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

PRESIDENTIAL PRIMARY
MARCH 5, 1996

The Presidential Primary was held at two locations. Precincts 1 and 2 voted at the Fairbank Community Center on Fairbank Road and Precincts 3 and 4 voted at the Loring School on Woodside Road. The polls were open from 7:00 a.m. until 8:00 p.m. The new Accu-Vote tabulating system was used with the results posted within 15 minutes.

There were 1343 Republican ballots cast including 72 absentee ballots, 360 Democratic ballots were cast including 25 absentee ballots and 1 Libertarian voted. The total number of residents voting was 1704, which represented 17% of the 9986 registered voters.

PRECINCTS

DEMOCRATIC BALLOT
PRESIDENTIAL PREFERENCE

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>Total</u>
Bill Clinton	80	103	84	64	331
Lyndon H. LaRouche, Jr.	0	1	1	2	4
No Preference	6	1	3	4	14
Write-in	-	1	1	-	2
Blanks	4	3	0	2	9
TOTAL	<u>90</u>	<u>109</u>	<u>89</u>	<u>72</u>	<u>360</u>

STATE COMMITTEE MAN
(Fifth Middlesex District)

Thomas Larkin	54	59	62	43	218
No Preference	-	-	-	-	-
Write-in	-	-	-	-	-
Blanks	36	50	27	29	142
TOTAL	<u>90</u>	<u>109</u>	<u>89</u>	<u>72</u>	<u>360</u>

STATE COMMITTEE WOMAN
(Fifth Middlesex District)

Virginia M. Allan	82	84	76	58	300
Susan R. Burstein	0	5	1	4	10
Carol Y. Mitchell	3	1	6	1	11
No Preference	-	-	-	-	-
Write-in	-	1	-	-	1
Blanks	5	18	6	9	38
TOTAL	<u>90</u>	<u>109</u>	<u>89</u>	<u>72</u>	<u>360</u>

Presidential Primary, March 5, 1996

TOWN COMMITTEE	<u>PRECINCTS</u>				<u>Total</u>
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	
Henry P. Sorett	57	65	54	40	216
Carmine L. Gentile	62	73	61	45	241
Judith Deutsch	55	68	59	41	223
Virginia Allan	68	86	69	54	277
Helga Andrews	54	66	58	43	221
Lisa Evans	59	68	60	39	226
William Farrell	55	68	58	40	221
Maurice J. Fitzgerald	64	76	63	48	251
Winifred C. Fitzgerald	60	75	63	51	249
Eva Jane Fridman	53	63	56	38	210
Jonathan D. Fridman	53	63	56	36	208
Jeremy M. Glass	52	72	58	42	224
Beverly B. Guild	53	64	61	42	220
Hester M. Lewis	55	70	61	39	225
Fred Long	55	63	57	35	210
Mary Long	56	64	59	37	216
Jeanne M. Maloney	59	70	60	47	236
Rosalind T. Hill	58	69	60	41	228
Carl D. Offner	55	68	58	38	219
Dorothy M. Sears	57	72	59	47	235
Joann Savoy	60	72	61	47	240
Margaret Burns Surwilo	56	66	59	46	227
John F. Walsh, Jr.	52	70	58	38	218
Maxine T. Yarbrough	59	76	60	48	243
Mary T. Barrett	54	66	59	40	219
Lawrence W. O'Brien	54	68	61	39	222
Write-ins	2	4	3	3	12
Blanks	1673	2010	1564	1416	6663
TOTAL	3150	3815	3115	2520	12600

Presidential Primary, March 5, 1996

REPUBLICAN BALLOT

PRECINCTS

PRESIDENTIAL PREFERENCE	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>Total</u>
Richard Lugar	9	7	4	9	29
Morry Taylor	0	0	0	0	0
Phil Gramm	1	0	1	0	2
Patrick J Buchanan	38	49	56	36	179
Bob Dole	198	181	178	183	740
Steve Forbes	69	63	63	58	253
Lamar Alexander	25	23	30	27	105
Alan Keyes	2	4	7	4	17
Robert Dornan	0	0	0	0	0
No Preference	1	1	2	5	9
Write-in	0	0	3	2	5
Blanks	2	1	1	0	4
TOTAL	<u>345</u>	<u>329</u>	<u>345</u>	<u>324</u>	<u>1343</u>

STATE COMMITTEE MAN
(Fifth Middlesex District)

David Railsback	78	89	92	85	344
Tom Valle	108	114	104	107	433
Write-in	2	2	2	1	7
Blanks	157	124	147	131	559
TOTAL	<u>345</u>	<u>329</u>	<u>345</u>	<u>324</u>	<u>1343</u>

STATE COMMITTEE WOMAN
(Fifth Middlesex District)

Martha Bradley-Roche	195	200	215	199	809
Judy L. Cypret	2	11	9	5	27
Margaret A. Fudge	12	12	8	11	43
Write-in	2	0	2	1	5
Blanks	134	106	111	108	459
TOTAL	<u>345</u>	<u>329</u>	<u>345</u>	<u>324</u>	<u>1343</u>

Presidential Primary, March 5, 1996

TOWN COMMITTEE	<u>PRECINCTS</u>				<u>Total</u>
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	
Siobhan Hullinger	177	155	168	145	645
James Spiegel	191	153	165	150	659
Jeff Taylor	179	167	167	148	661
Maryann Clark	188	169	184	167	708
Madeline Gelsinon	181	163	178	166	688
Daniel Buttner	182	164	172	173	691
Roberta G. Cerul	179	161	170	162	672
Kathleen Paderson	178	157	165	151	651
John Paderson	178	152	160	149	639
Clifford Card	190	168	175	163	696
Anne N. Lehr	178	159	165	154	656
Clifford Askinazi	178	162	166	158	664
Lily A. Gordon	183	168	168	161	680
Susan Bistany	180	158	169	154	661
Arden MacNeill	180	156	170	155	661
Eva MacNeill	178	155	166	152	651
Mitchel Bistany	180	154	164	153	651
Betsy Hunnewell	187	155	178	157	677
Martha Bradley-Roche	181	158	176	159	674
Alan Marrone	183	177	180	163	703
Paul Davis	177	154	162	145	638
Susan Gorman	185	151	166	146	648
Cheryl Anderson	176	157	164	149	646
Frederic Smerlas	185	170	180	154	689
Kristine Smerlas	181	166	171	153	671
Robert Hunnewell	186	150	170	155	661
Beverly Mullen	190	161	187	170	708
Edith Hull	175	159	169	158	661
Mary Prince	177	153	164	148	642
Thomas Prince	175	151	161	147	634
Seaforth Lyle	177	161	162	150	650
Dale Mullin	182	157	180	160	679
Steven Roche	179	158	180	154	671
Write-ins					
Donald M. Stacey	1	11	6	2	20
Other	3	3	11	4	21
Blanks	6095	6242	6436	6205	24978
 TOTAL	 12075	 11515	 12075	 11340	 47005

Presidential Primary, March 5, 1996

LIBERTARIAN BALLOT
PRESIDENTIAL PREFERENCE

Harry Browne	-
Rick Tompkins	-
Irwin Schiff	-
No Preference	1
Write-in	-
Blanks	-
Total	<u>1</u>

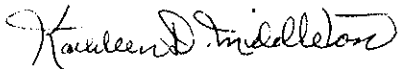
STATE COMMITTEE MAN

Write-in	-
Blanks	1
Total	<u>1</u>

STATE COMMITTEE WOMAN

Write-in	-
Blanks	1
Total	<u>1</u>

A true copy, attest:



Kathleen D. Middleton
Town Clerk

9,986	Registered Voters
1,704	Votes Cast
17%	of Registered Voters Cast Ballots

ANNUAL TOWN ELECTION
MARCH 25, 1996

The Annual Town Election was held at two locations. Precincts 1 & 2 voted at the Fairbank Community Center 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 1,163 votes cast representing 11% of the Town's 9,826 registered voters. There were four contested races. The final tabulation of votes was done at the Town Hall.

BOARD OF SELECTMEN: FOR THREE YEARS

John C. Drobinski	664
Edward T. Sooper	463
Write-ins	1
Blanks	35

BOARD OF ASSESSORS: FOR THREE YEARS

Alan P. Bascom	322
Joseph H. Nugent, Jr.	594
Write-ins	1
Blanks	246

GOODNOW LIBRARY TRUSTEES: FOR THREE YEARS
(VOTE FOR TWO)

Hans J. Lopater	755
Thomas B. Arnold	721
Write-ins	2
Blanks	848

BOARD OF HEALTH: FOR THREE YEARS

Hugh P. Caspe	746
Write-ins	11
Blanks	406

MODERATOR: FOR ONE YEAR

Thomas G. Dignan, Jr	873
Write-ins	20
Blanks	270

PARK & RECREATION COMMISSIONERS: FOR THREE YEARS

Patricia H. Burkhardt	827
Write-ins	3
Blanks	333

PLANNING BOARD: FOR THREE YEARS

Lawrence W. O'Brien	749
Write-ins	2
Blanks	412

Annual Town Election, March 25, 1996

SUDBURY HOUSING AUTHORITY: FOR FIVE YEARS

Sidney Wittenberg	431
John Darcey	481
Write-ins	6
Blanks	245

SUDBURY HOUSING AUTHORITY: FOR TWO YEARS

John R. Heerwagen	770
Write-ins	3
Blanks	390

SUDBURY SCHOOL COMMITTEE: FOR THREE YEARS
(Vote for two)

William G. Braun	703
Richard J. Robinson	724
Write-ins	17
Blanks	882

LINCOLN-SUDBURY REGIONAL DISTRICT SCHOOL COMMITTEE: FOR THREE YEARS
(Vote for two)

Janet C. Miller	671
Frances Caspe	454
Stephen Silverman	796
Write-ins	3
Blanks	402

(Note: Members 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 passage by the General Court of Chapter 20 of the Acts of 1971. The votes recorded above are those cast in Sudbury only.)

A true record, Attest:



Kathleen D. Middleton
Town Clerk

TOWN OF SUDBURY
ANNUAL TOWN MEETING
PROCEEDINGS
APRIL 1, 1996

Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1996, and a quorum being present, the meeting was called to order at 7:45 PM by Thomas Dignan, the Moderator, at the Lincoln-Sudbury Regional High School Auditorium. Rev. Larry Wolff of St. John's Evangelical Lutheran Church delivered the invocation and Thomas Biggins, an outstanding senior at Lincoln-Sudbury Regional High School, led the hall in the Pledge of Allegiance to the Flag.

Free Cash available for the Town Meeting was certified at \$993,696. 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.

John Drobinski, Chairman of the Board of Selectmen, moved to dispense with the reading of the Call of the Meeting and the Officer's Return of Service and to waive the reading of the separate articles of the Warrant. The motion received a second and was VOTED.

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

RESOLUTION

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

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

NOW, THEREFORE, BE IT

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

ARTHUR A. BABIGIAN	(1932-1996) SUDBURY RESIDENT: 1962-1982 INDUSTRIAL DEVELOPMENT COMMISSION: 1971-1980 BOARD OF ASSESSORS: 1972-1978
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MILTON D. BARTLETT	(1923-1995) LIFELONG SUDBURY RESIDENT STEERING COMMITTEE: 1959-1960 SUDBURY WATER DISTRICT COMMISSIONER: 1959-1985 SEWAGE & DRAINAGE STUDY COMMITTEE: 1965-1966 INDUSTRIAL DEVELOPMENT COMMISSION: 1966-1971
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DANIEL D. CARTER	(1920-1995) MOVED TO SUDBURY: 1960 FINANCE COMMITTEE: 1962-1968 HIGHWAY COMMISSION: 1968-1975 ROUTE 290 TRANSPORTATION CORRIDOR COMMITTEE: 1970-1972
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APRIL 1, 1996

JEAN M. CORCORAN	(1929-1995). MOVED TO SUDBURY: 1972 ELECTION OFFICER: 1994
ALAN H. GRATHWOHL	(1934-1996) SUDBURY RESIDENT: 1972-1986 FINANCE COMMITTEE: 1976-1979 SUDBURY BUS TRANSPORTATION COMMITTEE: 1976 LINCOLN-SUDBURY REGIONAL HIGH SCHOOL DISTRICT COMMITTEE: 1978-1986
BURTON H. HOLMES	(1914-1995) MOVED TO SUDBURY: 1973 HISTORIC DISTRICTS COMMISSION: 1978-1994
JOAN A. LEGERE	(1927-1995) MOVED TO SUDBURY: 1960 SECRETARY TO FINANCE COMMITTEE: 1962-1968
ANTHONY G. MAIURI	(1927-1995) MOVED TO SUDBURY: 1952 EMPLOYED IN HIGHWAY DEPARTMENT: 1955-1965
BRADLEY W. MATTSSEN	(1944-1995) LIFELONG SUDBURY RESIDENT. FOREMAN OF SUDBURY WATER DISTRICT: 1963-1995
CARMINE PINTO	(1917-1995) MOVED TO SUDBURY: 1958 SANITARY DISPOSAL COMMITTEE: 1963-1964 REFUSE DISPOSAL STUDY COMMITTEE: 1966-1967 EARTH REMOVAL BOARD: 1969-1976
NANCY A. VALENTINO	(1933-1995) MOVED TO SUDBURY: 1960 SCHOOL CAFETERIA WORKER: 1977-1995
PATRICIA VENNE	(1925-1995) MOVED TO SUDBURY: 1955 TOWN ADMINISTRATION STUDY COMMITTEE: 1962-1964 COMMITTEE ON TOWN ADMINISTRATION SUBCOMMITTEE ON TOWN MEETING: 1963-1964
FRANCES B. WALKER	(1917-1996) MOVED TO SUDBURY: 1944 SCHOOL SECRETARY AT FAIRBANK SCHOOL AND PETER NOYES SCHOOL: 1959-1984

AND BE IT FURTHER

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

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

APRIL 1, 1996

There was a motion made not to have a session on Wednesday, April 3, because of Passover. It passed unanimously.

John Drobinski, Chairman of the Board of Selectmen, introduced Steven L. Ledoux, the new Town Manager and thanked Richard E. 'Ed' Thompson, the town's Executive Secretary, for his 23 years of service.

Mr. Drobinski then presented the State of the Town address. He stated the Town is doing well. The budget is balanced and after Town Meeting the bond rating will be Aa2. We have a highly respected town and the schools are excellent. In the upcoming years the severe challenges will include the expanding school enrollment, capital costs and the school and town infrastructure. We need to find revenue sources to meet these issues. The most challenging 1995 problem was finding alternative sources of revenue. That will be the major issue for several years to come. We should not rely on residential homes as the major source of revenue. Our reliance on taxes on residential property is approximately 90% compared to the average of 75% in the metrowest area. We must allow innovative ways for types of housing or living facilities that will not affect our school system. We must preserve the character of the Town and at the same time be more flexible to adjust to future needs and not allow imbalance between desired revenue and the quality of our life. The combination of citizen volunteers, town officials, Town Meeting and the public will solve these issues. This year's warrant includes articles to adjust our tax base, our housing style and our infrastructure. Stay informed, understand the issues and make prudent decisions for the entire Town. At stake is the continued excellence of our Town, our quality of life, and our Town government.

Kathleen Precourt, Chairperson of the Finance Committee, announced the FinCom will make their presentation when Article 9, the Budget, is before the Hall.

April 1, 1996

(The full text of all discussions under each article is available on tape 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 1995 Town Report or as otherwise presented; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Matt King, Lincoln-Sudbury Regional Principal, moved to accept the reports of the Town Boards, Commissions, Officers, and Committees as printed in the 1995 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 presented to the Hall. 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: 12, 17, 19, 23, 24, 25.

A motion was made and seconded and it was,

UNANIMOUSLY VOTED; TO TAKE ARTICLES 10, 11, 13, 14, 15, 16, 18, 21, 22, 54 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 ARTICLES 10, 11, 13, 14, 15, 16, 18, 21, 22, 54.

(See individual articles for reports and motions voted.)

APRIL 1, 1996

ARTICLE 2A. FY96 BUDGET ADJUSTMENTS

To see if the Town will vote to amend the votes taken under Article 6, FY96 Budget, of the 1995 Annual Town Meeting, by adding to or deleting from line items thereunder, by transfer between or among accounts or by transfer from available funds; or act on anything relative thereto.

Submitted by the Board of Selectmen

John Drobinski, Selectman, moved to amend the votes taken under Article 6, FY96 Budget, of the 1995 Annual Town Meeting, by adding to or deleting from line items thereunder by transfer between or among accounts or by transfer from available funds, as follows:

<u>AMOUNT</u>	<u>TO</u>	<u>FROM</u>
\$11,500	950-807 Transfer Accts. - Reserve Fund	506 Town Clerk - Personal Serv.
\$28,500	950-807 Transfer Accts. - Reserve Fund	Free Cash

The motion received a second.

Board of Selectmen Position: The Board of Selectmen approves this adjustment.

Finance Committee Report: The Finance Committee recommends approval as the winter weather caused unforeseen expenses.

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

APRIL 1, 1996

ARTICLE 2B FY96 SELECTMEN'S BUDGET

To see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum not to exceed \$90,000, to be added to the Selectmen's FY96 Budget, for the purpose of paying severance for the Interim Town Manager and former Executive Secretary; and to determine whether or not to transfer the sum as appropriated from the Retirement Fund created under Article 10 of the 1983 Annual Town Meeting; or act on anything relative thereto.

Submitted by Petition.

John Drobinski, Chairman, Board of Selectmen moved for Indefinite Postponement of Article 2B.

The motion received a second.

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

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ARTICLE 3 STABILIZATION FUND

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$77,219, or any other sum, 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.

John Drobinski, Chairman, Board of Selectmen, moved for Indefinite Postponement of Article 3.

The motion received a second.

Board of Selectmen Report: Lawrence Blacker explained that this motion asks to put \$77,000 into the Stabilization Fund. The next Article, Article 4, asks that the same money be given to the schools for renovations, and repairs. The Selectmen decided that what they would like to have done is to have \$67,219 of that money go to the schools for renovations and they would like \$10,000 to be available to fund Articles 24 and 25. While the Selectmen moved to indefinitely postpone this, they asked that the School Committee consider that possibility of amending their motion under the next article to just have \$67,219 instead of the \$77,000.

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

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ARTICLE 4. TRANSFER CH. 70 STATE AID TO SCHOOLS

To see if the Town will vote to allocate the additional \$50 per student voted by state legislature for Fiscal Year 1996 and appearing on the town Cherry Sheet as Chapter 70 Aid in the amount of \$77,219, and appropriate this sum to the Sudbury Public School operating budget for Fiscal Year 1996 in addition to sums appropriated at the Annual Town Meeting; or act on anything relative thereto.

Submitted by the School Committee

Karen Krone of the School Committee moved to allocate the additional \$50 per student voted by state legislature for Fiscal Year 1996 and appearing on the town Cherry Sheet as Chapter 70 Aid in the amount of \$77,219, and appropriate this sum to the Sudbury Public School operating budget for Fiscal Year 1996 in addition to the sums appropriated at the Annual Town Meeting. The motion received a second.

William J. Hurley, Superintendent of Schools, explained the intent of the School Committee in spending the \$77,000 is for maintenance and equipment. We intend to complete the following projects which were identified as part of \$228,000 worth of priorities in our four-year budget maintenance plan. These are the proposed projects for the \$77,000: for the middle school, \$10,000 for replacement and additional classroom furniture; \$10,000 for the replacement of cafeteria furniture; \$5,000 to begin replacing drapes and blinds in classrooms and the cafeteria; and \$5,000 for library and office carpeting. At the Haynes school, \$5,000 to replace a folding wall in the gym which is literally beginning to fall apart; \$10,000 to replace and add classroom furniture throughout the building; \$5,000 to begin replacing drapes and blinds in the cafeteria, gymnasium, library and classrooms; and \$8,000 for classroom carpeting. At the Noyes School, \$10,000 for the replacement and addition of classroom furniture; \$5,000 to replace drapes in the gym; and \$4,000 for classroom carpeting. That total is \$77,000 and represents the additional aid John Drobinski mentioned to you that is earmarked for the schools in the form of education reform.

Finance Committee Report: Steve Wishner announced the unanimous support of this article. There were a number of state-aid items that were considered for direction to the schools. Unfortunately, there were some very large unforeseen expenses this year. Most particularly, the snow and ice expenditure to address the storms that we had this winter that ran several hundred thousand dollars above and beyond what had previously been budgeted. Unfortunately we had to take monies from numerous areas, including money that we had otherwise hoped to direct to the schools specifically for infrastructure and maintenance issues that had to go to snow and ice instead. Since money that should have gone to the schools had to be diverted for snow and ice removal, the FinCom believe the schools should receive the full amount of this article.

Martha Coe, Churchill Street, stated it was not clear to her if the Selectmen are trying to keep the money for Article 24 and 25. We held those two articles on the consent calendar and 24 and 25 were what they were going to fund. She was waiting to hear if the Selectmen still wanted this \$10,000 subtracted. If they did then we should postpone this article until after the others are voted.

Selectmen Blacker said, we just figured out tonight that this is what we would like to do. He did not wish to overburden the School Committee. That would be unfair. However, he liked Mrs. Coe's proposition. It does two things: it enables us to further discuss it with the School Committee; and if Articles 24 and 25 are approved, there is money to fund it; if they are not approved, then the \$77,000 is available for the schools. It makes very good sense to postpone this if possible to be heard immediately after Article 25.

Martha Coe moved to postpone this vote until after we vote on Article 25. The motion received a second.

The motion to postpone Article 4 until after we vote on Article 25 was presented to the voters and **Passed** by a standing vote.

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ARTICLE 5. UNPAID BILLS

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

Submitted by the Town Accountant.

Since there were no unpaid bills, Article 5 was **PASSED OVER**.

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ARTICLE 6. STREET ACCEPTANCES

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

Codman Drive	from Morse Road to a dead end, a distance of 1,108 feet, more or less;
Brownstone Lane	from Old Lancaster Road to a dead end, a distance of 563 feet, more or less;
Bowker Drive	from Ford Road to Elsbeth Road, a distance of 1,195 feet, more or less;
Saunders Road	from Bowker Drive to a dead end, a distance of 500 feet, more or less;
Ruddock Road	from the end of the 1975 public layout of Ruddock Road northerly to Willis Road, a distance of 963 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, \$400, or any other sum, therefor and all expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen.

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

Codman Drive	from Morse Road to a dead end, a distance of 1,108 feet, more or less;
Brownstone Lane	from Old Lancaster Road to a dead end, a distance of 563 feet, more or less;
Bowker Drive	from Ford road to Elsbeth Road, a distance of 1,195 feet, more or less;
Saunders Road	from Bowker Drive to a dead end, a distance of 500 feet, more or less;
Ruddock Road	from the end of the 1975 public layout of Ruddock Road northerly to Willis Road, a distance of 963 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 taking or by eminent domain, in fee simple of the property shown of said plans and to appropriate the sum of \$400 for the expenses connected therewith. The motion received a second.

In support of this motion, Mr. Drobinski informed the Hall this is the process the town goes through to formally accept streets as public ways.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

PLANNING BOARD REPORT: The Planning Board recommends approval.

The motion under Article 6 was **UNANIMOUSLY VOTED** by hand vote.

ARTICLE 7. AMEND ZONING BYLAW, ART. IX, SEC. I, III, IV, V- ATTACHED SINGLE FAMILY HOUSING DEVELOPMENT FOR PERSONS 55 AND OVER

To see if the Town will vote to amend the Zoning Bylaw, Article IX, as follows:

1. Insert in Section IV a new subsection E, as follows:

- "E. ATTACHED SINGLE FAMILY HOUSING DEVELOPMENT FOR PERSONS AGE 55 AND OVER - The Planning Board, acting as Special Permit Granting Authority, may grant a Special Permit for an Attached Single Family Housing Development for Persons Age 55 and Over (ASFHD55) in a new District located on individual parcels designated hereunder to be located in Single Residence "A" and Single Residence "C" Residential Zone Districts, for attached single family dwellings and accessory structures, subject to the following:
1. Objectives - The objectives of Attached Single Family Housing Developments for Persons Age 55 and Over are to provide alternative housing for a maturing population; to provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.
 2. Qualifications - The following qualifications shall apply to all Attached Single Family Housing Developments for Persons Age 55 and Over:
 - a. Zoning District - An ASFHD55 shall be located in a Single Residence "A" or Single Residence "C" zoning district.
 - b. Tract Qualification - An ASFHD55 shall be located upon a single tract, in common ownership with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least 35 acres and undivided by land of separate ownership or by a public right-of-way.
 - c. Town Approval - No tract shall be eligible for a Special Permit for an ASFHD55 unless the same shall be designated as included in the District by amending the Zoning Bylaw to include the specific site or sites within the District formed hereunder.
 - d. Age Qualification - An ASFHD55 shall constitute housing intended for persons of age fifty-five or over within the meaning of M.G.L. c151B, §4, ¶6 and 42 USC §3607(b)(2)(C), and in accordance with the same, at least eighty percent of the dwelling units in an Attached Single Family Housing Development for Persons 55 and Over shall be occupied by at least one person fifty-five years of age or older per dwelling unit, and such Development shall be operated and maintained in all other respects in compliance with the requirements of said statutes and regulations promulgated pursuant thereto.
 - e. Applicant Qualifications - The applicant for a Special Permit for an ASFHD55 shall be the owner of the tract proposed for such Development or be authorized in writing by the owner to apply for and be issued such Special Permit, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the Development.
 3. Rules and Regulations and Fees - The Planning Board shall adopt, and from time to time amend, Rules and Regulations governing Attached Single Family Housing Developments for Persons Age 55 and Over consistent with the provisions of this Zoning Bylaw, Chapter 40A of the General Laws, and other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such Rules and Regulations shall, subject to and in accordance with provisions of section 6 of this bylaw, prescribe as a minimum the size, form, contents, style and number of copies of plans and specifications, the town board or agencies from which the Planning Board shall request written reports, and the procedure for submission and approval of an ASFHD55 Special Permit. The Planning Board shall also specify the fees to be paid in connection with application for Special Permit for an ASFHD55.

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4. Tract Requirements - The following requirements shall apply to all Attached Single Family Housing Developments for Persons Age 55 and Over tracts:
 - a. Number of Dwelling Units Permitted - The maximum number of Dwelling Units in an ASFHD55 (D) shall be determined by the Planning Board by multiplying the Area (A) of the tract in acres to the nearest one-hundredth of an acre less the area therein of unbuildable wetlands, as determined and specified by the Conservation Commission in its report to the Planning Board pursuant to Section 7.b. hereof, times the Density Factor (F), which shall be specified by the Planning Board within the range of 1.0 minimum to 2.0 maximum. In specifying the Density Factor (F) the Planning Board shall take into account (i) the accommodations proposed by the applicant to the needs of residents of age fifty-five or over, (ii) the features of the proposed development preserving or creating privacy, (iii) the topography and other site conditions of the tract, (iv) access to a major thoroughfare, and (v) the open space use of abutting properties.
 - b. Minimum Open Space - At least 35% of the area of the tract comprised in an ASFHD55 shall be Open Space, free of buildings and structures except as herein expressly provided. Wetlands, as determined and specified by the Conservation Commission, shall not qualify as Open Space except to the extent that such wetlands are included in the Perimeter Buffer. The Planning Board may permit outdoor recreation facilities and activities in the Open Space, including walking trails, playing fields, gardening plots, landscape features, fences, walls, and signs complying with requirements of Section V.D., and may also permit tennis courts, swimming pools, clubhouse and other accessory structures, and access ways, provided that the ground area covered by buildings, structures or other impervious materials shall be excluded from the computation of the requisite 35% of the tract area.
 - c. Ownership of Open Space - The Open Space shall be owned in common by the owners of the dwelling units in the ASFHD55 or by an organization or entity owned and controlled by such dwelling unit owners. If the size, configuration, nature or use of the Open Space is appropriately located adjacent to other Town conservation parcels, or for other reasons the Town or a non-profit organization, a purpose of which is the conservation of open space, desires ownership of such Open Space land, the applicant shall have the option of deeding said Open Space to those organizations.
 - d. Perimeter Buffer - A 100 foot wide buffer between an ASFHD55 and abutting properties, around the entire ASFHD55 perimeter, shall be included in Open Space; provided, however, that access roads may cross the buffer, and the Planning Board may otherwise reduce the width of the buffer at appropriate locations, taking into account the character or open space use of abutting properties or the existence or requirement of buffer thereon.
5. Building and Dwelling Unit Requirements - The following requirements shall apply to all buildings and dwelling units in an Attached Single Family Housing Development for Persons Age 55 and Over:
 - a. Dwelling Units Per Building - No building shall contain more than seven dwelling units. No more than 30% of the buildings in an ASFHD55 shall contain more than four dwelling units.
 - b. Maximum Height - No building constructed in an ASFHD55 shall exceed 35 feet in height.
 - c. Maximum Number of Bedrooms - No dwelling unit constructed in an ASFHD55 shall contain more than three bedrooms.
 - d. Minimum Area of Dwelling Unit - Every dwelling unit in an ASFHD55 shall have a living space floor area of at least 1500 square feet.

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- e. Accessory Buildings and Structures - In an ASFHD55, accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures.
 - f. Design Criteria - All buildings in an ASFHD55 shall be designed (i) to have compatibility of style, building materials and colors with those in Sudbury, (ii) to afford variations of facade and roof lines, and interior layouts of dwelling units, (iii) so as not to have any dwelling unit extend under or over another dwelling unit in the same building and (iv) to comply with requirements of law with respect to housing intended for persons of age fifty-five and over.
 - g. Interrelationship of Buildings - The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings.
6. Additional Physical Requirements - The following requirements shall apply to all Attached Single Family Housing Developments for Persons Age 55 and Over:
- a. Parking - Two parking spaces shall be provided for each dwelling unit, in reasonable proximity to the dwelling, on paved surfaces or in garages attached to dwellings or in separate structures. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off-street parking areas, provided that no such accessory parking area shall contain more than twelve parking spaces, and all such areas shall be adequately landscaped.
 - b. Private Roads - Roads and driveways within an ASFHD55 shall meet such width, grades, radius of curvature and construction standards as the Planning Board shall determine and include in rules and regulations for Attached Single Family Housing Developments for Persons Age 55 and Over, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.
 - c. Other Facilities - All facilities for utility services, drainage and lighting shall be in accordance with requirements established by the Planning Board in rules and regulations for Attached Single Family Housing Developments for Persons Age 55 and Over, consistent with applicable provisions of the Zoning Bylaw, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.
 - d. Project Maintenance - In every ASFHD55 there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents, and the Town of Sudbury shall not be responsible therefor.
 - e. Wastewater Disposal - In every ASFHD55 wastewater disposal shall be by means of (i) an on-site or dedicated wastewater treatment facility duly licensed and approved by the Sudbury Board of Health and the Massachusetts Department of Environmental Protection, or (ii) an on-site subsurface disposal system complying with the requirements of Title 5, 310 CMR 15.000.
7. Procedure - The procedure for issuance of a special permit for Attached Single Family Housing Developments for Persons Age 55 and Over shall be as follows:
- a. Application for Special Permit - Any person who desires a Special Permit for an ASFHD55 shall submit a written application to the Planning Board. Each such application shall be accompanied by the following information:
 - (i) Identification of applicant; information as to the record title to the tract; identification of applicant's professional and development associates.

- (ii) An ASFHD55 Site Plan showing, insofar as pertinent, all of the information required for a definitive subdivision plan, as specified in the Town of Sudbury Subdivision Rules and Regulations, as amended, and showing the following additional information: a hydrogeologic description of the suitability of the site and all of its subareas for development of potable water supply; soil characteristics as shown on Soil Conservation Service Maps; resource areas as defined by M.G.L., Chapter 131, section 40, (The Wetlands Protection Act), including delineation of the official wetland area boundaries as accepted by the Sudbury Conservation Commission pursuant to the Sudbury wetlands bylaw; existing floodplain boundary lines; conceptually proposed locations of buildings containing dwellings and other buildings, all setback lines, garages, driveways, lighting, signs; proposed and existing wells and wastewater disposal systems on the parcel and abutting properties; existing and proposed grades of the land; existing perimeter of trees; proposed landscape features (such as fences, walks, planting areas, type, size and location of planting materials, methods to be employed for screening); the proposed use of the common land including improvements intended to be constructed thereon, and the proposed ownership of all common land and any other information required by the Planning Board specified in the rules and regulations for Attached Single Family Housing Developments for Persons Age 55 and Over or otherwise.
- (iii) A schedule of the stages or phases of development in accordance with which the applicant proposes to construct the ASFHD55.
- (iv) Sample floor plans of dwellings; elevation drawings or models of dwellings; schedule of building materials.
- (v) Plans showing proposed wastewater treatment and disposal facilities.
- (vi) Samples of proposed documentation of condominium or other legal structure.
- b. Reports from Town Boards or Agencies - The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission, Engineering Department, Design Review Board, Park and Recreation Commission, Historic Districts Commission, Building Inspector, Fire Department, Highway Surveyor, Police Department and the Sudbury Water District. Failure of any such board or agency to make a written recommendation or submit a written report within 35 days of receipt of the application shall be deemed a lack of opposition.
- c. Planning Board Action - The Planning Board shall not grant a Special Permit for an ASFHD55 unless it shall, after holding a public hearing in accordance with requirements of Chapter 40A of the General Laws, find that: (i) the ASFHD55 complies with the purposes of ASFHD55 as stated in Sections 1-6 hereof; (ii) the ASFHD55 is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district; (iii) adequate and appropriate facilities will be provided for the proper operation of the ASFHD55; (iv) the ASFHD55 use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances; (v) the ASFHD55 use would not cause undue traffic congestion in the immediate area; (vi) the ASFHD55 responds to the recommendations of Town Boards and Agencies; and (vii) the granting of the Special Permit would not result in unsuitable development of the land in question.
- d. Special Permit Conditions - In order to implement a Special Permit for an ASFHD55 and to assure compliance therewith, the Planning Board shall in the Special Permit set forth requirements and conditions that before a building permit is issued for any buildings in any stage or phase of the ASFHD55 (i) the applicant shall have submitted to the Planning Board detailed plans showing the locations, designs and layouts of such buildings and all driveways and accessory structures included in such stage or phase, (ii) the applicant shall

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have provided security by covenant, bond or other means satisfactory to the Planning Board covering construction and installation of driveways, utilities and related services, (iii) the Planning Board shall have determined that the detailed plans are in substantial conformity with the conceptual plans approved in the Special Permit, and (iv) the Planning Board shall have so notified the Building Inspector; and the Planning Board may in a Special Permit for an ASFHD55 set forth further requirements and conditions as the Board shall deem appropriate to accomplish the purposes of this Bylaw, including requirements of recording of plans and documents and report thereof to the Board.”;

2. Amend subsection G of Section I to read:

“Except as provided in Section IV.E. no lot within a subdivision or within the Town shall have more than one building to be used for dwelling purposes.”;

3. Amend subsection G.5.e.6). of Section III by inserting at the end thereof the words:

“; and except as provided in Section IV.E. with respect to an Attached Single Family Housing Development for Persons Age 55 and Over.”;

4. Amend Subsection O of Section V by inserting at the end thereof the words:

“, except as provided by special permit issued pursuant to Section IV.E.”;

or act on anything relative thereto.

Submitted by the Planning Board.

John Rhome, Planning Board, moved to amend the Zoning Bylaw Art. IX as set forth under Article 7 of the warrant for this Town Meeting provided that the word “overlay” shall be inserted in line 4 of paragraph E. after the word “new” and preceding the word “district” and in paragraph E.2.c. before the word “district”, wherever it appears, and by inserting the words “at the time of granting a special permit by the Planning Board” in paragraph E.2.b. following the dash after the words “tract qualification” and preceding the words “an ASFHD55”, and by substituting 50% for 35% under section E.4.b. wherever it appears, and by removing paragraph E.6.e. in its entirety, and replacing it with the following:

“e. Wastewater Disposal - In every ASFHD55, wastewater disposal shall be by means of only an on-site subsurface disposal system complying with the requirements of Title V, 310 CMR 15.000, not to exceed the maximum of 550 gallons per acre, excluding wetlands.”

The motion received a second.

Mr. Rhome suggested separating Article 7 from Article 8. Article 7 sets forth the mechanics in the bylaw in general terms and has nothing to do with any particular site. If Article 7 passes, then Article 8 proposes a site. He requested the Moderator to limit discussion and debate to Article 7 to the general situation without reference to any particular site. The Moderator agreed. Mr. Rhome went on to say that the purpose of this article, from the Planning Board’s point of view, was to provide housing that would significantly add to the tax base without at the same time unduly increasing the expenses of the town. That is the major purpose for which the Planning Board presented this. If empty nesters sell their homes with a huge capital gain tax and buy into this, they would eliminate the capital gain. Many empty nesters will use this option. The law will allow the limit of 80% of the units having at least one occupant 55 or over, whereas saying 65 or older or no children would be illegal. If this passes, then other applicants can come forth under Article 8 and request permission from a future Town Meeting. If they get that permission, then they would have to apply to the Planning Board under very carefully drawn rules and regulations. Town Meeting does not lose any control by approving this article.

FINANCE COMMITTEE REPORT: The Finance Committee took no position on this article.

BOARD OF SELECTMEN REPORT:

Mr. Blacker gave the majority view of the Selectmen. He stated that the Town is faced with ever increasing taxes. Sudbury is faced with a problem that many towns have, an ever increasing population, an ever increasing school budget, ever increasing infrastructure needs, and no way to increase the tax base. We could have industry, we could have office buildings; we do not have any land zoned for that and I do not think anyone on this Board would suggest that is the way to go in this Town. So what else can we do? The Planning Board has come before this Town with Article 7 which will enable town meetings to allow this type of development to be maintained and placed on various lands in Sudbury. People who would live in these units tend not to have children in the schools. The probability of any 35 acres having 15 - 23 lots would have two or three children per house. The 40 - 60 units here would probably only have a few children in the whole area. You will hear later that the schools need 2.6 million dollars to do some major fix ups. You will hear how the schools may need more for additions and renovations in the future because of the population growth. Where do we get this? Well, we can either tax our existing tax base higher and higher, allow additional single family houses to be built which just enlarge the spiral or we can be creative. This is an opportunity for the Town to set in motion the ability to be creative. This bylaw does not authorize one single development. It allows the Town though to be clever; to look at a specific site on each occasion and then to draw its own conclusion if this is the right site. It is an economical win situation and the majority of the Board of Selectmen urge your support of Article 7.

Maryann Clark presented the minority view of the Selectmen. She asked, if condos were good for Sudbury, why is there such a marketing blitz? This bylaw was prepared by the developer and not the Planning Board and favors the developer. Several townspeople are being paid by the developer to be lobbyists. You have a right to know who those paid lobbyists are. Letters were sent out by paid lobbyists. This points out that Sudbury now needs a new bylaw that requires paid lobbyists to register with the Town Clerk and to disclose their position. Expect such a bylaw at the next Town Meeting.

The significant amendment to the bylaw we just saw demonstrates that this bylaw is being rushed through Town Meeting without proper time being spent to absorb it and understand it. There is no requirement for a performance bond to insure completion of a project which is expected to take ten years to complete. A lot can happen in ten years. I am shocked that the Planning Board is releasing this proposal for approval by this Town Meeting without a performance bond requirement. Second, the open space requirement has been amended up to 50%. The 35% as originally proposed is used up by the 100 foot buffer on a 35 acre parcel. In that buffer you can locate your amenities—your clubhouse, your swimming pool, tennis courts. Is this really a buffer? Is this really open space? I attended a seminar conducted by the president of the New England Chapter of the American Planning Association. This association's recommendation for open space in a 1-1/2 acre residential zone is 70%, double the original amount that the developer proposed. It has been used in many towns to preserve the open space character of these towns. You should know that conservation groups such as the Trust for Public Lands are ready to step in to preserve open space. They are patiently waiting to see what Sudbury does with their Town Meeting this year. The developer has artfully used the word "intended" for those 55 and over. Intended does not mean "restricted" to age 55 and over. It is very common in today's world for 55 year old parents to have school children. Article 7 allows a high number of condos with three bedrooms, triple the allowed single family homes that can be built on the same marginal land. What this means is three to four times the number of bedrooms for condos as compared to single family homes. That means more school children, more taxes and more traffic than single family houses. The 1995 study of the needs of Sudbury seniors done by the Council on Aging, shows that 92% of the polled seniors own their own home and 92% want to remain in their own homes. They cannot afford these elitist priced condos. Article 7 is a reactive bylaw. Adopt your own town plan or the developer will have his plan for Sudbury. It will be destructive for the town to have such disruption each time a developer decides to target a spot. We need creative ideas but this is not creative. This is pro-profit for the developer. I discussed the legalities with an attorney specializing in zoning. He said this type of zoning can be considered spot zoning which has never been tested or challenged in court. He referred me to the Attorney General's office. The Attorney General's office confirmed that the issue of spot zoning in this type of bylaw has not been tested in the courts but was a viable argument. Spot zoning has been determined to be illegal in other types of zoning. Listen carefully and listen closely to the comments you hear tonight. She recommend a "No" vote on Article 7.

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Board of Health Chairman, Hugh Caspe, stated the Board met and suggested changes to the Article that are now part of the Article. The Board took no stand on Article 7.

Mr. Caspe, then continued as a citizen, stating that Article 7 allows the building of condos anywhere in Town. There would be no limitation as to the number of condo units or a comparison of what could be built as would normally be done under cluster zoning. The density is established by the Planning Board alone. He believes the Town, in Town Meeting, should establish the density. Empty nesters could not afford the prices of these condos. Who will enforce that people be over 55 years of age to buy these condos? What happens when somebody passes away? Can their children move into it? Is the Town going to monitor who sells and buys these condos? Could they rent the condominiums to anyone? He sees no limitations and thinks increased funds coming to the Town will be balanced out by increased costs. He is also concerned about large leaching fields and strongly suggests that people think about this Article before voting. He recommended defeat of Article 7.

There was a long list of residents who requested advanced recognition. The following are some of the comments and concerns expressed.

Richard Vanderslice, Dudley Road, stated that Article 7 was written basically by the developer and presented by the Planning Board as a vision of how Sudbury can reap enormous tax benefits and revenue with virtually no strain on town services. I find many faults and concerns in this article. The tax windfall is just a theory. Here is a map that shows it would enable 25 parcels all over Town that could be built with condominiums should Article 7 pass. The article needs more revision. Defeat it. Demand more open space. Have a growth plan for Sudbury with input from the taxpayers.

Edward Vanderslice, Dudley Road, believes that Article 7 is built on a fallacy of a tax windfall and helping Sudbury's aging population. He believes it will not do either but will leave Sudbury wide open to condominium development on a vast scale. There will be more people, more kids and more strain on town services and water. The Planning Board seems to be developer friendly at all costs. We are now paying the costs of this unrestrained growth. The Planning Board's only solution is to be developer friendly some more. Are they working for the Town or for the developers? He is concerned that the lack of vision in planning now can be likened to the selling of the schools in the past and now we face the need for more school space. We need an open space plan. He urged a no vote on Article 7.

Joseph Klein of Stone Road opposes the article. He believes that if it passes local historians years from now will record this event as the beginning of the City of Sudbury complete with wall to wall building. Except for two State mandated developments, we have maintained our rule of at least one acre per home. A rule he believes is one of the principle reasons Sudbury is considered a desirable community. Cluster zoning is allowed but only if the rule of not more than one house per acre still applies to the entire site. This Bylaw overturns this rule. Section 4a of this article allows twice the number of dwelling units as there are acres in the tract. Section 5a allows up to 7 units per building. He urged people who support this Bylaw to take a good second look. Building 68 condos is the equivalent of building 68 homes in town without restriction of who can live in them. Mr. Klein urged that we defeat this Article and keep the Town of Sudbury instead of building the City of Sudbury.

Edward Kreitsek, Dudley Road, works as a consultant of the Green Company. As a resident living on Dudley Road for 44 years, the number of houses on Dudley Road has increased from three to well over thirty when you consider the side roads that were attached to Dudley Road. Change is inevitable. He agreed with Article 7 as we should have versatility in the type of housing in the Town. The survey conducted by the Council of Aging, included the desire of many of the respondents to have a condominium type of housing available with age limitation to those 55 years or over. A no vote for Article 7 returns us to the condition of having no choice. A no vote for Article 7 is a yes vote for the introduction of single family resident dwellings as the only way that housing can be introduced to this town. He urged support of Article 7.

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Board of Assessors. William J. Keller, Jr., stated the Board is in favor of Article 7. He explained that if Article 7 is not passed the only alternative is more single family residences. Communities such as Sudbury raise the money it needs to pay for town services such as educating our children, police, fire, public works, etc. through a combination of single family residences with kids, single residences without kids, and its commercial tax base. What is required is a balance of all those to provide the necessary funding. Single family residences alone have never been able to pay for all the town services. Town growth has increased in recent years but we have not increased our commercial tax base. The Town of Sudbury has lost the balance in its tax base between people in the homes with children, people in homes without children, and its commercial area. What you have in Article 7 is an opportunity to try to bring that balance back. It is designed to sell homes to people age 55 and over. People 55 and over do have a few kids, but a similar development in Wayland which has 146 units, has only 6 school children. This is the kind of development that will help subsidize the education of our children. It is something this Town desperately needs. Now is the time to try to bring this Town back to a better financial footing.

Edward Sokoloff, Washington Drive, moved to amend Article 7, S4b, third sentence by deleting the first word "The," and substituting the following in its place: "Exclusive of the Perimeter Buffer, the" and S4d, by deleting the entire Perimeter Buffer section, and substituting the following in its place: "Perimeter Buffer\ Siting - Notwithstanding any provision contained in this Article to the contrary, all buildings and improvements in the ASFHD55 shall comply with a minimum 400 foot setback from front, side and rear yard property lines, which setback area shall serve as a buffer area which shall be non-disturbed and unused and shall be kept in its natural state, with no trees to be removed except for one entrance\driveway not to exceed twenty feet in width, with said driveway to extend the shortest distance as possible into the setback area, and in which setback area hearty evergreen trees shall be planted and maintained for screening if such screening is not present. All buildings and improvements shall be sited on the tract so as to be the least visible from any abutting residential lots, while permitting construction of the buildings and improvements on the tract at reasonable locations outside the Perimeter Buffer."

The motion was seconded.

Mr. Sokoloff presented an explanation of his motion. The presently proposed Article permits a 100 foot buffer zone only. However, that buffer zone may be reduced to even zero because within the open space definition it says that, also permitted, are tennis courts, swimming pools, club house and other accessory structures and access ways. This is the only time we have to control the boards such as the Planning Board who has proposed this Article. The present Planning Board seems to be very pro developer and anti the single family residential owner in this Town. This proposal is a protection. Regardless of who sits on the Planning Board, any other Board, or if you attend Town Meeting, this enabling bylaw sets the perimeters for the entire town for all time. A 400 foot buffer zone is an appropriate one, both as a screen for visual and sound barriers, from this type of development.

Mr. Blacker, Board of Selectmen, opposed the amendment, saying the amendment was a way to defeat this article under the guise of supporting it.

Steve Meyer, Chairman of the Conservation Commission, said the Commission opposes this amendment. It is a particularly bad idea from an environmental standpoint. This is not the kind of thing that you want to do in protecting open space with a purpose. Article 7 and the 100 foot buffer, as it is laid out, gives much greater flexibility in the siting of development. On a site like this, it is not the number of houses or the density, but the location of the development. This is a very bad idea and he urged defeat of the motion to amend.

John Rhome, Planning Board, stated that the majority of the Board opposes this motion.

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

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The Moderator asked "How many people here have not made their minds up?" No hands were raised. He then asked, "Is there anyone who feels they would like to speak"?

Mr. Hans Lopater, Winsor Road, proposed an amendment. Move to amend by inserting the following language as Section 7 a:

"The Planning Board shall require each applicant to submit an environmental impact report pursuant to Massachusetts General Laws Chapter 30 Section 61 - 62H, as amended."

And by changing sections 7a, 7b, 7c, 7d to 7b, 7c, 7d and 7e respectively.

The motion received a second.

Mr. Lopater stated he was against Article 7. His concern was that if Article 7 passes without this amendment the Town can not be assured that we will get an environmental impact report.

John Rhome, Planning Board, stated the Planning Board was not opposed to this amendment.

The motion to amend was presented to the voters and passed.

The Hall then went back to debating on the main motion. The Moderator then asked again, If there was anyone in the Hall that has not made up their mind? Seeing no one, he asked if anyone wanted to speak. The Moderator then asked the Hall if all those in favor of terminating debate on this matter and voting would please indicate by holding up their cards. All those opposed. It was almost unanimous— clearly a 2/3rds vote.

The main motion under Article 7 was presented to the voters and defeated.

The Moderator declared the meeting adjourned until tomorrow at 7:30 PM.

The meeting adjourned at 10:45 PM.

Attendance: 816

Adjourned Annual Town Meeting
April 2, 1996

Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1996, 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 2, 1996, for the second session of the Annual Town Meeting.

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

(The full text of all discussions under each article is available on tape in the Town Clerk's office)

ARTICLE 8. AMEND ZONING BYLAW -
DESIGNATE ATTACHED SINGLE FAMILY HOUSING DISTRICT PARCEL

To see if the Town will vote to approve as a site for an Attached Single Family Housing Development pursuant to section IV.E. of the Zoning Bylaw a tract of land comprising all or portions of the following parcels of land shown on Sudbury Property Maps: Weisblatt (Map K06 & L06, Parcel 001, containing 34.85+- acres, and Parcel 024, containing 7.73+- acres), Sykes (Map K06 & L06, Parcel 029, containing 2.75+- acres), Kramer (Map K06, Parcel 502, containing 1.38+- acres), Blades (Map K06, Parcel 500, containing 1.37+- acres) Bushey (Map K06, Parcel 505, containing 1.38+- acres), Levin (Map L06 & L07, Parcel 007, containing 4.50 +- acres) and Tippling Rock Trust (Map L06, Parcel 004, containing 5.50+- acres); or act on anything relative thereto.

Submitted by Petition.

(The Petitioners Report, along with the Finance Committee's Report and the Planning Board Report are as printed in the warrant and included for informational purposes.)

PETITIONERS REPORT: The Green Company proposes that the site referenced above be approved for attached housing for persons age 55 and over, under the provisions of Section IV.E of the Zoning Bylaw (Article 7).

The proposed site is over 45 acres of wooded land, located high over Route 20. If approved as a site for attached housing, much of it will remain that way. The land is isolated from its residential neighbors by grade and the bylaw requires a 100-foot buffer with minimum 35% open space to add to the natural privacy. It is possible for homes and woods to co-exist. There are Sudbury residents, empty nesters whose children have grown and left home, who would like an opportunity to remain in Town without the work of maintaining a single family home. These residents often serve the Town with their time. And this community would supplement the Town's tax base without adding to its expenses, for a substantial increase in net revenue every year. This site meets all of the conditions to be approved as a site for attached housing with the further requirements of the proposed bylaw ensuring strict Planning Board control through the special permit process.

Attached homes in this location would:

1. Provide a housing alternative for existing residents who want to remain in town but don't want the maintenance and upkeep of a traditional single family house.
2. Preserve the environmentally sensitive areas and the significant topography of the land by clustering and attaching homes together in the most appropriate locations, rather than spreading them out across the site.
3. Preserve over 35% of the site as open space, compared to a conventional subdivision which has no such requirement, and thereby maintain the visual character of Sudbury.
4. Generate less traffic than a conventional subdivision because of few, if any, school children and smaller household size (no after school lessons or sports, etc.). Additionally, most traffic in this type of community is generated during non-peak periods.

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5. Generate the most tax revenue for the Town every year while having the least impact on town services due to few, if any, school children and roads that are privately built and maintained at no cost to the Town.

We look forward to the opportunity to work with the Town.

FINANCE COMMITTEE REPORT: The Finance Committee takes no position on this article.

(ARTICLE 8) PLANNING BOARD REPORT: The Planning Board supports the above article. Passage of this article will allow the owner or representative of the above parcels of land to submit a Special Permit application to the Planning Board for an Attached Single Family Housing Development for Persons Age 55 and Over. The Planning Board has familiarized itself with the site and the basic layout of roadways, open space and building placement. The physical properties of this site provide an excellent opportunity for an attached housing community to co-exist within a residential zoning district. The site should have minimal impact on the district due to its isolated location from other residential properties, and the increased privacy due to the preservation of substantial wooded buffers and open space. More in-depth analysis will occur during the Special Permit process to address density, drainage, wastewater, access, visual impacts and building design of the specific proposal. The Board urges your support of this important article.

The Moderator announced that Article 8 would be Passed Over in light of the defeat of Article 7.

1996 FINANCE COMMITTEE REPORT (As printed in Warrant)

The Finance Committee reviews and recommends for approval, appropriation of funds by Town Meeting for the Operating Budget within the tax limit established by Proposition 2 1/2. An overview and detail of the budget follow. The Finance Committee also reviews requests for large capital projects which are generally funded by a Debt Exclusion over and above the Proposition 2 1/2 limit for the life of the debt. The Finance Committee submits recommendations on these projects for consideration by Town Meeting. Discussion of these capital projects is under "Investment Priorities" below. A third category of request, an Operating Override, permanently raises the Proposition 2 1/2 tax limit by the amount approved and is utilized for operating expenses. An Operating Override has not been requested for FY97.

Before discussion of the FY97 budget, it is important to note that Sudbury's financial position remains strong. Conservative financial management practices have kept the Town viewed in a positive light by the investment community, an obvious advantage when we enter the bond market for debt. We are also reaping an added benefit this year in the area of employee health insurance where, contrary to expectations, rates have not increased.

Overview

The Finance Committee recommends an operating budget of \$35.5M (including debt service), an increase of 7% over FY96. The budget hearings and subsequent Finance Committee deliberations focused on requested spending necessary to maintain service at the FY96 level in a manner so as not to undermine quality. The revenue available in FY97 does not allow, on the whole, for increases in service levels. Improvements in service over current levels will be achieved through the realignment of existing spending, as requested by the various departments, or through spending funded by fees. A secondary focus of operating budget consideration was the request for minimal spending on infrastructure maintenance to slow further decline.

Growth in the cost of and demand for service has grown at a rate greater than the growth in revenue. Within the FY97 recommended budget are a number of one time revenue occurrences that have combined to bolster funds available. This allows for the continuation of current service levels across most of Town services and the schools, without the request for an operating override this year.

Revenue Estimates

The Finance Committee initiates the budgeting process by assessing the revenue estimated to be available, thereby determining the limit on the amount of funds to be allocated. The estimated revenues for FY97 are 6.5% above FY96, as outlined and explained below (in \$000's):

	<u>FY96</u>	<u>FY97</u>	<u>\$Increase</u>	<u>Increase as % of Total FY96 Revenue</u>
Prop. 2 1/2 Limit & New Construction	25,348	26,507	1,159	3.43%
Debt Exemption	1,819	2,041	222	.66%
Other Revenue				
State Aid (net)	2,367	2,448	81	.24%
Local Receipts	2,550	2,700	150	.44%
Free Cash Applied	490	994	504	1.49%
Misc.*	1,170	1,248	78	.23%
TOTAL	33,744	35,938	2,195	6.5%

*Misc. includes: Enterprise and other Funds receipts, Abatement Surplus and other miscellaneous items. The Chapter 90 Transportation Bond is not included.

Proposition 2 1/2 including New Construction - Tax revenue from new construction has been at approximately \$500,000 since FY94, making FY97 the fourth year in typically four year cycles of "boom/bust". If historical trends hold, this may mean that FY98 will bring a lower new construction tax revenue amount.

Debt Exemption - Revenue from taxes for the debt exclusion are dedicated to the projects previously voted at the ballot, and are not available to the operating budget. This revenue will increase and decrease according to the debt.

State Aid (net) - "Cherry Sheet" Receipts Net Charges and Offsets. State aid was increased in FY96 and is expected to be higher in FY97 again. Given that the State budget is not final when this Warrant is printed, the estimates show a conservative increase.

Local Receipts - Estimates have grown in the last year and can generally be seen to increase at 2%-3%, increasing total revenue by under 1/2%.

Free Cash - Free Cash applied in the FY97 budget increased by \$500,000. The source of this Free Cash was the excise tax collected in FY95 which exceeded estimates by an unexpectedly high amount. This amount is available to be applied to the budget in FY97. Increases in Free Cash are not a dependable source of funds.

Note: Additional Savings - Estimates for health care insurance costs as utilized and appropriated in the FY96 budget included a potential increase of 10% based on anticipated rates. As FY96 has progressed this increase has not materialized, saving the expenditure and allowing the excess to be carried forward to the FY97 budget. This is not revenue but does net a savings from early estimates. This savings of \$335,000 is reflected in recommended allocations applied elsewhere in the budget. Given the cyclical nature of the insurance industry, these savings are not expected to repeat in future years.

Recommended Operating Budget

The recommended budget for FY97 is an increase of \$2.34M over the FY96 operating budget, and is the result of the Finance Committee considering a number of factors:

- First, the recommended budget sustains current numbers of employees at the negotiated contract salary levels and continues expense items (supplies, utilities, equipment repair, etc.) at expected utilization rates and cost in the coming year. Employee and expense increases are also included where mandated (SEC requirements, SPED, Zoning Inspection). This represents an increase of \$1.36M, 4% to the total budget.
- Beyond this, the number of employees increases only where clearly associated with direct increase in population being served. Employee additions are most evident in the Sudbury Public Schools due to projected enrollment increases. This represents another \$450,000 (an additional 1.4% increase) in the recommended budget total. The small amount for restoration of employee hours beyond the FY96 level are primarily funded from fees rather than from the tax base.
- The recommended Operating Budget also funds a few smaller scale maintenance projects in the school and Town buildings and equipment. This equals an increase of approximately \$200,000 (.6% increase).
- Additionally, the increase in Debt Service in the recommended budget is \$330,000, adding another 1% to the total budget. This increase represents previously voted debt obligations which are exempt from Proposition 2 1/2.

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Summary of Recommended Operating Budget
by Community Element

	<u>FY96 ATM</u>	<u>FY97 FinCom Recommended</u>	<u>\$ Increase</u>	<u>% Increase</u>	<u>Increase as % of Total FY96</u>
SPS (Net)	12,065,049	13,172,482	1,107,433	9.2%	3.3%
LSRHS Assessment	7,786,288	8,115,051	328,763	4.2%	1.0%
Minuteman Assessment	364,789	372,077	7,288	2.0%	.02%
Town Services	7,792,309	8,431,576	639,267	8.2%	1.9%
Unclassified/Transfer	3,421,353	3,353,698	-67,655	-1.9%	-.2%
Debt Service	1,698,231	2,028,055	329,774	19.4%	1.0%
TOTAL*	33,128,020	35,472,889	2,344,869	7.1%	7.1%

*Two items not included in the Operating Budget total, yet requiring FY97 revenue, are the "Recap", which is primarily the excess spending on Snow and Ice, and the amount held for "Abatement and Exemptions" on taxes. These equal \$465,000.

Note: Line item detail follows immediately after the Committee report. Discussion of each individual department can be found following Article 9.

Future (FY98 and Beyond)

While the one time revenue sources discussed above assist in funding the requirements of the budget in FY97, these sources of revenue are not currently projected to be available in FY98 and FY99. The Finance Committee is concerned about the ability of projected revenue to support even current service levels, let alone further improvements.

Revenue for the Operating Budget can only be expected to increase, on a predictable basis, in the 5% range; Proposition 2 1/2 including new construction is expected to increase total revenue by approximately 3% to 3 1/2% and up to another 1% increase is anticipated from net State Aid and Local Receipts combined. The unusual amount of additional Free Cash in FY97 raised the total available funds by 1.5%. Sources of funds at this level are yet to be identified for FY98 and beyond.

The requests for spending for FY98 and FY99 will be driven by a number of factors:

- New, 3-year salary contracts will be negotiated for FY98 - FY2000.
- The growth in population to be served is continuing at unprecedented rates, especially in the schools.
- The age (30-40 years) of the Town's infrastructure makes postponing larger scale maintenance projects impossible.

Given the unknowns in these areas, exact budget requests to maintain service at current levels are not predictable but could be expected to hit 6% (excluding debt service) or above, outstripping revenue available. A request for an Operating Override is foreseeable. These pressures will create dilemmas for the Community requiring serious consideration in balancing the alternatives of acceptable service levels and increased taxes.

Investment Priorities Committee: Capital Plan

Two years ago, the Finance Committee initiated the Investment Priorities Committee to address a major strategic issue facing the Town of Sudbury - a growing backlog of infrastructure projects needed to improve or secure Sudbury's infrastructure, and a finite capacity to fund them. This year, more than \$12M in large scale infrastructure projects have been identified which are proposed for the FY97 - FY02 time frame.

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The original Investment Priorities Committee included members of the Selectmen's Office, Finance Committee, Permanent Building Committee, and Long Range Planning Committee, the four major committees concerned with long-term financial planning for large capital projects. In 1995, membership was expanded to include representatives from the Sudbury Public Schools and Lincoln-Sudbury Regional High School.

This team has worked during the past six months 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. Specifically, the Investment Priorities 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;
- Reach consensus on a priority list, timetable, and financing strategy for known investments in order to jointly and collaboratively recommend to Town Meeting a unified position which would address citizens' need for services and remain financially responsible.

At the time this Warrant went to press, Investment Priorities was awaiting additional data on certain projects and had not reached a final recommendation for a priority listing and timetable for funding. The Committee will provide its recommendation on project(s) to be considered for FY97 funding at Town Meeting.

The list of known projects being considered for funding during the FY97 - FY02 time frame includes, in alphabetical order:

- Department of Public Works Facilities Renovation
- Extraordinary Maintenance and Repair of the Noyes and Haynes Schools (Sudbury Public Schools)
- Flynn Administrative Building Renovation
- Renovation of the Haynes School (Sudbury Public Schools)
- Rogers Educational Center (LSRHS) Building Project
- Sudbury Public Schools Capacity Expansion

These projects represent significant investment decisions for the community of Sudbury, and they should receive the careful consideration of this and future Town Meetings.

The Treasurer has prepared long-term debt scenarios which demonstrate that Sudbury could undertake somewhat more than \$8M in permanent debt in a phased fashion over the five-year planning period. Exempted debt is recommended as the funding source for whatever project(s) are supported by Investment Priorities. Existing and projected demands on the operating budget to sustain current levels of service make it very difficult to look toward funding debt within the operating budget. Debt offerings will be planned to minimize the annual tax impact to residents.

Acknowledgments

This has been a year of many transitions, heightening the sense of uncertainty and quickening the desire to find solutions to the Community's many pressing issues. The Finance Committee in itself and in interaction with employees and citizens, has witnessed the struggle we all are facing in meeting the requirements of the Community. We wish to thank everyone for the willingness to be involved (the attendance at hearings, the phone calls, the letters, the hours, the answers and the questions!), the commitment on everyone's part to reach consensus rather than division and the enduring sense that equity across the Community can prevail.

Kathleen Precourt
Steven Wishner
Joseph Proud

John McDonough
Karen Palmer
Barbara Pryor

Charles Schwager
Steven Stolle
Marjorie Wallace

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ARTICLE 9. BUDGET

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums, or any other sum or sums, for any or all Town expenses and purposes, including debt and interest and out-of-state travel; to fix the salaries and other compensation of all elected officials and to provide for a Reserve Fund, all for the Fiscal Year July 1, 1996 through June 30, 1997, 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 FY 97 BUDGET

New Line #	Old Line #		Expend. FY 95	Approp. FY 96	Dept Request FY97	Fin Com Rec. FY97
300	100	EDUCATION				
		SUDBURY PUBLIC SCHOOLS				
		Salaries	8,716,731	10,159,234	10,976,813	10,976,813
		Expenses	2,317,635	2,242,298	2,520,023	2,520,023
		Equipment/Maintenance	0	153,930	140,000	140,000
		Subtot Sudbury Pub.Scls	11,034,366	12,555,462	13,636,836	13,636,836
		Offsets, including METCO	238,233	490,413	464,354	464,354
300	110	Net Sudbury Public Scls	10,796,133	12,065,049	13,172,482	13,172,482
		Insurance/Benefit Costs	1,310,028	1,549,225	1,583,697	1,398,741
		True Cost S.P.S.	12,344,394	14,104,687	15,220,533	15,035,577
NOTE: An additional \$496,754 was carried forward from FY95 to FY96 and expended. An additional \$318,637 was carried forward from FY94 to FY95 and expended.						
301	130	L-S REGIONAL H.S. Sudbury Assessment	7,341,877	7,786,288	8,284,175	8,115,051
302	140	MINUTEMAN VOC. H.S. Sudbury Assessment	313,488	364,789	372,077	372,077
		TOTAL 300 BUDGET	18,451,498	20,216,126	21,828,734	21,659,610

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100	500	GENERAL GOVERNMENT				
114	509	MODERATOR				
		Personal Services	0	0	0	0
		Expenses	0	0	0	0
114	509	TOTAL	0	0	0	0
122	501	SELECTMEN				
		Personal Services	199,215	210,551	227,849	226,931
		Expenses	21,679	18,059	23,769	20,309
122	501	TOTAL	220,894	228,610	251,618	247,240
131	568	FINANCE COMMITTEE				
		Personal Services	8,080	8,651	9,260	9,260
		Expenses	279	290	290	290
131	568	TOTAL	8,359	8,941	9,550	9,550
132	561	FINANCE DIRECTOR/ACCOUNTING				
		Personal Services	118,231	134,996	132,269	131,210
		Expenses	31,440	29,340	68,071	59,560
		Capital Spending	0	0	0	0
132	561	TOTAL	149,671	164,336	200,340	190,770
137	564	ASSESSORS				
		Personal Services	126,969	130,650	133,912	133,912
		Expenses	35,197	25,500	33,750	33,750
		Capital Spending	0	0	20,000	17,500
137	564	TOTAL	162,166	156,150	187,662	185,162

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New Line #	Old Line #		Expend FY 95	Approp. FY 96	Dapt Request FY97	Fin Com Rec. FY97
138	563	TREASURER/COLLECTOR				
		Personal Services	149,596	159,537	166,674	166,674
		Expenses	46,539	59,858	59,858	59,858
138	563	TOTAL	199,635	219,395	226,532	226,532
151	503	LAW				
		Personal Services	56,880	59,783	62,787	62,787
		Expenses	67,150	67,197	76,378	69,107
151	503	TOTAL	124,030	126,980	139,165	131,894
152	511	PERSONNEL BOARD				
		Personal Services	4,543	4,868	5,209	5,209
		Expenses	411	485	485	485
152	511	TOTAL	4,954	5,353	5,694	5,694
158	510	PERMANENT BLDG. COM.				
		Personal Services	0	500	500	500
		Expenses	0	0	0	0
158	510	TOTAL	0	500	500	500
159	513	COM. FOR PRESERV./MANAGEMENT DOCS				
		Expenses	1,600	1,600	4,000	4,000
159	513	TOTAL	1,600	1,600	4,000	4,000
161	506	TOWN CLERK & REGISTRARS				
		Personal Services	124,210	127,272	131,858	131,858
		Expenses	32,460	17,975	31,131	30,381
161	506	TOTAL	156,670	145,247	162,989	162,239
171	360	CONSERVATION COMMISSION				
		Personal Services	35,661	37,124	45,323	38,484
		Expenses	14,955	8,493	8,983	8,983
171	360	TOTAL	50,616	45,617	54,306	47,467
172	512	PLANNING BOARD				
		Personal Services	53,268	63,278	68,925	66,745
		Expenses	1,364	1,750	2,000	1,750
		Capital equipment	0	0	0	0
172	512	TOTAL	54,632	65,028	70,925	68,495
173	370	BOARD OF APPEALS				
		Personal Services	9,595	10,670	10,991	10,991
		Expenses	387	800	2,400	800
173	370	TOTAL	9,982	11,470	13,391	11,791
TOTAL 100 BUDGET			1,143,208	1,179,226	1,326,672	1,291,334
200	300	PROTECTION				
210	320	POLICE DEPT				
		Total Personal Services	1,313,457	1,353,154	1,535,008	1,429,784
		Total Expenses	90,597	96,173	107,573	102,373
		Total Capital Spending	0	54,885	98,000	77,000
210	320	TOTAL	1,404,054	1,504,212	1,740,581	1,609,157

April 2, 1996

New Line #	Old Line #		Expend. FY 95	Approp. FY 96	Dept Request FY 97	Fin Com Rec. FY 97
220	310	FIRE DEPT				
		Personal Services	1,429,088	1,439,795	1,562,534	1,515,658
		Expenses	110,095	111,290	129,925	128,050
		Capital Spending	16,195	0	58,950	0
220	310	TOTAL	1,555,378	1,551,085	1,751,409	1,643,708
		Offset: Ambulance Fund	31,500	32,500	74,226	71,366
		Net Budget	1,523,878	1,518,585	1,677,183	1,572,342
251	340	BUILDING DEPT				
		Personal Services	242,433	248,590	256,575	256,575
		Expenses	110,582	115,640	114,140	114,140
		Capital Items	0	0	0	90,000
251	340	TOTAL	353,015	364,230	370,715	460,715
		Pool Ent. Fund Revenue	9,938	0	0	0
292	350	DOG OFFICER				
		Personal Services	21,517	22,190	22,854	22,854
		Expenses	971	1,800	1,760	1,760
292	350	TOTAL	22,488	23,990	24,614	24,614
		TOTAL 200 BUDGET	3,334,935	3,443,517	3,887,319	3,738,194
		Offsets	31,500	32,500	74,226	71,366
		NET 200 BUDGET	3,303,435	3,411,017	3,813,093	3,666,828
400	400	PUBLIC WORKS				
410	502	ENGINEERING DEPT.				
		Personal Services	220,264	231,877	247,609	239,743
		Expenses	10,150	11,400	11,400	11,400
		Capital Spending	13,617	0	13,100	13,100
410	502	TOTAL	244,031	243,277	272,109	264,243
		Lndfill Ent. Fund Revenue	35,753	38,846	15,281	15,103
420	410	HIGHWAY DEPT				
		Personal Services	607,776	604,194	646,910	627,503
		Expenses	555,543	571,031	583,397	556,031
		Capital Spending	0	48,000	197,000	35,000
		Snow and Ice	135,641	139,297	151,890	140,631
420	410	TOTAL	1,298,960	1,362,522	1,579,197	1,359,165
		Offset: Cemetery Fund	25,914	20,000	20,000	0
		Offset: ATM 90/24	3,918	0	0	0
		Net Budget	1,269,128	1,342,522	1,559,197	1,359,165
430	460	LANDFILL ENT. FUND				
		Personal Services	142,107	148,882	144,715	144,715
		Expenses	97,559	151,146	334,480	334,480
		Capital Spending	61,062	6,372	0	0
430	460	TOT DIRECT COST (Approp)	300,728	306,400	479,195	479,195
		INDIRECT COST: (Not Approp)				
		Engineering Dept. Service	35,753	38,846	15,104	15,104
		Benefits/Insurance	39,475	43,754	33,976	33,976
		Total Indirect Cost	75,228	82,600	49,080	49,080
		TOTAL 460 BUDGET	375,956	389,000	528,275	528,275
		LANDFILL RECEIPTS	416,466	357,062	430,184	430,184
		RETAINED EARNINGS		31,938	98,091	98,091

April 2, 1996

New Line #	Old Line #		Expend. FY 95	Approp. FY 96	Dept Request FY97	Fin Com Rec. FY97
		TOTAL 400 BUDGET	1,843,719	1,912,199	2,330,501	2,102,603
		Offsets	29,832	20,000	20,000	0
		NET 400 BUDGET	1,813,887	1,892,199	2,310,501	2,102,603
<hr/>						
500		HUMAN SERVICES				
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510	800	BOARD OF HEALTH				
		Personal Services	124,452	129,569	135,149	135,149
		Expenses	81,005	92,910	96,500	96,200
		Capital Spending	0	0	16,000	0
510	800	TOTAL	205,457	222,479	247,649	231,349
541	518	COUNCIL ON AGING				
		Personal Services	61,697	65,042	68,347	68,347
		Expenses	8,380	12,925	22,750	17,000
541	518	TOTAL	70,077	77,967	91,097	85,347
542	710	YOUTH COMMISSION				
		Expenses	1,357	1,600	1,600	1,600
542	710	TOTAL	1,357	1,600	1,600	1,600
543	900	VETERANS				
		Personal Services	4,023	6,200	9,270	6,386
		Expenses	3,050	3,500	10,010	3,500
543	900	TOTAL	7,073	9,700	19,280	9,886
		TOTAL 500 BUDGET	283,964	311,746	359,626	328,182
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600		CULTURE AND RECREATION				
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610	600	GOODNOW LIBRARY				
		Personal Services	338,895	345,686	382,808	356,056
		Expenses	103,452	115,618	132,028	128,528
610	600	TOTAL	442,347	461,304	514,836	484,584
		Offset: Dog Licenses	6,454	5,653	7,500	7,500
		Net Budget	435,893	455,651	507,336	477,084
620	700	PARK AND RECREATION				
		Personal Services	159,086	165,696	198,501	170,669
		Expenses	14,782	14,790	17,315	14,790
		Capital Spending	0	0	86,000	0
620	700	TOTAL	173,868	180,486	301,816	185,459

April 2, 1996

New Line #	Old Line #		Expend FY 95	Approp FY 96	Dept Request FY97	Fin Com Rec. FY97
621	701	POOL ENTERPRISE FUND				
		Personal Services	168,880	176,423	172,257	172,257
		Expenses	112,195	115,700	117,725	117,725
		Capital Spending	0	8,000	8,000	8,000
621	701	TOT DIRECT COST (Approp)	281,075	300,123	297,982	297,982
		INDIRECT COST: (Not Approp)				
		Benefits/Insurance	22,149	26,583	21,709	21,709
		Custodial Services	9,938			
		Total Indirect Cost	32,087	26,583	21,709	21,709
621		TOTAL 701 BUDGET	313,162	326,706	319,691	319,691
		POOL ENTER. RECEIPTS	294,310	322,706	319,691	319,691
650	515	HISTORICAL COMMISSION				
		Expenses	1,785	2,425	1,500	1,500
650	515	TOTAL	1,785	2,425	1,500	1,500
651	514	HISTORIC DIST. COM.				
		Personal Services	67	400	704	704
		Expenses	0	85	235	235
651	514	TOTAL	67	485	939	939
670	516	CABLE TV COMMISSION				
		Expenses	622	800	800	800
670	516	TOTAL	622	800	800	800
		TOTAL 600 BUDGET	899,764	945,622	1,117,873	971,264
		Offsets	6,454	5,653	7,500	7,500
		NET 600 BUDGET	893,310	939,969	1,110,373	963,764

710	200	DEBT SERVICE				
710-7-57762	-201	Temp. Loan Int.	2,673	3,000	95,351	80,351
710-7-57761	-203	Other Bond Int.	338,603	422,177	551,154	522,654
	-205	Other Bond Princ.	765,000	1,270,054	1,415,000	1,415,000
	-440	Interest Refund	2,562	0	3,000	3,000
	-711	Bond & Note Expense	2,680	3,000	7,000	7,000
710	200	TOTAL DEBT SERVICE	1,111,518	1,698,231	2,071,505	2,028,005
	*#	(Fairbank/COA: P & I)	122,960	134,687	129,582	129,582
	*#	(Nixon/Noyes: P & I)	581,000	1,081,850	1,083,180	1,083,180
	*#	(Fire Station: P & I)	215,040	204,800	194,560	194,560
	*#	(Melone & Unisys: P & I)	209,603	202,473	196,608	196,608
	*#	(Feeley Tennis: P & I)		11,871	13,150	13,150
	*#	Sherman's Bridge		5,054		
	*#	Curtis Roof		25,340	29,540	29,540
		Debt to be issued 4/95			356,077	356,077
		New debt: Hwy Barn, etc			28,500	
		Offsets, Carry forwards, etc.	200,222	200,222	200,222	200,222
		TOTAL Princ & Int (Exempted)	1,067,329	1,547,799	1,802,475	1,802,475
		Total Exempted Debt including L-S	1,350,269	1,818,709	2,041,595	2,041,595

*# 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.

April 2, 1996

New Line #	Old Line #		Expend. FY 95	Approp. FY 96	Dept Request FY97	Fin Conn Rec. FY97
900	950	UNCLASSIFIED				
EMPLOYEE BENEFITS						
900-7-57701	-821	Worker's Compensation	33,480	55,000	60,000	60,000
		Town Share:	22,432	36,850	40,200	40,200
		Sci Share:	11,048	18,150	19,800	19,800
900-7-57702	-825	Unemploy. Compensation	0	17,000	30,000	30,000
		Town Share:	0	6,936	12,240	12,240
		Sci Share:	0	10,064	17,760	17,760
900-7-57704	-822	FICA/Medicare	88,280	103,500	115,000	120,510
		Town Share:	36,018	39,760	46,920	47,645
		Sci Share:	52,262	63,740	68,080	72,865
900-7-57705	-801	Life Insurance	4,613	4,800	4,800	4,800
		Town Share:	1,882	1,958	1,958	1,958
		Sci Share:	2,731	2,842	2,842	2,842
900-7-57706	-800	Medical Claims/ Insurance	1,785,705	2,066,500	2,138,828	1,792,000
		Town Share:	728,568	815,984	872,642	716,220
		Sci Share:	1,057,137	1,250,516	1,266,186	1,075,780
900-7-57707	-813	County Retirement Assessment	797,863	836,494	898,234	926,635
		Town Share:	630,312	652,981	709,605	737,341
		Sci Share:	167,551	183,513	188,629	189,294
900-7		Total Employee Benefits	2,709,940	3,083,294	3,246,862	2,933,945
OPERATING EXPENSES						
925-2-52217	-951	Copiers: Supplies & Service	6,697	9,500	9,500	9,500
925-2-52218	-815	Postage	33,975	34,000	37,000	36,000
925-2-52219	-816	Telephone	16,521	16,000	20,000	18,000
925-2-52746	-808	Assessed Tuition	0	0	0	0
925-2-57750	-803	Property/Liab. Insurance	80,409	85,000	85,000	85,000
		Town Share:	61,111	64,600	64,600	64,600
		Sci Share:	19,298	20,400	20,400	20,400
925-2-52265	-804	Print: Town Report	5,562	8,500	8,500	8,500
925-2-52274	-814	Town Meetings and Elections	14,819	22,000	30,000	30,000
925-2-52278	-805	Memorial Day	1,422	1,480	1,500	1,500
925-2-52280		July 4th Celebration		3,000	5,000	3,000
925-2-52290	-510	Equipment	0	0	29,000	27,000
		Total Operating Expenses	159,405	179,480	225,500	218,500

April 2, 1996

New Line #	Old Line #		Expend. FY 95	Approp. FY 96	Dept Request FY97	Fin Com Rec. FY97
900	950	TOTAL UNCLASSIFIED	2,869,345	3,262,774	3,472,362	3,152,445
		(Total Town Related)	1,559,318	1,713,549	1,888,665	1,753,704
		(Total School Related)	1,310,028	1,549,225	1,583,697	1,398,741
		Offset: Free Cash	443,000	489,849	993,696	993,696
		Offset: Abatement Surplus	400,000	280,153	282,610	282,610
		Offset: Retirement Trust Fund		14,001	115,815	39,234
		Offset: Nixon Asbestos Settlement		102,500		
		Offset: STM 88/18		9,000		
		Offset: Stabilization Fund	72,000	0		
		NET 950 BUDGET	1,954,345	2,367,271	2,080,241	1,836,905
		Pool Ent. Fund Revenue	22,149	26,583	21,709	21,709
		Lndfill Ent. Fund Revenue	39,475	43,754	33,976	33,976
950	970	TRANSFER ACCOUNTS ***				
-110		Salary Adjustment Acct.	0	0	0	0
-807		Reserve Fund	98,334	100,000	100,000	110,000
-970		Town Salary Contingency	54,829	58,579	58,579	91,253
-971		Scl Salary Contingency	0	0	0	0
950	970	TOTAL TRANSFER ACCTS	153,163	158,579	158,579	201,253
		Offset: Abatement Surplus	0	0	0	0
		Offset: Free Cash	0	0	0	0
		NET 950 BUDGET	153,163	158,579	158,579	201,253
		TOT OPERATING BUDGET	29,937,953	33,128,021	36,553,171	35,472,889
		Total Offsets	539,786	463,807	500,151	400,710
		Free Cash Applied	443,000	489,849	993,696	993,696
		NET OPERATING BUDGET	28,955,167	32,174,365	35,059,324	34,078,483
		UNDER LEVY LIMIT		98,519	(2,252,190)	1,070

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

** Does not include Reserve Fund and Line Item transfers for FY96 to date.

*** Transfer accounts are appropriated to the 970 account and then transferred to other line items as needed. Thus for FY95 this account is not included in the Total Operating Budget.

NOTE: Figures may not add to the exact dollar, due to rounding.

FINANCE COMMITTEE BUDGET REPORTS

This year's budget process by the Finance Committee asked departments to present Level Program budget requests in addition to Total Department requests. These level program budgets were adjusted to ensure comparable budget elements across the various departments. Included in budgets funded to level program are:

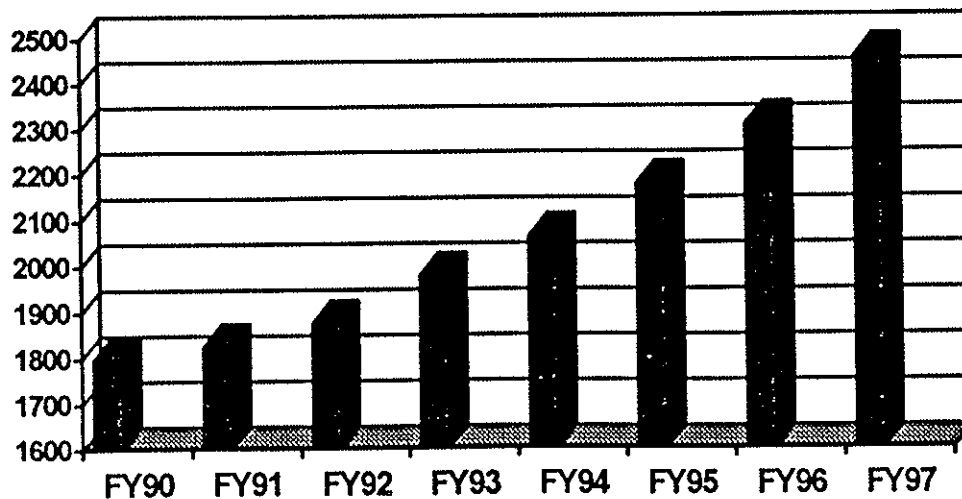
- Salary increases as negotiated in contracts for FY97 for same number of employees and hours as FY96.
- Expense items at anticipated utilization and cost (including supplies, utilities, equipment, service contracts).
- Legal mandated requirements.

Included in these following reports is the explanation of funding beyond level program.

300 SUDBURY PUBLIC SCHOOLS

Overview

Enrollment in the Sudbury Public Schools has continued to increase sharply, and at an ever-accelerating rate, with 149 additional students expected to enter the system in the coming fiscal year, bringing K-8 enrollment up to 2,457 students. This is an increase of 183 students over the current year's expected population as it was projected last year, and represents an increase of 37% in the K-8 student population since 1990. Analysis of the existing preschool population and of the new construction occurring within Sudbury indicates that this rapid growth in the demand for K-8 services can be expected to continue for at least the next several years.



FY90-FY97 Est. Enrollment Growth

April 2, 1996

Budget Recommendation

The Finance Committee has recommended a net SPS budget for FY97 in the amount of \$13,172,482. The recommendation represents an increase of \$1,107,433, or 9.2% over the FY96 appropriation of \$12,065,049. The Finance Committee recommended budget allocation for the K-8 school system fully meets Sudbury's requirement for FY96 funding of the K-8 system as set forth by the State Education Reform Act.

The School Committee has indicated that the increased funding will be generally allocated as follows:

- Approximately \$335,000 is required to fund negotiated raises with the existing staff.
- Approximately \$453,000 is required to fund growth in staffing to maintain classroom ratios in the environment of an increasing student population.
- Approximately \$319,000 is required to address increased expenses for classrooms, transportation, maintenance, repairs, etc. This includes expenses required to fund the operation of the Nixon School which will be open for its first year of expanded operations in FY97.
- The FY97 budget also includes approximately \$2,595,000 to fund legally mandated Special Education (SPED) costs. This represents an increase in the SPED related budget of approximately 9.8% over the SPED costs of approximately \$2,363,000 reflected in the SPS K-8 budget in FY96.

301 LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT

The recommended assessment increase is \$328,763 or a 4.2% increase over the FY96 assessment. This represents a 4.8% budget increase over FY96. The difference between budget and assessment is found in two factors, state aid and reapportionment. (Please note: the Regional School assessment must include money for fringe benefits and debt service, which differentiates it from other budgets (with the exception of the Minuteman Regional School District and the various Enterprise Funds)) in this Warrant which do not include such "overhead" costs. The increase will fund additional teacher positions of about 3.41 FTE to accommodate an expected increase in enrollment of about 26 students and to continue the three-year plan to meet new state requirements on class hours; it also accommodates the third year of the three-year contract ratified with the teachers. It should be noted that L/S management has produced budgetary savings of \$119,180 for FY97 which, therefore, reduces the cost of the services to the Town. Recommend approval of \$8,115,051.

302 MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT

The FY97 operating budget is rising by 5.2%, however, the total assessment is remaining the same as in FY96 at \$6,587,217 due to an anticipated increase in revenue. Total enrollment at Minuteman is increased by 162 students (some of the increase is due to the inclusion of middle school students being serviced at Minuteman). Sudbury's share of the assessment has increased by \$7,288 to \$372,077. Recommend approval of \$372,077.

122 SELECTMEN

The recommended budget is level program funded with the additions of the transfer of the Benefits Coordinator to this department from Accounting, the purchase of a computer for the Town Manager, and a small amount for replacement of office equipment. Recommend approval of \$247,240.

131 FINANCE COMMITTEE

The Finance Committee recommends approval of \$9,550 representing level program for FY97.

April 2, 1996

132 ACCOUNTING

The Accounting Budget is recommended for funding at \$190,770 for FY97. The labor portion of this budget includes upgrade of one professional position by \$1,547 to support the transition to an integrated Finance Department. It also shows a decrease for the transfer of the Benefits Coordinator. Expenses include the second installment of a two-year lease payment for accounting operations software used to support payroll, accounts receivable and payable, and consolidation functions.

137 ASSESSORS

The Assessors budget, recommended for funding at \$185,162 for FY97, is essentially level program funded for labor accounts. Expenses increase by \$8,250 for contractual service in support of mandated revaluation of property. Capital spending in the amount of \$15,000 is recommended for a 4-wheel drive vehicle which will permit the Board of Assessors to perform site inspections, and \$2,500 is recommended for a high speed printer.

138 TREASURER/COLLECTOR

Treasurer/Tax Collector funding is recommended at \$226,532 level program as requested.

151 LAW

The Law budget is recommended to be funded at \$131,894 representing level program funding with minor adjustments for contracted salary increases, as well as for general and legal expenses. Also included is an increase in expense for legal ads which were previously free. Recommend approval of \$131,894.

152 PERSONNEL BOARD

The Finance Committee recommends approval of \$5,694 which is level program.

158 PERMANENT BUILDING COMMITTEE

The Finance Committee recommends approval of \$500 which is level program.

159 CPM DOCUMENTS

The recommended budget of \$4,000 includes the increase of \$2,400 for materials used to preserve historical documents as required. Recommend approval of \$4,000.

161 TOWN CLERK AND REGISTRARS

The changes in the FY97 budget reflect a level program budget plus \$4,000 for a computer consultant. The budget is higher in FY97 due to normal salary increases and \$10,956 in election costs funding a total of four elections including a more costly presidential election in FY97, up from two held in FY96. The increases in the level program budget are partially offset by a reduction of \$750 in expenses related to law books. Recommend approval of \$162,239.

171 CONSERVATION

This department is level program funded for FY97 at \$47,467.

172 PLANNING BOARD AND DESIGN REVIEW BOARD

This budget is recommended to be funded at \$68,495 representing level program for FY97.

April 2, 1996

173 BOARD OF APPEALS

The Finance Committee recommends approval of \$11,791 which is level program.

210 POLICE DEPARTMENT

This budget reflects three changes above level program. First, the salary line includes funding of \$13,636 to send an officer to basic training at the police academy to qualify the Town for the Federal "Cops Fast Program." Under this program the Town will receive \$75,000 from the U.S. Department of Justice to fund approximately 75% of this officer's salary for the next three years. In conjunction with this position the expense line increases to pay for the officer's uniforms. In addition, the capital expense line increases reflecting the increase per vehicle cost of police cruisers and an increase in the number of vehicles from three in FY96 to four in FY97. Recommend approval of \$1,609,157.

220 FIRE DEPARTMENT

The recommended net budget is essentially level program. One added dispatcher, repairs to existing equipment, and purchase of new equipment are the major changes to the level program budget. However, \$71,366 of the costs in this department are associated with the town ambulance, to be offset by the ambulance account, which is funded through fees from the users of the ambulance. Recommend approval of \$1,643,708.

251 BUILDING DEPARTMENT

This budget reflects two changes above level program. The Building Department's Personal Services are recommended at an increase of \$3,133 reflecting the requirement for additional zoning enforcement at \$5,133 and a decrease of \$2,000 in the inspector's salary based on the hiring of a new inspector at a lower salary. An increase of \$90,000 in the FY97 budget reflects funding for the following Town infrastructure repairs: underground storage tank removal, Fire Station #2 drainage, Flynn Building Renovation, Flynn Building windows, Loring Parsonage electrical work, painting of Police Station, and Hosmer House exterior repairs. Recommend approval of \$460,715.

292 DOG OFFICER

The Finance Committee recommends approval of \$24,614.

410 ENGINEERING DEPARTMENT

This department is level program funded for FY97 with an increase in appropriation of \$23,565 due to a reduction in offset from the Landfill Enterprise Fund. Included in level program is funding to continue the multi-year implementation of the G.I.S. computer system which will benefit both Town and school departments. Recommend approval of \$264,243.

420 HIGHWAY DEPARTMENT

The recommended budget is level program plus increases of \$12,866 in personal services for a transfer of staff hours from the Landfill Enterprise Fund. Also included is \$10,000 toward the lease/purchase of multi-purpose road equipment, to be utilized in the cemeteries, as well as for road work. Cemetery fees will be used to offset the remaining cost beyond the \$10,000. Recommend approval of \$1,359,165.

430 LANDFILL ENTERPRISE FUND

With the Landfill being capped and closed this year and replaced by a transfer station, this budget is one of transition. Town officials believe there is sufficient revenue combined with application of retained earnings of \$98,091 to enable this closure and start-up during FY97. As the Landfill changes, salary expenses totaling \$46,385 are being transferred and recommended for approval in Engineering, Highway, and the Unclassified budgets.

April 2, 1996

173 BOARD OF HEALTH

This budget is level program funded from FY96 allowing for a small increase in the Sudbury Visiting Nurse Association (SVNA) contract, as well as a modest increase in the mosquito control program. The community mental health program assists in identifying and supporting children and families who require services and have no other means of paying for them. Recommend approval of \$231,349.

541 COUNCIL ON AGING

The recommended budget for FY97 has increased \$5,000 above level program. This \$5,000 will be used to fund a tax work-off initiative which will allow qualified senior citizens who are homeowners in Sudbury to receive a reduction in their property taxes of up to \$500 per year by providing services to town departments of up to 100 hours per person per year. The Finance Committee identified several opportunities during the budget hearing process where this service would be valuable to the Town. Recommend approval of \$85,347.

542 YOUTH COMMISSION

The Youth Commission budget is level funded at FY96 levels. Recommend approval of \$1,600.

543 VETERANS AFFAIRS

This budget is level program funded, with a carry forward expected of approximately \$2,500 to cover Benefit requirements. Recommend approval of \$9,886.

610 GOODNOW LIBRARY

The recommended budget for FY97 increases by \$2,770 reflecting an inflationary adjustment, increases in telephone expenses, and additional expenses for inter-library loans. Books and materials increase by \$6,100. Automation expenses increase by \$2,800 due to cost increases for the Minuteman Network which links several Town libraries together and contracted services have increased by \$3,100 due to an underestimate last year related to the cost of custodial services. An additional \$824 in personnel salaries has been added to restore four of the six Sunday openings during the school year which were removed from the schedule several years ago. Recommend approval of \$484,584.

620 PARK & RECREATION

This budget is recommended to be funded at \$185,459 representing level program from FY96 to FY97.

621 POOL ENTERPRISE FUND

Several new programs have been put in place with an emphasis on increasing revenue. Consistent with the focus on increasing revenue, we recommend supporting a \$4,000 request for new lockers which will complete the project to replace lockers started in FY96. General expenses increases by \$1,000 for additional sales inventory and cleaning services. Maintenance increases by \$1,000 to increase the cleanliness of the facility and reception desk coverage expenses increase by \$143. Due to a decrease in the cost of providing a level program, the recommended budget of \$319,691 is \$3,015 less than the FY96 approved budget. Recommend approval of \$319,691.

650 HISTORICAL COMMISSION

The Finance Committee recommends level fund approval of \$1,500.

651 HISTORIC DISTRICTS COMMISSION

The Finance Committee recommends approval of \$939 which allows for minimal secretarial support to this Commission.

April 2, 1996

670 CABLE TV COMMISSION

The Finance Committee recommends approval of \$800 representing level fund for FY97.

710 DEBT SERVICE

Total debt service increases in FY97 by \$329,774 over FY96 levels. This reflects an increase associated with the \$5.9M debt exemption voted in May 1994. All debt services costs are exempt from Proposition 2 ½ with the exception of \$25,308 which is paid from the operating budget. These funds support temporary loan interest expense and SEC mandated reporting requirements.

900 UNCLASSIFIED

The Unclassified budget, recommended for FY97 funding at \$3,152,445 is comprised of two parts - Employee Benefit accounts and Operating Expense accounts. Employee Benefit accounts reflect level program from FY96, except in the Workers' Compensation category, where \$5,000 is provided to support workplace safety efforts. Because there has been no increase in health care costs, a \$195,000 surplus is projected in FY96, which will be used for medical claims/insurance during FY97.

The offset from the Retirement Trust Fund provides a source of funding to pay contractually obligated termination/retirement benefits for two employees.

Operating Expense account increases are largely driven by actual usage (postage, telephone). The second and final installment of the voting machine purchase is included in the Town Meetings and Elections category. Replacement of a copier used by Town Departments as well as computer hardware and software needed to relocate and consolidate the Finance function in the Flynn Building are recommended in the Equipment category.

970 OFFSETS AND TRANSFER ACCOUNTS

The recommendation to increase the Reserve Fund by \$10,000 reflects increased uncertainty about spending requirements as affected by state funding, pending legal mandates, and other considerations.

The Salary Contingency account is equal to 0.75% of the salaries of the four largest Town departments: Police, Fire, Highway, and Library. In each of these departments, the salaries shown in the Warrant are 97% of the cost if all employees work the full year. Three percent of the full salary costs has been removed as an allowance for staff turnover, which results in lower salary levels and temporary vacancies. One quarter of this amount is used to fund other line items in the budget and the other three quarters is in the salary contingency account to be used for salaries only if turnover and vacancies do not reduce salary costs in the contributing departments by 3%. This will be the fifth year Sudbury has used this practice, which is a standard municipal budget practice.

Recommend approval of \$201,253.

First a Limiting 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 \$35,504,008.

Chair of the Finance Committee, Kathleen Precourt, moved that the amount appropriated under the budget not exceed the sum of \$35,504,008.

The motion received a second.

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

The Limiting Motion was placed before the voters and was Unanimously Voted.

April 2, 1996

Chairperson Precourt moved that the Town appropriated the sums of money set forth in the warrant under Article 9 in the Column "FinCom Rec. FY97," for Fiscal Year 1997, except as follows:

<u>Line Item</u>	<u>Budget</u>	
300 Net Sudbury Public Schools	\$13,217,482	(+45,000)
302 Minuteman Voc. H.S.	\$364,195	(- 7,882)
132 Accounting Expenses	\$63,560	(+4,000)
950-7-57730 Reserve Fund	\$100,000	(-10,000)

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

<u>From</u>	<u>To</u>	<u>Amount</u>
Ambulance Reserve for Appropriation Acct.	220 Pers. Serv.	\$74,226
Dog Licenses	610 Library Expenses	\$7,500
Free Cash	900-7-57706 Unclassif. Medical Claims/Ins.	\$965,196
Abatement Surplus	900-7-57706 Unclassif. Medical Claims/Ins.	\$282,610
Retirement Trust Fund	900-7-57707 Unclassif. County Retirement Assessment	\$105,815

And further, that appropriations within departmental budgets under Personal 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 mileage allowance rates shall be paid in accordance with Federal Internal Revenue Service mileage allowance regulations.

The motion received a second.

Chair Precourt, explained the importance of the budget. The budget lays out what will be spent in the various departments in the coming year. By approving the budget, Town Meeting is also approving the utilization of certain funds. By voting the budget, you are voting the services and the amount of money that is going to be spent in Town and the sources of those funds.

The issues before this town meeting are not new. Because of the growth in the Town, there will be demands for new services. Even at level service, there will be an increase of cost of delivering those services. The requirements to do replacements and repairs will continue. We have an opportunity to pull together and set some direction for the Town. The budget can then be in support of not only the present and the past, and how we have gotten to where we are today, but can also be in support of where this Town is hoping to go in the future.

April 2, 1996

Lincoln-Sudbury Regional High School Committee Report: Chairman David Wilson spoke and extended thanks and gratitude to Fred Pryor, who is leaving the Committee after six years of service.

The committee's primary role is to set budget guidelines and then to tie budget decisions to them. He stated that these are the same budget guidelines that have used for the past several years. One of the reasons that L-S has been able to continue to provide quality education with relatively small budget increases, is that the administration has aggressively sought ways to save money.

Several years ago we commissioned a long-term engineering study for the school. Since then we have completed most of the projects on that list. We have only one capital project left from our long-term plan--the Rogers Education Center. The Rogers Center will have to be replaced.

Dr. Matthew King, Superintendent of L-S, discussed some of the significant changes that have taken place at the school, namely the foreign language technology center and a new fitness center. Both of these facilities were substantially funded by grants from the Sudbury Foundation and in the case of the fitness center, by our own 'booster club.' A community service requirement for all students was introduced. Longer teaching blocks have also been incorporated. Dr. King said good by to our community and thanked the residents for sustaining the vision that enables the school to grow.

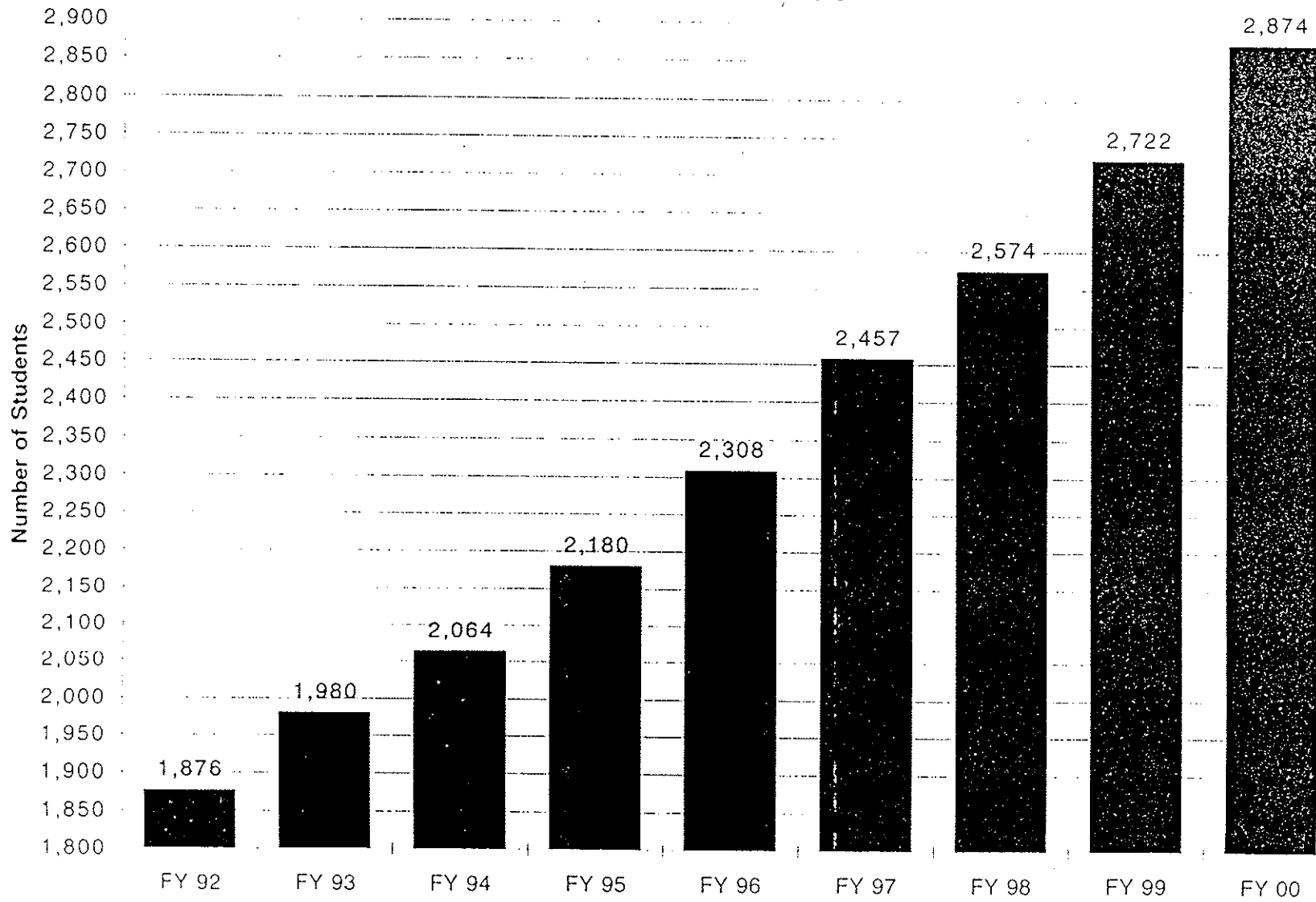
Council on Aging: (D. Clapp) For the past year a committee has worked very hard to develop a program the "Senior Community Work Program". The objective is very simple. It is to provide various town offices with an experienced supplemental work force. It will keep Sudbury's seniors connected and contributing to the community. The program is open to Sudbury homeowners who are aged 60 and over who will agree to work for up to 100 hours maximum in exchange for a property tax credit--of a \$500 maximum per household. The FinCom has approved funding for 10 positions.

Sudbury School Committee: (Chairman, Stephenie Cook and Superintendent William Hurley)

Dr. Hurley spoke of the impact of growth on Sudbury's schools. The proposed Sudbury School Budget for FY97 attempts to accomplish three objectives. The first is to provide staffing that keeps pace with anticipated growth in enrollment. The second objective is to begin a multi-year approach to addressing the maintenance and repair needs to our school facilities. The third objective is to meet non-salary expense needs that correspond to student enrollment increase. Student population more than anything else is driving the budget--(student enrollment increase of 54.20% from FY92 to FY00/Increase of 23% from FY92 to FY97). Additional teachers will be needed in the coming years. Salaries represent 80.8% of the Budget. Expenses, which includes everything else, are 19.2%. Along with growth, addressing our infrastructure and addressing the supplies and materials that we need will drive our budget this year and the years to come. Following are two charts used during the presentation that illustrate the points addressed.

Student Enrollment (K-8)

1992 - 2000

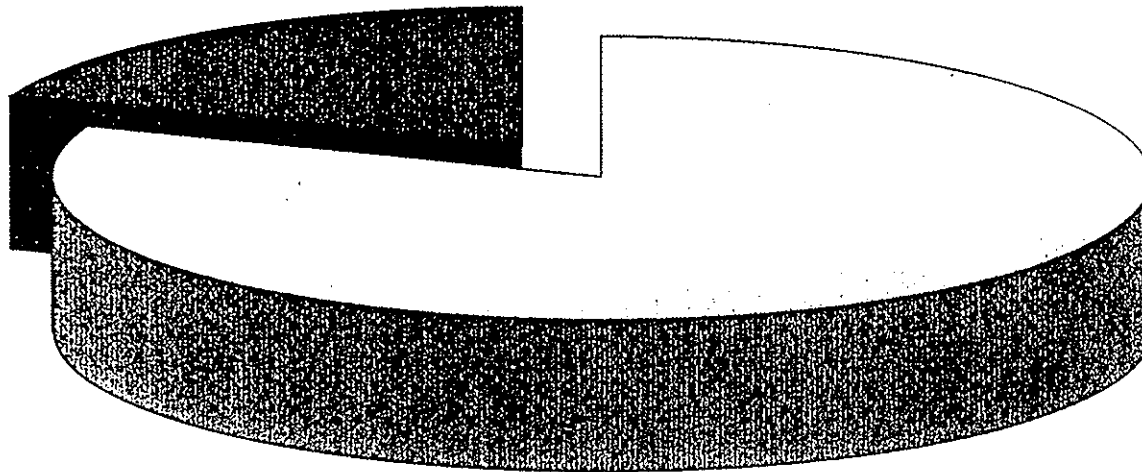


Student Enrollment Increase of 54.20% from FY92 to FY00/Increase of 23% from FY92 to FY97

April 2, 1996

SUDBURY PUBLIC SCHOOLS
FY 1997 Proposed Salaries & Expenses

Salaries
\$10,646,759
80.8%



Expenses
\$2,525,723
19.2%

April 2, 1996

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The Moderator explained the process of addressing the budget as he went through it by line item.

Minuteman Science and Technology High School: Mr. Glenn Noland, the Town's representative to the school moved to increase line item 302 by \$100 to the sum of \$364,295.

The motion received a second.

Mr. Noland said that if you look in your warrant, you will see that the Finance Committee approved a number that was higher than what was asked for tonight. He explained the budget and spoke about the type of students who attend Minuteman and the success of many graduates. He strongly urged that next year the liaison of the Finance Committee to Minuteman actively gets involved.

Mr. Blacker, Board of Selectmen, stated he supported the original motion and not the motion to amend. The concern is that certain things were not being done in the most efficient manner. The \$100 reduction in the budget says "Go back and rethink this thing." Questions raised were not answered by Minuteman.

K. Precourt, Finance Committee, recommends disapproval of the amendment and to go with the budget that is \$100 less than the request. Every budget that comes before the Finance Committee and then is recommended to Town Meeting is based on a balancing between the resources that are available to the town and the needs of the particular element that is making the request. There are five other towns where the Finance Committees have voted to recommend a reduction from the requested assessment.

The motion to amend **failed**.

Mr. Ralph Tyler, Deacon Road, moved to add a new line item to the Law budget to be called 'Codify Town Bylaws' in the amount of \$6,000 and decrease the same amount from Law-Personal Services.

Mr. Steven Wishner, Finance Committee, opposed the motion to amend. The Committee felt this was not the time to address the issue of codification.

Mr. Drobinski, Board of Selectmen, stated the Board does not support this motion.

The motion to amend was passed by a counted vote---YES 149; NO 142.

There being no further motions the main motion as amended under Article 9 was presented to the voters and was UNANIMOUSLY VOTED.

April 2, 1996

ARTICLE 10. CHAPTER 90 HIGHWAY FUNDING [CONSENT CALENDAR]

Move to appropriate the sum of \$515,923, or any other Chapter 90 funding that may become available to the Town during the 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 pursuant to Chapter 90 funding from the Commonwealth; and to authorize the Treasurer to borrow such amounts under General Laws c.44, S6 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 second 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 POSITION: The Board of Selectmen supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

The motion under Article 10 was UNANIMOUSLY VOTED . (Consent Calendar)

ARTICLE 11. COUNCIL ON AGING REVOLVING FUND [CONSENT CALENDAR]

Move to authorize for Fiscal Year 1997, the use of a revolving fund by the Council on Aging for Senior Center classes and programs, to be funded by user fees collected; said fund 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 Council on Aging; the amount to be expended therefrom shall not exceed the sum of \$10,000.

Submitted by the Council on Aging.

COUNCIL ON AGING REPORT: Classes and programs at the Fairbank Senior Center are self-funding. The Council on Aging requests Town Meeting approval for FY97 to establish a revolving account to receive fees and pay expenses related to classes and programs.

BOARD OF SELECTMEN POSITION: The Board of Selectmen supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

The motion under Article 11 was UNANIMOUSLY VOTED . (Consent Calendar)

April 2, 1996

ARTICLE 12. SUDBURY SCHOOLS - BUS REVOLVING FUND

Move to authorize for Fiscal Year 1997, 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, pursuant to 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 \$75,000.

Submitted by the Sudbury School Committee.

Stephenie Cook, Chairperson of the Sudbury School Committee, explained that this is money charged to students in grades one through six who live less than two miles from school. We are required to bus kindergartners and students who live more than two miles from school. We are also not required to bus seventh and eighth graders.

BOARD OF SELECTMEN POSITION: The Board of Selectmen supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

Pat Bellow, moved to amend, by inserting the words 'within a two mile radius' right after school transportation.

The motion to amend received a second.

The motion to amend **failed**.

The motion under Article 12 was UNANIMOUSLY VOTED.

April 2, 1996

ARTICLE 13. SUDBURY SCHOOLS - MUSIC REVOLVING FUND

[CONSENT CALENDAR]

Move to authorize for Fiscal Year 1997, the use of a revolving fund by the Sudbury Schools for the purpose of providing additional or supplemental school music instruction to be funded by user fees collected. said funds to be maintained as a separate account, pursuant to 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 \$35,000.

Submitted by the Sudbury School Committee.

SCHOOL COMMITTEE REPORT: Since September of 1991, the School Department has been receiving payments from the 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 Meeting. Passage of this article achieves that purpose.

BOARD OF SELECTMEN REPORT: The Board of Selectmen supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

The motion under Article 13 was UNANIMOUSLY VOTED. (Consent Calendar)

ARTICLE 14. SUDBURY SCHOOLS -EARLY CHILDHOOD REVOLVING FUND

[CONSENT CALENDAR]

Move to authorize for Fiscal Year 1997, the use of a revolving fund 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, pursuant to 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 \$20,000.

Submitted by the Sudbury School Committee.

SCHOOL COMMITTEE REPORT: Over the past several years, the School Department has been receiving payments from the 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: The Board of Selectmen supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

The motion under Article 14 was UNANIMOUSLY VOTED. (Consent Calendar)

April 2, 1996

ARTICLE 15. AMEND BYLAWS, ART. I.1 -TOWN MEETINGS

[CONSENT CALENDAR]

To see if the Town will vote to amend Article I, Section 1, of the Town Bylaws, by deleting therefrom the words, "the Town Clerk and", in the second sentence, and by deleting the third sentence in its entirety, or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: This is a technical amendment to bring the Bylaws into conformance with the Town Manager Special Act, Ch. 131 of the Acts of 1994, as the Town Clerk is now appointed, instead of elected. Printed below is the current paragraph of the Bylaws, with the words to be eliminated in italics.

"SECTION 1. The Annual Town Elections shall be held on the last Monday in March at such place and time as the Selectmen may determine. Those elected at the Annual Town Election, with the exception of *the Town Clerk and the Moderator*, shall take office at the close of the Annual Town Meeting. *The Town Clerk shall take office seven days after election.* The Moderator shall take office on the day after election, or as soon thereafter qualified."

BOARD OF SELECTMEN REPORT: The Board of Selectmen supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee takes no position on this article.

The motion under Article 15 was UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

April 2, 1996

ARTICLE 16. AMEND BYLAWS, ART. III.9 -TOWN AFFAIRS

[CONSENT CALENDAR]

To see if the Town will vote to amend Article III, Section 9, of the Town Bylaws, by deleting the words, " , except that the simultaneous holding of two offices from among Treasurer, Tax Collector and Town Clerk will be permitted", or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: This is another technical amendment to bring the Bylaws into conformance with the Town Manager Special Act, Ch. 131 of the Acts of 1994, as the Treasurer, Tax Collector, and Town Clerk are now appointed, instead of elected. Printed below is the current paragraph of the Bylaws, with the words to be eliminated in italics.

"SECTION 9. No person shall hold more than one elective office at any one time, *except that the simultaneous holding of two offices from among Treasurer, Tax Collector and Town Clerk will be permitted.* The prohibition set forth herein shall not apply to members of a charter commission. In addition, charter commission members are eligible to serve on the Finance Committee and Personnel Board."

BOARD OF SELECTMEN REPORT: The Board of Selectmen supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee takes no position on this article.

The motion under Article 16 was UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

April 2, 1996

ARTICLE 17. AMEND BYLAWS, ART. XVII.2 -WIRING PERMIT FEES

To see if the Town will vote to amend Section 2 of Article XVII, Fees, of the Town of Sudbury Bylaws, by adding the following fee to the schedule of wiring permit fees: "Re-inspection Fee \$25.00"; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Chairman of the Board of Selectmen, John Drobinski, moved in the words of the article.

The motion received a second.

Mr. Drobinski stated this is basically a change in the wiring fee. This fee will be imposed when the Wiring Inspector has to go back to revisit when code violations are discovered during the initial inspection, or when the work at the initial inspection was incomplete.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article. It allows the town to recover the cost for sending the Wiring Inspector out for the second time if there is a code violation or if the homeowner is not present after an appointment has been made.

Robert Coe, Churchill Street, opposed the fee. He stated that this fee can be interpreted as encouraging the Wiring Inspector to find some trivial violation the first time so he can go back to re-inspect for an additional fee.

Jack Hepting, Town Building Inspector, stated that the Wiring Inspector does not receive this additional fee. The fee goes to the Town. The fee is intended to deter contractors from calling for an inspection needlessly. The word gets out very quickly when there is a re-inspection fee. Most towns have this fee.

The motion under Article 17 was VOTED.

April 2, 1996

ARTICLE 18. AMEND BYLAWS, ART. XIX.1 -APPOINT TREE WARDEN

[CONSENT CALENDAR]

To see if the Town will vote to amend Article XIX, Section 1, of the Town Bylaws, by substituting "the Town Manager" for "the Board of Selectmen" wherever it appears, or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: This is yet another technical amendment required to bring the Bylaws into conformance with Chapter 131 of the Acts of 1994, the so-called Town Manager Act, which corrects the appointing authority for the Tree Warden position. Printed below is Section 1 with the above revision.

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

BOARD OF SELECTMEN REPORT: The Board of Selectmen supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee takes no position on this article.

The motion under Article 18 was UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

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

Attendance: 394

ADJOURNED ANNUAL TOWN MEETING

April 8, 1996

Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1996, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Monday, April 8, 1996, for the third session of the Annual town Meeting.

The meeting was called to order at 7:55 p.m. as a quorum was declared present.

(The full text of all discussions under each article is available on tape in the Town Clerk's Office)

ARTICLE 19. AMEND BYLAWS, DELETE ART. XI -PERSONNEL BYLAW

To see if the Town will vote to amend the Town of Sudbury Bylaws by deleting therefrom Article XI, The Personnel Administration Plan, including the Classification and Salary Plan, Schedules A & B, in its entirety; or act on anything relative thereto.

Submitted by the Board of Selectmen.

John Drobinski, Board of Selectmen, moved in the words of the Article. The motion received a second.

In support of the motion, Mr. Drobinski stated that this is basically a housekeeping item. Now that we have the Town Manager form of government we do not need the Personnel Bylaw.

Ralph Tyler, Deacon Lane, strongly disagreed with the purpose of Article 19 and the characterization of this Article as mere housekeeping. If we look at the charter of the Town, we talk about wanting the Town Manager to implement the compensation plan of the Town. This article, if it's passed, will remove any Town Meeting oversight over town employees' compensation. Mr. Tyler stated he would envision that our new Town Manager would responsibly make and suggest changes to the compensation plan, that it be presented and endorsed by the Selectmen and come to Town Meeting and, without too much discussion, may be approved. We do want to prevent ourselves from facing a situation that we could easily face where we might have rapidly escalating costs for whatever reason and then we are basically stuck with it. By removing this bylaw we are giving away any oversight responsibility that we have and that is very unwise.

THE FINANCE COMMITTEE REPORT: The Finance Committee took no position of this Article.

The motion under Article 19 was defeated.

April 8, 1996

ARTICLE 20. RELEASE AGRICULTURAL PRESERVATION RESTRICTION

To see if the Town will vote to authorize the Selectmen and Conservation Commission, acting on behalf of the inhabitants of the Town, to release the Agricultural Preservation Restriction on 27.70 acres of land shown as Parcel 300 and Parcel 020 on Town Property Map G09, being recorded in Middlesex South Registry of Deeds Book 24441, Page 463; and to refer the matter to the Great and General Court of the Commonwealth for their vote to release, if necessary; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Lawrence Blacker, Board of Selectmen, moved to postpone the Article until the end of the Warrant. The motion received a second.

Mr. Blacker explained that this Article was submitted by the Selectmen at the request of the Petitioners. Some of the issues might be able to be resolved amongst the boards before it is put before the Town at a later date.

The motion to postpone until the end of the Warrant was VOTED.

April 8, 1996

ARTICLE 21. TRANSFER TAX POSSESSION PARCEL 172 TO SELECTMEN FOR SALE [CONSENT CALENDAR]

To see if the Town will vote to transfer from the control of the Selectmen to the Selectmen for the purpose of sale to the Sudbury Water District, the following described parcel of land:

Parcel 013 on Town Property Map G12, also known as Tax Possession Parcel 172, containing approximately 5.0 acres;

or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: The Sudbury Water District wishes to obtain this five-acre parcel of land along the Sudbury River for the purpose of swapping said parcel for another from the Great Meadows National Wildlife Refuge, which it needs for Water District purposes. In exchange for the 5.0-acre parcel, the Sudbury Water District will gift to the Town 4.8 acres of land off Washbrook Road, shown as Parcel 315 on Town Property Map J08. This Parcel 315 is adjacent to other land being gifted to the Town by the Sudbury Water District for expansion of the Highway Garage, and this added parcel will be used for municipal services and to continue the Hop Brook Trail network. The Board of Selectmen supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee takes no position on this article.

The motion under Article 21 was UNANIMOUSLY VOTED. (Consent Calendar)

ARTICLE 22. CONVEY TAX POSSESSION PARCEL 172 TO WATER DISTRICT [CONSENT CALENDAR]

To see if the Town will authorize and direct the Selectmen, acting in the name of the Town, to sell and convey, upon such terms and conditions as it deems necessary or desirable, Parcel 013 on Town Property Map G12, also known as Tax Possession Parcel 172, containing approximately 5.0 acres, to the Sudbury Water District, and to determine the minimum amount to be paid therefor; or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: The Board supports this article. See report under Article 21.

FINANCE COMMITTEE REPORT: The Finance Committee takes no position on this article.

The motion under Article 22 was UNANIMOUSLY VOTED . (Consent Calendar)

April 8, 1996

ARTICLE 23. SPECIAL ACT - VOTER INFORMATION

To see if the Town will vote to petition the Great and General Court of the Commonwealth of Massachusetts to pass legislation in the following form:

"AN ACT authorizing the Town of Sudbury to send certain information to registered voters 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.

- (a) Notwithstanding the provisions of section twenty-two A of Chapter 55 of the General Laws or any other general or special law to the contrary, the Board of Selectmen of the town of Sudbury shall, at least seven days before any election at which a question, other than a question on the ballot pursuant to section eighteen A of Chapter 53, shall be submitted solely to the voters of the town of Sudbury, cause to be printed and sent to each residence of one or more voters whose name appears on the latest voting list for said town and make available at each polling place (1) the full text of such question, (2) a fair and concise summary of such question, including a one-sentence statement describing the effect of a yes or no vote, prepared by the Town Counsel, and (3) arguments for and against such question as provided in paragraphs (b) and © of this section.
- (b) No argument shall contain more than two hundred and fifty words. Said Board of Selectmen or, at its request, the Town Counsel shall seek such written arguments from the principal proponents and opponents of each such question. The Board of Selectmen shall designate a date by which written arguments must be received, in a written notice to the principal proponents and opponents. Said notice must be issued at least fourteen days before the date by which the written arguments must be received.
- (c) For the purposes of this section, the principal proponents and opponents of any such question shall be those persons determined by the Board of Selectmen to be best able to present the arguments for and against such question. The principal proponents or opponents of such a question may include a town or district officer or committee, and the principal proponents may include the first ten signers or a majority of the first ten signers of any petition initiating the placement of such question on the ballot. In determining the principal proponents and opponents of such a question, the Board of Selectmen shall contact each ballot question committee, if any, as defined in section one of Chapter 55 of the General Laws, organized specifically to influence the outcome of the vote on such question. If no argument is received by the Selectmen within the time allowed by this section, the Town Counsel shall prepare such argument.
- (d) All arguments filed with the Board of Selectmen pursuant to this section, and the summary prepared pursuant to paragraph (a) of this section, shall be open to public inspection at the office of the Town Clerk of the town of Sudbury, and if the vote affects a district, the arguments and summary shall be open to public inspection at the office of the clerk of each city or town within the jurisdiction of the district.

SECTION 2.

This special Act shall apply to dissemination of the informational material as provided by the terms of this Act where the question presented involves the regional district of which the town of Sudbury is a member or involves a joint undertaking by the town of Sudbury and any one or more cities or towns.

SECTION 3.

This Act shall take effect upon its passage.;"

or act on anything relative thereto.

Submitted by the Board of Selectmen.

April 8, 1996

Selectmen Lawrence Blacker moved in the words of the Article. The motion received a second.

Mr. Blacker stated that this is a re-write for the third time of the Article that was passed at the 1993 Annual Town Meeting. The purpose of this article is to enable special ballot questions that relate only to Sudbury and/or Lincoln-Sudbury Regional High School to have an explanation. The way the current laws are worded on local issues we cannot do that. Some of you may recall last year on debt exemption we were not even allowed to put in the amount of the debt we were voting for. The purpose of this is to be able to put in the amount. If we pass this, it's back to the State House for their approval.

FINANCE COMMITTEE REPORT: The Finance Committee took no position on Article 23.

Mr. Robert Coe, Churchill Street, moved to replace in line 2 of Section C the words ' Board of Selectmen ' with the word 'Moderator.' The motion received a second.

Mr. Coe opined that often in the case of these ballot questions, the Selectmen have a stated position on them. He is uncomfortable having the Selectmen deciding who speaks for each side of the question. He would rather see that in the hands of someone who is willing to take no position on the outcome of the vote.

The Moderator responded and said he hoped Town Meeting would defeat this motion to amend as an extraordinary amount of power is put in the hands of one person. He sees no reason to increase the powers of the Moderator. It is true that the Board of Selectmen may have a position but you have differences among the Board. He was afraid if the Moderator is designated as the person who picks the proponents and opponents, people will begin to wonder about the neutrality of the Moderator at Town Meeting.

The motion to amend failed.

The main motion under Article 23 was VOTED.

April 8, 1996

ARTICLE 24. CODIFY TOWN BYLAWS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$6,000, or any other sum, to be expended under the direction of the Town Clerk, to retain a consultant for the purpose of codifying the Town's Bylaws and Rules and Regulations and providing a format for future changes thereto, and to supplement the code, in the format established, with the amendments thereto; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Mr. Lawrence Blacker, Board of Selectmen, moved to appropriate the sum of \$6,000 to be expended under the direction of the Town Clerk, to retain a consultant for the purpose of codifying the Town's Bylaws and Rules and Regulations; said sum to be raised by transfer from the sums appearing on the Town Cherry Sheet as Chapter 70 Aid.

The motion received a second.

Mr. Blacker stated that at the time we debated the issue of the \$6000 being reduced from Town Counsel's services line item to a special line item, codifying the bylaws is not a function of Town Counsel. It is a function of the Town Clerk and the person hired to do this job. We have \$77,000 plus available from Chapter 70 Aid. When that article was before the Hall, we moved to have that considered after this article and the next article. The purpose was to hopefully be able to appropriate \$6,000 for this article and \$4,000 for the next article and give the rest to the schools. The codification should be done. There is no doubt the schools need the money but other functions are needed. This is a very small amount, I hope you will agree.

The Finance Committee recommends disapproval of this article.

Stephenie Cook, Chair School Committee, urged defeat of this article. She stated that the \$77,000 is money needed by the schools.

Russ Kirby, Boston Post Road, moved to Indefinitely Postpone Article 24. The motion received a second.

Mr. Kirby stated he was aware of the shortcomings in the wording of the bylaw. The Zoning regulations of the Town are a product of the Town Meeting. He believes that codification of the bylaws should begin with an RFP that meets with the approval of Town Meeting. What this town needs is planning and planning has to flow from bylaws that are just, which are clearly understood, which are enforceable and are enforced. That's the problem that the Town faces today.

The Moderator answered several concerns when he stated that he had been advised by Town Counsel that with Codification of the Bylaws you would have a new document, with new printed bylaws and they would be indexed. It would not, however, make any substantive changes in the bylaws.

The motion to Indefinitely Postpone Article 24 was VOTED.

April 8, 1996

ARTICLE 25. HISTORY OF SUDBURY SEQUEL

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$4,000, or any other sum, to contribute toward the writing of a sequel to A. S. Hudson's History of Sudbury, Massachusetts, 1638-1889, or act on anything relative thereto.

Submitted by the Board of Selectmen.

MaryAnn Clark, Board of Selectmen, moved to appropriate the sum of \$4,000 as the Town's contribution toward the writing of a sequel to A. S. Hudson's History of Sudbury, Massachusetts, 1638-1889, said sum to be raised by transfer from the sums appearing on the Town Cherry Sheet as Chapter 70 AID. The motion received a second.

Ms. Clark stated that the Town of Sudbury is fortunate to have a historian as qualified as Curt Garfield. The Sudbury Foundation has already agreed to contribute \$16,000 towards this. The \$4,000 is only our small share to preserve history.

Finance Committee Report: Kathleen Precourt stated the Committee disapproved this article. This money needs to be allowed to be appropriated for the schools for the infrastructure needs that they have.

Curt Garfield, Town Historian, stated that this history is not frill. It will be useful in our schools as a textbook and history in civics. It will contain oral history tapes of our oldest residents that will be available in our library for future researchers. The Sudbury Foundation has asked us to provide \$4,000 to help this project go forward. I urge your support of Article 25.

Stephenie Cook, Sudbury School Committee, stated the Committee takes no position on this article.

The motion under Article 25 was defeated.

April 8, 1996

The Moderator announced that this brings us to Article 4 which was postponed earlier to be considered after Article 25.

ARTICLE 4. TRANSFER CH. 70 STATE AID TO SCHOOLS

To see if the Town will vote to allocate the additional \$50 per student voted by state legislature for Fiscal Year 1996 and appearing on the town Cherry Sheet as Chapter 70 Aid in the amount of \$77,219, and appropriate this sum to the Sudbury Public School operating budget for Fiscal Year 1996 in addition to the sums appropriated at the Annual Town Meeting; or act on anything relative thereto.

Submitted by the Sudbury School Committee

Karen Krone, Sudbury School Committee, moved to allocate the additional \$50 per student voted by State Legislature for Fiscal Year 1996 and appearing on the Town Cherry Sheet as Chapter 70 Aid in the amount of \$77,219, and appropriate this sum to the Sudbury Public School operating budget for Fiscal Year 1996 in addition to the sums appropriated at the Annual Town Meeting. The motion received a second.

Dr. William J. Hurley, Superintendent Sudbury Schools, stated we have a list of about \$228,000 worth of infrastructure repairs. We are not talking about extraordinary repairs that are addressed in Articles 30 and 31. We are talking about things that are in dire need of replacement. We have carpeting that is torn, furniture that is literally falling apart in the cafeteria. We are not talking about replacing something that we would just like to look better, we are talking about parts and particles that, in our own homes, we would not tolerate. We have \$70,000 in our operating budget but there are things that come up on a daily basis that we do not anticipate.

BOARD OF SELECTMEN REPORT: The Board supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

The motion under Article 4 was VOTED.

April 8, 1996

The Moderator announced that the next Article for consideration is Article 26. However, before we bring it up, the Investment Priorities Committee wishes to address the Hall briefly regarding the various money articles that you are about to consider.

Karen Palmer, member of the Finance Committee and Chair of the Investment Priorities Committee, stated that she wished to advise the Hall of the projects of a large-scale capital nature which are under consideration during the next five years for funding and to provide the position and recommendations of the investment priorities on the overall group of projects. This group was pulled together about a year and a half ago. A lot of questions were raised on Town Meeting floor and the critical groups that needed to be involved in coordination and questioning had not come together to discuss their findings. The Committee looks at an individual project and provides some due diligence. We ask the hard questions and make sure that the project conceptually is strong and we listened for the responses that came back from the projects sponsors and project coordinators. In addition, we provide some recommendations to this group. We have no authority other than to recommend and advise. The projects that are known for the next five or possibly more years for funding include, in alphabetical order, the DPW renovation, the Flynn Building, the Goodnow Library expansion, the Haynes School renovation, the K-8 Extraordinary Repairs article, which is Article 31, the Rogers Educational Center and other large projects. When we initially looked at these projects over the course of the summer and into the fall, when we totaled them up, we came to a bottom line of twelve million dollars—twelve million dollars of additional investment to fund all of these over a five year period of time. More recently, in fact within roughly ten business days before Town Meeting, additional information came forward which indicated that the total cost could be substantially higher. In fact, we may be looking at over twenty million dollars of costs over a five year period. While the information was welcome, it was difficult for us to assimilate this information and be able to respond back to this body with a thoughtful and carefully considered recommendation on the financing impact. The steps in analyzing for capital purposes and recommending to you are many. Because of the many issues that still need to be studied and the new data recently received, the Committee needs time to look at the needs based on the new data and, more importantly, to take a look at what this implies for our debt capacity as a Town and the timing of funding the various projects, the cash flow associated with that, and issues related to when we temporarily or permanently borrow. The Committee is therefore, recommending a Special Town Meeting, most likely in the Fall, at which point we will have more information on several of the projects and be able to provide a financial analysis. The purpose of this meeting should be to specifically deal with our capital issues. The Investment Priorities Committee is unified on that issue. As a group they are also unified that you defer all of the capital projects on this year's warrant—Articles 26, 31 and 32 with one exception. Article 31 does not receive the unanimous recommendation to defer. We ask that you recommend to defer the articles but most specifically to convene a Special Town Meeting in the Fall to consider our very critical capital needs.

April 8, 1996

ARTICLE 26. CONSTRUCT HIGHWAY EQUIPMENT BUILDING

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$950,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of constructing and equipping a building to store and maintain Highway Department equipment on property off Old Lancaster Road, 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 Board of Selectmen and the Highway Surveyor.

Robert Noyes, Highway Surveyor, moved to Indefinitely Postpone Article 26. The motion received a second.

Mr. Noyes, explained that the intent is to have a Special Town Meeting in the Fall to prioritize the major projects.

Finance Committee agrees with the motion to Indefinitely Postpone

Board of Selectmen concurs.

The motion to Indefinitely Postpone Article 26 was VOTED.

April 8, 1996

ARTICLE 27. TOWN BUILDING REPAIRS AND IMPROVEMENTS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$90,000 or any other sum, to be expended under the direction of the Building Department, for remodeling or making extraordinary repairs to town buildings, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Building Inspector.

BUILDING INSPECTOR REPORT: The Building Department has surveyed the Town buildings affected by this Article and is recommending repairs and improvements as follows to upgrade those facilities to an acceptable level:

1.	Paint Police Station interior and exterior.	\$16,250
2.	Remove and dispose of leaking underground 10,000 gallon storage tank at the Town Hall.	\$ 9,800
3.	Renovate Flynn Building to accommodate Town Accountant/Consolidate Town Financial Dept.	\$30,000
4.	Alter surface drainage at Fire Station No. 2 to comply with State regulations and legitimate complaints of Raytheon.	\$ 5,200
5.	Repair, repaint and recaulk Hosmer House exterior.	\$ 9,750
6.	Partition off Loring Parsonage 2 nd floor large room with electrical rewiring and service.	\$ 2,000
7.	Replace remainder of Flynn Building windows, 5 small and 15 medium.	\$10,000
The above are in 1995 dollars. To cover inflation for 2 years at roughly 3%		<u>\$ 7,000</u>
		\$90,000

The above are representative items which if not implemented will result in more costly future repairs. The maintenance dollars allocated to the operating budget for each town building are simply inadequate to absorb the above repairs and improvements.

Jack Hepting, Building Inspector, recommends that Article 27 be withdrawn. The Moderator explained that he cannot allow the withdrawal of an Article, you just pass it over if no one has a motion. He asked if anyone has a motion under Article 27.

April 8, 1996

Ralph Tyler, Deacon Lane, opposed the use of \$30,000 to move the accounting department to the Flynn building. He stated he is in favor of most of the line items.

Sid Wittenberg, Surrey Lane, moved for Indefinite Postponement of Article 27. The motion received a second.

John Richardson, Coolidge Lane, asked what happens to the \$90,000 we have already allocated under the budget? Is that not going to be spent?

Mr. Wishner, Finance Committee, stated the \$90,000 voted under the budget, remains having been voted under the budget, and will be spent as voted.

Mr. Hepting clarified the issue, by stating this article is an attempt to show the breakdown, an outline, of the way the \$90,000 that was approved under Article 9, The Budget, will be spent.

Kathleen Precourt, Finance Committee, explained to the Hall, that there are no funds associated with this article. This article, if it had not been funded within the budget, would have to name a source of funds. There are no funds hanging out there of \$90,000 waiting to be appropriated. These items were brought into the budget because of the concern about the infrastructure across the town. These items are funded, but they are already funded under the Article 9 for the budget. They are within the budget.

The motion to Indefinitely Postpone Article 27 was VOTED.

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ARTICLE 28. FIRE STATION No. 2 INTERIOR REPAIRS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$60,000, or any other sum, to be expended under the direction of the Fire Chief and Permanent Building Committee, for the purpose of making extraordinary repairs to Fire Station No. 2, 550 Boston Post Road, and for the purpose of obtaining engineering services, including preparation of specifications, bidding documents, and all expenses connected therewith; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Fire Chief and Permanent Building Committee.

Fire Chief, Michael Dunn, **moved to Indefinitely Postpone Article 28.** The motion received a second.

The Fire Chief briefly stated that since there is no money, there is no sense in debating it.

Finance Committee Report: The committee agreed with the motion to Indefinitely Postpone.

Board of Selectmen Report: The Board supported the motion to postpone.

The motion under Article 28 to Indefinitely Postpone was **VOTED,**

April 8, 1996

ARTICLE 29. RESURFACING PARKING LOTS AND PLAYGROUNDS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$149,700, or any other sum, to be expended under the direction of the Town Engineer, for the following resurfacing projects:

- 1) reconstructing, repaving and striping the Curtis Middle School parking lots;
- 2) repaving and striping the Town Hall, Flynn Building, and Peter Noyes School parking lots and driveways;
- 3) resurfacing two playground areas located to the rear of Josiah Haynes School;
- 4) repaving the parking lots of Fire Station No. 2 on Boston Post Road;

and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Town Engineer.

Bill Place, Town Engineer, moved to Indefinitely Postpone Article 29. The motion received a second

Mr. Place explained it was his understanding that the resurfacing for the Curtis Junior High parking lot, the Peter Noyes parking lot and the Haynes School playground will be included in Article 31.

The motion under Article 29 to Indefinitely Postpone was VOTED.

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ARTICLE 30. AMEND 1994 ATM ART. 62 - SCHOOL FACILITIES IMPROVEMENT

To see if the Town will vote to amend the vote taken under Article 62 of the April 4, 1994 Annual Town Meeting, under the direction of the Permanent Building Committee, for the purpose of making extraordinary repairs to and/or remodeling, and purchasing additional equipment, for the Curtis Middle School, the Haynes Elementary School, and the Noyes Elementary School, including facility and structural repairs, oil tank removal and oil tank replacement and any re-paving associated with the tank removal/replacement, furniture replacement, building improvements, engineering and architectural services, and all expenses connected therewith, and to see whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

Stephenie Cook, Sudbury School Committee, moved to amend the vote taken under Article 62 of the Warrant for the 1994 Annual Town Meeting, by adding to the purpose thereof "Remodeling or making extraordinary repairs to and purchasing additional equipment for the Curtis Middle School, the Haynes Elementary School and the Noyes Elementary School, including facility and structural repairs, oil tank removal and oil tank replacement and any paving or repaving associated with the tank removal/replacement, furniture replacement, and other building improvements, and all expenses connected therewith, including expenses incurred for professional, engineering and architectural services, expenses for the preparation of plans, specifications and bidding documents and expenses related to supervision of work". The motion received a second.

Superintendent William Hurley stated that most of the issues to be addressed are in the Warrant article. Primarily, it's the allocation of money to the Curtis building, the structural work that needs to be done that was originally planned to have been done last year. The columns within Curtis need to be replaced. Also, we need to remove the oil tanks at Curtis and Haynes and that has to be done either by the end of this calendar year or by September. We are allocating some of the money from the original Nixon project to do a study of the Haynes building. Also, maintenance things need to be taken care of—the emergency lighting at the Curtis School, and repairing or replacing ovens in the kitchens. Those are the primary projects that need to be addressed. Again, at least half of this money will go towards the columns at Curtis.

Finance Committee Report: Mr. S. Wishner stated the Finance Committee recommends approval of this Article.

Board of Selectmen Report: Mr. J. Drobinski announced the Board supports the Article.

Long Range Planning Committee: Mr. W. Katz stated the Committee supports this Article.

In response to inquiries regarding the amount of money we were talking about, Mr. Hurley told the Hall that \$345,000 remain unexpended. The money is not required to finish the Nixon project.

Russ Kirby, Boston Post Road, moved to Indefinitely Postpone Article 30. The motion received a second.

The motion to Indefinitely Postpone was defeated.

The main motion under Article 30 was VOTED.

April 8, 1996

ARTICLE 31. EXTRAORDINARY SCHOOL REPAIRS

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 making extraordinary repairs to and/or remodeling, and purchasing additional equipment, for the Curtis Middle School, the Haynes Elementary School, and the Noyes Elementary School, including facility repairs, sky light repairs, restroom repairs, furniture replacement, building improvements, and all expenses connected therewith; and to see whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

Stephenie Cook, Sudbury School Committee moved to appropriate the sum of \$2,650,000 to be expended under the direction of the Permanent Building Committee for remodeling or making extraordinary repairs to and purchasing additional equipment for the Curtis Middle School, the Haynes Elementary School, and the Noyes Elementary School, including facility repairs, sky light repairs, restroom repairs, furniture replacement, and other building improvements including paving of parking lots and playgrounds, and all expenses connected therewith, including expenses incurred for professional, engineering and architectural services, expenses for the preparation of plans, specifications and bidding documents, expenses related to supervision of work and expenses for bond and note issuance; to authorize the Permanent Building Committee to execute a contract or contracts therefor; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$2,650,000 under General Laws C.44, S7 or Chapter 645 of the Acts of 1948; and to appropriate an additional sum of \$120,000 to be expended under the direction of the Treasurer for the payment of interest associated with the borrowing, said sum of \$120,000 to be raised by taxation; all appropriation hereunder to be contingent upon approval of Proposition 2-1/2 Debt Exclusion in accordance with General Laws C.59, S21C.

The motion received a second.

Mr. Hurley, Superintendent, stated that he was astounded at the condition of our public schools in K-8. They are in rough shape. The issues that we are dealing with tonight, deal with something that is immediate and the safety of youngsters. The School Committee has been meeting with the Finance Committee and the Permanent Building Committee looking at the maintenance of our structures. An engineering report was done, the work recommended came to approximately two million dollars. The issue clearly is that there are many capital projects that need to be addressed. We consider these to be critical. They relate to health and safety. We know that they do. We know what the costs are. We have estimates in today dollars. To postpone that to the Fall is a risk for us. You know that the primary time for us as a school department to get capital projects done is during the summertime.

Finance Committee Report: Mr. S. Wishner stated the Finance Committee recommends disapproval.

Board of Selectmen Report: Mr. J. Drobinski stated they too recommend disapproval.

Long Range Planning Committee Report: Mr. Bill Katz, opposes this Article.

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Permanent Building Committee Report: Mr. F. Schimmoller, stated the many reasons the Committee supports this article. We know we have a problem in the schools. We have documented that. We have had the engineers come out and evaluate the problem. We know exactly what the problem is. We know what the order of magnitude is. We know what the solution to the problem is. What we need to do now is move forward and begin the design process so that we can complete this project as quickly as possible and to improve the state of health and safety within these two schools.

Scott Herzog, Blueberry Hill Lane, spoke in support of Article 31. Speaking as a parent of a child in the Sudbury Public Schools as well as a professional in the field of in-door air quality, stated "I have had an opportunity to review both the 1993 report prepared by Diagnostic Engineering as well as the 1996 report by Kimball Engineering. Both addressed critical deficiencies in the operations of air handling equipment at the Noyes Elementary and the Curtis Middle School. A combination of deferred maintenance and out-dated systems with replacement parts which simply are not available have resulted in a need to address these issues on a priority basis."

The motion under Article 31 was Unanimously Voted.

As it was after 10:30 PM, the Moderator announced the meeting adjourned until tomorrow evening.

Attendance: 402

ADJOURNED ANNUAL TOWN MEETING

April 9, 1996

Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1996, 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 9, 1996 for the fourth session of the Annual Town Meeting.

The meeting was called to order by the Moderator at 7:50 p.m. when a quorum was declared present. The first order of business was Article 32.

(The full text of all discussions under each article is available on tape in the Town Clerk's office)

ARTICLE 32. LSRHS ROGERS EDUCATIONAL CENTER

To see if the Town will vote to approve the amount of \$1,950,000 debt authorized on March 12, 1996, by the Lincoln-Sudbury Regional School District for the purpose of financing costs of reconstructing, equipping, remodeling, and making extraordinary repairs to the Rogers Educational Center, including costs incidental and related thereto; or act on anything relative thereto.

Submitted by the Lincoln-Sudbury Regional School Committee.

Fred Pryor, at the request of the Investment Priorities Committee, moved to Indefinitely Postpone Article 32.

The motion received a second.

As a member of the Lincoln-Sudbury Regional High School Committee and a resident of Sudbury for 28 years, I appreciate the opportunity to speak with you about an issue that is so very important to the students of the high school. Rogers could be used by various town committees, the seniors, the Savoyards, the League of Women Voters, Chamber of Commerce and other town professional groups. It makes sense for Sudbury that we do this renovation. We do not have an adequate school assembly area for the generation to come. The current Rogers is in disrepair. Our community has outgrown Rogers but we have not outgrown the need for Rogers. We have heard you when you said that renovating Rogers would be nice but it's too expensive. We know that Sudbury has too few dollars facing too many projects. So we believe it is necessary to develop a comprehensive fund raising plan. A committee is in the process of being established to implement this plan with the goal of significantly defraying the cost of construction.

Finance Committee Report: K. Precourt, recommends Indefinite Postponement.

Long Range Planning Committee: Recommends Indefinite Postponement.

The motion under Article 32 to Indefinitely Postpone was UNANIMOUSLY VOTED.

April 9, 1996

ARTICLE 33. CONCORD ROAD DRAINAGE AND WALKWAY IMPROVEMENT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$37,000, or any other sum, to be expended under the direction of the Highway Surveyor, for the construction of a drainage system and reconstruction of a walkway along Concord Road, from Nixon School northerly, a distance of 650 feet, more or less; and to determine whether said sum shall be raised by borrowing or

otherwise; or act on anything relative thereto.

Submitted by Petition.

BOARD OF SELECTMEN Chairman L. Blacker moved to Indefinitely Postpone Article 33. The motion received a second.

Statement of Petitioner, Myra Miller, Concord Road, read by L. Blacker-- "I am unable to attend tonight's meeting in person in support of Article 33. I wish to impress upon all attending that children are at risk when they step into the street to avoid the flooded sidewalks. One flooded area is adjacent to a telephone pole which obstructs children from the vision of an on-coming car. In a conversation with Bill Place, the Town Engineer, he affirms the fact that this problem exists. Repairs need to be made."

Finance Committee Report: The Committee supports the motion for Indefinite Postponement.

The motion to Indefinitely Postpone Article 33 was VOTED.

April 9, 1996

ARTICLE 34. FEELEY PARK IMPROVEMENTS

To see what sum the Town will vote to refurbish, rebuild and expand the baseball fields and facilities, and build additional accessory facilities including, but not limited to, batting nets, visitor's bullpen, windscreen, outfield and foul line warning tracks, coach's boxes and walkways, fencing, spectator area, concession stand, press box, scoreboard, and restrooms, at the Frank G. Feeley Park on Raymond Road, to be expended under the direction of the Park and Recreation Commission; and to determine whether such appropriation shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Petition.

Kip Johnson, Whispering Pine Road, moved to Indefinitely Postpone Article 34. The motion received a second.

Mr. Johnson said he represented a group of people in Sudbury known as the "Friends of Feeley". This group has come together to find the resources to renovate and expand the full sized baseball field on Raymond Road known as Feeley Park. Our group is made up of individuals, both active and non-active in baseball, and parents of high school and Little League players. Feeley Park is a Park & Recreational facility. It is currently the home field of many Sudbury teams. When it is not used by a Sudbury baseball team, it is often leased out to baseball teams from other towns. The field was opened in 1972 but, because of the immediate need of the L-S varsity baseball team, it was not completed. The left field has not been leveled since the opening day 24 year ago. Since that time the Park & Recreation budget and user fees have been able to maintain the field but, like the rest of our infrastructure, there has been no money to maintain the capital items. The field has become in such disrepair, with many safety issues, that after being viewed by the Dual County High School League officials last year, they moved the Dual County High School All Star game from Sudbury to Wayland; an embarrassment to the Town of Sudbury. In December part of our group met with the L-S varsity baseball coach to see what the field needed to be brought up to quality standards. If we included restrooms, this list could have topped \$100,000. After reviewing and trimming, we got the most needed and practical items down to \$65,000. How to raise the money? First we knew that raising this amount of money would take time and we could not raise it all by the time it would have been needed for construction to take place this April. We started to look at various sources of funds. In order to get the field open and prepared to a minimum safety standard, we have worked with Park & Recreation and their limited budget, to have them do as much as possible. The L-S boosters gave us seed money and we have been able to use that as a base to both generate donations of materials and labor, to rebuild the dugouts, and hopefully lay a foundation for a concession stand. With these donations and the bulk of the labor required to do this, being volunteered by Sudbury Little League parents and the high school baseball teams, we have already reduced our need by over \$15,000. A senior at L-S created a pamphlet that will be used to solicit funds. We hope you will pick up a brochure and send a donation. Because of our initial success in raising funds independent of the Town, we are going to Indefinitely Postpone this article. We hope we will not have to return to the Town to request any funds to return this facility to the Town jewel it once was. If we do, you will know it will be for much less than our original request and that great effort will have been expended to bring this Town owned facility up to a safe and enjoyable environment without the use of Town funds.

Finance Committee Report: The Finance Committee supports Indefinite Postponement.

Board of Selectmen Report: The Board supports Indefinite Postponement.

The motion to Indefinitely Postpone Article 34 was VOTED.

April 9, 1996

ARTICLE 35. 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 to act on anything relative thereto.

Submitted by Petition.

Article 35 was PASSED OVER.

April 9, 1996

ARTICLE 36. POWDER MILL ROAD WALKWAY

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$63,000, or any other sum, for the planning, engineering, and construction of a walkway along two sections of Powder Mill Road, such funds to be expended in the following manner:

1. *\$3,000 for planning and engineering funds, to be expended under the direction of the Town Engineer,*
for walkways along Powder Mill Road, as follows:
From Tavern Circle to Cranberry Circle
From Virginia Ridge Road to Singing Hill Circle
2. *\$60,000 for construction funds, to be expended under the direction of the Highway Surveyor, for*
walkways along Powder Mill Road, as follows:
From Tavern Circle to Cranberry Circle
From Virginia Ridge Road to Singing Hill Circle;

and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Petition.

Shulamit Wurmfeld, Cranberry Circle, the petitioner, moved to appropriate the following amounts for the following walkway projects, such walkways to be constructed with macadam pavement or other similar sidewalk material, and all expenses connected therewith, including expenses incurred for professional, engineering and architectural services, expenses for the preparation of plans, specifications and bidding documents, expenses related to supervision of work and expenses for bond and note issuance: * \$3,000 for planning and engineering funds, to be expended under the direction of the Town Engineer, for walkways along Powder Mill Road, as follows: From Tavern Circle to Cranberry Circle From Virginia Ridge Road to Singing Hill Circle; and *\$60,000 for construction funds, to be expended under the direction of the Highway Surveyor, for walkways along Powder Mill Road, as follows: From Tavern Circle to Cranberry Circle From Virginia Ridge Road to Singing Hill Circle; That to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$63,000 under General Laws C.44, S7; and to appropriate an additional sum of \$1,418 to be expended under the direction of the Treasurer for the payment of interest associated with the borrowing, said sum of \$1,418 to be raised by taxation.

The motion received a second.

The petitioner explained that this motion is extremely important for the extension of walkways from Singing Hill Circle to Virginia Ridge Road and from Tavern Circle to Cranberry Circle. She has a letter of support from the Safety Officer, the Town Planner, and the Town Engineer dated January 29, 1996. The main reasons for this submission is an issue of traffic and safety. There are incredibly large numbers of cars and trucks that use this road. It is a major connection between Route 117 and Route 62 that connects Sudbury with Acton, Maynard, and Concord. There is also a large population including numerous children in the area. This is a growing part of our town. The safety concerns are pedestrian injuries that have already occurred. There have also been numerous citations for people improperly driving along that road. Powder Mill Road is a very narrow road, very hazardous, very winding.

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

Board of Selectmen Report: The Selectmen are not in favor of this Article. They stated that this walkway should be part of an overall capital expenditure plan. If the Town decides that they want to have walkways, we have to get back to the concept of budgeting "x" number of dollars for walkways each year rather than treating each neighborhood's petition. Then a prioritized list can be made up and everyone will know that over a reasonable period of time all the walkways will be built. Also, this puts us into a 2-1/2 override.

Shulamit Wurmfeld presented a motion to amend to add the following language --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.

The motion to amend was VOTED.

Planning Board Report: Richard Brooks, Chairman, Planning Board does not support.

Long Range Planning Committee: William Katz, Chairman LRPC, the Committee does not support.

The motion, as amended, under Article 36 was defeated.

April 9, 1996

ARTICLE 37. HISTORY TRAIL, SUDBURY CENTRE

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$25,000, or any other sum, to be expended under the direction of the Town Engineer for the creation of an Historic Trail in the Town Historic Center, and to determine whether said sum shall be raised by borrowing or otherwise, or act on anything relative thereto.

Submitted by Town Engineer (providing technical assistance only) on behalf of Petitioner.

Maria VonBrincken of Ford Road presented the Resolution as follows: "Be it resolved, that the Town of Sudbury, in Town Meeting Assembled, endorses the creation of an historic trail in the Town's Historic Center and the pursuit of its funding through grants, gifts or otherwise."

The resolution received a second.

Ms. VonBrincken announced that supporters of the History Trail include the Selectmen, the Historical Commission, the Historical Society, the Historic Districts Commission, the Grange, the First Parish of Sudbury, the Design Review Board, the Planning Board, the Town Historian, the Ancients Documents Committee and the Friends of Historic Town Center. The History Trail project aims to provide the town's people with easy access to basic information and stories from our past. The History Trail seeks to celebrate and reveal the 17th and 18th century character or essence of our historic town center. We ask you to vote for this resolution and we remind you that we are not looking for any tax dollars. The plan is to raise funds through grants and other vehicles.

Finance Committee Report: The Finance Committee took no position.

Board of Selectmen Report: The Selectmen support the resolution.

The Resolution was UNANIMOUSLY VOTED.

April 9, 1996

ARTICLE 38. MATCHING FUNDS FOR HOP BROOK RESTORATION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$5,000, or any other sum, to support the Hop Brook Algae Harvesting Research Project, for the purpose of developing and designing a system for removing the nutrient pollution from the Hop Brook Ponds; or act on anything relative thereto.

Submitted by Petition.

Lael Meixsell, Barton Drive, moved to refer Article 38 back to Committee for further study. The motion received a second.

Mr. Meixsell stated that the purpose of Article 38 was to provide the Town financial support. The intent was also to encourage town residents and professionals who are assisting Sudbury find a solution to the Hop Brook pollution problem. Matching contributions by the Town is one of the criteria used by State agencies when awarding funding grants for projects such as this. However, since the Finance Committee did not support this request for matching funds this year, we will postpone Article 38 until next year. We hope for Town support at that time. The alternative would be to turn the project over to the Town and that would be more expensive than providing matching funds. There are a number of residents and professionals who have volunteered to work on the Hop Brook pollution problem and they are willing to contribute their time and expertise if the Town can provide some support in the form of matching funds next year.

Finance Committee Report: The Finance Committee recommend postponement.

Board of Selectmen Report: The Board supports the motion.

The motion to Refer to Committee was VOTED.

April 9, 1996

**ARTICLE 39. TRANSFER LAND OFF HUDSON ROAD, PINWOOD AVENUE AND ROBBINS ROAD TO
SELECTMEN FOR SALE**

To see if the Town will vote to transfer from the control of the Selectmen to the Selectmen for the purpose of sale to the Sudbury Housing Authority for the construction of single family housing for sale to first time home buyers, the following described parcels of land:

A portion of the land adjacent to the fire station on Hudson Road containing approximately two acres, being a portion of the entire site shown as Parcel 008 on Town Property Map G08, for the construction of two single family houses, and

The land on Hudson Road containing approximately .12 acre, shown as Parcel 124 on Town Property Map F04, for the construction of one single family house, and

The land on Pinewood Avenue containing approximately .12 acre, shown as Parcel 132 on Town Property Map F04, for the construction of one single family house, and

The land on Robbins Road containing approximately .51 acre, shown as Parcel 205 on Town Property Map K06, for the construction of one single family house;
or act on anything relative thereto.

Submitted by the Sudbury Housing Authority.

Steven Swanger, Bent Brook Road, moved to transfer from the control of the Selectmen to the Selectmen for the purpose of sale to the Sudbury Housing Authority for the construction of single family housing for sale to first time home buyers, the following described parcels of land:

A portion of the land adjacent to the fire station on Hudson Road containing approximately two acres, being a portion of the entire site shown as parcel 008 on town property map G08, for the construction of two single family houses, and

The land on Hudson Road containing approximately .12 acre, shown as parcel 124 on town property map F04, for the construction of one single family house, and

The land on Pinewood Avenue containing approximately .12 acre, shown as parcel 132 on town property map F04, for the construction of one single family house.

The motion received a second.

Mr. Swanger, Chairman Sudbury Housing Authority, stated the articles before you tonight are quite different from anything proposed by the Housing Authority in the past. They involve home ownership opportunity—not rental housing. They involve single family homes, not duplexes or multi-family housing. They will require no construction or operating subsidy. They will benefit moderate income families, who work for or live in the Town.

April 9, 1996

John Heerwagen, member of the Sudbury Housing Authority, explained some of the details being contemplated by Articles 39 and 40. He explained that the program is not public housing, it is not low income housing, it's not rental housing. There are several key elements to the program. First, it provides new housing opportunities in the town. Preference will be given to Sudbury residents and town employees. They must be first time home buyers and have annual household incomes in the range of \$40,000 to \$50,000. Second, strong emphasis will be placed on neighborhood compatibility. The prototype home is a single family cape style structure. It is to be occupied by the owner as a primary residence. Third, the homes will be affordable in relation to market opportunities in Sudbury. We intend to sell the homes in the vicinity of \$144,000. From conversations with real estate brokers and others in town, we have come to believe these homes will be worth between \$190,000 and \$200,000. Fourth, the homes will not only be sold initially at affordable prices but the prices will stay affordable upon transfer to subsequent owners. That will be done through the means of deed restrictions. Finally, the plan is devised to be revenue neutral with respect to similar market priced development on the site.

Finance Committee Report: The Committee takes no position.

Board of Selectmen Report: The Selectmen recommend approval.

Planning Board Report: Richard Brooks stated the Board supports this Article.

League of Women Voters: Amy Lepak, stated the League strongly supports Article 39 and 40. These articles represent a creative step towards fulfilling Sudbury's need for moderate income housing.

Sudbury Clergy Association: Supports Article 39 and 40.

Many residents spoke against this article expressing concerns regarding the sites chosen. Wetland issues were discussed as well as concerns over the size of the lots, population growth, and future ownership.

The motion under Article 39 was defeated.

April 9, 1996

ARTICLE 40. AUTHORIZE SALE OF LAND OFF HUDSON ROAD, PINWOOD AVENUE AND ROBBINS ROAD TO SUDBURY HOUSING AUTHORITY

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

A portion of the land adjacent to the fire station on Hudson Road containing approximately two acres, being a portion of the entire site shown as Parcel 008 on Town Property Map G08, for the construction of two single family houses, and

The land on Hudson Road containing approximately .12 acre, shown as Parcel 124 on Town Property Map F04, for the construction of one single family house, and

The land on Pinewood Avenue containing approximately .12 acre, shown as Parcel 132 on Town Property Map F04, for the construction of one single family house, and

The land on Robbins Road containing approximately .51 acre, shown as Parcel 205 on Town Property Map K06, for the construction of one single family house;

or act on anything relative thereto.

Submitted by the Sudbury Housing Authority.

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

The time being 10:20 p.m., Henry Sorett of Longfellow Road, moved to have the Town Meeting adjourn. The motion passed by a 2/3rds vote.

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

Attendance: 258

ADJOURNED ANNUAL TOWN MEETING

APRIL 10, 1996

Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1996, 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 10, 1996 for the fifth session of the Annual Town Meeting.

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

(The full text of all discussions under each article is available on tape in the Town Clerk' Office)

ARTICLE 41. AMEND ZONING BYLAW, ART. IX, Sec. I & III -ASSISTED CARE FACILITY

To see if the Town will vote to:

amend section I,C (Definitions) of Article IX, the Zoning Bylaw, by adding the following definition:

"Assisted Care Facility - A structure or structures containing dwelling units for elderly persons in need of assistance with activities of daily living, as defined and regulated by Chapter 19D of the General Laws."; and

amend section III.A.1.e (Permitted Uses in Residence Districts) of Article IX, the Zoning Bylaw, by deleting the words "and Nursing Homes" in that section; and by adding a new section III.A.1.f. as follows:

- "f. Nursing Homes and Assisted Care Facilities provided that:
- (1) such use is on a parcel with a minimum size of 5 acres, with a maximum permissible density of 7 bedrooms per acre;
 - (2) the facility can comply with minimum setbacks of 50 feet from front, side and rear yard property lines;
 - (3) if abutting a residential use, the facility must comply with a minimum 100 foot setback on any side abutting such use;
 - (4) the facility fully complies with sections V,A (Site Plan Special Permit), V,C (Parking Standards) and V,D (Signs and Advertising Devices) of the Zoning Bylaw in all regards including but not limited to open space, parking, coverage requirements, signage and all requirements of those sections; and
 - (5) A special permit from the Board of Appeals is granted for such use if the Board of Appeals shall rule:
(a) that there be no detriment to the neighborhood, (b) that the character of the zoning district is not significantly altered and © all the special permit guidelines and conditions in section VI,C,3 of the Zoning Bylaw have been met."; and

amend Section III.B.2 (Permitted Uses in Business Districts) by adding a new section "i", as follows; and amend section III.C.1 (Permitted Uses in Limited Industrial Districts) by adding a new section "g", as follows; and amend section III.C.2 (Permitted Uses in Industrial Districts) by adding a new section "k", as follows; and amend section III.C.3 (Permitted Uses in Industrial Park Districts) by adding a new section "a.(5)" as follows; and amend section III.D by deleting the present sections "h" and "i", and adding a new section "h", as follows, and renumbering the remaining provisions accordingly:

"Nursing Homes and Assisted Care Facilities provided that:

- (1) such use is on a parcel with a minimum size of 5 acres, with the maximum permissible density of 7 bedrooms per acre;
- (2) the facility can comply with minimum setbacks of 50 feet from front, side and rear yard property lines;

April 10, 1996

- (3) if abutting a residential use, the facility must comply with a minimum 100 foot setback on any side abutting such use;
- (4) the facility fully complies with sections V,A (Site Plan Special Permit), V,C (Parking Standards) and V,D (Signs and Advertising Devices) of the Zoning Bylaw in all regards including but not limited to open space, parking, coverage requirements, signage and all requirements of those sections; and
- (5) A special permit from the Board of Appeals is granted for such use if the Board of Appeals shall rule:
(a) that there be no detriment to the neighborhood, (b) that the character of the zoning district is not significantly altered and © all the special permit guidelines and conditions in section IV,C,3 of the Zoning Bylaw have been met.";

or act on anything relative thereto.

Submitted by the Planning Board.

Bill Cossart, member of the Planning Board, moved to Indefinitely Postpone Article 41. The motion received a second.

Mr. Cossart stated the purpose of bringing this article forward was to include the concept of Assisted Living Facilities as an allowable use within our Town Bylaws. The Planning Board continues to support the concept of Assisted Living but are asking for additional time to work this through more thoroughly and bring it back at a future Town Meeting.

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

Board of Selectmen Report: The Board supports the motion to Indefinitely Postpone.

Ralph Tyler urged Town Meeting to defeat the motion to Indefinitely Postpone. He stated that this Article, as it is written, brings some important policy issues that we have the opportunity to address tonight. If you vote to Indefinitely Postpone, we will be stuck with our current bylaw. It allows nursing homes, without any special requirements at all, to go into neighborhoods with total discretion on the part of the Board of Appeals as to what conditions they might decide to set. Some important conditions are contained here. We ought to listen to them and adopt them for what is currently permitted.

Mr. Blacker, Board of Selectmen, stated that nursing homes are allowed in residential zones but it is not unlimited. They must go to the Zoning Board to get a Special Permit and the Zoning Board must make a finding that it is not detrimental to the neighborhood. He supports Indefinite Postponement.

Ed Sokoloff, Washington Drive, stated he is not in favor of Article 41 as worded in the Warrant but strongly believes that we need Article 41, as will be amended, to protect residential districts. He was against Indefinite Postponement.

Richard Brooks, Planning Board, stated the Board brought this Article forward after having several public hearings. They want to make some changes to the Article but did not want to do it on Town Meeting floor. However, if the Town wants to address the issue tonight, that's okay.

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Bill Cossart, Planning Board, explained the reason the Board asked for Indefinite Postponement as a pre-admission of the fact that they are ill prepared to go forward. The speakers that are arguing against that are saying in effect that now we should push it through and then correct it later on, or go ahead and have an argument tonight so we can prove how stupid it is. That is what we are trying to prevent. What is going to happen, based upon what the speakers are telling us, is that if we do not Indefinitely Postpone we will hear motions to modify the Article. In effect, what we will be doing is we will be preserving Article 41 but it will be so radically modified that it will be nothing at all of what we intended to do.

The motion to Indefinitely Postpone was defeated. (Total number of votes were 156--to pass there would have to be 79 affirmative votes, there were 75 affirmative--81 negative)

Ralph Tyler, Deacon Lane, moved to amend Section 1,C (Definitions) of Article IX, the Zoning Bylaw, by adding the following definition:

"Assisted Care Facility - A structure or structures containing dwelling units for elderly persons in need of assistance with activities of daily living, as defined and regulated by Chapter 19D of the General Laws."; and

amend section III.A.1.e (Permitted Uses in Residence Districts) of Article IX, the Zoning Bylaw, by deleting the words "and Nursing Homes" in that section; and by adding a new section III.A.1.f. as follows:

*f. Nursing Homes provided that:

- (1) such use is on a parcel with a minimum size of 5 acres, with a maximum permissible density of 7 bedrooms per acre;
- (2) the facility can comply with minimum setbacks of 150 feet front yard and 50 feet from the side and rear yard property lines;
- (3) if abutting a residential use, the facility must comply with a minimum 100 foot setback on any side abutting such use;
- (4) the facility fully complies with sections V,A (Site Plan Special Permit), V,C (Parking Standards) and V,D (Signs and Advertising Devices) of the Zoning Bylaw in all regards including but not limited to open space, parking, coverage requirements, signage and all requirements of those sections; and
- (5) A special permit from the Board of Appeals is granted for such use if the Board of Appeals shall rule:
(a) that there be no detriment to the neighborhood, (b) that the character of the zoning district is not significantly altered and (c) all the special permit guidelines and conditions in section VI,C,3 of the Zoning Bylaw have been met."

The motion received a second.

Mr. Tyler stated this is an attempt to address, among other things, more appropriate standards for nursing home development in residential areas. This is a bare minimum of what we should do to get more control over site plan standards in our residential neighborhoods.

Finance Committee Report: The Finance Committee takes no position.

Board of Selectmen Report: The Board takes no position.

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Ed Sokoloff, Washington Drive, **moved to amend the motion as follows:** Notwithstanding any provision contained in the bylaw to the contrary, nursing homes and medical centers (and assisted care facilities if and when now and or hereafter permitted by these zoning bylaws) when permitted in residence districts are only permitted with the restrictions contained herein and with the following restrictions:

- (1) the building shall comply with a minimum 200 foot setback from front, side and rear yard property lines, which setback area shall be non-disturbed and unused and shall be kept in its natural state, with no trees to be removed except for one entrance/driveway not to exceed twenty feet in width, with said driveway to extend the shortest distance as possible into the setback area, and in which setback area hearty evergreen trees shall be planted and maintained for screening if such screening is not present;
- (2) only one building shall be permitted on the parcel which building shall not exceed 30,000 square feet of total floor space, excluding any completely below ground level basement, regardless of the ground area covered by the building;
- (3) the building shall be sited on the parcel so as to be the least visible from any abutting residential lots, while permitting construction of the building on the parcel at a reasonable location outside the buffer zone;
- (4) the building shall not exceed a height of 35 feet;
- (5) all parking for the building shall be only on the parcel and all parking on the parcel shall be entirely behind the building, and all parking shall be fenced in by an eight-foot high non-see-through wooden stockade fence on all sides of the parking which abut or are contiguous to the parcel, said fence to be at all times maintained in good condition by the parcel owner and to serve as a visual and sound barrier to protect the residential district;
- (6) no dumpster and no outside storage is permitted outside the building; and
- (7) in all other aspects the building must comply with site plan special permit under section V.A.*.

Ed Sokoloff, **added a motion to strike the language in the paragraph labeled 2 in Article 41.**

The motion received a second.

Mr. Sokoloff stated that under the existing bylaw medical centers and nursing homes are permitted as a right as long as a Special Permit is granted by the Board of Appeals. We have to set minimum criteria that the Boards have to live with which is in addition to the standards that they are following. If we do nothing today and defeat these motions, then tomorrow, as a right, a medical center and a nursing home can be built right next door to you with none of the protections.

The motion to amend was defeated.

The Moderator instructed the Hall that we are now back on the main motion.

Hugh Caspe, Board of Health, **moved to amend section " f" and add another item—Item 6.**

" Wastewater disposal shall only be by means of on-site subsurface system complying with the requirements of Title 5, 310 CMR 15.000."

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The motion received a second.

Mr. Caspe stated that if these facilities are built, from the Board of Health perspective, we don't want to see package treatment plants there. This would not allow package treatment plants to be built on these residential areas .

The motion to amend was VOTED.

The Moderator explained that we have now added Item 6 to Mr. Tyler's motion.

There was a motion to end debate. The Moderator asked the Hall if they wished to end debate on the main motion. The motion to end debate passed.

The main motion that was before the Hall follows:

"Assisted Care Facility - A structure or structures containing dwelling units for elderly persons in need of assistance with activities of daily living, as defined and regulated by Chapter 19D of the General Laws."; and

amend section III.A.1.e (Permitted Uses in Residence Districts) of Article IX, the Zoning Bylaw, by deleting the words "and Nursing Homes" in that section; and by adding a new section III.A.1.f. as follows:

- "f. Nursing Homes provided that:
 - (1) such use is on a parcel with a minimum size of 5 acres, with a maximum permissible density of 7 bedrooms per acre;
 - (2) the facility can comply with minimum setbacks of 150 feet front yard and 50 feet from the , side and rear yard property lines;
 - (3) if abutting a residential use, the facility must comply with a minimum 100 foot setback on any side abutting such use;
 - (4) the facility fully complies with sections V,A (Site Plan Special Permit), V,C (Parking Standards) and V,D (Signs and Advertising Devices) of the Zoning Bylaw in all regards including but not limited to open space, parking, coverage requirements, signage and all requirements of those sections; and
 - (5) A special permit from the Board of Appeals is granted for such use if the Board of Appeals shall rule: (a) that there be no detriment to the neighborhood, (b) that the character of the zoning district is not significantly altered and (c) all the special permit guidelines and conditions in section VI,C,3 of the Zoning Bylaw have been met"; and
 - (6) Wastewater disposal shall only be by means of on-site subsurface system complying with the requirements of Title 5, 310 CMR 15.000.

The main motion as amended was UNANIMOUSLY VOTED.

April 10, 1996

**ARTICLE 42. AMEND ZONING BYLAW , ART.IX, SEC. III -
MEDICAL CENTERS, NURSING HOMES,
AND ASSISTED LIVING RESIDENCES**

To see if the Town will vote to amend the Zoning Bylaw: In Section III.A (Permitted Uses in Residence Districts) of Article IX, delete Section III.A.1.e and add in its place a new part "e" as follows; in Section III.B (Permitted Uses in Business Districts) of Article IX, add a new part III.B.1.n, III.B.2.i and III.B.3.s as follows; in Section III.C (Permitted Uses in Industrial Districts) of Article IX, add a new part III.C.1.g, III.C.2.k and III.C.3.a(5) as follows; in Section III.D (Permitted Uses in Research Districts) of Article IX, renumber part "j" and "k" to be "i" and "j", respectively, and delete parts "h" and "i" and add in their place part "h" as follows:

"Medical centers, nursing homes and assisted living residences are permitted in all residence districts, business districts, shopping center districts, industrial districts and research districts, (a) provided that a special permit for such use be granted by the Board of Appeals if the Board of Appeals shall rule (i) that there is no detriment to the neighboring area, and (ii) that the character of the zoning district is not significantly altered, and (b) provided that in the event the medical center, nursing home or assisted living facility is to be located within a residence district, then:

- (1) the building shall comply with a minimum 400 foot setback from front, side and rear yard property lines, which setback area shall be non-disturbed and unused and shall be kept in its natural state, with no trees to be removed except for one entrance/driveway not to exceed twenty feet in width, with said driveway to extend the shortest distance as possible into the setback area, and in which setback area hearty evergreen trees shall be planted and maintained for screening if such screening is not present;
- (2) only one building shall be permitted on the parcel which building shall not exceed 30,000 square feet of total floor space, excluding any completely below ground level basement, regardless of the ground area covered by the building;
- (3) the building shall be sited on the parcel so as to be the least visible from any abutting residential lots, while permitting construction of the building on the parcel at a reasonable location outside the buffer zone;
- (4) the building shall not exceed a height of 35 feet;
- (5) all parking for the building shall be only on the parcel and all parking on the parcel shall be entirely behind the building, and all parking shall be fenced in by an eight-foot high non-see-through wooden stockade fence on all sides of the parking which abut or are contiguous to the parcel, said fence to be at all times maintained in good condition by the parcel owner and to serve as a visual and sound barrier to protect the residential district;
- (6) no dumpster and no outside storage is permitted outside the building; and
- (7) in all other aspects the building must comply with site plan special permit under section V.A.";

or act on anything relative thereto:

Submitted by Petition.

Mr. Sokoloff, Washington Drive, moved to Indefinitely Postpone Article 42. The motion received a second.

As no one wished to be heard on Article 42 the motion was presented to the voters and the motion to Indefinitely Postpone Article 42 was VOTED.

April 10, 1996

ARTICLE 43. AMEND ZONING BYLAW, ART. IX.V.D.-SIGNS AND ADVERTISING DEVICES

To see if the Town will vote to amend Article IX (The Zoning Bylaw), Section V.D. as follows:

Section V.D.2.a.

After the words "device used to" insert the words "draw attention to,";

Section V.D.2. (Definitions).

Add the following:

- "j. Banner - A fabric panel, flown from a staff, which displays informational graphics or functions as a decoration.
- k. Flag - An official governmental symbol constructed of fabric.";

Section V.D.5. (Signs Prohibited in All Districts).

Delete paragraph b. and substitute the following:

- "b. All streamers, pennants and spinners or any sign or device which flashes, rotates or makes noise.";

Delete paragraph e. and renumber remaining paragraphs accordingly;

Section V.D.6. (Signs Which Do Not Require a Permit).

Add the following:

- "j. Flags.";

Section V.D.7. (Signs Requiring a Sign Permit...).

Delete paragraph c. and substitute the following:

- "c. Directory Signs - One exterior directory sign listing the names and locations of the occupants of the premises may be erected on the exterior wall of a building near the entrance provided the display area shall not exceed one square foot for each occupant identified on the directory. If there is a panel supporting a group of individual tenant names, that panel shall not exceed 110% of the aggregate area of the individual names.";

Section V.D.

Insert the following:

- "10. Banners Any business may have a maximum of one banner mounted on the building facade. Such banners may pictorially represent the nature of the business and may only include verbiage to the extent that the block of verbiage does not exceed 15% of the total area of the banner. A banner shall not exceed 15 square feet.";

and renumber remaining paragraphs accordingly;

or act on anything relative thereto.

The motion under Article 43 was moved in the Words of the Article by Mr. Frank Reipe, Chairman, Design Review Board. The motion received a second.

Mr. Reipe stated that the article before the Hall was a modification of the signage bylaw section of the Zoning Bylaw. This article is primarily to create a definition and set of regulation for banners. Banners presently are not defined or permitted under the bylaw. There was a problem last year. A number of businesses that were using banners in front of their property were forced by the Building Inspector to remove them because they were not in conformance with the bylaw. This would allow banners not in excess of 15 square feet and one per business. Verbiage on the banner would not exceed 15 percent of the area of the banner. Another component of this article is the tightening up of the definition of directory signs. Directory signs are a sign device that's allowed on a building that has multiple tenants. This provides more definition and clarity and a little more restriction on how they are used. We found that there was some confusion on this last year. Some that were grossly oversized were allowed to go up. This provides more restrictions on directory signs. He urged the Town's support.

April 10, 1996

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

Board of Selectmen Report: Maryann Clark, Board of Selectmen, stated the Selectmen supported the article.

Planning Board Report: (U. Lyons) The Planning Board supports Article 43 for two reasons. First, it will cut down on the time spent by our Building Inspector who has had to notify current business owners that they are not in compliance with the current sign bylaw because they are displaying decorative banners. Second, it will allow business owners additional forms of advertising such as the decorative banners.

Patrick Delaney, Boston Post Road, stated that there is an inconsistency with this article and our existent home business bylaw. Section 10 permits banners but it never mentions zoning districts. This article would apply to the entire town. The entire town includes residential areas as well as commercial areas. In our town it is perfectly legal to operate a business in your home, and many people do. When the home business law was written, it was written so as to not allow any advertising display that would detract from the residential appearance of the neighborhood. This article is in conflict because it would permit prominent advertising banners at home businesses that had previously been all but invisible. In that way, the intent of the home business law would not be served well by this article. There is one other section that we need to look at, section V.D.2. "j", the section that defines a banner, right now the bylaw we have strictly deals with advertising signs and not decorations. This would be the first time we add the word decorations to the sign bylaw. I think that there is a good possibility that, if we give our zoning enforcement agent responsibility for enforcing a law regarding decorations, that we may well end up finding out the whole thing is unenforceable.

Hank Tober, Ames Road, stated that this bylaw will add to the commercialization of the town. He stated he hoped the article is voted down.

Lawrence Blacker, Board of Selectmen, stated the Article says that any business may have a maximum of one banner. The comment made that every house can have a business is an untrue statement. Certain limited Customary Home Occupations with a Special Permit from the Zoning Board are allowed. Invariably there is a specific provision that no signage shall be allowed, and the banner being a sign, would not be allowed to fly in a residential neighborhood any differently than a 4 x 4 sign would be allowed. This banner is for business in the Business District.

A motion was made by Ralph Tyler, to add to the definition of flag — after the words official the words "United States based ". The motion is to amend the main motion by adding after the words flag in subparagraph 'k' in Section V.D.2 the words " United States based' after the word " official" and before the word "governmental". The motion received a second.

Mr. Tyler stated that if we want to display flags, it ought to be a United States flag, a Massachusetts flag, or Sudbury flags.

Several people opposed the amendment .

The motion to amend was defeated.

Jack Hepting, Zoning Enforcement Agent, explained that he was requested by a citizen of the Town to go out and patrol Route 20 and have everybody take down any kind of a flag that was not an American flag or a state flag that had any kind of advertising on it, including an ice cream cone. It does not make for very good relations with the businesses in town who are trying to employ town people when you tell them they have to take an Ice cream cone flag down. He strongly recommended approval of Article 43.

The main motion under Article 43 was presented to the voters and was UNANIMOUSLY VOTED.

April 10, 1997

ARTICLE 44. AMEND ZONING BYLAW ART. IX.III.C.2.a -PERMITTED USES, INDUSTRIAL DISTRICTS

To see if the Town will vote to amend the Town of Sudbury Zoning Bylaw, Article IX, paragraph "a" of Section III.C.2, by adding the following at the end of the first sentence:

"or which may contaminate ground water, any stream or other body of water or wet area.";

or act on anything relative thereto.

Submitted by the Board of Selectmen.

Maryann Clark, Board of Selectmen, moved in the Words of the Article. The motion received a second.

BOARD OF SELECTMEN REPORT: This is a motion to amend the Zoning Bylaw Article IX.III.C.2.a- Permitted Uses, Industrial Districts. This addition of the language "or which may contaminate ground water, any stream or other body of water or wet area" is added at the end of 2.a. The following uses shall be permitted in Industrial Districts:

Any wholesale storage, wholesale or retail lumber yard, industrial or manufacturing use including processing, fabrication and assembly; provided however, that no use shall be permitted which would be seriously detrimental or offensive to adjoining districts or tend to reduce property values by reason of dirt, odor, fumes, smoke, gas, sewage, refuse and other waste material, noise or excessive vibration or explosion or fire, or which may contaminate ground water, any stream or other body of water or wet area."

This addition would bring the Industrial Districts into conformance with the Limited Industrial Districts bylaw provisions which have this already. This deficiency recently came to light. It is prudent to add this to this Industrial District permitted use so we can protect our wells.

FINANCE COMMITTEE REPORT: The Finance Committee takes no position on this article.

PLANNING BOARD REPORT: The Planning Board supports this article.

The motion was UNANIMOUSLY VOTED.

April 10, 1996

ARTICLE 45. AMEND ZONING BYLAW, ART. IX.III.C.2.c - PERMITTED USES, INDUSTRIAL DISTRICTS

To see if the Town will vote to amend the Town of Sudbury Zoning Bylaw, Article IX, paragraph "c" of Section III.C.2, by adding the following words at the end of the first sentence:

"if a special permit is granted by the Board of Appeals.";

or act on anything relative thereto.

Submitted by the Board of Selectmen.

Maryann Clark, Board of Selectmen, moved in the Words of the Article. The motion received a second.

BOARD OF SELECTMEN REPORT: What we are doing is adding the language "if a special permit is granted by the Board of Appeals. This would read : The following uses shall be permitted in Industrial Districts:

Automobile filling stations for the dispensing and sale of fuels, lubricants, radiator fluids and accessories, and the performance of incidental services including tire changing, tube repairing, lubrication and washing, if a special permit is granted by the Board of Appeals."

The addition would give the Board of Appeals oversight of the Industrial Districts as to this specific use--automobile filling stations. As this involves underground storage of fuel the appropriateness of the location should be subject to review by an independent board such as the Board of Appeals. A Special Permit is required by a garage that buys or sells motor vehicles in an Industrial District and this language would require the same of a filling station. We have filling stations that are within sensitive areas that our wells are dependent upon.

FINANCE COMMITTEE REPORT: The Finance Committee took no position on this article.

PLANNING BOARD REPORT: The Planning Board supports this article.

The motion was UNANIMOUSLY VOTED.

April 10, 1996

ARTICLE 46. AMEND ZONING BYLAW, ART. IX, SECTIONS I AND III -FLOOD PLAINS

To see if the Town will vote to amend the Town of Sudbury Zoning Bylaw, as follows:

A. In Section I, "General", by deleting Part H, "Flood Plains", in its entirety and substituting therefor the following:

"H. FLOOD PLAINS

Those areas of the 100 year flood level "A" Zones as shown on the Flood Insurance Rate Maps (FIRM) for the Town of Sudbury Community Panel Number 250217 (0001-0006), prepared by the Federal Emergency Management Agency under the National Flood Insurance Program, consisting of six panels, a copy of which is on file in the Town Clerk's Office.";

and

B. In Section III, "Permitted Uses", Part E, "Flood Plain District Use Provisions", by amending the map reference in the third paragraph of subsection 4(f), by deleting the words "Community No. 250217, dated June 1, 1982", and substituting therefor the words, "Community Panel Number 250217 (0001-0006)";

or act on anything relative thereto.

Submitted by the Town Engineer.

Bill Place, Town Engineer, moved to Refer to the Planning Board. The motion received a second.

TOWN ENGINEER REPORT: In 1987 the Sudbury River matched the 100 year flood elevation established by Federal Emergency Management Agency. As a result of this event, in September of 1994, the Federal Emergency Management Agency funded a detailed study of the flood hazard areas along the Sudbury River and its tributaries. This detailed study will be used by the town to carry out its flood plain management objectives of the National Flood Insurance Program. On March 18, 1996, a preliminary report showing foot profiles and discharges was submitted to the town and the Federal Emergency Management Agency. A final report will not be forthcoming until a public hearing has been held and a report adopted by FEMA. It is expected to take place within the next six months.

BOARD OF SELECTMEN POSITION: The Board of Selectmen supports the motion to refer.

FINANCE COMMITTEE REPORT: The Finance Committee took no position.

The motion to refer was VOTED.

April 10, 1996

ARTICLE 47. MOSSMAN ROAD WALKWAY EASEMENT PETITION

To see if the Town will vote to authorize the acquisition by purchase, by gift, or by a taking by eminent domain, of a walkway easement across the front of 66 Mossman Road owned by David and Barbara Fitzgerald; and to see what sum the Town will appropriate therefor and all expenses in connection therewith; or act on anything relative thereto.

Submitted by Petition.

Carol Zais, Old Coach Road, moved to Indefinitely Postpone. The motion received a second.

Ms. Zais explained that after spending some time with Mr. and Mrs. Fitzgerald discussing the sidewalk easement and more completely understanding the process of eminent domain and how it could affect the town's funds, it would be most appropriate to Indefinitely Postpone. However, she regretted the Fitzgerald's position.

FINANCE COMMITTEE REPORT: The Finance Committee supports Indefinite Postponement.

The motion to Indefinitely Postpone was VOTED.

The Moderator stated that the time was 10:30 PM. As next week is school vacation week, the custom and practice has been to skip that week. He stated that it's up to the Hall.

At this time, Mr. H. Sorett moved to adjourn the Town Meeting until a week from Monday, April 22nd. The motion received a second and was VOTED.

Attendance: 185

ADJOURNED ANNUAL TOWN MEETING

April 22, 1996

Pursuant to a Warrant issued by the Board of Selectmen, March 11, 1996, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Monday, April 22, 1996 for the sixth session of the Annual Town Meeting. The meeting was called to order at 7:55 P.M. as a quorum was declared present. The first order of business was Article 48.

(The full text of all discussions under each article is available on tape in the Town Clerk's office)

ARTICLE 48. WAYLAND/SUDBURY SEPTAGE DISPOSAL FACILITY AGREEMENT

To see if the Town will vote, pursuant to c.40, §4A, or to accept c.40N of the General Laws, or to petition the General Court for special legislation to revise the present agreement between the Towns of Sudbury and Wayland, Massachusetts, which provides for certain joint or cooperative activities with respect to siting, designing, constructing, originally equipping, operating, and providing access to a septic-tank pumping disposal facility on land owned by the Towns of Sudbury and 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 the Operational Review Committee for the
Wayland/Sudbury Septage Disposal Facility.***

Bob Gottberg, Chairman, Operational Review Committee, moved to Indefinitely Postpone Article 48.

The motion received a second.

Mr. Gottberg addressed the Hall and explained that at last year's Town Meeting, we extended the inter-town agreement between Wayland and Sudbury for an additional four years. The Committee had hoped that during that year period we would be able to have a completed inter-town agreement. The Committee is sorry to say it is not yet completed, however, this agreement will be completed by next year's Town Meeting.

Finance Committee Report: The FinCom supports Indefinite Postponement

Board of Selectmen Report: The Selectmen supports Indefinite Postponement.

The motion under Article 48 to Indefinitely Postpone was VOTED.

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ARTICLE 49. CREATE BYLAW - UPPER HOP BROOK PROTECTION

To see if the Town will vote to amend the Bylaws by adding a new section, to be numbered by the Town Clerk, to adopt an Upper Hop Brook Protection Bylaw which will provide for safe uses while protecting the ecology of the ponds, as follows:

***UPPER HOP BROOK PROTECTION**

SECTION 1. PURPOSE. The purpose of this Hop Brook Protection (HBP) Bylaw is to provide for the safe recreational enjoyment of the Upper Hop Brook Ponds while at the same time prohibiting those motorized activities which conflict with and create safety hazards for other less intrusive and benign recreational uses such as walking, canoeing, fishing, ice skating, and cross country skiing by adults and children, or activities which are incompatible with efforts to restore and maintain a healthy ecological balance in the ponds.

SECTION 2. LOCATION. The Upper Hop Brook Ponds are hereby defined as those ponds on Hop Brook upstream of the Peakham Road bridge which is adjacent to the Haynes Meadow Conservation Area.

SECTION 3. EXEMPTIONS. Activities, equipment, and vehicles which are required for maintenance, research, or other official projects approved by the Town of Sudbury are exempted from the provisions of this Bylaw.

SECTION 4. WATERCRAFT. Manually powered watercraft such as canoes, kayaks, car-top boats, and float tubes, are allowed on the ponds. All motor powered watercraft such as power boats, outboard motor boats with motors, jet skis, and similar powered craft are not allowed.

SECTION 5. VEHICLES. Trailers and motorized vehicles, such as snowmobiles, motorcycles, All Terrain Vehicles, cars, trucks, or similar vehicles are not allowed either on the ponds (for example, when frozen in winter) or on their banks.

SECTION 6. ENFORCEMENT. The fine shall be fifty dollars per violation. Separate days or repeated violations after warnings are separate violations.

SECTION 7. SEVERABILITY. The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof.";

or act on anything relative thereto.

Submitted by Petition.

Mr. Lael Meixsell, Barton Drive, moved in the Words of the Article. The motion received a second.

Mr. Meixsell informed the Hall that the purpose of Article 49 is to protect the Hop Brook Ponds and to promote the good relationship which currently exists between the land owners abutting the Hop Brook Ponds and the public. This relationship remains friendly even on Stearns Pond which is the most vulnerable to abuse. However, if efforts currently underway to abate the Hop Brook pollution are successful then the ponds will become more inviting to the public. It is important that we make an effort to anticipate and to avoid problems and conflicts which have occurred in the past.

In the summer there is trailer launching of heavy boats on occasion. Visitors launch motor boats over private lawns—boat trailers can damage a lawn and the banks of the ponds. When water skiing is in progress, one cannot safely sail or use a canoe because of the narrow width of Stearns pond. In the winter, this is an excellent skating area for the community however, when there are motorized vehicles on the ice, it is not safe for skating. Also the use of motorized vehicles at night can be disturbing to the abutting residents. Other problems have also occurred.

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There are solutions to this problem other than Article 49. The most obvious solution would be for the land owners to put up "no trespassing" signs or they could form pond associations and each group could regulate the ponds in their own individual manners.

Article 49 would encourage quiet, family type uses of the ponds. It would discourage unsafe and nuisance type uses. As a result, it would encourage land owners to leave their property open for parking and for community access. It would also increase public safety.

Finance Committee Report: The Finance Committee took no position.

Board of Selectmen Report: The Selectmen are in support of Article 49.

Jack Hepting, Zoning Enforcement Agent, totally supported this article. However, he had a question as to who would enforce this bylaw.

Mr. Meixsell, stated it was assumed that it would be the users and the residents. It was also assumed that it would not be too much of a problem. If we have a bylaw everyone knows what the approved uses are. If there are complaints, it would be up to the complainant to decide whether to complain to the selectmen or police.

Les Bellows, Juniper Road, asked if there was a state statute that says the State has control of any bodies of water beyond a certain size and therefore a bylaw by the town might conflict with it.

Paul Kenny, Town Counsel, remarked that there is a statute that governs Great Ponds however, this bylaw would not be in conflict with the State law.

The motion under Article 49 was UNANIMOUSLY VOTED.

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ARTICLE 50. CREATE BYLAW - WATER RESOURCES PROTECTION COMMITTEE

To see if the Town will vote to approve the following "Water Resources Protection Committee Annual Report" Bylaw, as follows:

**"WATER RESOURCES PROTECTION COMMITTEE (WRPC)
ANNUAL REPORT TO THE TOWN OF SUDBURY**

The Annual Report submitted by the Water Resources Protection Committee (WRPC) - which is a Water District Committee and not a Town of Sudbury Committee although its Principal and Associate Members are nominated by the Water District, the Selectmen, the Planning Board, the Board of Health, and the Conservation Commission - shall be published in the Town of Sudbury Annual Report under the same standards and editorial policies as are the Annual Reports submitted by the Town Boards and Committees."; or act on anything relative thereto.

Submitted by Petition.

Bob Sheldon, Member of Water Resources Protection Committee, moved in the Words of the Article: The motion received a second.

The Water Resource Protection Committee reports to the Sudbury Water District. Sudbury Water District is a separate entity from the town government, chartered in 1934. The committee was created to establish some coordination among the different boards with regards to protecting our drinking water supply. Approval of this article will allow the committee to report in the Town's Annual Report as well as the Water District's Annual Report.

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

Board of Selectmen Report: The Selectmen supports this bylaw.

The motion under Article 50 was UNANIMOUSLY VOTED.

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ARTICLE 51. RESOLUTION: ECONOMIC DEVELOPMENT COMMISSION

To see if the Town will vote to pass a resolution to request the Selectmen to establish an Economic Development Commission to solicit businesses and housing that do not put a greater burden on the town budget than they bring to the Town in taxes; or act on anything relative thereto.

[A vote under this article is only as a non-binding resolution.]

Submitted by Petition.

Mariann D'Angelo, League of Women Voters, moved in the Words of the Article. The motion received a second.

Ms. D'Angelo stated the purpose of the article was to urge the Selectmen to support establishing an Economic Development Commission. In recent years, those dealing with town finances have been concerned that residential growth has not been paying for itself. That is, the taxes paid on the average home in Sudbury do not cover the cost of services required by that same average home. Difficulty paying for required services is not a new problem but there have been changes in recent years that complicated the problem.

In addition to expected increases in the town's operating budget, we have heard from the Investments Priorities Committee that we should anticipate the need of approximately \$20,000,000 in capital expenditures over the next five years. We need a new facility for the department of Public Works, extraordinary maintenance on the K-8 schools, renovation of the Flynn Building, expansion of the Goodnow Library, capacity expansion of the K-8 schools, and renovation of Rogers Theater. It appears that the financial issues facing our town are not going to get any easier in the foreseeable future. We are calling upon the Selectmen to appoint an active Economic Development Commission to explore ways to enhance the business climate in Sudbury, address town demographics and find ways to keep "empty nesters" in the community. Success in these efforts would help to redress the imbalance between commercial and residential contributions to the tax base, and would provide revenue to support the services required by a growing population.

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

Board of Selectmen Report: Maryann Clark stated that for the past year the Selectmen have been advocating for a growth management plan. However, the issue of finding and appointing a Town Manager took priority and longer than anticipated. Now that we have our Town Manager in place, the Selectmen, with the Town Manager, would like to take the lead in formulating a growth management plan. The Selectmen do not believe that you can isolate or restrict yourself to just an economic development commission as Article 51 suggests. Economic growth is one element of growth management. It needs to be a part of the total plan for Sudbury. If emphasis is put on economic growth, we will create another imbalance for the town.

Ms. Clark presented a motion to Indefinitely Postpone. The motion received a second.

The motion to Indefinitely Postpone was defeated.

Planning Board Report: Bill Cossart, announced that all members of the Planning Board support this Article.

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Ursula Lyons, Wayside Inn Road, supported the Selectmen's position.

Ralph Tyler, Deacon Lane, urged support of the Town Manager and Selectmen to lead this effort.

Bob Graham, member of the Long Range Planning Committee, stated that one of the things that impressed him was the lack of coordination and focus that we already have given the number of committees that we have. People should think twice before we set up another additional committee.

Curt Garfield, Woodside Road, stated that as the Town Historian, it is sort of ironic that he happened to be doing research on the Industrial Development Commission that was established back in the 1950's . They brought Raytheon Corporation into town but they also brought in Sperry Rand-R&D that was here for many years. We don't need to add another layer to the bureaucracy. There are steps that we can take that will help to solve this problem. One of them is to charge the same tax rate to industry as we do to residential. The other is to take steps to see that people that cost the town more money pay their way a little bit more. The seniors in this town or the empty nesters should not have to subsidize, to a great degree, kids in school and things like that.

The motion under Article 51 was defeated.

ARTICLE 52. CREATE BYLAW - TRAFFIC CONTROL

To see if the Town will vote to amend the Town of Sudbury Bylaws by adding thereto a new section, to be numbered by the Town Clerk, entitled "Traffic Control", as set forth below.

"TRAFFIC CONTROL

SECTION 1. DEFINITIONS. As used in this Bylaw, the following words shall have the following meanings unless context requires otherwise:

- a. "Company" shall mean any natural person, business, partnership, corporation or other organization, entity or group of individuals, including public service corporations, cable companies and other utilities doing business in the Commonwealth of Massachusetts.
- b. "Governmental Body" shall mean any agency, department, bureau, public authority, public body corporate and politic and all parts of the government of the Town of Sudbury.
- c. "Flagger" shall mean any natural person, corporation and/or other entity employed and/or retained by a Company and/or governmental body recognized as traffic control devices in the Manual of Uniform Traffic Control Devices as published by the United States Department of Transportation and/or the Federal Highway Administration and their successor agencies, as the same may be amended from time to time.
- d. "MUTCD" shall mean the Manual of Uniform Traffic Control Devices as published by the United States Department of Transportation and/or the Federal Highway Administration and their successor agencies, as the same may be amended from time to time.
- e. "Private Detail" shall mean the unusual situation in which only the services of a police officer is deemed to be necessary by both the Chief of Police and the Company and/or governmental body engaged in performing work within the traveled portion of the way on any public and/or private street, road, highway and/or way where the location of the work would expose the workers and/or the motoring public to great danger which could not be adequately addressed without a private detail. The term "private detail" includes, but is not limited to, those situations in which police officers are engaged to work at construction sites and utility work sites, except where the police officers do this as part of their regular duties. The term "private detail" excludes all work performed by flaggers to direct and/or assist in the flow of traffic and all situations in which a company, governmental body and/or the Town take responsibility for traffic direction and/or assistance in the flow of traffic, whether using warning devices, their own employees or flaggers.
- f. "Town" shall mean the Town of Sudbury and all of its departments, agencies, boards and their respective employees and agents and the Sudbury Water District.
- g. "Way" shall mean any public and/or private street, road, highway and/or way within the Town of Sudbury.
- h. Number and Gender - Within this Bylaw, the singular shall be deemed to be the plural, the plural shall be deemed to be the singular and the feminine, masculine and neuter shall be deemed to include each other for the purposes of this Bylaw.

SECTION 2. STATEMENT OF PURPOSE. The purpose of this Bylaw is to eliminate or substantially reduce the use of private details. The Town believes that the safety of those who work in or near its ways and the safety of the traveling public can adequately be protected by the use of barriers such as cones, barrels, signs, electric devices and by flaggers, except in extraordinary circumstances. The Town's goal is to reduce the costs to its citizens, both as taxpayers and as utility rate payers.

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SECTION 3. TOWN WORK. Whenever employees of the Town work in or near any public and/or private way and it is deemed necessary to provide them with assistance to direct traffic or protect the workers, the Town shall use the least expensive method for such work which is approved by the MUTCD. No traffic control devices need to be used unless employees of the Town must actually work in the traveled portion of the way. Cones, barrels and signs may be used in the discretion of the town official having responsibility for the work. When Town employees must actually work in the traveled portion of the way, but do not obstruct that way, and when the work is during the day and in an easily visible area, then traffic control and direction shall be done exclusively with cones, barrels, signs and electric warning devices, whether on vehicles or otherwise. When Town employees must actually work in the traveled portion of a way and their work will either obstruct that way or is to be done in an area of limited visibility or is to be done at night, then traffic control and direction shall be accomplished by the use of flaggers, either employed by the Town or hired from a private company as well as by the use of cones, barrels, electric warning devices as the head of the Town department whose employees are working may direct. Private details shall only be used in the unusual situation where no other method of traffic control or direction approved by the MUTCD is available and both Police Chief and the head of the department employing the workers both certify in writing, in each instance, that private details must be used. In each instance where such a written certification is given, it shall be filed with both the Town Treasurer and the Town Clerk within fourteen (14) days of the certification.

SECTION 4. WORK BY UTILITIES AND PRIVATE CONTRACTORS. Whenever employees of any company, public utility and/or private contractor work in or near a public and/or private way and it is deemed necessary to provide them with assistance to direct traffic or protect the workers, the company, public utility and/or private contractor may use the least expensive method for such work which is approved by the MUTCD. No traffic control devices or personnel need to be used, or may be required, unless the workers must actually work in the traveled portion of the way. Cones, barrels and signs may be used in the discretion of the company, public utility and/or private contractor having responsibility for the work. When employees must actually work in the traveled portion of the way, but do not obstruct that way, and when the work is during the day and in any easily visible area, then traffic control and direction shall be done exclusively with cones, barrels, signs and electric warning devices, whether on vehicles or otherwise. When employees must actually work in the traveled portion of a way and their work will either obstruct that way or is to be done in an area of limited visibility or is to be done at night, then traffic control and direction shall be accomplished by the use of flaggers, either employed by the company, public utility and/or private contractor or hired from a private company as well as by the use of cones, barrels, electric warning devices as the company, public utility and/or private contractor whose employees are working may direct. Private details shall only be used in the unusual situation where no other method of traffic control or direction approved by the MUTCD is available and both the company, public utility and/or private contractor employing the workers and the Police Chief both certify in writing, in each instance, that it is essential private details must be used. In each instance where such a written certification is given, it shall be filed with both the Town Treasurer and the Town Clerk within fourteen (14) days of the certification.

SECTION 5. NON-INTERFERENCE. No employee, agent, officer or public official of the Town of Sudbury may interfere with, delay, impair, restrict or hinder work done in or near ways in the Town when traffic is being directed, supervised and/or controlled or the workers protected by the use of cones, barrels, signs or flaggers. No employee, agent, officer or public official of the Town of Sudbury may, directly or indirectly, condition the issuance of any permit, license or authority to work in or near the ways of the Town upon the use of private details.

SECTION 6. SEVERABILITY. In the event that any portion of this Bylaw shall be deemed to be legally invalid, then the remaining portions shall remain in full force and effect as if they were separately enacted pursuant to the purposes set out above. In the event that any portion of this Bylaw shall be deemed unenforceable because of any statute or union contract, then the remaining portions shall remain in full force and effect as if they were separately enacted pursuant to the purposes set out above. If the enforcement of any portion of this Bylaw is delayed because of the existence of a union contract, then that portion of the Bylaw, the enforcement of which has been delayed, shall take effect automatically upon the expiration of such union contract.”;

or act on anything relative thereto.

Submitted by Petition.

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Hank Sorett, Longfellow Road, moved in the Words of the Article with the exception that Section 5 as printed in the Warrant be replaced by the following:

Section 5: Non-Interference: No employee, agent, officer or public official of the Town of Sudbury may interfere with, delay, impair, restrict or hinder work done in or near ways in the Town when traffic is being directed, supervised and/or controlled or the workers protected by the use of cones, barrels, signs or flaggers, provided, however, nothing contained herein shall prevent the police from taking such actions as they are otherwise authorized to take under the laws of the Commonwealth when, in the judgment of the supervising officer then in command of the police station, this is necessary. This authority shall not be used as a pretext to interfere with, delay, impair, restrict or hinder work being done without a private detail. In each instance when this authority is exercised, it shall promptly be reported in writing to the Town Manager. No employee, agent, officer or public official of the Town of Sudbury may, directly or indirectly, condition the issuance of any permit, license or authority to work in or near the ways of the Town upon the use of private details.

The motion received a second.

Mr. Sorett asked the Hall to accept this bylaw which will substantially reduce and hopefully eliminate a practice known as private details. This practice involves having police officers, wearing their uniform, stand around construction sites being paid time and a half plus ten percent at a cost of approximately \$25 per hour. Adopting this bylaw will save us money and reduce our future liability exposure substantially. There are four reasons to adopt this bylaw. The first is an important public policy issue—we have created a police department because we want to protect the lives and safety of the people who live in the Town and the property of the people who live in the Town. What we have developed is a very different kind of system and it impairs that first important goal. Ours is a society governed by the rule of law. It depends to a substantial extent on the citizens respect for the law and their respect for those we hire to enforce it. Whenever we allow a practice to exist which causes disrespect for those who are responsible for enforcing the law we harm the core fabric of the very rule of law itself. The detail system is such a scheme.

The liability risk is the most powerful financial argument for passing this article. If a police officer doing a detail, working for himself not the Town is injured in the course of the detail, the officer is entitled to be paid full pay and all of his medical expenses until he/she returns to duty. This cost is born by the taxpayer and not by the utility or contractor who hired the detail.

The system is poorly run. We have a system that runs without accountability. There is no audit, there is no oversight or paper trail. There is no clean place to start an audit. The individual police officer is paid within the next payroll cycle after he or she does the detail. The contractor, utility or agency is not invoiced until after that and does not pay that bill until 30, 60 or 90 days later. So the Town covers the float between the time the officer is paid and the time the town is paid.

Because of the public policy problem, the discredit the system brings upon the respect which we must teach our children for the law, the liability risk, the needless cost and sloppy administration, he urged the Hall to adopt Article 52.

Mr. Sorett then made a motion for a secret ballot. The motion received a second.

Larry Blacker, Board of Selectmen, spoke against a secret ballot. He stated that our police are professionals and to suggest that the police are here writing down names of all those who might vote for this article so as to give them tickets is a real disservice to our police force.

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Martha Coe, Churchill Street, stated that with secret ballots there is no way to call for a recount.

As no one else wished to be heard on the motion for a secret ballot, the Moderator asked all those in favor of a secret ballot to raise their cards. All those opposed. **The motion failed.**

The Moderator announced that we are now back to the main motion under this Article.

Finance Committee Report: The Finance Committee took no position on this article. They stated that this is a contract issue. The contract takes precedence over any bylaw change, therefore the FinCom recommends that these issues be addressed during the 1998 contract negotiations.

Board of Selectmen Report: The Selectmen opposed this Article. The Article does raise some public policy issues. Details in Sudbury are brought about, in most instances, when the group that needs a detail believes they need a detail.

Police Chief, Peter Lembo, stated that this Article as presented is painted with a very broad brush. The companies ask for detail in traffic control. We do not have a bylaw and we do not force anybody to have a private detail. We have never had a complaint about forcing details. We have never had a shortfall in the detail account. He urged support for the police department.

Sgt. Todd Eadie, Police Department, stated that problems do exist in the detail system. However, these problems do not exist in Sudbury. The Town Accountant has said that since the Town started charging 10% administrative fee the floating fund has been in the black, costing the Town nothing. At this time all the utilities and contractors accounts are paid up. The Town might save a few thousand dollars by not using police officers for directing traffic at highway department work sites but what about the potential for law suits against the Town in which one of their workers, while directing traffic, gets injured. Highway workers have no formal training in directing traffic. He asked the Hall if we might not face the least legal exposure by using a trained, uniformed police officer over a flagman or cones.

The benefits of using a uniformed police officer at detail sites are first, they come out of the academy and have training and experience in traffic control. Most of the officers that are doing details have been doing this for years. All have emergency first aid and CPR training. They have knowledge of the local roads and traffic patterns, which is very important. They have radio contact with the police, fire and the highway department from their portable radios. When people are driving, a uniformed police officer does present somewhat of a visual deterrent to some people. There is also a benefit as to being able to spot vans of undesirable people while on a detail, and perhaps prevent a robbery. The last point is public accountability. If you have a problem with a flagman directing traffic, who are you going to complain to--the company in New Bedford or wherever they might be, or do they really care?

Garrot Mahoney, National Representative with the International Brotherhood of Police Officers, stated that the IBPO considers the proposed bylaw to be an exercise in futility as it is unenforceable due to its conflict with the collective bargaining agreement. Any attempt by the Town to alter any practice concerning the utilization of private details as a result of the proposed bylaw will result in a grievance or an unfair labor practice charge or both being filed by the IBPO. In addition, the IBPO expects the Board of Selectmen to fulfill its obligation, which they have done, as a party between the collective bargaining agreement between the Town and the IBPO to formally object to the proposed bylaw at Town Meeting and to inform the Town Meeting voters that the bylaw is unenforceable and that the adoption of the bylaw would be an exercise in futility. The IBPO Local 315 and the National itself has had an excellent relationship with the Chief and with the Town over the years and they would like to keep this very good relationship.

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George Sharkey, Haynes Road, spoke against Article 52 and in favor of the hard working members of the Sudbury police force. Mr. Sharkey stated that the average person sees a police officer when he/she brings a legal document to his home or place of business, when we are stopped for a traffic violation or under some other unpleasant circumstances. These are not situations which encourage us to vote in favor of any article which are favorable to these men and women. I hope we will be objective before we decide how we will vote on this article which will affect the lives of these men and women. In Article 52 we are asked to deprive, even to take away from, a police officer the only means he has of earning extra money which does not come from the taxpayer. He urged defeat of Article 52.

Donald Oasis, Willis Road, also spoke against Article 52.

Edward Sooper, Churchill Street, urged defeat of this Article for three reasons. The first is the safety of our citizens. He stated that when he sees a police officer he slows down; he does not slow down for cones or a flagman. The second reason is financial. We have a group of underpaid people. They have an opportunity to bring in a little extra money and they do the job well. The third issue is it doesn't cost us any extra money.

As no one else wished to be heard, the Moderator called for a vote.

The motion under Article 52 was defeated.

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ARTICLE 53. COMPUTER NETWORK

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$150,000, or any other sum, to be expended under the direction of the Town Manager, for the purpose of purchasing and installing a wide area computer network to link all municipal buildings; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Petition on behalf of the Computer Advisory Committee.

Mary Ellen Dunn, Computer Advisory Committee, moved to Indefinitely Postpone Article 53.

The reason for Indefinitely Postponing the Article is multi-faceted. The first question you may ask is why did this Article even get to the 1996 Warrant. The Town of Sudbury Organization Management Report by the Mass Municipal Association published in October 1993 gave 16 separate references in their study to computer technology, all of them dealing with the Town needing to take several actions. Tonight is presentation of Item no. 5 which is to have the Computer Advisory Committee update the Town's plan and present it to appropriate officials. Between October 1993 and February 1994, Town employees organized and received a Charter from the Board of Selectmen to start addressing the issues raised by the MMA study. From 1994 thru November 1995 the Computer Advisory Committee met monthly to discuss and work toward addressing technology needs. The increasing power of computers, software and their linkages in local, national, and international networks is creating a revolution in the way information flows within and between departments and has added both flexibility and complexity to the procedures used to provide government services. The enhancements to computer technology have resulted in new ways of collecting, storing and analyzing information. Recent advances in imaging and indexing systems, allows more and more information to be maintained in quickly accessible formats, reducing the costs and space required to store information and the effort required to retrieve it.

It's important for the Computer Advisory Committee to understand that the successful use of powerful tools call for a sharing and adaptive attitude. The Committee is focused on sharing ideas and experiences and hearing what others have learned and in examining how we can use technology to make the process of providing government services more efficient and effective. It is the request of the Committee to Indefinitely Postpone Article 53 to allow adequate time to allow for public comment on the Technology Management Plan and time for the Committee to compile a financing schedule of multiple funding sources.

Finance Committee Report: The Finance Committee supported Indefinite Postponement.

Board of Selectmen Report: The Selectmen supported Indefinite Postponement.

The motion to Indefinitely Postpone Article 53 was UNANIMOUSLY VOTED.

April 22, 1996

ARTICLE 54. GOODNOW LIBRARY REVOLVING FUND [CONSENT CALENDAR]

Move to authorize for Fiscal Year 1997, the use of a Revolving Fund 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 funds to be maintained as a separate account, pursuant to Massachusetts General Laws, Chapter 44, Section 53E1/2, and expended under the direction of the Trustees of the Goodnow Library; the amount to be expended therefrom shall not exceed the sum of \$1,400.

Submitted by Petition on behalf of the Goodnow Library Trustees.

GOODNOW LIBRARY TRUSTEES REPORT: This fund was first approved by Town Meeting for FY92 and has been approved again, as required by state law, each subsequent year. The Trustees request that this fund be endorsed by Town Meeting for FY97. 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 six months of FY96, the fund has generated \$480.

BOARD OF SELECTMEN POSITION: The Board of Selectmen supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

The motion under Article 54 was UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE. (Consent Calendar)

April 22, 1996

**ARTICLE 55. AMENDMENT TO THE "ACT ESTABLISHING A BOARD OF SELECTMEN-
TOWN MANAGER FORM OF ADMINISTRATION IN THE TOWN OF SUDBURY" -
LIMIT TERMS OF SELECTMEN**

To see if the Town will vote to petition the Great and General Court of the Commonwealth of Massachusetts to enact special legislation amending Chapter 131 of the Acts of 1994, in particular

Part III, Section 5(a), by adding at the end thereof: "No Selectman shall serve for more than two consecutive terms at any one time. Nothing contained herein shall prevent a Selectman from seeking additional terms so long as there has been at least one year since he or she has held the office of Selectman."; or act on anything relative thereto.

Submitted by Petition.

Donald Oasis, Willis Road, moved in the Words of the Article. The motion received a second.

Dr. Oasis stated that this article would in fact impose term limits on members of the Board of Selectmen. This article would not affect the three sitting Selectmen and he was not in favor of limiting terms for any other elected position. He stated he thinks that time limits are beneficial to the democratic way and are in the best interest in the Town of Sudbury.

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

Board of Selectmen Report: The Board of Selectmen took no position.

Long Range Planning Committee: The Committee took no position.

Edward Sooper, Churchill Street, urges defeat of this Article. We already have term limits. The term for Selectmen is three years and then we the people get to vote and judge on the performance of the Selectmen. If, for some reason, the Town keeps voting for the same people, it must be that they are happy with the way they do the job.

Joseph Kline, Stone Road, opposed the Article. It takes two to three years before you truly understand the job. Limiting to two terms means three years of learning and three years of doing and then you throw everything away.

Steve Meyer, Axdell Road, opposed the Article and stated that there is no evidence that leaving a space vacant in a town board or elected position attracts anybody to run for that position. If someone is doing a good job, they get re-elected.

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Robert Coe, Churchill Street, opposed the Article. At a time when we were considering a Town Manager form of government, there was concern putting so much power in the hands of one man. The way around this was that the Selectmen would be held accountable. If we start churning the Board of Selectmen, it is going to be more difficult to hold the Selectmen responsible for the actions of the Town Manager. If we don't like what the Selectmen do we can always vote them out but we don't have the option of leaving them in there if we do like what they do if this Article passes.

Linda Wallace, League of Women Voters, reported that the League is not in favor of this Article simply because we already have term limits; they are our elections. Also, there are no great advantages to an incumbency especially at a local level, there is no such thing as campaign war chests that are amassed. Running for a local office is a very easy process and it is not an expensive one either.

The Motion under Article 55 was defeated.

April 22, 1996

ARTICLE 56A. TRANSFER LAND AT POWERS/POWDER MILL ROADS INTERSECTION FOR PURPOSE OF SALE

To see if the Town will vote to transfer the care, custody, management and control of the property located at the southeasterly intersection of Powers and Powder Mill Roads, shown on "Plan of Powder Mill Road in the Town of Sudbury Prepared by the Town of Sudbury Engineering Department James V. Merloni, P.E., R.L.S. - Town Engineer Date: August 30, 1982", consisting of the lot labeled "Unnamed 'Public Way'" and the lot northwesterly of said "Unnamed 'Public Way'" labeled "Victoria Micelli", from the Board of Selectmen to the Selectmen for the purpose of sale; or act on anything relative thereto.

Submitted to facilitate the following Petition.

Patricia Simmons, Powder Mill Road, moved to Indefinitely Postpone Article 56A. The motion received a second.

The petitioners decided that a title search rather than bringing this Article to Town Meeting is the best way to handle this situation.

Finance Committee Report: The Committee took no position.

Board of Selectmen Report: The Selectmen supported Indefinite Postponement.

The motion to Indefinitely Postpone Article 56A was VOTED.

April 22, 1996

ARTICLE 56B. CONVEY LAND TO ABUTTER - POWERS/POWDER MILL ROADS INTERSECTION

To see if the Town will vote to authorize the Selectmen to convey to Michael and Patricia Simmons property located at the southeasterly intersection of Powers and Powder Mill Roads, shown on "Plan of Powder Mill Road in the Town of Sudbury Prepared by the Town of Sudbury Engineering Department James V. Merloni, P.E., R.L.S. - Town Engineer Date: August 30, 1982", consisting of the lot labeled "Unnamed 'Public Way'" and the lot northwesterly of said "Unnamed 'Public Way'" labeled "Victoria Micelli", part and parcel of the Micelli property owned by Michael and Patricia Simmons of 4 Powder Mill Rd., Sudbury, MA; or act on anything relative thereto.

Submitted by Petition.

The Moderator announced that we would Pass Over Article 56B which was dependent upon the passage of 56A.

ARTICLE 20. RELEASE AGRICULTURAL PRESERVATION RESTRICTION

To see if the Town will vote to authorize the Selectmen and Conservation Commission, acting on behalf of the inhabitants of the Town, to release the Agricultural Preservation Restriction on 27.70 acres of land shown as Parcel 300 and Parcel 020 on Town Property Map G09, being recorded in Middlesex South Registry of Deeds Book 24441, Page 463; and to refer the matter to the Great and General Court of the Commonwealth for their vote to release, if necessary; or act on anything relative thereto.

John Bartlett, Boston Post Road, moved to authorize the Selectmen and Conservation Commission to release the Agricultural Preservation Restriction on 27.70 acres of land shown as Parcel 300 and Parcel 020 on Town Property Map G09, being recorded in Middlesex South Registry of Deeds, Book 24441, Page 463; and to refer the matter to the Great and General Court of the Commonwealth for their vote to release, if necessary.

The motion received a second.

Mr. Bartlett stated that it almost seems that many town boards and some of the officials have lost or lack a sense of purpose and/or direction. Why does the Planning Board say it has no interest in cemetery needs? Why did the Planning Board and Conservation Commission deliberately block access to Parcel 100? Why did we have to put up substantial money to protect Parcel 100? Parcel 300 and Parcel 020 property is not the only properties that we have that was subject to abuse of power. No townspeople have the right to trespass or use Parcel 300 or Parcel 020. The six acres we have offered would likely be of greater benefit to the Town. It is doubtful that the existing restriction is enforceable. The Town was wrong in blocking Parcel 100 and we believe the right thing is for the Town to remove this restriction even without the offer of six acres for the cemetery. Our offer will terminate unless Article 20 is passed at this meeting. The passing will not guarantee the elimination of all legal necessities but it would greatly reduce the likelihood. We ask that you decide which is more important, a restriction which gives you no rights or access to property or six acres of land to be added to the cemetery. If this is not passed we will need to proceed with other action to clarify the legal status of these properties. All we are really trying to say is we are holding out an offer to give the town six acres towards the cemetery.

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

Board of Selectmen Report: (Lawrence Blacker) The Selectmen strongly oppose this Article. This Article is about property that has a conservation restriction put on it which Town Counsel, myself and others believe is enforceable. It was put on by a prior owner as part of an entire negotiation with the Town. Land was transferred to the Town for cemetery purposes and a restriction was put on. The petitioner purchased the land with the restriction on it. The petitioners now would like to have the restrictions removed so they can either a) have access or better access or something more than they had before to certain lands so as to be able to develop it and if you take the restrictions off lot 020 and 300 that land can be developed. To come in after the fact and to suggest that somehow this should be done for reasons I don't know. If the petitioner was not happy with the land with the restriction on it he never should have bought it. I would ask that the townspeople vote against it. This is one way we can slow development.

Planning Board Report: (John Rome) In the Warrant there is a map of the area under discussion. The map shows a development on Codman Drive and shows that at the bottom of the map a road going in near New Town cemetery. He explained that the previous owner of the land came before the Planning Board with two things in mind. They wanted to develop Codman Drive which required a road that went a longer distance than the roads permitted by our rules and regulations. They also wanted to put in a street next to the parcel which says New Town cemetery but they did not want to construct that road. They wanted to put in a so-called paper street in order to get frontage for a piece of property. In return they offered two things. They were giving land to the Town for cemetery purposes and they offered to put an agricultural restriction on parcels 020 and 300. The Planning Board did not impose this as a requirement but they offered to do this and we accepted that proposal. We approved the subdivision shown at the top of the map and the paper street. The Planning Board was pleased as it gave cemetery land to the Town and took out of the market the large parcel of land

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on which an agricultural restriction was placed. When Mr. Bartlett came before the Board for the public hearing for this Town Meeting, we were somewhat sympathetic about his not having access to some of the land towards the bottom of the map and we suggested to him that rather than attempt to eliminate all of the agricultural restriction that he bring a proposal in which he outlined a much lesser proposed road that would give him access to his lower property. He was unwilling to do this and said that unless we went ahead with this whole proposal the Town was not going to receive any more cemetery land. The Planning Board unanimously requests that you turn down this motion.

Conservation Commission Report: (Bridget Hanson) The Commission strongly opposed this Article. On the first night of Town Meeting you heard many speakers saying how important it is to protect open space in Sudbury and preserve town character. The agricultural preservation restriction does exactly that. It permits certain use of the land—farming and prevents other things like building houses. The previous owner placed the restriction on the land at the time when development was happening on other parts. He sold the property—the new owner wants the restriction removed. The Conservation Commission and the Selectmen met with the Petitioner to see what he was looking for. In the past there never was any easement—parcel 100 has always been a landlocked parcel. It is reasonable to want access to your land and we suggested and the Selectmen suggested that we rewrite the APR to make a little easement or roadway that would pass behind the cemetery but that didn't satisfy the petitioner. At the time that the deed was recorded—a technicality wasn't done right—the deed clearly has the restriction on it but all the "i's" weren't dotted and the "t's" weren't crossed and that's the kind of blot on the title that an owner doesn't want. We said 'why don't we rewrite the APR and re-record it and put in the easement to get to parcel 100 and it will be fine. But that didn't satisfy him either. He wants you to release the entire parcel and I think that's a bad deal for the town. APRs are important for Sudbury—they will preserve the historic farming character of the town, they are important for preserving wildlife habitat. Of the land that is presently zoned or taxed for agriculture in Sudbury only 20 percent of it has any kind of APR or preservation on it. If anything, we need more APRs not fewer. We need to protect open space, we need to preserve what we have and we ask you to defeat this article.

Bill Duckett, Boston Post Road, Funeral Director, stated that currently at New Town Cemetery there may be two, possibly four graves available for purchase. He questioned what the potential availability is for future burial in New Town and approximately how many years we will have graves available at Wadsworth Cemetery and the very small cemetery, New North, on Pantry Road.

Bob Noyes, Highway Surveyor, addressed the questions raised. He said it was very difficult to estimate the number of graves that will be sold in a given year. The town currently has 31 four grave lots available in Wadsworth and New North has 33 four grave lots and 8 two grave lots. The new section we just obtained is probably going to be limited to cremations. It would be an advantage to the Town to own the Bartlett land. Otherwise, we may have to rely on some of the conservation land the town has been picking up over the years. We have approximately 50 deaths a year—its pretty difficult to predict.

Bill Duckett made a motion to Indefinitely Postpone this article.

The motion received a second.

Several residents spoke regarding the motion both for and against.

The motion to Indefinitely Postpone was defeated.

Mr. Bartlett spoke in depth regarding the history of the property and problems he has had regarding this property. He said they are prepared to give the town six acres for the cemetery to reduce this kind of a legal problem.

Steve Meyer, Conservation Commission, said that the fact remains that the owner of this property originally proposed the agricultural preservation restriction. The APR serves a very important public function. It is true, it is not public land, you can't go walk on it. It maintains open space, it keeps agriculture in town, it prevents the kinds of impacts we see--roadways and pollution and stormwater runoff and flooding. It prevents the town from picking up those costs. It was a negotiated deal and it worked out very well and he pointed that

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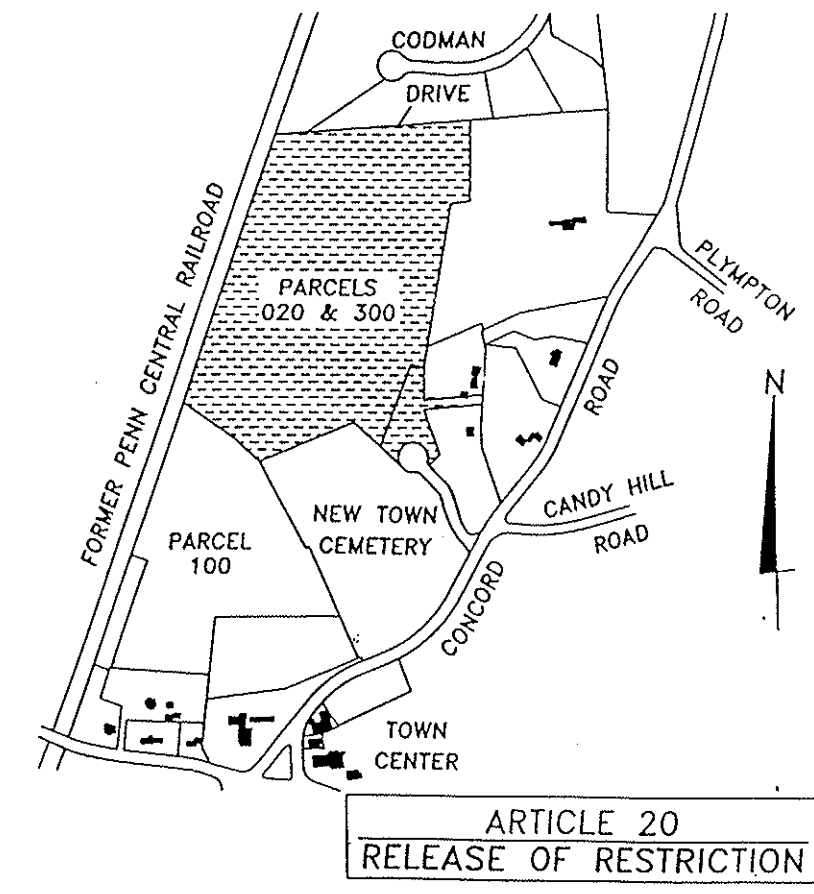
Conservation offered time and again to fix the title problem--fix the access to the other parcels; it can be done, the agreement is totally legal. The agreement is good for 30 years. He urged the hall to keep it in place ; it's important for open space, its important for all the negotiated agreements they have had with developers throughout the history of this town.

Patricia Bellows, Juniper Road, urged support of this article. We have old timers who have lived here since before World War II and owned property. Mr. Bartlett and this particular property comes under that. We come in and want conservation land. There is a lot of conservation land in this town and I dare you to find it. They are landbanking land that you and I can't get to but we pay for it. It comes off the tax rolls. That objection was brought to the attention of the Conservation Commission at the hearing for Codman Road. The fact that that area floods was brought to their attention when they wanted to develop Codman Road. We were against cluster zoning. I think the people who live in this town and own land should be given a chance to use their land. By taking this away and not allowing access to this land, which was not landlocked originally, only because they have redone all the lots back there from the farm land that was there, you lock him in.

There was a motion for the question---it received a second.

A clear two-thirds voted to terminate debate.

The main motion under Article 20 was presented to the voters and defeated.



April 22, 1996

TOWN COUNSEL OPINIONS:

It is the opinion of Town Counsel that, if the Bylaw amendments proposed in the following articles in the Warrant for the 1996 Annual Town Meeting are properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed changes will become valid amendments to the Sudbury Bylaws:

Article 15	Amend Art. I.1	Town Meetings
Article 16	Amend Art. III.9	Town Affairs
Article 17	Amend Art. XVII.2	Wiring Permit Fees
Article 18	Amend Art. XIX.1	Appoint Tree Warden
Article 19	Amend Art. XI	Personnel Administration Plan
Article 49	Create Bylaw	Upper Hop Brook Protection
Article 50	Create Bylaw	Water Resources Protection Committee
Article 52	Create Bylaw	Traffic control

It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in the following articles in the Warrant for the 1996 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 7	Amend Art. IX. I,III,IV,V	Attached Single Family Housing Development for Persons Age 55 and Over
Article 8	Amend Art. IX	Designate Attached Single Family Housing

District Parcel


Article 41	Amend Art. IX. I,III	Assisted Care Facilities
Article 42	Amend Art. IX. III	Medical Centers, Nursing Homes and Assisted Living Residences
Article 43	Amend Art. IX. V.D	Signs and Advertising Devices
Article 44	Amend Art. IX. III.C.2.a	Permitted Uses, Industrial Districts
Article 45	Amend Art. IX. III.C.2.c	Permitted Uses, Industrial Districts
Article 46	Amend Art. IX. I & III	Flood Plains

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

The Meeting was dissolved at 10:45 p.m.

Attendance: 192

Respectfully submitted,


Kathleen D. Middleton
Town Clerk

SPECIAL TOWN ELECTION
MAY 20, 1996

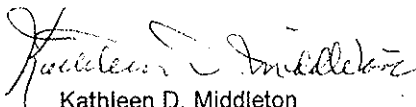
The Special Town Election was held at two locations. Precincts 1 & 2 voted at the Fairbank Facility on Fairbank Road and Precincts 3 & 4 voted at the Loring School on Woodside Road. The polls were open from 7 a.m. to 8 p.m. There were 2,234 votes cast, including 153 absentee ballots representing 22% of the Town's 9,971 registered voters. The results were announced by the Assistant Town Clerk at 9:15 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 or make or make extraordinary repairs to and purchase additional equipment for the Curtis Middle School, the Haynes Elementary School, and the Noyes Elementary School, including facility repairs, sky light repairs, restroom repairs, furniture replacement, and other building improvements including paving of parking lots and playgrounds, and all expenses connected therewith.

	YES	NO	TOTAL
PCT. 1	463	158	621
PCT. 2	357	225	582
PCT. 3	345	203	548
PCT. 4	250	233	483
TOTAL	1415	819	2234

A true record, Attest:


Kathleen D. Middleton
Town Clerk

**State Primary
September 17, 1996**

The State Primary was held at two locations. Precincts 1 & 2 voted at the Fairbank Community Center on Fairbank Road and precincts 3 & 4 at the Town Hall on Concord Road. The polls were open from 7 a.m. to 8 p.m. There were 983 votes cast representing 9.8% of the town's 10,006 registered voters. There were 344 Democratic votes cast, 635 Republican and 4 Libertarian. The final tabulation of votes was done at the Town Hall.

DEMOCRATIC BALLOT PCT.1 PCT.2 PCT.3 PCT.4 TOTAL

Senator in Congress

John F. Kerry	71	88	61	82	302
Blanks	8	8	9	12	37
Write-in	-	2	2	1	5

Representative in Congress

Martin T. Meehan	67	89	62	85	303
Patrick M. Raymond	9	3	7	6	25
Blanks	3	6	3	4	16
Write-in	-	-	-	-	-

Councillor

Cynthia Stone Creem	54	71	46	58	229
Blanks	25	27	26	36	114
Write-in	-	-	-	1	1

Senator in General Court

Susan Fargo	63	81	56	71	271
Blanks	16	17	16	23	72
Write-in	-	-	-	1	1

Representative in General Court

Russell A. Ashton	55	69	44	66	234
Blanks	24	29	27	29	109
Write-in	-	-	1	-	1

Register of Probate

Robert B. Antonelli	11	13	4	10	38
John J. Buckley	2	3	5	9	19
Francis X. Flaherty	6	4	2	12	24
Diane Poulos Harpell	15	24	16	11	66
Marie E. Howe	5	14	3	1	23
Joyce E. Hurley	6	13	16	9	44
Ronald A. MacDonald	2	1	-	1	4
Wanda M. Milik	11	7	9	14	41
Blanks	21	19	17	28	85
Write-in	-	-	-	-	-

County Treasurer

James E. Fahey, Jr.	48	60	36	43	187
Warren R. McManus	12	8	10	16	46

Blanks	19	30	26	36	111
Write-in	-	-	-	-	-

County Commissioner*

(vote for two)

Thomas J. Larkin	30	30	24	29	113
Melissa Hurley	11	13	14	13	51
James P. Kennedy	6	9	4	10	29
Eleanor A. McGarry	8	21	7	12	48
Joseph W. Mullin	36	40	30	30	136
Edward J. Sullivan	3	8	6	14	31
Blanks	64	75	59	82	280
Write-in	-	-	-	-	-

Sheriff

James V. DiPaola	18	12	14	18	62
Leonard H. Golder	23	34	20	24	101
Edward J. Kennedy, Jr.	12	22	16	21	71
Edward J. Rideout	3	6	7	9	25
Blanks	23	24	15	23	85
Write-in	-	-	-	-	-

REPUBLICAN BALLOT PCT.1 PCT.2 PCT.3 PCT.4 TOTAL

Senator in Congress

William F. Weld	125	124	109	149	507
Blanks	33	26	20	40	119
Write-in	-	1	7	1	9

Representative in Congress

No Candidate					
Blanks	150	145	130	184	609
Write-in	8	6	6	6	26

Councillor

No Candidate					
Blanks	153	149	134	186	622
Write-in	5	2	2	4	13

Senator in General Court

Hasty Evans	120	127	102	147	496
Blanks	36	24	33	43	136
Write-in	2	-	1	-	3

Representative in General Court

MaryAnn K. Clark	75	81	64	87	307
Susan W. Pope	80	67	67	98	312
Blanks	3	3	5	3	14
Write-in	-	-	-	2	2

Register of Probate

Donna M. Lambert	86	94	80	106	366
Blanks	72	57	56	82	267
Write-in	-	-	-	2	2

County Treasurer

No Candidate					
Blanks	153	146	133	181	613
Write-in	5	5	3	9	22

County Commissioner

(vote for two)

Anthony G. Marino	67	52	42	53	214
Jerry Vengrow	69	82	69	93	313
Blanks	179	168	161	234	742
Write-in	1	-	-	-	1

Sheriff

Brad Bailey	85	95	82	104	366
Blanks	73	56	53	86	268
Write-in	-	-	1	-	1

Libertarian Party

No candidates ran for any of the positions

* A Recount was conducted on Monday, September 30, 1996, for the position of County Commissioner on the Democratic Ballot. The recount was conducted at the request of candidates Melissa Hurley and Edward J. Sullivan. There was no change in the vote for the candidates in the contested race in Sudbury.

A true record, Attest:

Kathleen D. Middleton
Kathleen D. Middleton
Town Clerk

State Election November 5, 1996

The State Election was held at two locations. Precincts 1 & 2 voted at the Fairbank Community Center on Fairbank Road and Precincts 3 & 4 voted at the Town Hall on Concord Road. The polls were open from 7 a.m. to 8 p.m. There were 8,648 votes cast representing 83% of the town's 10,409 registered voters. There were 791 absentee ballots cast. The final tabulation of votes was done at the Town Hall.

Electors of President and Vice President	Precinct				Total
	1	2	3	4	
Browne and Jorgensen	21	23	13	37	94
Clinton and Gore	1165	1302	1116	1250	4833
Dole and Kemp	873	713	788	733	3107
Hagelin and Tompkins	2	9	1	5	17
Moorehead and LaRiva	1	4	4	3	12
Perot and Choate	127	116	112	120	475
Write-ins					
Nadar and Laduke	-	-	3	-	3

Others	14	14	4	11	43
Blanks	14	15	11	24	64

Total	2217	2196	2052	2183	8648
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Senator in Congress

John F. Kerry	936	1104	907	1039	3986
William F. Weld	1253	1046	1092	1078	4469
Susan C. Gallagher	12	28	35	45	120
Robert C. Stowe	2	1	3	1	7
Write-in	1	1	-	-	2
Blanks	13	16	15	20	64

Total	2217	2196	2052	2183	8648
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Representative in Congress (Fifth District)

Martin T. Meehan	1465	1533	1357	1457	5812
Write-in	25	28	29	22	104
Blanks	727	633	665	703	2728

Total	2217	2194	2051	2182	8644
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Councillor (Third District)

Cynthia Stone Creem	1167	1240	1102	1115	4624
Write-in	18	13	17	12	60
Blanks	1032	941	932	1055	3960

Total	2217	2194	2051	2182	8644
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Senator in General Court (Fifth Middlesex District)

Hasty Evans	1334	1180	1153	1234	4901
Susan Fargo	783	906	809	852	3350
Write-in	1	-	1	-	2
Blanks	99	108	88	96	391

Total	2217	2194	2051	2182	8644
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Representative in General Court (Thirteenth Middlesex District)

Russell A. Ashton	628	759	676	723	2786
Susan W. Pope	1375	1214	1164	1212	4965
Write-in	1	1	4	3	9
Blanks	213	220	207	244	884

Total	2217	2194	2051	2182	8644
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Register of Probate (Middlesex County)

Donna M. Lambert	1208	1088	1110	1096	4502
Robert B. Antonelli	570	665	576	608	2419
Write-in	1	2	1	1	5
Blanks	438	439	364	477	1718

Total	2217	2194	2051	2182	8644
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**County Treasurer
(Middlesex County)**

James E. Fahey, Jr.	1185	1250	1116	1134	4685
Write-in	11	16	14	13	54
Blanks	1021	928	921	1035	3905
Total	2217	2194	2051	2182	8644

**County Commissioner-Vote for not more than two
(Middlesex County)**

Thomas J. Larkin	821	890	786	853	3350
Anthony G. Marino	803	618	660	682	2763
Edward J. Sullivan	474	520	451	506	1951
Jerry Vengrow	706	613	659	611	2589
Write-in	1	1	2	-	4
Blanks	1629	1746	1544	1712	6631
Total	4434	4388	4102	4364	17,288

**Sheriff
(Middlesex County)**

Brad Bailey	1107	961	989	988	4045
James V. DiPaola	702	796	708	736	2942
Write-in	2	2	3	-	7
Blanks	406	435	351	458	1650
Total	2217	2194	2051	2182	8644

Question 1: Law Proposed by Initiative Petition

Do you approve a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 1996?

Summary

This proposed law would prohibit the use of certain traps for fur-bearing mammals, prohibit certain methods of hunting bear or bobcat, and eliminates some restrictions on who may serve on the state Fisheries and Wildlife Board.

The proposed law would prohibit the use, setting, manufacture, or possession of any trap to capture fur-bearing mammals, except common mouse and rat traps, nets, and box or cage traps that confine a whole animal without grasping any part of it. Traps designed to grip an animal's body or body part, such as steel jaw leghold traps, padded leghold traps, and snares would be prohibited. Federal and state health officials could use such traps in case of a threat to human health or safety. Where a property owner had reasonably tried but failed to correct an animal problem on the property using a legal trap, the owner could apply for and the state Director of Fisheries and Wildlife could issue a permit to use a prohibited type of trap, except a leghold trap, for up to 30 days to correct the problem.

A person violating any of these requirements could be punished by a fine of between \$300 and \$1000, or imprisonment for up to 6 months, or both, for each prohibited trap and each day of violation. A person convicted for a second violation would be required to surrender, and could never again obtain, any trapping license or problem animal control permit.

The proposed law would also prohibit the pursuit or hunting of bear or bobcat with the aid of a dog or dogs. Hunting bear using any type of bait, lure, or attraction, or knowingly hunting bear in a baited area, would also be prohibited. The Director could allow the use of dogs or bait in legitimate scientific research projects and in order to control particular animals that posed a threat to human safety or that destroyed livestock, property, or crops.

Violators could be punished by a fine of between \$300 and \$1000, or imprisonment for up to 6 months, or both, for each violation. A person convicted for a second violation would be required to surrender, and could never again obtain, any hunting and dog training licenses and permits.

The proposed law would eliminate the requirement that five members of the state Fisheries and Wildlife Board have held sporting licenses in the state for five consecutive years and that four members represent fishing, hunting, and trapping interests.

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

A YES VOTE would prohibit the use of certain traps for fur-bearing mammals, prohibit certain methods of hunting bear or bobcat and eliminate some restrictions on who may serve on the Fisheries and Wildlife Board.

A NO VOTE would make no change in the trapping or hunting laws, and would retain restrictions on who may serve on the Fisheries and Wildlife Board.

	Precinct				
	1	2	3	4	Total
YES	1299	1277	1252	1312	5140
NO	739	753	668	674	2834
BLANK	179	164	131	196	670
TOTAL	2217	2194	2051	2182	8644

STATE ELECTION
NOVEMBER 5, 1996 (Continued)

Question 2: This Question is Not Binding

Shall the state representative from this district be instructed to vote in favor of legislation that:

- Limits spending on political campaigns;
- Removes the influence of contributions by large donors; and
- Creates a level playing field for candidates and voters

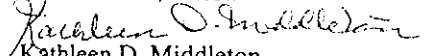
YES
NO
BLANK

TOTAL

Precinct				
1	2	3	4	Total
1704	1699	1685	1686	6774
257	233	170	192	852
256	262	196	304	1018
2217	2194	2051	2182	8644

by providing the option of public financing to candidates who agree to strict spending limits?

A true record, Attest: -


Kathleen D. Middleton
Town Clerk