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George L. Horton		3
Carl E. MacDonald		3
Carol E. McKinley		3
M. Priscilla Mesar		3
Ernest H. Nilges		3
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Mary A. Self		3
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Def     Defeated  
 IP      Indefinitely Postponed  
 PO      Passed Over  
 Ref     Referred for further study  
 W      Withdrawn

ANNUAL TOWN ELECTION  
MARCH 27, 1995

The Annual Town Election was held at two locations. Precincts 1 & 2 voted at the Fairbank facility on Fairbank Road and Precincts 3 & 4 voted at the Loring School on Woodside Road. The polls were open from 7 a.m. to 8 p.m. There were 421 votes cast representing 4% of the Town's 9,844 registered voters. There was only one contested race. The results were announced by the Assistant Town Clerk, Kathleen D. Middleton, at 9:45 p.m. in the Town Hall.

SELECTMEN: FOR THREE YEARS

Lawrence L. Blacker	285
Blanks	136

PLANNING BOARD FOR THREE YEARS

(Vote for two)

Carmine L. Gentile	313
John O. Rhome	315
Blanks	214

BOARD OF ASSESSORS: FOR THREE YEARS

William J. Keller, Jr.	322
Blanks	99

SUDBURY SCHOOL COMMITTEE:

FOR THREE YEARS

(Vote for two)

Stephenie Kay Cook	312
Blanks	109

GOODNOW LIBRARY TRUSTEES: FOR THREE YEARS

(Vote for two)

Carol Hull	325
Phyllis A. Cullinane	325
Blanks	192

LINCOLN-SUDBURY REGIONAL DISTRICT  
COMMITTEE: FOR THREE YEARS

(Vote for two)

David Wilson	325
Donna K. Coutu	315
Blanks	202

BOARD OF HEALTH: FOR THREE YEARS

Donald G. Kern	318
Blanks	103

(Note: Member of Lincoln-Sudbury  
Regional 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 are those cast in Sudbury only.)

MODERATOR: FOR ONE YEAR

Thomas G. Dignan	333
Blanks	88

PARK & RECREATION COMMISSIONERS: FOR THREE YEARS

(Vote for two)

Elizabeth J. Nikula	331
Stephanie Avgerinos	101
Melinda M. Berman	130
Thomas M. Reihle	156
Blanks	124

A true record, Attest:



Kathleen D. Middleton  
Assistant Town Clerk

TOWN OF SUDBURY  
ANNUAL TOWN MEETING

PROCEEDINGS

APRIL 3, 1995

Pursuant to a Warrant issued by the Board of Selectmen, March 10, 1995, and a quorum being present, the meeting was called to order at 7:40 pm by Thomas Dignan, the Moderator, at the Lincoln-Sudbury Regional High School Auditorium. Father Bova Conti of Our Lady of Fatima Parish delivered the invocation and Adam Gold, an outstanding senior at Lincoln-Sudbury Regional High School, led the hall in the Pledge of Allegiance to the Flag.

It was announced that certified Free Cash for the Town Meeting was \$489,849. The Call of the Annual Town Meeting, the Officer's Return of Service and the Town Clerk's Return of Mailing having been examined were all found to be in order.

Upon a motion by Lawrence L. Blacker, Chairman of the Board of Selectmen, which was seconded, it was

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

Various town officials, committee and board members present were introduced to the voters. Following, Selectman Drobinski read a resolution in memory of those citizens who had served the Town and had passed away this year.

*In Memoria*

*WHEREAS: THE TOWN OF SUDBURY HAS ENJOYED THE BLESSINGS OF THOSE IN THE COMMUNITY WHO GAVE OF THEIR TIME AND TALENT TO ENRICH THE QUALITY OF LIFE IN THE TOWN; AND*

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

*NOW, THEREFORE, BE IT*

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

*FRANK L. BEMIS, JR..*

*-(1915-1995)*

*CUSTODIAN AT SUDBURY SCHOOLS: 1959-1975*

*WARREN E. BOYCE*

*-(1930-1995) MOVED TO SUDBURY IN 1952*

*ELECTION OFFICER: 1962-1963, 1968-1977, 1979-1983*

*SPECIAL CONSTABLE: 1979-1995*

*DEPUTY WIRING INSPECTOR: 1971-1980*

*WIRING INSPECTOR: 1981-1995*

*SUPERVISOR OF TOWN BUILDINGS: 1989-1995*

*PERMANENT BUILDING COMMITTEE: 1992-1994*

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PAUL B. FREDRICKSON	-(1932-1994) MOVED TO SUDBURY IN 1962 SUDBURY CULTURAL COUNCIL: 1993-1994
JAMES F. GREENAWALT	-(1919-1994) MOVED TO SUDBURY IN 1949 RESUSCITATOR COMMITTEE: 1951-1952 DEPUTY FIRE CHIEF: 1963-1968 VETERANS ADVISORY COMMITTEE: 1982-1991
GEORGE L. HORTON	-(1940-1994) FORMER SUDBURY RESIDENT TEACHER AT LINCOLN-SUDBURY REGIONAL HIGH SCHOOL: 1966-1994 COACH FOR BASKETBALL, GOLF, SOFTBALL AND SOCCER - 23 DUAL COUNTY LEAGUE TITLES PARK AND RECREATION DIRECTOR: 1969-1990 PARK AND RECREATION PROGRAM DIRECTOR: 1990-1993
CARL E. MACDONALD	-(1917-1994) CUSTODIAN AT SUDBURY SCHOOLS: 1972-1986
CAROL E. MCKINLEY	-(1943-1994) MOVED TO SUDBURY IN 1974 FINANCE COMMITTEE: 1976-1979
M. PRISCILLA MESAR	-(1914-1994) MOVED TO SUDBURY IN 1984 COUNCIL ON AGING: 1987-1991
ERNEST H. NILGES	-(1931-1994) CUSTODIAN AT LINCOLN-SUDBURY REGIONAL HIGH SCHOOL: 1969-1994
BETSEY A. POWERS	-(1928-1994) MOVED TO SUDBURY IN 1954 FINANCE SUBCOMMITTEE OF THE COMMITTEE ON TOWN ADMINISTRATION: 1959 ELECTION OFFICER: 1962-1966 COMMITTEE FOR THE PRESERVATION OF ANCIENT DOCUMENTS: 1968-1983 BOARD OF REGISTRARS: 1968-1983 TOWN CLERK: 1968-1983
MARY A. SELF	-(1926-1995) FORMER SUDBURY RESIDENT ASSISTANT TO THE LIBRARIAN AT LINCOLN-SUDBURY REGIONAL HIGH SCHOOL: 1970-1975
NORMAN T. STEED	-(1925-1994) MOVED TO SUDBURY IN 1970 ELECTION OFFICER: 1989-1994
MARTHA L. SYMINGTON	-(1926-1994) MOVED TO SUDBURY IN 1960 SECRETARY AT LINCOLN-SUDBURY REGIONAL HIGH SCHOOL: 1968-1989

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RICHARD F. WHELPLEY, SR.

-(1923-1994) MOVED TO SUDBURY IN 1948  
AUDIO VISUAL ADVISORY COMMITTEE:  
1965-1968

AND BE IT FURTHER

RESOLVED: THAT THE TOWN OF SUDBURY, IN TOWN MEETING ASSEMBLED, RECORDS FOR  
POSTERITY IN THE MINUTES OF THIS MEETING ITS RECOGNITION AND APPRECIATION  
FOR THEIR SPECIAL GIFTS AND SERVICES TO THE TOWN.

The resolution was seconded and **UNANIMOUSLY VOTED.**

Lawrence Blacker, Chairman of the Board of Selectmen, presented the State of the Town address, noting the positive changes taking place with the increased amount of housing starts. He expressed that while this is very desirable for Sudbury, it brings added responsibilities to preserve and maintain all that makes Sudbury what it is today and for the future. Mr. Blacker remarked that the current hold-the-line policy regarding the budget has caused significant strain on the Town's ability to provide the services needed. The 1993 MMA Organization and Management Study revealed that the current Town government is providing the same services for less money than it did ten years ago. Improvements to the Town's infrastructure, new dollars for walkways, tennis courts and parking at the Fairbank Community Center were noted to have been accomplished last year. Plans for a new Library and Highway facility are being proposed this year. Selectman Blacker commented that the central theme for Collective Bargaining was "Total Compensation Bargaining" and will be part of all future Town bargaining. It is anticipated that the closing of the Landfill will be the second half of 1996, and will be replaced with a Convenience or Transfer Station with the continuation of the recycling program. Mr. Blacker expressed that the new Board of Selectmen/Town Manager form of government, which will be taking place soon, will have a significant and positive impact on coordinating all Town boards and departments. He assured that the Board will closely monitor Sudbury's Fort Devens property and keep the public advised with regard to its development and preservation.

Ms. Anderson-Palmer, Chairman of the Finance Committee, then presented the 1995 Finance Committee Report which was substantially the same as that printed in the Warrant.

## 1995 FINANCE COMMITTEE REPORT

### OVERVIEW

The FY96 budget season is marked by financial dichotomy.

On the one hand, Sudbury continues to maintain a strong financial position and is viewed very positively by external financial organizations, such as the Massachusetts Department of Revenue, Moody's, Standard and Poor's, and financial institutions which purchase our debt offerings. Conservative financial practices, improvements in tax billing, cash management and tax collection activities; an aggressive two-year effort to reduce and contain health and other insurance-related costs; longer term financial planning for operating and capital requirements; and changes in financial management practice contribute to this solid financial foundation. The Town's credit rating is "Aa", placing it among highly rated communities in Massachusetts. Within Town Departments, the financial benefit of efficiencies and improvements identified by employees and citizen volunteers are evident.

On the other hand, Sudbury is distinctly challenged by addressing the costs of growth within the limits set by Proposition 2 1/2. Demands of growth continue to be felt by most Town and School departments, where services and staff were cut in the early 1990s to cope with the sharp downturn in fiscal conditions. Building activity, increase in the school population, and change in overall demographics has resulted in increased demands by citizens for services. The cost of growth has become evident - not just for the Schools - but in virtually all major departments in Town. After several years of paring back or holding the line on budgets, there is little or no margin left to absorb increased requests for service.



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This budget season - despite Sudbury's very strong financial condition - we found that the incremental operating revenues available under Proposition 2 1/2 were barely enough to fund the same level of service available to residents in FY95. A growing backlog exists of well-documented needs for restoration of previously offered services or initiation of new services for which there is a clear, measurable benefit. Such requests could not be funded within the FY96 budget; nor is it likely, given revenue projections for FY97 and FY98, that additional funding will be available then to make any meaningful progress in initiating or restoring services requested by citizens and department heads.

The budget which follows is one which holds the line on services, and also holds the line on taxes. It is bittersweet to note that after making the many needed improvements referenced above - in health care and overall labor costs, in financial management practice, and in more efficient operations - in an improving state and federal economic environment, the best we can do is stay even with where we were in FY95. While there is a strong commitment to continue to increase the efficiency of service delivery, service efficiencies do not realistically address the situation we have heard about this season: we have reached a point where there is no margin left to absorb the sustained growth we have already experienced in our community.

Not surprisingly, it is possible that residents may be presented with the opportunity to consider an operating override to the FY97 budget at next year's Annual Town Meeting. While this year's Finance Committee can not bind future committees to a course of action, we believe it is only responsible on our part to describe this financial situation and the outcome of our analyses, and to stimulate a period of questioning and dialog among citizens.

## **BUDGET PROCESS**

In FY96, department heads and committees were asked to break their spending requirements into two areas: (i) costs associated with a "level effort" budget, and (ii) prioritized incremental spending requests. Conceptually, the addition of these two budget components equal the overall department requested budget.

Level effort analysis allowed us to focus on the cost of providing the same level of service to the same number of people, in that it assumes demand for services to be roughly the same as last year. Negotiated increases for salary and benefits are included in a level effort budget. Increases or decreases in operating expenses needed to provide the same level of effort as the prior year are also included in the base budget. One-time operating or capital expenses from FY95 were excluded in the FY96 level effort budget.

Each department or committee was further asked to characterize incremental spending requests as a) growth related; b) legally mandated during FY96 by local, state, or federal authorities; c) new program initiatives that provided clear and measurable benefits; d) restoration of previous services for which there is a substantiated current need. This approach has proved a very useful way to analyze how FY96 money has been allocated.

Managers of large budgets (\$50,000 or more) were also asked to provide three year financial projections and 4 to 6 measures of departmental performance which they felt best reflected the nature of their department's business issues and operating priorities. Overall, departmental budget presentations - both content and process - have strengthened considerably and have yielded very timely and useful information to aid FinCom deliberations.

The Finance Committee's top capital budget priority in FY96 has been to develop a multi-year funding strategy to address a backlog of projects valued at more than \$12 million and needed to replace or repair aging infrastructure. (See Investment Priorities Committee: Capital Plan, below.)

The Finance Committee's top operating budget priority in FY96 was to ensure that all departments were funded at least at level effort from FY95 except where there were legitimate business reasons to reduce the appropriation. Next, we allocated monies to those legally mandated projects/expenses which could not be reasonably deferred. Finally, to the extent possible, we allocated remaining funds to the highest priority requests identified by department heads. While the majority of these requests were growth related, others included planned replacement of equipment or restoration of service.

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## REVENUE OUTLOOK

The starting point for planning the FY96 budget allocation continues to be the revenue available to the Town, as described in the chart, below.

REVENUE SUMMARY (000s)					
	<u>FY1995</u>	<u>FY1996</u>	<u>\$ CHANGE</u>	<u>% CHANGE</u>	<u>% OF TOTAL REVENUE</u>
Property Tax Revenue					
Within Prop 2 1/2	\$24,216	\$25,348	\$1,132	4.7%	75%
Debt Exemptions	1,350	1,758		1.6%	5%
Net State Aid	2,790	2,945	155	5.5%	9%
Local Receipts	2,258	2,282	24	1.1%	7%
Free Cash	443	489	46	10.4%	1%
Other*	1,324	1,168	-156	-11.8%	3%
TOTAL	\$32,381	\$33,990	\$1,609	5.0%	100%

\* "Other" includes such categories as abatement surplus, stabilization fund, enterprise fund receipts, available funds, and other miscellaneous items. The transportation bond offset to Article 13 is not included in this chart.

Property tax revenue includes commercial and residential property taxes on existing property, plus the revenues associated with new construction. New construction remains at a high level, up from \$171,000 in FY92 and \$348,000 in FY93 to \$524,000 (FY94), \$504,000 (FY95), with \$525,000 projected for FY96. The Assessors indicate that new construction tax revenues are anticipated to be lower in FY97 and FY98. New construction revenues are welcome, but it is important to recognize the hidden costs of growth, which have been evident for at least five years in the K-8 budget, are just beginning to be felt by LSRHS in terms of increasing enrollment, and are very obvious in many Town departments. In general, property tax revenue associated with increased growth is not sufficient to cover the costs of increased demand for services generated by growth. [The Assessors indicate that the FY95 tax assessment on the average new home in Sudbury (assessed at \$430,000) is roughly \$6,742, as compared with taxes of \$4,453 for the average assessed value all homes (\$284,000)]. As a point of comparison, the average per pupil cost (including debt and indirect costs) for K-8 is roughly \$6000, and for LSRHS is roughly \$11,000.

Estimated State aid, also known as the "Cherry Sheet," is up 5.5%, or \$155,000, from FY95 levels, largely due to an additional \$25 per K-8 student received by the Town under Ed Reform, and an anticipated increase in Sudbury's portion of State lottery receipts. Local receipts which include motor vehicle excise, department fee revenues and penalties and interest are difficult to predict accurately at this point in the year but are essentially level funded as recommended by the Board of Assessors and the Treasurer.

Other sources of funds include Free Cash, Abatement Surplus, and the Stabilization Fund. The budget recommendation includes full use of available Free Cash in the amount of \$489,000, up \$46,000 from last year. (Beginning in FY95, we have not had to recertify Free Cash in mid-year as the Town recovered from the difficult financial period in the early 1990s.) Abatement Surplus, as determined by the Board of Assessors, is \$280,153, down from FY95 levels of \$400,000. In light of the tight operating budget this year, no additions have been made to Stabilization Fund, nor did FinCom recommend use of any monies from Stabilization, which serves as the Town's "savings account." Given the backlog of building maintenance and repair projects which remain unfunded, we are concerned that levels in this account remain sufficient to address any emergency situation which may occur.

### FY96 Budget and Article Recommendations

The FY96 total operating budget recommended by FinCom rises by \$2.11million, or 6.8%. These numbers, which are further modified by offsets and other revenue sources elsewhere in the budget, are somewhat skewed due to the increase in debt-exempted taxation associated with the community debt projects approved last year.

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**SUMMARY OF RECOMMENDED APPROPRIATIONS (000s)**

	Appropriated FY95	Recommended FY96	Additional Dollars	% Increase
Sudbury Public Schools (Net)	\$11,196	\$12,005	\$809	7.2%
LSRHS Assessment	7,342	7,786	445	6.0%
Minuteman RHS Assessment	313	365	51	16.7%
100 Total Schools	\$18,851	\$20,156	\$1,305	6.9%
200 Debt Service	1,115	1,698	583	52.3%
300 Protection	3,276	3,465	189	5.8%
400 Highway/Landfill	1,659	1,669	10	0.6%
500 General Government	901	910	9	1.0%
560 Finance	560	576	16	2.9%
600 Library	435	461	26	6.0%
700 Recreation	457	482	25	5.5%
800 Health	217	222	5	2.3%
900 Veterans	12	8	-4	-33.3%
950 Unclassified	3,498	3,446	-52	-1.5%
 TOTAL OPERATING BUDGET	 \$30,983	 \$33,094	 \$2,111	 6.8%

FinCom's funding recommendations for the roughly 20 articles submitted with financial impact are shown in the following Capital Spending section page entitled Monied Articles. The \$515,923 of article spending in the recommended FY96 budget is for a Transportation Bond, which is offset in total by state-provided revenue. No other articles were recommended for funding within the FY96 operating budget. We are still awaiting final cost estimates on several articles, and will report on those at Town Meeting. Please see the Investment Priorities Committee: Capital Plan section below for a discussion of major infrastructure projects. We anticipate recommending one or more major building projects for FY96 funding, which would be financed by debt exempted from Proposition 2 1/2 for the life of the borrowing. Again, specific details will be presented.

Within the limits set by Proposition 2 1/2, the FY96 Budget is not able to completely address the demands of growth which has already occurred. It is not likely that any meaningful restoration of service or new initiatives can be funded within the operating budget during the next two years. The backlog of restorations and new service initiatives identified during the FY96 budget process for the K-8 system was approximately \$600,000; LS approximately \$200,000; and Town Departments approximately \$550,000.

**INVESTMENT PRIORITIES COMMITTEE: CAPITAL PLAN**

In July, 1994, FinCom initiated the Investment Priorities Committee to objectively examine and evaluate a group of 5 - 7 major capital projects needed to improve or secure Sudbury's infrastructure. Collectively, these projects represented over \$12M of capital investment. Members of the Selectmen's Office, Finance Committee, Permanent Building Committee, and Long Range Planning Committee collaborated for a six-month period to create a priority listing and long-term financing strategy for known capital projects greater than or equal to \$500,000 in value with a useful life of at least 10 years.

This process - which demonstrated a high level of communication and coordination among the four major committees concerned with long term financial planning for large capital projects - has in fact produced the foundation for a capital plan for the FY96 - FY01 time frame. Specifically, the committee worked to:

- create a multi-year timeline for facility and capital projects, looking well beyond the borders of an individual budget cycle;
- specify objective criteria for investment decisions that would help to sort through and prioritize known projects;
- involve all project sponsors openly and consistently in the process, providing them feedback and opportunity for input;

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- perform the specific individual responsibilities of each committee - FinCom, Selectmen, LRPC and PBC - as regards review and analysis of investment decisions in the normal manner.
- reach consensus on a priority list, timetable, and financing strategy for known investments so that our four committees might jointly and collaboratively recommend to Town Meeting a unified position which would address citizens' need for services and remain financially responsible.

On February 2, 1995, the Investment Priorities Committee members agreed to recommend the following prioritized projects to the Town for consideration - in the order listed - over a period of several years: 1) Department of Public Works Renovation; 2) Goodnow Library Expansion; 3) LSRHS Rogers Auditorium Instructional Center; 4) Landfill Closure; 5) Flynn Administrative Building Renovation. (A sixth project - a citizen petition for a comprehensive walkway system - was also evaluated but did not receive support within the prioritized list at this time.) It was explicitly recognized that unforeseen financial problems or structural/public safety issues could restructure this priority list or delay its completion. However, all four groups participating on the Investment Priorities Committee believe these projects represent significant investment decisions for the community of Sudbury, and should receive the consideration of this and future Town Meetings.

The Treasurer has prepared long-term debt scenarios which demonstrate that Sudbury could undertake these projects and not risk our Aa bond rating, assuming continuation of strong, conservative financial management practice. Our recommendation is to use exempted debt as the funding source for each project, given the existing and projected demands on the operating budget to sustain current levels of service. Debt offerings have been planned to minimize the annual tax impact to residents.

## **SUMMARY**

The Finance Committee has attempted to be fair and consistent in all deliberations and recommendations. We believe the budget recommendation makes the best use of available funds and is in the overall best interest of the Town, but it is only a recommendation. The Town Meeting is the final decision-making authority.

We would like to take note of the open communication and positive attitude exhibited by all committees and departments during the budget review process this season. Departments and Committees have displayed a strong command of the dynamics which drive their business activities, and have been willing to propose or consider new approaches that might improve their ability to deliver services while containing costs. Their professionalism and dedication is a tremendous asset to the Town of Sudbury.

We would also like to thank Terri Ackerman, Budget and Personnel Officer, for her diligence and countless hours spent keeping the numbers straight. She has provided both a sense of humor and a valuable perspective to support the nine citizen volunteers on this committee.

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## FY96 BUDGET

	Expend. FY 93*	Expend. FY 94**	Approp. FY 95	Dept Request FY96	FinCom Rec. FY96
Sudbury Pub. Schls. (Gross)	8,812,173	9,733,871	11,433,919	12,268,349	12,208,685
Sudbury Pub. Schls. Offsets	237,328	259,594	238,233	203,300	203,300
SUDBURY PUB. SCHLS. (Net)	8,574,845	9,474,277	11,195,686	12,065,049	12,005,385
L.S.R.H.S.(Assessment)	6,539,191	6,942,562	7,341,877	7,949,726	7,786,288
M.R.V.T.H.S.(Assessment)	381,446	300,448	313,488	364,789	364,789
<b>TOTAL SCHOOLS</b>	<b>15,495,482</b>	<b>16,717,287</b>	<b>18,851,051</b>	<b>20,379,564</b>	<b>20,156,462</b>
200: Debt Service	1,046,008	1,133,208	1,114,603	1,698,231	1,698,231
300: Protection	3,142,953	3,412,151	3,276,097	3,697,122	3,464,898
400: Highway/Landfill	1,610,924	1,846,048	1,659,037	1,939,546	1,668,922
500: General Govt.	763,173	858,584	901,675	970,563	910,021
560: Finance	437,657	517,890	560,219	620,257	576,264
600: Library	365,129	410,498	435,408	492,626	461,304
700: Recreation	434,394	451,005	457,922	546,207	482,209
800: Health	189,152	200,434	216,953	224,279	222,479
900: Veterans	20,635	14,725	11,823	21,545	7,500
950: Unclassified/Transfer Acct.	3,065,033	3,035,560	3,498,258	3,487,695	3,446,081
TOTAL TOWN (inc. Unclassif.)	11,075,057	11,880,104	12,131,995	13,698,071	12,937,909
<b>TOTAL OPERATING BUDGET</b>	<b>26,570,539</b>	<b>28,597,390</b>	<b>30,983,046</b>	<b>34,077,635</b>	<b>33,094,371</b>
STM Articles:	0	0	0		
ATM Articles:	2,492,637	566,893	6,350,161	9,814,643	515,923
Borrowing	2,134,424	0	5,850,000	9,114,500	0
<b>TOTAL ARTICLES</b>	<b>358,213</b>	<b>566,893</b>	<b>500,161</b>	<b>700,143</b>	<b>515,923</b>
<b>TOTAL APPROPRIATIONS</b>	<b>26,928,752</b>	<b>29,164,283</b>	<b>31,483,207</b>	<b>34,777,778</b>	<b>33,610,294</b>
Cherry Sheet Chgs.& Underest.	360,050	370,222	382,036	382,036	382,036
Cherry Sheet Offsets	217,587	264,744	270,783	270,783	270,783
Recap, Snow&Ice & Oth. chgs	47,015	166,305	204,620	15,000	15,000
Abatements & Exemptions	350,979	298,387	347,973	225,000	225,000
<b>TOTAL CHARGES</b>	<b>975,631</b>	<b>1,099,658</b>	<b>1,205,412</b>	<b>892,819</b>	<b>892,819</b>
<b>TOTAL TO BE RAISED</b>	<b>27,904,383</b>	<b>30,263,941</b>	<b>32,688,619</b>	<b>35,670,597</b>	<b>34,503,113</b>
Cherry Sh.Receipts & Overest.	2,093,538	2,462,417	2,790,114	2,945,114	2,945,114
Local Receipts	2,122,577	2,170,161	2,258,109	2,281,610	2,281,610
Enterprise Fund Receipts	645,544	711,868	751,903	711,706	711,706
Free Cash applied	399,536	482,894	443,000	489,000	489,000
Dog Licenses (& St Aid)	7,750	6,454	6,454	5,653	5,653
Wetlands Protection Fund	4,125	4,125	4,125	4,125	4,125
Abatement Surplus	0	179,383	400,000	280,153	280,153
Cemetery Fund	11,700	14,000	25,914	20,000	20,000
Stabilization Fund	0	0	102,000	0	0
Transfer from ATM 87/14		8,532	0	0	0
Transfer from ATM 90/24		140,000	3,918	0	0
Transfer from ATM 90/26				0	0
FY95 Budget Adjustments				100,000	
Retirement Trust Fund				14,001	14,001
Nixon School: Roof Settlement				102,000	102,000
Transport. Bond Offset	319,713	319,713	319,713	515,923	515,923
Ambulance Fund	50,000	93,500	30,000	30,000	30,000
<b>TOTAL RECEIPTS&amp;REVENUE</b>	<b>5,654,483</b>	<b>6,593,047</b>	<b>7,135,250</b>	<b>7,499,285</b>	<b>7,399,285</b>
<b>REQUIRED TAX LEVY</b>	<b>22,249,900</b>	<b>23,670,894</b>	<b>25,553,369</b>	<b>28,171,312</b>	<b>27,103,828</b>
Previous Limit +2.5%	21,710,546	22,610,636	23,712,938	24,822,051	24,822,051
New Construction	348,612	523,939	503,697	525,981	525,981
Prop 2 1/2 Override (Operating)	0	0			
<b>LEVY LIMIT</b>	<b>22,059,158</b>	<b>23,134,575</b>	<b>24,216,635</b>	<b>25,348,032</b>	<b>25,348,032</b>
Prop 2 1/2 Exemptions	1,185,553	1,296,109	1,350,269	1,757,864	1,757,864
<b>APPLICABLE LEVY LIMIT</b>	<b>23,244,711</b>	<b>24,430,684</b>	<b>25,566,904</b>	<b>27,105,896</b>	<b>27,105,896</b>
<b>UNDER LEVY LIMIT</b>			<b>13,535</b>	<b>0</b>	<b>2,068</b>
<b>OVER LEVY LIMIT</b>			<b>0</b>	<b>1,065,416</b>	

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{The full text of all 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 1994 Town Report or as otherwise presented; or act on anything relative thereto.

Submitted by the Board of Selectmen

Kenneth Richie of Goodman's Hill Road *moved* to accept the reports of the Town Boards, Commissions, Officers and Committees as printed in the 1994 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 Consent Calendar was the next business taken up. The Moderator explained the procedure to be used and read the number of each article which had been placed on the Calendar. The following articles were held and removed from the Consent Calendar: 11, 12.

On a motion by Selectman Blacker and seconded, it was,  
**UNANIMOUSLY VOTED; TO TAKE ARTICLES 9, 10, 13, 30, 31, 32 AND 33 OUT OF ORDER  
AND CONSIDER THEM TOGETHER AT THIS TIME.**

The motion was received, seconded and  
**UNANIMOUSLY VOTED: IN THE WORDS OF THE CONSENT CALENDAR MOTIONS AS  
PRINTED IN THE WARRANT FOR THESE ARTICLES 9, 10, 13, 30, 31, 32 AND 33.**

(See individual articles for reports and motions voted.)

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ARTICLE 2. AMEND PERSONNEL BYLAW, ART. XI. -  
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 the following:

**TOWN OF SUDBURY - FY96**  
**SCHEDULE A - CLASSIFICATION PLAN**  
**AND SCHEDULE B - SALARY PLAN**

GRADE 1	GRADE 7
GRADE 2	Assistant Assessor
Clerk I	Assistant Town Accountant
Switchboard Operator/Receptionist	Assistant Town Clerk
	Assistant Children's Librarian
GRADE 3	Head of Circulation, Library
Clerk II/Senior Clerk	Head of Technical Services, Library
Library Clerk	
Recording Secretary	GRADE 8
	Conservation Coordinator
GRADE 4	Director, Council on Aging
Fire Dispatcher (40 hrs/wk)	Adult Services/Reference Librarian
Library Technician	Children's Librarian
Secretary I	Assistant Town Treasurer & Collector
Van Driver, Senior Citizens Center	
Senior Data Processing Clerk	GRADE 9
Grounds Person (40 hrs/wk)	Administrative Asst. to Board of Selectmen
Maintenance Custodian(40 hrs./wk)	Assistant Library Dir. (Not filled)
Accounting Clerk	Aquatic Director
GRADE 5	GRADE 10
Outreach Case Manager	Community Social Worker
Library Office Coordinator	# Town Clerk
Grounds Mechanic (40 hrs/wk)	
Census and Documentation Coord.	GRADE 11
Accounting Administrative Asst.	Budget & Personnel Officer
Part-Time Reference Librarian	Park & Recreation Director
Aquatic Coordinator	
	GRADE 12
GRADE 6	GRADE 13
Dog Officer	GRADE 14
Police Dispatcher	Highway Surveyor
Secretary/Legal Secretary	
Secretary II/Office Supervisor	GRADE 15
Grounds Foreman (40 hrs./wk)	Fire Chief
Board of Health Coordinator	Police Chief
	GRADE 16
	GRADE 17

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# Town Manager - Non Union - Contracted Position

The following are union positions:

Supervisor of Town Buildings	Director of Public Health
Assessor/Appraiser	Insptr. of Bldg./Zoning Enforcement Agent
Library Director	Town Treasurer/Collector
Supt. Parks and Grounds	Director of Finance/Town Accountant
Town Planner	Town Engineer

# = Change in status from FY95

Town Clerk from elected to appointed.

New position: Town Manager

Position eliminated: Executive Secretary



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**FY96 NON-UNION SALARY GRID**  
**7/1/95 - 6/30/96**

	<b>Minimum</b> 1	2	3	4	5	6	<b>Maximum</b> 7
<b>GRADE</b>							
1	9.20	9.56	9.94	10.33	10.73	11.15	11.59
2	9.94 18,155	10.33 18,867	10.73 19,607	11.15 20,377	11.59 21,176	12.04 22,007	12.52 22,870
3	10.73 19,607	11.15 20,377	11.59 21,176	12.04 22,007	12.52 22,870	13.01 23,767	13.52 24,700
4	11.59 21,176	12.04 22,007	12.52 22,870	13.01 23,767	13.52 24,700	14.05 25,669	14.60 26,675
5	12.52 22,870	13.01 23,767	13.52 24,700	14.05 25,669	14.60 26,676	15.17 27,722	15.77 28,810
6	13.52 24,700	14.05 25,669	14.60 26,676	15.17 27,722	15.77 28,810	16.39 29,940	17.03 31,114
7	14.60 26,676	15.17 27,721	15.77 28,809	16.39 29,940	17.03 31,114	17.70 32,335	18.39 33,603
8	15.91 29,076	16.54 30,216	17.19 31,402	17.86 32,634	18.56 33,914	19.29 35,245	20.05 36,628
9	17.35 31,693	18.03 32,936	18.73 34,228	19.47 35,571	20.23 36,966	21.03 38,417	21.85 39,924
10	18.91 34,545	19.65 35,900	20.42 37,308	21.22 38,772	22.05 40,293	22.92 41,875	23.82 43,517
11	20.61 37,654	21.42 39,131	22.26 40,666	23.13 42,261	24.04 43,919	24.98 45,643	25.96 47,434
12	22.46 41,043	23.35 42,653	24.26 44,326	25.21 46,065	26.20 47,872	27.23 49,751	28.30 51,703
13	24.49 44,737	25.45 46,492	26.45 48,315	27.48 50,211	28.56 52,181	29.68 54,229	30.85 56,356
14	26.69 48,763	27.74 50,676	28.83 52,664	29.96 54,730	31.13 56,877	32.35 59,109	33.62 61,428
15	29.09 53,152	30.23 55,237	31.42 57,404	32.65 59,656	33.93 61,996	35.26 64,429	36.65 66,957
16	31.71 57,935	32.95 60,208	34.25 62,570	35.59 65,025	36.99 67,575	38.44 70,228	39.95 72,983
17	34.56 63,149	35.92 65,627	37.33 68,201	38.79 70,877	40.32 73,657	41.90 76,549	43.54 79,552

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NON UNION EMPLOYEES  
INDIVIDUALLY RATED - FY96

<u>Library</u>	<u>Minimum</u>	<u>Step 1</u>	<u>Step 2</u>
• Library Page (Hourly)	\$6.37	\$ 6.65	\$6.87

Highway/Park and Recreation

- Temporary Laborer (Hourly): \$6.85 - \$8.35
- Temporary Snow Removal Equipment Operator (Hourly): \$8.25 - \$10.31

Recreation

	<u>Minimum</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Maximum</u>
• Camp Supervisor (Seasonal - Part Time)	\$2,484	\$2,587	\$2,713	\$2,850	\$2,996
• Teen Center Coordinator (Hourly):	\$12.25 - \$18.38				

Atkinson Pool

Position Hourly Rated Salary Range (Permanent Part-Time & Fee for Service)

• Lifeguard/Pool Receptionist	\$6.50	6.78	7.05	7.33	7.62	7.92	8.23	8.55	8.89
• Childcare Helper	\$7.05	7.33	7.62	7.92	8.23	8.55	8.89	9.23	9.60
• Receptionist Supervisor/ WSI Supervisor	\$8.23	8.55	8.89	9.23	9.60	9.98	10.36		

<u>Single Rated:</u>	Min Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Max. Step 7
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•Custodian (Hrly-40 hrs.)	\$10.79	11.21	11.65	12.11	12.57	13.06	13.60
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•Veterans' Agent and Director	\$4,148/Year
•Census Taker	\$ 6.30/Hour
•Election Warden	\$ 6.30/Hour
•Election Clerk	\$ 6.30/Hour
•Deputy Election Warden	\$ 6.30/Hour
•Deputy Election Clerk	\$ 6.30/Hour
•Election Officer & Teller	\$ 5.98/Hour
•Plumbing Inspector	Fees

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UNION EMPLOYEES

FIRE DEPARTMENT

	MIN	Step 1	Step 2	Step 3	MAX
Firefighter					
Annual	30,219	30,920	31,637	32,337	33,098
Hourly	13.78	14.10	14.43	14.75	15.10
Firefighter/EMT					
Annual	31,572	32,272	32,989	33,690	34,451
Hourly	14.40	14.72	15.05	15.37	15.71
Lieutenant					
Annual	33,695	34,476	35,275	36,056	36,905
Hourly	15.37	15.73	16.09	16.45	16.83
Lieutenant/EMT					
Annual	35,203	35,984	36,783	37,564	38,413
Hourly	16.06	16.41	16.78	17.13	17.52
Fire Captain					
Annual	37,570	38,440	39,332	40,203	41,149
Hourly	17.14	17.53	17.94	18.34	18.77
Fire Captain/EMT					
Annual	39,251	40,122	41,013	41,884	42,830
Hourly	17.90	18.30	18.71	19.10	19.54

Single Rated:

•Call Firefighter               \$250 Annual Stipend\$13.84/Hour

Other Single Rated:

•Fire Prevention Officer               \$700/Year  
•Fire Alarm Superintendent           700/Year  
•Master Mechanic                       700/Year  
•Fire Dept. Training Officer           700/Year  
•Emerg. Med'l. Tech. Coord.           700/Year  
•Fire Alarm Foreman                   400/Year

NOTE: Hourly rates are obtained by dividing the annual rates by 52.2 weeks and 42 hours per week. Overtime pay is calculated by multiplying 1.5 times those hourly rates.

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Police Department

	Hrs/Week	MIN	Step 1	Step 2	Step 3	MAX
Sergeant	37.33					
Hourly		19.27	19.72	20.18	20.63	21.05
Annual		37,553	38,422	39,321	40,206	41,007
Patrolman	37.33					
Hourly		16.06	16.43	16.82	17.20	17.53
Annual		31,292	32,015	32,769	33,506	34,171

SINGLE RATED

•Matron	\$12.06/hour
•Crime Prevention Officer	700/year
•Photo/Fingerprint Officer	700/year
•Juvenile Officer	700/year
•Safety Officer	700/year
•Detective	700/year
•Training Officer	700/year
•Parking Clerk	700/year
•Mechanic	700/year
•Fire Arms Instructor	700/year

NOTE: Hourly rates are obtained by dividing the annual rates by 52.2 weeks and 37.33 hours per week. Overtime pay is calculated by multiplying 1.5 times these hourly rates.

Sudbury Supervisory Association

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Library Director	45,726	47,098	48,511	49,966	51,465	53,009
Director of Health	46,797	48,201	49,647	51,136	52,670	54,251
Town Engineer	56,361	58,052	59,794	61,588	63,435	65,338
Supt Parks/Grds Mgmt*	36,610	37,708	38,840	40,005	41,205	42,441
Asst Highway Surveyor	41,315	42,555	43,832	45,146	46,501	47,896
Highway Oper. Asst.	34,889	35,935	37,014	38,124	39,268	40,446
Building Inspector	45,518	46,883	48,290	49,739	51,231	52,768
Supv. of Town Bldgs.#	34,360	35,391	36,452	37,546	38,672	39,832
Assessor/Appraiser	45,519	46,885	48,291	49,740	51,232	52,769
Town Planner	48,503	49,958	51,457	53,001	54,591	56,228
Police Lt./Adm. Asst.	50,444	51,957	53,516	55,122	56,775	58,479
Dir. of Fin./Town Acct.	57,626	59,355	61,136	62,970	64,859	66,805
Treasurer/Collector	47,172	48,587	50,044	51,546	53,092	54,685

\* This does not include salary paid by Lincoln-Sudbury Regional School District, if any.

# This does not include \$10,440 per year as Wiring Inspector.

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Engineering Department

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
E1 Eng Aide I	21,419	22,063	22,727	23,411	24,113	24,838
E2 Eng Aide II	24,631	25,372	26,132	26,920	27,725	28,558
E3 Eng Aide III	28,327	29,179	30,053	30,954	31,882	32,839
E4 Jr Civil Eng	32,577	33,554	34,559	35,596	36,664	37,763
E5 Civil Eng	36,651	37,749	38,886	40,050	41,250	42,487
E6 Sr Civil Eng	38,865	40,032	41,233	42,470	43,745	45,053
E7 Asst. Town Eng	45,713	47,083	48,495	49,950	51,449	52,993

Hourly rates are obtained by dividing the annual rates by 52.2 weeks and 40 hours per week. Overtime pay is calculated by multiplying 1.5 times these hourly rates.

Highway Department

	<u>START</u>	<u>Step 1</u> After 6 mos.	<u>Step 2</u> After 1 yr.	<u>Step 3</u> After 2 yrs.	<u>Step 4</u> After 3 yrs.	<u>Step 5</u> After 4 yrs.	<u>Step 6</u> After 5 yrs.
Landfill Supervisor	31,099	32,033	32,993	33,983	35,002	36,053	37,318
Foreman, Hwy	30,488	31,122	31,804	32,438	33,087	33,746	34,930
Foreman, Tree/Cem	30,488	31,122	31,804	32,438	33,087	33,746	34,930
Master Mechanic	14.40	14.88	15.33	15.75	16.14	16.55	17.13
Asst. Mechanic	13.76	14.24	14.69	15.10	15.50	15.91	16.47
Hvy Equip Oper	12.93	13.30	13.58	14.04	14.49	14.95	15.48
Tree Surgeon	12.93	13.30	13.58	14.04	14.49	14.95	15.48
Truck or Lt Equip Oper	12.15	12.46	12.80	13.05	13.31	13.58	14.06
Tree Climber	12.15	12.46	12.80	13.05	13.31	13.58	14.06
Hvy Laborer	11.45	11.78	12.04	12.35	12.68	13.01	13.47
Lt Laborer	10.45	10.73	10.97	11.26	11.55	11.85	12.26
Landfill Monitor	9.76						

Hourly rates are obtained by dividing the annual rates by 52.2 weeks and 40 hours per week. Overtime pay is calculated by multiplying 1.5 times these hourly rates.

Submitted by the Personnel Board

Bill Clark, 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 therefor plan entitled: "Town of Sudbury - FY96 Schedule A - Classification Plan Schedule B - Salary Plan" as set forth in the 1995 Annual Town Meeting Warrant under Article 2 except that the salary for Veterans' Agent and Director shall be changed to \$6,200/year and all Fire Department salaries, excluding single rated salaries, shall be increased by 4.04%.*

The motion received a second.

Personnel Board Report: Mr. Clark explained that the salary plan presented on page 5 of the Warrant represents a 3.1% increase over FY95, and that the Personnel Board recommended this to bring the nonunion employees into parity with the union employees. He added that the nonunion employees received a 1% increase last year which was substantially less than the union employees. The Veterans' Agent stipend, listed at \$4,148 in error, has been increased to reflect the recommendation

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by the Personnel Board. Because the union contract for the Fire Department has been settled since the printing of the Warrant and the establishment of a single rate, the Fire Department salaries excluding the single rated salaries should be increased by 4.04%.

Finance Committee Report: (K. Precourt) Recommended approval.

Donald Oasis, Willis Road, asked if this was the proper time to amend the salary for the Veterans' Agent. After conferring with Town Counsel, the Moderator asked Mr. Oasis to amend with a different number than \$6,200, at which time Mr. Oasis Moved to alter the motion by replacing the figure \$6,200 with respect to the Veterans' Agent to \$4,000.

The motion received a second.

Mr. Oasis remarked that he thinks it is a bad deal for the Town to pay \$6,200 to expend \$10,000, particularly when it appears the case load is not rising, and the job does not require that much work.

In defense of her position, Mary Jane Hillery, Veterans' Agent, stated that the exact worth of this position comes up every year, and she is not sure why or what the problem is, but wishes that the people involved would come forward. She noted that she has worked with the Board of Selectmen and several boards in Town to accomplish the necessary work to bring all records up to date, and believes the salary figure recommended is commensurate with the job.

Mr. Clark explained how the Personnel Board arrived at their recommendation.

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

The main motion under Article 2 was presented to the voters and **VOTED** by a hand vote.

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ARTICLE 3. UNPAID BILLS

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

Submitted by the Town Accountant.

Town Accountant Report: Invoices that are submitted for payment after the accounts are closed at the end of a fiscal year or payables for which there are insufficient funds (and were not submitted for a Reserve Fund Transfer) can only be paid by a vote of the Town Meeting, a Special Act of the Legislature, or a court judgment.

Board of Selectmen Position: The Board of Selectmen supports this article.

Finance Committee Report: The Finance Committee recommends approval of this article.

There being no unpaid bills, Article 3 was **PASSED OVER.**

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ARTICLE 4. AMENDMENT TO THE "ACT ESTABLISHING A BOARD OF SELECTMEN-TOWN MANAGER FORM OF ADMINISTRATION IN THE TOWN OF SUDBURY"

To see if the Town will vote to petition the General Court to pass legislation to amend the Act Establishing a Board of Selectmen-Town Manager Form of Administration in the Town of Sudbury as follows:

Insert the phrase, "by by-law or by town meeting vote," immediately following the phrase, "except as otherwise provided by this act," wherever it appears; or act on anything relative thereto.

Submitted by Petition

Petitioners Report: The purpose of this proposed amendment is to restore to town meeting legislative authority that has been eliminated as a result of passage of the "Act Establishing a Board of Selectmen-Town Manager Form of Administration in the Town of Sudbury".

NOTE: Printed below is the one paragraph to which the proposed amendment (inserted in italics) applies. The full text of the Board of Selectmen-Town Manager Special Act is available at the Selectmen's Office, Town Clerk's Office, and Goodnow Library.

Section 8. Appointment responsibilities.

Except as otherwise provided by this act, *by by-law or by town meeting vote*, the town manager shall appoint, based upon merit and fitness alone, a director of finance, a police chief, a fire chief, a town clerk, a treasurer-collector, a director of assessing, a director of public works and all department heads and officers, subordinates, and employees under the direct supervision of the town manager and officers, subordinates, employees for whom no other method of selection is provided in this act, except employees of the school and health departments. The town manager may appoint ad hoc committees as is deemed necessary.

Board of Selectmen Report: The Board of Selectmen **opposes** this article because it weakens the Town Manager Act before it is even implemented. The enactment of the Board of Selectmen-Town Manager Act was a long process that involved much community dialogue; it went before Town Meeting voters and passed (two nights of discussion), was approved by the State legislature, and was implemented by Sudbury voters at the general election this past November. To now partially undo what has evolved from a fair democratic process is close to making a mockery of our actions.

It is obvious that the intent of this article is to weaken the Town Manager's powers in his/her appointment of town department heads. We believe the original Act should be given a chance to succeed! We urge your defeat of this article.

Finance Committee Report: The Finance Committee recommends disapproval of this article.

Russ Kirby, Boston Post Road, Moved in the words printed in the article in the Warrant under Article 4.

The motion received a second.

Mr. Kirby noted that last November the Town made significant changes to its government in an effort to obtain better services from tax dollars through greater efficiency. While he is not against these changes, nor is he in opposition to anything, he believes there has been an oversight regarding the removal of Town Meeting legislative authority by the language in the Special Act. He stated the purpose of this article is to provide an opportunity to re-examine some of that language and to decide if corrective action is appropriate at this time. Mr. Kirby contends that omission of the proposed language limits Town Meeting to passing a request of the legislature to amend the Special Act, which then results in going through a year long process of public hearings, a vote by both houses of the State Legislature, signing by the Governor and passage of a referendum in a general or Special Election to accomplish the same thing. In thinking about future problems that might arise, Mr. Kirby said that Town Meeting legislative action would be more efficient with regard to making adjustments in one evening within the Town's own legislative body than to submit them to the State Legislature and wait a year to enact them.



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Finance Committee member Kathleen Precourt stated that if this article is passed, it could lead to, but not in itself, a decrease in the Town Manager's responsibilities and authority and, therefore, decrease his or her accountability for results, including financial results.

Selectman Blacker reiterated the Board's recommendation for disapproval and opined that the article deals with only the ability for Town Meeting to override the hiring of department heads by the Town Manager, which takes away the accountability of the Town Manager. He reminded that the Town Manager is accountable to the Selectmen who are in turn accountable to the voters. He believes the Town Manager's performance will speak for itself.

Mrs. Wilhelmina Dole, Longfellow Glen, expressed concern over how past experiences have been handled by the Town particularly by those in authority, and opined that it is not a good policy for any one person to have too much power. She asked that this article be put on hold.

Long Range Planning Committee member John Burns remarked that this article as presented heavily dilutes the entire purpose of the Town Manager form of government and undermines the entire concept of the act that was debated at length at last year's Town Meeting. He said the Long Range Planning Committee does not support this article.

Ralph Tyler, Deacon Lane, concurred with Mr. Kirby even though he was on the Blue Ribbon Committee. He expressed certain reservations about some aspects of the new form of government particularly the notion that the new manager will be able to appoint without gaining the approval of the Selectmen. He also favors the idea that problems or changes be dealt with at Town Meeting, as opposed to going through the year long process. He assured that this article does not negatively impact the current Town Manager form of government, but does allow for changes to occur through the democratic process of Town Meeting.

Hale Lamont-Havers, Morse Road, asked that this article be defeated based on the observation of the sparse turnout tonight. She said Town Meeting is becoming outdated and nobody shows up, and to tie the hands of the new Town Manager might result in nothing getting accomplished.

Hank Sorett, Longfellow Road, voted against the passage of the Town Manager Act last year, but said the electorate has spoken and believes it should be given a chance to work. He urged defeat of this article.

Roy Sanford, Deer Pond Road, urged defeat of this article because of the financial impact and impact on time schedules to come back and ratify in Special Town Meetings appointments which the Town Manager would have to request the Town to ratify in any other month or months besides April Town Meeting.

The motion under Article 4 was presented to the voters and failed by a hand vote.

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#### ARTICLE 5. FY95 BUDGET ADJUSTMENTS

To see if the Town will vote to amend the votes taken under Article 13 of the 1994 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

At this time the Finance Committee Chairman addressed both Article 5 and Article 6, the Budget, saying, the FY96 Budget holds the line on services and also holds the line on taxes. The operating budget is about 6.9% higher than in FY95, and revenues are projected to increase by 5% from FY95. Ms. Anderson-Palmer reviewed the sources of revenues and how overall revenues are applied other than the operating budget. She briefly discussed the Stabilization Fund saying, the Finance Committee is not recommending the use of this Fund to support the FY96 budget. Ms. Palmer reported that the Town has a bond rating of Double A, with the anticipation of increasing it to Triple A status in the near future, which will help in borrowing at the most advantageous rates. The financial foundation is strong due to a number of sound practices performed by Town employees and volunteers. Because of sustained growth in demand for services, and the paring back or holding the line on budgets, there is little or no margin left to absorb requests for services.

Departments with budgets of \$50,000 or higher were asked to develop specific measures of department performance; to provide three year spending projections and to discuss cost savings activities which they had initiated. Starting the process early in the year allowed the Finance Committee more time for evaluation and recommendations. The departments were asked to work with a level effort budget and to prioritize their incremental spending requests, initiatives over and above the base activity from last year. Ms. Anderson presented a chart which shows the recommendations on how incremental revenues be allocated, which includes legal mandates and department head priorities, some of which are related to growth. In addition, she reviewed how the department requests were satisfied in terms of incremental spending, noting that a substantial amount were not funded.

With regard to FY96 appropriations, the overall funding pattern is much the same as it was last year. An Investment Priorities Committee was initiated to objectively examine and evaluate a group of five to seven major capital projects needed to improve or secure Sudbury's infrastructure. Members of several committees collaborated to create a priority listing and long term financing strategy for capital projects greater than or equal to \$500, 000 with a useful life of at least ten years. Two top priorities were presented for consideration in FY96 which include as first priority, the DPW Building Project and the second priority, the Library Building Project, in that order, but both. Ms. Anderson-Palmer reviewed what the cost would be based on assessed valuations of property. She commented that there is unified support for a phased capital plan.

Ms. Anderson-Palmer noted that the primary reasons for adjustments to the FY 95 appropriated budget and the FY96 recommended budget concerns union negotiations. She explained the primary reason for the adjustments is due to union negotiations and pointed out the recommendations supported by both the Negotiations Advisory Committee and the Finance Committee to this Town Meeting. In addition to the union settlement changes, there are other changes as well--the largest one being unallocated monies in the FY95 because of unanticipated one time reductions in the Unclassified Account. Finance Committee recommendations were given for the disbursement of these unallocated monies.

Ms. Anderson-Palmer, Chairman of the Finance Committee, *Moved to amend the votes taken under Article 13 of the 1994 Annual Town Meeting by adding to or deleting from line items thereunder by transfer between or among accounts or transfer from available funds as follows: amount \$53,102 to line item 110, Sudbury Public Schools from line item 950, Unclassified Retirement; \$28,897 to line item 310, Fire Personnel Services from line item 950, Unclassified Property Liability Insurance; Amount \$3,200 to Fire Expenses, line 310 from 950, Unclassified Property and Liability Insurance; \$1,500 to 310 Fire Expenses from Ambulance Reserve for Appropriation Account; \$26,200 to 310 Fire Capital Items from 950, Unclassified Property Liability Insurance; \$23,500 to 502 Engineering, Capital Items from 950, Unclassified Retirement; \$100,000 to 510 Permanent Building Committee Capital Items from 950, Unclassified Retirement; \$27,442 to 561 Accounting Expense from 950, Unclassified Retirement; \$17,500 to 950 Unclassified Town Meeting, Elections Account from 950, Unclassified Property Liability Insurance; \$5,000 to 970, Reserve Fund from 506, Town Clerk Personnel Services.*

The motion received a second.

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Board of Selectmen Report: Recommended approval.

Negotiations Advisory Committee representative, Marge Wallace, reported that all Town union contracts have been settled and all but the following three have been approved for funding: Sudbury School Custodial Contract, Fire Fighters' Contract, and Sudbury Support Staff Contract. She noted that the school related contracts are consistent with the teachers' contract previously settled, 1-3/4%, 2-1/2 and 3% on the base salaries. The Fire Union Contract has a base salary increase of 1-1/2, 2-1/2, and 3%, and addresses the Fire Chief's concerns regarding adequately manning all shifts and keeping stations open by reducing the number of men absent due to vacation or holiday time, and keeping the North Station open more of the time. She explained the goal of the NAC (Negotiations Advisory Committee) has been to highlight total compensation which is a combination of salary and benefits.

The motion under Article 5 was presented to the voters and was **UNANIMOUSLY VOTED** by a hand vote.

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ARTICLE 6. BUDGET

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums, or any other sum or sums, for any or all Town expenses and purposes, including debt and interest and out-of-state travel; to fix the salaries and other compensation of all elected officials and to provide for a Reserve Fund, all for the Fiscal Year July 1, 1995 through June 30, 1996, 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; and to further determine 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; or act on anything relative thereto.

Submitted by the Finance Committee

**TOWN OF SUDBURY  
FY96 BUDGET**

Old Line #		Expend. FY 93 *	Expend. FY 94**	Approp. FY 95	Dept Request FY96	FinCom Rec. FY96
100	EDUCATION					
	SUDBURY PUBLIC SCHOOLS					
	Salaries	7,152,325	7,727,703	8,912,580	9,872,121	9,818,457
	Expenses	1,607,466	1,800,067	2,099,244	2,301,298	2,243,298
	Equipment	52,382	64,101	422,095	94,930	146,930
	Roof Repairs		142,000	0	0	0
	Subtot Sudbury Pub.Scls	8,812,173	9,733,871	11,433,919	12,268,349	12,208,685
	Offsets, including METCO	237,328	259,594	238,233	203,300	203,300
110	Net Sudbury Public Scls	8,574,845	9,474,277	11,195,686	12,065,049	12,005,385
	Insurance/Benefit Costs	1,239,265	1,259,729	1,440,673	1,522,427	1,556,856
	True Cost S.P.S.	10,051,438	10,993,600	12,874,592	13,790,776	13,765,541
130	L-S REGIONAL H.S. Sudbury Assessment	6,539,191	6,942,562	7,341,877	7,949,726	7,786,288
140	MINUTEMAN VOC. H.S. Sudbury Assessment	381,446	300,448	313,488	364,789	364,789
	TOTAL 100 BUDGET	15,495,482	16,717,287	18,851,051	20,379,564	20,156,462

NOTE: Includes \$229,242 carried forward from FY93 to FY94 and expended.  
Includes \$318,637 carried forward from FY94 to FY95 and expended.

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Old Line #		Expend. FY 93 *	Expend. FY 94**	Approp. FY 95	Dept Request FY96	FinCom Rec. FY96
200	DEBT SERVICE					
-201	Temp. Loan Int.	21,189	270	8,000	3,000	3,000
-203	Other Bond Int.	348,287	366,016	338,603	422,177	422,177
-205	Other Bond Princ.	675,000	765,000	765,000	1,270,054	1,270,054
-440	Interest Refund	948	976	0	0	0
-711	Bond & Note Expense	584	946	3,000	3,000	3,000
200	TOTAL DEBT SERVICE	1,046,008	1,133,208	1,114,603	1,698,231	1,698,231
*#	(Fairbank/COA: P & I)	134,480	128,720	122,960	131,817	131,817
*#	(Nixon/Noyes: P & I)	733,400	575,400	581,000	1,223,954	1,223,954
*#	(Fire Station: P & I)	129,120	225,280	215,040	204,800	204,800
*#	(Melone & Unisys: P & I)	52,649	216,733	209,603	202,473	202,473
	(Feeley Tennis: P & I)				13,642	13,642
	Sherman's Bridge				5,054	5,054
	Offsets, Carry forwards, etc.	26,362	15,116	200,222	289,732	289,732
	TOTAL Princ & Int (Exempted)	1,023,287	1,131,017	928,381	1,486,954	1,486,954
	Total Exempt Debt including L-S	1,167,185	1,296,107	1,350,269	1,757,864	1,757,864
*#	Project costs provided for information only and do not necessarily add to the Total Debt Service, due to Carry Forwards, Town Meeting Article appropriations, etc.					
300	PROTECTION					
310	FIRE DEPT					
	Personal Services	1,337,664	1,380,649	1,356,701	1,467,216	1,379,985
	Expenses	84,987	99,167	109,590	112,590	105,590
	Capital Spending	0	84,754	10,000	26,200	26,200
310	TOTAL	1,422,651	1,564,570	1,476,291	1,606,006	1,511,755
	Offset: Ambulance Fund	50,000	93,500	30,000	30,000	30,000
	Net Budget	1,372,651	1,471,070	1,446,291	1,576,006	1,481,755
320	POLICE DEPT					
	Total Personal Services	1,245,511	1,289,196	1,289,890	1,448,149	1,353,154
	Total Expenses	90,502	87,319	88,173	100,450	95,673
	Total Capital Spending	15,000	73,220	0	73,180	54,885
320	TOTAL	1,351,013	1,449,735	1,378,063	1,621,779	1,503,712
340	BUILDING DEPT					
	Personal Services	189,221	204,516	229,581	250,450	248,590
	Expenses	114,531	123,276	109,040	128,590	115,640
340	TOTAL	303,752	327,792	338,621	379,040	364,230
	Pool Ent.Fund Revenue	8,765	9,469	9,938	0	0
350	DOG OFFICER					
	Personal Services	19,412	14,672	21,517	22,190	22,190
	Expenses	1,287	4,991	2,100	1,800	1,800
350	TOTAL	20,699	19,663	23,617	23,990	23,990

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Old Line #		Expend FY 93 *	Expend. FY 94**	Approp. FY 95	Dept Request FY96	FinCom Rec. FY96
360	CONSERVATION COMMISSION					
	Personal Services	28,896	32,764	37,864	42,644	41,249
	Expenses	4,904	7,248	10,493	10,493	8,493
360	TOTAL	33,800	40,012	48,357	53,137	49,742
	Offset:Wetland Protect. Funds	4,125	4,125	4,125	4,125	4,125
	Net Budget	29,675	35,887	44,232	49,012	45,617
370	BOARD OF APPEALS					
	Personal Services	10,722	9,953	10,348	10,670	10,670
	Expenses	316	426	800	2,500	800
370	TOTAL	11,038	10,379	11,148	13,170	11,470
	TOTAL 300 BUDGET	3,142,953	3,412,151	3,276,097	3,697,122	3,464,898
	Offsets	54,125	97,625	34,125	34,125	34,125
	NET 300 BUDGET	3,088,828	3,314,526	3,241,972	3,662,997	3,430,773
400	PUBLIC WORKS					
410	HIGHWAY DEPT					
	Personal Services	577,630	589,695	599,684	683,396	604,194
	Expenses	483,884	539,507	559,851	593,453	571,031
	Capital Spending	0	69,944	0	217,000	48,000
	Snow and Ice	274,680	342,648	139,149	139,297	139,297
410	TOTAL	1,336,194	1,541,794	1,298,684	1,633,146	1,362,522
	Offset:Cemetery Fund	11,700	14,000	25,914	20,000	20,000
	Offset:ATM82/14,STM86/6	0	0	0	0	0
	Offset:ATM 90/24	0	23,400	0	0	0
	Net Budget	1,324,494	1,504,394	1,268,852	1,613,146	1,342,522
460	LANDFILL ENT. FUND					
	Personal Services	172,750	137,243	137,965	153,543	148,882
	Expenses	93,453	109,821	152,326	151,146	151,146
	Capital Spending	8,526	57,190	70,062	1,711	6,372
460	TOT DIRECT COST (Approp)	274,729	304,254	360,353	306,400	306,400
	INDIRECT COST: (Not Approp)					
	Engineering Dept. Service	31,767	34,032	35,753	38,846	38,846
	Benefits/Insurance	38,579	39,475	39,475	43,754	43,754
	Total Indirect Cost	70,346	73,507	75,228	82,600	82,600
	TOTAL 460 BUDGET	345,075	377,761	435,581	389,000	389,000
	LANDFILL RECEIPTS	328,515	411,958	395,956	389,000	389,000
	RETAINED EARNINGS	16,560		39,625		
	TOTAL 400 BUDGET	1,610,924	1,846,048	1,659,037	1,939,546	1,668,922
	Offsets	11,700	37,400	29,832	20,000	20,000
	NET 400 BUDGET	1,599,224	1,808,648	1,629,205	1,919,546	1,648,922

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Old Line #		Expend. FY 93 *	Expend. FY 94**	Approp. FY 95	Dept Request FY96	FinCom Rec. FY96
500	GENERAL GOVERNMENT					
501	SELECTMEN					
	Personal Services	182,843	194,815	201,918	208,335	210,551
	Expenses	12,088	26,844	16,834	22,014	17,309
501	TOTAL	194,931	221,659	218,752	230,349	227,860
502	ENGINEERING DEPT.					
	Personal Services	195,619	217,164	224,076	250,489	231,877
	Expenses	9,582	9,616	10,150	11,400	10,400
	Capital Spending	6,000	0	13,700	38,500	13,500
502	TOTAL	211,201	226,780	247,926	300,389	255,777
	Lndfill Ent.Fund Revenue	31,767	34,032	35,753	38,846	38,846
503	LAW					
	Personal Services	51,909	55,257	56,882	91,800	59,783
	Expenses	55,614	92,057	76,234	35,180	67,197
503	TOTAL	107,523	147,314	133,116	126,980	126,980
506	TOWN CLERK & REGISTRARS					
	Personal Services	121,487	127,301	133,297	136,912	127,272
	Expenses	28,796	13,115	30,604	18,725	17,975
506	TOTAL	150,283	140,416	163,901	155,637	145,247
509	MODERATOR					
	Personal Services	0	0	0	0	0
	Expenses	0	0	0	0	0
509	TOTAL	0	0	0	0	0
510	PERMANENT BLDG. COM.					
	Personal Services	0	0	500	500	500
	Expenses	0	0	0	0	0
510	TOTAL	0	0	500	500	500
511	PERSONNEL BOARD					
	Personal Services	4,205	4,058	4,543	4,868	4,868
	Expenses	335	441	485	485	485
511	TOTAL	4,540	4,499	5,028	5,353	5,353
512	PLANNING BOARD					
	Personal Services	38,140	48,514	56,336	65,278	63,278
	Expenses	2,184	1,448	1,750	1,750	1,750
	Capital Items	0	0	0	0	0
512	TOTAL	40,324	49,962	58,086	67,028	65,028
513	COM. FOR PRESERV/MANAGEMENT DOCS					
	Expenses	1,600	708	1,600	1,600	1,600
513	TOTAL	1,600	708	1,600	1,600	1,600

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Old Line #		Expend. FY 93 *	Expend. FY 94**	Approp. FY 95	Dept Request FY96	FinCom Rec. FY96
514	HISTORIC DIST. COM.					
	Personal Services	75	0	80	400	400
	Expenses	59	54	85	85	85
514	TOTAL	134	54	165	485	485
515	HISTORICAL COMMISSION					
	Expenses	1,618	1,597	1,800	2,725	2,425
515	TOTAL	1,618	1,597	1,800	2,725	2,425
516	CABLE TV COMMISSION					
	Expenses	355	767	800	800	800
516	TOTAL	355	767	800	800	800
518	COUNCIL ON AGING					
	Personal Services	49,163	60,434	61,502	65,042	65,042
	Expenses	1,501	4,395	8,500	12,925	12,925
518	TOTAL	50,664	64,829	70,002	77,967	77,967
535	COMMISSION ON DISABILITY					
	Expenses	0	0	0	750	0
535	TOTAL	0	0	0	750	0
	TOTAL 500 BUDGET	763,173	858,584	901,675	970,563	910,021
560	FINANCE					
561	ACCOUNTING					
	Personal Services	118,011	116,628	118,231	146,431	134,996
	Expenses	11,992	21,576	25,665	69,590	56,782
	Capital Spending	0	16,444	0	0	0
561	TOTAL	130,003	154,648	143,896	216,021	191,778
563	TREASURER/COLLECTOR					
	Personal Services	120,359	139,343	149,684	159,537	159,537
	Expenses	54,789	64,534	82,109	79,408	59,858
563	TOTAL	175,148	203,877	235,293	238,945	219,395
564	ASSESSORS					
	Personal Services	118,591	125,203	126,980	130,650	130,650
	Expenses	7,441	26,940	45,680	25,500	25,500
	Capital Spending	0	0	0	0	0
564	TOTAL	126,032	152,143	172,660	156,150	156,150
568	FINANCE COMMITTEE					
	Personal Services	6,216	6,722	8,080	8,651	8,651
	Expenses	258	500	290	490	290
568	TOTAL	6,474	7,222	8,370	9,141	8,941
	TOTAL 560 BUDGET	437,657	517,890	560,219	620,257	576,264



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Old Line #		Expend. FY 93 *	Expend. FY 94**	Approp. FY 95	Dept Request FY96	FinCom Rec. FY96
600	<u>GOODNOW LIBRARY</u>					
	Personal Services	292,035	318,239	331,948	380,166	345,686
	Expenses	73,094	92,259	103,460	112,460	115,618
600	TOTAL	365,129	410,498	435,408	492,626	461,304
	Offset: Dog Licenses	7,750	6,454	6,454	5,653	5,653
	Net Budget	357,379	404,044	428,954	486,973	455,651
700	<u>PARK AND RECREATION</u>					
	Personal Services	122,799	156,077	159,184	172,694	165,696
	Expenses	22,950	14,790	14,790	14,790	14,790
	Capital Spending	0	0	0	61,000	0
700	TOTAL	145,749	170,867	173,974	248,484	180,486
701	<u>POOL ENTERPRISE FUND</u>					
	Personal Services	172,570	159,371	172,938	176,423	176,423
	Expenses	115,265	115,084	109,410	115,700	115,700
	Capital Spending	0	4,083	0	4,000	8,000
701	TOT DIRECT COST (Approp)	287,835	278,538	282,348	296,123	300,123
	INDIRECT COST: (Not Approp)					
	Benefits/Insurance	36,988	29,928	24,036	26,583	26,583
	Custodial Services	8,765	9,469	9,938		
	Total Indirect Cost	45,753	39,397	33,974	26,583	26,583
	TOTAL 701 BUDGET	333,588	317,935	316,322	322,706	326,706
	POOL ENTER. RECEIPTS	300,469	299,910	316,322	322,706	322,706
710	<u>YOUTH COMMISSION</u>					
	Expenses	810	1,600	1,600	1,600	1,600
710	TOTAL	810	1,600	1,600	1,600	1,600
	TOTAL 700 BUDGET	434,394	451,005	457,922	546,207	482,209
800	<u>BOARD OF HEALTH</u>					
	Personal Services	114,461	120,628	124,453	129,569	129,569
	Expenses	74,691	79,806	92,500	94,710	92,910
	Capital Spending	0	0	0	0	0
800	TOTAL	189,152	200,434	216,953	224,279	222,479
900	<u>VETERANS</u>					
	Personal Services	3,831	3,983	4,023	8,145	6,200
	Expenses	16,804	10,742	7,800	13,400	1,300
900	TOTAL	20,635	14,725	11,823	21,545	7,500

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Old Line #		Expend. FY 93 *	Expend. FY 94**	Approp. FY 95	Dept Request FY96	FinCom Rec. FY96
950	UNCLASSIFIED					
	EMPLOYEE BENEFITS					
-800	Health Insurance	1,605,536	1,704,131	1,807,142	2,027,000	2,066,500
	Town Share:	714,945	758,850	747,719	827,016	815,984
	Scl Share:	890,591	945,281	1,059,423	1,199,984	1,250,516
-801	Life Insurance	4,394	4,340	4,800	4,800	4,800
	Town Share:	1,957	1,933	2,137	1,958	1,958
	Scl Share:	2,437	2,407	2,663	2,842	2,842
-813	Retirement Fund	1,006,344	929,921	1,015,659	832,836	847,724
	Town Share:	795,112	734,731	782,934	657,940	661,852
	Scl Share:	211,232	195,190	232,725	174,896	185,872
-821	Worker's Compensation	115,778	120,269	186,957	165,000	70,978
	Town Share:	78,139	81,170	122,314	110,550	47,555
	Scl Share:	37,639	39,099	64,643	54,450	23,423
-822	FICA/Medicare	55,144	68,701	79,946	101,000	103,500
	Town Share:	24,556	30,592	36,892	41,208	39,760
	Scl Share:	30,588	38,108	43,054	59,792	63,740
-825	Unemploy. Compensation	70,000	30,000	0	17,000	17,000
	Town Share:	31,171	13,359	0	6,936	6,936
	Scl Share:	38,829	16,641	0	10,064	10,064
	Total Employee Benefits	2,857,196	2,857,362	3,094,504	3,147,636	3,110,502
	OPERATING EXPENSES					
-510	Equipment	0	0	0	0	0
-799	Audit	12,000	0	0	0	0
-803	Property/Liab. Insurance	117,171	96,429	160,000	85,000	85,000
	Town Share:	89,223	73,428	121,836	64,600	64,600
	Scl Share:	27,948	23,001	38,164	20,400	20,400
-804	Print Town Report	4,688	4,455	6,500	8,500	8,500
-805	Memorial Day	1,324	1,318	1,425	1,480	1,000
-814	Town Meetings	14,759	16,978	18,500	22,000	22,000
-815	Postage	29,963	29,976	34,000	34,000	34,000
-816	Telephone	24,270	19,628	21,000	16,000	16,000
-808	Tuition		4,430	0	0	0
-864	July 4th Celebration				5,000	1,000
-951	Copying	3,662	4,984	7,500	9,500	9,500
950	Total Operating Expenses	207,837	178,198	248,925	181,480	177,000

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Old Line #		Expend. FY 93 *	Expend. FY 94 **	Approp. FY 95	Dept Request FY 96	FinCom Rec. FY 96
	TOTAL UNCLASSIFIED	3,065,033	3,035,560	3,343,429	3,329,116	3,287,502
	(Total Town Related)	1,825,768	1,775,831	1,902,757	1,806,689	1,730,646
	(Total School Related)	1,239,265	1,259,729	1,440,673	1,522,427	1,556,856
	Offset: Free Cash	361,536	373,714	443,000	489,000	489,000
	Offset: Abatement Surplus	0	179,383	400,000	280,153	280,153
	Offset: Retirement Trust Fund				14,001	14,001
	Offset: Stabilization Fund	0	0	72,000	0	0
	NET 950 BUDGET	2,703,497	2,482,463	2,428,429	2,545,962	2,504,348
	Pool Ent. Fund Revenue	36,988	29,928	24,036	26,583	26,583
	Lndfill Ent. Fund Revenue	38,579	39,475	39,475	43,754	43,754
970	TRANSFER ACCOUNTS ***					
-110	Salary Adjustment	0	0	0	0	0
-807	Reserve Fund	39,481	101,075	100,000	100,000	100,000
-970	Town Salary Contingency	24,147	24,977	54,829	58,579	58,579
-971	Scl Salary Contingency	0	0	0	0	0
970	TOTAL TRANSFER ACCTS	63,628	126,052	154,829	158,579	158,579
	Offset: Abatement Surplus	0	0	0	0	0
	Offset: Free Cash	0	0	0	0	0
	NET 970 BUDGET	63,628	126,052	154,829	158,579	158,579
	TOT OPERATING BUDGET	26,570,539	28,597,390	30,983,046	34,077,635	33,094,371
	Total Offsets	73,575	320,862	542,411	353,932	353,932
	Free Cash Applied	361,536	373,714	443,000	489,000	489,000
	NET OPERATING BUDGET	26,135,428	27,902,814	29,997,635	33,234,703	32,251,439

\* Includes Reserve Fund and Line Item transfers, as well as other financing uses.

\*\* Does not include Reserve Fund and Line Item transfers for FY95 to date.

\*\*\* Transfer accounts are appropriated to the 970 account and then transferred to other line items as needed. Thus for FY93 and FY94 this account is not included in the Total Operating Budget.

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First a Limited Motion was placed before the voters to limit the amount of money to be appropriated in the proposed budget. This would preclude the voters from approving a budget in excess of \$33,132,147.

Chairman Anderson-Palmer of the Finance Committee Moved that the amount appropriated under the Budget not exceed the sum of \$33,132,147.

The motion received a second.

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

The limiting motion was placed before the voters and was **UNANIMOUSLY VOTED** by a hand vote.

Chairman Anderson-Palmer of the Finance Committee Moved that the Town appropriate the sums of money set forth in the Warrant under Article 6 in the column, "Fin Com Rec FY96" for fiscal year 1996 except as follows: line item 110, Sudbury Public Schools, budget \$12,065,049 increase of \$59,664; line item 310, Fire Personnel Services, budget \$1,439,795, increase of \$59,830; line item 310, Fire Expenses, budget \$111,290, increase of \$5,700; line item 310, Capital Items, budget 0, decrease \$26,200; line item 320, Police Expenses, \$96,173, increase of \$500; line item 501, Selectmen's Expenses, budget \$18,059, increase of \$750; line item 502, Engineering Expenses, budget \$11,400, increase of \$1,000; line item 502, Engineering capital items, budget 0, decrease \$13,500; line item 561, Accounting Expenses, budget \$29,340, decreased \$27,442; line item 900, Veterans' Expenses, budget \$3,500, increase of \$2,200; line item 950 Retirement \$836,494, decrease of \$11,230; line item 950, Workers' Compensation, \$55,000 budget, decrease \$15,978; line item 950, Memorial Day Parade, budget \$1,480, increase of \$480; line item 950, July 4th Celebration, budget \$3,000, increase of \$2,000. The following items to be raised as designated by transfer from available fund balances and interfund transfers: from Ambulance Reserve for Appropriations Account to 310 Fire, Personnel Services in the amount of \$32,500; from Wetlands Protection Account to 360, Conservation, Personnel Services in the amount of \$4,125; from Cemetery Funds to 410 Highway Expenses in the amount of \$20,000; from Dog Licenses to 600 Library Expenses, \$5,653; from Free Cash to 950 Unclassified, \$489,849; from Abatement Surplus to 950 Unclassified, \$280,153; from Retirement Trust Fund to 950 Unclassified, \$14,001; 1988 Special Town Meeting, Article 18 to 950 Unclassified, \$9,000; and further, that appropriations within departmental budgets under Personnel Services, Expenses, Capital Spending, Snow and Ice, Net Sudbury 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 allowance shall be paid in accordance with Federal Internal Revenue Service Mileage Regulations. \*Nixon School Settlement to 950 Unclassified, \$102,500.

The motion received a second.

It was explained that the majority of these transactions are in relation to the FY95 budget and represent primarily accounting transactions to accommodate the business objectives described earlier.

Sudbury School Committee Report: (Dr. H. DeRusha) Superintendent of Schools, Dr. DeRusha commented that FY95 has been a good year for the Sudbury Public School. The opening of the Nixon School in the fall of 1994 resulted in reducing recommended class sizes from approximately 28 large classes to 9 this year. New classroom teaching positions are being requested to reduce class sizes at both Haynes and Nixon schools, and in anticipation of increases in student enrollment next year. Mr. DeRusha reported that three K-8 curriculum initiatives in mathematics, reading and health education are proceeding with excellent results. In addition federal tobacco grant funding allowed the school district to hire one full-time and one part-time health educator, which resulted in identifying a comprehensive health program for each grade level last September. Mr. DeRusha continued that the school district also completed development of a comprehensive three year plan for integrating technology into the K-8 curriculum, noting that all of these technology accomplishments were achieved through utilization of resources outside of the FY95 budget. The school district's technology plan will be severely compromised because there is no funding available in the recommended FY96 budget to support certain aspects of the plan, explained Mr. DeRusha, who added that the schools will need to continue to identify new sources of alternate funding which is becoming more difficult. The schools have continued to make progress in addressing student achievement, which was evidenced in the results of the Statewide Massachusetts Education Assessment Program tests which are given to grades 4 and 8.

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Mr. Greg Lauer, school committee member, reported that the Sudbury Public School System is recommending an increase of 7% to maintain a level services budget. He continued the reason for this increase is basically growth, and noted the number of new housing developments in Sudbury. He said the schools are projecting an additional 94 students to the school system beyond the level in the current calendar year. In breaking down the 7% increase, Mr. Lauer estimated that about 2.7% would go toward enrollment growth, 2.3% for level effort, with the remaining 2% for legal mandates primarily targeted for Special Education. He added that with a level services budget, many things are not in the budget, particularly restorations of programs that have been in the school system in previous years but have been cut to accommodate the influx of new students. In conclusion, Mr. Lauer informed about the core values program established in the schools this year, whose focus is the determination of the commitment and energy in the schools concerning the key issues confronting the schools. He explained that they are trying to expand this process by working with parents and other community members to determine what the community vision for the school system is over the next few years. In so doing, they hope to identify the highest priorities, get some energy behind those and make sure they are spending money in ways which are appropriate.

Lincoln-Sudbury Regional High School Committee Report: (D. Wilson) Chairman David Wilson said who the other members of the Committee are and extended thanks and gratitude to Gerry Nogel, who is leaving the Committee after nine years of service. Mr. Wilson briefly discussed the guidelines used by the Committee in establishing their budget, and stressed that more time and energy is being spent focusing on those things that are essential, rather than those things that are desirable. Since State aid has remained flat for Towns like Sudbury, the Town will be paying for a larger percentage of its school budgets with the funds raised by taxes, which in turn means that overrides are in our future. Mr. Wilson explained that the 4.06% increase in the total budget will account for enrollment growth, state mandates, and compensation packages. He said he believes the Committee's five-year budget history reflects both restraint and good management. With regard to outstanding capital projects, the Rogers Theatre remains to be done, and it is their hope that it will happen next year.

Lincoln-Sudbury Regional High School Superintendent Dr. Matthew King discussed some of the changes that will be taking place at the high school, namely the new Language Technology Center and the School Committee's approval of the Physical Education Department's new program to orient its curriculum to lifetime health and fitness. In addition, a community service requirement for next year's freshman class was noted to have been introduced, and a decision was made to change the traditional seven block 50 minutes schedule to 5 blocks, 75 minutes for some classes next year. Mr. King informed that the decision to switch to a private food service provider is working very well, and the department, despite previous retirement costs and operating in the red, has experienced about a \$30,000 annual savings.

Minuteman Science and Technology High School: Mr. Glenn Noland, the Town's representative to the Minuteman School, informed the hall that Minuteman changed its name about a year ago to Minuteman Science and Technology High School. He added that Minuteman is a nationally recognized school in the area of Science and Technology having won national awards in biotech. Despite this reputation, Mr. Noland commented that very few people even know its location, and mistake it as simply a trade school. He said that the majority of students that are entering today are in Science and Technology. Mr. Noland commented that Minuteman would like to see an increase in enrollment from the sixteen member towns. This year enrollment from member towns went down while choice and tuition students grew. He concluded by encouraging Sudbury to help raise the district's enrollment numbers and to say that Minuteman is answering the demands of today's market through science and technology programs.

Mr. H. Tober, Ames Road, Moved to reduce line item, 410, Snow and Ice, from \$139,277 to \$129,297 and the Net Budget from \$1,342,522 to \$1,332,522. The motion received a second.

Mr. Tober explained that the residents of Dudley Road have prevailed on the Selectmen to make their street a private way; however, they have not requested to take on the responsibility for the cost of maintenance. He thinks the residents should take this responsibility, and since he has been denied the use of Dudley Road, along with everyone else, the Town should not feel obligated to care for the street.

Mr. Proud, Finance Committee, responded that the Snow and Ice Budget has been funded at essentially a minimum rate and seldom funds the entire snow removal for a typical winter. Mr. Proud also mentioned that if the amount in the budget is reduced, the Town will not be allowed to deficit spend.

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Highway Surveyor, Robert Noyes, asked that this motion be defeated because in most years this fund is not large enough.

Martha Coe, 14 Churchill Street, a former Highway Commission member, informed that private ways were plowed because of emergency access for police and fire and ambulances, and not because of the Highway budget.

The motion to amend line item 410 failed by a hand vote.

Mr. George Sharkey, Haynes Road, questioned the reasons for the fluctuations in the Law Budget from year to year, and asked if the sharp increase from last year represents lawsuits against the Town.

Town Counsel, Paul Kenny, responded that much of the expenses consist of recording deeds, litigation costs, and costs for collective bargaining, and the reason for the fluctuation is usually due to the labor situation.

There being no further motions to amend, the main motion under Article 6 was presented to the voters and was **UNANIMOUSLY VOTED** by a hand vote.

**\*April 10, 1995 - Article 6 CORRECTION - See Page 72**

**Unanimously Voted to amend the vote taken under Article 6, FY96 Budget.**

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ARTICLE 7. STREET ACCEPTANCES

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

Bridle Path	From Tall Pine Drive to Tall Pine Drive, A distance of 2,530 feet, more or less;
Trailside Circle	From Bridle Path to a dead end, A distance of 501 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, \$150, or any other sum, therefor and all expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen.

M. Clark of the Board of Selectmen *Moved* to accept the layout of the following ways:

<i>Bridle Path</i>	<i>From Tall Pine Drive to Tall Pine Drive, A distance of 2,530 feet, more or less;</i>
<i>Trailside Circle</i>	<i>From Bridle Path to a dead end, A distance of 501 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; and to authorize the acquisition by purchase, by gift or by a taking by eminent domain, in fee simple, of the property shown on said plans; and to appropriate \$150 therefor and all expenses connected therewith.*

The motion received a second.

Selectman Clark informed that the drainage easements from the owners of the three lots in question have been resolved, and the Selectmen request passage of this article.

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

Finance Committee Report: (K. Anderson-Palmer) Recommended approval.

The motion under Article 7 was **UNANIMOUSLY PASSED** by hand vote.

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ARTICLE 8. VOTING EQUIPMENT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$39,070, or any other sum, to be expended under the direction of the Board of Selectmen, for the purchase of an optical scan voting system, and voting booths to be used therewith; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen

Board of Selectmen Report: This article has been before Town Meeting on several occasions. We submit the following justification for purchasing new voting equipment:

**1. Polling sites.** The new equipment will allow us to vote at four locations without dependence on bulky machines and storage space. While we managed fairly well using the two locations of the Fairbank and Loring Centers, parking would be much improved with four polling sites. The weather was good at the last election with long lines outside during part of the day; bad weather would have created voter hardships. Four polling sites would: a) help avoid long lines; b) shorten driving distance to polls; c) promote precinct identification; and d) provide better parking conditions. (We presently do not have enough voting machines - no matter how many polling sites we have. In calendar 1995 we need three more machines at a cost of approximately \$6,300. In 1996 we will need four additional machines at \$8400. These are reconditioned machines. Our current Voting Machines are no longer manufactured.)

**2. Present voting equipment.** The current voting system (Automatic Voting Machines) is extremely slow and subject to frequent breakdowns. Despite regular preventative maintenance, the machines continue to break down. There remains one reliable vendor located in New York who services these machines and provides supplies. The scarcity of technicians to program the machines has become a serious problem as well. The machines have been used by the Town for a quarter of a century - before that they were used by someone else! We have no flexibility, backup or safety valve.

In addition, a) machines are large and difficult to move; b) moving them causes breakdowns and more maintenance costs; and c) machines require large, permanent storage area.

We now store the large voting machines at Loring and Fairbank, which take up needed space and are costly to move and program and prepare for the elections. By State law, G.L. Chapter 54, ss.35 and 35B, they must be locked and sealed after being prepared before each election until the polls are opened and again after each election when the polls close. They must be stored in a secured area to assure they cannot be tampered with. At Fairbank the machines are secured as best as possible by storage in the men's room and in part of the Senior Center kitchen area, temporary situations at best.

The last cost to move the machines was approximately \$33.50 per machine (23 machines), for a total of \$770. Also the cost to set up the machines was \$352 for custodial (not including much in-house time absorbed by the Building Department) plus \$1,000 for programming the machines. Police costs for the 1994 elections were approximately \$4,347. If we were to use Constables as allowed under Chapter 54, sec. 72, our cost may be under \$1,000 for the same type of election year.

**3. Complying with law.** We are charged with the responsibility of providing voting facilities which are reliable, efficient and accurate, and with the present system we no longer can guarantee these requirements. To comply with election laws, and avoid further inconvenience to town agencies, our cost will increase \$14,700 next year (FY96) without a new voting system. Three more machines are needed by law to meet the required number per registered voters. Plus, for primary elections we will need four more machines - one machine for each of the four precincts for third party candidates. In 1995 we have one election. In 1996 we have four elections including two primaries.



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4. **Savings and Costs.** The possible savings by going to an optical scan voting system is as follows (pay-back: 2-3 years):

<b>Eliminate:</b>	Additional machines (7)	\$14,700
<b>(first year)</b>	Town Personnel/Set-up cost	1,000
	Programming current machines	1,000
	Inconvenience of storage	?
	Moving cost if necessary	800
		<u>\$17,500</u>
<b>Plus:</b>	Estimated trade or sale value of current machines -	\$10,000
<b>Total Savings/Offsets:</b>		<b>\$27,500</b>
The estimated cost for an optical scan voting system is		
	5 machines	\$28,000
	82 voting booths	\$11,070
<b>Total Cost of New System:</b>		<b>\$39,070</b>
<b>NET COST</b>		<b>\$11,570</b>

It is the Board's intention if this article is approved to purchase an optical scan voting system which uses a scanner to tabulate each ballot. A public bid will be required. These systems are very portable and should eliminate any hardships now associated with voting. It will provide a secure and convenient voting system for Sudbury voters. We urge passage of this article.

Selectman Blacker Moved to Indefinitely Postpone Article 8. The article received a second.

Mr. Blacker informed the hall the funding for this equipment was provided for in Article 5, Budget Adjustments, which was one of the budget exchanges from unclassified to the Town Clerk Voting Machines.

The motion under Article 8 to Indefinitely Postpone was presented to the voters and was **VOTED** by a hand vote.

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ARTICLE 9. RESCIND ARTICLE 4 BORROWING OF 9/90 STM - SHERMAN'S BRIDGE (Consent Calendar)

To see if the Town will vote to rescind Article 4 of the September 10, 1990, Special Town Meeting authorizing the Treasurer to borrow for the Sherman's Bridge Construction under Chapter 95 of the Acts of 1990; or act on anything relative thereto.

Submitted by the Treasurer/Collector

Treasurers Report: The Sherman's Bridge Construction was borrowed under the provisions allowed by Chapter 44, section 6A. The funds have since been refunded by the Commonwealth for this project. Therefore, this authorization is no longer necessary and can be removed from the Town's ledgers.

Board of Selectmen Position: The Board of Selectmen supports this article.

Finance Committee Report: Recommended approval.

The motion under Article 9 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE** by a hand vote.  
(Consent Calendar)

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ARTICLE 10. ACCEPT CH. 481 OF THE ACTS OF 1993 -  
SALE OF LIQUEURS & CORDIALS BY RESTAURANTS  
LICENSED TO SELL WINES AND MALT BEVERAGES (Consent Calendar)

To see if the Town will vote to accept the provisions of Chapter 481 of the Acts of 1993, an act relative to the sale of liqueurs or cordials by common victualers, allowing the Town to permit common victualer (restaurant) licensees who sell wines and malt beverages under Massachusetts General Laws Chapter 138, Section 12, to also sell liqueurs and cordials subject to application and approval by the Board of Selectmen and the Massachusetts Alcoholic Beverages Control Commission; or act on anything relative thereto.

Submitted by the Board of Selectmen

Board of Selectmen Report: In 1993 the State legislature passed the law described above. Presently, in order for a restaurant to sell liqueurs and cordials, it must have an All Alcoholic Beverages License which costs \$2500 annually, vs. a Wines and Malt Beverages License which is \$1000 annually. This article is submitted to give the voters an opportunity to decide whether a restaurant licensed for wines and malt beverages may also sell liqueurs and cordials with special permission from the Selectmen and approval by the Alcoholic Beverages Control Commission. The Board of Selectmen may establish a fee for the permit. The Board supports this article.

Text of Chapter 481 of the Acts of 1993:

Section 1. Section 1 of chapter 138 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the definition of "Licensing authorities" the following definition:-

"Liqueur or cordial", all alcoholic beverages manufactured or produced by mixing or redistilling neutral spirits, brandy, gin, or other distilled spirits with or over fruits, flowers, plants or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolations, or maceration of such materials and containing no less than two and one-half percent sugar by weight.

Section 2. Section 12 of said chapter 138, as so appearing, is hereby amended by adding the following paragraph:

In any city or town which votes to accept the provisions of this paragraph, a common victualer, who holds a license under this section to sell wines and malt beverages may, upon written approval, also sell liqueurs and cordials pursuant to said license, subject, however, to all other licensing provisions of this chapter.

The motion under Article 10 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE** by a hand vote.  
(Consent Calendar)

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ARTICLE 11. WILD AND SCENIC RIVERS DESIGNATION

To see if the Town will vote to request Congress to designate the section of the Sudbury River flowing through the Town of Sudbury as Wild and Scenic; or act on anything relative thereto.

Submitted by the Board of Selectmen

Board of Selectmen Report: The National Wild and Scenic Rivers law was enacted by Congress in 1968, and initially was used to protect western rivers from exploitation.

More recently, rivers in our region have been found suitable for designation. A 29-mile section of the Sudbury, Concord and Assabet Rivers could be designated if the eight towns along the rivers, including Sudbury, support designation. No Town funds are required now, or in the foreseeable future. The framework for designation is set forth in the locally-developed Conservation Plan for the SuAsCo Rivers.

Designation would help protect these rivers from unwise federally initiated, funded, and/or permitted development which might harm the rivers' outstanding natural resources. Sudbury would have a voice in the resolution of issues affecting the rivers through its membership in a regional river stewardship council. This group would be advisory, not regulatory, and would likely receive start-up federal funding.

Wild and Scenic designation emphatically would not include federal condemnation, acquisition, or management of private lands along the rivers. This exclusion would not affect the U.S. Fish & Wildlife's authority to acquire or manage land within Great Meadows National Wildlife Refuge. The Board of Selectmen supports this article.

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

Selectman Blacker *Moved in the words of the article.* The motion received a second.

Mr. Robert Coe, Churchill Street, explained he requested to hold the article because he does not see any advantage to having this declared by Congress as a Wild and Scenic River. He further opined that the Sudbury River does not represent the definition of a wild and scenic river, and cannot be considered wild due to the fact that it has been dammed at several places and that a portion of its flow now is the effluent of a sewage treatment plant. He added that federal acquisition could, at some time, affect acquisition or management of private lands along the rivers.

Conservation Commission Report: Mr. Edward Pickering, Peakham Circle, conveyed the Commission's unanimous support for this article, and explained that because the river is free flowing, it qualifies for this designation which means that it will be included in the national system of federally protected rivers. He further explained that this designation creates a mechanism for overseeing federal government activities via the formation of a fourteen person stewardage council of which eight members are each selected from the local bordering communities.

Planning Board Report: Ursula Lyons, Wayside Inn Road, reported that the Planning Board views this as a positive step toward guiding the Sudbury River from negative impacts by means of the proposed management plan and the rivers Stewardship Council. She repeated what has been stated that this designation will not involve federal takings or create new regulations for zoning or access and will not affect the Town's authority to regulate. The Planning Board urges support of this article.

Comments were made from residents who reside near the river, describing the beauty and the sounds which make it wild and scenic, and expressed their approval that this designation will help to preserve and maintain the river system.

Mr. Coe remarked that the main point of the designation is the invitation to have the federal government come in, and he said he has heard the pros but not the cons.

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Mr. Steve Meyer, Axdell Road, explained that this particular bill will protect the Town from the federal government, in that any federally funded project has to be reviewed for its impact on the river. He further noted that our own bylaw in Town and the Massachusetts Wetlands Protection Act does not protect the Town from federally funded projects.

Mr. Alex Porter, Lincoln Lane, informed that he is the representative to the Sudbury, Assabet and Concord Wild and Scenic Study Committee who has been working on this project for three or four years. He concurred with Mr. Meyers that the purpose of the designation is to protect the river from unwise federal initiated or funded projects. He said it is an honor and a strong gesture of respect to the wise conservationists who preceded us.

The motion under Article 11 was presented to the voters and was **VOTED** by a hand vote.

#### ARTICLE 12. JULY FOURTH PARADE

To see if the Town will vote to appropriate the sum of \$5,000, to be expended under the direction of the Board of Selectmen, for the conduct of a July Fourth Parade in 1995.

Submitted by the Board of Selectmen

Board of Selectmen Report: Last year's Annual Town Meeting enthusiastically supported this same article, which provides funds to supplement the efforts of the Sudbury Chamber of Commerce in putting on the July Fourth Parade. The funding made a major difference in the event, and the Selectmen support the Chamber's request to continue this small contribution.

Finance Committee Report: Recommended disapproval.

Selectman Blacker *Moved to Indefinitely Postpone Article 12.* The motion received a second.

Mr. Blacker explained the funding for Article 12 has also been approved under Article 6, Budget.

A brief discussion followed concerning the amount budgeted for the parade, which was explained by Ms. Anderson-Palmer.

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

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ARTICLE 13. CHAPTER 90 HIGHWAY FUNDING (Consent Calendar)

To see if the Town will vote to appropriate the sum of \$515,923, or any other Chapter 90 funding that may become available to the Town during Fiscal Year 1996, to be expended under the direction of the Highway Surveyor for the construction, reconstruction and maintenance projects of Town and County ways; said sum to be raised by transfer from Chapter 90 Funding from the Commonwealth; and further to authorize the Treasurer with the approval of the Selectmen to borrow said sums under General Laws Chapter 44, section 6, in anticipation of reimbursement by the Commonwealth.

Submitted by the Highway Surveyor

Highway Surveyor Report: The anticipated revenue is derived from Chapter 85, Acts of 1994, and is Sudbury's portion of the \$300 Million allocated to the cities and towns by the legislature. This amount will be combined with money previously voted from the Transportation Bond Issue to implement our pavement management program.

Board of Selectmen Report: Recommended approval.

Finance Committee Report: Recommended approval.

The motion under Article 13 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE** by a hand vote.  
(Consent Calendar)

ARTICLE 14 - WITHDRAWN

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ARTICLE 15. AMEND ZONING BYLAW, ART. IX, IV, D - CLUSTER DEVELOPMENT

To see if the Town will vote to amend Article IX(IV, D) entitled "Cluster Development" by adding to or deleting therefrom as follows:

1. By deleting from Article IX(IV,D,3,c) the last sentence of the first paragraph which precedes the definition of minimum lot area;
2. By deleting from Article IX(IV,D,3,c) the words "subject to wetlands regulations under M.G.L. c.131, s.40 (The Wetlands Protection Act)" and substituting therefor the words "constituting a protected resource under M.G.L. c.131, s.40, and the Town of Sudbury Wetlands bylaw excluding the 100 foot buffer contained in the law, regulations promulgated under the law, or the Town bylaw";
3. By adding to Article IX(IV,D,3,d) at the end, the sentence "A lesser buffer may be approved when, in the opinion of the Planning Board such requirement would prohibit the use of this bylaw due to the shape, topography, or other physical constraints of the property.";
4. By adding to Article IX(IV,D,5,b) in the second line after the words "such plan shall" the word "generally";
5. By deleting from Article IX(IV,D,5,b) in the second line, the letters "IV,B" and substituting therefor the letters "IV,B,4";
6. By adding to Article IX(IV,D,5,b) in the third line, after the words "Preliminary Subdivision Plan." the sentence "Drainage design and calculations are not necessary."
7. By deleting from Article IX(IV,D,5) subsection "c" in its entirety and renumbering subsection "d" so it reads subsection "c";
8. By adding to Article IX (IV,D,7) in the first line after the words "the Planning Board", a comma and the words "in considering an application for a cluster development,";
9. By deleting from Article IX(IV,D,7) in the first line, the word "not";
10. By deleting from Article IX(IV,D,7) in the second line, the word "unless" and substituting therefor the word "if";
11. By deleting from Article IX(IV,D,7) subsection "5)" in its entirety and renumbering subsection "6)" as subsection "5)", and subsection "7)" as subsection "6)";
12. By deleting from Article IX(IV,D,7) subsection "a" in its entirety and renumbering subsections "b", "c" and "d" so that they become "a", "b" and "c";
13. By deleting from Article IX(IV,D,7,b) in the first line, the word "shall" and substituting therefor the word "may";
14. By deleting from Article IX(IV,D,7,c) in the first line, the word "not";
15. By adding to IX(IV,D,7,c) in the second line after the words "such permit", the word "will" and by deleting the words "would be detrimental to the health, safety or welfare of the neighborhood or town";

16. By deleting from IX(IV,D,7,c) in the third line, the word "inconsistent" and substituting therefor the word "consistent";

17. By deleting from IX(IV,D,7,c) in the third line after the words "cluster development", the words "or would" and substituting therefor the words "and will";

18. By deleting from IX(IV,D,7,c) in the fourth line, the word "unsuitable" and substituting therefor the word "suitable";

19. By adding to IX(IV,D,7,c) in the fourth line after the words "suitable development", the words "in compliance with standards enumerated in this bylaw";

or act on anything relative thereto.

Submitted by the Planning Board

Planning Board Report: The current Cluster Development bylaw provisions, enacted by Town Meeting in 1988, have gone largely unused by developers wishing to subdivide land, except for the Carding Mill Subdivision. Technical provisions prevent use of the bylaw due to irregular parcel shape and other physical constraints. Other provisions inhibit use of the bylaw due to discretionary language which leaves developers uncertain whether the proposal will receive Planning Board approval. In an attempt to encourage more cluster developments in Town, with a corresponding increase in open space preservation and decrease in infrastructure needs, changes are being proposed to make the bylaw more user-friendly and workable. The basic provisions of the bylaw remain the same: requiring the same total area for the same number of lots as in a conventional subdivision, but redistributing the lots to allow the creation of smaller, clustered lots with the preservation of at least 35% open space. These proposed changes do **not** include density bonuses or any other incentive to use the bylaw. They make the bylaw easier to use within its original context and purpose by better defining the criteria required and allowing more opportunity for use of the bylaw by a larger range of applicants.

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

Carmine Gentile of the Planning Board Moved in the words of the Article. The motion received a second.

Mr. Gentile explained why the Cluster Development Bylaw was enacted and said that this amendment attempts to clear up various shortcomings in the bylaw. The changes will eliminate vague and unenforceable language; they will change negative statements in the article into positive statements; they will remove areas of uncertainty and eliminate unnecessary and/or overly burdensome provisions, and finally added language will help to reflect or interrelate with other aspects of the current zoning bylaw.

Board of Selectmen Report: Selectman Clark stated the Selectmen will report individually. Selectman Clark pointed out and commented on her concerns with several numbered items. She requested defeat of this article and suggested it needs further review to make it a more workable and protective bylaw for the Town.

Mr. Hank Tober, Ames Road, opined that it is pointless to consider the changes when the main text is missing.

Cheryl Baggen, Bridge Road, representing the Conservation Commission, requested confirmation on whether or not the amendments include the resource areas that were added to the Town's local bylaw last year. In general, the Conservation Commission is in support of this amendment because there has not been any significant interest in the cluster zone development in Town.

Mr. Gentile reviewed the items and attempted to explain or clarify the wording and intent of the amendments that were questioned as follows:



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Item #2 - The amendment is not taking away protection, rather adding the protection of the Town's Wetlands bylaw into the cluster development. The 100 foot buffer does not refer to any Wetlands buffer, rather the buffer that is the perimeter around the cluster development, which would allow for more flexibility.

Item #3 - This amendment allows the Planning Board to drop a perimeter buffer to a lesser number, should the Board deem the cluster to be advantageous to the Town.

Item #4 - This amendment allows the Planning Board to grant a reasonable waiver when appropriate with regard to conforming to provisions.

Item #6 - This amendment causes the proponent of a cluster development to be held to the same standard as that of a conventional subdivision and only require the submission of drainage, design and calculations on submittal of the definitive plan, but not have it be necessary with a preliminary plan.

Item #12 - Removal of the wording allowing the Planning Board to require changes in lot shape and layout as it deems necessary to secure the objectives of this bylaw removes excessive discretion on the part of the Planning Board. Currently, the zoning bylaw allows the Planning Board to have some say in the shape of lots.

Item #13 - With regard to the appointment of a Design Review Committee, the Planning Board would like to change the wording to read that the Planning Board may appoint rather than shall appoint, because it may not be necessary depending on plans submitted to the Board. It allows for flexibility and cost savings.

Item #15 - This is an example of making a negative statement into a positive statement, by the elimination of the words, "would be detrimental to the health, safety or welfare of the neighborhood or Town." Mr. Gentile noted that this language is very vague and simply adds to confusion.

Item #11 - This is another example of changing wording that is vague and confusing.

Item #19 - The addition of the words, "in compliance with standards enumerated in this bylaw" is made for clarification.

Jim Gish, Rolling Lane, remarked that nothing has been clarified for him, and concurred with Mr. Tober's remarks regarding the presentation of this Article in abbreviated form and without proper context. He urged defeat of this article.

Ralph Tyler, Deacon Lane, agreed with Selectman Clark's analysis regarding vague and unenforceable language including the buffer and how it relates to the buffer of how close the cluster houses can be to neighboring houses. He opined that it needs more work before it is ready to pass.

Jody Kablack, Town Planner, apologized for not preparing a handout for tonight's meeting. She said the Planning Department has attempted to remove some of the discretionary language and vagueness from the article in order to make it a more usable bylaw. She urged support of the article.

Robert Graham, Tanbark Road, asked if it would be appropriate to postpone this article to a time certain, to allow the Planning Board time to provide additional information and to put it into context.

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Robert Graham Moved to postpone Article 15 and take it up again at the conclusion of the warrant following Article 47.

The motion received a second.

The Moderator was in doubt as to the hand vote and asked for a standing vote. The question was presented to the voters again and was **CARRIED** by a standing vote.

A motion was received to adjourn the Town Meeting to tomorrow, April 4th at 7:30 pm. A vote was taken on the motion and the Moderator declared the meeting adjourned.

The meeting adjourned at 10:30 pm.

Attendance: 210

ADJOURNED ANNUAL TOWN MEETING  
APRIL 4, 1995

Pursuant to a Warrant issued by the Board of Selectmen, March 10, 1995, 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 4, 1995, for the second session of the Annual Town Meeting.

The meeting was called to order at 7:40 p.m. when a quorum was declared present. The Moderator noted all motions of substance, including main motions and motions to amend a main motion, were to be put in writing and presented to the Town Clerk before they are made or directly thereafter.

The Moderator recognized the members of Troop 63 of the Boy Scouts who are present tonight. They are here as part of their effort to earn the Communication Merit Badge.

ARTICLE 16. - Withdrawn

ARTICLE 17. CONSTRUCT DEPT. OF PUBLIC WORKS BUILDING

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$2,500,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of remodeling, reconstructing, constructing additional space, or making extraordinary repairs to the existing town Highway Department facility off Old Lancaster Road and/or constructing a new town building, purchasing additional equipment and furniture, and landscaping, for a Department of Public Works and other town offices, and all expenses connected therewith, including professional, engineering, and architectural services and the preparation of plans, specifications and bidding documents, and supervision of work; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Highway Surveyor

Highway Surveyor Report: I concur with the following report by the Board of Selectmen which explains the options available with respect to the Public Works Facility. I am also very concerned that the voters of Sudbury understand the grave health and safety risks associated with the current building and the potential liability they represent to the Town. Since the appropriation last year of partial funding for the architectural study, a number of previously unsuspected problems have become apparent and the urgency and seriousness of the situation must not be underestimated.

Board of Selectmen Report: The 1994 Annual Town Meeting approved an expenditure "for the purpose of obtaining engineering and architectural services, including preparation of plans, specifications and bidding documents, for remodeling, reconstructing, constructing additional space, or making extraordinary repairs to existing town building and/or the construction of a new town building for a Highway Garage". As the work progressed there was a consensus that it would be only practical to get plans and estimates for a facility large enough to house a complete Department of Public Works - 1) at a minimum to contain Highway, Engineering and Park & Recreation maintenance; or 2) to include, in addition to these three departments, other line departments which have direct reliance on one another to perform their daily work tasks. The expanded study is now under way.

Thus, this article has been prepared to enable the Town to make necessary improvements or additions to, or replacement of, the Highway Department Garage and further provide the option of incorporating into a combined Department of Public Works other Town offices now located at Featherland Park and in the Flynn Building (i.e., Park & Recreation maintenance, Engineering, Conservation, Building & Inspections, Planning and Health Departments).

Our first priority remains to support the replacement of the current public works (Highway) facility which is close to being in a condemned state. However, moving all line departments to a Public Works Building would not only greatly improve the Town's operation but help us to better serve the public. This would also better enable the Town to centralize all other administrative office facilities within the Flynn Building, and any increase in cost to a Public Works facility hopefully would offset the cost of "rehabbing" the Flynn Building. The Board unanimously supports this article.

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The Moderator recognized Finance Committee Chairman Karen Anderson-Palmer, for 20 minutes on the subject of Articles 17 - 20.

Ms. Anderson-Palmer informed that last year's Town Meeting concluded that there would be a number of significant capital projects requesting funding this year. Several projects are competing for funds, namely: the DPW Project, the Library expansion, the Rogers renovation, and the Flynn Remodeling Program. Because these investments represent 12 million dollars, the Finance Committee initiated the Investment Priorities Committee in July, 1994. This Committee was comprised of the Selectmen, the Executive Secretary, members of the Finance Committee, Permanent Building Committee and the Long Range Planning Committee, and its purpose was to create a multi-year time line for facility and capital projects that have an individual value of a half a million dollars or more and would last for ten years or more.

**(The full report is available at the Town Clerk's office.)**

Ms. Palmer explained how the various projects were evaluated and prioritized. She noted that it is the intention of the Investment Priorities Committee to move ahead in the next several years to address all of the projects listed. She continued to discuss the financing strategy to support these projects, saying that the projects would be funded over and above the operating budget through a debt exemption. A chart was reviewed which showed what it would cost the taxpayer for all these projects, which is averaged over the total fifteen year borrowing projected for each of the two major projects being considered in FY96. In addition, the average tax impact for each fiscal year was reviewed. She said there is unified support for a phased capital plan. The first two years of priorities, the DPW Building and the Library, are being submitted for support at the Town Meeting. If supported, they would then go forward to a Special Election in May.

Donald Oasis, Willis Road, questioned how these articles would appear on the ballot--individually or together. Selectman Blacker stated that it is the Selectmen's opinion to keep them separate.

Highway Surveyor, Robert Noyes, *Moved to appropriate the sum of \$2,575,000 to be expended under the direction of the Permanent Building Committee, for the purpose of remodeling, reconstructing, constructing additional space, or making extraordinary repairs to the existing Town Highway Department facility off Old Lancaster Road and/or constructing a new Town Building, purchasing additional equipment and furniture, and landscaping, for a Department of Public Works and other Town Offices, and all expenses connected therewith, including professional, engineering and architectural services in the preparation of plans, specifications and bidding documents, and the supervision of work; and to authorize the Permanent Building Committee to execute a contract or contracts therefor; and to raise this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$2,500,000 under General Laws, Chapter 44, Section 7, with the balance to be raised by taxation; all appropriation hereunder to be contingent upon approval of a proposition 2 1/2 debt exclusion in accordance with General Laws Chapter 59, Section 21C.*

The motion received a second.

Mr. Noyes gave a slide presentation showing the Highway facility, and pointing out the location of several areas of concern with regard to lack of storage for equipment, buildings in disrepair. He also showed what is being proposed--a new addition and a restoration of the existing building to have a combination of two buildings, which will also allow for storage of all the equipment. Mr. Noyes explained the proposed plan and showed configurations of the buildings, and where parking will be. Slides were shown of the current structure and Mr. Noyes explained the history related to the dates of construction, the equipment, and personnel. He voiced his many concerns regarding the safety of existing structures, the storage of equipment, inadequate facilities, among others which need to be addressed.

Mr. Noyes continued that a new building will reduce deterioration of the capital equipment. They are constantly having problems starting equipment that is stored outside because it is diesel. The funding for a new facility has been requested by the Highway Department for over ten years. He added that the advantages of a new Public Works facility will result in greater efficiencies and be more productive. It will improve response time in emergencies and will meet the health and safety requirements, and will conform to ADA and OSHA regulations.

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Finance Committee Report: Joseph Proud, Brewster Road, stated the Finance Committee strongly supports this project and recommends approval. He said he and other members of FinCom visited the Highway Facility and he can personally confirm what Mr. Noyes has stated. He continued that the Finance Committee has been involved in the entire process and can assure the Town that the proposed plan is fiscally responsible and meets most, if not all, of the important requirements of the Public Works Facility. He added that this project is long overdue, and that it allows for a more efficient consolidation of Engineering, Highway and other services which form a Public Works activity. The Finance Committee has ranked this project as the number one capital project in Town. He reviewed again what the average annual tax impact will be over the 15-year debt exemption.

Long Range Planning Committee Report: Robert Graham, Tanbark Road, stated the members of the Long Range Planning Committee unanimously support Article 17. He remarked that the deteriorating condition of the Highway garage has been ignored. Due to its nonglamorous issues and the fact that there has been limited resources for capital projects, appropriation and expenditure for this project has been deferred. As a participant in the evaluation process to prioritize capital projects, the committee independently concluded that funding for a new Public Works Building should be Sudbury's No. 1 priority for FY96.

Permanent Building Committee Report: Mr. Ey, Boston Post Road, explained who the Permanent Building Committee is, what services they provide to the Town, and what their role has been to the Highway Department. He said they helped select the architect for this project, and he reviewed the process that took place in determining the final proposal. He said the total project cost reflects the architect's preliminary design to accommodate a Public Works Administration and operational program. Mr. Ey noted the professional estimators indicate the total project can be constructed for \$2.5 million.

Conservation Commission Report: Steve Meyer, Axdell Road, stated the Conservation Commission supports this article, which involves important environmental benefits. He said the new facility corrects many of the very serious flaws in citing and layout of the original facility related to surface water contamination, ground water contamination and wildlife protection. He pointed out that salt contamination from the old Highway Facility led to the closing of one of the Town wells. The EPA, Environmental Protection Agency, is looking closely at the Hop Brook System as part of its examination of other problems with Hop Brook Pond, and they are looking at what Sudbury is doing. Mr. Meyer said the way the facility is, there are risks of a serious accident contaminating the nearby Hop Brook System and ground water and other wetlands in the area. He added that spills can cost a lot of money, even more than what is being proposed for this new facility, thus there is a savings to be had by putting the facility on sound environmental ground. The new plan for the facility will physically and visually separate the actual operational area from the nearby wetlands and banks of the Hop Brook. Another important point, concluded Mr. Meyer, is that the Conservation Commission was consulted early on in the planning stages of the project, to determine if issues related to the Wetlands Protection Act in the Town Bylaw, or issues with State and federal regulations would be a problem.

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

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ARTICLE 18. LIBRARY CONSTRUCTION APPROVAL

To see if the Town will vote to approve the construction of an addition and/or renovation to the Goodnow Library.

Submitted by the Goodnow Library Trustees

Hans Lopater, Windsor Road, Moved to approve the construction of an addition and/or renovation to the Goodnow Library. The motion received a second.

Mr. Lopater presented slides showing architectural drawings for expanding the library. He stated the design presented incorporates community input from two open forums that were held. He informed that the State Legislature approved an appropriation of \$45,000,000 to aid library construction, and that our own Senator Hicks was one of the sponsors of the bill. In order to take advantage of this short window of opportunity, the Library Trustees are asking for approval of Articles 18 and 19.

Library Trustees Report: 1994 Town Meeting approved an expenditure of \$20,000 to fund architectural plans for remodeling and constructing an addition to the library. The Trustees committed to returning to 1995 Town Meeting with a fiscally responsible plan. This will be presented at Town Meeting when the warrant articles are under consideration.

The current state budget contains funding in the amount of \$45.0 Million to subsidize library construction and rehabilitation. Only those libraries that have architectural drawings and Town Meeting approval will be eligible for grant consideration. We have such plans and made initial application prior to the March 2, 1995 due date. The grants will be made on a competitive basis. Awards will be based on demonstrated need, resident usage of library, physical condition of current structure, design plans based on meeting needs over a 20-year time-frame, and accommodating the rapidly changing technological developments in delivering information and education services to Town residents.

The total cost of library expansion is \$4.5 Million. If the grant is obtained, state reimbursement will be \$1.6 Million (36%). If residents vote to approve the expenditure of \$2.9 Million, and the state grant is not obtained, then the Trustees would not proceed with the expansion program. In other words, no monies would be spent.

The Town has a short window of opportunity to receive this substantial grant. Judging by prior history, state subsidies appear to occur on a seven-year cycle. The Trustees believe that action at this time is imperative. In order to remain in the grant application competition, we need to certify to the State Board of Library Commissioners by June 15, 1995, that Town Meeting has approved a building program. Grants will be awarded in September and those which receive a grant must sign a contract no later than January 1996.

Goodnow Library has exhausted all available space and is very crowded. The original library built in 1862, added to in 1894 and 1972, was designed to hold 50,000 items. It now houses about 70,000 - an increase of 40%. To accommodate these added items, seating space has shrunk from 95 places to 70 - a decrease of 26%. In 1994 our total circulation reached a milestone, 200,000. The physical plant is in poor condition and is in need of substantial work.

We believe our program is carefully designed, fiscally responsible and well positioned to qualify for a state grant. As you consider these warrant articles, we ask that you bear in mind the words of one of our fellow Town residents:

"The quality of life in a town is determined, primarily, by two factors. First, the excellence of its schools and second, the excellence of the library."

Frank Riepe, King Philip Road, reviewed the history of the physical building and the timing of the additions, including the structural problems existing with the 1972 addition. He introduced and spoke highly of Tony Tapei, the principle of Anthony Tapei and Associates, who is the architecture firm presenting the plan for this expansion.

Tony Tapei stated the essence of any library includes preservation and growth, both of which are reflected in the design for the expansion of the Goodnow Library. Mr. Tapei presented slides, showing how the library has expanded over the years. He said the Program Document developed by Bill Talentino, Library Director, and the Trustees sets the stage for the

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Library Expansion Program and is the basis for their planning. He continued that because of the limitations and problems with the 1970's addition, they are recommending removing the 1970's addition and building a new library on the site, which will allow for efficient library organization, reducing staff costs, and meeting grant requirements of good space planning. Other slides showed the plan proposed for expansion of the building, parking, access drive, setbacks, and landscaping. With regard to library service into the next century, the plan provides for an expanded children's library, a new program room with a separate entrance, a browsing and a new books area. In addition, the adult service area and seating will be greatly expanded as well as the reference area. A young adult area will be provided and in the restored original building there will be a reading room, trustees room and local collection area. Mr. Tapei gave specific figures regarding the expansion of the various sections.

Howard Goldsmith, Alta Road, also a Goodnow Library Trustee, discussed the need for expanding technology in the library, i.e., more work stations both with space and wiring, in order to be able to access the increased information that becomes available.

Hans Lopater explained that the cost of this expansion per household has been calculated to be 93 cents per week to the average home. The temporary quarters of the library will be the Town Hall if construction commences. Mr. Lopater said that if State funds are not awarded, the library expansion will not proceed.

Finance Committee Report: Barbara Pryor stated the Finance Committee believes the Library Trustees have established the need for an addition to the Goodnow Library and the answer to constructing it now is because it is needed and because of the limited opportunity for State reimbursement of library construction. She explained the financial implications and the reasons for both Article 18 and Article 19. She reviewed again the construction costs of the two capital projects that the Finance Committee is recommending as debt exemptions to Proposition 2-1/2, and what the tax impact would be for the average homeowner. The Finance Committee urges passage of both Articles 18 and 19.

Board of Selectmen Report: Recommended Approval.

Long Range Planning Committee Report: Rich Bryant, Washbrook Road, said the Committee has reviewed the proposal at length and understands there is a definite need for the expansion. The question is not whether or not the library will be expanded but when, and why not now when State funding might supply 35% of the cost. The Long Range Planning Committee supports this proposal.

Permanent Building Committee Report: Mike Melnick, Lincoln Road, reiterated what the architect, Mr. Tapei presented with regard to the evaluation of the existing building and the problems that exist; therefore the recommendation to build a new addition at a cost of \$4.5 million.

Hank Tober, Ames Road, remarked about the parallel expressions concerning the schools and the library with regard to excellence, saying in the case of the school system, the excellence is a euphemism, which means the most expensive in the State. He also questioned the urgency of the need when it was noted that the expansion would not take place if the State grant was not received. He added that it is a bad trade to lay out more money than what you are receiving. Mr. Tober commented that he is skeptical about State grants.

There was some discussion regarding the exact amount of the grant and if the Sudbury Foundation has been approached to help fund new equipment and technology.

Felix Bosshard, Warren Road, cited the various additions to the library and the construction of the Highway Department structure including the dates of these additions; and asked what assurance will the Town have that this addition will not result in a premature structural breakdown as has occurred with previous structures. This concern was answered by Mr. Melnick, who said the structure will last into the foreseeable future.

Ralph Tyler, Deacon Lane, questioned the design regarding the entrance of the library and why the entrance is not placed nearer the parking and in an area that will be controlled by the Town. Jeffrey Hoover, one of the architects, explained why the entrance was placed where it is and pointed out landscaping possibilities near the entrance.

The motion under Article 18 was presented to the voters and by a hand vote it was **UNANIMOUSLY VOTED.**

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ARTICLE 19. LIBRARY CONSTRUCTION FUNDING

To see if the Town will vote to appropriate the sum of \$4,500,000, or any other sum, for an addition and/or renovation, and to make extraordinary repairs to the Goodnow Library, including the cost of design, engineering, construction, original bidding documents and the original equipment for such addition, renovation or extraordinary repairs, to be expended in conjunction with a state grant; and to determine whether such appropriation shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Goodnow Library Trustees

Library Trustees Report: See report under Article 18.

Board of Selectmen Report: The Board of Selectmen supports this article, subject to receipt of grant.

Mr. Hans Lopater, Goodnow Library Trustee, *moved* to appropriate the sum of \$4,587,000 for constructing an addition and/or renovating and making extraordinary repairs to the Goodnow Library, including original bidding documents, specifications, equipment and related site work, to be expended under the direction of the Permanent Building Committee; and to authorize the Permanent Building Committee to execute a contract or contracts therefor; and to raise this appropriation, the Treasurer with the approval of the Selectmen is authorized to borrow \$4,500,000 under the Massachusetts General Laws, Chapter 44, Section 7, and the balance to be raised by taxation; that the Board of Library Trustees and the Board of Selectmen are each authorized to contract for any federal or State aid available for the project, provided that the authorized borrowing shall be reduced by the amount of said aid received prior to the issuance of bonds or notes under this vote; and that the Library Trustees are authorized to take any other action necessary to carry out this project; this bonding authorization shall not become effective until the Town receives a grant to provide federal or State aid in an amount not less than \$1,600,000 resulting in a maximum expenditure by the Town of \$2,900,000; all appropriation hereunder to be contingent upon approval of a Proposition 2-1/2 debt exclusion in accordance with General Laws, Chapter 59, Section 21c.

The motion received a second.

Mr. Tober commented that the taxes increase every year because of the building policy in Town, and he said he would like to see it slow down.

Ms. Anderson-Palmer clarified for Martha Coe her questions regarding the motion and the various amounts involved related to the amount to be raised by taxation and the amount of borrowing that would need to be done.

The motion under Article 19 was presented to the voters and by a hand vote it was **UNANIMOUSLY VOTED.**



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ARTICLE 20. LSRHS - APPROVE REPAIRS FOR ROGERS AUDITORIUM

To see if the Town will vote to approve the plans of the Lincoln-Sudbury Regional School Committee to reconstruct, equip, remodel and make extraordinary repairs to the Rogers Auditorium; or act on anything relative thereto.

Submitted by the Lincoln-Sudbury Regional School Committee

Fred Pryor, New Bridge Road, member of the Lincoln-Sudbury School Committee, Moved to Indefinitely Postpone Article 20. The motion received a second.

The explanation for the motion was that the Highway Department and Library take precedence because of need and opportunity. The proposed Rogers Center was described by Mr. Pryor, who said that the Project would be in front of Town Meeting next year for approval.

Finance Committee Report: Recommended Approval.

Board of Selectmen Report: Recommended Approval.

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

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ARTICLE 21. AMEND ZONING BYLAW, ART. IX.II.C - DELETE BUSINESS DISTRICT 10

To see if the Town will vote to amend the Zoning Bylaw Section II.C by eliminating Business District 10 which is located at the corner of Haynes and Pantry Roads; or act on anything relative thereto.

Submitted by Petition

Ralph Tyler, Deacon Lane, *Moved in the words of the Article.* The motion received a second.

Petitioners Report: Zoning is designed to anticipate desired future development and create the mechanism to effectively regulate building so that community goals are met. Business District 10 fails to meet any of these purposes. It is not the result of forward looking planning, but merely the result of long ago usage abandoned more than a quarter century ago.

Unfortunately, obsolete undesired zoning, as we learned from the Dunkin Donuts controversy, cannot safely be ignored until the crisis of an unwanted development is proposed. At that point, restrictions which could easily have been established by a simple zoning change often cannot be accomplished even through expensive litigation. Accordingly, the time to act is now!

Eliminating Business District 10 will cause the land to revert to the Residential "A" Zoning (40,000 sf) of the surrounding area. This change is fair to the landowners as it will not eliminate any current conforming uses. It will prevent new non-residential uses on this small parcel squarely in the middle of a residential zone.

Finance Committee Report: The Finance Committee takes no position on Article 21.

Board of Selectmen Report: Recommended Approval.

Planning Board Report: Richard Brooks, Planning Board member reviewed the history of Building District #10, and what the current situation is regarding the surrounding property. It is the Planning Board's unanimous opinion to rezone Business District #10 to residential.

George R. Sharkey, Haynes Road, owner of Business District #10, explained his background and noted that since he purchased Business District #10, the buildings and property have been in constant use as business enterprises without adverse effects on the environment or the area. He further stated that traffic and parking have not and will not become a problem for this area. Mr. Sharkey said that the owners of property should be consulted to determine if a change in zoning would cause a financial hardship to the owner before presenting any changes at Town Meeting; and the wishes of the owners should be considered unless there is some extreme reason for making a change.

Selectman Blacker reviewed what businesses would be allowed in this district subject to density restrictions and parking, if allowed to remain zoned the way it is now. He said the issue is not doing away with Mr. Sharkey's right to use his property as it is currently being used to the extent that any commercial activity is going on on that property, it can continue forever.

There was some discussion about other spot business districts in North Sudbury, and Roberta Sharkey asked why the Planning Board is targeting Business District #10 and not others, such as Sierra's Restaurant. Mr. Brooks responded that it is the Planning Board's responsibility to respond to zoning articles on the Warrant even if they have been submitted by petition. He said it is the recommendation of the Planning Board, in an effort to exercise good planning principles, to rezone Business District #10.

Selectman Blacker remarked that a review of the zoning map found no business district on Route 117, which means that Sierra's Restaurant is a nonconforming use that has been continually used as a bar and restaurant. Roberta Sharkey exclaimed she does not understand why the Town is willing to allow a business that is not legally zoned to continue, and attempt to eliminate Business District 10, which is legally zoned.

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Wayne Simpson, Dudley Road, asked for clarification as to how this zoning change would impact Mr. Sharkey, since his businesses will be grandfathered, and the only way that it might affect him would be if the property were sold. Mr. Sharkey said that it would have an impact on him and his family. He said he would not be bringing in any business that would hurt the community, and that he has invested a lot of money in this property as a business district with the hope of gaining profits from expanding his business.

A motion was made to *Move the question*. This received a second. The Moderator declared there was a clear two-thirds vote, thus debate was terminated under Article 21.

The main motion under Article 21 was presented to the voters and the Moderator declared it **FAILED** by a hand vote.

**{The full text and discussions on all articles are available at the Town Clerk's office.}**

The Moderator reminded the hall that it was 10:30 pm, and suggested that they could adjourn or continue to Article 22. He said he would put the option to a vote because Articles 21 and 22 are intertwined and he opined it might shorten the consideration of the second one to deal with that.

The choices to adjourn or to continue with Article 22 were presented to the voters. A show of hands indicated a two-thirds vote to **CONTINUE** with Article 22.

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ARTICLE 22. AMEND ZONING BYLAW - ESTABLISH RESIDENTIAL-HISTORIC  
LIMITED BUSINESS DISTRICT

To see if the Town will vote to

1. add to Section II.A, Types of Districts, the following:  
  
“12. Residential-Historic Limited Business”
2. amend the Zoning Bylaw Section II.C, Location of All Other Districts, by renaming Business District 10 which is located at the corner of Haynes and Pantry Roads as “Residential-Historic Limited Business District Number 1”, and
3. add a new Section III.H as follows:

“H. RESIDENTIAL-HISTORIC LIMITED BUSINESS DISTRICTS

1. Residential-Historic Limited Business District RHLB - The following uses shall be permitted in the Residential-Historic Limited Business Districts:
  - a. Any uses permitted in a Single Residence District which shall be subject to the dimensional requirements of the underlying Residential Zoning District. Where such use requires a Special Permit in a Residential District it shall also require a Special Permit in the Residential-Historic Limited Business District.
2. The following uses shall only be permitted in the Residential-Historic Limited Business Districts by a Special Permit issued by the Board of Appeals:
  - a. any use permitted in the Limited Business District provided that such use in the Limited Business District does not require a Special Permit by the Board of Appeals

Provided that the Board of Appeals specifically determines that in addition to all other requirements necessary to issue a Special Permit that the proposed use also meets the following criteria:

1. Is consistent with the character of the existing surrounding area.
2. Will not intrude upon or be offensive to any abutter.
3. Will not detract from residential real estate values in the surrounding neighborhood.
4. Will not measurably increase traffic or create potentially hazardous traffic situations.
5. Is consistent with the historic colonial architecture found throughout Sudbury.
6. Fully meets all dimensional and parking requirements of the Limited Business District.

and the Board of Appeals shall require that all plans are approved by both the Design Review Board and Historic Districts Commission following public hearings before the issuance of a Building Permit or Sign Permit.”;

or act on anything relative thereto.

Submitted by Petition

Petitioners Report: This zoning proposal is designed to balance the interests of the community with those of the owners of isolated small parcels of business zoned land in predominantly residential neighborhoods of Sudbury.

It provides that any future business expansion shall be more tightly regulated by having all such use subject to the issuance of a Special Permit. Future Single Family Residential use would, however, be permitted as a matter of right.

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By making this change, Sudbury can effectively block any proposed adverse business development in the district and thereby insure that the character of existing neighborhoods be preserved. This change will not affect current conforming business uses in these districts.

Board of Selectmen Report: The Board of Selectmen opposes this article.

Planning Board Report: The Planning Board opposes this article.

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

Ralph Tyler, Deacon Lane, *Moved in the words of the Article*. The motion received a second.

Mr. Tyler explained why he developed this Article, saying that things change when estates pass and heirs have taxes to pay and various other things. He said this is a compromise that protects the Town and yet allows continuation of a business district on a limited scale.

Planning Board member Richard Brooks, said that this article begs a question and the Planning Board believes that this type of zoning would be very confusing.

Mr. Tober pointed out that consideration of property owner rights is important and that rezoning should not occur unless the owner agrees with it.

The main motion was presented to the voters and it **FAILED** by a hand vote.

A motion was received to adjourn to April 5 at 7:30 p.m. and the Moderator declared it was a **UNANIMOUS VOTE**.

The Moderator reminded the Hall that the first order of business when the Town Meeting is resumed on April 5th, will be Article 23.

The meeting was adjourned at 10:45 p.m.

Attendance: 261

ADJOURNED ANNUAL TOWN MEETING  
APRIL 5, 1995

Pursuant to a Warrant issued by the Board of Selectmen, March 10, 1995, 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 5, 1995, for the third session of the Annual Town Meeting.

The meeting was called to order at 7:50 p.m. when a quorum was declared present.

ARTICLE 23. DAKIN ROAD WALKWAY

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$39,500, or any other sum, to be expended under the direction of the Highway Surveyor, for construction of a walkway (approximately 1,500 feet) along Dakin Road from the Concord walkway line to Blacksmith Road, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Petition

Petitioners Report: Dakin Road is a major thoroughfare widely used by commuters as well as large construction trucks traveling at speeds often in excess of 40 mph. For the many children often riding on bicycles and walking to bus stops, it is a "miracle" (as stated by Officer Conrado, the Sudbury Safety Officer) that the only tragedies have been the loss of pets and occasional car accidents. Dakin Road is narrow, windy and has many blind corners. It is constantly in use by children, parents with strollers, joggers, cyclists and walkers. The short walk to the bus stop is a safety risk to all of the children on Paddock Way, Field Road and Dakin Road. A sidewalk would enable these children to walk or ride bikes to Haynes Elementary. It would also safely connect neighborhoods, as well as open up miles of walkways which begin at the Concord line, for hundreds of Sudbury homes.

Gretchen Meaks, Dakin Road, *Moved to appropriate the sum of \$40,685 to be expended under the direction of the Highway Surveyor for construction of a walkway approximately 1500 ft. along Dakin from the Concord town line to Blacksmith Rd. To raise this appropriation, the Treasurer with the approval of the Selectmen is authorized to borrow \$39,500 under Massachusetts General Laws, Chapter 44, Section 7, with the balance to be raised by taxation. All appropriation hereunder to be contingent upon approval of a Proposition 2 1/2 debt exclusion in accordance with General Laws, Chapter 59, Section 21C.*

The motion received a second.

Ms. Meaks explained that she represents neighbors on Dakin, Field, Paddock, and Blacksmith Roads who are requesting this walkway to increase the safety of all who walk this route. She said Dakin Road has become a major thoroughfare connecting Rtes. 2 and 117. It is very narrow and winding with many blind corners. In addition, Ms. Meaks remarked that Safety Officer Conrado concurs with how dangerous it is to walk this route.

Finance Committee Report: Finance Committee member Mike Fitzgerald, explained the reasons the Committee is asking Town Meeting to disapprove this Article, saying it has not been placed high on the priority list for the available funds. In addition, the Article envisions the work to be done by the Highway Department for which there is no additional manpower at this time. Financing would require a town-wide ballot to approve the debt to raise the money to construct the walkway.

Board of Selectmen Report: Recommend disapproval, because the Town already has a walkway program.

Planning Board member, Richard Brooks, *Moved to Indefinitely Postpone Article 23.* The motion received a second.

Mr. Brooks stated the Planning Board supports a walkway on Dakin Road, but not at this time due to the commitment of funds allocated for walkways at last year's Town Meeting.

The Finance Committee stated support of the motion to Indefinitely Postpone.

The Moderator explained that the motion to Indefinitely Postpone would kill the Article.

One resident requested additional information regarding why the walkway program has been stalled. This prompted the Moderator to question if further debate is being requested, which means he is faced with a procedural motion that he must eliminate before debate can resume.

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The Hall was open to anyone wishing to be heard on the motion to Indefinitely Postpone.

Mr. R. Coe, Churchill Street, responded that he is in favor of seeing the motion for Indefinite Postponement defeated and then seeing the Article defeated, but not to have debate cut off. Ms. Martha Coe, Churchill Road, agreed with the motion to Indefinitely Postpone because she believes the Town will be taxed for something that cannot be done if the Article is passed.

Ralph Tyler, Deacon Lane, stated he opposes the motion to Indefinitely Postpone and believes the merits of this Article need to be debated, in light of the importance of the comprehensive walkway program and this walkway being a part of it.

Mr. Brooks *Moved to withdraw his motion to Indefinitely Postpone Article 23.* After some confusion concerning proper procedure, the Moderator asked if anyone objected to the withdrawal of the motion. Upon receiving one objection by a show of hand, the Moderator explained that the motion cannot be withdrawn, but would require a vote.

Because the consensus was that more debate was needed, Mr. Brooks recommended the Hall vote against his motion to Indefinitely Postpone Article 23.

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

Mr. Frank Riepe, King Philip Road, questioned why the walkway construction program is behind schedule and what will be done to get it back on track.

Highway Surveyor, Robert Noyes, remarked that the major reason the walkways are behind schedule is that easements are difficult to obtain. Also, there are many steps that need to be taken before actual construction begins. Timing on these prior steps and the actual construction is determined by the workload and manpower available in the various departments. He also commented that the Highway Department has tried to do much of the work themselves to save money.

Two residents spoke in support of this Article saying that it will provide a safe route for children walking to school, and will eliminate paying for the bus for those living less than 1/2 mile from school if a safe alternative to getting to school is available.

Ralph Tyler, Deacon Lane, said that he supports passing this Article now, because of the delays discussed tonight in getting the walkways constructed, and postpone the debt until the monies will have to be actually paid.

The motion under Article 23 was presented to the voters and **failed** by a hand vote.

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ARTICLE 24A. COMPREHENSIVE WALKWAY PROGRAM

To see if the Town will vote to authorize the design, easement acquisition, and construction of walkways along major thoroughfares throughout Sudbury, authorize the expenditure of \$1.25 Million of which half shall be spent beginning in FY1996 and the balance beginning in FY1999, and authorize bonding these expenditures in accordance with Massachusetts law with the debt service paid out of the annual budget beginning in FY1997; this program to consist of approximately 15 miles of new walkways as shown on the attached map with priorities to be established by the Selectmen following public hearing and the recommendations of the Public Safety Officer and Town Engineer; design and construction of these walkways shall be under the direction of the Town Engineer, or act on anything relative thereto.

Submitted by Petition

Petitioners Report: Traffic growth throughout Sudbury has increased to the point where pedestrians can no longer walk safely along the side of major through roads. Most of these roads are narrow and pose unacceptably high safety hazards for walkers, joggers, children and bikers. Completion of this program should allow more students to safely walk to school thereby saving busing costs. When this program is completed, walkways will have been installed on virtually all of Sudbury's through roads which will benefit citizens throughout Sudbury.

Recent changes in Massachusetts law, initiated by Sudbury's forward looking Selectmen, now allow paved walkways to be bonded so that a comprehensive approach to this issue is now feasible. Passage will insure that meaningful capital improvements which benefit a wide range of Sudbury taxpayers will have priority in future spending plans. Incorporated into future annual budgets will be debt servicing costs of approximately \$45/year or 12 cents/day for the average Sudbury taxpayer for eight years, a modest investment to complete walkways on the major through roads in Sudbury.

Mr. Ralph Tyler, Deacon Lane, *Moved to appropriate the sum of \$1,250,000 to be expended under the direction of the Town Engineer for the design, easement acquisition and construction of approximately 15 miles of walkways as shown on the map set forth on page 33 of the warrant for this meeting. And to raise this appropriation, the Treasurer with the approval of the Selectmen, is authorized to borrow \$1,250,000 under Massachusetts General Law, Chapter 44, Section 7. And further provided that one-half of such appropriation shall be expended commencing in fiscal year 1996. The balance remaining commencing in fiscal year 1999.*

The motion received a second.

Mr. Tyler reviewed a map showing the proposed comprehensive walkway program, proclaiming the merits of this proposal, and pointing out the need for a safer place to walk other than the roads due to the narrowness (no shoulder), sight distances, and speed of vehicles traveling the roads. He continued that this Article does not ask for a debt exemption even though it is a bonded article. Rather, the proposed funding for this Article will come from revenues realized through the sale of gravel which is excavated from Town property.

Finance Committee Report: Mike Fitzgerald explained that this Article borrows money and then forces the Town to pay that money out of the operating budget which is not a good financial practice because the operating budget is under some very severe pressure because of the demands of growth. He pointed out that there is currently no money in the budget to maintain the walkways. He urged defeat of this article.

Board of Selectmen Report: Recommend disapproval.

Planning Board Report: Mr. Brooks, Planning Board Member, stated the Planning Board opposes this Article, but does support the idea of a long range Comprehensive Walkway Program. He said the whole Town needs to be viewed comprehensively to prioritize, and that the Planning Board has reviewed that process which includes goals, priority and criteria, current status and a prioritized list. Mr. Brooks identified those walkways listed as a result of the process. Input from the Town is important as well as other considerations such as available resources and the impact of schedule on both these resources and upon cost. The Planning Board requests the Town staff group that is spearheading the walkway effort, to hold a few public hearings over the next year to obtain more input from the Town as a whole and to get some substance to the commitment behind it and a priority for it.



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Mr. H. Tober, Ames Road, remarked that he thinks the Finance Committee should address the issue of deciding to weigh the safety of children against the desire of many officials to get a raise beyond the rate of inflation with regard to funding coming from the operating budget.

Several comments were made about the perception that the walkways are low priority and the fact that it seems to take years before they are constructed. There also was concern expressed that the walkways are not getting the attention from the Town boards and committees it deserves.

Ms. Anderson-Palmer responded by inviting anyone to join the open session meetings that continue to take place, such as the Investment Priority's Committee, to work through the process of prioritizing. She added that a number of financial reasons suggest that this Article will affect the budget, because of the amount of money taken off the top of the operating budget each year before the business of staffing and paying for the on-going business of the Town can be accomplished.

Ralph Tyler, Deacon Lane, responded to Mr. Fitzgerald's comments regarding the funding, saying that the Town can sell the gravel which will pay for the debt.

Selectman Blacker announced a "Point of Order", saying the discussion of gravel is related to Article 24B.

Mr. Tyler explained that he has been advised by Town Counsel that for various reasons an Article cannot be crafted under 24B--that there is no legal way to bring it forward.

After some clarification by the Moderator, the "Point of Order" was overruled.

Mr. Tyler said he believes the walkways can be funded through the sale of the gravel, but if not, perhaps the walkways should be given as much priority in the operating budget as the other contracts. He also commented that there is no intention of buying easements. He encouraged passing this Article tonight, thus having a plan for which the Selectmen and Town Engineer can choose the priorities for completion over a period of years.

A motion was received in the words of the question. The Moderator recognized, Felix Bossard, Warren Road, who asked if the money from the sale of gravel was indeed available, and what was the amount.

Selectman Blacker responded there is no money available from the gravel, and that the gravel has not been sold. He continued that the gravel will be needed to close the landfill and he said he does not know how much will be required to do that and how much will remain to be sold, or if the walkways are a priority for any revenues that might be generated from the sale of gravel. Mr. Blacker said that gross potential revenue could probably be determined, depending on how much gravel you want to sell.

Executive Secretary, Ed Thompson informed that steps have been taken with regard to measurements and contacting prospective vendors who would purchase the gravel, and a preliminary financial plan has been determined. This plan would have to be reviewed by the Board of Selectmen at some future time, probably in conjunction with the Finance Committee and returned to Town Meeting, because of the possible need to establish a revolving fund if used for a specific purpose.

Following a unanimous show of hands to terminate debate and vote, the Moderator accepted a motion to Move the question. The motion received a second. The Moderator declared it was a clear two-thirds.

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

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ARTICLE 24B. COMPREHENSIVE WALKWAY PROGRAM WITH FUNDING BY SALE OF GRAVEL

To see if the Town will vote to authorize the design, easement acquisition, and construction of walkways along major thoroughfares throughout Sudbury, authorize the expenditure of \$1.25 Million, said expenditure to be paid by the sale of gravel, sand or other materials from the "Melone Property" owned by the Town; this Comprehensive Walkway Program to consist of approximately 15 miles of new walkways as shown on the attached map, with priorities to be established by the Selectmen following public hearing and the recommendations of the Public Safety Officer and Town Engineer; design and construction of these walkways shall be under the direction of the Town Engineer or outside contractor; and if required by Town Counsel authorize the establishment of an Enterprise Fund to carry out this program; or act on anything thereto.

Submitted by Petition

Article 24B was **PASSED OVER**.

ARTICLE 25. HAYNES/PANTRY/CONCORD ROADS WALKWAY & MARLBORO ROAD WALKWAY

To see if the Town will vote to authorize the design, easement acquisition, and construction of walkways from the southern end of the existing walkway on Haynes Road along Haynes Road, Pantry Road and Concord Road to the Lincoln-Sudbury Regional High School, a distance of approximately 1.55 miles and along Marlboro Road to the existing walkway on Morse Road, a distance of approximately .5 miles; authorize the expenditure of \$195,000 beginning in FY1996; authorize bonding this expenditure in accordance with Massachusetts law with the debt service paid out of the annual budget beginning in FY1997; design and construction of these walkways shall be under the direction of the Town Engineer; or act on anything relative thereto.

Submitted by Petition

Article 25 was **PASSED OVER**.

ARTICLE 26. AMEND ZONING BYLAW, ART.IX.I.B - SITE PLAN REVIEW  
AND PUBLIC HEARINGS FOR MUNICIPAL PROJECTS

To see if the Town will vote to amend the Zoning Bylaw, Section I.B, Basic Requirements, by adding after the second sentence the following:

"However, all Municipal and Sudbury Housing Authority uses shall require a Site Plan Permit in accordance with the requirements of Section V, and in issuing a Permit the Selectmen shall determine that the use shall conform to the provisions of the Water Resource Protection District Section IV, the Flood Plain District Section III, Wastewater Treatment Facilities Section V.N and/or Historic District requirements.";

or act on anything relative thereto.

Submitted by Petition

The Moderator advised the Petitioner that passing over an article is the equivalent of its defeat or indefinite postponement under the law which prevents it from being brought back for two years.

Article 26 was **PASSED OVER**.

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ARTICLE 27. AMEND ZONING BYLAW - RESEARCH DISTRICT, DELETIONS

To see if the Town will vote to amend the Zoning Bylaw to remove all the Research District specific special procedures and provisions imposed on Sudbury during the settlement of the Unisys litigation by deleting:

1. Section III.D.g which provides special provisions relative to the use of toxic or hazardous materials.
2. Section III.G.5.d.7 which eliminates the requirement that new users must obtain a Water Resource District Special Permit from the Planning Board.
3. Part of Section III.G.5.e.7 permitting new commercial or bacteriological laboratories in the Water Resource Protection District.
4. The first sentence in Section V.A.1 which exempts the Research District from the requirements relative to a Site Plan Special Permit.
5. Section V.A1 which established special more lenient standards and procedures relative to Site Plan Review.
6. From Section V.C.9.d the special exception as to the location of parking in the Research District.
7. Any other section of the bylaw which established during the Unisys litigation settlement more lenient standards applicable only in the Research District except Section V.C.3.c.7, the special 33% reduction in parking spaces required for business and professional offices in the Research District;

or act on anything relative thereto.

Submitted by Petition

Ralph Tyler, Petitioner, *Moved in the words of the Article.* The motion received a second.

Petitioners Report: The Unisys litigation settlement was in response to zoning which had been ruled unconstitutional by the Land Court because of severely limited permitted density (Floor Area Ratio). These provisions of the Zoning Bylaw were subsequently changed and in response to initiatives of the current owner, who was not a party to the Unisys litigation or the settlement, additional uses (Residential Care Facilities and Nursing Homes) were permitted.

Accordingly, all of the factors which caused Sudbury to create unique, less protective provisions which only applied to the Research District have disappeared. It is therefore appropriate to eliminate those special preferences so that zoning in the Research District is subject to the same controls and protections as is found in all other districts in Sudbury.

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

Planning Board Report: Ursula Lyons stated the Planning Board supports Article 27 as printed in the Warrant. She explained this Article represents the opportunity to return this area to full compliance with the Water Resource Bylaw, and that the exemptions listed in this article do not change the types of uses allowed on the property.

Mr. H. Tober, Ames Road, pointed out that the owner of this property, Cummings Property, recommended defeat of this article because it may impose a restriction on the future use of the property. Though in favor of the Article, Mr. Tober suggested that the Town have a letter signed and notarized by the owners before any vote be taken to change the existing bylaw.

Selectman Clark and Ralph Tyler discussed the restrictions, past and present of the Research District, how they might affect any future use of the property by a research company, and if the proposed restrictions in this Article are unconstitutional.

Mr. Tyler explained that certain things are now allowed in the Research District that were not before the lawsuit with Unisys, but it was never really settled in the courts. He said the only thing that occurred was a summary judgment concerning the issue of density limitation.

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Selectman Clark stated she does not find that the density issue has been resolved by the elimination of the conditions of this Article and cannot support it in its present form.

Selectman Blacker said he cannot support this Article because it may be too restrictive in the uses of the property, and he would not like to see the property end up not being used. He added that as long as there is an industrial research use allowed in the zone, it should be left alone.

Mr. Sullivan, the lessee of the property, remarked that he is involved for the "long haul" to develop the property with predominately uses as an independent and some assisted living units for the elderly.

Frank Riepe, King Philip Road, questioned if any higher level of restriction on research activity at this site is needed as compared to any other industrial site in Town.

Jody Kablack, Town Planner, responded that this is the only named research district. She clarified that only two of the six exemptions listed in the bylaw have anything to do with restricting what could happen at this site. The others would not deter the use of the property for research use.

Richard Brooks, Planning Board member, supports this Article because it says that this area of Town should be no different than any other area with regard to conforming to the requirements of the Water Resource Protection District and other aspects of it.

Mr. Sharkey, Haynes Road, concurred with Mr. Tober, to not support the Article if the property owner's wishes are being ignored, and particularly if the owner is not present and has not had a say.

Selectman Blacker pointed out that the wording in Paragraph No. 7 that talks about "more lenient standards applicable" is very vague and does not say what those standards are, and whether they are good or bad. He said passing the Article will not address specific issues of hazardous waste and others that were mentioned.

R. Tyler, petitioner, *Moved to amend Article 27, Amend Zoning Bylaw - Research District, Deletions, by deleting paragraph No. 7 which reads--"Any other section of the bylaw which established during the Unisys litigation settlement more lenient standards applicable only in the Research District except Section V.C.3.c.7, the special 33% reduction in parking spaces required for business and professional offices in the Research District".*

The motion received a second.

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

The main motion, as amended, was presented to the voters and the Moderator was not certain of the vote. He then took a standing vote and declared Article 27 failed.

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ARTICLE 28. AMEND ZONING BYLAW - RESEARCH DISTRICT, RESIDENTIAL CARE FACILITIES

To see if the Town will vote to amend the Zoning Bylaw by revising Section III.D.i so that it reads as follows:

- "i. Residential Care Facilities which provide assisted and/or independent living to persons 55 years or older in one or more buildings *provided that:*
1. *At least 20% of all such living units are provided for low or moderate income persons.*
  2. *That preference is given to Sudbury residents of five or more years, their parents, or retired or disabled Sudbury employees having at least five years of service to the Town.*
  3. *That density is limited to six studio or one-bedroom residential units per acre or three and one-half two-bedroom residential units per acre."*

and to revise Section I.C, Definitions, by adding definitions for Residential Care Facilities Providing Assisted Living, and Residential Care Facilities Providing Independent Living, where these definitions shall clearly exclude projects that most people would consider to be primarily apartment or condominium developments from qualifying for this zoning, and by providing a definition of Low or Moderate Income Persons;

or act on any thing relative thereto.

Submitted by Petition

Ralph Tyler, Petitioner, *Moved in the words of the Article through #3 and adding to Section 1C definitions in the Zoning Bylaw the following: Residential Care Facilities providing assisted living shall mean a building or buildings under the same ownership where residents have services available on a daily basis which at a minimum include meals, housekeeping, physical therapy, nursing assistance and local transportation by wheel chair equipped van. All provided by or managed by the owner of these residential care facilities. Or any facility licensed by the Commonwealth of Massachusetts to provide assisted living for elderly residents. And the second definition: Residential Care Facilities providing independent living shall mean a building or buildings under the same ownership where residents have services available on a daily basis which at a minimum should include meals, housekeeping, physical therapy, nursing assistance and local transportation by wheel chair equipped van. All provided for and managed by the owner of these Residential Care Facilities but where the residents are not required to utilize any such services*

The motion received a second.

**NOTE:** This proposed bylaw amendment adds the wording shown in italics to this permitted use in Research Districts. Italics are for purposes of this clarification only, not to be a permanent part of the bylaw.

Petitioners Report: Admission to Residential Care Facilities often involves either the up-front commitment of exceptionally large investments and/or high monthly fees. These fees are often in the range of \$1,500 to \$2,000 per month, per person, effectively placing such units out of reach for many elderly Sudbury citizens. This zoning change will insure that 20% of the units will be available to elderly residents of low and moderate income and establishes preferences for Sudbury residents, their parents, or retired Town employees, so that a development of this type is of benefit to the Sudbury community.

This zoning amendment also fixes defects in the current Bylaw which does not establish either a maximum density or define how units for independent living differ from regular apartment or condominium developments. These defects open Sudbury to the possibility of a massive apartment development bearing little resemblance to the type of development envisioned by Town Meeting when Residential Care Facility Zoning was established.

H. Sorett, Longfellow Road, called for a "Point of Order", saying that the Article would constitute a taking of the property of the owner under the 5th Amendment of the Constitution as applicable to the states under the 14th Amendment.

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The Moderator clarified with Mr. Sorett that his "Point of Order" is based on both the additional material moved as well as the existing material. Mr. Sorett said there is a constitutional question as to the preference given to Sudbury's residents where it would be imposed upon the owner of private property.

Mr. Sorett explained the constitutional implications, citing the Supreme Court decision of *Dolan vs. City of Tigart*, relating to investment based expectations, preference to Sudbury residents, and the density provision.

The Moderator overruled the "Point of Order" saying that he does not think it has traversed the Supreme Court Ruling to the extent necessary to rule it off the warrant.

Mr. Tyler, explained the purpose of Article 28 is to make the definitions for residential care facilities more precise--to insure that what is developed on this property, in fact, has these characteristics. He said there are no definitions in the bylaw, which means a developer in certain ways is free to make his own interpretation. The definitions will help to insure that the age 55 and older residency requirement, in fact, becomes legal and that it is maintained. Another concern, continued Mr. Tyler is the question of affordability by several elderly people in Town, thus, the provision to reserve units for low or moderate income persons.

With regard to low and moderate income type units, Mr. Tyler said that Mr. Sullivan, the developer indicated to the Planning Board that he would need to have development somewhere on the order of 15 or more housing units per acre based on economics. Mr. Tyler said the economics in communities like Sudbury don't require those kind of densities. With regard to preference given to Sudbury residents, Mr. Tyler said the Sudbury Housing Authority has those preferences built into their allocation process for their units, and he believes the same preference should be done in this case. Mr. Tyler discussed density and sewage limitations, saying that Sudbury has no density limit related to multi-family or multi-unit dwellings.

Finance Committee Report: No position on Article 28.

Board of Selectmen Report: Selectman Clark stated the Selectmen oppose this article. She questioned why this Article is restricted only to the Research District, when residential care facilities are being constructed on both the easterly and westerly side of Route 20. She opined that it is unfair, inequitable and the wrong way to adopt zoning changes.

Planning Board Report: Carmine Gentile stated the Planning Board opposes this article for the same reasons given by the Selectmen and also agrees with Mr. Sorett that it would constitute a taking.

Mr. Hank Tober, Ames Road, questioned whether the Town has a limitation of the density which is permitted or does the Town have a concession as far as the density is concerned. It is his understanding that the zoning requirements would stand, so he says he does not know what point No. 3 does.

Mr. H. Sorett, pointed out three Supreme Court cases regarding when government regulations become a taking. The cases cited say all land use regulation constitute a taking, but where an individual has acquired a property and has investment based expectations in that property, action by government that materially devalues the property constitutes a taking of the owner's property requiring the governmental entity that does the taking to pay just compensation under the Fifth Amendment of the Constitution. He continued that Paragraph 2 would also constitute a taking and explained that Paragraph 3 comes into the issue of devaluation of investment expectations, and may also constitute a taking.

Mr. R. Coe, Churchill Street, commented that this piece of land should be given a rest from further restrictions or lack of restrictions.

Ralph Tyler addressed some of the legal issues, and commented that he disagrees with the claim that this would be a taking. He remarked that the zoning passed last year was poorly drafted and could be interpreted very loosely which leaves it open to conditions the Town may not have anticipated regarding density, use, and the elderly population in Sudbury.

With regard to preferential treatment for Sudbury residents for housing, Martha Coe, Churchill Road, questioned if a developer would need to follow the same guidelines that the Sudbury Housing Authority does. Town Counsel responded that it would be a different situation.

The main motion under Article 28 was presented to the voters and was defeated by a hand vote.

APRIL 5, 1995

ARTICLE 29. TOWN CENTER PARKING LOTS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$41,000, or any other sum, to be expended under the direction of the Town Engineer, for repaving and striping the Town Hall, Flynn Building, and Peter Noyes School parking lots and driveways; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen.

The motion under Article 29 was made by Selectman Blacker to *Indefinitely Postpone*. The motion received a second.

Board of Selectmen Report: Selectman Blacker reported that there is no money for this project at the present time.

Finance Committee Report: Recommended approval of motion to Indefinitely Postpone.

The motion under Article 29 was **VOTED** by a hand vote.

ARTICLE 30. GOODNOW LIBRARY REVOLVING FUND (Consent Calendar)

To see if the Town will vote to authorize for FY1996, 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 Laws, Chapter 44, Section 53E½, and expended under the direction of the Trustees of the Goodnow Library; the amount to be expended therefrom shall not exceed the sum of \$1,400.

Submitted by the Goodnow Library Trustees

Trustees Report: This fund was first approved by Town Meeting for FY92 and approved again, as required by state law, each subsequent year. The Trustees request that this fund be approved by Town Meeting for FY96. The revolving fund provides additional funds for the Library's Building Maintenance budget. Prior to its existence, the Maintenance budget often fell short of covering basic repairs and maintenance costs. The Library either made requests for emergency transfers to cover these costs, or delayed making repairs or initiating preventive maintenance. Through the first five months of FY95, the fund has generated \$280.

Board of Selectmen Report: Recommended Approval.

Finance Committee Report: Reomunended Approval

The motion under Article 30 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE** by a hand vote.  
(Consent Calendar)

APRIL 5, 1995

ARTICLE 31. SUDBURY SCHOOLS - BUS REVOLVING FUND (Consent Calendar)

To see if the Town will vote to authorize for Fiscal Year 1996, the use of a Revolving Fund by the Sudbury Schools for the purpose of providing additional or supplemental school transportation to be funded by user fees collected; said funds to be maintained as a separate account in accordance with Massachusetts General Laws Chapter 44, Section 53E1/2, and expended under the direction of the Sudbury School Committee; the amount to be expended therefrom shall not exceed the sum of \$60,000.

Submitted by the Sudbury School Committee

School Committee Report: Since September 1991, the School Department has been receiving payments from students to offset the cost of school bus transportation. The amount offset has been shown each year in the Warrant as part of the School Department's budget. In order to continue to use the offset funds, Town Counsel advises that a revolving fund must be authorized each year at the Annual Town Meeting. Passage of this article achieves that purpose.

Board of Selectmen Report: Recommended Approval.

Finance Committee Report: Recommended Approval.

The motion under Article 31 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE** by a hand vote.  
(Consent Calendar)

ARTICLE 32. SUDBURY SCHOOLS - MUSIC REVOLVING FUND (Consent Calendar)

To see if the Town will vote to authorize for Fiscal Year 1996, the use of a Revolving Fund by the Sudbury Schools for the purpose of providing additional or supplemental music instruction to be funded by user fees collected; said funds to be maintained as a separate account, in accordance with Massachusetts General Laws Chapter 44, Section 53E1/2, and expended under the direction of the Sudbury School Committee; the amount to be expended therefrom shall not exceed the sum of \$22,000.

Submitted by the Sudbury School Committee

School Committee Report: Since September 1991, the School Department has been receiving payments from students to offset the cost of instrumental music instruction. The amount offset has been shown each year in the Warrant as part of the School Department's budget. In order to continue to use the offset funds, Town Counsel advises that a revolving fund must be authorized each year at the Annual Town Meet. Passage of this article achieves that purpose.

Board of Selectmen Report: Recommended Approval.

Finance Committee Report: Recommended Approval.

The motion under Article 32 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE** by a hand vote.  
(Consent Calendar)



APRIL 5, 1995

ARTICLE 33. SUDBURY SCHOOLS - EARLY CHILDHOOD REVOLVING FUND (Consent Calendar)

To see if the Town will vote to authorize for Fiscal Year 1996, the use of a Revolving Fund by the Sudbury Schools for the purpose of providing additional or supplemental early childhood instruction to be funded by tuition collected; said funds to be maintained as a separate account, in accordance with Massachusetts General Laws Chapter 44, Section 53E1/2, and expended under the direction of the Sudbury School Committee; the amount to be expended therefrom shall not exceed the sum of \$16,000.

Submitted by the Sudbury School Committee

School Committee Report: In the past, the School Department has been receiving payments from students to offset the cost of early childhood instruction. The amount offset has been shown each year in the Warrant as part of the School Department's budget. In order to continue to use the offset funds, Town Counsel advises that a revolving fund must be authorized each year at the Annual Town Meeting. Passage of this article achieves that purpose.

Board of Selectmen Report: Recommended Approval.

Finance Committee Report: Recommended Approval.

The motion under Article 33 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE** by a hand vote.  
(Consent Calendar)

ARTICLE 34. OIL TANK REMOVAL/REPLACEMENT-CURTIS AND HAYNES SCHOOLS

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 School Committee, for the purpose of removing and replacing the oil tanks at the Curtis and Haynes Schools, including making extraordinary repairs and purchasing additional equipment, and for the purpose of obtaining engineering services, including preparation of specifications, bidding documents and all expenses connected therewith including bond and note issue expense, 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

The Chairman of the Sudbury School Committee *Moved to Indefinitely Postpone Article 34*. The motion received a second.

Stephanie Cook, pointed out that the removal of the tanks by State law and Town Bylaw has to be accomplished by December 31, 1996; therefore, the School Committee will re-submit this Article at Town Meeting, 1996.

Finance Committee Report: Recommended approval of motion to Indefinitely Postpone.

Board of Selectmen Report: Recommended approval of motion to Indefinitely Postpone.

The motion to Indefinitely Postpone was placed before the voters and was **VOTED** by a hand vote.

APRIL 5, 1995

ARTICLE 35. SUDBURY SCHOOLS - ADA COMPLIANCE - REPAIRS/EQUIPMENT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$50,000, or any other sum, to be expended under the direction of the School Committee and the Permanent Building Committee, for the purpose of making extraordinary repairs and for the purchase of additional equipment for the school buildings in order to bring the School Department into compliance with the Americans with Disabilities Act, and for the purpose of obtaining engineering services, including preparation of specifications, bidding documents and all expenses connected therewith including bond and note issue expense, 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

Stephanie Cook, Chairman, Sudbury School Committee, *Moved for Indefinite Postponement of Article 35.* The motion received a second.

Ms. Cook informed that while the School Committee recommends indefinite postponement of the article, it does not postpone the work of improving and equipping the schools to meet the requirements of the Americans with Disabilities Act. She said that the work is under way and will continue. Original cost estimates have been trimmed due to the creation of certain policies and procedures. Funding will come from the FY96 Budget, with the possibility of having to return to the Finance Committee and the Town if all requirements cannot be met with available funds.

Finance Committee Report: Recommended approval to Indefinitely Postpone.

Board of Selectmen Report: Recommended approval to Indefinitely Postpone.

The motion to Indefinitely Postpone was placed before the voters and was **VOTED** by a hand vote.

ARTICLE 36. REPAIR TO BATHROOMS - CURTIS, HAYNES & NOYES SCHOOLS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$55,000, or any other sum, to be expended under the direction of the School Committee and the Permanent Building Committee, for the purpose of making extraordinary repairs and for the purchase of additional equipment for the school buildings in order to repair the bathrooms in the Curtis, Haynes and Noyes Schools, and for the purpose of obtaining engineering services, including preparation of specifications, bidding documents and all expenses connected therewith including bond and note issue expense, 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

Stephanie Cook, Chairman, Sudbury School Committee, *Moved for Indefinite Postponement of Article 36.* The motion received a second.

Ms. Cook explained that the Schools have received \$20,000 towards this project under Article 5 of the FY95 budget. The most critical repairs will be made with these funds.

Finance Committee Report: Recommended approval of motion to Indefinitely Postpone.

Board of Selectmen: Recommended approval of motion to Indefinitely Postpone.

The motion to Indefinitely Postpone was placed before the voters and was **VOTED** by a hand vote.

APRIL 5, 1995

ARTICLE 37. STRUCTURAL REPAIRS - CURTIS SCHOOL

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 School Committee and the Permanent Building Committee, for the purpose of making extraordinary repairs and for the purchase of additional equipment at the Curtis Middle School in order to make the structural repairs to the support columns throughout the building as recommended by the Town of Sudbury Building Inspector, and for the purpose of obtaining engineering services, including preparation of specifications, bidding documents and all expenses connected therewith including bond and note issue expense, 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

Stephanie Cook, Chairman, Sudbury School Committee, Moved for Indefinite Postponement of Article 37. The motion received a second.

Ms. Cook informed that funds in the amount of \$100,000 have been allocated under Article 5 to repair the structural columns at Curtis. She said this amount of money represents the best estimate of the Permanent Building Committee at this time to repair the columns.

Finance Committee Report: Recommended Approval of motion to Indefinitely Postpone.

Board of Selectmen Report: Recommended Approval of motion to Indefinitely Postpone.

Long Range Planning Committee: Recommended Approval of motion to Indefinitely Postpone.

The motion to Indefinitely Postpone was placed before the voters and was **VOTED** by a hand vote.

ARTICLE 38. POOL REPAIRS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$4,000, or any other sum, to be expended under the direction of the Park and Recreation Commission, for making extraordinary repairs at the Atkinson Pool and adjoining space, including but not limited to, requirements of the Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB) regulations; and to determine whether this appropriation shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Park and Recreation Commission

Recreation Director, Patricia Savage, Moved to Indefinitely Postpone Article 38. The motion received a second.

Ms. Savage explained that funds have been allocated in the FY95 Atkinson Pool Enterprise Fund to cover the necessary repairs.

Finance Committee Report: Recommended approval of motion to Indefinitely Postpone.

Board of Selectmen Report: Recommended approval of motion to Indefinitely Postpone.

The motion to Indefinitely Postpone was placed before the voters and was **VOTED** by a hand vote.

A motion was made to adjourn to Monday, April 10, 1995. It received a second. The Moderator declared the meeting was adjourned at 10:45 p.m.

Attendance: 162

ADJOURNED ANNUAL TOWN MEETING  
APRIL 10, 1995

Pursuant to a Warrant issued by the Board of Selectmen, March 10, 1995, the inhabitants of the Town of Sudbury qualified to vote in Town affairs, and met in the Lincoln-Sudbury Regional High School auditorium on Monday, April 10th for the fourth session of the Annual Town Meeting.

The meeting was called to order at 7:50 p.m. when a quorum was declared present.

The Moderator announced that Jack Kelbe is leaving the Finance Committee as of the end of Town Meeting and Marjorie Wallace will be stepping in to fill out this term.

Pursuant to Bylaws Article II, Section 16, the Moderator recognized the Town Accountant, James Vanar, to explain a correction that must be made in a prior matter before the Town Meeting.

Mr. Vanar explained that \$102,500 in available funds was not included as an offset in the budget motion for Article 6 when it was voted on Monday, April 3, 1995 (**See Page 24**). He said a Town meeting vote is needed to authorize the use of all available funds. This amount should have been shown as an offset against Article 6; instead, Mr. Vanar said he was carrying these funds as an offset to Article 35 which was later Indefinitely Postponed. He emphasized that it is not a new available fund and was used to balance the budget. It was left off the list included with the motion for Article 6. Mr. Vanar further explained that a vote will not increase the budget, nor will it not change the limiting motion, but is necessary to keep the budget within the Proposition 2 1/2 cap.

Selectman Blacker *Moved* to amend the vote taken under Article 6 FY96 Budget by adding the following transfer funds to be applied: *From Nixon School roof settlement to 950 Unclassified, amount \$102,500.* The motion received a second.

The motion for an Article 6 correction was placed before the voters and the vote was declared **UNANIMOUS** by a hand vote.

APRIL 10, 1995

ARTICLE 39. FAIRBANK COMMUNITY CENTER - PARKING/LIGHTING

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$30,000, or any other sum, to be expended under the direction of the Park and Recreation Commission, to be used in conjunction with donations from others, for reconstruction of the parking areas and exterior lighting at the Fairbank Community Center, and to determine whether this sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Park and Recreation Commission  
and the Fairbank Advisory Committee

Patricia Savage, Recreation Director, *Moved to appropriate the sum of \$15,000 to be expended under the direction of the Park & Recreation Commission to be used in conjunction with donations from others for reconstruction of the parking areas and exterior lighting at the Fairbank Community Center. Said sum to be raised by transfer from 1994 Annual Town Meeting Article 40.*

The motion received a second.

Park and Recreation Commission and Fairbank Advisory Committee Report: Thanks to the generosity of the Town, the Sudbury Foundation, various Town organizations and individuals, we are within \$30,000 of the amount needed to complete the exterior renovation of the Fairbank Community Center. Since the main concern at the Community Center is safety, we would like to see these renovations completed as soon as possible.

Ms. Savage explained that the Commission identified a \$15,000 savings from their 1994 Town Meeting Article 40 for repair of the Feeley tennis courts, as a result of a very favorable bid process. She said the Town supports this project through its funding, which has resulted in receiving funding from the Sudbury Foundation as well as from many other organizations in Town which she named.

Finance Committee Report: Recommended Approval.

Board of Selectmen Report: Recommended Approval.

The motion under Article 39 was presented to the voters and by a hand vote it was **UNANIMOUSLY VOTED.**

ARTICLE 40 - WITHDRAWN

APRIL 10, 1995

ARTICLE 41. SPECIAL ACT: RECALL PETITION

To see if the Town will vote to petition the General Court to pass legislation enabling voter recall of elected officials in Sudbury as follows:

**“AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF SUDBURY**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1.

Any holder of an elected office in the town of Sudbury may be recalled therefrom by the qualified voters of the town as hereinafter provided.

Section 2.

Any twenty-five qualified voters of the town of Sudbury may initiate a recall petition by filing with the town clerk, an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said town clerk shall thereupon deliver to the voters who filed such affidavit, a sufficient number of copies of petition blanks demanding such recall, printed forms of which he/she shall keep on hand. The blanks shall be issued by the town clerk with his/her signature and official seal attached thereto; they shall be dated and addressed to the selectmen and shall contain the names of all persons to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to the office. A copy of this petition shall be entered in the record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty days after filing of the affidavit and shall be signed by ten percent of the qualified voters of said town. To every signature shall be added the place of residence of the signer, giving street and number. The said recall petition shall be submitted at or before noon on the Thursday preceding the day on which it must be filed, to the town, and the registrars shall forthwith certify thereon the number of signatures which are the names of the voters of said town.

Section 3.

If the petition shall be found and certified by said town clerk to be sufficient, he/she shall submit the same with his/her certificate to said selectmen within ten days and said selectmen shall within ten days give written notice of the officer of the receipt of said certificate and shall, if the officer sought to be recalled does not resign within five days thereafter, thereupon order an election to be held on a date fixed by them, not less than sixty-five days and not more than ninety days after the date of certificate of the town clerk that a sufficient petition is filed; provided, however, that if any other town election is to occur within one hundred days after the date of said certification, said selectmen may, in their discretion, postpone the holding of said recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

Section 4.

Any officer sought to be recalled may be a candidate to succeed himself/herself and, unless he/she requests otherwise in writing, the town clerk shall place his/her name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided by this act.

Section 5.

The incumbent shall continue to perform the duties of his/her office until the recall election. If re-elected, he/she shall continue in the office for the remainder of his/her unexpired term, subject to recall election as before, except as provided in this act. If not re-elected in the recall election, he/she shall be deemed removed upon the qualification of his/her successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his/her election, the incumbent shall thereupon be deemed removed and the office vacant.

Section 6.

Ballots used in a recall election shall submit the following propositions in the order indicated: For the recall of (name of officer). Against the recall of (name of officer). The action of the voters to recall shall require a majority vote.

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Under the propositions shall appear the word "Candidates", the directions to voters required by section forty-two of chapter fifty-four of the General Laws, beneath this the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected; provided that at least twenty percent of those entitled to vote in the election shall have voted. If a majority of votes on the question is in the negative, the ballot for the candidates need not be counted.

#### Section 7.

No recall petition shall be filed against an officer within six months after he/she takes office, nor, in the case of an officer subject to a recall election and not recalled thereby, until at least six months after the election at which his/her recall was submitted to the voters. No person who has been removed from office or who has resigned from office while recall proceedings were pending against him/her, shall be appointed to or continue to serve in any town office, board of committee within two years after such removal or such resignation.

If passed at Town Meeting, this act shall be submitted to the General Court for passage and if passed, shall be submitted for acceptance to the voters of the town of Sudbury at a special or annual town election in the form of the following question, which shall be placed upon an official ballot to be used at such election: "Shall an act passed by the General Court in the year nineteen hundred and ninety-five entitled 'An act providing for recall elections in the Town of Sudbury' be accepted?". If a majority of votes in answer to said question is in the affirmative, then this action shall thereupon take full effect, but not otherwise."; or act on anything relative thereto.

#### Submitted by Petition

John Paderson, Lynne Road, *Moved in the words of the Article, deleting the last sentence of the first paragraph of Section 7, "No person who has been removed from office or who has resigned from office while recall proceedings were pending against him/her, shall be appointed or to continue to serve in any town office, board of committee within two years after such removal or such resignation."*

The motion received a second.

Mr. Paderson explained the Article offers a prudent safeguard for the Town in the event a mechanism is needed to remove an unwanted elected official before their term expires. He said many towns in the Commonwealth have recall petitions. Passage at Town Meeting would give the voters of Sudbury the opportunity to vote on it should it pass by the legislature and it would then appear on an annual or a special town meeting ballot. Mr. Paderson reviewed the steps required in carrying out a recall petition.

Board of Selectmen Report: The Board of Selectmen **opposes** this article because it will discourage good candidates from running for public office. The March 1995 election is a good example of apathy on the part of people running for public office. Some may not run because of the complexity of town government, or the time commitment....a recall provision may totally turn people off from seeking town office. All terms of town elected officials are three years, except for the Housing Authority which is five years and the Moderator which is one year.

The following towns were called to see if they have a recall provision: Concord, Framingham, Lincoln, Marlboro and Wayland do not have one. Maynard, Natick and Stow do have a provision in their charters, but it has never been used.

In addition to the above mentioned reasons, Selectman Blacker opined that most recall petitions would be ruled by the minority. He said because most elected offices are unpaid positions, a campaign to recall an official would be very discouraging for the many people that volunteer to work for the Town.

Mike Meixsell, Barton Drive, responded to some of the arguments against recall. With regard to arguments in favor of recall, Mr. Meixsell said a recall capability is more important now because under the new Town Manager Charter, the residents can no longer vote on many town policy decisions. Several current issues were cited for which the Town will need to make decisions; such as sewerage portions of Rte 20 and treatment plant construction. Mr. Meixsell said that residents will have limited authority to participate in such decisions in the future.

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Mr. Meixsell cited several examples of past actions by Town Meeting voters and by voters at the regular elections that exemplify the ability of the voters to remedy a situation or appoint a committee to do same. Because of the new Town Manager Charter, he said it appears certain that town voters no longer have the authority to use valid initiatives and warrant articles to make decisions as they have in the past; thus the importance of having recall capability.

Selectman Blacker responded that many difficult decisions need to be made by elected officials, and sometimes those decisions are not the most popular. He pointed out that it takes a majority to rule on the various elected boards, and their decisions are based on what is in the best interest of the Town.

Hank Sorett, Longfellow Road, stated he supports this article as a safety valve. He pointed out that it would take a very intense effort to obtain the required number of signatures in the short period of time stated; therefore, it would not be something taken lightly. Mr. Sorett added that he believes the recall petition is very democratic in the same way that Town Meeting is pure democracy.

David Wallace, Hilltop Road, pointed out that the Town has operated for 356 years without a recall petition and does not see a need for it now. He said he believes what is spurring it on is the new legislation to create a Town Manager position. He reminded that the Selectmen appoint the Town Manager, so the right thing to do would be to remove the Selectmen from office, if there was dissatisfaction. Mr. Wallace concluded by saying that this petition could very well discourage and stifle the many volunteers whose main reasons for holding office is love of the Town and to add something.

Kirsten Repennian, Harness Lane, questioned how the number 25 was determined referring to the number of signatures required to be submitted to the Town Clerk before petitions are released. Mr. Paderson explained that the figure was based on research of other towns and was not just an arbitrary figure. He also responded to Ms. Repennian's question of cost, by stating that cost is not the issue, rather the issue is if the Town voters feel aggrieved, and who should have the final authority in Town. In response to the question of what the grounds are for a recall, Mr. Paderson said that the grounds are not defined, but the grounds are for whatever reason a majority of the Town feels they have been aggrieved by a particular official.

Following additional comments both for and against the petition, Mary Jane Hillery, Willow Road, *Moved to amend Section 2. by adding the following to the end of the first sentence of the paragraph which ends "grounds of recall" to read "grounds of recall shall be malfeasance or abuse of office"*. The motion received a second.

Ms. Hillery explained the way the sentence reads before adding to it, leaves it wide open for anyone who does not happen to like the philosophy of one particular person who got elected, or like the result of the election.

In reference to Ms. Hillery's proposed amendment, Hank Sorett, Longfellow Road, suggested that an initiative petition to recall might result in a lawsuit, because the question would then be what is malfeasance or abuse of office. He said the point of the recall petition process is to allow the townspeople to initiate fundamental democracy--go to the polls and measure the question--if they feel the need is there. He added that the State statutes cover malfeasance and misconduct in office.

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

The main motion under Article 41 was presented to the voters. The vote not being clear, the Moderator asked for a standing vote. He then declared the motion under Article 41 was **defeated** by a hand vote.



APRIL 10, 1995

ARTICLE 42. WAYLAND/SUDBURY JOINT SEPTAGE DISPOSAL FACILITY  
AGREEMENT EXTENSION

To see if the Town will vote pursuant to the provisions of c.40, s.4A of the General Laws, to extend the present agreement for a period not to exceed 4 years, or to enter into a new agreement with the Town of Wayland, Massachusetts, not to exceed 4 years, providing for certain joint or cooperative activities with respect to citing, designing, constructing, originally equipping, operating, and providing access to a septic-tank pumping disposal facility on land owned by the towns of Sudbury and/or Wayland, north of the Boston Post Road and west of the Sudbury River, to determine what Town officer, board, commission, committee, or combination of them shall be authorized to execute such agreement; or act on anything relative thereto.

Submitted by Petition

Mr. Robert Coe, Churchill Street, Operational Review Committee member, *Moved to extend beyond its scheduled expiration date, the existing agreement with the Town of Wayland for the joint operation of the Wayland/Sudbury Septage Treatment Facility and to authorize the Board of Selectmen to execute the extension of said agreement for a period of time not exceeding four years.*

The motion received a second.

Petitioners Report: The agreement between Sudbury and Wayland concerning the operation of the septage treatment facility will expire on March 12, 1996. This is before the next Annual Town Meeting. The Operational Review Committee (ORC), comprised of five members from both Sudbury and Wayland, recommends an extension of four years under the current agreement. During this time the ORC will explore changes to this agreement.

Mr. Coe explained the reason for requesting a four-year extension is to address a number of issues that have come up recently with respect to the governance of the facility and with respect to how it should be operated in the future.

Board of Selectmen Report: Recommended Approval.

Finance Committee Report: Recommended Approval.

The motion under Article 42 was presented to the voters and it was **UNANIMOUSLY VOTED** by a hand vote.

APRIL 10, 1995

ARTICLE 43. SPECIAL ACT - WILCOX CONSERVATION  
RESTRICTION AMENDMENT

To see if the Town will vote to release a certain portion of a Conservation Restriction located on land owned by Rodger F. Wilcox and Kathy K. Wilcox, 54 Bigelow Drive, Sudbury, MA, containing approximately 3,204+/- square feet; and to see if the Town will vote to petition the General Court to pass legislation enabling the release of this restriction in return for a grant of a different Conservation Restriction of 3,240+/- square feet on other land owned by Rodger F. Wilcox and Kathy K. Wilcox at said address, all in accordance with the sketch attached hereto. The legislation is intended to authorize the substitution of a new Conservation Restriction for the portion being released. Or act on anything relative thereto.

Submitted by Petition

Steve Meyer, Conservation Commission, Moved to authorize and direct the Selectmen to petition the great and general court of the Commonwealth of Massachusetts to enact legislation allowing the release of a portion of Conservation Restriction containing approximately 3,204 square feet in return for the grant of another conservation restriction over 3,240 square feet of land, all on the property located at 54 Bigelow Drive.

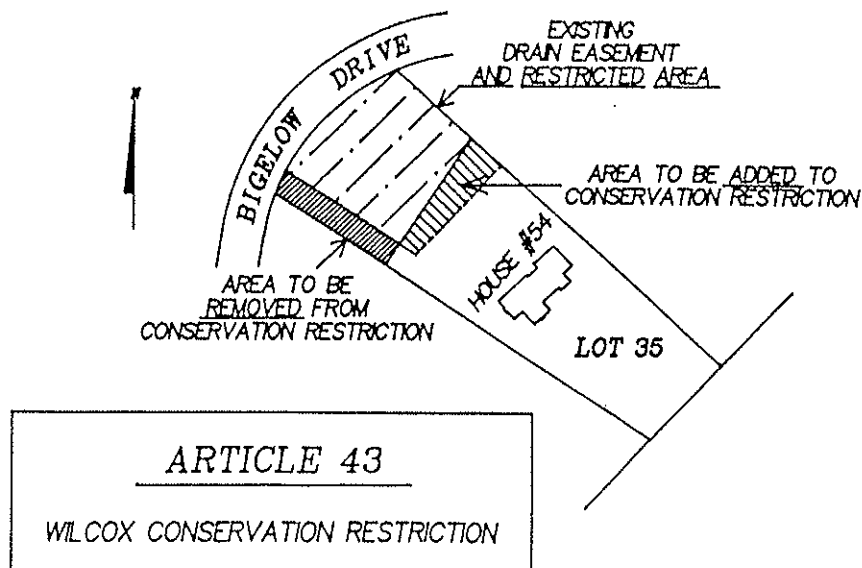
The motion received a second.

Petitioners Report: Rodger and Kathy Wilcox are petitioning the release of 3,204 sq. ft. of land from a Conservation Restriction on their property at 54 Bigelow Drive in the Westway Hills Subdivision in exchange for a grant of a Conservation Restriction on 3,240 sq. ft. of another portion of their land. When the original Conservation Restriction plan for the subdivision was developed, the boundary of the Restriction was drawn in a way that did not leave access to the developable portion of the lot. As a result, the Wilcox's driveway passes through the area currently subject to the Conservation Restriction. This error was not apparent until a final survey plan was completed in 1991. The area of the driveway including the side slopes that pass through the restricted area will be eliminated from the Restriction and a slightly larger area located between the wetland and the house will be added to the Restriction. This new area will be allowed to revert to its natural state.

Conservation Commission Report: Mr. Meyer explained the Wilcox' property has a conservation restriction that runs across the front of it and includes the house and driveway, which has greatly complicated title for this property. The amendment removes the driveway from the restriction and just swaps it for an equal, slightly larger amount of area on the lawn.

Board of Selectmen Report: Recommended Approval.

The motion under Article 43 was placed before the voters and it was **UNANIMOUSLY VOTED** by a hand vote.



APRIL 10, 1995

ARTICLE 44. AMEND BYLAWS, ART. XX - REGULATING OVERHEAD UTILITIES

To see if the Town will vote to amend Article XX of the Sudbury Town Bylaws, Prohibition and Regulation of Overhead Utilities, by:

1. Amending Section 2.A by adding to the end:

"These rules and regulations shall, at a minimum, include requirements for: Setbacks from the pavement, reflective markers, placement of high voltage underground feed wires relative to the traffic flow, minimum heights for overhead wires, time limits for the repair of damaged poles, time limits for the removal of unused wires or other equipment, limits on the number and placement of separate wires by each Utility, limits on the number and size of splices, standards for the placement of splices, standards on wire color to minimize visibility, noise limit standards, and workmanship standards. These regulations shall establish a timetable by which existing installations are brought into compliance. In establishing rules and regulations, the Selectmen shall seek the advice of the Town Engineer and Town Safety Officer and shall hold public hearings to gain both community and industry input."

2. Adding to Section 2, new subsections C, D, and E, as follows:

"C. No Utility shall add any additional overhead wire or wires, poles, or associated overhead structures until they have obtained a permit from the Board of Selectmen in accordance with the provisions of M.G.L. Chapter 166, Section 22. The Selectmen shall only issue said permit if they find that: The project promotes the goal of reducing the total number, thickness and visibility of overhead wires (i.e., by combining multiple wires, by utilizing optical fiber technologies or other techniques), improves compliance with the established standards in the rules and regulations, and improves public safety. The permit shall require acceptable workmanship standards and the Utility shall be required to submit satisfactory evidence, including photographic evidence that said wires and/or poles were installed in a workmanlike manner in accordance with the permit.

D. The Selectmen shall establish a procedure to receive and have investigated all written complaints relative to broken poles, poles placed so as to create safety hazards, low wires, unused wires, high noise levels, excessive numbers of wires, poor workmanship, or where wires or poles were established without proper authorization or violations of the rules and regulations. Where the Utility is in violation of the rules and regulations or otherwise the Selectmen shall order the responsible Utility to make the necessary repairs or changes. In cases where wires were installed without proper authorization, the Utility shall be required to apply for authorization under the terms of the current bylaw and current rules and regulations, and the Selectmen shall not consider as a hardship that the Utility may be required to modify or remove the unauthorized installations to comply with the bylaw and rules and regulations.

E. The Selectmen shall report annually to the Town until the year 2001 on the activities relative to this bylaw and the results achieved."; or act on anything relative thereto.

Submitted by Petition

Mr. Ralph Tyler, Deacon Lane, *Moved* in the words of Article 44 as printed in the Warrant, except that the amendment to Section 2.A shall add only the following to the end: a new sentence that says "in establishing rules and regulations the Selectmen shall seek the advice of the Town Engineer and Town Safety Officer and shall hold public hearings to gain both community and industry input", and to remove from the new Section 2.C the words "including photographic evidence".

The motion received a second.

Petitioners Report: Five years ago, the 1990 Annual Town Meeting established a bylaw to regulate overhead utilities which required the Selectmen to establish rules and regulations to improve Sudbury's highly visible network of overhead poles and wires. This bylaw was established by the Planning Board in consultation with the office of Town Counsel and with input from Boston Edison, New England Telephone and Cablevision. The bylaw was based on the statutory authority under Massachusetts law, for the Selectmen to issue rules and regulations, and to order reasonable changes to existing facilities.

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Unfortunately, Sudbury has yet to benefit either from the establishment of regulations or from the enforcement of any standards with apparent results throughout Town! The changes proposed to the bylaw are in response to newly expressed concerns by Town Counsel that the bylaw should be more specific in the requirements to be incorporated into the rules and regulations. Hopefully, on passage, the Selectmen with the help of Town Counsel, will proceed and see that the appropriate rules and regulations are established and more importantly, effectively implemented.

Mr. Tyler presented a slide show of photographs taken of various pole and wire configurations around Town, for the purpose of citing several problems or faults or abuses of state statutes, abuses in procedure to be followed by state statutes, failure to do finishing touches on a job, sagging wires, and colored wires that identify fiber-optic cables. He noted double poles are rampant throughout town and have been there for years; we should have standards for old pole removal. He said the change in the bylaw reminds the Selectmen that it is time to do something about these situations for which they have the authority.

Mr. Tyler explained the additions of subsections C, D, and E to Section 2.

Board of Selectmen Report: Selectman Clark opined that this Article does not answer the need for Boston Edison to clean up the Town and everything that is wrong with the wires and the poles--rather it just adds another layer of bureaucracy. She said she believes what is needed is an effective dialogue with Edison and firm enforcement. She added the Town should reserve, for future consideration, a thorough review and analysis of the Town's right to a totally underground system, with funding to come from the Federal Transportation Improvement Program (TIP).

Joanne O'Leary, Boston Edison Community Relation representative, stated that Boston Edison has recognized the need to clean up the double poles situation, and is focusing on serving the towns more properly.

Mr. Joe Zakowski, Regional Director of Public Affairs for NYNEX, echoed Ms. O'Leary's comments. He added that NYNEX has been working on major projects in Town to reduce the number of overhead wires, and noted that certain projects they are working on were included in Mr. Tyler's presentation. He said NYNEX adds their pledge of support in working with the Board to continue these efforts.

Based on the offers by Boston Edison Company and NYNEX to work with the Town over the next year, Mr. Tyler Moved to refer Article 44 to the Selectmen for further study. The motion received a second.

The motion to refer Article 44 to the Selectmen for further study was passed by a hand vote.

#### ARTICLE 45. AMEND BYLAWS - CREATE TAX DUE DATE BYLAW

To see if the Town will vote to amend the Sudbury Town Bylaws by renaming Unused Article XIII (formerly the Plumbing Bylaw) as the "Tax Due Date Bylaw" and by adding Section 1 to read:

- "1. All taxes mailed with the United States Postal Service which bear a postmark on or before one day prior to the due date of said tax payment shall be considered to have been paid on time. In the event that the United States Postal Service does not affix a legible postmark to the envelope but the payment arrives on a day payments are received from other taxpayers where these payments are in envelopes with legible postmark dates which are on or before one day prior to the due date, the presumption shall be that the payment was mailed on time. In the event the payment arrives after this time, the burden shall be on the taxpayer to prove that the letter was mailed on or before one day prior to the due date of such tax payment in order to have any late fees and/or late interest waived.";

or act on anything relative thereto.

Submitted by Petition.

PASSED OVER

APRIL 10, 1995

ARTICLE 46. RESOLUTION: REVOCATION OF LEFT TURN LIMITATION ONTO DUDLEY ROAD

To see if the Town will vote to pass a resolution to request the Selectmen to revoke the prohibition of a left turn onto Dudley Road from Nobscot Road; furthermore, to request that the Selectmen keep Dudley Road as a full access road from either Boston Post Road or Nobscot Road; or act on anything relative thereto. [A vote under this article is only as a non-binding resolution.]

Submitted by Petition

Phyllis Prager, Hemlock Road *Moved in the words of the Article.* The motion received a second.

As a 30-year resident of Sudbury, Ms. Prager announced that she has had more than one occasion to disagree with decisions that have been made in Town, and Dudley Road is one decision she strongly disagrees with. She continued with a brief history of actions taken leading up to the existing "No Left Turn" sign applying to everyone including residents. A map was shown highlighting Boston Post Road, Dudley Road and Nobscot Road to show the route many people take when commuting from Framingham. She said the commute now is longer, more difficult and less convenient. She concluded that she believes all taxpayers have the right to the use of the road in both directions, and pointed out comparisons of other narrow roads in Town which sets up the Dudley Road restriction as a terrible precedent.

Petitioners Report: Inasmuch as Dudley Road had been used for many years as a way to and from Framingham into Sudbury, and the traffic pattern for turning left onto Boston Post Road at the intersection of Nobscot Road and Boston Post Road is very difficult and dangerous, we believe that the recent change is not beneficial to the citizens of Sudbury. Furthermore, as Dudley Road is a public way, maintained by the Town of Sudbury, the townspeople should have full access and use of said road.

Selectman Clark pointed out the narrowness of Dudley Road in certain areas and outlined the facts on which the Selectmen made their decision, which included the history of Dudley Road and the recommendations of the traffic management study done for the Town by HMM Associates. The history of Dudley Road indicates that it has never met the requirements necessary to be accepted as a road--it was a private way until 1982. Ms. Clark noted that a Massachusetts Department of Public Works ordered a truck exclusion for Dudley Road which was not enforced until 1993. The HMM Associates study recommended the establishment of one-way circulation patterns together with signaling an existing intersection. Ms. Clark pointed out what the recirculation pattern has accomplished. She briefly discussed a 1986 plan, funded by Raytheon, which shows a traffic light at the Rt. 20 Nobscott intersection, and added that this plan is being updated to include changes that have occurred in the last nine years. A traffic light at the intersection of Rt. 20 and Nobscott is eminent in the near future. Ms. Clark concluded that this street is only the beginning of corrective measures to clean up problem streets.

David Portney, Adams Road, said he would like to be able to access Dudley Road from either direction. He mentioned other solutions that have been proposed to restrict access or slow traffic, and added that there are several residents, not just the local residents of Dudley Road that oppose the chosen solution. With regard to pedestrian safety, he said Dudley Road is not fit or safe for pedestrian traffic, and a simple, direct solution to speeding cars, is to have the road intermittently patrolled with speed traps. He added that because a handful of people in the Dudley Road area want fewer cars traveling down the street, he has been forced to take a more dangerous route home. Mr. Portney pointed out several other roads where residents would probably like to see fewer cars, but because these are public roads, they are not for the exclusive convenience of the people who live on them.

Mr. Hank Tober said he would like to know the statistics regarding the accident rate at the intersection of Rt. 20 and Nobscot Road since the "No Left Turn" sign has been in force onto Dudley Road from Nobscot Road.

A motion to *Move the question* was received. It received a second.

The Moderator declared there was a clear two-thirds vote and debate was terminated.

The Resolution under Article 46 was presented to the voters and it was **VOTED** by a hand vote.

APRIL 10, 1995

ARTICLE 47. STABILIZATION FUND

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

Submitted by the Board of Selectmen

**PASSED OVER**

APRIL 10, 1995

Article 15. AMEND ZONING BYLAW, ART. IX.IV.D - CLUSTER DEVELOPMENT

Continued from Page 43, April 5, 1995 and postponed to end of warrant to allow time for the Planning Board to supply additional information.

Carmine Gentile, Chairman of the Planning Board, *Moved in the Words of the Article*. The motion received a second.

Mr. Gentile explained the purpose of the Cluster Bylaw, and said the existing zoning bylaw has too many unknowns in it for a developer to undertake to build a cluster. He added that the motion before the meeting tonight would clarify and simplify the existing bylaw, as well as strengthen the wetlands protection for this bylaw. Mr. Gentile clarified the concerns regarding the perimeter buffer and its relation to wetlands protection. Also discussed by Mr. Gentile, was the deletion of Section C of the bylaw regarding physical impacts of a development to the Town's financial resources and capacities to deliver services efficiently.

Town Planner, Jody Kablack, presented a scenario showing what can happen when a wetland abuts a property, but is not on the property, hoping to answer concerns regarding wetland buffers versus perimeter buffers.

Conservation Coordinator Debbie Montemerlo, stated the Conservation Commission supports the changes stating that under the State Wetlands Protection Act the buffer zone is not a wetland resource area; whereas, under our bylaw the buffer zone is a wetland resource area, but does not incorporate the buffer zone as a resource area for lot size provisions.

Joseph Kline, Stone Road, said he does not see that this Article benefits the Town in any way; rather it benefits developers. He added that cluster developments mean more school children and a further drain on tax money. Two other concerns as a result of cluster development, mentioned by Mr. Kline are the filling up the Town landfill and the addition of more traffic in Town.

Ms. Kablack responded that everyone in Town is feeling the pressures of growth. She said this Article is a small step to help manage the growth that is occurring in Town, and will help preserve some valid open space.

Ms. Montemerlo clarified that the cluster zoning bylaw does not allow an increase in density, but allows the Town to have more say in the placement of the houses and saving some of the features of the site.

Hale Lamont-Havers, Morse Road, expressed concern over the many new housing developments, and questioned whether Provision 5C regarding physical impact should be removed.

Mr. Gentile responded that with the deletion of Provision 5C, the Town still retains the requirement for the analysis physical impact for any subdivision which would propose five or more lots, and that the cluster bylaw only applies to subdivisions which include ten or more contiguous acres undivided by a public or private way or otherwise separated.

The motion was placed before the voters and the Moderator was not certain of the vote. He then took a standing vote and declared it was not a clear two-thirds. The Chair determined that the Hall would have to be counted.

The motion was placed before the voters again and was **CARRIED** by a standing vote as follows:

Affirmative	57	
Opposed	27	Needed to Pass 56
Total	84	

At this time the Moderator called a "Point of Order" stating that no one having raised the point of no quorum whether or not there was a quorum at the time the vote was taken is irrelevant. The motion for the point of no quorum must be raised before the vote is taken in order to effect it. The Moderator stated he confirmed this action with Town Counsel and the book called "Town Meeting Times" that governs Town Meeting.

APRIL 10, 1995

### TOWN COUNSEL OPINIONS

It is the opinion of Town Counsel that, if the Bylaw amendment proposed in the following article in the Warrant for the 1995 Annual Town Meeting is properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed change will become a valid amendment to the Sudbury Bylaws:

Article 2                      Amend Article XI                      Personnel Classification and Salary Plan

It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in the following articles in the Warrant for the 1995 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:

Article 15	Amend Article IX.IV.D	Cluster Development
Article 21	Amend Article IX.II.C	Delete Business District 10
Article 22	Amend Article IX	Establish Residential-Historic Limited Business District
Article 27	Amend Article IX	Research District, Deletions
Article 28	Amend Article IX	Research District, Residential Care Facilities

Article 26                      Amend Article IX.I.B                      Site Plan Review and Public Hearings for Municipal Projects:

It is the opinion of Town Counsel that, if the Zoning Bylaw change set forth in Article 26 in the Warrant for the 1995 Annual Town Meeting is properly moved and seconded, a report is given by the Planning Board as required by law, the motion is adopted by a two-thirds vote in favor of the motion, and the Attorney General approves same, the proposed change will become a valid amendment to the Zoning Bylaw, so long as the reference to the Sudbury Housing Authority is stricken therefrom.

There being no further business, a motion was received to dissolve the Town Meeting. It was seconded and the Moderator declared the meeting was dissolved.

The meeting was dissolved at 10:25 P.M.

Attendance: 207

A true copy, Attest:



Kathleen D. Middleton  
Assistant Town Clerk



APRIL 10, 1995

SPECIAL TOWN ELECTION  
MAY 17, 1995

The Special Town Election was held at two locations. Precincts 1 & 2 voted at the Fairbank facility on Fairbank Road, and Precincts 3 & 4 voted at the Loring School on Woodside Road. The polls were open from 7 a.m. to 8 p.m. There were 2,150 votes cast, including 91 absentee ballots. This represented 22% of the Town's 9,908 registered voters. The results were announced by the Assistant Town Clerk, Kathleen D. Middleton, at 9:35 p.m. in the Town Hall.

QUESTION 1

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to remodel, reconstruct, construct additional space, or make extraordinary repairs to the existing town highway department facility off Old Lancaster Road and/or construct a new town building, to purchase additional equipment and furniture and landscaping, for a department of public works and other town offices, and to pay for all expenses connected therewith?

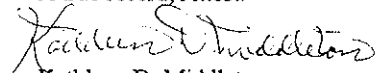
YES	735
NO	1399
Blank	<u>16</u>
TOTAL	2150

QUESTION 2

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to construct an addition and/or renovate and make extraordinary repairs to the Goodnow Library, to purchase equipment and site work for said facility, and to pay for all expenses connected therewith; the authorization not to become effective until the Town receives a grant to provide federal or state aid in an amount not less than \$1,600,000?

YES	1103
NO	1043
Blank	<u>4</u>
TOTAL	2150

A true record, Attest:

  
Kathleen D. Middleton  
Assistant Town Clerk

