chemicals, and other hazardous substances, and would direct that the money raised, along with the fees paid by hazardous waste transporters and specific revenues under other state laws, be deposited in the state Environmental Challenge Fund. Money in the Fund would be used, subject to legislative appropriation, to assess and clean up sites that have been or may be contaminated by oil or hazardous materials, and to carry out and enforce the excise.

As of July 1, 1993, the excise would apply to persons, businesses, and other entities possessing 50,000 pounds or more of oil and toxic chemicals covered by the proposed law. Toxic chemicals would be covered if classified as toxic by the federal Environmental Protection Administration (EPA) under federal law. As of July 1, 1994, substances listed as hazardous by the EPA under federal law would also become subject to the excise.

Until June 30, 1995, the excise would be two-tenths of one cent (\$0.002) per pound. In later years, the state Commissioner of Revenue would set the excise rate at a level, not to exceed two-tenths of one cent per pound, sufficient to yield \$35 million annually in 1995 dollars.

The excise would not apply to gasoline or other special engine fuels, jet fuel taxed under other state law, numbers 1 or 2 fuel oil, kerosene, animal or vegetable oil, or waste oil classified as hazardous waste under other state law. Nor would the excise apply to oils, toxic chemicals, or hazardous substances merely being shipped through Massachusetts; or contained in a consumer product intended for retail sale; or present in a mixture at a concentration of less than one percent; or present in hazardous waste being transported by a licensed hazardous waste transporter who had paid or will pay a transporter fee under state law, or for which the excise tax has already been paid under the proposed law and which have not been reprocessed or recycled since payment of the excise.

The excise also would not apply to oils, toxic chemicals, or hazardous substances that are possessed by individuals for personal, non-business purposes; or are contained in vehicles or vessels intended to be used for normal purposes; or are produced in Massachusetts as a by-product of pollution control equipment or the clean-up of hazardous materials and are handled in compliance with federal and state environmental laws. Finally, the excise would not apply to toxic chemicals or hazardous substances in a manufactured product the use of which requires a specific shape or design and which does not release toxic substances under normal use.

Under the proposed law, the excise would ordinarily be collected from the first person or business within Massachusetts to come into possession of materials subject to the tax. If that person or business had not paid the excise a later possessor could be required to pay the excise and could then recover a corresponding amount from the first possessor. The proposed law would provide credits for excises paid on materials that become ingredients in the manufacture of other materials subject to the tax, and it would provide credits for similar excises or taxes paid to other states.

Persons possessing more than 25,000 pounds of materials subject to the excise in any six-month period would be required to obtain a license from the Commissioner of Revenue. The Commissioner could issue regulations establishing record-keeping and reporting requirements for persons possessing such materials. The Commissioner would collect the excise through procedures similar to those for other state taxes and could issue regulations to implement the proposed law.

State Election - November 3, 1992 (continued)

The proposed law states that if any of its provisions were declared invalid, the other provisions would remain in effect.

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	971	1003	928	1001	3903
NO	1142	1128	1086	1198	4554
BLANKS	112	127	140	146	525

QUESTION 5 - This question is

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 Town's apportioned share of the bonds issued by the Lincoln-Sudbury Regional School District in order to finance costs of reconstructing, equipping, remodeling and making extraordinary repairs to the regional high school:

	<u>Pct. 1</u>	<u>Pct. 2</u>	<u>Pct. 3</u>	<u>Pct. 4</u>	<u>Total</u>
YES	1187	1124	1035	1234	4580
NO	898	966	931	928	3723
BLANKS	140	168	188	183	679

A true record, Attest:



Jean M. MacKenzie
Town Clerk