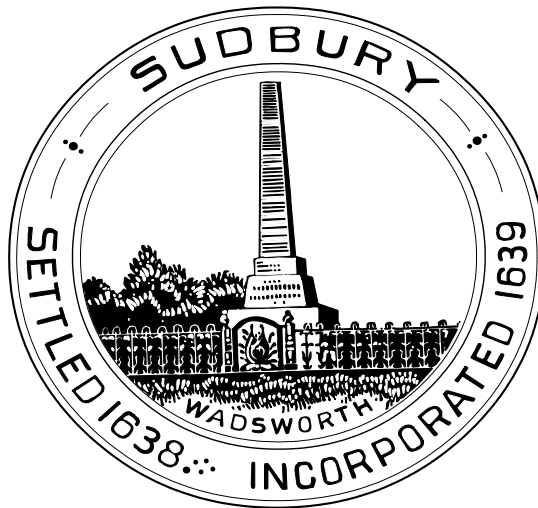


PROCEEDINGS

**PRESIDENTIAL PRIMARY, MARCH 2, 2004
ANNUAL TOWN ELECTION, MARCH 29, 2004
ANNUAL TOWN MEETING, APRIL 7, 2004
ADJOURNED ANNUAL TOWN MEETINGS
APRIL 12, 13, 14, 2004
STATE PRIMARY, SEPTEMBER 14, 2004
STATE ELECTION, NOVEMBER 2, 2004**



**TOWN OF SUDBURY
MASSACHUSETTS
2004**

PROCEEDINGS
ANNUAL TOWN MEETING

APRIL 7, 2004

**(The full text and discussion on all Articles is available
on tape at the Town Clerk's office)**

Pursuant to a Warrant issued by the Board of Selectmen, March 15, 2004, 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 7, 2004, for the first session of the Annual Town Meeting. The meeting was called to order at 7:30 PM by the Moderator, Myron Fox, when a quorum was present.

Katie Lee Crane, Pastor of the First Parish of Sudbury, a Unitarian Universalist Church, delivered the invocation.

The Moderator stated he wanted to certify the Free Cash from the Town Accountant, Sue Petersen, which was \$1,146,292. He announced that he had examined and found in order the Call of the Meeting, and the Officer's Return of Service and the Town Clerk's return of the mailing. He recognized, Chairman Roopenian, of the Board of Selectmen, for a motion to dispense with the Reading of the Call of the Annual Town Meeting, the Officer's Return of Service, Notice and the readings of the individual Articles of the Warrant.

Upon a motion by Ms. Roopenian, which was seconded, it was **UNANIMOUSLY VOTED.**

Various Town Officials, Committee and Board members present were introduced to the Hall. He introduced the foreign exchange students who were in the Hall, Minh Quang Nguyen from Hanoi, Vietnam, Haakon Devold, Tvedestrand, Norway and Mariana Sarudiansky.

Selectman Lawrence O'Brien was recognized to read the following resolution in memory of those citizens who have served the Town and have passed away during the last year.

RESOLUTION

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

WHEREAS: THIS PAST YEAR HAS SEEN SEVERAL OF ITS CITIZENS AND EMPLOYEES WHO HAVE RENDERED PUBLIC SERVICE AND CIVIC DUTY PASS FROM AMONG US;

NOW, THEREFORE, BE

RESOLVED: THAT THE TOWN EXTEND ITS HEARTFELT SYMPATHY TO THE FAMILIES OF THESE PERSONS AND RECOGNIZE THEIR SERVICE AND DEDICATION TO THE COMMUNITY:

HOPE E. BALDWIN (1904-2003)
Lifetime Sudbury resident
Sudbury High School and LSRHS
Administrative Assistant-20+ years

MATTHEW O. BARDSLEY (1981-2003)
Lifetime Sudbury resident
Sudbury Water District: 2003

ANNE D. BIGELOW (1920-2003)
Sudbury resident: 1957-1994)
Committee on Town Administration: 1971-1985

HENRY J. CHANDONAIT (1920-2003)
Sudbury resident: 1957-1999
Council on Aging: 1989-1995
Commission on Disability: 1996-1999

DANIEL L. CLAFF (1930-2004)
Sudbury resident: 1977-1999
Council on Aging: 1988-1995
Frost Farm Housing Task Force Comm.: 1998-1999
Strategic Planning Committee: 1998-1999

ANN DANSRO (1924-2003)
Sudbury resident: 1956-2002
Election officer: 1987-1988

PHYLLIS B. GAVAGHAN (1927-2004)
Fairbank and Haynes School Teacher: 1962-1989

JEAN A. GRIFFIN (1930-2003)
Sudbury resident: 1960-2000
Speech therapist Peter Noyes School: 1965-1986
Board of Registrars: 1978-1983:1985-1987
Supervisor of State Census: 1984
Election officer: 1987-2000

GERD O. HAEBERGER (1927-2003)
Moved to Sudbury: 1956
Insurance Advisory Com.: 1980-1986

DAVID A. PALMER (1929-2003)
Sudbury resident: 1986-1999
Long Range Planning Committee: 1991-1993

DR. NORMAN RASMUSSEN (1927-2003)
Moved to Sudbury: 1958
Lincoln-Sudbury RHS Committee: 1970-1972

SANDRA SEGIEN (1941-2004)
Moved to Sudbury: 1979
DPW Office Supervisor: 1996-2003

ANNE M. SPINELLI (1920-2003)
Cafeteria manager – SPS: 1975-1982

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 CONTRIBUTIONS TO OUR COMMUNITY.

The Moderator then explained the procedural matters of Town Meeting and urged the residents to review those procedures in the Warrant. The Moderator's job is to ensure full and open discussion and fair play on each Article; your job as legislatures is to ensure good will and respect for differing viewpoints.

Ms. Roopenian, Selectman, gave the State of the Town Address.

She welcomed all for joining in our Annual Town Meeting, "This is the oldest form of government in the United States of America. Speaking on behalf of the Board of Selectmen and Town Manager it is truly an honor to serve this community. It is with pride that I address this meeting and ask that you, the distinguished citizens of Sudbury, consider the Articles brought before you tonight. These Articles represent the culmination of work that has taken place over this past year. The Boards and Committees of the town have examined these Articles, discussed the merits, costs, consequences and potential impact on the town, as a whole. That is the task that elected officials on every level must take. The responsibility of action lies within the voting of Town Meeting. The Board of Selectmen has followed a process for bringing these Articles forward. We try to allow the time and structure for a thorough inspection of the issues and development of recommendations to occur. The goals and objectives of the Board of Selectmen are:

- Ensure that the FY05 & FY06 budget planning process and outcomes protect the Town's fiscal health and core municipal and educational services.
- Evaluate and determine actions based on the PTERC report to the Board of Selectmen.
- Create a capacity to ensure progress is made on a Route 20 Master Plan and related projects that contribute to economic sustainability of the Route 20 business district.
- Develop a multi-year plan to implement the Master Facilities Study
- Create a new process to respond to, evaluate and make recommendations for traffic improvements based on requests from Sudbury residents.

The Articles the Board voted to support and bring forward are in keeping with these goals. There are other Articles brought by citizen's petitions for consideration by Town Meeting. The Board of Selectmen have listened to all of the Articles by petitioners and made a decision to either support or not to support an Article. Our primary basis for a decision to do so is from hours of listening and discussing a host of issues the town faces and whether an Article is in the best interest of the town as a whole. The great thing about Town Meeting is that you, the citizens, decide in the end. In summary, town boards, committees, and citizen petitioners are asking for Town Meeting action on a wide variety of issues. We ask you to listen to the presenters carefully and study the information in your Warrant." She concluded by stating her appreciation to the residents of the town, as well as all the people she had worked with in her capacity as a member of the Board of Selectmen. She has thoroughly enjoyed serving the town and looked forward to being seated in the Hall with fellow residents.

She then led the Hall in the Pledge of Allegiance.

The Moderator stated that for many years it has been a tradition at the Annual Town Meeting to honor one of our citizens who has provided valuable service to the town by asking him or her to make the motion under Article 1 of the Warrant. This year, it may come as a great shock to you; we honor the Chair of the Board of Selectmen, Kirsten Roopenian. Kirsten moved with her family to Sudbury in 1992 and immediately became involved in community affairs.

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 2003 Town Report or as otherwise presented; or act on anything relative thereto.

Submitted by the Board of Selectmen. (Majority vote required)

Ms. Roopenian moved to accept reports of the Town Boards, Commissions, Officers and Committees as printed in the 2003 Town Report or as otherwise presented, subject to the corrections of errors, if any, where found.

The motion was seconded and UNANIMOUSLY VOTED.

The Moderator moved on to the Consent Calendar and explained the procedure. The number of the Articles will be announced one by one. If any voter has doubt about passing any motion or wishes an explanation of any subject on the Consent Calendar, the voter should stand and say the word "Hold". The Moderator will then inquire whether that voter who requested an Article held was for a

question or debate. If it is for debate we will remove that Article from the Consent Calendar. If it is to ask a question, an attempt will be made by the Moderator to obtain a satisfactory answer. If that occurs, the Article will remain on the Consent Calendar. No voter should hesitate to exercise the right to remove matters from the Consent Calendar. It is the view of the voters as to the need for debate that counts. It is hoped that voters will remove Articles from the Consent Calendar only in cases of genuine concern.

Mr. Fox read the Consent Calendar Numbers. Before beginning he pointed out that Article 44 had a typographical error. The figure of \$59,969 should be changed to \$31,074 under the column Not to exceed for married under Income Limits.

The Moderator read the Article Numbers: Article 29, 30, 31 (Held) 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 (Held), 43 (Held), 44(Held)

A motion was made and seconded and it was, UNANIMOUSLY VOTED TO TAKE ARTICLES 29,30,32,33,34,35,36,37,38,39,40,41, OUT OF ORDER AND CONSIDER THEM TOGETHER AT THIS TIME.

The motion was received, seconded and was

UNANIMOUSLY VOTED IN THE WORDS OF THE CONSENT CALENDAR MOTIONS AS PRINTED IN THE WARRANT, EXCEPT FOR THE ERROR WHICH WAS JUST CORRECTED UNDER ARTICLE 44, FOR ARTICLES 29,30,32,33,34,35,36,37,38,39,40,41.

(See individual articles for reports and motions voted)

ARTICLE 2. SPECIAL ACT – PROPERTY TAX RELIEF FUND

To see if the Town will vote to petition the General Court of the Commonwealth of Massachusetts to enact special legislation to provide that the Assessors of Sudbury shall use a property tax relief program in general according to the following provisions, or such others as may be included to further the intent of the program:

1. **Funding Mechanism:** The Town shall establish a Property Tax Relief Fund with monies raised from a surcharge of up to 2% on local property taxes. In the first year of the program, the surcharge will be set at 2%. The Board of Assessors will annually determine the amount of the surcharge in subsequent fiscal years, without exceeding the 2% maximum. For purposes of this section, the surcharge shall be assessed on all real property within the Town of Sudbury and the surcharge imposed under this Act shall be in addition to the regular tax levy of the Town of Sudbury and the CPA surcharge imposed pursuant to Chapter 267 of the Acts of 2000.
2. **Excess/Deficiencies in Fund:** Any monies remaining in the Property Tax Relief Fund at the end of the fiscal year shall be carried over into the next fiscal year and be available for this program in that next year. If there is a deficiency in the Fund to provide all eligible taxpayers with maximum relief, the benefits will be prorated across all program beneficiaries.
3. **Compatibility with Existing Laws:** Except as otherwise provided here, all provisions of the general laws regarding collection of and accounting for property taxes shall apply except that use of the funds collected by implementation of this surcharge shall not be subject to appropriation but rather shall be established as a separate “overlay” account to which the Board of Assessors shall charge the costs of benefits provided for under this article.
4. **Compatibility with Existing Property Tax Personal Exemptions:** Except as otherwise provided here, all provisions of other personal exemption laws shall apply, and this program is not intended to replace any other personal exemptions programs offered by the Town of Sudbury or the Commonwealth. Notwithstanding any other provision of this act, circuit breaker, deferral or tax work off tax benefits shall not be eliminated, reduced, offset or precluded by the receipt of benefits under this Act.
5. **Award of Benefits:** The Board of Assessors shall endeavor to incorporate the tax relief to all eligible taxpayers on their 4th quarter property tax bill by reducing the amount of tax due on that bill by the amount of the relief provided under this program. If the relief provided exceeds the amount of the tax liability at the time of the preparation of the 4th quarter bill, or the Assessors have not finalized the determination of benefit amounts or recipients by the due date for the 4th quarter bill, then the Town shall send to the taxpayer payment for the amount of benefit due the taxpayer.
6. **Exemptions:** All exemptions allowed for by the Community Preservation Act are incorporated into this article, except the exemptions for \$100,000 of the assessed valuation of Class One residential parcels, and exemptions for Class

Three commercial properties and Class Four industrial properties. Application for abatement of surcharge shall be filed with the Board of Assessors no later than 30 days after the mailing of the actual tax bill. Any surcharge amounts so abated shall be charged to the Property Tax Relief Fund. A person upon whom a surcharge has been assessed or a person aggrieved by the refusal of the Board of Assessors to grant an exemption under the provisions of this legislation shall have all remedies provided by section 59 and section 64 of chapter 59 and all other applicable provisions of the General Laws for the abatement and appeal of the surcharge or exemption under the provisions of this act. Taxpayers who are eligible to defer property taxes under G.L. Ch. 59 s5 (41A) and Chapter 320 Acts of 2002 may defer the surcharge.

7. **Benefits:** Taxpayers who are approved to participate in this program may annually receive a reduction in their property taxes. The benefit will be calculated to be the amount by which the participating taxpayer's tax bill exceeds 10% of the total household income, as defined in the eligibility section. The amount of the benefit described above may be limited by two factors:
 - a. It shall not exceed 25% of the average residential tax bill for the prior year. (Example, if in FY04 the average residential tax bill is \$8,000 the maximum benefit that can be given through this program in FY05 is \$2,000.)
 - b. The total amount available in the Fund. If the amount in the Fund is insufficient to allow each participant to receive the full benefit, then the benefits will be prorated across all program beneficiaries.
8. **Eligibility:** Relief is available to residential homeowners who meet the following criteria:
 - a. Principal residence in Sudbury;
 - b. Minimum residency duration of 5 continuous years in Sudbury immediately prior to eligibility;
 - c. Age 65 or over or currently on long-term full disability, as defined by Social Security; (People on long-term full disability qualify for relief under this program only for the duration of that disability status.)
 - d. Assessed value of house can not exceed 1.25 multiplied by the average residential assessed value;
 - e. Income thresholds matching those defined in the Community Preservation Act ("CPA") in terms of income level;
 - f. Actual income measured as the sum of Adjusted Gross Income from IRS form 1040 plus tax free dividends and interest and any other tax-free income, less then-current deductions available under the CPA; and
 - g. Property taxes, on the principal place of residence, must exceed 10% of income as defined above;
 - h. Eligibility is determined annually.

9. **Interest on the Fund:** The Treasurer shall invest the money in the Fund according to state law for General Fund investments, however, all interest earned shall be credited to the Fund.
10. **Administrative Costs:** This program shall be administered by the Board of Assessors. Up to 5% of the Fund shall be used to offset the annual administrative costs directly attributable to this program. Additionally, during the first year of the program, any start-up costs of implementing the program shall be paid for out of the Fund upon approval of the Board of Assessors.
11. **Application for Benefits:** Annual application for the benefit must be filed with the Board of Assessors no later than 30 days after the issuance of the actual tax bill. The Board of Assessors shall have 90 days from the date of filing of said application to approve or deny such application. Application for the Fund or surcharge exemption does not stay the collection of the tax. Appeal of any denial of the benefit by the Assessors shall be to the Appellate Tax Board.
12. **Adoption:** The provisions of this article shall only be established upon approval of Town Meeting, a special act of the State Legislature, and a majority vote in a regular (not special) Town or State election.
13. **Implementation of the Program:** Once all approvals of Town Meeting, State Legislature and Town or State Election have been obtained, the program shall be implemented beginning the next fiscal year.
14. **Continuation of the Program:** Town Meeting may vote to change or end the tax relief program after the 3rd year of its implementation. After the first three-year period is completed, the program will continue in three-year increments unless Town Meeting takes action to change or end the program at the end of each three-year period. Any changes approved by Town Meeting will also require the majority approval of Sudbury voters at the next regular (not special) election. In the event that local option legislation providing for similar property tax relief is accepted by the Town of Sudbury, the Town may terminate the provisions of this Act by vote of its Town Meeting. Notwithstanding any requirements of this Act or any special or general legislation, the Sudbury Board of Selectmen may request technical corrections at any Special or Annual Town Meeting.
15. **Review of the Program:** Following the initial three-year period and each three-year period thereafter, the Board of Selectmen or their designated representatives shall review the program and report their findings to Annual Town Meeting.;

or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

The Moderator stated that the Property Tax Equity Review Committee (PTERC) would make the motion.

Mr. Joseph Meeks, 136 Dakin Road, moved to petition the General Court of the Commonwealth of Massachusetts to enact special legislation to provide the Assessors of Sudbury shall use a property tax relief program in general according to the provisions set forth under Article 2 in the Warrant for this Meeting; said legislation not to take effect unless approved by a majority vote in a regular (not special) Town or State election.

The motion received a second.

Mr. Meeks stated that Sudbury provides a high quality of life. Lots of it because of the kinds of investments made in education, the Town of Sudbury infrastructure and in open space. Last year, one of the things Article 54 made us think about is have property taxes gotten to the point where they place an unreasonable burden on some seniors? There was a lot of emotion last year. The Board of Selectmen stood back for a moment of cool reflection after the meeting. Tax burden is an important issue and there are very diverse opinions in the Town of Sudbury and a desire to increase both the knowledge and understanding of the various dimensions of this issue. Given the acrimony that existed in the last Town Meeting, there was a desire to build consensus and agreement of what the problems were and what was the right thing to do. The PTERC Committee was formed with 23 residents from all different parts of Town, all different ages, from all different walks of life. An effort, which lasted over six months, and was an open and public process, resulted in this Article. There is near unanimous support for the PTERC proposal and the findings of the Committee for what the next speaker, Basil Pallone, is going to propose.

Basil Pallone, 112 Thunder Road, stated that since 1998 property taxes have increased by 53 percent. We have made a decision in this Hall to fund schools, open space, and the Town of Sudbury infrastructure. This has come at a price and burden for some of our senior citizens. Some of the findings were that the property revaluations are going to impact the seniors who have been most affected by the property tax increases over the past year. Some of the existing programs in this State are just inadequate for Sudbury to address the needs of our seniors. The best place to start is household income. The average income for the younger families in the Town of Sudbury is about \$180,000; the average income for seniors, 65 and over is \$90,000. What we are finding is that 35 percent of the senior households are spending more than 20 percent of their income on homeowner costs. These are findings from the US census. Those homeowner costs represent taxes, mortgages, utilities and insurance. Seventeen percent of the senior households are spending more than 35 percent on homeowner costs. For senior citizens ages 75 and over the median income is substantially less than the median income for seniors 65 to 74. The median income for those 75 and over was about \$27,000. Many of seniors have been in the Town of Sudbury for well over 20 years, and 50 percent have been in the Town of Sudbury since 1970. What that means is that the seniors are not living in the mansions in Town.

The existing programs in the State do not provide adequate relief in the Town of Sudbury. The PTERC proposal will provide up to \$2,000 in benefits for seniors. Article 2 is a compromise and we felt it was necessary to try to provide as much relief as possible. We did not believe there were enough resources in the Town of Sudbury to provide relief to everybody so we focused on low to moderate income seniors. It will be funded by a two percent property tax surcharge. Even the affluent seniors would be contributing to the surcharge and to the fund. The impact would be about \$160 per year for the average household. We estimate the surcharge will raise about \$900,000. The surcharge will never exceed two percent of the property taxes. It will never reduce the property tax burden to less than ten percent of income. If necessary, the benefits will be prorated to ensure that we never exceed the two percent surcharge. The eligibility criteria are age 65 and older, we also included those few individuals on long term disability, and the income threshold is \$64,000 or less, the same as the CPA. You must be a resident of Sudbury for at least five years and the average assessed value of your property cannot exceed 125 percent of the Town of Sudbury average.

MINORITY REPORT - Steven Wishner, Fox Run, (21 were in favor of the proposal; 2 opposed)

Mr. Wishner said that while he is in favor of tax equity in general and tax relief for seniors in need, he was not planning on debating the specific aspects of Article 2. He urged defeat of the Article because it had important structural flaws. He believed what is commonly called the “sunset provision” needs to be addressed and he believed it does not adequately incorporate a mechanism for review by future Town Meetings. None on PTERC are pros at engineering social policy, thus he strongly believed that the Town of Sudbury should engage in a periodic review of this self-engineered social policy with some degree of regularity; perhaps every three to five years. Town Meeting is the appropriate venue for that review and the Town of Sudbury must be afforded the opportunity to review, consider and change the features of this proposed policy as the Town’s needs, demographics and desires change and evolve over time. PTERC attempted to draw selectively upon features for this Article from several pieces of existing legislation in an effort to craft a proposal that would seem familiar to Legislators. Why? Because it is the Legislators who ultimately must approve the Home Rule Petition that this Article will require. We can only guess and really do not know how the pieces we decided to pick and choose will effectively interact with one another. His concerns are compounded by the fact that PTERC crafted its proposal for this Article without the benefit of critical data that it needed. Despite extensive efforts to access the best data available, certain key data simply did not exist. As a result, we were, and still are, unable to correlate household income with specific household valuations and property tax levels. As a result, therefore, we are also unable to accurately quantify the expected number of senior households that will meet the qualification criteria and we cannot accurately predict usage or the program or its expected costs. We were forced to rely on educated guess work in putting this together. Did we get it

right? The only way we will know how close we came is to look back at the program through the prospective of twenty-twenty hindsight at some point in the future. To a large degree we were shooting in the dark due to the lack of critical data. What if we got it seriously wrong? This Article, creating new social policy in the Town of Sudbury that is taking from some in order to give more to others, does so with no history to look back on to stress test the structure we have proposed. The issues being tackled here are complex with many variables at play. To assume we got it exactly right on the first try, is folly. It is highly likely that something would have not been adequately thought through or will have unintended consequences resulting in the process not working as we had planned. As structured, the program will continue forever as is. Other programs that have been approved by the Town of Sudbury have an end date after which the Town of Sudbury must vote to continue the program. If we are going to do the right thing, and if we are lucky enough to have construed an Article well despite the lack of detail on which it is built, the Article should have no problem standing up to scrutiny. It should not be a structure kept in the shadows so that it is never again afforded the appropriate level of ongoing review and scrutiny that such a social policy should have. Especially since, as in this case, we are only guessing at its costs and its effectiveness. In the absence of such a feature, he urged defeat.

Selectman Larry O'Brien advised the voters that we're mulling over the comments of Mr. Wishner to take a look at page three of the Warrant, section 14 of the Article 'Continuation of the Program'. There was consideration given by the Board of Selectmen to the issue of continuation of the program and also item 15 of the Article 'Review of the Program'. While they are not necessarily in line and in concept with the way that Mr. Wishner would like to see the review process and continuation process take place, we do feel we addressed it in a form that was adequate and allows for voice to be given to review and changes when necessary.

To follow are some of the frequently asked questions:

- Why are benefits restricted to seniors? First, it was thought it would provide a meaningful benefit to those who would receive relief. Approximately 50 percent of the households, who would qualify for relief, would still be paying more than 10 percent of their income in property tax after receiving benefits from Article 2. Seniors clearly have less opportunity to increase income in response to increasing expenses.
- Why are so few seniors using tax deferral programs? A few years ago we had a Home Rule Petition that modified the deferral program to liberalize it. It was found and decided by the committee it is truly a financing option and not really a form of property tax relief. There are a number of reasons why seniors in Sudbury and throughout the State choose not to participate in the program. It was also determined that there was a lack of understanding as to how the program works.
- Why is there no overall asset test needed to qualify for the benefits? It would be too difficult to administer and too intrusive to institute an overall

asset test. With the income level set as \$65,000 and 125 percent of the averaged assessed value of a home, and all income being considered as part of the overall program, we don't think that there would be many people trying to skirt this program. Also, it would be extremely intrusive into people's lives and make it difficult to participate in the program. Like the CPA we are using home value as a reasonable proxy of total assets. All income from taxes, including tax exempt income, will be considered. This program is not intended to replace any other exemptions. Deferral or work off benefits will not be affected by receipt of any benefits under this act. Article 2 provides that the Town of Sudbury may vote to terminate this program if the Town of Sudbury adopts a statewide program offering similar relief. There are various bills that are pending on Beacon Hill and we are cognizant of that.

- What happens next? First, this evening we must approve this Article that will then instruct the Selectmen to send a Home Rule Petition to the Legislature. It must then be approved by the Joint Committee on Taxation, the House, the Senate and the Governor and then it will come back to Sudbury voters for another election so that there will be a voting at the polls. The data clearly shows that there is a problem and there is a need. Article 2 is a measured response. It may not be the solution for everyone but it does offer some relief.

FINANCE REPORT: MAJORITY REPORT—The Finance Committee acknowledged all the time, hard work and effort the PTERC Committee has expended on this important issue over this past year. The FinCom is extremely sensitive to the community's desire to keep Town of Sudbury spending under control. With that in mind we reviewed the Town of Sudbury's budget and any proposed Article from a financial impact standpoint. The FinCom's opinions are submitted for consideration by all citizens of the community particularly those who may not have had the time to fully investigate the broad financial impacts of proposals. The FinCom fully supports programs that provide assistance to those less fortunate regardless of age. We do, however, feel obligated to advise the community that this Article could create a situation whereby financially wealthy people can shift some of their tax burden to others in the community. For example, the Article enables Sudbury seniors who own multiple real estate properties and pay taxes to other communities or own other non-income producing investments to be released of a portion of their tax burden here in Sudbury. This is due to the admission of an asset test in order to qualify for this program. Asset tests are commonly included in the qualification requirements for other taxpayer assistance programs. The Committee believes that inclusion of an asset test will provide assurances to the Town of Sudbury taxpayers that their financial contributions are truly going to those most in need. After careful consideration and much deliberation, the FinCom by majority vote does not recommend approval of Article 2.

MINORITY REPORT - (The vote was 5 to 3). We agree with those on the Committee who voted against the Article's recommendation that the Article contains flaws. However, some of these flaws were also apparent as well to the members of the PTERC and the Board of Selectmen. The PTERC recommendation and the Article put forward by the Board of Selectmen is a compromise of the varying positions they held. Those of us on the FinCom who voted in favor of recommending this Article would like to have seen some amendments made to some of its provisions. One of which was to increase the residency duration from five years to ten years in order to still capture some of the longer term residents and not necessarily those who moved here during or after this recent period of real estate tax growth. The absence of these changes is not enough to dissuade us from supporting this Article. Our support of this Article is spurred by the need we perceive to provide aid and support to those in our community who are impacted the most by the Town of Sudbury's level of property taxes. The exemption will be limited to the amount by which the participating taxpayer's tax bill exceeds 10% of total household income. It shall not exceed 25% of the average residential tax bill for the prior period and would be prorated downward if the total of all approved exemption amounts exceeds the surcharge fund. While there may be loopholes that could allow for exemptions being granted to some taxpayers we would not necessarily want to see benefit from this Article. We perceive this number to be a very small few and would not purport to deny benefits to the many because it may provide benefits to an unintended few. While no one relishes paying more taxes, those of us who dissented in this vote did so because we felt the surcharge to be assessed by the adoption of this Article is a reasonable price to pay to continue to maintain diversity in Sudbury and to help our seniors in the community who are finding it difficult to meet their property tax obligations.

Hank Tober, Ames Road, moved to Indefinitely Postpone Article 2.

The motion received a second

Mr. Tober felt that the Article is cumbersome and gave his viewpoint during a short presentation.

The motion was DEFEATED.

Tara Reed, Co-Chair of PTERC clarified a few points. With regard to younger families, there is an exemption for younger families who would otherwise qualify for relief but for their age. They are exempt from the surcharge so the program is designed not to add burden on younger families who would qualify on an income perspective for the PTERC proposal. With regard to the residential exemption that was something that PTERC did specifically review and we rejected. It was too broad. We do not have an asset test with people having to coming in and report everything that they own, which we then scrutinize and decide whether they are allowed to participate. That seemed like that was an invasion. We do capture

people's income as reported. The program is not perfect but if we can put something in place and get it started, we will have the opportunity to review this program. It will be quite actively watched.

Robert Coe, 14 Churchill Street, stated that he hoped that he was not the only one in the Hall who remembers how we got to where we are. When Ralph Tyler proposed his original Article last year, it was not proposed as a way of giving tax relief to needy seniors. The idea was that if the Town of Sudbury lowered the tax burden on some of the people who were most likely to leave the Town of Sudbury that we would stop the exodus of senior citizens or at least slow it down and that this would, in the long run, save the Town of Sudbury money. What has happened in the intervening year is that we are now confronted with an Article that would in fact raise taxes on many of the people that the original proposal would have lowered taxes for. If anything, it might accelerate the loss of senior citizens to the Town of Sudbury. The objective has been lost sight of here. It had very little chance of getting through the Legislature in this form and urged defeat.

Jim Idelson, 96 Morse Road, asked the Finance Committee what they perceived the magnitude of the risk of unintended beneficiaries receiving some portion of the proceeds. How large is that magnitude? Thinking about that from two perspectives, one is that given the makeup and demographics of the community today and after this policy were to go into place, whether they perceived that there would be a significant change in demographics based on a new incentive?

Ms. Billig, Finance Committee, stated that the FinCom's charge is to review any Articles that have a financial impact to the Town of Sudbury. We don't have the resources to do any research like that or to figure out that data. If PTERC continues on they could probably look at it since a lot of us are concerned about the asset issue.

Joe Meeks, Dakin Road, said the taxes are high and is proud of it. The reason he is proud of it is because of everything we have been able to create in this the Town of Sudbury because of it. A lot of these overrides have passed because we have had the support, not only of the people who have children in school, but also a good number of seniors in the Town of Sudbury. I have heard some say why can't we zero in on assets and that this thing is too complex. The more we zero in on assets and try to capture those, the more complex and burdensome it becomes. It has been asked before. Why have they used existing mechanisms to try and craft this thing? Is it just some attempt to curry favor with people who have passed previous proposals? It's not. It is to make it more manageable and make it more practical to implement. The same paper work that you use to qualify for CPA exemptions forms the same basis for the paper work required to do this, to either qualify for it or, if you are a lower income family that is below the age, to be exempt from it.

Claire Schlosser, 509 Concord Road, PTERC, appreciates how much the seniors of this community have contributed to the Town of Sudbury. She urged support of Article 2.

Eric Poch, Nobscot Road, stated that as the Article stands now, it is fraught with potential for manipulation and urged defeat of the Article.

Wayne Thomas, Marlboro Road, came tonight intending to support this Article. Two things have changed his mind. One question was asked “Is it right to take 2% out of our pockets and give it to somebody else even if it a worthy cause.” What about people who are down on their luck in the job market that can barely make it? What about someone who suddenly becomes a single parent and can’t afford to stay in the Town of Sudbury? As good as the cause is there are so many good causes that we have not the right to pick one out and favor it over other legitimate causes.

Stephen Murphy stated that there seemed to be an issue as to whether or not this program was able to have a sunset provision. This is an experiment, at best, and it ought to have a sunset provision. If it looks like it has a reason for it to continue, voters at Town Meeting could vote to extend it rather than have to do the reverse where it goes on unless voters rise up and defeat it. He would possibly be in favor of it if he knew that it was going to be an abbreviated program that would end. We could then look at the results of it and determine if it did have the benefits it was attempting to achieve and there weren’t any abuses.

Steve Wishner said that the gentlemen who just spoke precisely understood the nature of his concerns. The way it was decided to go forth with Article 2 is that it will go forward item for item until or unless a Town Meeting decides to vote in favor of discontinuance or a change.

Ms. Reed stated that one of the concerns with a hard and fast termination date was that for seniors and people with long term disabilities would be able to plan and hopefully be able to rely on the program. The program is subject to review but we didn’t want people that were hoping for this to go forward to think that they had to rally the troops to get it re-approved on a regular basis.

Mr. Bill Keller, 31 Churchill Street, presented a motion to amend. Moved to amend Article 2, Section 8 Eligibility as follows: subsection d. delete the words 1.25 multiplied by and then add subsection i. as follows: Net assets of taxpayer excluding the principal residence (all assets except the principal residence) less all liabilities shall not exceed 50% of the assessed value of the principal residence.

The motion received a second.

Mr. Keller was troubled by there not being an asset test in Article 2. Tax relief for seniors limited to seniors whose homes do not exceed the average assessed

value in the Town of Sudbury. Also, that those applying for eligibility not have other assets, and he set the bar at 50% of the value of their homes. They should not have other assets which would mean they really can afford to pay their taxes. That is the intent of the motion to amend; there is a need in the Town of Sudbury and this addresses it.

Several residents expressed opinions regarding the amendment before a motion to terminate debate was presented. The motion was seconded and the Moderator stated that a 2/3rds vote was needed. The Hall voted to terminate debate on the motion.

The Motion to Amend was decided by a hand count of the vote.

Majority vote needed.

YES - 250 NO - 162

The motion to amend CARRIES.

Paul Pakos, 231 Nobscot Road, presented a *motion to amend the amendment* to exclude from assets IRA assets and such other retirement assets that constitute the sole and primary income source for people who would otherwise be qualified.

The motion to amend the amendment received a second.

Many people are on defined benefit plans; that means they have IRAs. That IRA is their asset. That is what is giving them their income. If that's counted as an asset, nobody will qualify.

Several residents, including some members to PTERC, added their opinions regarding the motion. After discussion, there was a call to terminate debate. The Hall voted to end discussion and vote on the amendment.

The motion to amend was DEFEATED.

The Moderator declared that we are back to the main motion as amended. The question was called, there was a second.

The main motion as amended under Article 2 was DEFEATED.

**ARTICLE 3. ADOPT NEW OR PROPOSED LEGISLATION FOR
SENIOR CITIZEN PROPERTY TAX RELIEF**

To see if the Town will vote to accept all or any portion or portions of any proposed legislation initiated by or endorsed by the General Court's Joint Committee on Taxation to provide for additional senior citizen property tax relief whether or not such legislation has yet been enacted by the time this Article is considered at the Sudbury annual town meeting; or act on anything relative thereto.

Submitted by Petition.

(Majority vote required)

Mr. Ralph Tyler, Petitioner, moved to Indefinitely Postpone Article 3.

The motion received a second.

Mr. Tyler stated that the Article was placed in the Warrant to be able to give the Town of Sudbury the opportunity to adopt legislation if it came out of the State House to enable new senior citizen tax relief. After it as filed, Town Counsel raised some objections as to whether or not we could be in fact endorsing something that wasn't passed yet. We are taking his opinion that we couldn't do it. There is some good news to report; a lot was happening at the State House that we can be hopeful about.

The Moderator declared the motion to Indefinitely Postpone Article 3 was VOTED.

At 10:40 PM the Moderator declared the meeting adjourned until Monday, April 12th at 7:30 PM.

Attendance: 496

PROCEEDINGS

ADJOURNED ANNUAL TOWN MEETING

APRIL 12, 2004

(The full text and discussion on all Articles is available
on tape at the Town Clerk's office)

Pursuant to a Warrant issued by the Board of Selectmen, March 15, 2004, 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 12, 2004, for the second session of the Annual Town Meeting. The meeting was called to order at 7:30 PM by the Moderator, Myron Fox, when a quorum was present. The Moderator explained the procedures to be followed and then introduced the Finance Committee Co-Chairman, Bob Jacobson.

ARTICLE 4. FY05 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 to provide for a Reserve Fund, all for the Fiscal Year July 1, 2004 through June 30, 2005, inclusive, in accordance with the following schedule, which is incorporated herein by reference; and to determine whether or not the appropriation for any of the items shall be raised by borrowing; or act on anything relative thereto.

Submitted by the Finance Committee.

(Majority vote required)

	Appropriated FY02	Appropriated FY03	Appropriated FY04	School/Town Requested FY05	FinCom Recommended FY05
Sudbury Public Schools: Gross	\$21,639,831	\$22,836,346	\$23,069,516	\$24,104,549	\$24,104,549
Sudbury Public Schools: Offsets	632,620	717,980	1,041,597	1,420,896	1,420,896
Sudbury Public Schools: Net	21,007,211	22,118,366	22,027,919	22,683,653	22,683,653
SPS Employee Benefits*	2,755,546	3,356,073	4,119,180	4,626,464	4,626,464
Sudbury Public Schools: Total	23,762,757	25,474,439	26,147,099	27,310,117	27,310,117
LSRHS (Operating Assessment)	11,055,205	11,630,304	12,352,149	12,804,319	12,804,319
LSRHS (Debt Assessment)	345,803	576,388	1,089,609	1,597,371	1,597,371
Minuteman (Assessment)	319,158	378,971	373,813	293,321	293,321
Total: Schools	\$35,482,923	\$38,060,102	\$39,962,670	\$42,005,128	\$42,005,128
100: General Government	1,864,616	1,912,207	1,921,974	1,965,410	1,965,410
200: Public Safety	4,873,589	5,126,282	5,145,242	5,289,182	5,289,182
400: Public Works	2,368,938	2,494,824	2,546,781	2,591,406	2,591,406

500: Human Services	504,665	506,555	483,672	503,523	503,523
600: Culture & Recreation	801,036	867,137	874,395	931,316	931,316
900: Town Employee Benefits	2,033,379	2,463,147	2,688,597	2,879,021	2,879,021
900: Unclass. & Transfer Accts.	430,580	392,280	461,396	370,825	370,825
Total: Town Services	\$12,876,803	\$13,762,432	\$14,122,057	\$14,530,683	\$14,530,683
Debt Service	\$10,424,391	\$9,834,201	\$7,906,725	\$6,014,574	\$6,014,574
TOTAL: OPERATING BUDGET (not incl. Enterprise Funds)	\$58,784,117	\$61,656,735	\$61,991,452	\$62,550,385	\$62,550,385

*to be transferred to 900: Town Employee Benefits

Mr. Jacobson reported that for the second consecutive year, the Finance Committee is not recommending an override budget. As a slide was shown, he explained that the chart showed the anticipated impact of the FY05 recommended budget on the property taxes of Sudbury's taxpayers. As you can see, the impact on the average home valued at \$596,200, which is up from last year's average home value of \$479,000, due to the revaluation. It is an increase in property tax of \$102 or 1.27% over the FY04 tax level. This follows last year's 1.07% tax increase over the FY03 level. These amounts are exclusive of the 3% Community Preservation Act surcharge. In budget development discussion with the Town of Sudbury and School Officials and Committee Members, and in its own budget deliberations, the Finance Committee weighed the impacts of various issues with fiscal implications to the taxpayer and the level of services provided to Sudbury's residents. In 2004 Sudbury is going through its three year property assessment revaluation. This revaluation is having a greater tax impact on the lesser valued homes in Sudbury. An increase in the property taxes on these lesser valued homes will occur separate and apart from anything relating to the FY05 budget and is the result of using assessed home values as a basis of which to raise local revenues. One of the reasons that the total to be raised for FY05 is only \$382,079 more than FY04 is due to a dip in the amount in debt service that needs to be funded outside of the levy limit. This dip resulting in FY05 will be followed by an increase in FY06. In order to minimize volatility in taxes from year to year, efforts are made to try to maintain level amounts for previously voter approved debt service outside the levy limit. That was one of the factors, along with historically low interest rates, for the decision made this year by the L-S School Committee in collaboration with the Town Managers and Finance Committees of both Sudbury and Lincoln to issue permanent partial debt on the new high school building project. Re-apportionment of funds back to the Town of Sudbury from the L-S Regional School District was high in FY05, positively impacting the L-S operating assessment. For those not familiar with the terms re-apportionment, at the end of the fiscal year any unspent funds, interest income, unanticipated surpluses or deficits, including State Aid less any excess in deficiency funds are totaled and re-apportioned back to the Towns of Sudbury and Lincoln according to the ratio established for the fiscal year in which the funds remain; thereby reducing the amount needed from the Towns of Sudbury and Lincoln to

support the L-S budget. Once the amounts are derived, these amounts are then credited in the next budget process so there is a two year lag. Higher re-apportionment helped to reduce the assessment to the Town of Sudbury for the regional school district's agreed upon FY05 budget. In FY06 re-apportionment could result in a considerably lower amount. This means that even if the Regional School Districts budget doesn't increase one dollar in FY06, the Town of Sudbury would be assessed a higher amount in FY06 than it is being assessed in FY05. Next year the Regional School District will be in the third year of its teacher's contract providing for a cost of living increase of 3.5%. Benefits and insurance costs are expected to continue to increase. Special Education costs are expected to continue to increase. The L-S student population is also expected to continue to grow. With all of these fiscal implications regarding the high school, the Town of Sudbury could be looking at a very difficult assessment decision next year without further additional State Aid. State Aid to Sudbury and the regional school district was significantly reduced in FY04. For FY05 we are projecting another reduction. As a result of these State Aid reductions and no override budgets for the last year and again proposed for this year, the Town of Sudbury, Sudbury Public Schools and the Regional School District have all experienced reductions in level service budgets. In FY04 there was an overall reduction in the amount budgeted for wages and other expenses as the cost of pensions, benefits and insurance continued to claim an ever increasing portion of the cost center's budget dollars.

In FY05 budgeted amounts for these costs have increased somewhat; amounts previously cut and some services previously provided for have not been restored. Fees have increased, some programs have been reduced or cut and, in the case of the schools, some class sizes have seen increases. Contract negotiations are on-going with various town unions and Sudbury's Public School teachers. The outcome of these negotiations could result in further staff reductions in FY05 if bargained increases wind up being greater than what is being provided for in the recommended budget. The Regional School District and Sudbury Public Schools anticipate FY05 student growth of 5.6% and 2.6% respectively. No funds for this addition growth have been incorporated into the recommended budgets. A reduction in State Special Education Circuit Breaker funding resulting from a change in the funding formula is causing a substantial increase in Special Education costs at the high school. Utilities costs for the new high school and DPW building have increased these cost center's budgets in FY05. Additionally, maintenance on Town of Sudbury owned property and equipment has been allowed to lag and threatens to shorten the usefulness of these assets. These are just some of the factors the Finance Committee considered in its deliberation of FY05 budget and what it sees as it looks towards FY06.

The recommended FY05 budget provides for a total 3.9% increase in operating expenditures; inclusive of wages, benefits, insurance and expenses for the Town of Sudbury, Sudbury Public Schools and the Regional School District. This past year the Finance Committee has heard from taxpayers with opinions running the gamut from wanting to slash budgets in order to affect tax decreases to

taxpayers looking for us to provide an override option so the residents of the Town of Sudbury can choose the level of services they desire. FinCom's charge is not to provide a list of budget options like a menu in a Chinese restaurant. It is to recommend to the taxpayers of Sudbury a budget it deems appropriate. The budget being recommended unanimously by the Finance Committee tonight, we feel, provides for levels of service and taxes that represent an acceptable compromise formulated between the Town of Sudbury, the schools and the Finance Committee. We respectfully request that Town Meeting approve it.

Maureen Valente, Town Manager, stated that when it comes to budgeting the Town Manager wears two hats. First she works with the Finance Committee and the Board of Selectmen. She has broad responsibility for the overall financial health of the Town of Sudbury; overseeing revenues, overseeing adherences to budgets, long range financial planning, etc. all are her responsibility. Secondly, she is responsible for the budgets of the Town of Sudbury operating departments that come under her purview. On the first responsibility, broad town wide, she addressed three issues. The process of putting together the budget, the revenue we have available to us and a quick overview of benefits. The biggest unknowns are revenues and benefits. Those two pieces we try to work with and narrow down as we proceed through the year. The Finance Committee asks for two budgets to be submitted. One the same dollars as last year in FY04 budget and one that allows for three percent growth. In terms of operating revenue, those that support the operating budget, they are up 3.51% and in terms of the debt revenue that which we use to pay our debts, there is a decline in both the amount we are raising from property tax and the grants we receive from the State basically reimbursing us for the school construction program. Our property tax revenues are up \$1.5 million within 2-1/2, down a little over \$1 million outside 2-1/2 overall, property tax up \$552,000, next year about 1.12%. Benefits are a major problem we face in terms of the growth. For those of you who think that employees should shoulder more of the costs for the benefits and our pensions, I will give you a quick snapshot. After July 1, 1996, employees hired by the Town of Sudbury pay 9 percent towards their pension and anything they make over \$30,000 an additional 2 percent on top of that. Finally, the Town of Sudbury budget is a 3% increase. Wages overall are going up, expenses up, and benefits up.

The Town of Sudbury has four cost centers, the two School Systems plus the Minuteman Vocational System and the Town of Sudbury. It does not include the Sudbury Water District, Sudbury Housing Authority or the Septage Facility, they are separate. The Town of Sudbury takes up about 26% of the total operating budget. Within that we have six cost centers. Our Public Safety takes up about 45% and Public Works about 22%, Culture and Recreation another 8%, that's the Library and Recreation Department, Human Services and General Government and Unclassified are the balance. Our budget objectives continue to be (1) to protect public safety, protect the quality of life here in Sudbury, protect our assets and investments, comply with all regulations and mandates that are handed to us by the State and Federal Government, advance the Board's goals, continue meeting

service demands and be able to retain the staff that makes this possible. The population is up 13.5% since 1990. The fire department has the same staffing since 1990 even though alarm calls are up 58% and ambulance calls up 81%. The police department now has fewer staff than in 1990. Police calls are up 139%. Similar statistics for almost every department exist. The demand for services are going up yet staffing remains the same or decreasing. She thanked the residents for the support they have shown for the Town of Sudbury budget in recent years and asked for support for this budget.

Bill Braun, Chairman of the Sudbury Public Schools, introduced the new Superintendent of the K-8 school system John Brackett.

Mr. John Brackett asked for support of the budget. As you look for the budget for our K-8 system, we are coming out of two difficult years and FY05 budget is better but it certainly is not rich. It is a budget under extreme pressure. The first driver has to do with enrollment, L-S is certainly getting the previous growth that has come through the K-8 system but it is important to know that we are still growing. Our projection for next year is going from 3,053 students this year to 3,159 students next year. The growth is coming from kindergarten enrollments primarily. In 2003 we had 290 students in kindergarten; that jumped this year by 35 students. We are projecting growth next year of another 30 students. Another area that we are watching closely has to do with our pre-kindergarten enrollments. We are required by law to provide educational services for students who are three years old or above if they qualify for special need services. That population is escalating, not only in Sudbury, but across the country. In 2002 we were servicing 22 students and this year we are servicing 43 and there is nothing that appears to us that would mitigate that growth over the next few years. These enrollment growths, not only in kindergarten and the pre-school are putting pressure on our class sizes. We are doing what we can to maintain modest class sizes across the district. As we look at this year's budget, and how we are spending the budget, the \$22,683,653 budget is primarily being used to deliver services directly to students in classroom or classroom support expenditures. Over 82% of our budget is spent directly on special education services and direct education services. If you build in that plus transportation and utilities, over 96% of the budget is earmarked. The 3% budget that you have before you increases the revenues over last year by \$655,000. It is 3% over FY04 but it is important to note that it is only 2-1/2% of an increase over FY03 and that does not consider a correction for inflation. We have cut, it is not a level service budget, we are not funding the same program we funded in the past and this budget does not add back any of the \$1.5 million cuts that have happened in the past two years. In short, this budget is going to require close, on-going management, some creativity to make it work, and flexibility.

Eileen Glovsky, L-S Committee Chairman, spoke to the driving forces facing the high school. We have a continued increase in enrollment. We are talking at about 15% over the last three years and we are looking at an additional 80 students, 5.6% next year. We are looking at increased operating costs in the new building.

We are moving from a post World War II technology based building into a building that is built with 21st Century technology and there will be an additional impact on our electricity costs. Transportation is required for all students. Enrollment has increased and will continue to do so. State funding has been reduced in the Chapter 70 Aid, transportation aid has been reduced and Special Education Circuit Breaker is not being fully funded by the Legislature. Federal Grants have been reduced which are affecting us on an ongoing basis and in terms of local funding, this is the third year in a row that we are coming to you with a below level effort budget. The State's commitment to education, the Chapter 70 Aid, the increases in funding that came to Sudbury during the 90s is fairly extensive. That has leveled off and, in fact, has decreased significantly. We as a School Committee are left with several choices. We can ask for an override which is shifting the expense from the State to the property taxpayers or we can reduce the budget. We have done our best to continue to reduce our budget requirements and Dr. Ritchie will speak to you about what the impact of those reductions will be.

Dr. John Ritchie, Superintendent of Lincoln-Sudbury Regional High School, addressed the Hall. As Ms. Glosky has indicated, the overall economic climate in which the school is operating in has been gloomy for some time now. L-S remains one of the truly outstanding high schools in New England. He stated his concern about its future if we continue to lose resources as we have in the past few years. He stated he wanted to talk, not so much about numbers as about core values. When we prepare our budget we use a set of operating guidelines and these are all intended to support some fundamental core values. Making classroom teaching and learning our first priority is something we do every year. Save classroom teachers and try to maintain class size at an appropriate level first. That seems to be our fundamental mission, not that other parts of our program are not important, but that is where we begin. Even with that first step, what we have seen in recent years is that mission has been eroded somewhat. You have read and heard about the increase in class sizes at L-S which have reached, in some areas, unacceptable levels. To have 28 or 30 students in a class is just too many. We have been able to balance that in some levels to have slightly fewer students in other classes. However, the number of classes that have risen to that level is very disturbing. He spoke about their core values. The promotion of cooperation and caring relationships in students and adults is a hallmark at L-S. What has happened as our school size has increased, but more specifically as class size has increased, is those relationships simply cannot exist at the same level as they have in the past. Teachers have too many students to be able to develop those relationships. That, as a core value, seems to be under some threat. This place has a tremendous respect for human differences and will continue to do so forever. That is another of the hallmarks of the school. This is a place that values excellence above all else and sets out to be as absolutely first rate and excellent as it can be in every area. When resources are not available to support that excellence, when teachers have too many students to be able to follow as closely as they would like, when our athletic programs begin to get cut, when support programs that we need to offer for our most reluctant learners or kids who have trouble in school, when those things are reduced we lose our ability to

implement a system that is as excellent as can be. Certain expenses in every budget go up inevitably and uncontrollably, pensions, insurance and debt service, things that we can't control. Therefore, as the budget is either reduced or doesn't grow as fast as it should to keep up with enrollment we have to make reductions in other areas. The net effect over the past three years is the reduction of \$1.4 M in our operating budget. That reduction has taken place in the context of rapidly expanding student enrollment. The increase in student enrollment since 1996 is about 67%. The faculty growth has increased by 48%. The differential between the student growth and the faculty hired inevitably has led to the kinds of problems described. The bottom line is the assessment to Sudbury for the FY05 budget is \$14,400,000. The Town of Sudbury has been tremendously supportive of this school but can't help but point out that it is one of our most precious resources and assets and he is concerned about the trend we are in. He hopes that Town of Sudbury, the State and the Federal Government can find a way to reverse this.

Jack Ryan, Chairman, L-S Building Committee, is pleased to report the "State of the Building" is good; it will be completed next month. The school will move in the middle of January. The contractor will then move into this school building, remove asbestos, demolish the building and start work on landscaping and parking lots. Come September, the school will be ready and there will be at least as much parking as there is now. He showed slides of the new high school, discussed its merits and announced the Democratic plan with respect to State reimbursement has one thing in common with the Governor's plan, they both guarantee full funding for L-S high school; that funding is 62-1/2%.

Bob Jacobson, Finance Committee, presented the Limiting Motion for the FY05 Budget.

Mr. Jacobson moved that the amount appropriated under the Budget not exceed the sum of \$62,550,385.

The motion received a second.

As no one wished to be heard on the Limiting Motion the Moderator called for a vote.

The Limiting Motion for the FY05 Budget was VOTED.

Mr. Jacobson presented the Main Motion for the FY05 Budget

Mr. Jacobson moved that the Town of Sudbury appropriate the sums of money set forth in the Warrant under Article 4 under the column "FinCom Recommended FY05", for Fiscal Year 2005, 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.	200 Public Safety	\$ 193,372
Free Cash	900 Uncl/Benefits	\$1,146,292
Abatement Surplus	900 Uncl/Benefits	\$ 684,566
Retirement Trust Fund	900 Uncl/Benefits	\$ 25,000

The sum of \$4,626,464 set forth as Sudbury Public Schools Employee Benefits to be immediately transferred and added to item 900: Employee Benefits, so that the Employee Benefits total will be \$7,505,485, to be expended under the direction of the Town Manager.

The motion received a second.

The Moderator announced that he was now going to go through each category. He stated that if anyone has a motion to amend or a question, to please raise their hands.

Mr. Hollocher, Concord Road, moved to reduce the L-S total budget by \$554,788.

The motion received a second.

Mr. Hollocher proposed to make interscholastic sports self-supporting. There have been a series of gloomy reports about the future of tax supported activities in the Town of Sudbury. He proposed a “Pay as you play” plan and proposed that the athletics budget and the coach’s trainer budget be eliminated and that interscholastic sports be entirely self-supporting through participant’s fees, gate receipts etc. There are four reasons for proposing this. First, the Town of Sudbury is under no obligation or mandate to support interscholastic sports by taxation. Also, among the kid’s sports activities in Sudbury, the high school’s interscholastic sports program is the only one supported out of tax money except for the provisions of fields and facilities. High school’s sports are already partly supported by participant fees in the amount of \$150 per person per sport. A fee of about \$350 per person per sport would entirely support the program. A fee in that range is not overly burdensome given the relatively high income of the families in Sudbury and the ability of the high school students to earn money or save their allowances. Each student is supported by Sudbury to the extent of about \$10,000 per year in schools and the Town of Sudbury does make a major contribution. One advantage of this is that it would remove sports as a driver for the high school budget. If the students paid somewhat more for their privilege of playing

interscholastic sports, they might accrue the virtue of enterprise in addition to the other virtues that people imagine accrue to students by participating in sports.

FINANCE COMMITTEE: Does not support this amendment.

BOARD OF SELECTMEN: Does not support this amendment.

The Boards felt very strongly that the high school experience is a combination of athletic and academic experiences.

Several residents spoke both for and against this amendment. A motion was made to move the question and that motion received a second

The motion to amend the L-S budget was **OVERWHELMINGLY DEFEATED.**

The Moderator continued to present the budget by line item. Discussion occurred on a motion presented by Mr. Ralph Tyler.

Mr. Tyler moved to increase Human Services by \$30,000 of which \$15,000 would be used for hazardous waste disposal and \$15,000 to mosquito control and to decrease line item 900: Unclass. & Transfer Accounts by that amount. The motion received a second.

Mr. Tyler stated that every town has a responsibility to its citizens to make it easy to dispose of hazardous waste annually. In a \$62,000,000 budget, if it costs \$15,000 to do it we should. Also with West Nile virus a continuing threat, to see level funding of mosquito control is not prudent. It is not protecting public safety and a substantial increase in mosquito control is needed.

FINANCE COMMITTEE: Does not support the amendment.

BOARD OF SELECTMEN: Does not support the amendment.

James Gardner, Longfellow Road, agreed with the proposed amendment because the Town of Sudbury needs to be protected along with the environment Hazardous waste availability is needed.

Jim Gish, Rolling Lane, agreed with the hazardous waste portion but questioned the mosquito control portion.

Robert Coe, Churchill Road, moved to amend the motion to amend to reduce from \$30,000 in two places to \$15,000. (To only support the hazardous waste portion)

The motion received a second.

The motion to amend the amendment as presented by Mr. Coe was VOTED.

Mr. Tyler's motion to amend, as amended, was VOTED.

Mr. Tyler then presented a motion to add \$75,000 to Human Services (Council on Aging, General Expense) and subtract \$75,000 from 900: Unclassified.

The motion received a second.

Mr. Tyler opined that this motion is not cutting anyone else's programs. For a few years Sudbury's senior citizens have been paying huge tax bills and getting few services from the Town of Sudbury's budget.

Martha Coe, Churchill Street, spoke against the amendment because it took money from the Reserve Fund that may be needed for other emergencies.

Ms. Roopenian, Selectman, spoke against this amendment as there will be unintended consequences.

Several other residents spoke against the budget amendment.

The motion to amend was DEFEATED.

Mr. Tyler then presented a motion to add \$75,000 to 600: Culture & Recreation (library books and materials) and to subtract \$75,000 from the 900: Unclassified (salaried adjustment account).

The motion received a second.

Mr. Tyler expressed his opinion that that more money should be spent on materials and books for the library.

Several residents spoke regarding this amendment urging defeat.

The motion to amend the budget was DEFEATED.

The Moderator then continued with presenting the FY05 Budget by line item. Residents spoke regarding various aspects of the budget. Discussion occurred regarding the rules governing Town Meeting's procedures. Concern was expressed as to where in this process can the citizens talk about the General Budget itself and get to express their views on the state of the budget.

Town Counsel stated that Town Meeting acts on questions that are presented to them in the Town Warrant and that each Warrant Article is a question. When

that question comes before the Town Meeting, they are free to discuss it if it gets a motion and a second. If it does not, then there is no discussion and it is passed on.

Town Meeting is controlled by three things. It is controlled by the General Laws, Chapter 39, Section 15 & 17, Article 1 & 2 of the Town Bylaws and Town Meeting Time. Town Meeting is for the purpose of discussing action on Articles that have been presented and given to the general public. There are two ways the Moderator can allow someone to address questions on the floor, they can make a motion, and if that motion receives a second, they can discuss action under that Article. If in fact you have a question regarding that Article, the Moderator may recognize you for that question. Those are the only ways you are allowed to have a discussion.

Mr. Fox presented the main motion under Article 4 as amended.

The main motion under Article 4 as amended was VOTED.

ARTICLE 5. EXPAND SOLID WASTE DISPOSAL ENTERPRISE FUND

To see if the Town will vote to amend the purposes for the Landfill Enterprise Fund/Solid Waste Disposal Enterprise Fund by adding thereto the following:

for the purposes of establishing and operating a Town-wide curbside pick-up program;

or act on anything relative thereto.

Submitted by the Town Manager.

(Majority vote required)

Mr. John Drobinski, Selectman, moved to Indefinitely Postpone Article 5.

The motion received a second.

Mr. Drobinski explained that this is a book mark Article to examine the Landfill Enterprise Fund to see if we were going to change the fund to add curbside pick-up. We are in the process of examining this. The Board is going to look at the financial, logistical and personnel aspects and we will probably be coming back to this next year regarding curb side pick.

FINANCE COMMITTEE: Agrees with the motion to Indefinitely Postpone.

The motion to Indefinitely Postpone Article 5 was VOTED.

ARTICLE 6. FY05 SOLID WASTE DISPOSAL ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums set forth in the FY05 budget of the Solid Waste Disposal Enterprise, to be included in the tax levy and offset by the funds of the enterprise; or act on anything relative thereto.

Submitted by the Finance Committee.

(Majority vote required)

	Appropriated FY02	Appropriated FY03	Appropriated FY04	Town Requested FY05	FinCom Recommended FY05
Solid Waste Disposal Enterprise Fund					
Direct Costs (appropriated)	\$239,536.00	\$214,118.00	\$214,459.00	\$220,453.00	\$220,453.00
Indirect Costs (not appropriated)				\$18,793.00	\$18,793.00
TOTAL: SOLID WASTE ENTERPRISE	\$239,536.00	\$214,118.00	\$214,459.00	\$239,246.00	\$239,246.00
Solid Waste Receipts	\$265,000.00	\$271,733.00	\$236,250.00	\$229,602.00	\$229,602.00
Retained Earnings Used	\$0.00	\$0.00	\$0.00	\$9,644.00	\$9,644.00

Bob Jacobson, Finance Committee, moved to appropriate the sum of \$220,453 for the Solid Waste Enterprise Fund for Fiscal Year 2005, and further to authorize use of an additional \$18,793 of Enterprise Fund receipts for indirect costs; such sums to be raised by \$229,602 in receipts and \$9,644 in retained earnings of the Enterprise.

The motion received a second.

FINANCE COMMITTEE: The Board supports this Article.

BOARD OF SELECTMEN: The Board supports this as the Article continues the funding of the Transfer Station, the Put & Take and the Recycle Center.

As no one wished to be heard on this Article the Moderator called for a vote.

The motion under Article 6 was UNANIMOUSLY VOTED.

ARTICLE 7. FY05 POOL ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums set forth in the FY05 budget of the Pool Enterprise, to be included in the tax levy and offset by the funds of the enterprise; or act on anything relative thereto.

Submitted by the Finance Committee.

(Majority vote required)

	Appropriated FY02	Appropriated FY03	Appropriated FY04	Town Requested FY05	FinCom Recommended FY05
Atkinson Pool Enterprise Fund					
Direct Costs (appropriated)	\$393,484.00	\$391,887.00	\$395,375.00	\$405,078.00	\$405,078.00
Indirect Costs (not appropriated)				\$47,186.00	\$47,186.00
TOTAL: ATKINSON POOL ENTERPRISE	\$393,484.00	\$391,887.00	\$395,375.00	\$452,264.00	\$452,264.00
Pool Receipts	\$407,468.00	\$350,000.00	\$441,356.00	\$400,000.00	\$400,000.00
Tax Levy	\$0.00	\$41,887.00	\$0.00	\$0.00	\$0.00
Retained Earnings Used	\$0.00	\$0.00	\$0.00	\$5,078.00	\$5,078.00

Mr. Bob Jacobson, Finance Committee, moved to appropriate the sum of \$405,078 for the Pool Enterprise Fund for Fiscal Year 2005; such sum to be raised from \$400,000 in receipts of the Enterprise and \$5,078 in retained earnings of the Enterprise; and further to authorize use of an additional \$47,186 appropriated under Account 900, Town Employee Benefits in Article 4, FY05 Budget, for indirect costs.

The motion received a second.

FINANCE COMMITTEE: The Committee supports this Article.

BOARD OF SELECTMEN: The Selectmen supports this Article.

Mr. Hollocher, Concord Road, asked are we to interpret that the \$47,000 represents money coming out of general taxation. The answer was "YES". Mr. Hollocher stated that this is a question raised every year about the Atkinson Pool. We are promised that the Enterprise Fund will be balanced and it never is. Is there some explanation as to why this \$47,000 could not be made up from receipts?

Ms.Valente explained that the Recreation Director and Recreation Commission have been working very diligently to put in place and enhance activities that will generate additional receipts and revenues. At this point, they still are not generating enough income to cover the indirect costs. The Article is put together so that the benefits for those employees who work at that facility will be covered under the general fund.

Mr. Hollocher wanted to know if it was likely that next year the Atkinson Pool will finally be in balance.

Ms. Valente responded that was the goal.

The Moderator seeing no one else who wished to be heard, the Moderator asked if all those in favor of Article 7 to raise their cards; all those opposed.

The motion under Article 7 was VOTED.

ARTICLE 8. FY05 CAPITAL BUDGET

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, for the purchase or acquisition of capital items including, but not limited to, capital equipment, construction, and land acquisition; and to determine whether this sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Capital Improvement Planning Committee. (Two-thirds vote required, if borrowed)

CAPITAL ITEM	CIP COMMITTEE RECOMMENDATION
1. Department of Public Works – Chipper Replacement	\$7,500
2. Atkinson Pool – Diving Board Replacement	8,000
3. Fire Department Headquarters – Vehicle Exhaust System	32,000
4. Department of Public Works – ¾ Ton Truck Replacement	7,000
5. Fire Department – Bucket Truck Replacement	25,000
6. Building Inspector – Various Town Building Improvements	25,000
7. Department of Public Works – Backhoe Replacement	29,500
8. Department of Public Works – Dresser Loader Replacement	35,000
TOTAL: \$169,000	

CAPITAL IMPROVEMENT PLANNING COMMITTEE (CIPC) REPORT: The CIPC recommends approval of this Article. Due to age, the Department of Public Works needs to replace its chipper, a ¾ ton truck, backhoe, and Dresser loader

under a lease-purchase agreement. The Fire Department's vehicle exhaust system project involves the installation of point-of-source exhaust removal system at its headquarters building to remove carcinogenic diesel exhaust from inside the building. This same project was completed at Stations 2 and 3 during the previous fiscal year. The project is mandated by the State Department of Labor/Division of Occupational Safety. The Fire Department requests replacement of the current bucket truck which is a 1987 model that was purchased used in 1995. Its hydraulic system for the boom is failing, making the vehicle unsafe. The Park and Recreation Department needs to replace two springboards and one 16-foot diving board as they are five years old and receive heavy usage. Failure to replace them is a potential safety hazard and could cause the Atkinson Pool to lose swim team rentals. Various Town-owned buildings require improvement which will be determined by the Building Inspector and approved by the Town Manager.

Kerry Spiedel, Finance Director, moved to appropriate the sum of \$169,000 for 1) purchase of a chipper for the Department of Public Works, 2) purchase and installation of a diving board for the Atkinson Pool, 3) remodeling, reconstructing and making extraordinary repairs to the Fire Department Headquarters, consisting of the installation of an air exchange system, 4) purchase of a ¾ ton truck for the Department of Public Works, 5) purchase of a bucket truck for the Fire Department, 6) remodeling, reconstructing and making extraordinary repairs to Town buildings, 7) purchase of a backhoe for the Department of Public Works, and 8) purchase of a Dresser loader for the Department of Public Works; said sum to be raised by transfer of \$25,000 from unexpended proceeds from the Town's Municipal Purpose Loan of 1997 Bonds, such proceeds relating to the portion of such bonds issued pursuant to the vote of the Town of Sudbury passed April 4, 1995, under Article 19, for the purpose of constructing an addition and/or renovating and making extraordinary repairs to the Goodnow Library, and the balance to be raised by taxation.

The motion received a second

Ms. Speidel presented Article 8-Capital Budget on behalf of the Capital Improvement Planning Committee (CIPC). It is a seven member board comprised of citizens appointed by the Board of Selectmen, Town Manager and the Finance Committee. A breakdown of the funds requested was listed in the Warrant for the voters to review and vote upon (as shown above).

FINANCE COMMITTEE: The Board recommended approval.

BOARD OF SELECTMEN: the Board urged support of this Article for necessary repairs, replacement and safety issues with the Town of Sudbury buildings and accouterments.

Mr. Ralph Tyler asked two questions. What happens if next year the Town of Sudbury doesn't vote another \$7,500 and we have already committed to a lease purchase of the chipper and second, the bucket truck. Is this necessary?

Mike Dunn, Fire Chief, responded that it was used to help maintain the fire alarm boxes on most commercial buildings in the Town of Sudbury and on all the municipal buildings in town and that saves money on insurance. All the companies that have fire alarm boxes are billed that are connected to the Town of Sudbury's system. We are not asking to buy a new truck but a second-hand one to replace the old one we have. Also, other Town of Sudbury agencies occasionally use it.

Ms. Speidel answered the question regarding the lease-purchase of a chipper. Under a lease-purchase agreement, it is subject to annual approval at a Town Meeting. As a result we pay a slightly higher interest rate and enter into this because it is a much more affordable way for us to maintain our equipment. Once approved through the capital process in year one, we move the lease-purchase payments into the operating budget with the understanding that Town Meeting has given a tacit approval for those projects.

As no one else wished to be heard, the Moderator asked the Hall for those in favor of Article 8 to raise their cards, then all those opposed.

The Moderator declared the motion under Article 8 PASSED UNANIMOUSLY.

ARTICLE 9. FY04 BUDGET ADJUSTMENTS

To see if the Town will vote to amend the votes taken under Article 4, FY04 Operating Budget, of the 2003 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.

(Majority vote required)

Ms. Roopenian, Selectman, moved to Indefinitely Postpone Article 9.

The motion received a second.

Ms. Roopenian stated there will only be adjustments at Town Meeting if necessary and there are not any adjustments that are required at this time.

FINANCE COMMITTEE: Recommends approval to Indefinitely Postpone.

A vote was taken by the Moderator; he asked the Hall if all those who approved the motion to raise their cards, all those opposed.

The motion to Indefinitely Postpone Article 9 was UNANIMOUSLY VOTED.

ARTICLE 10. 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.

(Four-fifths vote required)

Ms. Speidel moved to Indefinitely Postpone consideration of Article 10.

The motion received a second.

Ms. Speidel stated there were no unpaid bills for Town Meeting action.

A vote was taken by the Moderator; he asked if all those who approved the motion to raise their cards, all those who approved.

The motion to Indefinitely Postpone Article 10 was UNANIMOUSLY VOTED.

ARTICLE 11. STABILIZATION FUND

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

Submitted by the Board of Selectmen.

(Two-thirds vote required)

Ms. Roopenian, Selectman, moved to Indefinitely Postpone consideration of Article 11.

The motion received a second.

BOARD OF SELECTMEN: Ms. Roopenian stated that with the budget situation, given all of the cuts that have already been made, the Board felt it was in the Town

of Sudbury's best interest at this time to forego putting money into this fund for the upcoming fiscal year. It is their hope and intention to resume such an allocation in the future.

FINANCE COMMITTEE: The committee supports this Article.

The motion to Indefinitely Postpone was presented to the voters. The Moderator asked if all those who approved to raise their cards, all those opposed.

The motion to Indefinitely Postpone Article 11 was UNANIMOUSLY VOTED.

ARTICLE 12. STREET ACCEPTANCES

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

Twillingate Lane	from Hudson Road to a dead end, a distance of 465 feet, more or less;
Spruce Lane	from Hudson Road to a dead end, a distance of 420 feet, more or less;
Camperdown Lane Extension	from the end of the public way of Camperdown Lane to a dead end, a distance of 420 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 eminent domain, in fee simple, of the property shown on said plans; and to raise and appropriate, or appropriate from available funds, \$825, or any other sum, therefor and all expenses in connection therewith; or act on anything relative thereto.

Submitted by the Board of Selectmen. (Two-thirds vote required)

Ms. Roopenian, Selectman, moved to accept the layout of the following ways:

Twillingate Lane	from Hudson Road to a dead end, a distance of 465 feet, more or less;
Spruce Lane	from Hudson Road to a dead end, a distance of 420 feet, more or less;

Camperdown Lane Extension

**from the end of the public way of
Camperdown Lane to a dead end,
a distance of 420 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 by eminent domain, in fee simple, of the property shown on said plans; and to appropriate the sum of \$825 for expenses in connection therewith.

The motion received a second.

BOARD OF SELECTMEN: Ms. Roopenian stated the Selectmen have voted their intention to approve the layout of these roads and held a public hearing for this purpose prior to Town Meeting. If the above streets are voted and accepted by this Town Meeting as public ways, all future maintenance and repair will be done by the Town.

FINANCE COMMITTEE: Takes no position on this Article

PLANNING BOARD: Recommends approval of this Article.

As no one wished to speak on the motion the Moderator called for a vote. He asked everyone in the Hall who was in favor of the Article to raise their cards; all those opposed:

The motion under Article 12, Street Acceptances was UNANIMOUSLY VOTED.

ARTICLE 13. FLYNN BUILDING ELEVATOR

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Permanent Building Committee, for the purpose of augmenting funds currently available for the installation of an elevator and constructing elevator access at the Flynn Building for handicapped accessibility, and to see whether such sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen. (Two-thirds vote required, if borrowed)

Ms. Roopenian, Selectman, moved to appropriate the sum of \$30,000, to be expended under the direction of the Permanent Building Committee, for the purpose of augmenting funds currently available for the installation of an elevator and constructing elevator access at the Flynn Building for handicapped accessibility; said sum to be raised by transfer from unexpended proceeds from the

Town's Municipal Purpose Loan of 1997 Bonds, such proceeds relating to the portion of such bonds issued pursuant to the vote of the Town of Sudbury passed April 4, 1995, under Article 19, for the purpose of constructing an addition and/or renovating and making extraordinary repairs to the Goodnow Library.

The motion received a second.

Ms. Roopenian said that Article 13 had been visited several times over the past five years. The Flynn Building has been used for Town offices since 1970. Formerly it was used as a school, which was built in 1890. The problem the Town of Sudbury has had with the Flynn Building is that it is not in compliance with the Americans' With Disabilities Act, that dictates we must have handicapped accessible routes in any municipal building. The Flynn needs an elevator and restrooms with handicapped facilities and an entrance ramp. This project has had monies appropriated since FY99. The amount was \$224,000 and that was passed at a previous Town Meeting. The Permanent Building Committee who oversees municipal projects rejected the previous bid as too expensive and exceeding the available funds. This past fall and winter, a new design was proposed and the bids came in closer to their expectations.

The proposal for accessibility is as follows: First, to add an elevator to create a new handicapped accessible entrance and to bring the bathrooms to ADA standards. From the bids that have been received, we are relieved that the project will be around \$254,000. Tonight we are asking Town Meeting to allow a transfer of \$30,000 from an older Article. The project is scheduled to be completed in the summer of 2004. The Town of Sudbury is being asked to finish what we have been committed to doing; making this building accessible at a reasonable cost. The source of the \$30,000 is a transfer from Article 19 of the 1995 Annual Town Meeting, Library Construction. When the State Grant came in for our library it was more than initially expected so the funds for the library had already been borrowed. It cannot be given back; we can only use it for other purposes. This money cannot be used for operating purposes, only for a similar type of borrowing project. This Article is an appropriate use of those funds. In Article 8, \$25,000 was appropriated under the Capital Budget Article. The unusual condition in working with an old building creates many unknowns. The Permanent Building Committee used their best judgment in continuing to seek a solution for compliance with a budget appropriate for the Town of Sudbury. They have proposed a cost effective way to address this issue before legal action is taken against the Town of Sudbury. The PBC has worked on all five school projects and the DPW building. The Master Facility study was completed in the spring of 2002 and lays out several scenarios for addressing the town's facilities and space needs. In all scenarios the Flynn building will be used for municipal purposes. The work on the Flynn Building has been on hold for some time. There is a bid in line with the recommendations of the PBC. The time to accomplish this task is now. We urge your support.

FINANCE COMMITTEE: The Committee supports this Article.

After several comments by residents the Moderator took a motion to move on the Article. The Moderator asked for all those in favor of Article 13 please raise their cards; all those opposed.

The Moderator declared the motion PASSED OVERWHELMINGLY.

The motion under Article 13 was VOTED.

As the hour was after 10:30 PM a motion to adjourn was accepted by the Moderator. This received a second and was VOTED. The meeting was adjourned until the next evening at 7:30 PM.

Attendance: 320

PROCEEDINGS
ANNUAL TOWN MEETING

April 13, 2004

**(The full text and discussion on all Articles is available
on tape at the Town Clerk's office)**

Pursuant to a Warrant issued by the Board of Selectmen, March 15, 2004, the inhabitants of the Town of Sudbury qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School Auditorium on Tuesday, April 13, 2004, for the third session of the Annual Town Meeting. The meeting was called to order at 7:35 PM when a quorum was present.

ARTICLE 14. NEW POLICE STATION - FEASIBILITY STUDY

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 Permanent Building Committee, for the purpose of obtaining preliminary architectural, engineering and other services for a feasibility study to include schematic plans, sighting recommendations, and cost estimates for the construction of a new Police Station, and to see whether such sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen. (Two-thirds vote required, if borrowed)

Kirsten Roopenian, Selectman, moved to appropriate the sum of \$25,000, to be expended under the direction of the Permanent Building Committee, for the purpose of obtaining preliminary architectural, engineering and other services for a feasibility study to include schematic plans, site recommendations, and cost estimates for the construction of a new Police Station; said sum to be raised by taxation.

The motion received a second.

The Moderator recognized Maureen Valente, Town Manager, for the presentation.

A proposal is being brought forward to do a study on the feasibility for a new Police Station and they are looking for \$25,000 to undertake this study. The mission will be to gather basic information that we will need to be considering a new Police Station.

The consultants will be asked the following:

- To evaluate locations for where we could site a Police Station
- Factor in the need to have a combined dispatch

- Confirm the study findings of the Comprehensive Facility Study
- Produce schematic designs
- Provide us with some project costs

Why are we asking to address the Police Station? There are significant deficiencies in the building, which Chief Fadgen will describe for you after I conclude my remarks and there is a need for a combined dispatch center. We had a study that was finished five years ago and presented to the Town of Sudbury; it documented the need for the combined Police and Fire services. The recommendation of the consultant, confirmed by the Chiefs at the time, was that the combined dispatch needed to be located in the Police Station not the Fire Station. At the time, sighting it would have been very difficult, the space was not big enough and we were still looking at the deficiencies in the building. The need for the combined dispatch is even more critical today than it was then; it is something that we need to continue looking at.

The Police Station should be addressed in a study form right now because we believe prevention and planning are less costly than the alternative. When the deficiencies are shown you'll see what we mean in terms of needing to address some of these issues. There are significant septic and site considerations where the station is right now, that would be one of the possible locations, but that makes for a very difficult site. That is one of the things we'll need some feedback on from the consultant.

The report on the combined dispatch center was done five years ago. It confirmed that the Police Station was the correct site for the dispatch center. The two Chiefs here tonight can answer any questions you have on why that is the preferred location. It has to do with operational costs and especially operational efficiencies.

Just to refer again to our Capital planning process that we have had in place for a few years.

- In 1997 we passed a Capital Improvement Bylaw
- Created a committee who has been doing great work since then in trying to make sure we give adequate lead time
- Assigned priorities
- Put projects in the right order and also try to make sure we're addressing them in a productive and farsighted way
- Did the Comprehensive Facility Report try to give us all the information that we would need to lay out a blueprint
- Adopted the Community Preservation Act which will be helpful because it does allow some of the funds to be used for historic town owned buildings

The Police Station is more critical and need to start getting the information to be able to decide what we're going to do. Adding to this is when capital projects are discussed along with municipal facilities timelines. Going back, from 1981 we're doing about two projects a decade; trying to add to them and make sure that when we do it we allow debt

from one set of projects to be paid off before we put in for the next, so they are not dealt with all at once. The 1997 issue for the Library we'll be paying off at about that time. There would be room at that time to begin another project, so we're trying to look in that type of time range.

What else we'll bring to you is in the Comprehensive Facility Study and we've said this before, the other major projects: what we're going to do with Town Hall, the Flynn Building, and the Loring Parsonage. Last night the additional funding was approved for the elevators to get us over there, but that doesn't end all the problems in the Flynn Building; it doesn't deal with the employees that are still in the Town Hall; it doesn't bring us all together; and it doesn't make a decision on what we do with our historic and beautiful Town Hall, which I feel strongly should be our center of government. We should be looking at that at some point; to get us out of the Flynn Building and some plan to put us over there.

The other problems that are still at the Fairbank Building are the Council on Aging and the Recreation Departments, which are bursting at the seams. They need the space where the School Administration is now; there needs to be a place for these departments. Again, the report laid out a long term proposal; do something with the Town Hall, put us over there, renovate the Flynn, put the School Administration there. All this is long range, it's going to take several years to do, but this is what we have on our horizon. Again on Financial Planning, we have tried to space these projects and we want the information early enough now, so that we're ready a few years from now, we've looked at alternatives, we've vetted them with the community, we've had a chance to get the information and test it ourselves.

A slide was shown and she told the Hall what they should be seeing is the consultant's report on the deficiencies in the Sudbury Police Station. The Chief will go through most of those in terms of what the problems are. The list for the Police Station was longer than any other in terms of the inadequacies. The last thing she'd like to convey is that this problem with the Police Station will not go away. So far we've been lucky and dodged a lot of problems, the Chief will discuss some which have been endured down there.

Better planning will result in better choices and outcome for the Town of Sudbury and recommended getting information to do that. This work should give a specific parameter for the choices ahead. One thing she wanted to mention again was the 1988 problems; the lack of accessibility for it and at the State level, they tend to give you a little more leeway when they see you're working to resolve a problem. If they see you continue to ignore it, you run more risks of trouble.

Ms. Valente asked the Moderator if he would recognize at this time Chief Peter Fadgen to talk about the deficiencies in this building.

Peter Fadgen, Chief of Police, addressed the Hall. The deficiencies of the Police Station are numerous and would attempt, in the limited time available, to give the Hall

what are the more serious deficiencies and then give you some examples of them and the problems they cause.

In the physical support of the building, the heating and the cooling systems are insufficient to support the needs of the building. It requires the use of space heaters and free standing air conditioners to supplement the system.

To follow are examples of the problems it causes:

- **Water must be kept running to prevent pipes from freezing at certain times during winter months**
- **Some officers and office help must wear winter coats to keep warm**
- **The cell block is virtually unheated**
- **In warm weather sensitive equipment, including e-911 and the radio system are unable to be properly cooled due to lack of air conditioning or ventilation. The ventilation is extremely poor throughout the station, especially in the area where this equipment is located**
- **The electrical requirements of the building have grown over the years, with the introduction of more and more equipment required to perform their jobs**
- **The electrical infrastructural of the building cannot handle the demands made on it**

Some examples caused by the electrical system are:

- **Circuit breakers regularly fail when space heaters or air conditioners are in use, causing the temporary shutdown of certain work areas including the dispatch area. During the past two years we have experienced two electrical outlet fires, one of which was located in the evidence room, where a limited number of people have access and the cause of the problem was not immediately found and it resulted in the loss of electricity to the rear of the Police Station for two days**
- **There are five other electrical outlets in hallways and the cell block area that do not work**
- **In the past two years six computers have been damaged due to irregular current flow despite the use of ups's**
- **A violent prisoner damaged a cell light which caused interruption of power to the front of the station and caused the loss of phone service for several hours**
- **Some equipment needs to be turned off in some areas in order to run equipment in other areas**
- **On the building design: the main water and natural gas and electrical supply all come into the same room that an antiquated push-button entry method that often malfunctions, leaving doors unsecured (All exit doors from the station can be opened from the**

inside by any person resulting in three prisoners getting out of the building since 1990)

- Prisoners must be escorted from the booking room via the common hallway and down a flight of stairs to the holding cells resulting in officers falling down the stairs in the past struggling with violent prisoners
- As the building only has one common hallway, any member of the public, a victim, or a witness within the station could come in contact with a prisoner being brought to or from the holding cell
- All exits from the building can be accessed from this hallway by any prisoner who got loose and he would also have access to any of the officers or the locker room facility
- A small conference room is the only area that we have to interview people under arrest, suspects, or people there to file a complaint
- Current staffing levels, office space storage are at a minimum
- Some examples of storage areas problems are: office space- a small storage closet serves as an office for the DARE officer, he shares this office with office supplies and files
- Limited space has made it necessary to store department firearms and ammunition as well as other department equipment in the evidence room along with case files, making these resources unavailable due to the sensitive area that they're located
- 3 investigators work out of a 14 X 15 room office which also stores the department fingerprint and photograph records, making them unavailable to the department when the investigators are out of the office
- Locker rooms and lockers are small and inadequate to store everyday equipment; some officers carry their equipment back and forth to work
- The locker room contains one shower and no seating for dressing
- Several years ago we took half of the front lobby area and walled it off to make office space for the shift supervisors
- Lastly, the parking during the day and at shift changes is at its capacity with 17 parking spaces for 33 employees and public visitors. Five years ago we had to take part of the front lawn to make three more spaces. The lot is not big enough for more parking or for an expansion

He had covered a few of the areas he thought were the most serious. For the safety and health of the employees and the public doing business at the Police Station he urged approval of this Article.

BOARD OF SELECTMEN: Selectman, Kirsten Roopenian addressed the Hall. The Police Department has outgrown its facilities. Largely due to present day requirements for police work and due to the town's growth in population, it is important that we look at this in the long range perspectives. Doing so gives us the option and the necessary information to be

able to consider everything that we could possibly do as far as options available for a Police Station. In order to prepare for the necessary room and facilities required to carry out public safety functions as the Town Manager and Chief have already stated, it's appropriate and recommended to plan in advance. The Board of Selectmen unanimously urges your support.

FINANCE COMMITTEE: The Finance Committee recommends approval of this Article.

Kerry Speidel was recognized by the Moderator for the Capital Improvement Committee. She stated that the Capital Improvement Planning Committee strongly recommends support of this Article.

Frank Riepe, 54 New Bridge Road said he had a couple of questions:

- The presentation suggests that the existing building could not be renovated to suit their needs and that a new site is desired, what would be done with the existing building and land? Is this part of the Capital Improvement planning, how we dispose or reuse this site?
- What are possible sites that the Police Department would consider as being viable? For instance, do we expect it to be elsewhere on Route 20 in a similarly central location?

Maureen Valente, Town Manager addressed the questions. We haven't completely eliminated the existing site, but we have pretty much eliminated the possibility of a renovation. It's not a matter of a simple renovation or adding on to deal with it, the underlying design is so poor, we can't do that. Could it fit on the existing site or could we also look to expand in that immediate area, that's one thing that we'll consider and take a look at. As far as alternative sites, there aren't a lot at this point. The Town of Sudbury owns land in several places; the Bushey house for instance, property along there and the Town of Sudbury's considering acquiring other property. Land in the Town of Sudbury is expensive and there are so many competing uses for it.

In terms of if we could find another site or if we relocated it somewhere else, for instance, could we put it on the same site as the Fire Station. These are things we don't know. If we could put it somewhere else, the Board would put together some sort of planning process for what we should do with the existing site. But she said she knew that's factored into their thinking that if it was sold for some sort of commercial purpose that money could help with the construction. That's as far as our thinking has gotten until we get the results back from this kind of study.

Mr. Riepe wanted to know if the process for designing this building is subject to review by the Design Review Board.

The Town Manager answered saying she would think so, she thought this was the first building that she was aware of that in a number of years on the municipal side, we would be starting with a new design. With the DPW, when they came and asked for money, the design had long been done, they had only asked for construction money to construct the design. She said it would absolutely.

The Moderator seeing no one else who wished to be heard on Article 14 asked all those in favor of the motion, please indicate by raising your cards, all those opposed.

The motion under Article 14 was UNANIMOUSLY VOTED.

Before we get to Article 15 the Moderator announced that Susan Pope, our State Representative had planned to be here tonight, but apparently the business of the House will keep her from us, so she sends her greetings.

ARTICLE 15. CARDING MILL POND DREDGING

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$37,500, or any other sum, for the purpose of dredging Carding Mill Pond. Funds appropriated by the Town are to be matched by local residents and/or the Hop Brook Protection Association. Or act on anything relative thereto.

Submitted by Petition.

(Majority vote required)

Frank Lyons, 157 Wayside Inn Road, President of the Hop Brook Protection Association, on whose behalf Article 15 and Article 16 were submitted, moved to INDEFINITELY POSTPONE Article 15.

The motion received a second.

Mr. Lyons stated that it was an Article to attempt to start cleaning up a pond in Sudbury which has been severely damaged through the years. Last summer it had no open space and it's a 40 acre pond. It's going to turn into a swamp if nothing is done to remediate the problem. So why are we postponing it? There are two reasons for postponing this Article:

1. Last Monday he found out the only way this Article could be funded was to take money from somewhere else in the budget to pay for this Article which he thought was inappropriate. He said that he respects the work of the FinCom and the Town Manager and did not want to be changing the budget on a fly, not understanding what he was doing. The other option was to have a Proposition 2 ½ Override, which he thought was kind of a non-starter.

2. We have spoken to Conservation and the Selectmen and both groups agree in principal that something like dredging should be done to Carding Mill Pond but both groups had a request to look into the scope of what this Article might present. We look forward to working with the Selectmen and Conservation Commission to resolve any additional questions or issues that they have so that we can get on with a plan that they can enthusiastically support to move this project forward.

Mr. Lyons thanked the many people who have worked hard on the passage of this Article.

Michael Meixsell, Barton Drive, said he and others in Sudbury and neighboring towns are working on an attempt to restore the former extensive herring runs, migration runs and spawning migration runs into the Sudbury River and its tributaries.

He said they support the motion to Indefinitely Postpone for the following reason:

- This year they will be transferring 5,000 to 7,000 herring into the Sudbury River and into a pond in Wayland. Sudbury's Hop Brook is a major tributary of the Sudbury River and unless the quality of the Hop Brook Pond is restored the herring will not be able to use Hop Brook. The Herring Restoration Project supports Indefinite Postponement in the hope that Sudbury officials will use the coming months to explore options and to plan for the restoration of these brooks and ponds.

FINANCE COMMITTEE: Supports Indefinitely Postponing this Article.

BOARD OF SELECTMEN: The Board supports Indefinite Postponement. The Selectmen have been working with the Hop Brook Association stated it is time for the Town of Sudbury to make sure that the water quality in Sudbury is protected.

The Moderator seeing no one else who wished to be heard on Article 15, asked all those in favor of Indefinitely Postponing Article 15 to raise their cards, all those opposed.

The motion under Article 15 to Indefinitely Postpone was **VOTED.**

ARTICLE 16. HOP BROOK PONDS – LEGAL EXPENSES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$50,000, or any other sum, for the purpose of legal expenses related to the appeal of the National Pollutant Discharge Elimination System (NPDES) Permit to be issued to the City of Marlborough Department of Public Works for the Marlborough Easterly Waste Water

Treatment Facility located at 860 Boston Post Road, Marlborough, MA. Or act on anything relative thereto.

Submitted by Petition.

(Majority vote required)

Frank Lyons, Wayside Inn Road, moved to Indefinitely Postpone Article 16.

The motion received a second.

Frank Lyons said that Article 16 was an attempt to get some funding for legal expenses to deal with NPDS permit. He went on to say that he would be very brief, that he just wanted to explain what an NPDS permit is. We have 90 acres of ponds in Sudbury which have been affected by what he would call nutrient pollution from the Marlborough Easterly Waste Water Treatment Facility; it just means their effluent has a lot of nutrients in it. This is normally regulated by operating permits from the State and Federal Government. The operating permit for the Marlborough Easterly Waste Water Treatment Plant is more than 10 ½ years overdue. There's a draft permit out which has some problems with it and that needs to be addressed and that's what this Article was attempting to do. We are indefinitely postponing this Article because the Selectmen have decided to take on the appeal of this permit.

FINANCE COMMITTEE: Supports Indefinitely Postponing this Article.

BOARD OF SELECTMEN: Supports Indefinitely Postponing this Article. The reason, as Mr. Lyons stated, is for the Town of Sudbury to retain their right to comment on the permit and make sure the permit is protective of Sudbury's waters. We will be in the process of appealing the permit.

Don Chauls, Blueberry Hill Lane, had a question for the Board of Selectmen. What kind of follow-up is expected to be undertaken in the next few months to ensure that Hop Brook becomes a bit cleaner?

The Moderator stated that he would allow the question for a 15 second answer because it's really way off the topic of Indefinite Postponement.

Mr. Drobinski, Selectman, answered to file an appeal and as they go forward and take it one step at a time. If we don't file the appeal, we don't have the ability to comment on it.

Mr. Fox seeing no one else that wanted to comment on the motion to Indefinitely Postpone Article 16 asked those in favor of the motion to please indicate by raising your cards, all those opposed.

The motion to Indefinitely Postpone Article 16 was VOTED.

The Moderator wanted to make a couple of statements before moving on to Article 17. In the Warrant you'll notice that the next 6 Articles all require a two-thirds vote. In each case we have 17 and 18, 17 is to excess the land to the Selectmen and 18 would be to transfer the land in question to the Housing Authority. The same is true for 19 and 20 and then again for 21 and 22. He said that he would permit discussion on 17 and 18 together but the vote on each will be separate.

**ARTICLE 17. TRANSFER LAND OFF WILSHIRE STREET TO
SELECTMEN FOR SALE**

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

A portion of the land off Wilshire Street containing approximately .25 acre, shown as Parcel 036 on Town Property Map K06, for the construction of one house; or act on anything relative thereto.

Submitted by the Sudbury Housing Authority.

(Two-thirds vote required)

John Darcey, Sudbury Housing Authority, *moved* in the words of the Article provided that such transfer take place within two years of the date of this vote, subject to a determination by the board having custody of the land that it is no longer necessary for municipal purposes.

The motion received a second.

John Darcey, member of the Sudbury Housing Authority, is speaking to both Articles 17 and 18 at the same time. He resides at Cranberry Circle and has lived in the Town of Sudbury for 12 years. The slide behind him is not a mistake, for those of you who noticed; it says April 2003. It has last year's date to remind the hall that tonight's vote is a continuation of a process started prior to last year's Town Meeting. Last year Town Meeting voted overwhelmingly to support the SHA's plan to construct up to 16 units of affordable family housing on scattered sites around Sudbury. The Housing Authority requested \$320,000 in Community Preservation Act funds for this project. The Community Preservation Committee unanimously supported this proposal as did the Selectmen and Town Meeting. The houses built would be family rental units. The Sudbury Housing Authority only oversees rental units and the need in the Town of Sudbury is greatest for affordable family units. Several examples of what we build and how we maintain it already exist in town. A slide was shown and he said as you can see the proposed homes have an appearance similar to many single family homes in town. This design is intentional and is beneficial for both our residents and our neighbors. By all measures, including property value increases, the Sudbury Housing Authority and our tenants are very good citizens and very good neighbors.

Last year's presentation was concluded by acknowledging that the selection of specific sites was the next step, which brings us to this year. As promised, a Site Selection Committee was convened by the Board of Selectmen, that broad-based panel, the Blue Ribbon Housing Site Selection Committee, spent the intervening year following the Selectmen's charge to use an open and deliberate process to find suitable sites on which to construct these houses; we appreciate their efforts. The Site Selection Committee reported their findings to the Selectmen who subsequently provided the SHA with the sites identified in tonight's Articles. Construction of these houses will not occur tomorrow. We already have approval of CPA funding from last year. Tonight we seek approval for three sites, this is the first, we already own a fourth. Funding can then go forward, along with the permitting process. With some good fortune we could be in the ground at this time next year.

Last year was step 1, your vote tonight is step 2 of what is a 4-step process. The 4-step process includes allocations of funds from CPA, approval of the sites by Town Meeting. Then we have to get our funding sources, and tonight's vote will go a long way towards making that happen; then we have to get permitted by the Town.

Why should you vote for this? Your vote will send a positive message to the funding sources and serve as a clear message of the direction in which Sudbury would like to move. But mostly you should vote for this because it's the right thing to do, it's what the Town of Sudbury feels is right. It's a continuation of last years vote when 80% of Town Meeting said we should move ahead in this direction. Obviously, the sites that are being brought before you tonight are not sufficient to accomplish the full scale of our original proposal. We will only be building what the approved sites can reasonably accommodate. At maximum, this would be 4 – 5 houses. If for some reason, any of these sites are not buildable, for example: perk tests, ledge, wetland issues, our numbers would be reduced accordingly. As voted last year, the approved CPA funds will only be allocated on the \$20,000 per unit basis.

Article 17 and 18 refer to our Wilshire Street site. This parcel is located at the end of Wilshire Street and near the field behind the State Police Lab on Horse Pond Road. There's a diagram of this site in the Warrant. Your vote tonight will serve to give the Selectmen the directive to transfer the land to the SHA for this purpose. We then need to test the site to see if it perks, we need to discern if there is any ledge or impediments to construction. We need to take these steps after we have a right to the land, not before. We also need to meet any wetlands restrictions that would apply.

Are the Articles before you controversial? You bet, but the reality here tonight is not to rehash last year's debate. We already voted to build these houses as one step to increase the number of affordable units in town. Is the construction of one house, where only trees presently stand undesirable to the neighbors? Of course it is. Almost all of us would prefer to keep the lot next to us or down the street undeveloped, but that's not always realistic. In this instance, doing so would go against one of our towns' needs. In the end we are talking about a single house. This is right for Sudbury and it's worthy of your vote.

FINANCE COMMITTEE: The Committee takes no position on this Article.

BOARD OF SELECTMEN: Larry O'Brien, member of the Board of Selectmen, said they unanimously support all of the Articles that we are discussing in front of you this evening concerning the transfer of land for the construction of affordable housing.

At the end of last year's meeting, as Mr. Darcey had indicated to you, the Selectmen set out and created the Blue Ribbon Site Selection Committee; comprised of seven citizens, four at large, one from the Conservation Commission, one from the Planning Board, and one from the Housing Authority. They spent the better part of July, August, and September reviewing hundreds of town sites, some of them as small as postage stamps, some of them under water, some of them with recognizable town building on them, like the Fire Station, Town Hall, the Flynn Building, etc. They came up with a list of sites that were potentially build-able and useable to address the applications of the funds approved last year and held two public forums as well as meetings with the various boards and committees that would be involved in this and the Selectmen.

During this process, as well as some newspaper articles that were published on the plans to build this affordable housing, he was asked various questions that were quite interesting.

To follow is a list of those questions:

- Why is the Town of Sudbury going into the rental business?
- Why does the Town of Sudbury suddenly have an interest in housing?
- Why all of a sudden are we transferring land for housing?
- Why does the Town of Sudbury suddenly think that scattered site housing is the way to go as compared to considering the construction of another large complex on Route 20? It was assumed that Longfellow Glen was what was being referenced.

Some of the questions required a little research so he went back to the 1970's. The reason he did that was this body at the Town Meeting in 1971 established the Sudbury Housing Authority for the purpose of providing housing for elderly persons of low income. Town Meeting in 1973 voted to transfer 8 acres of land to the Sudbury Housing Authority for construction of Musketahquid Village, that's located next to the main Fire Station on Hudson Rd., and that was for affordable housing for the elderly. Town Meeting in 1973 also voted to establish a non-profit housing corporation to examine possibilities for the construction or conversion of housing for scattered sites throughout the Town of Sudbury. Town Meeting 1974 voted to extend and expand the mandate of the Sudbury Housing Authority to include rental sites for families of moderate or low income. In 1975 the Housing Authority used a State Grant to purchase 5 single-family homes, 3 located in North Sudbury, two located in the Pine Lake area. In 1983 the Housing Authority purchased 3 additional houses with State Grants as well. In 1988 Town Meeting voted to

transfer land for the construction of housing on Fairbank Rd., Old Meadow, and Pine St. In 1997 Town Meeting again voted to transfer land for the Frost Farm development on North Road. The 2000 Master Plan identified affordable housing as a goal of the Town of Sudbury.

In July 2003 the Blue Ribbon Site Selection Committee was formed with members: Joe Bausk, Rich Davison, James Gardner, and Lydia Pastuszek, both who served as co-chairs were the four members-at-large. We wanted the process to be apolitical and neutral, and we felt that these people had no particular agenda other than a willingness to serve. In addition, the members he mentioned from the Housing Authority, the Planning Board and the Conservation Commission, with Steve Shugrue, Mike Fee, and Mark Ensign who also serves as the Chair for the Conservation Commission.

At the end of their six months, numerous site walks, analysis, review, conversations with Town Counsel, Town Manager, Town Engineer, School Committee, Board of Selectmen and the Conservation Commission, the report that they wrote was issued and the sites that they recommended were brought to the Selectmen.

That brings us to this point this evening. A slide was shown. The three parcels before you are small, they are not going to contain complexes or large scale developments, but one to two homes as indicated in Mr. Darcey's presentation and the photos on the screen he showed you. These are parcels that are scattered around the Town of Sudbury. We think that they continue to serve the mission that was laid out by this body 30 years ago. The public process was fair and open and they believe that this is the direction that the Town of Sudbury should take. We ask for your support for Article 17 through 22 and we appreciate your continued support of affordable housing as we continue to move forward as a community.

PLANNING BOARD: Michael Fee, member of the Planning Board, stated the Board unanimously urges passage of Article 17 through 22.

As Mr. O'Brien mentioned the Town's Master Plan guides us all in formulating policy positions regarding things of this nature, including Warrant Articles at Town Meeting. The Master Plan correctly notes that State Housing Policy sets a goal of 10% of affordable housing for municipalities. Now Sudbury, as we all know with its concentration on single family housing and escalating land values has struggled to reach even 4% and clearly we have a long way to go in trying to provide the housing diversity that's called for under State law. As a result, the Planning Board strives to support all initiatives that are designed to enhance housing opportunities for our changing population that is diverse by age or household size, or income. Article 17 through Article 22 represent just these types of initiatives.

Now, as has been mentioned, as we learned at Town Meeting last year, achieving our housing goals as a community really depends heavily on process. The site of any affordable housing in this town has to represent a true community consensus in order for it to work. Larry O'Brien talked to you a little about the Blue Ribbon Housing Site Selection

Committee and he said it was his honor to serve on that committee; I can tell you there was a true dedication to fairness and process in all of the members minds as we went about our work. There were seven voting members, one each from the Planning Board, the Conservation Commission, the Council on Aging, and the Sudbury Housing Authority. The three remaining committee members were at-large positions, two of whom served as co-chairs of the committee.

We were directed to access all Town owned sites that might be used for scattered sites for affordable housing projects and we were greatly assisted in this effort by the Sudbury Housing Authority director, Jo-Ann Howe, the Town Planner, Jody Kablack, the Conservation Coordinator, Deb Dineen. With their help a master list was assembled of all Town-owned parcels, including parcels owned by the Sudbury Water District. We then went about seeking input from Town staff regarding obvious restrictions on each of these parcels. We then developed objective scoring criteria for all of the parcels. Mark Ensign who is chairman of the Conservation Commission was instrumental in developing a scientific method for evaluating the build-able issues. At our meeting of October 15th we unanimously adopted a written policy governing our site selection procedures which was then posted at Town Hall and on the Town website. The second phase of our activity was to go through an in-depth scrutiny of all the parcels in an attempt to narrow down to a list of suitable sites. Again, with the assistance of the Town Planner and the Conservation Coordinator, we evaluated every single Town-owned parcel and conducted site visits to those that were scoring highly on our evaluation criteria. It is important to understand that we took great pains to conduct all of these activities in compliance with all the relevant State and Local laws regarding open meetings, public records and conflict of interest. In sum, we reviewed, analyzed and ranked every piece of Town-owned land that we could find. In ranking them, we paid careful attention to issues of build-ability. We scrupulously avoided any kind of consideration as to whether or not a particular neighborhood would welcome or shun a proposed affordable housing development in their neighborhood. That is very important and looked only at build-ability. This process, in addition to being exhausting, totally apolitical was inherently fair. The parcels that you are considering tonight, in the committee's judgment, represent the most appropriate Town-owned land available for this type of affordable housing.

People may speak against this Article and you may form the impression that they are doing so because they don't want this type of affordable housing in their neighborhood. I would respectfully suggest to you that it is not a good enough reason to vote against these Articles. This community has an important social contract with its citizens and affordable housing is part of that and have to be committed to this goal. That is what the Master Plan says. We urge passage of Article 17 through Article 22.

Mr. Mark Ensign, 44 Bent Road, Chairman of the Conservation Commission, as well as a member of the Blue Ribbon Housing Site Selection Committee, stated the Conservation Commission takes no position on this at this time. He reminded everyone that the Sudbury Wetlands Administration Bylaw, as well as, the State Wetland Protection Act both is in play. If you have questions about that, please bear in mind that all of the

wetland issues will still need to come before us and will have to be addressed. Typically, we don't look at our Bylaw or the Wetland Protection Act as zoning and we hope you don't either.

Jim Gish, Rolling Lane, is in favor of what these Articles are trying to accomplish. However, he had some questions about this particular site as it was near a ball field and asked to see a more detailed plan regarding this site.

Steve Swanger, Chairman of the Housing Authority, said at this point they did not have a more detailed map but noted that they would not be impinging on the ball field.

Lydia Pastuszek, 15 Griffin Lane, Co-Chair of the Blue Ribbon Housing Site Selection Committee along with Jim Gardner of Longfellow Road stated we thoroughly documented our process; we evaluated hundreds of Town-owned properties as has been discussed. Objective criteria were used and what we bring before you tonight is a list of the best properties to accommodate affordable housing at scattered sites in our Town of Sudbury. Our process was fair, public input was solicited and much public input was received throughout the process. Neighbors are bound to disagree with these recommendations but this list does represent those properties which are best suited for the Town of Sudbury as a whole to meet its affordable housing obligations.

Laura McGrath, Water Row, questioned the process of Article 18. It seems as if the vote today puts the final decision in the hands of the Board. The real hard decisions about competing uses would be then under discussion and then the decision about the use of that land would not come back for Town Meeting vote. Would they vote that last decision away?

Larry O'Brien, Selectman, stated we are asking for two votes. One is to transfer the land to the Selectmen and the second vote is to authorize the Selectmen to sell the land to the Housing Authority because they are a quasi public agency. It would be as in the words of the Article when it was determined it is no longer necessary for municipal purposes. He will address Hudson Road in a few minutes but for Wilshire Street and New Bridge Road, because of their locations, there would not be any other municipal uses that would be suitable.

Ms. McGrath thought it seemed that we were treading lightly on the competing use issues and is concerned about three of these properties, the discussion about how we might otherwise choose to develop the land or not develop the land is not going to be part of the discussion tonight or a vote that we will have. We have to vote to either put the land on the table or take it off the table without being able to get a wider range of questions answered about how the land might otherwise be used. We understand that the School Committee is at the end of a planning cycle in terms of capacity at the Nixon School. It is just about to start the next ten year cycle.

Mr. O'Brien, stated that the actual physical size of these sites is so small that any other municipal use, whether it be a police station, a fire station, Town office space even the

construction of another school, not expansion, but a new free standing school; none of these site is large enough to support any of that. They are just large enough to support one or two housing units. The housing units are only a couple of thousand square feet per structure. We are very confident these sites would not be suitable for other municipal purposes.

Wayne Thomas, Marlboro Road, had two questions. Is the issue the percentage of units that are affordable? If Sudbury citizens decided to open their homes or create apartments, would that also satisfy the requirement for affordable housing? And was that examined as an alternative?

Mr. O'Brien informed the citizen that Sudbury does have an Accessory Apartment Bylaw. It is available to single family homes in any neighborhood that might have an apartment than can be rented to a family member. It has to be certified as an affordable unit. Although there are many homes that have these apartments, he was not aware of any that had been certified as affordable units.

Hank Tober, Ames Road, spoke in opposition to anything that is labeled affordable. Unless you define affordable as paid for by somebody else, there is no such thing as affordable housing.

Lee Michaels, Horse Pond Road, asked the Housing Authority, about the number of bedrooms per house. If this property is to be on $\frac{1}{4}$ acre, the houses shown look very large for the site.

Mr. O'Brien said it would be one structure with two separate units. One would be three bedrooms; the other two bedrooms.

There was a call for the question which was seconded. The Moderator asked if all those who wanted the question to be called to raise their cards; all those opposed. The Moderator stated it is well over a two-thirds vote.

The Moderator asked all those in favor of the motion under Article 17, which required a two-thirds vote, to indicate this by raising their cards, all those opposed.

The Moderator declared the Motion under Article 17 PASSED BY OVER THE TWO-THIRDS VOTE.

ARTICLE 18. AUTHORIZE SALE OF LAND OFF WILSHIRE STREET 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

affordable rental housing for families, for a sum of no more than \$1.00 and upon such other terms as the Selectmen shall consider proper:

A portion of the land off Wilshire Street containing approximately .25 acre, shown as Parcel 036 on Town Property Map K06, for the construction of one house; or act on anything relative thereto.

Submitted by the Sudbury Housing Authority. (Two-thirds vote required)

As there were no presentations from the Boards, the Moderator went directly to the Hall.

Ralph Tyler, Deacon Lane, moved to amend this motion by replacing the four words “rental housing for families” with the words “rental housing for senior citizens families age 55 and older”.

The motion received a second.

Mr. Tyler stated that one of the things that have not been talked about regarding these proposals is the on-going cost associated with building housing for younger families with children. If there is anything that we have seen in looking at the demographics of the Town of Sudbury through our work with the Property Tax Equity Review Committee, it is the senior citizens who are already living in the Town of Sudbury, many of whom are having great difficulty in keeping up with their housing costs. The availability of rental housing for these families would be much needed and appreciated. We have built Frost Farm and that is now full and so for the next generation that comes to realize they can no longer afford their housing, there is no place for them to go until that generation ages and passes away to create some openings. The other advantage of providing this housing for senior citizen families is that, if you are going to build five bedrooms, perhaps you could make it into a triplex, creating 50% more affordable units, getting you closer to this goal of 10%. Let's just talk about the financial implications of the bill without this amendment. If you have 8 to 11 live-in units, some have three-four bedrooms, some having two, three, four kids, you are talking substantial annual costs.

Steve Shugrue, member of the Housing Authority and Blue Ribbon Committee, appreciates Mr. Tyler's concern for senior citizens in the Town of Sudbury. The fact remains that the demand is for family housing and not for elderly housing.

Mr. O'Brien brought to the Hall's attention the fact that the amendment that has been put forth should be voted down. The Selectmen is unanimously opposed to it. One of the reasons is that Federal law states that when using Chapter 40B of the Mass laws which we will be using to build these structures on lots that are under 40,000 sq feet, which is what our zoning calls for, you cannot age restrict 40B type developments that are under 5 acres in total size. None of these proposals are in excess of 5 acres and therefore this would be an illegal restriction and cannot be enforced.

Frank Riepe, New Bridge Road, stated the thinking that went into Mr. Tyler's argument is fundamentally flawed. The idea that we would be providing housing for our seniors who can no longer afford to live in their homes would only mean they would sell their homes to people with children who would populate the schools. He recommended defeat of this amendment.

Mr. Tyler spoke to Mr. O'Brien's point. It is his understanding that the Sudbury Housing Authority is not required to comply with the Sudbury Zoning Bylaws. They are exempt so they don't have to go for 40B type development. The Town of Sudbury is prepared to proceed to build one way or the other not in compliance with our Zoning Bylaws. They can build it without going through zoning; they can declare it affordable. Mr. Reipe has a very good point. When he started his journey of understanding what is going on with the seniors in the Town of Sudbury, I too felt like we should try to keep them in their houses. However, it became very clear that the Town of Sudbury doesn't want to provide reasonable tax relief for needy seniors. They would rather spend a couple of hundred thousand dollars a year on an on-going basis to help maybe 6-8 families that do not even live in Sudbury right now.

A motion was made to move the question. It was seconded. The Moderator asked if all those in favor of moving the question to raise their cards; all those opposed. The Hall then prepared to vote on Mr. Tyler's motion to amend. He announced that this was a majority vote.

The Moderator asked if all those in favor of the motion to amend to raise their cards; all those opposed. The motion to amend was DEFEATED.

The Moderator stated it was now time to vote on the main motion under Article 18. A two-thirds vote was required.

Mr. Fox asked if all those in favor would raise their cards, all those opposed. The main motion under Article 18 was VOTED BY WELL MORE THAN TWO-THIRDS.

**ARTICLE 19. TRANSFER LAND OFF NEWBRIDGE ROAD TO SELECTMEN
FOR SALE**

To see if the Town will vote to transfer from the control of the Sudbury School Department or the Board of Selectmen, whichever is appropriate, to the Selectmen for the purpose of sale to the Sudbury Housing Authority for the construction of affordable rental housing for families, the following described parcel of land:

A portion of the land off Newbridge Road containing approximately 1.5 acres, being a portion of the entire site shown as Parcel 030 on Town Property Map F10,

for the construction of up to three houses; or act on anything relative thereto.

Submitted by the Sudbury Housing Authority.

(Two-thirds vote required)

Mr. John Darcey, moved to transfer the parcel of land shown on sketch prepared by the Town of Sudbury Engineering Department entitled "OPTION 4 AREA = 20,151 +/- sq.ft.", and as shown on the overhead projection, and being a portion of the land off New Bridge Road shown as Parcel 030 on Town Property Map F10, from the control of the Sudbury School Department to the Board of Selectmen for the purpose of sale to the Sudbury Housing Authority for the construction of up to two houses of affordable rental housing for families, provided that such transfer take place within one year of the date of this vote, subject to a determination by the board having custody of the land that it is no longer necessary for school purposes.

The motion received a second.

Mr. Darcey then read a motion for Article 20, which also received a second, as both Article 19 and 20 were addressed together.

Mr. Darcey, moved to authorize the Selectmen to execute a deed or deeds conveying in fee simple the parcel of land shown on sketch prepared by the Town of Sudbury Engineering Department entitled "Option 4 Area = 20,151 +/- sq. ft.", and as shown on the overhead projection, and being a portion of the land off New Bridge Road shown as Parcel 030 on Town Property Map F10, to the Sudbury Housing Authority for the purpose of constructing up to two houses of affordable rental housing for families, for a sum of no more than \$1.00 and upon such other terms as the Selectmen shall consider proper, provided that such conveyance take place within one year of the date of this vote, subject to a determination by the board having custody of the land that it is no longer necessary for school purposes.

The motion received a second.

Mr. Darcey stated that this process really does have four steps and your vote tonight will take care of the second step. We then have to secure the final funding and we have to secure construction permits. Why should you vote for this? Again, 80% of you said we should move forward. Articles 19 and 20 New Bridge Road. Some of you may have seen flyers that were handed out to try to educate you as to their point of view. The flyers that I saw have us building on the edge of a lake or a pond which is somewhat misleading. There is no lake or pond next to the Nixon School. There are wetlands; and we need to comply with the restrictions to stay away from wetlands.

The Sudbury School Committee listened to the proposals that we have taken to them over the past year and a half. They listened; they challenged us and asked us

questions, they didn't accept what we had to say. They walked with us around every site that we asked about. In the end, they only gave us a pittance of what we asked for. They really turned us down. We asked them for other sites, specifically we asked them for some land over near Curtis that, in our view, they didn't have much use for, but would make a perfect site for us to build a house or two. They said "No" as they might have a use for the land in the future. They didn't just hand over this property. The piece of property that they did say might serve some other town needs is a very tiny parcel of land. In their judgment, and they have spent time thinking of this. The highest and best use for this land is for a home. In the end, we are talking about one or two houses here. These houses are open to families of all ages. We would like at least one of these homes to be a triplex; a three bedroom, two bedrooms and one bedroom. We would be able to downsize some families currently living in larger homes and that would free up a two or three bedroom unit somewhere else in town.

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

BOARD OF SELECTMEN: Mr. O'Brien said that he wanted to point out to those of you that may recall these Articles from last year that the original proposal was for a much larger area. The School Committee, after thoughtful deliberation on their part and evaluation of the Nixon School, determined that the area requested was too big an area. They did feel, based on the topography of the land and doing site walks and having the area marked off by the Town Engineer, it is approximately $\frac{1}{4}$ of an acre, it represents an area that the School Committee can comfortably provided for the construction of affordable housing without impinging or having any impact on future potential plans at the Nixon School.

The Board unanimously supports this revised proposal for this reduced site.

PLANNING BOARD: Michael Fee, on behalf of the Planning Board, unanimously supports the passage of Articles 19 and 20. (The parcel previously identified as being $\frac{1}{4}$ acre is actually $\frac{1}{2}$ acre.)

Beth Orup, 98 New Bridge Road, stated that Nixon School is reaching capacity and an expansion of the Nixon School is likely in the near future. At this point, however, we do not have a concrete long-term plan as to how we will accommodate our school growth and manage our space. We are approaching a new planning phase. We need to determine formally on a long-term perspective what the precise needs are for our schools and what is in the best interest of our schools. It is not appropriate to give up this precious, scarce commodity of school land for a non-school purpose. If we do transfer this land, then we will lose the ability to regain that contiguous space as part of the Nixon property. We may very likely limit our expansion options or lead ourselves to have to choose more costly alternatives when we do expand.

Lee Ovian, 48 New Bridge Road, a lifelong resident of Sudbury stated he was concerned about the steps that have been taken with regard to this subject. We are not asking you to say that affordable housing is a bad thing or that it shouldn't be brought to

this forum. Please consider all the valuable points of the land issues; the school expansion issues. All the major boards that we have heard from during the last two days have talked about these issues. It is important for us to recognize that we have a growing student population and we have a limited number of schools that we can work with. When you take into consideration the grounds, the playing fields the parking lot, the bus, the entrances and exit points, these are all issues that have to be looked at. When we asked the Town for details as far as where the school is going to be down the road we heard: “We are assuming we will not need this space”. Would you invest your money in something you are not sure of? Our concern is that we are not sure where the school will be and what the needs are. He urged a ‘No’ vote.

Vincent Quirk, New Bridge Road, said this Article is not about affordable housing, it is not a neighborhood issue, it is a Sudbury school issue. We all pay high taxes to live in Sudbury and the schools are the greatest asset and largest expense that we have. He was surprised the Town of Sudbury would even consider giving away school land knowing that the following four circumstances exist or are on the horizon.

- 1) Full day kindergarten is coming to Sudbury sooner rather than later.
- 2) The School Committee is already planning to expand the Nixon School by 6 to 8 classrooms.
- 3) According to the 2003 Town Report, the Town will be looking to build another elementary school in the next 5 years.
- 4) We have a shortage of playing fields in Town.

With the scarcity and price of land in Sudbury, building a new school may mean we will have to build a new building next to the existing school. That means we need space for two schools, playgrounds, ball fields, septic, future septic expansion, parking, contractor parking, buffers, etc. The Selectman can claim that there is no possible use of this land, but if you can build a house on it, I don’t see why you can’t build kindergarten classrooms on it or at least have a soccer field on it. In my opinion, giving away school land is never the right thing to do. Giving away school land is not prudent unless a comprehensive plan for school expansion is in place. For the four reasons previously stated this Article will only constrain the Town of Sudbury and add substantial school expansion. No one knows what the future needs of the Town of Sudbury will be; it is not unreasonable to wait until a thorough and professional plan is in place before we vote to give school land away. If you think it is difficult to find small plots of land for the Sudbury Housing Authority to build houses on think of how difficult it will be to find 15 or 20 acres to build a new school on. Town officials are on a very slippery slope when they decide to give away the Town of Sudbury’s most precious and limited assets without a long-range plan with conservative assumptions and built in contingencies in place. There have been some references to the Master Plan in the presentation by the proponents. The Master Plan does talk about housing diversity being a good thing but it also talks about preserving the rural character of Sudbury which means upholding Zoning and setback laws. It also talks about protecting the schools. He urged all of the voters to vote ‘No’ on this Article.

SUDBURY SCHOOL COMMITTEE: Richard Robison, Homestead Street, stated that all of the things that have been mentioned have been considered regarding potential future use, expansion of classrooms, replication of the septic system, parking and play areas, the topography of the land. After walking the land several times determined that there is not a feasible use for that particular parcel of land. We wanted to support the efforts of the Town of Sudbury which voted to build affordable housing. Recognizing that land is scarce we would do whatever we could to support the efforts of the Town of Sudbury.

Karen Krone, Meadowbrook Circle, said that 10 years ago the School Committee worked with a variety of Town Boards, Town employees and citizens to try to identify land that was suitable for Town of Sudbury use; none was found. Several years later an additional half acre of land abutting the Loring site was approved by the Town of Sudbury for school use. At the 11th hour, that land became unavailable due to conservation issues. Land suitable for school use is a rare commodity. It is impossible to predict what the educational needs of the Town of Sudbury are going to be 15, 20 or 50 years from now. She urged defeat of the Article.

After several additional residents spoke there was a call to move the question.

The call of the question received a second.

The Moderator asked the Hall if all those in favor of moving the question to please raise their cards; all those opposed. It passed by more than a two-thirds vote.

The Moderator asked if all those in favor of the motion to signify by raising their cards, all those opposed.

The motion under Article 19 was DEFEATED.

**ARTICLE 20. AUTHORIZE SALE OF LAND OFF NEWBRIDGE 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 affordable rental housing for families, for a sum of no more than \$1.00 and upon such other terms as the Selectmen shall consider proper:

A portion of the land off Newbridge Road containing approximately 1.5 acres, being a portion of the entire site shown as Parcel 030 on Town Property Map F10, for the construction of up to three houses; or act on anything relative thereto.

Submitted by the Sudbury Housing Authority.

(Two-thirds vote required)

Mr. Larry O'Brien, Selectman, moved to Indefinitely Postpone Article 20.

The motion received a second.

As no one wished to speak, the Moderator instructed the Hall to raise their cards if they were in favor of the motion and then asked if anyone opposed to raise their cards.

The motion to Indefinitely Postpone Article 20 was VOTED.

**ARTICLE 21. TRANSFER LAND OFF HUDSON 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 affordable rental housing for families, the following described parcel of land;

A portion of the land adjacent to the fire station on Hudson Road containing approximately 1.5-2 acres, being a portion of the entire site shown as Parcel 008 on Town Property Map G08,

for the construction of up to two houses; or act on anything relative thereto.

Submitted by the Sudbury Housing Authority.

(Two-thirds vote required)

Mr. Darcey addressed Article 21 and 22 together.

Mr. Darcey, *moved* in the words of the Article, provided that such transfer take place within two years of the date of this vote, subject to a determination by the board having custody of the land that it is no longer necessary for municipal purposes.

**ARTICLE 22. AUTHORIZE SALE OF LAND OFF HUDSON 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 affordable rental housing for families, for a sum of no more 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 1.5-2 acres, being a portion of the entire site shown as Parcel 008 on Town Property Map G08,

for the construction of up to two houses; or act on anything relative thereto.

Submitted by the Sudbury Housing Authority.

(Two-thirds vote required)

Mr. Darcey, moved in the words of the Article, provided that such conveyance take place within two years of the date of this vote, subject to a determination by the Board having custody of the land that it is no longer necessary for municipal purposes.

The motion received a second.

The Moderator stated Mr. Darcey would speak to both Articles.

Mr. Darcey addressed the site locations. The Hudson Road site is in between the fire station and Temple Beth El. This site would potentially be suitable for up to two affordable family homes. You are voting tonight to sell this land to the Selectmen. If after full review, the Selectmen feel this is the best use of the land, they could then sell the land to the Sudbury Housing Authority. It does not require them to do this but allows them to within one year's time.

FINANCE COMMITTEE: The Committee takes no position on this Article.

BOARD OF SELECTMEN: Mr. O'Brien informed the Hall the Board unanimously urges support of this. We feel it is necessary to inform you that, because of the location of this parcel, this site is worthy of consideration of a potential new police station and potential combined dispatch center and it would be imprudent of the Board of Selectmen to transfer to the Sudbury Housing Authority without prior vetting and evaluation of this property for that potential higher and greater municipal need. In the event that we did not find it suitable for that public safety need, we would then, within the two year period stated in the Article, pass the property along to the Sudbury Housing Authority. We urge your support of this with the understanding that we will be taking a pause. We believe the pause will take us about six months.

PLANNING BOARD: Mr. Fee stated the Board unanimously supports passage of this Article.

Mr. Ralph Tyler stated that Mr. O'Brien clearly indicated to us why we should not pass these two Articles tonight. This Town Meeting should be given the benefit of the study on the Police Station and then make a decision if we wanted. If, in fact, they decide it is surplus then we can vote on whether or not to turn it over. If it is not a suitable site for a police station perhaps it is a suitable site for a preschool center; a need that was indicated that we may have in the future. It might be a site for a new central office for the school staff as space is getting tight at Fairbanks. To devote what appears to be a fairly large site to one or two housing units does not seem to be appropriate.

Mr. O'Brien addressed the issue of affordable housing requirements by the State. They say that each community should have ten percent affordable housing as part of its inventory. We do not. We are at approximately three percent. Also as you read your

newspaper you will read that there are large developments going up all across the State. Developers, when utilizing Chapter 40B of the laws of the Commonwealth, are allowed to bypass all local zoning. In bypassing local zoning they must only comply with wastewater treatment, which in Sudbury is septic, and also the Wetlands Protection Act. Other than that, if a parcel can support an extremely high density, then you would be allowed to build it. The development that is being built on Route 20 across from Bullfinch's restaurant was approved and is being built in cooperation with the Town of Sudbury is 16 units. It did perk out and could have been as much as 36 units. That parcel is 2.3 acres in size. The ability of the Town of Sudbury to show that we are moving towards reaching the ten percent, that we are taking the initiative to make affordable housing available and to add to our inventory does give us some protection under the current statute as it has been revised over the last couple of years and allows us to hold off developers from coming in with ramrod type development.

The question was called and seconded.

The Moderator asked if all those in favor would raise their cards, all those opposed.

The motion under Article 21 passed by well over the two-thirds vote required.

**ARTICLE 22. AUTHORIZE SALE OF LAND OFF HUDSON 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 affordable rental housing for families, for a sum of no more 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 1.5-2 acres being a portion of the entire site shown as Parcel 008 on Town Property Map G08,

for the construction of up to two houses; or act on anything relative thereto.

Submitted by the Sudbury Housing Authority.

(Two-thirds vote required)

Mr. Ralph Tyler, Deacon Lane, addressed the Hall and talked about the threat that was indicated regarding 40B. He stated that his understanding of the law is that if we are at three percent now, whether we pass this one or not, isn't going to make any difference. We are still going to be subject to 40B threat. In fact, if we pass five, ten or even thirty tonight we are still going to be subject to that 40B threat. The idea that this is somehow going to relieve us from some sort of potential threat from these developers who come in

with these big sticks is just not appropriate. He urged people who voted for the last Article thinking that it would somehow get us out of this threat to reconsider and vote against this one.

Mr. Swanger, Sudbury Housing Authority, stated that the State is in the process of reconsidering 40B and what will be considered affordable. The one thing that is clearly consistent in all of the suggestions that have been made is that they are going to look to, not just at the ten percent number, but also to the efforts the towns have made. Now, if we move up from three to four or five percent because a private developer has come into town, that is not going to do us much good. But, if we begin to move towards ten percent, because the town has taken efforts itself, and has donated land and a town agency has worked to build on that land; that is going to count for a lot. When a private developer comes in and wants to build something that is out of scale to the Town of Sudbury and the Town of Sudbury wants to defeat that the actions we are taking will help us with the State.

As no one else wished to be heard, the Moderator asked if all those in favor of Article 22 would raise their cards; all those opposed.

The motion under Article 22 PASSED BY TWO-THIRDS VOTE REQUIRED.

**ARTICLE 23. COMMUNITY PRESERVATION FUND –
GENERAL BUDGET & APPROPRIATIONS**

To see if the Town will vote to approve the recommendation of the Community Preservation Committee, with respect to its FY05 Community Preservation Budget and reserve and appropriate Community Preservation Fund revenues as follows:

<u>Revenues</u>	<u>Admin.</u>	<u>Open Space</u>	<u>Historic</u>	<u>Housing</u>	<u>Unrestricted</u>
<u>FY03</u>					
\$1,020,394	\$ 0	\$ 102,039	\$ 102,039	\$ 102,039	\$ 714,277
<u>FY05</u>					
\$1,800,000	\$ 45,000	\$ 180,000	\$ 180,000	\$ 180,000	\$ 1,215,000
<u>Total</u>					
\$2,820,394	\$ 45,000	\$ 282,039	\$ 282,039	\$ 282,039	\$ 1,929,277

or act on anything relative thereto.

Submitted by the Community Preservation Committee.
vote required)

(Majority

Mark Kablack, CPC Chairman, moved in the words of the Article.

Mr. Kablack gave the Hall an overview of the Community Preservation Act and then described the next series of Articles, all of which fall under the category of Community Preservation funding. The Community Preservation Act was adopted in the Town of Sudbury in 2002. It has two main components to it. One is that it is a planning tool that the Town of Sudbury can use when looking at projects that fall within four main criteria identified by the Act. The four criteria are: (1) Open Space (2) Historic Preservation (3) Community Housing (4) Recreation.

The other main component of the Act is that there is a State Matching Program for every dollar raised in the Town of Sudbury. As a result of adopting the CPC in 2002, the Committee was formed. It is a nine member committee. Mr. Kablack serves as one of two at-large members. The other seven members are represented by other boards and committees in the Town of Sudbury. The Act generates funds from two sources. When the CPA was adopted we enacted a local surcharge of three percent which is levied in accordance with the real estate tax in the Town of Sudbury. The funds that we are spending now are part of that tax levy. No funds generated through a Community Preservation project will result in any further increase in taxes. The three percent local surcharge that was enacted in 2002 raises roughly one million dollars a year. The other main component of the Act is the State Matching Fund. A large part of the incentive for Sudbury to adopt this Act in 2002 was that the State adopted its own set of criteria by which it would generate revenue. That revenue is generated by assessing fees at the Registry of Deeds. The money is put aside in a fund and distributed in October of each year to those communities that have adopted the CPA and have collected local surcharge revenues. The current fund balance is 116 million dollars.

The awards already given to the Town of Sudbury reflect a dollar for dollar match for every dollar raised in the Town of Sudbury. Currently there are 61 cities and towns that have adopted the CPA. As more cities and towns share in the funds that are generated at the State level, the dollar for dollar match can go down.

The Act requires us to either spend or reserve ten percent of our annual budget in three of the four core categories. Those are open space, historic preservation and community housing. They left out recreation. The balance of CPA revenues, once the ten percent has been allocated to each of those core categories, can be spent on any of the four categories including recreation. The funds also allow the committee to budget for administration expenses up to five percent of annual revenues.

The 2004 projects that are being proposed tonight are acquisition of development rights and fee title to the Cutting property, Article 25, the survey and restoration of the Revolutionary War Cemetery, Article 27 and a walkway proposal, Article 28. Article 23, is largely an internal accounting exercise that we need to go through. Although the funds are generated on a local level and matched at the State level, we have to go through a series of appropriations by which we earmark that money in the categories that the Act requires us to earmark them. Article 23 simply takes the funds from two fiscal years. Last year we dealt with 2004 and because of a Department of Revenue guideline issue we couldn't deal

with 2003. This year we are dealing with 2003 revenues and expected revenues from 2005 and we are appropriating them in the categories that we are required to earmark the funds for under the Community Preservation Act. This is not a spending Article with the exception that we are asking, based on our recommendations, to appropriate up to \$45,000 in that administrative account category so that we may have access to those funds for administrative expenses.

FINANCE COMMITTEE: The Committee recommends approval of this Article.

BOARD OF SELECTMEN: The Board unanimously supports this Article.

As no one else wished to be heard on this Article, the Moderator asked if all those in favor of Article 23 to please raise their cards; and then all those opposed to raise their cards.

The Motion under Article 23 was VOTED.

**ARTICLE 24. COMMUNITY PRESERVATION FUND –
EXPENDITURES FOR APPROVED PROJECTS**

To see if the Town will vote to approve the recommendation of the Community Preservation Committee and appropriate the following amounts from Community Preservation Fund revenues, and to charge the expenditure of such revenues to Community Preservation Act categories, as follows:

<u>Project</u>	<u>Expenditure</u>
Dickson Property	\$86,924 or such other amount as may be necessary to pay the annual debt service on the debt incurred in acquiring the Dickson Property as a result of approval granted at the 2003 Annual Town Meeting, allocating \$54,762 to the category of open space and \$32,162 to the category of historic preservation, or such other allocation as may be necessary to maintain a similar percentage of allocation to the categories of open space and historic preservation based upon the actual debt service paid in FY05.
Community Housing	\$320,000 or such other lesser amount as may be necessary to provide for the straight cash expenditure of the Sudbury Housing Authority project as a result of approval granted at the 2003 Annual Town Meeting or to provide for the annual debt service on the debt incurred

as a result of such project, as the Treasurer, with the approval of the Board of Selectmen, may deem appropriate, allocating all of the expenditure to the Category of community housing.

or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Majority vote required)

Mark Kablack moved in the words of the Article in accordance with the specific amounts set forth therein.

The motion received a second.

Mr. Kablack stated that this is another Accounting Article in the sense that this Article speaks to those projects that were approved last year. We had a number of projects before Town Meeting. Two of which had continuing aspects to them. The first was the acquisition of the Dickson property which was approved and the expenditures were raised through a bond issued over a period of five years. At last year's Town Meeting we appropriated the money for expenditure for last year's debt service. We need to do the same for this year's debt service. The amount that needs to be appropriated for the estimated debt service for the Dickson property is \$86,924. The second part of this Article addresses another aspect of what was approved last year which was the Housing Authority Articles. The Housing Authority Articles were funded in concept, again addressing the issues that have been raised previously by the Housing Authority, the Community Preservation Committee wanted to support the Housing Authority to build housing. The Town Hall voted overwhelmingly to support it. But the Articles which would have transferred property to the Housing Authority last year were indefinitely postponed. That is the discussion that we just had tonight. The Article last year, although it approved funding for the Housing Authority for construction of this housing, was contingent upon the successful passage of this Article transferring sites to the Housing Authority which occurred this year. The Housing Authority originally started with a list that exceeded the list that we heard tonight. As a result of the contingency factor in not knowing how many of those sites would eventually be conveyed over to the Housing Authority, the wording of last year's Article had a contingency factor that said "that up to \$320,000 would be spent for construction of up to 16 units. But in the event less than 16 units could be constructed the money would be awarded on a pro rata basis of \$20,000 per unit.

We have heard a successful discussion tonight where two Articles have been voted to be conveyed to the Housing Authority. However, there is still some uncertainty as to the total number of units that can be constructed on those properties. The intent of the Article that passed last year was to fund those units at \$20,000 a piece to the maximum number that could be built by the Housing Authority. This concept is built into the second part of Article 24 in the sense that some of the contingency factors have been met. It again allows for the appropriation of \$320,000 for the construction of up to 16 units. It also does one other thing in the sense that last year's proposal, when we were thinking about 16 units and the full expenditure of \$320,000, also called for the money to be raised and then spent through the

issuance of a bond. Now that we are at a number of units considerably less than 16 and two years have passed whereby we have amassed over \$360,000 in this account, we have left open the fact that it might be fiscally prudent to just pay this allocation for the Housing Authority construction on a straight cash expenditure rather than through the generation of a bond. That is built into this Article as well.

FINANCE COMMITTEE: Recommends approval of this Article.

BOARD OF SELECTMEN: Unanimously supports this Article.

As no one else wished to speak, the Moderator asked the Hall if all those in favor of Article to raise their cards; all those opposed.

The motion under Article 24 was VOTED.

**ARTICLE 25. COMMUNITY PRESERVATION FUND – CUTTING OPEN
SPACE AND RECREATION PROPOSAL**

To see if the Town will vote to approve the recommendation of the Community Preservation Committee and appropriate the sum of \$5,318,500, or any other sum, for i) the purchase of fee title to 4.0 +/- acres of land and for the development of an active recreational field or fields on said land, together with an entrance drive, parking area, and related amenities, and for ii) the purchase of a permanent Conservation Restriction, under M.G.L. c.184, s.32, together with rights of public access for passive recreation uses, on approximately 55 acres of land, including a 1.4 +/- acre building envelope for one single family home to be reserved by grantor, on a certain parcel, or parcels of land consisting of a portion of the property commonly referred to as the Cutting Farm, located off Maynard Road, Sudbury, MA, and more particularly shown on a plan entitled, “Site Plan of Land in Sudbury, Mass. Prepared for John C. Cutting”, dated March 1, 2004, prepared by David E. Ross Associates, Inc., for the purpose of acquisition and preservation of open space and the acquisition and creation of land for recreational use; to see whether this sum shall be raised by borrowing, under the Community Preservation Act, or otherwise; and to appropriate a sum sufficient to pay the annual debt service from the FY05 Community Preservation Fund revenues including bond and note issuance expense; or act on anything relative thereto.

Submitted by the Community Preservation Committee. (Two-thirds vote required)

Kirsten Roopenian, Selectman, moved pursuant to the recommendation of the Community Preservation Committee, to appropriate the sum of \$5,318,500, for the i) the taking by eminent domain and/or purchase of fee title to 4.0 +/- acres of land and for the

development of an active recreational field or fields on said land, together with an entrance drive, parking area, and related amenities, and for all expenses connected therewith including bond and note issuance expense, and for ii) the purchase of a permanent Restriction under M.G.L. c.184, s.32, together with rights of public access for passive recreation uses, on approximately 55 acres of land including a 1.4 +/- acre building envelope for one single family home to be reserved by grantor, on a certain parcel, or parcels of land consisting of a portion of the property commonly referred to as the Cutting Farm, located off Maynard Road, Sudbury, MA, and more particularly shown on a plan entitled, "Site Plan of Land in Sudbury, Mass. Prepared for John C. Cutting", dated March 1, 2004, prepared by David E. Ross Associates, Inc., for the purpose of acquisition and preservation of open space and the acquisition and creation of land for recreational use and for all expenses connected therewith including bond and note issuance expense; and to raise this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$5,318,500 under G.L.c.44B, s.11 and G.L.c.44, s.7(3) or any other enabling authority; and the Board of Selectmen is authorized to take any other action necessary to carry out this project; and, further, to appropriate \$530,000 from Community Preservation Fund revenues and reserves to pay debt service due during Fiscal Year 2005 on any bonds or notes issued under this vote.

The motion received a second.

In October 2002 the Cutting family presented to the Town of Sudbury an offer to preserve this 77 +/- acre of land acre parcel of land located on Route 27 (Maynard Road) at the site of the former Sudbury Nursery. The property is located directly across the street from the Willis Hill subdivision. The owners of this property desire to preserve the open space, scenic and agricultural values of the property. They worked with the Town of Sudbury to bring forward a deal involving several different uses aimed at preserving the property at the lowest overall cost. This involves the following:

- purchase of development rights which prohibits future development in perpetuity
- purchase of approximately 4 acres of the land for active recreational use
- public use and access to the land including trails and pond access
- limited development of 10 single-family housing units
- reservation of 1 single-family home in the rear of the property for development by the Cuttings with the Town of Sudbury getting the right of first refusal if the Cuttings decide not to build there in the future.

The Town of Sudbury has been interested in preserving this land for a number of years. There are a number of reasons for this interest. First, the Town of Sudbury will be preserving a parcel that has been identified as a secondary priority parcel in the 1997-2002 Open Space and Recreation Plan. It abuts the new Assabet River Wildlife Refuge and is a portion of a 3,000-acre wildlife corridor running north to south through the towns of Sudbury, Maynard, Marlboro, Hudson and Stow. The property contains the shoreline of two ponds. It is one of the remaining largest remaining vacant parcels of land in Sudbury. Second, the property is highly developable. A preliminary subdivision plan has been drawn demonstrating the ability to create 32 house lots on this property. The agreement

with the Cutting family reduces the number of lots to be developed down to 11. By preventing the development of 21 houses, the Town of Sudbury would be avoiding the future cost of development and the need for school and municipal services for these houses. Given the visible nature of this property along Route 27, we have superimposed houses on the property in the approximate location where they would be if the property is fully developed. The beauty of the property is obliterated by the homes.

The third reason the Town of Sudbury is interested in this parcel is because it preserves for agricultural purposes a family farm. It has been farmed by the Cuttings since the 1600s. Under this proposal, the Cuttings would continue to own, live on and farm portions of this land. Permanent restrictions would be placed on that portion of the land for which development rights are being purchased by the Town of Sudbury. The Town of Sudbury has used this concept successfully in 1981 and 1984 when it purchased the development rights with an agricultural preservation restriction on the Barton Farm on Marlboro Road, several of the Verrill Farm fields on North Road and Stone Tavern Farm on Horse Pond Road across the street from the police crime lab. These properties are protected by similar restrictions as would be placed on this property. Through this land preservation technique, the Town of Sudbury will be able to prevent development in perpetuity of 21 house lots without paying the full cost of ownership of the land and simultaneously ensure that our community heritage of farming continues on this parcel. The agreement calls for the land to be open for the same types of passive recreational opportunities for Sudbury residents as other land the Town of Sudbury has acquired by outright purchase such as the Piper Farm and the Weisblatt property. This includes walking, cross country skiing and canoeing on Cutting Pond and potentially Willis Lake. The combination of active and passive recreation provides residents with a unique and convenient opportunity. Lastly, the Town of Sudbury will be gaining land for recreation playing fields. Four acres will be purchased by the Town of Sudbury under this proposal. The Selectmen support the request for \$600,000 for the development of recreational field space on the portion of the property to be owned by the Town of Sudbury. The need for athletic field space has been well documented. This acquisition and field would help to reduce the severe over-use that our existing fields are now experiencing. The active recreational area will have its own access road from Route 27 with adequate parking. The Park and Recreation Commission will be discussing this area further in their presentation on the Article.

The Board of Selectmen, Town Manager, Town Planner, assisted by a paid land preservation specialist from the Sudbury Valley Trustees, have been negotiating with the Cuttings for the past 16 months. Our goal has been to develop an offer that maximizes as many of the values that both parties were working to achieve. For the Cuttings, the reservation of one house lot at the western most edge of the property was critical along with their retained rights to own and farm the property. The Town of Sudbury will receive the right of first refusal on the reserved house lot if the Cutting family chooses not to develop it for their own use in the future. The Cuttings have given up some of their profit if the property had been developed into 32 lots in order to make this deal work and preserve the property. The Board of Selectmen believes that the agreement reached with the Cutting family gives the Town of Sudbury an opportunity to use the newly adopted Community

Preservation Act. This is a more complicated offer than the other land deals that have been brought to Town Meeting. By approving this proposal, the Town of Sudbury will be preserving a parcel on its Open Space Priority List, preventing a large residential development and associated service costs from moving forward, providing a much needed recreational playing field and preserving for the enjoyment of all Sudbury residents, both now and in the future, 60 acres of land. The price is supported by two appraisals, one commissioned by the Cuttings prepared by John Avery and one commissioned by the Town of Sudbury.

PARK & RECREATION: Chairman Paul Griffin stated he wished to address two topics related to the proposed athletic fields on the Cutting property. First is our need for more fields. Since the fall of 2003, we have been working with Gale Associates to develop an athletic field master plan. The objective of this plan is to assess the current condition of all fields in the Town of Sudbury, quantify the current and future needs of the Town of Sudbury and to propose a plan to best meet these needs in the short and long term. Gale Associates has completed a preliminary evaluation of the 41 athletic fields in the Town of Sudbury and has submitted a preliminary field assessment report. From these findings, it is apparent that many of our fields are in poor condition due to extreme overuse. In addition, the Town of Sudbury is lacking sufficient athletic field space to accommodate the existing amount of use in our adult sports programs. The Town of Sudbury needs four additional rectangular fields; soccer or lacrosse, two to three baseball fields and several renovated Little League baseball fields to fill the existing and projected needs of the Town's Recreational Program. Gale Associates concluded the Cutting property is an ideal location for one of these badly needed multi-purpose rectangular fields. It is open, level and adequately sized thus minimizing development site costs. We believe the impact on environmentally sensitive areas can be avoided. Gale Associates strongly recommends the Town of Sudbury give consideration to this important project. Also, it has been suggested by some that the Park & Recreation wait to develop fields on the newly acquired Mahoney property off of Edgell Road. Based on the initial results from the Master Plan we believe that our current inventory of fields is severely inadequate and that we would need additional field space such as the Cutting property even with the development of the Mahoney land for fields.

The second topic is the choice of synthetic versus grass for athletic field development. Park & Recreation is exploring the possible benefits of using the latest synthetic turf technology. A final conclusion has not been reached but there are some compelling advantages that need to be considered.

COMMUNITY PRESERVATION COMMITTEE: Mark Kablack stated that for purposes of the Community Preservation Act this is their first major undertaking on behalf of the Town and as a Committee. They wanted the Cutting's proposal to be a model for what the Town does in the future for the remaining large open space tracks in the Town of Sudbury. This is one of about a handful of remaining properties that were identified in the Open Space report that we feel are important for the Town of Sudbury to undertake serious consideration of. When we looked at this project from the standpoint of the

Community Preservation Committee we had to make sure it met our guidelines. It meets the open space and recreation criteria. The Open Space guidelines are that it permanently protects wildlife habitat, it preserves rural and agricultural character, it provides opportunities for recreation, it protects wildlife corridors, it provides connections to trails, it preserves views, it borders a scenic road, it protects drinking water quality, it provides flood storage, it preserves surface water bodies and it serves to acquire a secondary parcel as identified on the Open Space plan. We felt it met all of those guidelines as an Open Space acquisition. On top of that it also meets all of the recreational guidelines because we are establishing this active recreation field. The field will support multiple recreational uses; it will be available for a significant number of residents. It will expand the range of recreational opportunities in the Town of Sudbury. It maximizes the utility of land. We try to get multiple uses on land that we acquire with Community Preservation funds.

PLANNING BOARD: Christopher Morely stated the Board is in unanimous support of the mixed use of the Cutting property, as proposed under Article 25. A primary goal of the Town's 2001 Master Plan is to preserve and enhance the rural character of Sudbury by preserving large parcels of land. This goal has several objectives: preserving for natural resources and land conservation purposes, preserving scenic views in town and preserving what is left of Sudbury's agricultural roots. Most significantly the objective is to reduce total growth in town to lessen the many impacts of development. We are all too familiar with the impact of growth. Loss of trees, privacy, school growth, increased traffic, water shortages and more. Article 25 decreases the overall build out of the Town of Sudbury by 21 additional single family houses.

Many people ask what the specific cost benefit calculation is to the Town of Sudbury's purchase of developable land. In fact, it is impossible to arrive at a definitive calculation. Many of the benefits are intangible; many alternative costs we are not able to project. Tonight we are exercising concern for the near term of our town, while taking care for its future as well. Since 1997 we have been successful with permanently protecting, and or significantly reducing development potential, on one half of the original 18 parcels identified in the 1997 Open Space Plan. The planning has been done. With the CPA, we now have an excellent means to implement the goal of the Master Plan. Land is a finite resource. We must continue to work with the large landowners in the Town of Sudbury, to protect our land from development. The Planning Board urges your support for this proposal.

FINANCE COMMITTEE: Sheila Stewart stated the Finance Committee voted unanimously to support this project.

Several residents spoke in favor of Article 25 and the many benefits to the Town of Sudbury and questions answered. There was then a call to move the question which was seconded. The Moderator asked if all those in favor of the call of the question to raise their cards; all those opposed. It passed overwhelmingly.

The Moderator asked the Hall if all those in favor of the main motion under Article 25 to please raise their cards; all those opposed.

Article 25 **PASSED BY A TWO-THIRDS VOTE.**

As the time was 10:40 PM there was then a motion to adjourn until tomorrow night at 7:30 PM. The motion was seconded and **VOTED.**

Attendance: 296.

PROCEEDINGS

ADJOURNED ANNUAL TOWN MEETING

April 14, 2004

**(The full text and discussion on all Articles is available
on tape at the Town Clerk's office)**

Pursuant to a Warrant issued by the Board of Selectmen, March 15, 2004, the inhabitants of the Town of Sudbury qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School Auditorium on Wednesday, April 14, 2005, for the fourth session of the Annual Town Meeting. The meeting was called to order at 7:35 PM, by the Moderator Myron Fox, when a quorum was present.

The Moderator reminded the Hall of Town Meeting procedural matters and decorum.

Article 26 has been withdrawn before the printing of the Warrant so we begin with Article 27.

ARTICLE 27 – COMMUNITY PRESERVATION FUND - REVOLUTIONARY WAR CEMETERY

To see if the Town will vote to approve the recommendation of the Community Preservation Committee and appropriate \$172,350 from the Community Preservation Fund revenues to pay for the costs of survey work and restoration of the Town of Sudbury Revolutionary War Cemetery, located off Concord Road, Sudbury, MA, for the purpose of preservation and restoration of an historic resource.

Submitted by the Community Preservation Committee. (Majority Vote Required)

Jim Hill, 199 Concord Road, moved in the words of the Article.

The motion received a second.

Mr. Hill stated this Article was submitted by the Sudbury Historical Commission and the Town Manager Maureen Valente. For those of you who are not familiar with the Revolutionary War Cemetery it is the cemetery behind the Town Hall and the Presbyterian Church on Concord Road. It was first voted in by the citizens to be laid out in 1716, 288 years ago. According to a report created by the Engineering Department in 1975, the first person buried there was Sarah Noyes, 29 years old who was wife of Lieutenant Daniel Noyes. She was buried there in 1727, 277 years ago. The youngest person buried in this cemetery is Benjamin Smith in 1793 that was 21 days old. The oldest citizen buried in this cemetery is John Goodnow, Revolutionary War soldier who died in 1863 at a ripe old age

of 101. There are at a minimum forty-seven recorded Revolutionary War Veterans buried in this cemetery. Our own Deacon Haynes, a Sudbury resident who was killed on April 9, 1775, as a casualty of the Revolutionary War is buried there. The last burial was in 1929, Jonathan Fairbank, 8 months of age, who was buried with his family. Reading the names of those persons buried here is like strolling through the history of the Town of Sudbury. The Noyes family, the Fairbanks, twenty-five members of the Moore family, twenty-nine members of the Goodnow family, the Cutting family, the Dutton's, the Dudley's, the Bent's, twenty-eight members of the Haynes family, twenty-nine members of the Puffer family, twenty-four members of the Rice family, plus the Wheeler family, the Willis family and so many more.

These men and women helped create the Sudbury of today. There are still members of these families residing and continuing to contribute to the Town of Sudbury, such as the Cutting's, the Bent's and many others. We are requesting \$172,350.00 of CPA funds. This money would come from the 10% Historic Preservation Funding of CPC money. These funds will be used for the assessment, restoration and preservation of approximately 450 grave stone markers. The preservation and historic restoration of the damaged grave markers were towns and countries founding families. Over the years the progressive deterioration has surpassed in some cases critical stage for professional intervention. Stones are broken, have become submerged below grade level; have become weather scoured, chipped, cracked; some are tilting, crumbling, losing an entire surface layer, in the case of the slate stones. Obliteration of the inscription and symbolic figures is happening. We are currently working with a consulting group called Fannin-Lehner Preservation Consultants out of Concord, Massachusetts. They are specialists in the burial ground conservation and historic preservation of burial grounds. They are also consultants to the Massachusetts Historical Commission. The project highlights would be to repair, re-set and cleaning of the markers, footstones, and markers: placing them in their proper position. Stone by stone written and photographic documentation of gravestones and monuments will be available for future generations. There are approximately 450 markers. The current condition of our graveyard is rated fair by the consultants. Because of the type of work that has to be done, the repair time frame is approximately five years. There is no work done during the winter. Much of the work has to be done in stages where they have to work with the slate, set it and then wait for whatever materials they are using to set and can cure to go onto the next phase.

Again, the burial site is of the early settlers in Sudbury and of the town citizen's that fought in the Revolutionary War. This restoration will benefit the Town of Sudbury by preserving the history, the nature of the Town of Sudbury itself and protection of a Sudbury town asset for future generations. The Sudbury Historical Commission asks that the citizens of Sudbury vote with us to preserve this treasure and to put it back in the condition a graveyard deserves to be.

The Moderator stated, as required by law, the CPC must report to us on this Article and the next.

Mark Kablack said that this is the first of five Community Preservation Articles on the Warrant at this Town Meeting and it's the second new project that is being recommended in this fiscal year. The project calls for the straight cash expenditure of \$172,350 of funds earmarked under the category of historic preservation. This expenditure will be within our budgeting guidelines that were set out as a committee of allocating close to the 10% minimum allocation in each of the core areas of historic preservation, open space and community housing. The project continues to provide a focus on Sudbury Center complimenting the project that was funded at last Town Meeting, which was the survey and partial restoration of the Hosmer House. This facility is also located in Sudbury Center on Concord Road and will help the Town of Sudbury focus its energies on the historic nature of Sudbury Center and historic crossroads that it has provided to the history of this Town. In reviewing this project and all others we measured it against the guidelines created as a Community Preservation Committee and this project meets all of those guidelines; namely:

- **Protect and preserve historic resources, especially those that are threatened**
- **Protect and preserve Town-owned property**
- **Protect and preserve historic function**
- **Protect an area that is within the Sudbury Historic District**

It is clearly a project that demonstrates public benefit and is also a project that demonstrates the ability for permanent protection as it is believed that some of the work that will be done will restore this facility for years to come. In conclusion, all of the CPC guidelines for historic projects have been met with this proposal and we unanimously support this Article for recommendation for funding.

FINANCE COMMITTEE: Sheila Stewart addressed the Hall and stated that the restoration of the Revolutionary War Cemetery will repair and preserve an irreplaceable historic asset and resource within the Town. The Finance Committee supports this proposal by the Community Preservation Committee, the Historic Commission and voted unanimously to recommend approval of this Article.

BOARD OF SELECTMEN: Larry O'Brien addressed the Hall and stated in conjunction with the Town Manager, being one of the co-sponsors of this Article, unanimously supports this Article and urges the support of the Hall. There could be nothing that could be a finer use of CPA funds than the preservation and protection of our history that goes back to before the American Revolution, something believed that everyone in the Hall relishes and respects.

The Moderator asked if anybody wished to be heard on Article 27.

Jan Hardenbergh, 7 Tippling Road, said the markers are going to be photographed and documented. Will that documentation be available to the public, perhaps, in the Sudbury Archives that are on the Town website?

Mr. Hill expects that the Historical Commission will make it available, hopefully, on the website, on the Town website as well, with Mark Thompson's assistance.

George Sharkey, 16 Haynes Road, is not accustomed to adopting negative attitude towards any Article in the Town Warrant, but the current rise in Real Estate taxes compels me to speak out. Everyone wants a reduction in their tax bill. Most of the people are in favor of keeping a rural aspect in our Town. This is evidenced by the affirmative vote on Article 25 last night. The voters know the difference between the Article that needs to be done and the Article that they would like done. However, Article 27 is a perfect example of spending Real Estate taxpayer money for things that would like to be done, what we'd all like to be done. He's passed the Concord Road Cemetery every day of his life. It is one of the Town's treasures just as it is. Our Public Works Department have been doing a great job for many years and will continue to do so with a little extra cash. We are discussing a 300 year old burial ground. It is supposed to look old; the stones are supposed to be aged and weather beaten. Leave the ground as it is; spread grass seed occasionally and leave the stones alone; mow it occasionally too. Don't destroy the authenticity of the graves by changing them. What worries him most is if most of the current occupants ever found out the cost were \$172,350 for restoring their place of rest. The turning of the ground would negate all the work and \$172,350 would have been wasted. Our ancestors were very frugal people; don't disturb their grave. We can all use the money for tax relief. Vote "No".

Adam Miller, Nobscot Road, wanted to know if there would be any details as to what's going to happen to the gravestones, themselves. What kind of procedure would be done to them since they cost almost \$400 a stone? There would be a lot to that process. What kind of additional ongoing maintenance or periodic attention would have to be paid to restore the cemetery in the future and to maintain it in the historic fashion?

Mr. Hill responded that the different types of work as far as the stones, themselves, will be re-set as you shown from the pictures; they are tilting over. Once the stone gets to approximately a 15 degree tilt the weight of the stone, itself, will cause it to snap off. So, getting the stones re-set into an upright position and to a solid base will keep them from further deteriorating or shattering. The particular process that will be used will be done by the professionals. The Massachusetts State guidelines for burial grounds and cemetery restorations require that the restoration be completed by professional restoration companies that are listed with the Massachusetts Departmental of Environmental Management. The DPW is involved in this process but the DPW doesn't have the authority to actually service the stones, themselves. As far as future work done and maintenance purposes, the idea is to bring in a ground cover that does not required mowing on the same percentage and time frame that is done now; which is every couple of weeks. We're looking to different types of grass, like pigmy grass that grows very, very slowly and doesn't require the same type of maintenance as before. Over the years, the DPW has worked on this and has done work with the stone walls around the cemetery but as far as restoration work over the last 277 years there has not been any. Did I answer your question, sir?

Thomas Hollocher, Concord Road, thought that some of the stones have essentially lost their inscription; they've been sufficiently, badly eroded. Will an effort be made to re-inscribe the stones or will they be left in their original condition?

The Moderator responded that the stones will not be re-inscribed.

James Gardner, Longfellow Road, thinks this is an excellent project for the CPA funding to be going towards this. This money, we all remember, is the CPA surcharge that was voted a couple of years ago and is in effect for at least awhile and is outside of the actual property tax; it's on top of the property tax. Not funding this project would not reduce the surcharge one bit. This is exactly the kind of historical preservation project that it was intended to. If this is a five-year project, is it being paid for in one lump sum in advance or is this \$172,000 sitting somewhere to be metered out? How will cost overruns, if any, be handled?

Mr. Kablack answered the question by re-asserting the same issue that the speaker just raised. This does not increase taxes; this is part of the surcharges that's in place and the money being spent has already been raised. With respect to how the funds are paid, if the vote tonight is successful the money will be moved into an account specific for this use. Then once the Historical Commission begins the work they will basically provide invoices against that work that will be supplied to the Finance Department and then there will be disbursements out of that fund account against those invoices. The fund would remain in place until the work was completed and all invoices had been paid. Any excess funds, if there are any, would simply revert back to the historical category of the Open Space Reserve Funds.

The Moderator asked Mr. Kablack if he addressed the cost overruns.

Mr. Kablack stated that any cost overruns, over and above the \$172,350 amount, would require further action by Town Meeting.

The Moderator, seeing nobody else wished to be heard on Article 27, asked for all those in favor of the Article as it appears in the Warrant, please signify by raising your hands; all those opposed.

The Moderator declared the motion under Article 27 **PASSED UNANIMOUSLY.**
ARTICLE 28 – COMMUNITY PRESERVATION FUND –TOWN WALKWAYS

To see if the Town will vote to approve the recommendation of the Community Preservation Committee and appropriate \$100,000 from the Community Preservation Fund revenues to pay for the costs of engineering, design and construction of walkways in accordance with recommendations of the Town of Sudbury Planning Board, the Director of the Town of Sudbury Department of Public Works and the Report of the Walkway Committee, February 2000, and provided that such walkways are constructed in accordance with the spirit and intent of the Town of Sudbury 2001 Master Plan, for the purpose of creation of land for recreational use.

Submitted by the Community Preservation Committee.

(Majority vote required)

Jody Kablack moved in the words of the Article.

The motion received a second.

Jody Kablack, Town Planner, representing the Town Manager and the Planning Board who are co-sponsors of this Article to the Community Preservation Commission. Walkway construction and connection of walkway links has been a priority of the Planning Board since the inception of the walkway program in the 1960's. To date they've constructed 40 miles of walkways constructed along 160 miles of Town roads. These walkways were funded through Articles such as this at Town Meeting requiring a dedicated funding source either within the budget or outside the budget in the form of debt exclusion. In recent years they've also had the opportunity to collect additional funds from developers during development review, which has substantially increased the ability to construct walkways and decrease the need for taxpayer funding of walkways. However, they are not done. A Walkway Master Plan was completed in the year 2000, which identified at least 16 additional miles of roads that need walkways throughout Sudbury. These are busy roads; they include roads in North Sudbury, South Sudbury, East and West; Dutton Road, Dudley Road, Haynes Road, Marlboro Road, Powers Road, Dakin Road, Pantry Road, Concord Road, Willis Road and Old Lancaster Road. They'll continue to need walkways as the Town grows.

This Article requests the use of \$100,000 of Community Preservation Act funds to construct walkways town-wide. This \$100,000 will enable the Department of Public Works to construct approximately two miles of walkways over the next two years. This funding request is similar to what has been done over the last several years with funding requests that were approved at the 2000 and 2001 Annual Town Meeting. Since that time, walkways have been constructed on Peakham Road, Maynard Road, Horse Pond Road, Landham Road, Route 20, Raymond Road and Mossman Road. Other recent walkways before that included Old Lancaster Road and Fairbank Road. Those of you who live near these neighborhoods know firsthand how necessary these walkways were and how the ability to safely move about your neighborhood has increased since their construction. Spring may finally have come to New England. How many people have taken walks on the walkways on the recent sunnier days or perhaps jogged on one over the weekend or rode bikes with your kids? After these months of dreary winter weather, we all feel like getting out-of-doors and get some fresh air. Our walkways in Sudbury provide the opportunity to do just that; recreate conveniently right out our front doors; not after driving across town to the soccer fields or to the gym, but right in our own neighborhoods. Without a system of walkways, walking along many of our roads would be too dangerous. We wouldn't feel safe allowing our kids to bike to their friend's house along the roads. Sudbury roads are too narrow to be safe for pedestrians. This is the primary reason walkways are needed.

Maintaining Sudbury's historical charm is also very desirable; the narrow roads contribute to this charm. By maintaining a system of pedestrian walkways that are

separated from the roadway, that small town look can be preserved and also increase our mobility for moving around town using non-motorized means. When initially conceived walkways were thought of primarily as utilitarian means. The walkways would hopefully provide school children an opportunity to walk to school and thereby reduce the number and cost of school busing. The walkways would enable residents to walk from neighborhoods to Town of Sudbury recreation and conservation areas. While this premise still holds true, the more recent use of walkways is purely for recreation. Every day recreation of all sorts is on the walkways; walking, running, biking and roller skating. The Park and Recreation Commission is aware of obesity and the need for Americans to exercise more frequently; walkways provide that convenience, which may motivate and otherwise sedentary person to exercise. Some Town of Sudbury residents will never join an organized sports team. Some may never swim at the Atkinson pool or utilize the toddler playground. Walkways provide an equal opportunity for residents of all ages, abilities and interests to exercise. The location of walkways of where walkways will be constructed with these funds has not yet been determined. The funds will be used to further the recommendations of the [2000 report](#) of the Walkway Committee. Walkways from that list will be examined to determine where the greatest needs are. Advice from the Safety Officer will be solicited; considerations such as wetlands and easements impact on whether a walkway can be built. Residents who wish their street to be considered should submit a request to the Department of Public Works or the Planning Board.

None of this money will be spent on maintaining existing walkways. Walkway maintenance is a funded item in the DPW Operating Budget. Recent major improvements to existing walkways include the repaving of the entire Morse Road walkway, Pratt's Mill Road walkway, a portion of Peakham and Hudson Road walkways. Maintenance plans this year call for the repaving of the Concord Road walkway. All funds approved under this Article will construct new walkway segments as allowed under the Community Preservation Act under the category of Creation of Recreational Areas. We urge you to consider the tremendous recreational benefit that walkways add to Sudbury and to vote for this Article.

Mark Kablack, Chairman of the Community Preservation Committee, stated expenditure of \$100,000 under the category of recreation will come from existing unrestricted reserve funds that are already in their account. The project will be constructed in accordance with the Town of Sudbury's Walkway Program and in accordance with the Town's Master Plan so that we are ensured that the walkways are properly designed in their scope and their overall design. The Community Preservation Committee debated this particular project considerably and determined in the end that the walkway program does serve at this point a predominately recreational purposes for the uses that Jody mentioned; mainly that most of the walkways needed for a pure utilitarian standpoint have been constructed. The walkways that will be constructed with this money will be able to be used for expanded recreational use by active and passive recreational users such as walkers, joggers, skaters, bicyclists and others. Again, this project was measured against our guidelines established two years ago for projects eligible for funding for CPA money as recreation projects. It is believed that this project meets those criteria; namely that it will support multiple recreational uses:

- It will serve a significant number of residents; that it will expand the range of recreational opportunities available;
- It will promote initiatives for passive recreational use;
- It will maximize the utility of land already owned by the Town of Sudbury and;
- It will, lastly, promote the creative use of railways and other corridors to the extent that walkways provide links to those systems

As Jody mentioned, not all believe that this project meets the traditional concept of organized recreational projects within the Town of Sudbury, but this committee strongly believes that the Walkways Program meets the CPC goals and has brought appeal to residents of the Town of Sudbury across all age groups. Finally, the Walkway Program, to the extent it does connect neighbors and neighborhoods achieves exactly the sort of goal that was meant to be achieved under the Community Preservation Act, by preserving community.

FINANCE COMMITTEE: Sheila Stewart on behalf of the Finance Committee stated that the Walkway Proposal will provide pedestrian safety and additional active and passive recreation to the Town of Sudbury residents across all age groups from our very young in strollers to our senior citizens. The Finance Committee supports this effort and recommends approval of this Article.

BOARD OF SELECTMEN: Larry O'Brien on behalf of the Board of Selectmen unanimously supports the Town Manager and the Planning Board as co-sponsors of this Article and urges your support. The Board of Selectmen supports everything that has been stated by the chairman of the Community Preservation Committee, as well as the, Town Planner.

Peter Glass, 523 Hudson Road, is not against building walkways in Sudbury, in fact he agrees as he is sure everyone else does that walkways are a good thing. However, the funding for walkways has always been problematic and has had a tough time getting priority at the Town Meeting. So, he's not here to talk about the worthiness of walkways or how to fund them but rather the question of the use of CPA funds for this purpose. The CPA does have a provision for recreational spending. Projects that would normally be envisioned are a bike path, a new field or even things like a skate board park. Nobody doubts that such projects are primarily recreational. However, the Warrant Article reads as if the major reason for building walkways is recreation. Yet, if you read the Sudbury Walkway Committee Report almost all of the reasoning or criteria having to do with walkways and the choice of which roads should have them has to do with safety.

Other than safety, the other reason is getting around the Route 20 Business District more easily. Does the word recreation ever appear in this report, never mind even a major consideration? Do people jog, bike or walk on the walkways? Sometimes; often you see joggers and bikers on the road that runs next to the sidewalk. When he rides his bike down Hudson Road to the Atkinson Pool, he doesn't find this to be a recreational experience; the sidewalk is narrow, curvy and bumpy; the traffic is loud and the exhaust fumes choking. It

is transport but it is not fun. The kind of sidewalks Sudbury creates are adequate for walking on but soon become hazardous for anything else because they are narrow and subject to cracks and frost heaves. The broad cement walks that are found in cities are prohibitively expensive, unfortunately. Sudbury sidewalks never have been and are not now suitable for recreational purposes other than at your own risk. The sidewalks are recreational the same way that roads are recreational. Some percentage of people likes to go out for a drive; mostly teenagers as expected or perhaps owners of convertibles. That does not mean that it would be a good idea to fund road paving through the CPA. The Community Preservation Council, right or wrong, said that funding walkways under the recreational provision of the CPA was valid but this smells funny to him.

A lot of effort was made by Town Government to get the CPA passed and is working well to provide for a host of projects. However, it is not guaranteed that the citizens will once again vote for the CPA when it's time for renewal. At that time, those who do not want to endorse the program, as well as those who do, will examine each of the expenditures closely. If we were to see CPA money used year after year for a project that Town Meeting has consistently refused to fund otherwise, how many of you would find that a good end was being reached by somewhat questionable means? How many of you would feel that money that was meant for one thing was going to another? Town Government did a good job convincing the Town of Sudbury that the CPA was a good idea and should be funded to increase the Town of Sudbury's historic preservation, affordable housing, open space and recreation. He recommends that they now develop an appropriate process for walkways, which have to do with business enhancement and safety. It's not the easy way to do it, but the right way.

Kirsten Van Dijk, 37 Landham Road, said the Sudbury Town Crier was publishing all the forums and hearings that the CPC was holding for projects being brought before them. In October she was following newspaper articles very closely and personally feels that initially there was a conflict of interest that concerned her enough to the extent that the articles were scrutinized by her. However, after listening to the compelling argument of Jody Kablack regarding the passive recreation aspect of walkways, understanding from her own experience of living on a main road in Sudbury and seeing the community come out utilizing the walkways every day and enjoying viewing them she cannot highlight the importance and underline the significance of the recreational aspect of walkways. Safety is clearly the first issue, but whether the sounds and smells of traffic impede certain people, others are unimpeded. Residents will use those walkways that may not otherwise be present without funding from the CPC in a recreational application. She urges you to support this arguments and future arguments for the CPC.

Judith Deutsch, 41 Concord Road, living on Concord Road sees many people jogging and walking on the walkway across the street from her house. She uses it to walk and is old enough not to understand how walking a passive activity is. She knows and reads how important it is for people to walk as a recreational activity and that Sudbury should support it through CPC funds. Furthermore, she served in Medfield as a Minister and the neighborliness, as well as, the recreation that was brought about by those sidewalks was great. Sudbury has walkways not sidewalks. Our walkways bring about neighborliness and

are great. Thirdly and lastly, it's been heard and no reason not to believe that the safety issue has been dealt with so let us go forward and deal with the so called passive recreation issue and the neighborliness that walkways create.

Aline Kaplan, 17 Douglas Drive, is a big user of the walkways in the Town of Sudbury and you can be sure that she'll vote with her feet. When she's out there on the road, she meets lots of her neighbors and their dogs; meets people on foot, on bikes, on roller blades, in strollers, and talks to all of them. They all seem to find that the recreational experience, as she does, as well as, a healthful experience. In terms of safety she's delighted that she no longer has to negotiate the blind curve on Peakham Road with cars coming at her at 45 miles per hour; that was a huge improvement. She urges everyone to vote for this because the walkways are a great benefit to this town and many appreciate them.

Melina Murphy, 261 Willis Road, has been at their house for over 10 years. When we first moved into our house Willis Hill didn't exist; the houses at the end of the road didn't exist. Sudbury is a busier place now than it was 10 years ago. Safety is most important. Recreation; she jogs regularly along Willis Road and as soon as she gets to the end on Mossman Road; she's thrilled to be able to jump on their sidewalk. Our walkways are perfect for Sudbury and blend in beautifully into the trees and landscaping on the side of the road. The walkways are wonderfully maintained and she doesn't have an issue with that for her purposes of jogging or her children for biking. They have biked down the edge of Willis Road and she's so nervous and so happy when they can get to a sidewalk either going toward Mossman or over towards Willis Hill. Buying open spaces was just approved to enhance our recreation. These walkways will allow for the use of recreation to get to these new open spaces and urges all to support walkways in Sudbury, as they are of utmost importance to all of us. We wouldn't dream of not having a library, a pool; the things that make the Town that we are.

The question was called and it received a second.

The Moderator asked for all those in favor of the call of the question raise your cards; all those opposed. It carries overwhelmingly.

The Moderator asked for all those in favor of the Article as it appears in the Warrant please signify by raising your cards; all those opposed; it requires a majority vote.

The Moderator declared the motion under Article 28 was UNANIMOUSLY VOTED.

ARTICLE 29 – CHAPTER 90 HIGHWAY FUNDING (Consent Calendar)

Move to accept and to enter into a contract for the expenditure of any funds allotted or to be allotted by the Commonwealth for the construction, reconstruction and maintenance projects of Town ways pursuant to Chapter 90 funding; and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement by the Commonwealth.

Submitted by the Director of Public Works. (Majority vote required)

TOWN MANAGER AND PLANNING BOARD (project co-sponsors) REPORT: The current system of walkways in Sudbury provides an opportunity for residents to be able to safely walk and jog near their homes, in their neighborhoods, as a form of individual recreation. Many Sudbury residents will never join a sports team, and many may not take advantage of the varied conservation lands we are so fortunate to have within the Town. However, walkways provide a relatively low maintenance/low operational recreational opportunity that should be available in all neighborhoods. The Town has undertaken the construction of approximately five miles of walkways in the last 10 years. During the same time period, the Town's population grew by more than 3,000 residents. The 2000 Report of the Walkway Committee identified an additional 16 miles of walkways that need to be built to complete the network and provide walkways on all the major streets in Sudbury. Expansion of the walkway network is necessary in order to keep up with the needs of the Town.

This Article is similar to the previous means of walkway expansion in Sudbury. Only the funding source has changed. The Community Preservation Act provides a new source of funds which allows us to continue funding walkway construction. Use of CPA funds for walkways has been determined to be an eligible recreation project under the CPA. Given the current economic situation, we do not anticipate submitting Debt Exclusion Articles to fund walkway construction as long as alternative funding sources exist.

Funding this project at the requested level will enable the Town to construct approximately 1 mile of walkways over the next two years. This can contribute significantly to those neighborhoods that are in need of walkways. Future funding requests are anticipated upon expenditure of these funds.

Walkways contribute to the quality of life in Sudbury by providing both recreational opportunities and pedestrian safety. Continuation of the Town's walkway construction program is vitally necessary as the Town's population grows and traffic increases. The Planning Board and Town Manager urge your support of this Article.

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

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

The motion under Article 29 was UNANIMOUSLY VOTED on the Consent Calendar.

ARTICLE 30 – COUNCIL ON AGING REVOLVING FUND (Consent Calendar)

Move to authorize for Fiscal Year 2005 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 53E½; the amount to be expended therefrom shall not exceed the sum of \$20,000.

Submitted by the Council on Aging.

(Majority vote required)

DIRECTOR OF PUBLIC WORKS REPORT: Each year the Legislature allocates funds to cities and towns for the improvement of their infrastructure, to be expended under the Chapter 90 guidelines. The current plans are to continue the implementation of our pavement management program.

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

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

The motion under Article 30 was UNANIMOUSLY VOTED.

ARTICLE 31 – GOODNOW LIBRARY REVOLVING FUND

Move to authorize for Fiscal Year 2005, the use of a revolving fund by the Goodnow Library for maintenance and utility charges for the Library's meeting rooms, to be funded by all receipts from the room reservation charge policy for non-town agencies; said fund to be maintained as a separate account, pursuant to Massachusetts General Laws, Chapter 44, Section 53E½; the amount to be expended therefrom shall not exceed the sum of \$4,000.

Submitted by the Trustees of the Goodnow Library. (Majority vote required)

Bill Talentino moved in the words as they appear on the viewgraph.

The motion received a second.

Bill Talentino, Director of the Goodnow Library, stated that the Trustees view the Revolving Fund as an important asset to the Goodnow Library and hope that Town Meeting will continue to support it. This Article was first introduced at the 1992 Town Meeting and has been approved every year since, additionally as part of the Consent Calendar. The fund was established to help in a small way to meet costs associated with the use of the Meeting Room. A Meeting Room fee was established for private organizations and private groups only. Official Town Agencies, Committees, and Boards were not charged. One hundred and seventy-one meetings were held in the large meeting room last year; one hundred by official Town organizations who did not have to pay a fee. At the time the fund was established, annual building maintenance costs often exceeded the Library's Operating Budget forcing the library to reduce other budget items to meet these expenses. In 1991 the library was forced to cut back on the book budget and transfer book funds to the building maintenance line to meet operating costs such as utilities. Since the

Meeting Room was used regularly by private groups, at times after hours, it seemed reasonable to charge these groups a fee to offset a small portion of associated building expenses. The Meeting Room Revolving Fund allowed for restoration of funds to the book budget and cover basic building costs. The Selectmen, Finance Committee and Town Meeting supported the proposal 12 years ago and every year since.

The wear and tear on Meeting Room space tends to be greater than most areas of the library. When the Finance Committee toured the new facility prior to its opening five years ago, the Committee pointed out that towns have difficulty maintaining buildings over time. Meeting space and other high use areas often suffer the most from delayed maintenance or neglect due to a lack of funds as needed. Committee members urged the Trustees to maintain the Meeting Room Revolving Fund to help with the ongoing maintenance and capital expenses associated with the use of the library's new Meeting Room space. The Trustees agreed to do so. The cost of supporting Meeting Room use has increased in the new library. The library has more Meeting Room space, furniture and equipment which provide a sophisticated audio-visual system and a kitchen. Far more custodial time is needed now for setting up tables and chairs, vacuuming and cleaning. The library staff invests more time instructing groups in the use of the audio-visual system and trouble-shooting it. All of these costs are absorbed within the library's regular operating budget.

The Revolving Fund is used for maintaining, repairing or replacing Meeting Room equipment and furnishings. For instance, we now contract for an annual cleaning of the Meeting Room; the carpets are cleaned; walls and woodwork are washed and tiles stripped and waxed. The amount of use dictates that type of special effort in order to maintain it. Since the new library opened five years ago, approximately \$9,300 has been collected in the Revolving Fund. At the end of this Fiscal Year about \$2,400 of the fund will have been spent on special cleaning equipment and repairs. An increase in spending in these areas has been seen. In addition, Meeting Room carpeting and furnishings will need to be replaced and the walls wallpapered sooner than other areas of the library. The fund will be used to meet these capital costs. Much thought has been given to the Meeting Room fees; a sliding fee schedule is offered starting at \$15 for small groups for half a day. Many private groups and organizations are longstanding Meeting Room users. Some have been reserving space five to ten times a year for many years. A number of groups using the library for the first time have commented on the quality of the facility and service and the reasonableness of our fee schedule. These groups understand that the Revolving Fund contributes to the upkeep and are comfortable with the current arrangement. The Revolving Fund meets an important need and does so in a reasonable manner and we urge your support.

FINANCE COMMITTEE: Recommends approval of this Article.

BOARD OF SELECTMEN: Recommends approval of this Article.

Ralph Tyler, One Deacon Lane, appreciates the explanation and asked the that the Article be "held" because he would like to at least suggest that for this policy that it's not just ordinary groups that they're trying to assess the fee from. If you're involved in any

sort of political activity in the Town of Sudbury that doesn't have the sanction of the Town Fathers and was last year associated with Article 54, which passed. We were trying to implement the business of this Town Meeting and were frozen out of town office space and had to meet with Representative Pope over at the Wayland town offices because our town offices were not available to us. Then when they had a meeting with another group also looking at senior tax relief from Princeton they wanted to use the library and suddenly we're talking about fees. Now some of us senior citizens pay a lot in taxes in the Town of Sudbury and the idea that they'd have to pay another fee to use sort of the library for a little political action kind of rubbed them the wrong way, So, he urged the library to be a little bit more sensitive to people exercising constitutional prerogatives for political activities and to make those a part of the service of the library in the spirit of community development and community preservation, whether you agree with what's being advocated or not. Political activities are something that should be encouraged and not basically only on a fee basis.

The Moderator, seeing nobody else wished to be heard on Article 31, asked for all those in favor of the Article as it appears on the viewgraph, please signify by raising your hands; all those opposed.

The Moderator declared the motion under Article 31 PASSED UNANIMOUSLY.

ARTICLE 32 – SUDBURY SCHOOLS - BUS REVOLVING FUND (Consent Calendar)

Move to authorize for Fiscal Year 2005 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 fee collection; said fund 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 \$300,000.

Submitted by the Sudbury School Committee. (Majority vote required)

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

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

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

The motion under Article 32 was UNANIMOUSLY VOTED on the Consent Calendar.

ARTICLE 33 – SCHOOLS EARLY CHILDHOOD REVOLVING FUND (Consent Calendar)

Move to authorize for Fiscal Year 2005 the use of a revolving fund by the Sudbury Schools for the purpose of providing additional or supplemental school early childhood instruction, to be funded by tuition collection; said fund 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 \$125,000.

Submitted by the Sudbury School Committee. (Majority vote required)

SUDBURY 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 POSITION: The Board of Selectmen unanimously supports this Article.

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

The motion under Article 33 was UNANIMOUSLY VOTED on the Consent Calendar.

ARTICLE 34 – SCHOOLS INSTRUMENTAL MUSIC REVOLVING FUND (Consent Calendar)

Move to authorize for Fiscal Year 2005 the use of a revolving fund by the Sudbury Schools for the purpose of providing additional or supplemental instrumental music lessons after school hours, to be funded by tuition collection; said fund 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 \$50,000.

Submitted by the Sudbury School Committee. (Majority vote required)

SUDBURY SCHOOL COMMITTEE REPORT: This revolving account was established in FY03 to supplement the Schools Instrumental Music Program. Fees collected for lessons will fund the music program. 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 POSITION: The Board of Selectmen unanimously supports this Article.

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

The motion under Article 34 was UNANIMOUSLY VOTED on the Consent Calendar.

ARTICLE 35 – YOUTH COMM. REVOLVING FUND (Consent Calendar)

Move to authorize for Fiscal Year 2005 the use of a revolving fund by the Youth Commission for youth programs and activities, to be funded by user fees collected; said fund to be maintained as a separate account, pursuant to Massachusetts General Laws, Chapter 44, Section 53E1/2; the amount to be expended therefrom shall not exceed the sum of \$20,000.

Submitted by the Youth Commission. (Majority vote required)

YOUTH COMMISSION REPORT: Programs and activities are self-funding. The Youth Commission requests Town Meeting approval for FY05 to use a revolving account to receive fees and pay expenses related to youth programs and activities.

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

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

The motion under Article 35 was UNANIMOUSLY VOTED on the Consent Calendar.

ARTICLE 36 – RECREATION PROGRAMS REVOLVING FUND (Consent Calendar)

Move to authorize for Fiscal Year 2005 the use of a revolving fund by the Park and Recreation Commission for recreation programs and activities, to be funded by user fees collected; said fund to be maintained as a separate account, pursuant to Massachusetts General Laws, Chapter 44, Section 53E1/2; the amount to be expended therefrom shall not exceed the sum of \$450,000.

Submitted by the Park and Recreation Commission. (Majority vote required)

PARK AND RECREATION COMMISSION REPORT: The Park and Recreation Department offers over 200 programs and activities throughout the year and all are self-funding. The Park and Recreation Commission requests Town Meeting approval for FY05

to use a revolving account to receive fees and pay expenses related to programs and activities by the Park and Recreation Director.

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

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

The motion under Article 36 was **UNANIMOUSLY VOTED** on the Consent Calendar.

ARTICLE 37 – TEEN CENTER REVOLVING FUND (Consent Calendar)

Move to authorize for Fiscal Year 2005 the use of a revolving fund by the Park and Recreation Commission for Teen Center programs and activities, to be funded by user fees collected; said fund to be maintained as a separate account, pursuant to Massachusetts General Laws, Chapter 44, Section 53E1/2; the amount to be expended therefrom shall not exceed the sum of \$20,000.

Submitted by the Park and Recreation Commission. (Majority vote required)

PARK AND RECREATION COMMISSION REPORT: The Teen Center offers 18 events for middle school youth and two events for high school youth during the school year. All events are self-funded from fees collected. The Park and Recreation Commission requests Town Meeting approval for FY05 to use a revolving account to accept fees and pay expenses related to teen center events administered by the Teen Center Director.

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

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

The motion under Article 37 was **UNANIMOUSLY VOTED** on the Consent Calendar.

ARTICLE 38 – CABLE TELEVISION REVOLVING FUND (Consent Calendar)

Move to authorize for Fiscal Year 2005 the use of a revolving fund by the Town Manager for local access services and Town institutional network (I-Net), to be funded by fees and other income collected with regard to the implementation, use, establishment or maintenance of cable television; said fund to be maintained as a separate account, pursuant to Massachusetts General Laws, Chapter 44, Section 53E1/2; the amount to be expended therefrom shall not exceed the sum of \$25,000.

Submitted by the Cable Television Committee.

(Majority vote required)

CABLE TELEVISION COMMITTEE REPORT: The Cable Television Renewal License provides that the Town receive a fee of 50 cents per subscriber annually (approximately \$1,900-2,000/year), as well as several thousand dollars in other funds specifically to be used for cable-related purposes. The intent of Article 38 is to continue the revolving fund to direct these funds for their proper purpose, offsetting some of the Town's costs in providing local access programming and I-Net services.

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

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

The motion under Article 38 was UNANIMOUSLY VOTED on the Consent Calendar.

ARTICLE 39 – CONSERVATION REVOLVING FUND (Consent Calendar)

Move to authorize for Fiscal Year 2005 the use of a revolving fund by the Conservation Commission for the administration of the Wetlands Administration Bylaw, to be funded by application fees collected; said fund to be maintained as a separate account, pursuant to Massachusetts General Laws, Chapter 44, Section 53E1/2; the amount to be expended therefrom shall not exceed the sum of \$30,000.

Submitted by the Conservation Commission.

(Majority vote required)

CONSERVATION COMMISSION REPORT: A revolving fund has been established for the purpose of receiving application fees and paying expenses related to administration of the Sudbury Wetlands Administration Bylaw. This fund makes the Wetlands Bylaw self-supporting. State law requires this fund to be authorized at Town Meeting each year.

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

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

The motion under Article 39 was UNANIMOUSLY VOTED on the Consent Calendar.

ARTICLE 40 – DOG REVOLVING FUND (Consent Calendar)

Move to authorize for Fiscal Year 2005 the use of a revolving fund by the Town Clerk for the purpose of making any purchases or paying any expenses related to Sudbury Bylaw Article V.3, Regulation of Dogs, or any costs required by the Massachusetts General Laws related to the regulation of dogs, to be funded by all fees, fines, charges, penalties or other like monies imposed under said Bylaw; said fund to be maintained as a separate account, pursuant to Massachusetts General Laws, Chapter 44, Section 53E1/2, and expended with the approval of the Town Clerk; the amount to be expended therefrom shall not exceed the sum of \$25,000.

Submitted by the Town Clerk.

(Majority vote required)

TOWN CLERK REPORT: State law requires that a revolving fund must be authorized each year at an Annual Town Meeting. Receipts from dog fees and fines are allocated to this fund and deposited in a special account by the Treasurer-Collector. Expenditures charged against this fund, subject to the approval by the Town Clerk, shall be limited to available funds. Expenses to maintain the program are small; the remaining funds will be used to offset the Dog Officer's salary.

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

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

The motion under Article 40 was UNANIMOUSLY VOTED on the Consent Calendar.

ARTICLE 41 – DPW MINING REVOLVING FUND (Consent Calendar)

Move to authorize for Fiscal Year 2005 the use of a revolving fund by the Department of Public Works for the operation of a mining operation on Town property located off North Road, the former Melone property, to include payment for all costs associated therewith, including salaries and other benefits, purchase and maintenance of capital equipment, reclamation of the property, and \$100,000 to be deposited into the General Fund to offset the tax rate, to be funded by income from the sale of gravel or other materials; said fund to be maintained as a separate account, pursuant to Massachusetts General Laws Chapter 44, Section 53E1/2; the amount to be expended therefrom shall not exceed the sum of \$300,000.

Submitted by petition on behalf of the Director of Public Works. (Majority vote required)

DIRECTOR OF PUBLIC WORKS REPORT: The purpose of this Article is to continue to enable the Town to receive maximum return from the sale of gravel by allowing more flexibility in the manner in which the operation is conducted. Additionally, expenses of the

operation and restoring the property for later use can be paid for directly out of the proceeds, thereby eliminating the need for tax levy for this purpose. This revolving fund was approved in 2002 and requires annual authorization by Town Meeting.

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

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

The motion under Article 41 was UNANIMOUSLY VOTED on the Consent Calendar.

ARTICLE 42 – RENTAL PROPERTY REVOLVING FUND

Move to establish and authorize for Fiscal Year 2005 the use of a revolving fund by the Town Manager for upkeep of town-owned rental property, to be funded by rents collected; said fund to be maintained as a separate account, pursuant to Massachusetts General Laws, Chapter 44, Section 53E1/2; the amount to be expended therefrom shall not exceed the sum of \$15,000.

Submitted by the Board of Selectmen. (Majority vote required)

The Moderator stated that Article 42 was on the Consent Calendar and somebody wished for it to be held.

Kirsten Roopenian moved in the words as shown on the viewgraph.

The motion received a second.

Kirsten Roopenian stated that the Haynes Meadow House, the Carding Mill and the Frost Farm House are three properties which are rented for income by the Town of Sudbury. These houses were acquired when the Town of Sudbury acquired the conservation property. This Rental Property Revolving Fund will allow these rents to be used directly for normal upkeep and repair of those properties. This will build a fund for such major repairs as re-roofing. If this Rental Property Revolving Fund is not set up then the monies from the rent go directly into the General Fund and appropriations for upkeep must be included in the Operating Budget. The Town of Sudbury, as landlord, is legally responsible for the maintenance and repairs of properties and should any of these properties, as said before, need a major repair then the Town of Sudbury is required to repair them. A Rental Property Revolving Fund dedicated specifically to these properties would allow the Town of Sudbury to pay for the cost of repairs directly from that fund. This would also ensure that the taxpayer's dollars would not be utilized to subsidize those costs. The Board of Selectmen strongly urges your support.

FINANCE COMMITTEE: Recommends approval of this Article.

Steve Wishner, Fox Run, questioned is it therefore implied by this Rental Property Revolving Fund that all repairs and maintenance of these properties must come exclusively from the Rental Property Revolving Fund or is it simply that this fund will be available first for those purposes and the Town of Sudbury would still have to come back to the Operating Budget for anything in excess of that?

The Moderator responded “It is the latter”.

The Moderator seeing nobody else wished to be heard on Article 42, asked for all those in favor of the words shown on the viewgraph signify by raising your cards; all those opposed.

The Moderator declared the motion under Article 42 **PASSED UNANIMOUSLY.**

ARTICLE 43. REAL ESTATE EXEMPTION

To see if the Town will vote pursuant to Chapter 73, Section 4, of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to allow for an increase of up to 100% of the current exemption amounts under Clauses 17D, 17E, 22, 37A, 41C, and 41D of Chapter 59, Section 5, for fiscal year 2005; or act on anything relative thereto.

Submitted by the Board of Assessors. (Majority vote required)

The Moderator stated that Article 43 was on the Consent Calendar and somebody wished for it to be held.

Liam Vesely, 10 Pokonoket Avenue, Chairman of the Board of Assessors, on behalf of the Board of Assessors, *moved* in the words of the Article.

The motion received a second.

Liam Vesely, stated that there are certain exemptions that are allowed by statute and this Article allows the Assessors to increase the existing exemptions up to 100% of their base value on a qualifying property tax increases from the prior year. This Article, as well as, the next Article that they’ll be sponsoring tonight is just something that the Board of Assessors is pleased to sponsor and allows them to increase the availability of exemptions for qualifying individuals, particularly where this is of interest to members of the community, particularly the elderly. It allows for an increase in the amount of those exemptions and for those reasons we would be sponsoring this Article.

FINANCE COMMITTEE: Recommends approval of this Article.

BOARD OF SELECTMEN: Urges your support and believe in doing everything legally possible to keep seniors in the Town of Sudbury.

Frank Riepe, New Bridge Road, was very interested having this brought to the floor since he's confused about this mechanism which apparently has been in place but just being updated. The other action that was before Town Meeting was about other devices for tax relief. How does the proposed device, which was not passed, mesh with this device?

The Moderator stated that Article 2 was going to be an abatement for a much larger proportion. These are relatively smaller abatements and as recalled on Article 2 they weren't supposed to take the place of these abatements. These were supposed to be in addition to. Does that answer your question?

Mr. Riepe said only partly. Why wouldn't they have been talking about just expanding the program that was already in place and why would there be two sort of overlapping programs?

The Moderator responded because this particular one you see in front of you is statutory by the legislature. The one that was before you in Article 2, which was voted down, were going to be something Sudbury, if the residents had passed, would have been brought to the legislature for special legislation just for Sudbury. That's the difference. The Board of Assessors doesn't have a choice; this is as far as they can go because they are asking the Town of Sudbury to once again enact enabling legislation that the State Legislature has passed and it cannot change the limits on this unless the State Legislature allows it.

Mr. Riepe responded so, the mechanism before the Hall is what every town uses, is that what you are saying.

The Moderator responded that is correct. Every single town that has adopted this legislation uses it.

Mr. Tober stated he was the person who asked this Article to be "held". He did not ask to find then all the people who didn't want to discuss it in the first place to use up all the time to be proponents. He was the one who wanted this Article to be discussed not all the people who have taken it on and after they submitted it into the Consent Calendar. He said the other thing is that he has a little motion and is sure you will rule it as an amendment which goes outside the four corners but you cannot rule until the motion has been made.

The Moderator reminded Mr. Tober that you are not allowed to speak before you make a motion.

Mr. Tober moved on Article 43 to delete all text after 100% on line 2, that would illegally expend, but expense you first of all but the burden the people see is what he's going to do, what he has in mind.

The Moderator asked if that was a motion to amend and the motion to amend is to delete all the text after 100%. Is that correct?

Mr. Tober said on line 2, that is correct.

The Moderator asked if the *motion to amend* received a second.

The motion to amend does not.

The Moderator declared that the *motion to amend FAILS*.

The Moderator seeing nobody else wished to be heard on Article 43 asked for all those in favor of Article 43 as it appears in the Warrant, please signify by raising your cards; all those opposed.

The Moderator declared the motion under Article 43 *PASSED UNANIMOUSLY*.

ARTICLE 44. REAL ESTATE EXEMPTION FOR SENIORS
CH. 184, S.51 OF THE ACTS OF 2002

To see if the Town will vote for the maximum allowable benefit pursuant to Chapter 184, s.51 of the Acts of 2002 [amending G.L. Ch. 59, s.5 (41C) and (41D)] to allow for a reduction in the eligibility age, an increase in the gross receipts, and whole estate limits, and an increase in the exemption amount by 100%, to first apply in Fiscal Year 2005; or act on anything relative thereto.

Submitted by the Board of Assessors.

(Majority vote required)

The Moderator stated that Article 44 was held and removed by someone from the Consent Calendar.

Liam Vesely, on behalf of the Board of Assessors, *moved* in the words of the Article.

The motion received a second.

Liam Vesely said this Article, with the acceptance of this legislation, allows the Assessors to expand the existing parameters of the Clause 41 (C) exemptions, which are specifically for the elderly. The Board of Assessors is pleased to sponsor this exemption, which is something within our powers to sponsor and to offer.

The Moderator pointed out the correction of the Report in the Warrant.

FINANCE COMMITTEE: Recommends approval of this Article.

BOARD OF SELECTMEN: Unanimously supports this Article.

Lee Michaels, 199 Horse Pond Road, would like an explanation as to what is meant by the increase in the exemption amount by 100%.

Ms. Hafner said that what happens with these exemptions is that if Article 43 is passed then if somebody has a \$500 exemption and their tax increases more than \$500 in the next year or up to \$500 in the next year then the amount of the increase can be matched by the same amount of the exemption. That's what is happening with Article 43. They are asking that you allow them to now exempt \$1,000, instead of \$500, from our seniors, and if their bill is greater than that \$1,000 and if it increases more than that \$1,000, then they can also have that updated or exempted off of their tax bill.

The Moderator seeing nobody else wished to be heard on Article 44, asked for all those in favor of Article 44 as it appears in the Warrant, please signify by raising your cards; all those opposed.

The Moderator declared the motion Article 44 **PASSED UNANIMOUSLY.**

The Moderator made a few announcements and introduced the panel and thanked Town Counsel, Paul Kenney for his advice and service. The Moderator also announced the reappointment of Paul Lynch, who is the Town of Sudbury's representative to the Minuteman Vocational Technical High School and thanked him for his representation to the large School Committee.

ARTICLE 45A. AMEND ZONING BYLAW, ART. IX,
s.3200 SIGNS AND ADVERTISING DEVICES & s.7000 DEFINITIONS

To see if the Town will vote to amend Article IX, the Zoning Bylaw, sections 3200, Signs and Advertising Devices, and 7000, Definitions, as follows:

1. In section 3225, delete the words "and then only upon issuance of a special permit by the Board of Appeals" so that section 3225 reads as follows: "No sign shall be illuminated between the hours of 11:00 P.M. and 6:00 A.M. except signs on premises open for business."

2. In section 3226, add the word “direct” after the word “for” so that the first sentence of section 3226 reads as follows, “Only white lights shall be used for direct illumination of a sign.”
3. In section 3227, delete the words “after notice to the property owner by the Building Inspector”.
4. In section 3230, replace the words “Design Review Board” with the words “Building Inspector” in the second sentence, and replace “Design Review Board” with “Building Department” in the third sentence. Also add the words “building or” in the third sentence of that section so that section 3230 reads as follows: “Sign Permits. All signs shall require a sign permit except as provided in Section 3250, herein. No sign which requires a sign permit shall hereafter be constructed except in conformity with a sign permit from the Building Inspector. Applications for building or sign permits shall be obtained from the Building Department and shall contain the following information:”.
5. In section 3231, reverse the order of the two sentences so that section 3231 reads as follows: “The Building Inspector shall refer all applications to the Design Review Board for recommendations in conformance with Section 6540 of this bylaw. The Design Review Board shall have the authority to reject any sign permit application that is not complete when submitted.”
6. In section 3232, change the number “60” to “30” wherever it appears in that section.
7. Delete section 3240 (Signs Prohibited in All Districts) in its entirety, and replace with the following:

3240. "Signs Prohibited in All Districts.

3241. Lightboxes.

3241A. Neon signs.

3242. Billboards, except non-commercial third party signs on municipally owned property.

3243. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration; signs consisting of strings of banners, posters, pennants, ribbons, streamers, and spinners or similar devices.

3244. Flashing or oscillating signs or signs with moving lights or rotating beacons; animated signs; rotating signs; signs which move by design or have a major moving part.

3245. Signs emitting audible sound, odor or visible matter.

3246. Permanent paper, cardboard, cloth, canvas, plastic or similar non-rigid material signs, tacked, posted, or otherwise affixed to the walls of any structure, tree, pole, hydrant, bridge, fence or any other surface.

3247. Portable signs and changeable copy signs, except as permitted in section 3259A.

3248. Signs having the shape and color of a traffic control device; signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic or street sign or signal; signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop", "slow", "caution", "danger", "warning" or similar words.

3249. Signs creating a potential hazard to the safe, efficient movement of vehicular or pedestrian traffic or which contain statements, words, or pictures of an obscene, indecent, or immoral character, that will offend public morals or decency.

3249A. Integral roof signs."

8. Delete section 3250 (Signs Which Do Not Require a Sign Permit) in its entirety, and replace with the following:

3250. "Signs Which Do Not Require a Sign Permit.

3251. Resident Identification Sign. One sign, which shall not exceed two (2) square feet in area and, if lighted, shall use direct illumination with white light only.

3252A. Governmental, Utility or Public safety signs: None of the provisions of this bylaw shall be construed as preventing or limiting any traffic, directional, informational, educational or identification sign owned and installed by a governmental agency.

3252B. Religious institution signs.

3253. Real Estate Signs. One real estate sign, not over six (6) square feet in area advertising the sale or rental of the premises on which it is located is permitted. Such signs shall be removed within 30 days of the completion of the sale, rental or lease.

3254. Construction Signs. One temporary sign which shall not exceed twenty (20) square feet in area, in all districts, shall be confined to the site of the

construction, including subdivisions of land as defined in G.L. c. 41, s. 81L, shall not be erected prior to the issuance of a building permit and shall be removed within seven days of completion of construction, issuance of the occupancy permit, or after the intended use of the project has begun, whichever comes first.

3255. Window Signs. One or multiple signs that in aggregate shall not exceed 25% of the window area. Such signs shall not be illuminated other than by standard lighting fixtures on the building. Window signs promoting a public service or charitable event shall not be calculated in the allowable 25%.

3256. Fuel Pump Signs.

3257. Vehicle Signs. Except where the signs are mounted on parked vehicles for the purposes of advertising goods or services sold or provided on the property where the motor vehicle is parked or elsewhere either by direct sale or by order, signs normally painted on or attached to a motor vehicle identifying the owner and his or her trade and signs advertising the sale of the motor vehicle itself shall be allowed.

3258. Signs on Product Dispensing Devices. Signs integral to automated devices, not to include vehicles or gas pumps, which dispense one or more products, when the sign identifies the product(s) contained therein, provided the sign does not project beyond the device. Signs, which are affixed but not integral to the device, are not allowed.

3259. Flags, and banners conforming to section 3271 of this bylaw.

3259A. Temporary Signs. One temporary sign is allowed per business for a period not to exceed five (5) weeks annually (35 days), provided:

- a. The sign does not exceed twenty-four (24) square feet for a wall-mounted sign, or six (6) square feet per side for a freestanding sign.
- b. No more than five (5) temporary sign permits may be issued per establishment in one calendar year.
- c. Only one temporary sign shall be displayed along the street frontage of a property at one time.
- d. Interim signs erected while waiting for a permanent sign to be constructed shall conform to paragraphs a and c above."

9. Delete section 3260 (Signs Requiring a Sign Permit in the Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park and Research Districts) in its entirety, and replace with the following:

3260. "Signs Requiring a Sign Permit in the Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park and Research

Districts. Any principal use permitted in the Business, Limited Business, Village Business, Industrial, Limited Industrial, Industrial Park and Research Districts may erect a sign or signs subject to the following:

3261. Exterior Wall Signs.

a) First Floor Businesses. Except as may otherwise be provided, one primary and two secondary exterior wall mounted, projecting or roof signs shall be permitted for each first floor business, not including directional signs, on the building in which the business is located. The total allowed sign face area of all exterior signs is calculated by taking 100% of the primary building frontage plus 40% of each secondary building frontage, up to a maximum of three total building frontages. The total size of the business signage is shown in Chart A. The primary sign shall represent no more than 75% of the total allowed sign face area. Secondary signage must be affixed to that portion of a building which is occupied by the business affixing such sign. If the sign is a series of awning valances it is considered one secondary sign. The square footage allowance is for direct-illuminated signs. Those primary or secondary signs which are self-illuminated silhouette or face-lit channel letters shall have their square footage allowance reduced by one-third (1/3).

CHART A

Building Frontage (In linear feet)	Maximum Area of Total Sign Face (In square feet)
0.1 to 19.9	30
20 to 39.9	33
40 to 59.9	36
60 to 79.9	39
80 to 99.9	42
100 to 119.9	45
120 to 139.9	48
140 to 159.9	51
160 to 179.9	54
180 to 199.9	57
200 to 219.9	60
220 to 239.9	63
240 and above	65

b) Second Floor Businesses. One primary exterior wall mounted sign shall be permitted for each second floor business, not to exceed ten (10)

square feet. No such sign shall obscure windows or other architectural elements on a building.

3262. Projecting signs. A projecting sign may be erected in lieu of an exterior sign only when such exterior sign is permitted under Section 3261, providing it does not exceed sixteen (16) square feet per side. The projecting sign shall not extend beyond the top of the roof or ridge line of the building.

3263. Directory Sign/General Directory Sign: One directory wall sign on which the sign face shall not exceed one square foot for each occupant identified in the directory. A similarly sized freestanding sign may be erected provided it is substantially out of view of the public way. 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.

3264. Directional Sign: Directional signs may be erected near a street, driveway or parking area if necessary for the safety and direction of vehicular or pedestrian traffic. The sign face of each directional sign shall not exceed two (2) square feet and no directional sign shall be located more than six (6) feet above ground level if mounted on a wall of a building or more than three and one-half (3½) feet above the ground if freestanding. Directional signs shall be placed so as to not impair vehicular sight lines.

3265. Freestanding Business Center Identification Sign. One freestanding business center identification sign may be erected on a lot. The size of the sign face and the setbacks shall not exceed the allowances in Charts B and C (starting with Chart B and proceeding to Chart C).

CHART B

Street Frontage (In linear feet)	Maximum Area of each Sign Face (In square feet)
0.1 to 74.9	12
75 to 149.9	16
150 to 249.9	20
250 to 349.9	24
350 and above	30

CHART C

If the Area Of the Sign Face In Chart B does not Exceed (In square feet)	The Minimum setback From the Front property line shall be (In linear feet)	Minimum setback From Side property line shall be (In linear feet)
30	20	5
24	16	5
20	12	5
16	8	5
12	4	5

3266. The overall maximum height of any freestanding sign shall not exceed ten (10) feet, and the distance from the ground to the bottom of the sign shall not exceed 40% of the total height of the sign."

- 10. Delete sections 3271, 3272 and 3273 in their entirety, and replace with: "3271. Banners. Any business may have a maximum of one banner mounted on the building facade. Banners may also be erected on light or utility poles on private property displaying common or season themes, up to a maximum of one banner per fifty (50) parking spaces constructed on the premise. Banners erected on public property shall require the approval of the Board of Selectmen. 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."**
- 11. Delete section 3280 (Signs Requiring a Sign Permit in the Residential Districts) in its entirety and replace with the following:**

3280. "Signs Requiring a Sign Permit in the Residential Districts. One sign either attached or freestanding, pertaining to a multi-unit development or a permitted non-residential principal use such as farms, farm stands, nurseries, greenhouses, child care centers and similar uses may be erected upon a lot provided no other sign(s) permitted by this bylaw shall be on the same lot. The sign face shall not exceed ten (10) square feet and, if freestanding, the height shall not exceed ten (10) feet and the distance from the ground to the bottom of the sign shall not exceed 40% of the height of the sign. The freestanding sign shall not be located within ten feet (10') of any street or property line."
- 12. Delete the following definitions from section 7000:**

Banner; Flag; Signs and Advertising Devices; Sign, awning; Sign, direct illumination; Sign, display area; Sign, erection; Sign, freestanding; Sign, projecting; Sign, self- illuminated; Sign, wall.

- 13. Add the following to section 7000, Definitions, after the definition for “Retail”:**

"The following definitions apply specifically to Article 3200 SIGNS AND ADVERTISING DEVICES:

- 1. Alter: To change the size, shape, height, colors, lettering or materials of a sign.**
- 2. Animation: Any form of movement by electric, mechanical, or kinetic means including, but not limited to, rotation, revolving or wind activation of all or a portion of a sign, or incorporating flashing or intermittent lights for sign illumination.**
- 3. Awning Sign: Any fabric-covered roof-like structure, projecting from a building and providing shelter from the weather, which serves as a sign or advertising device. For secondary signs, verbiage shall occur on the valance of the awning.**
- 4. Banner Signs: Any sign of lightweight fabric or similar non-rigid material, including nylon, vinyl, cloth, canvas or similar fabric, and which is attached to a rod at the top. National flags and state or municipal flags shall not be considered banners.**
- 5. Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.**
- 6. Billboard: Any single or double-faced sign that is permanently fixed or placed on particular premises advertising goods, products or services that are not sold, manufactured or distributed from the premises or facilities on which the sign is located.**
- 7. Building Frontage: Primary Building Frontage: The lineal extent of the public face of a structure which is occupied/leased by a single business and which contains the front door to the business. Secondary Building Frontage: If a business has a direct customer entrance into the business in a wall other than the front wall, the lineal extent of the public face of this side.**
- 8. Business Center Identification Sign: Any sign identifying a building or group of buildings that is under single ownership or control. All business center identification signs shall contain only the name or address of the business center, and shall not contain logos, icons or names of individual businesses.**

- 9. Business:** All of the activities carried on by the same legal entity on the same premises and shall include, but not be limited to, service, commercial and industrial uses and fraternal, benevolent, educational and social organizations.
- 10. Business Center:** Two or more business tenants as occupants in a building, or on land in single ownership, or business condominiums.
- 11. Canopy Sign:** Any sign that is a part of or attached under an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area, and viewed when one is under a canopy.
- 12. Changeable Copy Sign:** A sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign. A sign on which the only copy that changes is an electronic or mechanical indication of the time and temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign.
- 13. Channel Letters:** Individual, three-dimensional, hollow letters, as metal or plastic structures, and mounted to the front face of a sign.
- a. Silhouette Letters:** Also called reverse channel letters, these opaque hollow letters are manufactured with individual lights built into each letter, and the letters are mounted with stand-offs, leaving a gap between the rear of the letter and the sign face. The illumination directs the light back onto the surface of the sign face creating a halo effect around the letter.
 - b. Backlit Channel Letters:** Similar to Silhouette letters, these hollow letters are manufactured with individual lights built into each letter, and the front of each letter is fitted with a translucent colored plastic, which allows for the illumination to be seen through the face of the letter. These letters are mounted directly to the sign face or with stand-offs.
- 14. Construction Sign:** Any sign identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product.
- 15. Direct Illuminated Sign:** Any sign illuminated by an artificial light source located in front of the face of the sign. This includes lighting coves. Where signs are externally illuminated, adjacent roads and properties shall be screened from the light source.
- 16. Directional Sign:** Any signs erected near a street, driveway or parking area if necessary for the safety and direction of vehicular or pedestrian traffic. Directional

signs shall not advertise, identify or promote any product, person, premises or activity but may identify the street name/number and provide traffic directions.

17. **Directory Sign/General Directory Sign:** A sign giving the name, address number and location of the occupants of a building or buildings, and may also include a map or plan and the name of the business center to locate such buildings, if it is a general directory sign.
18. **Flag:** Any fabric banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government or political subdivision and that is mounted to a pole or building attached at a maximum of one point to a structure. A flag must be free-flying (i.e., it must be attached to a pole on one end only, not two).
19. **Freestanding Sign:** Any two-sided sign supported by one or more uprights or braces placed on, or anchored in, the ground and not attached to any building or structure.
20. **Fuel Pump Signs:** In accordance with M.G.L.c.94, s.295, standard gasoline fuel pump signs on service station fuel pumps bearing thereon in usual size and form the name, type and price of the gasoline.
21. **Governmental, Utility or Public Safety Signs:** Any signs such as traffic control signs, railroad crossing signs, legal notices, signs that serve as an aid to public health or safety or that show the location of public telephone, underground cables, etc. Includes signs erected and maintained by the Town of Sudbury, the Sudbury Water District, the Sudbury Housing Authority, the Lincoln-Sudbury Regional High School, the Commonwealth of Massachusetts, or the Federal Government on any land, building or structure used by such agencies and any other signs at any location required by such agencies.
22. **Illumination:** Any method of giving forth artificial light, either directly from a source of light incorporated in or connected with a sign, or indirectly from an artificial source.
23. **Integral Roof Sign:** Any sign erected, constructed, painted-on, or woven into the shingles of the roof as an integral or essentially integral part of a normal roof structure of any design, including a false mansard roof or other fascia, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by more than 12 inches.
24. **Interim Sign:** Any sign used as an identifier of the business on the property on a temporary basis, which is replaced with a permanent sign.

- 25. Lightbox:** Any sign illuminated by an internal light source located behind a translucent panel which is the continuous front face of the sign.
- 26. Lighting Cove:** A decorative architectural device that conceals a light source and is mounted above, below or around and separate from a sign face, leaving a gap that reflects the light back and creates a soft lighting effect around the sign face.
- 27. Maintain:** To allow to exist or to continue.
- 28. Neon Sign:** A self-illuminated sign using neon light which is created by injecting either neon or argon gas into an exposed thin glass tube that has been bent to form either letters or graphic designs.
- 29. Non-conforming Sign:** Any sign that existed on the effective date of this ordinance (or amendment thereto), and does not comply with the regulations set forth herein.
- 30. Portable Signs:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs. Includes A-Frame Signs.
- 31. Projecting Sign:** Any two-sided sign which is supported by an exterior wall of a building with the exposed face of said sign in a plane approximately perpendicular to the plane of the wall, etc. and projecting more than twelve (12) inches and less than sixty (60) inches.
- 32. Real Estate Signs:** All signs advertising the sale or rental of the premises on which it is located; on subdivisions of land, all signs erected solely to advertise the selling of land or buildings in said subdivision.
- 33. Religious Institution Signs:** All signs erected by religious institutions on any land, building or structure used by such institutions.
- 34. Repair:** To restore to sound condition, but not reconstruct. Repairs are considered general, routine maintenance.
- 35. Resident Identification Sign:** Any sign in a residential district, either attached or freestanding, indicating only the name of the occupant, street number, and accessory permitted uses or occupations engaged in thereon.
- 36. Roof Line:** The top of the roof or the top of the parapet, whichever forms the top line of the building silhouette, on the side of building on which the sign is located.
- 37. Roof Sign:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

- 38. Self-illuminated sign:** Any sign illuminated by an artificial light source located within the front face of the sign including channel letters.
- 39. Sign:** Any object, device, display, or structure or part thereof which is affixed to or otherwise represented directly or indirectly upon a building interior or exterior or piece of land and that is used to advertise, identify, display, or attract attention to any object, person, institution, organization, business, product, service, place, activity, or event related to the premises on which the sign is situated by any means including words, letters, figures, designs, or symbols.
- 40. Sign Face:** The area made available by the sign structure for the purpose of displaying a message thereon.
- 41. Sign Permit:** A permit issued by the Town to regulate the erection, expansion, alteration, relocation, or reconstruction of signs in all parts of this municipality.
- 42. Temporary Sign:** A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard, sheet metal, plywood or similar materials on private property and intended to be displayed for a limited period of time, includes political signs.
- 43. Vehicle Sign:** Any sign on a vehicle of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond two (2) inches from the original manufactured body proper of the vehicle. The vehicle to which the sign is attached shall be in proper working order and shall bear a current license plate and shall not be permanently parked on a public street or street right-of-way. A sign in or on a vehicle that advertises the vehicle for sale, lease or rental shall not be considered a Vehicle Sign.
- 44. Wall Sign:** Any sign attached parallel to, but within twelve inches of, a wall, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- 45. Window Area.** The total area of all windows along a building frontage.
- 46. Window Sign:** Any sign visible from the exterior of a building that is painted on, affixed to, or suspended immediately in front of, on, or up to 24" behind a window.";

or act on anything relative thereto.

Submitted by the Planning Board.

(Two-thirds vote required)

Michael Fee moved in the words of the Article.

The motion received a second.

Michael Fee, Henry's Mill Lane, is pleased to present these Articles 45A and 45B on behalf of the Planning Board. These Articles are the product of a dedicated working group that included a Selectman, the Building Inspector, Town Planner and representatives of the Planning Board, the Design Review Board, and the Zoning Board of Appeals. This group learned over several years of deliberation the Regulation of Signage is more of an Art than a Science and when it's done well it can really balance the needs of our Business Community to be able to communicate with their customers with the real sense of community aesthetics we have, as well as, public safety. Articles 45A and 45B are in their judgment this group's very fine effort at achieving this balance.

The group also learned last year the importance of being responsive to the voice of Town Meeting and so, the proposal before you tonight to address the concerns that were stressed regarding the Sign By-Law Article that was rejected at last year's Town Meeting. Most of us will probably agree with the Master Plan's conclusion that a strong commercial base benefits the Town in a variety of ways. It offsets the tax rate, it brings in additional revenue to the Town, allows us to all buy goods and services that are needed. The Town of Sudbury businesses are currently taxed at a rate of 150% of the residential rate and still manage to contribute generously to all of the charitable endeavors in this Town. There is not a youth activity, a religious institution or any other charitable group that hasn't benefited from the tremendous largesse of our businesses. All need to be cognizant of the very evident way that they are contributing to the community.

As a result, the Planning Board feels that businesses must be recognized as true stake holders in all long-term economic decisions that are made regarding the Town of Sudbury. As the Master Plan states, it is to support the continuation, expansion and development of all types of desired businesses within the Town of Sudbury. The business community over the past several years has made it abundantly clear that the current system of sign regulation is not working. It does not allow the businesses to quickly, effectively and safely communicate with their customers.

Mr. Fee highlighted the most important aspects of the proposed provisions of the Sign Bylaw:

- **Specifically bans neon**
- **Concept of proportionality; the size of allowed signage is directly tied to the building of which it is a part;**
 - **Under the current bylaw there is no consideration for appropriate scale so large buildings like Wingate Nursing Home, for example, have had to endure signage that bears no relation to the scale of the structure; when first seen one cannot even tell that there is a sign on the building, yet there is a sign there.**
 - **Similarly, commercial properties like the Wayside Plaza, where Bullfinch is located have truly managed to overwhelm their streetscape with signage that is completely disproportionate to their**

building size; just an example of a type of signage that caused to exist in the Town of Sudbury that's not only visually unappealing but it constitutes a traffic hazard. The working group came to the conclusion that signs that are too large or too numerous are distracting. Signs that are too small or which don't specifically identify the tenants within a multi-tenanted plaza cause motorists to take their eyes off the road for longer periods of time. There has to be some balance in the way that we allow signage to be permanent and exist within the Town of Sudbury.

- The proposed bylaw tries to allow signage that is scaled to its environment and balances in a fairly analytical way the businesses need to communicate with traffic safety and our own town aesthetic concerns. The specific proportions that are set forth in the Article are on a Chart on page 35 of the Warrant.
- This Article would rescind the current bylaws blanket prohibition on temporary signs and instead it would serve to define the size and duration of time that temporary signs can be used. All of you who drive along Route 20 are shocked to find out that current bylaw prohibits sandwich board advertising; it's banned. For the many businesses that are set back from Route 20, there is currently no meaningful way for them to grab customers attention and many go to the ZBA and seek a special permit for these sandwich board A-frame advertising or they simply ignore the rule. The Building Department is overwhelmed with the prospect of having to try and regulate something that can go up and come down in the blink of an eye.
- What the passage of this Article would provide is a more consistent and measured way of controlling this phenomenon. Each business would be allowed temporary signage, no larger than 24 square feet if it's mounted on the building and no larger than 6 square feet if it's an A-frame and no more than a total of five weeks annually and at a fee to be determined by the Board of Selectmen. Not only will this enhance revenue but it will give the Building Inspector much greater guidance in controlling this type of signage that tends to proliferate along the Town of Sudbury's commercial corridor.
- Finally, from the working group standpoint and most important, is that passage of this Article is going to create a more consistent process for sign permitting than we have. It's going to be easier to understand and easier to enforce and ultimately hope it will create a more aesthetically pleasing and coherent sign landscape along Route 20

Most of the signs you see along Route 20 predate the current Bylaw so they are grandfathered. As you drive along and look at a sign like Shaw's, Barnstead Plaza and Rugged Bear Plaza these signs are currently non-conforming under this Bylaw. New businesses that come into the Town of Sudbury that try to get noticed have to compete with this haphazard mostly non-conforming signage and are faced with a Bylaw that is so restrictive that they seek Special Permits from the ZBA or ignore the law altogether.

They have met with the ZBA on this issue and it's best to consistently rule on Special Permit applications that come before the board; it has little guidance from the Bylaws currently written. It's hard for that group to have a consistent understanding of what the community standards are regarding size and scale. This Article addresses that problem in a very coherent and analytical way. In our discussion with the ZBA, the challenge is compounded by the fact that it's a very large board and oftentimes is populated by alternate members who sit only on occasion and because the determination of Special Permits for Signage have in it an inherently subjective evaluation it's difficult for that Board to consistently rule on similar applications. The potential exists that applications that are the same could get disproportionate treatment on any given night. The ZBA and Planning Board don't want that. What the Article seeks to do is address that problem. Passage of the Article will change two things:

- 1) More businesses additional signage by right so they won't be showing up for Special Permits and;**
- 2) When they do, the ZBA will have greater guidance as to how to handle those applications**

What do they expect will happen if this Bylaw passes? The Board believes it will lead to attractive signage that enhances the Route 20 corridor. The signs like those at First Friends, Lotus Blossom and Orchard Hill will proliferate under this type of regulation. We'll be creating a coherent regulation of temporary signage so as to control the A-frame phenomenon. Expedited permitting through the Design Review Board, with fewer businesses seeking Special Permits from the ZBA, is a good thing.

What will not happen is that passage of this Article will not result in a sign landscape that resembles Route 20 in Marlborough or Route 9 in Framingham. It just won't happen. The Bylaw does not allow for that type of scale or proportion of signage. It's specifically scaled to meet our community standards.

In discussing this with the Planning Board all agreed that Sudbury relishes its historic character. The Town of Sudbury has a lot of small businesses here; there are not a lot of national chains, but have locally grown establishments. As a community, you cannot have it both ways; these businesses cannot be taxed at a disproportionate rate and expect them to be generous to our charities and yet at the same time have a Sign Bylaw that unreasonably restricts their ability to communicate and grab customers. In this age of Internet shopping one can literally buy anything from the comfort of one's living room and not have to travel to these businesses; they are at an extreme disadvantage. It is to our benefit to help the businesses communicate more consistently with their customers. The Bylaw does it in a way that is mindful of both the community character and public safety. The Planning Board urges passage of this Article.

FINANCE COMMITTEE: Has no opinion on this Article.

BOARD OF SELECTMEN: Larry O'Brien reminded the Hall that the reason that this Bylaw is back at Town Meeting this evening is two-fold:

- 1) The citizens assembled at Town Meeting resoundingly defeated the Article last year because they felt it was not complete; felt that it had some items that had been removed that were not to their liking
- 2) More importantly the Sign Bylaw two years ago was not part of the Zoning Bylaw Re-codification which was a project that was undertaken by the Selectmen, the Planning Board, the Zoning Board, etc., because the Zoning Bylaw was 30 years out of date. Signs were complex enough that they had to stand on their own and we committed to you, I myself standing in front of you, to bring this back as a standalone Article

For all the mechanical points that Mr. Fee made, Mr. O'Brien would like to add a few items and would like to start with a couple of questions just to get the Hall thinking in the frame of mind of signs.

- For all of you that may be new to the Town of Sudbury, or those of you who might not shop for all your services and goods in the Town of Sudbury, do you know where the Optical Place is located? Speaking to a member of the Planning Board recently who wears eyeglasses, they did not and have lived in Town certainly long enough to know where the Optical Place is. They've only done business in Town for 30 years.
- Do you know where Country Curtains is located? They also have been a long time business in the Town of Sudbury. Both of those plazas are located at 215 Boston Post Road; there is a very attractive sign but it is a number only and if not paying attention you can drive by quickly since they are not clearly identified on the side of the road.
- Can you name three businesses other than Rugged Bear Clothing Store in the Rugged Bear Plaza, the topography of Route 20? The parking lot is higher than the road; you can't see the businesses that are in there unless you drive through or if you are not aware of the building number or the name of the plaza you could drive by it.

These are just some examples of how the revisions of the Sign Bylaw would help long time well established businesses that we should be supporting here in the Town of Sudbury. The Sign Bylaw fits a larger overall vision of coming together and will eventually be put together in the Master Plan of Route 20 but things that are already underway; various walkway improvements that have been made over the past few years by the Department of Public Works. One can now walk from Papa Gino's to the Wayside Inn Road. Landscape site improvements have been seen; many of them to the recently applied mulch, flower beds to site improvements and reinvestments at such places like the Shaw's Plaza and Sudbury Farms Plaza. Pocket parks are under consideration or one that's already constructed in the form of the Train Depot where there is a small little grassy area; a little hard to reach but across from Dunkin' Donuts.

Work has been done on a possible Rail Trail at the abandonment of the rail line that runs adjacent to Friendly's, crosses Route 20, running North to South. There has been

numerous redevelopment projects on Route 20, most recently the Bosse' Sports Complex on an abandoned empty lot and the Land Rover site that has been redeveloped from a very drab worn out building to a new facility there.

Studies are underway for a possible Wastewater Treatment so that the Town of Sudbury can better protect their aquifer. That action was voted by Town Meeting a few years ago. Also voted last year was to authorize the Town Manager to provide street lights in the Town of Sudbury that would also allow eventually, as the Master Plan is put together in the Streetscape Plan for Route 20, to change some of the lighting from the ugly industrial lighting that hangs off the phone poles; something a little more attractive might be more in line with what you see in Concord, Arlington, Winchester; communities that have more defined and developed business districts.

The Sign Bylaw described by Mr. Fee is not serving the business and commercial sector as is currently known. It does not serve it well from a public safety aspect; buildings cannot be identified without slowing down or possibly endangering yourself in a traffic accident. Buildings cannot be found easily if one is walking along some of the walkway that is now in place that runs along Route 20. Most importantly if there are services and goods available in the Town of Sudbury and we're not aware of those services and goods then we are potentially taking our spending dollars out of the Town of Sudbury. It's certainly a decision that can be made but many times, he finds the goods and services that are available are competitively priced and of a high enough quality that he has no need to travel outside the greater Sudbury area.

I'd like to leave you with this thought: Signs are a visual connection that work and coincide with pedestrian connections and automotive connections that tie the Business District together. If you believe that then you need to ask yourself this question and looking forward. Do you view Boston Post Road nothing more than Route 20, a State Road, that runs from Wayland to Marlborough and we happen to be in the middle of it or can you envision and do you see and do you currently consider Route 20 to be our main street. If you see it as Main Street or you envision it as Main Street then appropriate, adequate, high quality signage that addresses public safety and the viability of the business community is something that we ask you to support. We ask for your vote in the affirmative this evening.

Frank Riepe, New Bridge Road, Chairman of the Design Review Board and a member of the working committee for two years on Article 45A, as well as, 45B which follows this Article. He'd like to make a few comments as to where we've been and where we're going with this. Article 45A, which is before you, is not particularly dealing with freestanding signs, which Mr. O'Brien alluded. Article 45B is the separate body dealing with freestanding signs. The thrust of Article 45A is in part a part of the re-codification, which Mr. O'Brien referred to that the entire Zoning Bylaw went through and was approved at Town Meeting a couple of years ago and this sign part was held out of that re-codification because it was so complex that it needed a whole lot of work in itself. So, a lot of what is before you is re-formatting, expanded definitions and a lesser part of this new print devoted to changes in the Bylaw. One of the main reasons that this is being done is that, speaking as one who as been on the Design Review Board longer than can be

remembered actually, and one of the main things that we do is to review Sign Applications; there are hearings twice a month on Sign Applications.

For so many years they have found that the Bylaws that exist, even though they have tinkered with it a little bit over the years, it really fails to address the scope of needs that are in the environment and we end up with a bad result, rather than a good result. Many little details had to be reconsidered of the regulations and the sizing parameters. They are very pleased that this is a real advancement and it wasn't all that many years ago; he's been in Sudbury for 21 years; when he first moved here there weren't any sign regulations but shortly thereafter sign regulations were created; they were starting with nothing. This is a major second generation to assign regulations that has the benefit of 16 years of living with a format and concept of sign regulations. There is a lot of experience built into this. It will work well and urges your support. This will mean a lot to those who administer the laws, among those the Design Review Board as mentioned, and the Zoning Board of Appeals because there have been so many cases that the Design Review Board has to send to the Zoning Board of Appeals for exceptions to be made. It has ceased that the existing Bylaw has any real meaning. There have been cases where people don't want to be bothered going to the Board of Appeals and therefore put up signs illegally. There is an enormous enforcement problem because if people don't respect a law they will ignore it. It is the Building Department, notably the Building inspector who is responsible for enforcement. The Building Inspector has to spend a lot of time chasing people down, issuing warnings, trying to bring them into compliance. If there is a Bylaw in place that people actually respect, there will be a better environment. The net result of the institution of this Bylaw will render very little change to the casual observer. As Mr. O'Brien said, there won't be great big signs like in Framingham or Marlborough. It will only render very minor changes and it will simply be more harmonious than it is now and urged their support.

Barbara Pryor, 221 Nobscot Road, asked what self-lit interior signs are made possible through this change to the Sign Bylaw. At this point she doesn't believe there aren't any self lit signs that can be legally put on exterior of buildings or freestanding. Looking at it, it mentioned silhouette signs and it also mentions one other type of signage, self illuminated silhouette signs of face lit channel letters. Could someone explain what this means?

Mr. O'Brien responded that the signs that are referenced in the Bylaw are back lit with a very soft indirect lighting that would allow for minor illumination of the light. The Bylaw will not allow a light box which is basically a rectangular box filled with fluorescent bulbs and then a plastic sign put in front of it; that is not allowed. Neon is not allowed. This is a provision for businesses that are in the TJ Maxx Plaza, along Thunder Sports, along CVS; places like that. They would get a little more visibility because they are set back from the road. The lighting is indirect; it is soft and if a business decides to go with that size sign they had a one-third reduction in what their allowed for signage. The only lighting currently allowed would be lighting set either above the sign pointing down or on the ground pointing up; basically a spotlight shining on the sign. This will be a very minor, soft and palatable adjustment to what's currently available to nighttime illumination.

Nicholas Palermo, 284 North Road, speaking on behalf of the Sudbury Chamber of Commerce as he is a Board member. He thanks the Selectmen, Planning Board, Town Planner, the Sign Review Committee, Town Administration and our Town Committees. We are very, very grateful for their courtesy and consideration that has been given in both of these Articles. In this Sign Bylaw review, we are very appreciative of the consideration and very appreciative of this initiative and support it whole heartedly and as for your affirmative vote on both of these Articles.

Thomas Hollocher, Concord Road, asked if he was correct in understanding that this Signage Legislation applies to commercial signage.

Mr. O'Brien responded essentially "yes" it's directed at the commercial district. We have been asked questions at some of the public forums that they've had over the past two years as to what about religious institutions, what about political issues, what about signs that are not commercial in nature. Political signs are protected under the First Amendment, so they are not addressed. Religious signs are protected under the Dover Amendment and they are not regulated. Does that answer your question?

Mr. Hollocher responded "yes".

Judith Deutsch exclaimed Point of Information. If Political Signs are not addressed how come on page 40 under temporary signs under number 42 at the end of the sentence and paragraph states "include Political Signs"?

Mr. O'Brien responded as someone who has posted temporary signs in some of his past campaigns; it's just that; it's a temporary sign; it's not regulated in terms of size, material or location; the signs are typically on private property. They are temporary signs protected by the First Amendment and the temporary expectation is that when the campaign for the particular political item that you are supporting is done with the sign would come down.

Judith Deutsch, exclaimed another Point of Information. On page 34, it says "one temporary sign is allowed for business for a period not to exceed, etc". Does she understand correctly then from what Mr. O'Brien said that for one sign does not apply to political signs on private property?

Mr. O'Brien responded that is correct.

Mr. Miller wants to make a motion to amend but first wanted to ask a question.

The Moderator stated he can do either but not both.

Mr. Miller wanted to know if the motion would be necessary to submit the paperwork ahead of time in case he needed to make the motion.

The Moderator said that Mr. Miller wanted to make it exempt from the Sign Bylaw to have a property owner's posted signs and believes that meant "No Trespassing" sign of that nature. Somewhere the Moderator gets the impression where State Law might allow you to do that. If you are allowed to do that under State Law then a Local Bylaw couldn't prohibit you from doing that but if that's not good enough you may make your motion to amend.

Mr. Miller said he wasn't familiar with the State law and wanted to make sure this is not that because there is a line in the Article where it says you cannot post items on trees or permanently affix flexible signs. Is that correct?

The Moderator interrupted Mr. Miller and asked if that was talking about posting on your own property or elsewhere on town property.

Mr. Miller responded that it can be found in Line 3246 under Section 3240, where it says "Signs Prohibited in all Districts". Subsection 3246 says "Permanent paper, cardboard, cloth, canvas, plastic or similar non-rigid material signs, tacked, posted, or otherwise affixed to the walls of any structure, tree, pole, hydrant, bridge, fence or any other surface".

The Moderator suggested a motion to Mr. Miller. Rather than Section 3246, how about page 33, Section 3250 "Signs which do not require a Sign Permit" and a new section is to be added 3251A. Property Owner's "No Trespassing" signs or the like.

Mr. Miller responded so moved.

The motion to amend received a second.

The Moderator asked if anybody wished to be heard on the motion to amend.

Ralph Tyler noticed that in Section 3251 when other signs that do not require a permit are mentioned those have a size limit. This is a well thought out motion but there should be a size limit. A size limit is needed in this Article because a huge sign may be erected if somebody wants to be obnoxious. He urged defeat of the motion to amend unless Mr. Miller wants to add a size limit no more than three signs of a foot and one half square feet or something like that.

Mr. Miller stated he is not making that motion.

The Moderator understands that and the point is very well taken to mind. An old adage that he learned in Moderating School 101 which is never try to amend a five page Zoning Amendment Bylaw on the floor of Town Meeting. The reason is for this exact reason. They ran into the same problem when discussing Article 2. Well intentioned amendments but when dealing with a five page Bylaw issues like that are left out similar to the one Mr. Tyler mentioned.

The Moderator stated again that there is a motion to amend to add the words previously read to the Hall with no size limitations.

The motion to amend received a second.

The Moderator asked for all those in favor of the motion to amend please stand and signify by raising your cards, all those opposed.

The motion to amend PASSED.

A resident exclaimed to “Call the Question”.

The call of the question received a second.

The Moderator asked for all those in favor of the call of the question signify by raising your cards; all those opposed.

The call of the question passes by well more than two-thirds.

The Moderator reminded the Hall we are now on the main motion as you see it in the Warrant with the exception for the motion to amend which passed. This is the main motion as amended.

The Moderator asked for all those in favor of the motion as amended please signify by raising your cards; all those opposed.

The Moderator declared that it is not close at all. Article 45A PASSED BY WELL MORE THAN A TWO-THIRDS VOTE.

ARTICLE 45B. - AMEND ZONING BYLAW, ART. IX, s.3265 - FREESTANDING BUSINESS SIGNS

To see if the Town will vote to amend Section 3260 by adding the following new sections 3265 and 3265B, and renumbering existing section 3265 to 3265A:

- 3265. Freestanding Signs. One freestanding sign (business center identification or business sign) may be erected on a lot zoned business, industrial, or research, or on a lot containing a primary commercial use that has been permitted by the Town of Sudbury, subject to sections 3265A, 3265B and 3266 of the bylaw.
- 3265B. Freestanding Business Sign. One freestanding business sign may be erected on a lot subject to the following requirements:
 - a. The lot has a minimum of two hundred and fifty (250) feet of street frontage.
 - b. Building setback must be twenty (20) feet or greater.

- c. If the lot contains multiple businesses, individual businesses may be represented by separate, removable panels, which shall not exceed eighteen inches (18") in height nor be less than eight inches (8") in height.**
- d. All freestanding directory signs shall be wood carved and shall not be internally illuminated.**
- e. The size of the sign face and the setbacks shall not exceed the allowances in Charts B and C (starting with Chart B and proceeding to Chart C).**
- f. The property address shall be included as a sign cap centered on top of the sign, but will not be counted in maximum sign size (not to exceed 4 square feet).**
- g. Typeface on individual panels shall be of a uniform nature.**
- h. The freestanding sign shall be incorporated into the landscaping and streetscape of**

- the property, and its location shall be approved by the Design Review Board.
- i. Individual business panels shall be considered secondary signs for the purposes of calculating total sign allowance in section 3261a).
 - j. No other freestanding signs shall be permitted on the street frontage.
 - k. All existing non-conforming signs must be brought into conformance with the bylaw before approval of the freestanding business sign.

Submitted by the Planning Board. (Two-thirds vote required)

Michael Fee moved in the words of the Article.

The motion received a second.

Mr. Fee was remiss before in not recognizing the contributions of Mr. Riepe over the years to the Design Review Board, as well as, to the group that came about with these Bylaw changes. His influence has been very instrumental, very positive and very grateful to him. Article 45B governs freestanding business signs and it was not part of the Sign Bylaw presentation that was made to you at the last meeting. The additional year has been used to study issues and re-draft this portion of the Bylaw and feel it's now ready for your consideration. Freestanding signs are not A-frames; they are signs outside plaza and other businesses. They are permanently affixed to the ground and many of them exist currently as grandfathered signs under the old Bylaw. Under the current Bylaw that we have in place now freestanding business signs are allowed only to identify the name and address of the plaza. This was Mr. O'Brien's example about 215 Boston Post Road. Individual businesses within a multi-tenanted plaza are not allowed specific mention on the plaza's freestanding roadside sign. Many plaza signs you see along Route 20 identified multiple businesses that existed long before the current Bylaw. Some examples are the Wayside Plaza and the Barnstead Shops. These are non-conforming signs.

When the Sign Bylaw was re-codified in the '80's to outlaw freestanding business signs that identified multiple tenants what resulted was a great disparity between older businesses and newer businesses. Smaller enterprises have grown along Route 20 and they just don't have the same type of ability to communicate with customers as these older grandfathered establishments do. The simple fact of the matter is that when there is this type of development along Route 20 plazas or small malls; it's simply incongruous not to allow the businesses that are set well back from Route 20 to have some presence on the road to allow them to attract customers. As discussed earlier, this represents a traffic hazard when one has to search well beyond the curb to identify where a particular business is located in the plaza in which you are seeking to shop. Article 45B is an attempt to allow these types of signs; to regulate their height, their panel dimensions and the materials that ought to be utilized. So, instead of this haphazard collection of non-conforming signs they can more effectively manage and govern this type of streetscape. The specific provisions of page 41 of the Warrant allows freestanding business signs for lots that have a minimum of

250 feet of street frontage and 20 feet of setback. The panels identifying the businesses must be 8 and 18 inches in height. They have to be wood carved and cannot be internally illuminated.

The Design Review Board will review all these applications to ensure that the freestanding sign is incorporated into the landscape and the streetscape of the property. The Town Planner has informed him that there are 32 properties in Town that have this type of frontage sufficient to allow freestanding business signs and of those 32 applications, 17 already have freestanding business signs that are grandfathered under prior law. We are hoping that the passage of this Article will encourage these businesses and plaza owners to bring their current signage into conformance with the Bylaw and help establish a more uniform look along Route 20. In order for you to visualize it may look like take a look at the Barnstead Shops current sign. This is how it exists and Mike Hunter was kind enough to show us how it might look under the Bylaw if adopted tonight. It represents a significant improvement. For these reasons we urge passage of Article 45B.

FINANCE COMMITTEE: Takes no position on this Article.

BOARD OF SELECTMEN: Larry O'Brien stated that page 41 of the Warrant is where you will find 45B Section 3265 B portions "a-k" address all of the particulars of how these signs will be regulated. The photo shop rendition done was a very good example. Another sign to check out as you're exiting Town heading east, just as you pass Land Rover, is Hatch Mercedes-Benz, a Wayland business. Its one single business and they have services listed but if you were to envision that sign and panels just representing different businesses that would be another visual reference that you might be able to use. This adds to streetscape that will be incorporated into the landscape design. All signage on buildings must be brought into conformity before this type of sign would be approved and it is known this is desired by the businesses in Town so they will gravitate towards the Bylaw that was just passed to be able to place one of these types of signs on the side of the road. While it adds to the vitality of the business district it also adds to the public safety component of this because of the ease of identifying businesses located within particular plazas. We urge your support.

Hank Tober said it is regrettable that it is assumed that he's standing here to talk about the potential motion to indefinitely postpone it. That's not the reason. He would like to make a comment on Mr. O'Brien's suggestion that what they are shooting for is turning Route 20 into a main street. It is his impression when he sees all the things permitted now that there is a great expansion of what is allowed and specifically the end result of all this is going to be that we do not have a main street but we have a golden mile in a sense as to what you see on Route 9 in Framingham. So he's going to come back later to indefinitely postpone it since he's not sympathetic to commercial attendants here, like Mr. Palermo to ram this through. He's up against a tremendously strong force. When he looks at the resources that have been at his

disposal, the force of the petition behind this Article; there are 14 pages in the Warrant, the support and the initiative of the Board of Selectmen and possibly a large mercenary of folks present here he would expect this Article to pass. All this makes him think that somebody has deep pockets in making an investment that probably runs into six digit numbers.

The Moderator asked Mr. Tober to confine his comments on Article 45B.

Mr. Tober said he wishes to thwart this attempt to turn Route 20 into a Route 9 and shall not speak about the political aspects. It is not right when you have an Article like this; there are red flags and they are present here. It's not that simple and you have to watch out. Why is the Article so verbose; 14 pages. He doubts if even the Selectmen would support it, entirely read it and understand it. It seems that somebody is pulling a fast one on all of us.

Don Chauls, Blueberry Hill Lane, said that the presenter indicated that the existing signs that have been there for some time are grandfathered implying that nothing can be done about them. Is that the case? Is there no legal way of addressing existing signs over time and enforce them to change?

The Moderator said it can be done when a business changes, the name on the sign changes or the sign itself changes then it loses it's grandfather status and at that point the new Sign Bylaw takes over but under State Law Massachusetts General Laws Chapter 40A states that if you have an existing grandfather use you can't just change it by making a new Bylaw. Is that correct, Mr. Fee?

Mr. Fee stated "correct".

The question was called and it received a second.

The Moderator asked for all those in favor of the call of the question signify by raising your cards; all those opposed.

The call of the question passes.

The Moderator asked for all those in favor of the Article 45B, as it appears in the Warrant, please signify by raising your hands; all those opposed.

Article 45B **PASSED BY WELL MORE THAN A TWO-THIRDS VOTE.**

ARTICLE 46. (WITHDRAWN)

ARTICLE 47. (WITHDRAWN)

ARTICLE 48. (WITHDRAWN)

ARTICLE 49. (WITHDRAWN)

**ARTICLE 50. AMEND BYLAWS, ART. II.10&11 -
GOVERNMENT OF TOWN MEETINGS**

To see if the Town will vote to amend Section 10 and Section 11 of Article II , Government of Town Meetings, of the Town Bylaws by deleting the sections in their entirety and substituting therefor the following:

[Note: The underlined wording indicates the changes proposed.]

"SECTION 10. When an article comes before any session of the Town Meeting, the proponent(s) shall be recognized first for the purpose of making a motion under the article and then for making a presentation in support thereof, if the motion is seconded. If the proponent is an elected or appointed board or committee within which there is a minority position in opposition to the article, a spokesman for that position will be recognized next. Any Town official, board, commission or committee shall be given the opportunity to speak following such presentation when the article contains matter within their purview. Thereafter, the Finance Committee shall be recognized if it wishes to speak on the article, followed by the Planning Board and/or any other Board or Committee which is required by law to report on the article.

SECTION 11. No person shall speak more than twice upon any questions, except to correct an error or make an explanation until all others who have not spoken upon the question and desire to do so shall have an opportunity. The initial presentation by the proponent(s) of an article may not exceed ten minutes in length. Any Town official, board, commission or committee shall have no more than ten minutes to respond to the presentation when the article contains matter within their purview. Thereafter, no other speech may exceed five minutes in length unless consent is given by a majority of those present and voting.";

or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

Kirsten Roopenian to amend Article Bylaws II, 10 and 11, Government of Town Meetings, moved in the words of the Article, except as follows:

In both Sections 10 and 11, change the third sentence by 1) changing the words “Any Town official” to “A single Town official” and 2) changing the words “contains matter within their purview” to “contains matters that is primarily within their purview”.

The motion received a second.

BOARD OF SELECTMEN: Kirsten Roopenian stated this Article pertains to changes requested in order to ensure that a board or committee that is materially affected by this particular Article shall have a chance to be heard on that Article. Town Meeting then would be able to consider a proposal while having all pertinent information at the commencement of discussion. We urge your support.

FINANCE COMMITTEE: Takes no position on this Article.

Jim Gish, 35 Rolling Lane, stated as presented on the slide does mean that if a committee is sponsoring an Article and there is a minority opinion only one person would be able to speak or a single person is guaranteed to speak but it is not limited to that.

Paul Kenney, Town Counsel, stated that the intention is that the one person who is representing the board, for example, if the Planning Board had to report on an Article all the members of that board would not speak on the Article; there would be one member representing the Planning Board speaking on the Article. The intent of the Article is to have a committee or an individual who is affected by it, for example, if the Police Chief was affected he would be the individual to speak on the Article. If the Planning Board had to give a report it would be one individual from the Planning Board rather than each member of the Planning Board. It would be a representative.

The Moderator stated the answer is “no”. The minority under this Bylaw would not be given. It is his habit to ask if there is a Minority Report and what was the vote on the committee. The one person giving the report would let the Hall know there are a dissent and what the substance of that dissent is. To answer your question it doesn’t happen under this Bylaw.

Bridget Hanson, Brewster Road, said the way this Article reads it sounds like a Town official means a single Town official. For example, last year under this CPA proposal the Conservation Commission and Historic Commission urged the purchase of the Dixon Property. Does this mean that two Boards who are affected or are very interested in an Article could not vote or speak?

The answer from Town Counsel is “no”.

Frank Riepe, New Bridge Road, like they say “if it ain’t broke, don’t fix it”. He doesn’t understand what is broke that’s they’re trying to fix. Can that be answered? What

is the difference between matter within their purview and matter that's primarily within their purview? What is the distinction?

Paul Kenney answered with an example. The easy example is the Planning Board when they have to report on a Zoning Article. That is primarily within their purview. The last speaker talked about the Historic Commission and the Conservation Commission with regards to the purchase of a piece of property. The piece of property had historic value and it had value for conservation purposes. That is primarily within their purview. However, if the Planning Board wanted to speak on that because they wanted the Town of Sudbury to vote it, that would not be primarily in their purview.

Mr. Riepe asked what's broke here that needs fixing?

The Moderator responded that there have been some Articles, for example, the CPC Articles, that the Bylaws state that the presenter should make the presentation let's just say for argument sake, the Planning Board, then the Bylaw says the Finance Committee and the Selectmen should both give reports. It doesn't allow for any other committee to give reports; it doesn't request a report from any other committee. In one of the Park and Recreation Articles, for example, the Cutting Property had met and discussed this a great deal and one of the negotiated settlement points was that there would be a recreation field so if it was felt that the Hall would benefit from hearing from Park and Recreation as to what their view was on this that was just to benefit the Hall and someone could object and in fact someone did object after that session of Town Meeting stating that's like a prearranged speaking order and under the Town Bylaw you are not allowed to have that. This Bylaw proposal would correct that.

Ralph Tyler, One Deacon Lane, understands the current Bylaw states; if the presentation requires more than ten minutes and are several groups are interested in speaking on the Article they have the power to come to Town Meeting with a complex Article and request twenty to twenty-five minutes of the Hall or whatever they think is necessary to make the presentation. If the Hall feels it is appropriate the extra time may be granted. By making these changes they're sort of automatically expanding the clock when they may feel that they don't want to hear from all these other groups. For that reason it is not a good idea. Even now people making a presentation have 10 minutes to advocate the Article. It's an advantage for those speakers but somehow fundamentally unfair for everybody else who might be against the Article are limited to half the time. That somehow seems fundamentally unfair. There use to be rules where it was fifteen minutes for anybody. Of course, those were the three week Town Meetings and nobody wants to revisit that. If the Town officials make the presentation and if the Hall opposes they have five minutes but if it's a petition Article, Section 11 and somebody else makes the presentation then for some reason Town officials get ten minutes. Well the Town officials can stand in line and if several have an opinion they can each get five minutes just like the citizens. To single out Town officials as deserving of more time, deserving of pre-recognition when citizens who might also have strong interests can't get pre-recognition and are not allowed ten 10 minutes to rebut a presentation is wrong. The Town has a good Bylaw that is working now. As Mr. Riepe stated, "If it ain't broken why try to mess with it".

Kirsten Roopenian said if Town Meeting doesn't feel like listening to proponents for the boards and committees she would be very concerned. The boards and committees that have been elected spend night after night should be considered when an Article is proposed. This would put Town Meeting at a distinct disadvantage if they were not considered. This does allow for information that is pertinent to the Article to be disseminated to Town Meeting in order for the Hall to make an educated decision. This is all that's being asked of the Hall. When they originally started to discuss these Articles few years ago; it was changed and was an oversight. The Moderator used to ask for the Board of Selectmen, the Finance Committee and any other pertinent board or committee that had spent time and energy on these Articles that was in their purview to speak on the Article. The board and committees are being placed at a disadvantage and it brings to question that their credibility is being questioned or whether you would bother wanting to hear them speak and that is very disconcerting.

Robert Coe, 14 Churchill Street, takes the position that the way that it is being done now is broke and it is broke worse than this Article would correct. Let's review how we got to where we are. A few years ago the idea came about of making the Town Meeting go by faster. The prearranged speaking orders were abolished, along with people from the Town of Sudbury not being able to get on the speaking order. Boards and committees weren't able to get on the speaking order either. The idea of this Article is to let the boards and committees get back some of their speaking order rights while not giving those same speaking order rights to people in the Town of Sudbury. The ultimate consequence of the lack of the prearranged speaking order the other night when the debate was closed on an important and controversial Article before even one opponent was allowed to speak was unconscionable. That is exactly what happened. Does this Article address that problem? It doesn't. It addresses a perceived problem by the boards and committees. As far as the Minority Reports are concerned, get real! Only once was there a report from a Town Board that wasn't unanimous and in that case he recollects that the minority person didn't feel very strongly about it and didn't give much of a presentation. The reports from the Town boards are almost always unanimous. Saying that this gives the Town of Sudbury an opportunity to hear the minority reports is silly.

The other night the Housing Authority in arguing for passage of one of their Articles emphasized over and over that we should pass this Article because it's the right thing to do. They were essentially imposing a moral imperative to vote for this and a person who hasn't attended Town Meeting very often or is just starting out the overwhelming message that this town sends is what's important over everything else is brevity, brevity, brevity, brevity; not to make sure that all of the positions are heard and the arguments are presented but let's get done with this so we don't have to come here another night. He's indifferent as to whether this Article passes because it helps maybe a little but it doesn't do nearly enough so he hopes that someone will go back to the drawing board over the summer and come back next year with an Article that restores some of the minorities that like to be heard and used to have in this town.

Eric Truebenbach, Firecut Lane, said this is the first time he's spoken at Town Meeting though he's been attending for ten years. The Selectmen should be reminded that the government of this town is vested in these citizens around them, the Selectmen are elected by them, the Town Manager is hired by the Selectmen; the citizens are the legislative body. This Article seems to try to line up as many as members of the Town Government as possible to try to advocate their position, to try to the patience of this body so that all who are here, using their time and evening and collectively in greater number than the Town boards, who appreciates all the work that is being done and doesn't denigrate that but the power of government is vested in the citizens of this town. To try to line it up to try their patience and limit their ability to sit through presentation after presentation saying exactly the same thing and supporting an Article in many, many different ways is not the way to run a Town Meeting. He applauds the brevity that is put in and the limitations on speaking time but to try to prearrange a long order of speaking by many Town Boards is the wrong thing to do. The citizens should be allowed to speak and the citizens of this town ultimately are the governing body of this town and need to govern and be given the opportunity to govern.

Mark Kablack, 46 Poplar Street, stated this is a very proud Town Meeting body and doesn't think that anyone in this room wants to stifle debate. However, when one participates in this Town Meeting, there is a social responsibility to themselves and the Town Meeting process in general and that responsibility means that when a resident speaks at Town Meeting they should be respectful of one another, be prepared and need to recognize the degree of work that has gone into the presentation of the Articles. The concern about the order of speakers and perhaps the concern about the nature and amount of time in which the Town Meeting, maybe this one in particular, and particularly Monday night of people who just get fed up with presentations that they feel are not well thought out and not genuine are poorly timed and not respectful of the body. All should rise to the occasion of social responsibility and carrying out the Town Meeting that this Town is so proud of and to the future and the strong tradition that we have today.

James Gardner, Longfellow Road, tends to support this Article and would like to point out that the changes on the viewgraph are actually correct with some of the concerns that have been raised already. This Article as it appeared in the Warrant had the potential to line up several Town officials but changing this to a single Town official it appears that the Article now only adds one appearance by the Town. This is particularly important in matters that are brought by citizen petition. He can imagine a situation where a citizen wants to do something with Park and Recreation land and they have an idea that they feel is a good idea, bring it forward and present it. The Park and Recreation Department being the experts on the particular land may know of a serious flaw in the land that would prevent this plan from going forward. Under the rules as they stand now, Park and Recreation does not have an opportunity to state up front what their concerns are. What this does is allow a single Town official, board, commission or committee to take the floor immediately after the proponents and state the Town opinion and the Town's expert information on the Article. The way it was in the Warrant Article if there were six different boards that had some opinion on the matter then you could end up with an hour of debate solely by the Town but the way this is written there is only one board, commission or

committee that's allowed that time frame. So, it does not line up several speakers; it lines up just a single person who has primary purview and the most expertise about the matter to present the Town's opinion. The Board has done a good job to make sure the Town is represented without leading to the possibility of stifling debate by lining up too many speakers.

Jim Gish, 35 Rolling Lane, would like to remind the Hall that the Town boards, commissions, etc., are citizens of the Town so contrary to what a prior speaker said he doesn't think there is any intent to stack the decks, so to speak. The people that volunteer their time and put their passion and energy into this Town Meeting are citizens of the Town and are not against us; they are us and for us. With regards to Mr. Coe's comment about minority opinions; just because in the past there has been a tradition, if you will unanimous opinion of a particular committee doesn't mean it will always be that way. He agrees with the intent as stated for this Article and firmly believes that the language is ambiguous and open to too much interpretation and overly restrictive and urges that they go back and carefully reconsider the wording.

Bill Cooper, Cedar Creek Road, is concerned because it seems that the impression is that the Town boards and committees can be represented by one voice on an opinion on a matter. His experience when he was a part of Board of Health is that's just not the case. There's a dynamic that goes on among boards and committees and if you're the person making the motion on a particular matter there may be four different opinions among four different boards, along with four different points of view. Those boards are not going to get the opportunity to get together at Town Meeting and formulate a consensus and represent a quote "Town government viewpoint of what the presentation should be for that particular matter". It's important that this meeting have a dynamic of interchange of views. That's what needs to be promoted and not stifled. Mr. Coe pointed out earlier that the calling of the question before both sides have a chance to at least get their fundamental view points presented seemed an injustice and that's what needs to be addressed. This Article does not address that issue at all. The message that this Town Meeting should send is that things are broken; this doesn't fix it. Let's defeat this and bring it back next year with something that really does make sense and addresses the question of diversity of opinion among the Town government and diversity of opinion among the Town Meeting itself.

The Moderator seeing nobody else wished to heard, asked for all those in favor of Article 50 as shown on the viewgraph please signify by raising your hands; all those opposed.

The Moderator declared the motion under Article 50 is **OVERWHELMINGLY DEFEATED.**

ARTICLE 51 – AMEND BYLAWS, ART. XXVIII – DEMOLITION DELAY OF HISTORICALLY SIGNIFICANT BUILDINGS, STRUCTURES, OR SITES

To delete in its entirety Article XXVIII of the Town of Sudbury Bylaws and substitute therefor a new Article XXVIII, as follows:

[Note: The underlined wording indicates the changes proposed.]

**Article XXVIII
DEMOLITION DELAY OF HISTORICALLY SIGNIFICANT BUILDINGS,
STRUCTURES OR SITES**

SECTION 1. INTENT AND PURPOSE

This Bylaw is adopted for the purpose of protecting the historic and aesthetic qualities of the Town of Sudbury by preserving, rehabilitating or restoring, whenever possible, buildings, structures or archeology sites which constitute or reflect distinctive features of the architectural or historic resources of the Town, thereby promoting the public welfare and preserving the cultural heritage and character of the Town of Sudbury.

The intent of this Bylaw is to provide an opportunity to develop preservation solutions for properties threatened with demolition; and to allow the owner, the Sudbury Historical Commission and other appropriate Town departments time to find grants or some person or group willing to purchase, preserve, rehabilitate or restore the building or structure.

SECTION 2. DEFINITIONS

For the purposes of this Bylaw the following words and phrases have the following meanings:

SHC - the Sudbury Historical Commission.

Demolition Permit - the permit issued by the Building Inspector as required by the state building code for the demolition, partial demolition or removal of a building or structure.

Historically Significant Building, Structure or Archeology Site - one which is (1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America; or (2) is historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

SECTION 3. REGULATED BUILDINGS AND STRUCTURES

The provisions of this Bylaw shall apply only to the following buildings or portion thereof or structures: (1) a building or portion thereof, structure or archeology site listed on the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application or listing on either of said Registers; or (2) a building or portion

thereof, structure or archeology site located within 200 feet of the boundary line of any federal, state or local historic district; or (3) a building or portion thereof, structure or archeology site included in the Inventory of the Historic or Prehistoric Assets of the Commonwealth, or designated by the SHC for inclusion in said Inventory; homes listed in the "Old Homes Survey" of the SHC plus those structures or portion thereof constructed prior to January 1, 1940 town-wide or any building or portion thereof or structure of indeterminate age. Notwithstanding the preceding sentence, the provisions of this Bylaw shall not apply to any building or portion thereof or structure located in a local historic district and subject to regulation under the provisions of Chapter 40C of the Massachusetts General Laws.

SECTION 4. PROCEDURE

(1) The Building Inspector shall forward a copy of each demolition permit application for a building or structure identified in SECTION 3 of this Bylaw to the SHC within five (5) business days after the filing of such application, and shall notify the applicant in writing of this action. No demolition permit shall be issued at this time.

(2) Within thirty (30) business days after its receipt of such application, the SHC shall schedule with the applicant a site inspection for the SHC to assist in its determination if a building or portion thereof, or structure is historically significant.

(3) If the SHC determines that the building or structure is not historically significant, it shall so notify the Building Inspector and the applicant in writing and the Building Inspector may issue a demolition permit. If the SHC determines that the building or structure is historically significant, it shall notify the Building Inspector and the applicant in writing that a demolition plan review must be made prior to the issuance of a demolition permit. If the SHC fails to notify the Building Inspector of its determination within thirty (30) business days of the site inspection, then the building or structure shall be deemed not historically significant and the Building Inspector may issue a demolition permit.

(4) Within sixty (60) days after the applicant is notified that the Commission has determined that a building or structure is historically significant, the applicant for the permit shall submit to the SHC five (5) copies of a demolition plan which shall include the following information: (i) a map showing the location of the building or structure to be demolished with reference to lot lines and the neighboring buildings and structures; (ii) photographs of all street façade elevations; (iii) a description of the building or structure, or part thereof, to be demolished; (iv) the reason for the proposed demolition; and (v) a brief description of the proposed reuse of the parcel on which the building or structure to be demolished is located.

(5) Not later than thirty (30) business days of receipt of such plan, the SHC shall hold a public hearing with respect to the application of a demolition permit, and shall give public notice of the time, place and purposes thereof at least fourteen (14) days before the said hearing in the local newspaper and by mailing, postage prepaid, a copy of such notice to the applicant, to the owners of all adjoining property and other property deemed by the

SHC to be materially affected, to the Selectmen, Planning Board, Zoning Board and to such other persons as the SHC shall deem entitled to notice. The Commission shall determine that a building or structure should preferably be preserved only if it finds that the building or structure is an historically significant building or structure which, because of the importance made by such building or structure to the Town's historical and/or architectural resources, it is in the public interest to preserve, rehabilitate or restore (as defined in SECTION 3).

(6) If, after the public hearing, the SHC determines that demolition of the property or any part thereof, would be detrimental to the historical or architectural heritage or resources of the Town, such building or structure shall be considered to be a preferably preserved building, and the SHC shall file with the Building Inspector and the applicant within thirty (30) days of the hearing thereon a written report on the demolition plan which shall include the following: (i) a description of the age, architectural style, historic association and importance of the building or structure to be demolished; (ii) a determination as to whether or not the building or structure should preferably be preserved and no demolition permit shall be issued until six (6) months after the date of such determination by the Commission.

(7) The SHC shall also notify the Massachusetts Historical Commission, Town Planner, Town Manager, Community Preservation Committee and any other interested parties in an effort to obtain assistance in preservation funding or in finding an adaptive use of the building which will result in its preservation. The SHC shall invite the owner of record of the building or structure to participate in an investigation of alternatives to demolition including but not limited to incorporation of the building into future development of the site, adaptive re-use of the building or structure, seeking a new owner willing to purchase and preserve, restore or rehabilitate the building or part thereof, or moving the building.

(8) Once a building or portion thereof or a structure has been designated to a preferably preserved status, the owner shall be responsible for properly securing the building or structure to the satisfaction of the Building Inspector. Should the owner fail to secure the building or structure, the loss of such through fire or other cause shall be considered voluntary demolition and all non-compliance penalties shall pertain.

SECTION 5. EMERGENCY DEMOLITION

If the condition of a building or structure poses a serious and imminent threat to the public health or safety due to its deteriorated condition, the owner of such building or structure may request the issuance of an emergency demolition permit from the Building Inspector. As soon as practicable after the receipt of such a request, the Building Inspector shall inspect the property with a member of the SHC or designee. After the inspection of the building or structure, the Building Inspector shall determine whether the condition of the building or structure represents a serious and imminent threat to public health or safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect the public health or safety. If the Building Inspector finds that the condition of the building or structure poses a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate

demolition thereof, he may issue an emergency demolition permit to the owner of the building or structure. Whenever the Building Inspector issues an emergency demolition permit under the provision of this SECTION 5, he shall prepare a written report describing the condition of the building or structure and the basis for his decision to issue an emergency demolition permit with the SHC. Nothing in this SECTION 5 shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by Chapter 143, Sections 6-10, of the Massachusetts General Laws. In the event that a Board of Survey is convened under the provisions of Section 8 of said Chapter 143 with regard to any building or structure identified in SECTION 3 of this Bylaw, the Building Inspector shall request the Chairman of the SHC or his designee to accompany that Board of Survey during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the SHC.

SECTION 6. NON-COMPLIANCE

Anyone who demolishes a building or structure identified in SECTION 3 of this Bylaw without first obtaining, and complying fully with the provision of, a demolition permit, shall be subject to a fine of three hundred dollars (\$300.00). In addition, unless a demolition permit was obtained for such demolition, and unless such a permit was fully complied with, the Building Inspector shall not issue a building permit pertaining to any parcel on which a building or structure identified in SECTION 3 of this Bylaw has been demolished for a period of five (5) years after the date of demolition.

As determined by the SHC, a building permit may be issued at any time for new construction after the six month delay, but within the 5-year period as described in Section 6, which would replicate the exterior of the demolished significant structure, including but not limited to use of materials, design, dimensions, massing, arrangement of architectural features and execution of decorative details.

SECTION 7. APPEALS TO SUPERIOR COURT

Any person aggrieved by a determination of the SHC may, within sixty (60) days, in accordance with M.G.L. c.249, s.4, after the filing of the notice of such determination with the Building Inspector, appeal to the superior court for the Middlesex County. The court shall hear all pertinent evidence and shall annul the determination of the SHC if it finds the decision of the Commission to be unsupported by the evidence or exceed the authority of the Commission or may remand the case for further action by the SHC or make such other decree as justice and equity require.

SECTION 8. SEVERABILITY

In case any section, paragraph or part of this Bylaw is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part of this Bylaw shall continue in full force and effect.

Submitted by the Sudbury Historical Commission. (Majority vote required)

Jim Hill, 199 Concord Road, member of the Sudbury Historical Commission, moved in the words of the Article.

The motion received a second.

Mr. Hill stated that Demolition Delay Bylaw can be an effective mechanism in helping a community protect its historically significant resources. In the year 2000 Sudbury adopted such a Bylaw. After working on this Bylaw for nearly four years both the Building Inspector and the Historical Commission concluded that some improvements could be made in order to enhance the Bylaws effectiveness. The proposed revision gives greater emphasis on exploring preservation opportunities, as well as, providing clarification of the time-frame required for each step of the process. The owner's responsibility and involvement in the procedure has been clarified thus hopefully resulting in a collaborative effort between the owner, Town and other interested parties to preserve the architectural and historical heritage or resources of Sudbury. The Historical Commission asks the citizens for the support of this Article.

FINANCE COMMITTEE: Has no position on this Article.

BOARD OF SELECTMEN: Unanimously supports this Article.

Kirsten Van Dijk, 37 Landham Road, is speaking as a former member of the Sudbury Historical Commission and a member of that commission when the Demolition Delay Bylaw was put into effect after a lot of work and effort. She witnessed first and second hand the demolition of the Raymond Road Farm Water Tower structure which went down quietly in the woods and fields of Sudbury while life went by. In the time period that this Bylaw has been in effect she is aware of 20 demolitions that have gone through and in that time has the commission exercised the existing Bylaw to see its effectiveness?

Mr. Hill stated that in each instance the Commission has visited the properties that were being demolished and made the decision that the demolition should go through and did not issue a demolition delay in any instance.

Ms. Van Dijk is to understand that the Demolition Delay Bylaw has not been exercised.

Mr. Hill stated "That is correct".

Ms. Van Dijk responded that not for an 1820 farmhouse on 587 Hudson Road which in the words of Christopher Skelley, the Director of Local Government Programs can be quoted in a conversation; she cannot do that; that property was not considered historically significant.

Mr. Hill stated to not stop the Demolition Delay Article.

Ms. Van Dijk said that the purpose of historical significance designation doesn't stop a demolition if she understands words of the Bylaw. It simply puts into motion the Bylaw so that the process which you are trying to enhance, which is a very good effort, could take place. Once a property is found historically significant, for example, an 1820 farmhouse, then the Demolition Delay Bylaw would then have been exercised by the commission and then need to be enforced by the Building Inspector.

Mr. Hill believes that to be correct.

Ms. Van Dijk stated that has not happened in the three years that the Historical Commission has had 20 or so permits on their desk.

Mr. Hill responded that the commission can delay demolition; it cannot stop demolition. Some of the changes in this Article do provide access to actually go onto somebody's property, where to be invited onto somebody's property to review the property. If the property was blocked prior they did not have the authority to go onto the property if, for example, there was a large fence which would keep them from seeing that property.

Ms. Van Dijk says this is a sensitive issue because she's very proud in the work the Commission and all of their efforts. If you aren't able to see behind a fence would you seek other means to view the property or seek advice, perhaps from the Director of Local Public programs of Massachusetts Historical Commission, who could advise, assist and inspect the site.

A resident exclaimed a Point of Order and the Moderator stated that "It is in order".

Ms. Van Dijk urged support of this Article which strengthens the Bylaw that is in place. The Town has historical properties that are in need of preservation and protection and hopes that you support the Historical Commission and vote in favor of this Article.

Bill Keller, 32 Churchill Street, speaking on behalf of the Planning Board would like to enhance and expound upon what Ms. Van Dijk was alluding to. The Planning Board supports this Article as a means of preserving Sudbury's history as the value of land increases and more buildings are torn down for new development. The original Bylaw and its revisions are consistent with the Sudbury's Master Plan which encourages the Town to take additional steps protecting and preserving historical and cultural landmarks. The Bylaw revisions seek to expand review and notification when a historical property is proposed for demolition. The intent is to enhance the Town's ability to preserve important properties without unduly lengthening the process. After four years of use, several sections are proposed for revision for overall effectiveness of the Bylaw. The Planning Board urges your support.

Thomas Hollocher, Concord Road, stated as this motion is written he cannot support it and urges its defeat. It strikes him as being a bureaucratic nightmare. It

certainly does delay demolition if you start with item 2 and count down. You are talking about one month, two months, one month, one month and then six months so they're talking about a year before demolition could be carried out. There is virtually unreasonable involvement of the owner in this process to explore reconstruction possibilities; possibilities other than property demolition. In addition, on page 46, once demolition has occurred and reconstruction of something has begun that the reconstruction would need to be in the pattern of the structure torn down and seems an unreasonable burden to place upon an owner. In some ways he approves of the Article but in its detail he cannot support it.

The Moderator seeing nobody else wished to heard, asked for all those in favor of Article 51 as it appears in the Warrant, please signify by raising your hands; all those opposed.

The Moderator declared the motion under Article 51 **PASSED
OVERWHELMINGLY.**

ARTICLE 52 -- AMEND BYLAWS, ART. V.29 -DOOR-TO-DOOR SALESMEN

To delete Section 29, Door-to-Door Salesmen, of Article V, Public Safety, of the Town of Sudbury Bylaws in its entirety, and substitute therefor the following:

Section 29: Door-to-Door Solicitation

- (a) **Purpose:** This Bylaw, adopted pursuant to G.L.c. 43B, s. 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements for all persons intending to engage in door-to-door canvassing or solicitation in the Town of Sudbury in order to (1) protect its citizens from disruption of peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and (2) to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.
- (b) **Definitions:** The following terms shall have the meanings set forth in G.L.c. 101, s. 1 et seq., and are summarized for the purposes of these regulations as follows:
 - (1) **“Transient Vendor”, “Transient Business”:** A transient vendor is a person who conducts a transient business for profit. A transient business (temporary business) is any exhibition and sale of goods, wares or merchandise which is carried on in any structure (such as a building, tent, or booth) unless such place is open for business during usual business hours for a period of at least 12 consecutive months.

- (2) **“Hawkers and Peddlers”:** Any person who goes from place to place within the Town selling goods for profit, whether on foot or in a vehicle, is a hawker or peddler.
- (3) **“Door-to-Door Solicitation”:** Any person who travels from door to door within the Town soliciting something for any corporate or non-corporate charitable, political, or religious organization that enjoys federal or state constitutional protections. This definition of door-to-door solicitation does not require the actual selling of a product.
- (4) **“Person”:** For purposes of these regulations, the persons being regulated herein are those persons over the age of 16 who are engaging in the activities regulated herein for or on behalf of for profit organizations.
- (c) **Scope:** These regulations shall apply to all persons conducting the foregoing activities within the Town.
- (d) **Compliance Requirements:** Each person engaging in the foregoing activities shall be subject to, responsible for and fully in compliance at all times with the following requirements:

(1) **Registration Requirements:**

i. Persons not registered (licensed) by the State shall make application for a Town of Sudbury registration card to the Chief of Police, on a form containing the following information: the applicant’s name, signature, home address; at least one (1) form of photo identification issued by a State or Federal agency; the name, address, and phone number of the owner or parties in whose interest the business is to be conducted, and their business address; a brief description of the business to be conducted within the Town; identification of vehicles that will be utilized for this purpose; the applicant’s social security number; whether the applicant has ever been convicted of a felony or any of the following misdemeanors:

- Assault or assault and battery
- Breaking and entering a building or ship with the intent to commit a misdemeanor
- Any form of larceny or fraud
- Buying, receiving or concealing stolen goods
- Deceptive advertising or violation of consumer protection laws
- Making or publishing false statements
- Trespassing on property after prohibition;

and if so convicted, the disposition; and whether there are any outstanding criminal proceedings. The application shall be made under oath and will be rejected unless complete. The applicant shall be photographed, and his

or her fingerprints taken for the purpose of identification. The Chief of Police shall approve the application within five (5) days of its filing unless he determines that the application is incomplete, the applicant is a convicted felon, has been convicted of any of the above listed misdemeanors, or is a fugitive from justice. If the application is approved, the Chief shall cause to have a registration card issued within three (3) business days. The registration card shall be in the form of an identification card, containing the name, signature and photograph of the licensee. Such card shall be non-transferable and valid only for the person identified therein and only for the purpose as shown on the license. The card shall be valid for a period of thirty (30) days from the date of issuance (or if the expiration date is not a business day, the expiration date will be on the next business day following). Any such registration card shall be void upon its surrender or revocation, or upon the filing of a report of loss or theft with the Police Department. If the application is denied, the applicant may within ten (10) days appeal to the Board of Selectmen.

ii. Persons registered (licensed) by the State shall not be subject to the foregoing paragraph, but shall report to the Chief prior to conducting his or her business within the Town and shall provide the Chief of Police with a copy of his or her State registration or license.

iii. Registration card or license to be carried on the person of licensee. Such State or local registration card or license shall be carried on the person of licensee while the business activity is being conducted, and shall be provided to any police officer upon request or command. In the case of a transient business, the license shall be displayed visibly within the structure where such business is being conducted. Such registration card or license, if issued locally, shall be the property of the Town of Sudbury and shall be surrendered to the Chief of Police upon its expiration.

iv. Registration card (license) fee. The filing of a State license as required shall not be subject to a fee; the fee for a local registration card (license) shall be \$25.00.

- (2) **Restrictions on activity:** No activity governed by these regulations shall be conducted upon public or private premises which have been duly posted “No Solicitation”, or words of similar meaning, or when the owners of said property have registered with the Police Department and requested to be placed on a “No Soliciting” list. The residents on this list have contacted the Sudbury Police Department to record the fact that there is to be no soliciting on their property. It is the responsibility of each solicitation group to provide a current copy of this list to each member to their group to be carried on his or her person while the business activity is being conducted. Violation of the “No Soliciting” list is cause for penalty to solicitors up to and including arrest for trespassing after notice.

- (3) **Duties of solicitors:** Immediately upon entering any premises, the solicitor or canvasser must present his registration card for inspection by the occupant, request that he or she read the registration card and inform the occupant in clear language the nature and purposes of his or her business and, if he or she is representing an organization, the name and nature of that organization. Any solicitor or canvasser who has entered any premises shall immediately, and peacefully, depart from the premises when requested to do so by the occupant. It shall be the duty of every organization employing solicitors or canvassers to notify the Police Department daily as to the area(s) of Town in which they will be operating.
- (e) **Penalties:** Any person or organization who violates any provision of this bylaw shall be subject to a fine of \$50 for the first offense and \$100 for each subsequent offense within any one twelve-month period, each subsequent offense constituting a separate offense. Any person or organization who knowingly provides false information on the registration application shall have his or her registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified Mail at the address set forth in the application.
- (f) **Appeals:** Any person or organization who is denied registration, or whose registration has been revoked, may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within ten (10) days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear and determine the appeal within thirty (30) days after the filing of the written notice of appeal.
- (g) **Exemptions:** These regulations shall not apply to any person(s) conducting a temporary sale of items upon his or her property commonly known as a “garage sale” or “yard sale”, or to organizations engaged in the foregoing activities for or on behalf of any corporate or non-corporate charitable, political, or religious organization that enjoys federal or state constitutional protections.
- (h) **Severability:** Invalidity of any individual provisions of this bylaw shall not affect the validity of the bylaw as a whole.

Submitted by the Chief of Police.

(Majority vote required)

Peter Fadgen moved in the words of the Article.

The motion received a second.

Mr. Fadgen stated over the period of the past several years, the number of complaints received by the Police Department concerning Door-to-Door Solicitors has increased dramatically. Last year during a full week period in the summer the department received 58 complaints. These reports included complaints of fraud, intimidation and deceptive sales practices. Because of the recent court decisions, the current Bylaw prohibiting commercial Door-to-Door Solicitation has been rendered unenforceable. Last year a Bylaw was approved by Town Meeting to replace the existing one but failed to get the approval of the State Attorney General. The objections made by the Attorney General have been addressed in the Article before you. The Attorney General's office has also reviewed it and they have no further objection. Without the approval of this Bylaw the Police Department will have no authority to regulate any Door-to-Door Solicitation in the Town of Sudbury and therefore, urges passage of this Article.

FINANCE COMMITTEE: Takes no position on this Article.

BOARD OF SELECTMEN: Urges support of this Article.

The Moderator stated that Town Counsel is consistent with what the Chief just said that the purpose of changes from previous to this year was because of the Attorney General's changes; the other Bylaw was not approved.

Frank Riepe thinks that they need to be better educated with what is in front of them. If the proponents could please tell them what the flaws were in the other one that was passed that caused it to be rejected and how this one differs from the previous one. Why is this better?

The Moderator stated that it is not a question of being better because the Assistant Attorney General wouldn't approve the other one. Town Counsel will explain the changes.

Mr. Riepe assumed this Article is better because if it's approved by the Attorney General then its better in his mind. What in this document is different that makes it more acceptable to the Attorney General?

Paul Kenney, Town Counsel, pointed out that the hearing process with regard to individuals who are guilty of crimes and misdemeanors there was a provision in there and a complaint made to the ACLU and then in turn complained to the Attorney General. The Attorney General called with their concerns raised by the ACLU. The Town decided that they were not going to fight those and do whatever to make those changes correct prior to bringing it back to Town Meeting and ask for the Attorney General to approve it in advance. The Bylaw was sent to the Attorney General with the changes that were made providing for an appeal to the Board of Selectmen and designating certain, for example, someone who has been guilty of assault and battery, the Police Chief can then deny them the right to go forward but they would have a right to appeal to the Board of Selectmen which would give them and the concern was there was denial of their right of due process which required they would be given reasons for their denial and an opportunity to be

heard. This would accomplish that and that's why the Town did this and the Attorney General approved the changes that were made.

Thomas Hollocher, Concord Road, mentioned that last year he had reservations about the Article and has some reservations about the present Article. There are two categories; the first category has to do with the involvement of the Selectmen in the appeal process and the second category has to do with some details of wording of the Article. The way this is worded, the Police Chief doesn't have any discretion in awarding the permit if the applicant has been convicted of a certain set of misdemeanors for a felony. It's automatically denied. If the person is not satisfied with that outcome then according to the wording then they can appeal to the Board of Selectmen. Is this a process that you welcome and if you do then give an idea as to how it would be dealt with if someone has come in who has been convicted of a misdemeanor of assault and battery 10 years ago and would like to obtain a permit. In some sense you'd have to sit as Judge and Jury. Have you thought about how these cases would be decided? It is assumed that the Chief of Police would not be second-guessed.

The Moderator stated that the Board of Selectmen cannot pre-judge on a general case which is what Mr. Hollocher is asking the Board to Selectmen to answer. Each case has to be judged as it comes before the Board of Selectmen. The Moderator appreciates the question but does not believe it can be answered.

Mr. Hollocher said that under the previous Door-to-Door Article an appeal was made to the Court, in this Article an appeal is to the Selectmen. Is an individual under obligation to appeal to the Selectmen in this case but to the Court as was in the last Article? In other words, could the aggrieved or denied person appeal to a Court directly?

Paul Kenney responded "no" because there is a requirement that if there is an administration procedure set up within a Bylaw or within a law you must exhaust the administrative remedies before going to Court. That is one of the reasons the ACLU and Attorney General were concerned about this because there was no local appeal mechanism or due process rights. This provides that. If you are not satisfied with what the Selectmen would do, then an individual may appeal to the Courts, but an individual must appeal to the Selectmen first.

Mr. Tyler understands the Chief's report in the Warrant. Someone who was involved in a political activity going door-to-door soliciting money for his clients it seemed to say wasn't covered but as he looks at the language it defines door-to-door solicitation in b(3) including political things that enjoy constitutional protection so for some reason that is door-to-door solicitation. The word except is not here; excepting things that are protected and then exemptions are shown that political organizations which appear to be holding garage or yard sales are exempt but not going door-to-door soliciting and that was a concern because the words sounded right in the report but doesn't see those words in the Bylaw.

Paul Kenney, Town Counsel, cannot answer the question framed in that matter. In fact political solicitation is not covered as constitutionally protected in this Bylaw. It's been reviewed with that in mind and approved by the Attorney General.

Mr. Tyler spoke. Doesn't it just say that in number (3)? Please address why there isn't some sort of exception.

Paul Kenney responded "no" that's a definition simply and it does not reflect what is prohibited and not prohibited.

Peter Fadgen said also under exemptions it goes on to say "garage sale, yard sale, or to organizations engaged in the foregoing activities for or on behalf of any corporate or non-corporate charitable, political, or religious organization that enjoys federal or state constitutional protections".

Mr. Tyler responded that the foregoing activity refers to garage sales and yard sales on somebody's private property as he read it.

The Moderator stated "no". The Town Counsel has opined. Mr. Tyler, you've asked a question and Town Counsel has opined.

Mr. Tyler in rebuttal respectfully said that he doesn't believe it does say that and you he can have an opinion if so chooses but he reads it differently and does know that the Constitution cannot be overturned and is concerned that this would give that appearance.

Thomas Hollocher, Concord Road, has the same concerns as Mr. Tyler. The first page of this Article believes it is terribly written and confusing. Although not a lawyer, Bylaws and Laws should be written in such a way that make clear sense to ordinary mortals and this does not. To follow are some of the problems:

- Page 47 – mention is made of door-to-door canvassing or solicitation; in the definitions there is a definition for door-to-door solicitation but not door-to-door canvassing and submits that the two are very different**
- Door-to-Door Solicitation doesn't make sense: Any person who travels from door-to-door within the Town soliciting something for any corporate or non-corporate charitable, political or religious organization that enjoys federal or state constitutional protection. This is an accepted activity; it is not subject to regulation but yet it's defined as something that one would imagine from the first paragraph is going to be under regulation. This definition of door-to-door solicitation does not require the actual selling of a product. What in the world does that mean?**

The Moderator interrupted because he's not sure if the rest of the Hall realizes that what Town Counsel said before was that the American Civil Liberties Union, because of a complaint made, had a problem with the Bylaw as written a year ago. The ACLU went to the Assistant Attorney General's office who agreed with the ACLU. The Assistant Attorney

General's office came back to Town Counsel and said the Bylaw should be rewritten in certain sections. The Attorney General actually re-wrote those sections in the Bylaw that the Assistant Attorney General found objectionable. Some of the words found in this Article were written by the Assistant Attorney General who will now have the duty to approve the Bylaw if this Town passes it.

Mr. Hollocher believes the changes were wrong and made stupidly.

- There is also a matter of person defined in (4) "Person": For purposes of these regulations, the person being regulated herein are those persons etc. engaged in the activities regulated herein or for on behalf of the for profit organization. Now that's not really a definition of a person and it's not clear whether persons are being regulated or the activity. Both are mentioned.
- Furthermore, person appears in (3) where it says any person etc. who enjoys federal and state constitutional protections which is an unfortunate ambiguity that he can't imagine a lawyer allowing
- In (c) Scope: These regulations shall apply to all persons conducting the foregoing activities within the Town. The foregoing activities are 1, 2, and 3 and number 3 is not regulated.

Not being a lawyer, he doesn't know how to fix this exactly but thinks it's unwise to put on the books a badly written Bylaw and urges that this be defeated and re-written properly.

The question has been called and it was seconded.

The Moderator asked for all those in favor of the call of the question signify by raising your cards; all those opposed.

The call of the question passes by well more than two-thirds.

The Moderator asked for all those in favor of Article 52 as it appears in the Warrant, please signify by raising your hands; all those opposed.

The Moderator declared the motion under Article 52 was UNANIMOUSLY VOTED.

The Moderator is recusing himself for Article 53 and 54 because he is peripherally involved in the subject matter of these Articles and wishes to avoid even the appearance of a perceived conflict of interest or partiality. Therefore, Assistance Moderator Lawrence Blacker will moderate on these Articles at this Town Meeting.

Moderator, Myron Fox, thanked Mark Thompson and all in the Hall who have come to this Town Meeting to exercise their franchise to legislate. In addition, thanked the Hall for making his first year as Moderator so challenging.

ARTICLE 53 – GRANT EASEMENT FOR PUBLIC RIGHT-OF-WAY THROUGH FEELEY PARK

Move to authorize the Selectmen to execute whatever documents are necessary for creating or establishing an easement or right-of-way on Town-owned land located on Raymond Road, shown as Parcel 12 on Map L08, being known as Feeley Field, for the purpose of constructing and locating a public right-of-way for access to Parcel 20, Map K08, and to authorize the Selectmen to petition the Great and General Court to allow such use of recreation land as provided in the Constitution of the Commonwealth of Massachusetts; said special act to take effect without further submissions to a Town Meeting.

Submitted by Petition.

(Majority vote required)

Steven Bradford said that the words in the written Warrant are slightly different so moved in the words of the Article on the viewgraph.

The motion received a second.

Steven Bradford appreciated the opportunity to address the Town on behalf of the petitioners. The petitioners are primarily petitioners from Maple Avenue and friends. Before the slides are addressed a background will be provided. The genesis of this Article was actually some information that the neighborhood became aware of last fall so this is pretty graphically moving. They were made aware of a proposed development near their neighborhood and have been running pretty fast for the past six months. In the past six months have met with the Planning Board, Conservation Commission, Park and Recreation, the Selectmen, the Town Engineer many times. Sharing and gathering information as quickly as possible has been done. It wasn't until the 11th hour of getting Articles in the Warrant neighborhood realized it was very important they submit this Article. This Article was submitted in late December and that's why this Article hasn't been heard a lot about. A lot of the Boards have not heard about this either.

At the end of this month, the Planning Board will be having a hearing which will talk to the specific issues, opportunities and concerns of the proposed development. In some way, they are a little bit early. Since the Town Meeting meets once a year, this is the only opportunity to put an Article before you that is an important Article that opens options for the Town when the development is considered. This could derive a lot of benefits not only for their neighborhood which is, of course, why their neighborhood is sponsoring this Article, but also for the Town at large.

The Article's intention is to create options. At one level the Article is pretty straight forward. They are asking for the Town and State Legislature, since both will have to approve this, to allow the Selectmen to put a public road through Feeley Field, if chosen to do so. At a technical level that is what this Article is about and the presentation will make an argument that this is a reasonable thing to do. What will be difficult with this Article to do is to keep from straying to the Senior Residential Community. The Senior Residential Community proposal is in process; it's not approved by any Town boards. What they are

submitting are 23 homes which are very similar to Spring House Pond on Nobscot Road; a Senior Residential Community; kind of a clustered condo unit which will abut Feeley Field. If you are standing east or in the softball field, where there's a meadow that used to be a farm, that's where the condominium complex will be built. There are lots of concerns but they won't be addressed because this probably isn't the appropriate forum talking about concerns that are from the Planning Board.

Mr. Bradford addressed the issue of access should the SRC be approved because at this time there is only one access point which is Maple Avenue. They've been talking to the Town Boards, Park and Recreation, Town Engineer, etc. and what is concerning everybody, including the developer, is safe access to the site. It's conservation for areas around the site and neighborhood impact. What is hoped is to put in front of the Town of Sudbury an option that not only protects a neighborhood that's worth protecting but also drives benefits to the Town of Sudbury on the merits of the Article itself along Feeley Field access. There is an opportunity for the Town of Sudbury to get significant benefits if able to do that. Very similar to, but not exactly, what the Town boards were able to do with the Cutting Property. That's the argument put forward. If you approve this Article the Town boards may choose, if the Senior Residential Community is approved, that Maple Avenue is the best access. This isn't an Article that says keep Maple Avenue from being an access. This Article says that Maple Avenue is an access but there may be an alternative access if the Town approves that.

Mr. Bradford reminded the residents that Maple Avenue is directly across from Station Road shown on the map on the viewgraph, which is the impacted area; first cross the lower part of Hop Brook, then the railroad tracks which are key assets to the Town of Sudbury then you reach Maple Avenue, then Feeley Field. In his presentation upper Feeley Field, the northern section near the tennis courts and lower Feeley Field will be talked about in the presentation. To the right of the Feeley Field are the 25 or so acres where the developer is proposing to build the Senior Residential Community; Raymond Road is south and then the Sudbury Crossing Mall. This is an area that has the Business District, conservation land, historic neighborhood, recreation fields, and potentially a Senior Residential Community, then the Business District, again.

If access is needed today there is only one access point, Maple Avenue, which is a traditional Sudbury neighborhood. The road was laid out in 1892 when there were no concerns for cars. There are a lot of historic homes dating 100 years, some dating more than 100 years on Maple Avenue. The newest home is about 50 years old. The neighborhood has been left dormant as far as new homes are concerned for about 50 years. The codes conform to the traditional Zoning Bylaws; it makes for a good neighborhood. A lot of new developments starting to cluster homes closer together instead of sprawled with two acre zoning. The Senior Residential Communities are taking advantage of cluster homes and putting in open space there. It does make for a nice neighborhood and certainly the residents of Maple Avenue feel that way. The street is extremely narrow. The specifications state that Maple Avenue is 14 feet. At the mouth of Maple Avenue it's probably much wider because you can pass comfortably. Most of the road if somebody is coming one way you have to pull over and let the driver get by. On Tuesday when the

garbage trucks come and back all the way up Maple Avenue the drivers can't turn around. That is how narrow the street is.

The neighborhood works really well. The street is not only for cars but for pedestrian access also. The reason it works is because the traffic is so low. There are 15 homes on Maple Avenue. People typically don't travel down Maple Avenue because there is not a reason to even though it's right under one's nose.

Mr. Bradford showed a view of the street, a portion which is about 17 to 18 feet wide, on the viewgraph with a canopy of lots of mature trees abutting right next to Maple Avenue that would be at risk if there was any widening to Maple Avenue. Mr. Bradford continues to give a description of Maple Avenue as shown on the viewgraph as the neighborhood as it stands now and how neighborhoods were built in Sudbury which is very well preserved.

The Moderator interrupted Mr. Bradford of the time limit and took a vote to see if the Hall was willing to allow Mr. Bradford five more minutes to complete the presentation. The Hall voted in favor to allow Mr. Bradford the time needed to complete the presentation and thanked the Moderator and the Hall for the extra time.

There will be a two to three times increase in the traffic. Maple Avenue is too narrow; there are no sidewalks and exiting to Route 20 West from Maple Avenue is basically gridlock. If you remember that's where the "S" curve is on Route 20 coming past Dunkin' Donuts; which is a blind turn. One has to get used to looking underneath cars to see the oncoming traffic or you wait. It's a difficult part of Route 20. Safety is a major issue with Maple Avenue that is being addressed with the Boards at this time. Any widening will affect the historic neighborhood and impact Maple Avenue and forever alter the character of the neighborhood. The only option is a poor compromise; that's the struggle. Do they keep it narrow and hope that people do not get hurt, hope that there aren't accidents. The other option is to bite the bullet and widen the road and there goes Maple Avenue. That can happen often so what is being proposed is Feeley Field as an alternative access. Again, Town Meeting is required for this. There will be safer access to the site and safer access to Maple Avenue for the site from Route 20 and also Feeley Field improvements. He's not guaranteeing Cutting Property kinds of deals because this is a moot point right now since nobody is negotiating with the developer about improvements because the developer can't. For the economics to work, the developer would have to improve Maple Avenue and then would have to go into Maple Avenue a long way to get into the development site. This way access would have to be provided from Raymond Road and there's money on the table, which will be discussed momentarily.

There are two sites that the residents of Maple Avenue say are feasible, perhaps. If you're looking from Raymond Road at Feeley Field and the big baseball field is on the right and the softball fields are on your left and the ditch that runs on the side is basically dormant space that almost looks like a road. This has been presented to the Boards a couple of times and responded that it's all wet down there so nothing can be done. The developer heard this and the developer took it on its own initiative to draw up some

conceptual plans and to walk with the Conservation Commission and the Park and Recreation Department. This is feasible and there are certainly wet issues that have to be addressed but this is dialogue with the developer. When the developer did this conceptual drawing the ditch could be fixed since it doesn't work right because it's not engineered properly. About thirty parking spaces can be put in because people are parking on Raymond Road now when there is a ball game because there is just not enough parking there. Then, of course, perhaps they can get an easement through the property, too. So, there are a lot of things that can be done should they put this land in play.

The other option is upper Feeley Field which was a little bit more problematic from a neighborhood point of view because a good part of Raymond Road isn't as straight forward although it handles a tremendous amount of traffic. He was there on a Saturday morning and even though the leagues weren't open it was the first day the people could get at the fields and by 11:00 there were 40 cars in Feeley Field. So, this is a little bit of a problem because they'd use some of the buffer on the right and he's an abutter to the buffer but would like to have this option in play.

A "yes" vote on Article 53 creates options if the SRC is approved. It has nothing to do with whether the SRC should be approved or not. It allows for a win, win, win for the Town, the developer and the neighborhoods and requires approval from the State Legislature. If you approve it and the Town boards think it's the right thing to do there's still one more trip wire we have to go through which is the State wants to make sure if you are taking recreation lands. We urge your support for this Article.

FINANCE COMMITTEE: Takes no position on this Article.

BOARD OF SELECTMEN: Do not have any position on this Article and Mr. Drobinski will provide an explanation.

Mr. Drobinski stated that it's not that they support or do not support this Article; it's just that there is insufficient information to make a decision to advise Town Meeting. There may be other engineering solutions out there that haven't been looked at so the Board just cannot make a decision. Whatever Town Meeting votes the Board will abide by. This only authorizes the Board of Selectmen to execute documents; it does not require us. Whatever Town Meeting votes, the Board of Selectmen will listen to. There may be other solutions out there. The other issue is that the hearings haven't started yet so they are not sure this will be approved or what the final design will look like. Basically this is the reason to not have a position' they do not have the data to give the Town of Sudbury an informed position.

Greg Lowenberg, 19 Maple Avenue, wants to emphasize a couple of issues. One, is that what they are asking for in this Article is simply for the Town of Sudbury to have more than one option in terms of access to this site; has got a problematical access but believe there are solutions and the Town of Sudbury should at least have the option of considering something in addition to the Maple Avenue access. Living along Maple Avenue and being a biologist, botanist and plant ecologist has to say something about the

ecological character of the neighborhood. On the aerial photograph that Mr. Bradford presented that they are part of a greater corridor; a wildlife corridor and forested corridor that surrounds Hop Brook. Maple Avenue is very old and includes several, five as he counted them, heritage trees which are trees that are more than 36 inches in diameter. Those are both a part of the cultural and ecological heritage which should be protected. Many trees, probably at least a dozen, are well on their way to becoming heritage trees. So, we not only have five heritage trees along just a few hundred feet of roadway, and more than a dozen that will be in the future you might want to compare that, for example, to right-of-way around the road on Concord Road from Route 20 up to the Town Center, which he counted as he drove to the Town Meeting, has to be no more than two or three large trees within the roadway right-of-way. There are ecological and environmental values to the trees. One of the things that were noticed is that they have at least two species of owls that utilize and nest in those trees. We've noticed red-tail hawks. There is a herring in the wetlands just beyond our street. Those birds fly over the neighborhood so they want to have both a historic and ecological heritage that needs to be protected. That obviously has to be balanced against whatever considerations might be made for the environment for alternative access. They want to at least have that discussion to be able to take place. We urge you to support this Article because it allows the Town of Sudbury to have another option to consider.

Kirsten Van Dijk, 37 Landham Road, supports this Article very strongly but would like to point out that this is a unique opportunity as citizens to take part in the preservation of possible future historic district for the Town of Sudbury. Maple Avenue is a conglomerate of different architectural renderings that are indicative of different periods of the history of the Town of Sudbury. There are Craftsmen style homes, Colonial homes, antique farmhouses, Victorian farmhouses, and Cape Cod style bungalows, as well. Coupled with the large trees and the narrow walkway, it's a unique and valuable historical resource near the Town of Sudbury's main street district. If a Historic District does go through for Maple Avenue and a future feasible district in the Mill Village area, there could be a Historic District corridor which would connect the King Philip Historic District; a feasible Mill Village and Maple Avenue Historic District. That, coupled with the signage improvements, traffic flow studies and infrastructure could create a unique opportunity for the Town of Sudbury to take advantage of its historic assets, as well as, ecotourism. There are other benefits that far outweigh taking the footprint of a single farmhouse and changing it for 23 units on a historic roadway that was never ever designed to maintain that traffic flow. Please encourage the person next to you to support this Article.

Ursula Lyons, Wayside Inn Road, concurs with everything that has been said before but wants to go on record reminding people that the Town of Sudbury has a Master Plan and a lot of people worked very hard on it and knows people who worked on it; the Selectmen and Town Planner and had the privilege of working on the plan. The overriding theme and goal of this whole plan is to preserve the historic character of the Town of Sudbury. To follow is something that the Selectmen and whoever has to vote on this should listen to and take this into consideration. We expect that public officials working in conjunction with others will keep the sense of the Town of Sudbury's character at the

forefront in their decision making process because it will be irresponsible if Maple Avenue is widened and the trees are cut.

Tim Walsh, 236 Raymond Road, said there has been a great presentation on this Article but they're actually voting on an Article that is saving one neighborhood at the expense of another neighborhood; his neighborhood. They are talking about putting a road through a park; this isn't about safety; it's about saving the residents of the Maple Avenue neighborhood against the Raymond Road neighborhood and those who use the park. What will happen with the SRC is unknown. As the Selectmen, stated they are not taking a position on this Article and he doesn't think anybody should be taking a position right now and believes this should be voted down and see what will happen when this either gets approved or not. It's been discussed to widen the road to up to about 20 feet. If it's 14 feet wide now; that's three feet on either side; that's not clear cutting a forest. Even major tree will not be coming down on that street. There has to be a meeting for every tree that is scheduled to be removed. The possible advantage of putting a road through Feeley Field have been discussed; talking about giving up park land for what? It's unsure. New bushes, a ball field, some new sidewalks; who knows? There is not enough information to vote this up or down. This can be decided in other meetings and everyone is welcome to attend the meeting with the SRC on April 28th and make some decision then. Why should his neighborhood, although not as tree lined or pretty, be sacrificed for this. This decision should be taken maybe after this plan is approved or not approved in whatever fashion it is approved in.

Lee Michaels, 199 Horse Pond Road, would like to know if this Article passes will Maple Avenue remain a dead end or will there be a connection between the two and fears if that's the case people may use it as a short cut to Route 20 east.

John Drobinski said that the Board of Selectmen does not know what the design will be so it's possible that it could be or not be a cut through.

Bill Keller, 31 Churchill Street, speaking on behalf of the Planning Board has not taken an official position on this Article because of the SRC is before them. Traffic circulation is one of the issues to be addressed with this proposed development. The answer to your question is that it cannot be determined today how this might turn out. The Planning Board will have to be looking at traffic circulation and if this amendment is approved then access via Maple Avenue or Raymond Road will be looked into or both. All those will go into play and how it turns out the Planning Board cannot be determined today.

Lee Michaels responded that this Article should be defeated because of another issue; the safety issue for the children using Feeley Field if this Article passes.

Kevin Westerberg, 239 Raymond Road, stated a strong opposition to this Article at this time because, while again it was a nice presentation, that the information provided is really uncertain and a lot of the descriptions given are for things that are possibilities and "what if" depending upon some other decisions that are made. While they all sound well

and good they're really not at a time when they should be making decisions based on those "what ifs". The developer should have some opportunity to present some of the alternatives that might affect the area and also thinks access change to the upper field will affect the neighborhood of which he is a part, as well. All possibilities need to be looked at. The safety and use of the field is a concern also. He sees all the activities throughout the year as the fields are being used and there are hundreds of children who are participants on the fields for a majority of the year and any type of safety issues has not been addressed at all. A preliminary plot plan has been seen for the upper field and there's a significant change to the parking area and the wooded area that affects their neighborhood. Access to the park from an individual standpoint and people using the fields without the safety issue addressed is a very large concern and very much ahead of the game to determine if this is a viable option.

Robert Coe, 14 Churchill Street, is not from either neighborhood so not concerned whose ox gets gored but it seems not to be the best idea in the world to think about granting an easement across a public park until a traffic study has been done and projections on how many cars and trucks are going to traversing that easement so this Article should be defeated.

Judith Deutsch, 41 Concord Road, would like to know if this condominium complex is authorized and gone ahead with; if there would be an opportunity for us at Town Meeting without calling a Special Town Meeting, which would be expensive to ask again that this easement for Feeley Field and Raymond Road be reviewed or would it be too late.

Larry O'Brien stated with the annual schedule of Town Meeting being in April, if a Special Town Meeting were scheduled that would be the opportunity but without a Special Town Meeting the next regularly scheduled opportunity would be held the first Monday in April 2005. To transfer the land a vote at Town Meeting is needed then it would have to go to the Legislature for their approval as well; take it out of public use and a public park.

Judith Deutsch thought she heard Mr. O'Brien say the April Town Meeting would be too late to ask for Town Meeting to ask for the easement for Feeley Field.

Mr. O'Brien understands that the application is in front of the Planning Board and have yet to open their initial public hearing and what their schedule is and final deliberations will be made he's not sure when that will be on the calendar; it could be a few months from now.

Ms. Deutsch questioned: If they move to authorize the Selectmen to do so and so does that mean they have to do it or does that mean they are authorized to do it if they deem it prudent at the time?

Mr. Blacker said that Mr. Drobinski has already answered the latter part of the question if the Board of Selectmen is so inclined; they are not required to do anything.

Mr. O'Brien responded on behalf of the Board of Selectmen, "that is correct".

Ms. Deutsch is in favor of this Article because it will guarantee the safety of the Maple Avenue neighborhood, the ecological concerns, and if they don't move this now, the Town of Sudbury will not be able to vote; they'll be able to talk at meetings but not be able to vote.

Amy Galblum, Maple Avenue, wants to emphasize that voting for this Article only provides the option of doing something and they're here before there's a lot of information and that's just part of the process and can't help that Town Meeting is at the beginning of April. This comes before the Planning Board for the first time as a solid proposal at the end of April; that's just the way it turned out. To vote for this Article gives the option to talk about going through Feeley Field. If it is not done, then it's not on the table and it probably won't be able to come back on the table and urges your support for this Article.

Graham Taylor, Goodman's Hill Road, reminded the Hall what the Town of Sudbury went through on the Landham Road widening project and cannot conceive any town action that would decimate Maple Avenue the way any access to this proposed development would. Vote for this Article tonight and keep the options open. Don't decimate Raymond Road either but Maple Avenue is a very special place and can't conceive of the Town of Sudbury permitting a development south of there with access to Maple Avenue; that's unbelievable and unacceptable.

The question is moved and it received a second.

The Moderator asked for all those in favor of terminating debate and voting please raise your cards; all those opposed.

The call of the question passes by well more than the majority.

A resident exclaimed Point of Order on the vote. According to the Warrant this Article calls for a majority vote however, Selectman O'Brien indicated that this would authorize the exchange of land from the Park and Recreation Department to the Board of Selectmen for this usage and all such Articles of that type were two-thirds votes.

Mr. Blacker inquired of Town Counsel what type of vote is needed. A two-thirds vote is needed on this Article in order to pass it. Majority vote on the call of the question and two-thirds vote on the Article are what's needed to pass.

The Moderator asked for all those in favor of Article 53, please raise your cards; all those opposed.

The Moderator declared the motion under Article 53 PASSED BY WELL MORE THAN A TWO-THIRDS VOTE.

ARTICLE 54 – DESIGNATE MAPLE AVENUE AS SCENIC ROAD

To see if the Town will vote to designate, pursuant to the provisions of the Mass. General Laws, Chapter 40, Section 15C, Maple Avenue as a Scenic Road within the Town of Sudbury, in accordance with the recommendation of the _____; or act on anything relative thereto.

Submitted by Petition.

(Majority vote required)

Greg Lowenberg, 19 Maple Avenue, moved to Indefinitely Postpone Article 54.

The motion received a second.

The Moderator seeing nobody wished to be heard on Article 54, asked for all those in favor of the motion to Indefinitely Postpone Article 54, raise your cards; all those opposed.

The motion to Indefinitely Postpone Article 54 was VOTED.

ARTICLE 55. (WITHDRAWN)

ARTICLE 56. RESOLUTION: PROTECTION OF CIVIL LIBERTIES

To see if the Town will vote to approve this

**SUDBURY CITIZENS' RESOLUTION
FOR THE PROTECTION OF THE CIVIL LIBERTIES OF ITS
CITIZENS**

WHEREAS, the citizens of Sudbury have a long and distinguished history of fighting for and protecting American liberties;

WHEREAS, the citizens of Sudbury recognize the U. S. Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts to be the supreme laws of the Nation and of the Commonwealth;

WHEREAS, the citizens of Sudbury recognize that these documents guarantee all residents basic American rights and civil liberties, including:

- Freedom of speech, freedom of religion, and freedom of assembly;
- The freedom to petition the government for redress, and protection from governmental intrusions on privacy;
- Protection from unreasonable governmental searches and seizures;
- The right to counsel, due process, and speedy and public trials;

WHEREAS, the citizens of Sudbury believe these rights should not be infringed;

WHEREAS, we believe these civil rights and liberties are now threatened by provisions of the USA PATRIOT Act, provisions of the Homeland Security Act, and certain Federal Executive Orders;

WHEREAS, communities across the nation have adopted resolutions opposing those provisions of the USA PATRIOT Act, those provisions of the Homeland Security Act, and those Executive Orders that threaten our civil rights and civil liberties;

THEREFORE, BE IT RESOLVED THAT:

(1) The Town of Sudbury affirms the civil rights and civil liberties guaranteed to its residents by the U. S. Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts, and believes that these basic American rights and liberties should not be infringed upon by an governmental agency, business, organization, or private person for any purpose; and

(2) The Town of Sudbury affirms the efforts of its departments to protect Sudbury residents and directs that all town departments act to preserve and protect the civil rights and civil liberties of Sudbury residents as specified in the Bill of Rights, the U. S. Constitution and the Constitution of the Commonwealth of Massachusetts; and

(3) The Town of Sudbury directs its U. S. Congressional Representative and Senators (a) to monitor the implementation of the above Acts and Orders; (b) to actively work for the repeal of those provisions of the Acts and Orders that violate the fundamental American rights and liberties which are guaranteed by the United States Constitution and the Bill of Rights; and (c) to resist the passage of any additional Acts which may violate fundamental American rights and liberties;

and BE IT FURTHER RESOLVED THAT:

The Town of Sudbury directs the Town Counsel to transmit copies of this resolution to town Departments, to Sudbury's U. S. Congressional Representative and Senators, to the U. S. Attorney General and the U. S. Attorney's Office, to the Governor and the Attorney General of the Commonwealth, and to Sudbury's State Representative and Senators.;

or act on anything relative thereto.

Submitted by Petition.

The Moderator stated that on a Non-binding Resolution there is no need to make a motion.

Henry Noer, declared a Point of Order as to why the Moderator is limiting the presentation to five minutes.

Town Counsel has opined that the Bylaw says that the first speaker who makes a ten minute presentation refers to Binding Articles not Non-binding Resolutions.

The Moderator asked for the Hall to decide if Mr. Noer should be allowed ten minutes for the presentation. All those in favor please raise your cards; all those opposed. The Hall granted Mr. Noer ten minutes to make the presentation.

Henry Noer, 55 Goodman's Hill Road, has lived in Sudbury for five years and marvels at this wonderful community and the democracy that the Town Meeting expresses. Article 56 is a resolution created over the last year to express concerns about certain Federal Legislation and Policies. Some of you may have read his editorial in last Thursday's Town Crier; if not he urged them to do so. If the testimony before the Commission was heard investigating the attacks on the United States on September 11th that have been going on this week, the Federal Agencies were not prepared for the kind of terrorists attacks suffered. Per George Tenet of the CIA it may take five years to develop the right tools and clandestine networks to make this effective. Therefore, nobody can be complacent about the tools and methods available to our Government to prevent terrorism.

To follow are some of the issues that need to be addressed:

- **Screening of all cargo carried on planes on every flight;**
- **Screening of every container shipped into this country;**
- **Better patrol of the United States international borders;**
- **More money to develop and deploy explosive sensing devices**
- **More money for the training of first responders in local communities**
- **More money for adequate staffing of local responders**

The Federal Bureau of Investigation, the Justice Department, the Central Intelligence Agency and the National Security Agency should vigorously pursue investigation of possible terrorism and to do their jobs well; but a blank check will not be given. Both the local and national history show that the several agencies mentioned can make mistakes.

There are two means by which the mistakes are diagnosed and corrected:

- **Public Scrutiny**
- **The Courts**

At this time it appears the Justice Department wants neither of those. It is with hope that the Article has been read carefully. It does not ask the Federal Agencies to limit their work or goals. It gives a chance to voice their reluctance on some of the provisions of the USA PATRIOT Act, the Homeland Security Bill and certain Executive Orders of the President and the Attorney General. Lexington and Acton have passed similar resolutions. Across the country, over 275 communities have passed similar resolutions. These are grass root movements of people expressing their concerns about preserving our rights under the Bill of Rights; that covers most of the States; maybe a handful of States aren't represented.

At the bottom of the page it is noted that four States have passed statewide resolutions; where the Legislatures have expressed their concerns in somewhat actually stronger words than this Article.

Why are these people concerned?

What is wrong with the USA PATRIOT Act?

- It permits the Government to perform secret searches of American homes and businesses with no immediate notification and without the need to show probable cause as required by the Fourth Amendment;
- It allows the Government to seize the assets of an individual or organization without a prior hearing or conviction of a crime; which is in violation of the due process clause of the Fifth Amendment;
- It allows the FBI to monitor Religious Institutions and Public Events in secret even though participation in these activities are protected by the First Amendment;
- It places no restriction on the records kept of these events or the records kept of the participants;
- It allows the FBI to force any organization, including libraries, bookstores, banks, doctors, retailers, travel agencies, universities, the IRS, credit card companies, and internet service providers to turn over any records on citizens to the Government;
- The authorities no longer have to show probable cause as required by the Fourth Amendment or to even show that the records are suspected to be related to criminal activities;
- Prohibits these organizations from telling the citizens that their records have been requested which makes it almost impossible for citizens to challenge illegitimate searches which is in violation of the First and Fourth Amendments;
- It also broadens the definition of domestic terrorism which can include almost any act that violates State or Federal Law and appears to influence the policy of Government which may make some political demonstrations terrorist acts which is in violation of the First Amendment;
- The Bill allows the Secretary of State to designate any organization or group of persons as a terrorist organization with little means of judicial review and greatly broadens the definition of providing such support to organizations which has been used to implicate citizens in terrorism in violation of the First and Fifth Amendments;
- It allows the Government to designate citizens and any combatants without any right to judicial review as required by the Fifth Amendment and detain these combatants indefinitely
- This resolution is now being used on a United States citizen who has not received the right to an Attorney and who has no knowledge of when he will be charged with anything; he's sitting in jail without charges at the moment;

- The Attorney General also changed regulations that govern FBI investigations that were put into place after the Church Commission of Congress investigated FBI conduct during the 1970's; in fact it was found out that the FBI was trying to disrupt political activities and trying to get these political organizations to attack each other and even suggest that Dr. Martin Luther King commit suicide;
- The restriction put in place were to keep the FBI from infiltrating domestic political demonstrations and organizations. The Attorney General stated that the FBI no longer has those restrictions and can visit any religious or political organization meeting that it wants; there may be an FBI member in the audience but that is not known;
- Libraries have been particularly affected by this because the Bill allows the FBI to come into the library and ask for records of what people have read without a subpoena that requires Court approval; the FBI can ask for any materials it wants as long as they say it's involved with a terrorist investigation;
- In some of the provisions the actions of the FBI are governed by the Highest Court, the Court that oversees International Investigations but that Court has only turned down five requests in the last five years; it's really a rubber stamp;
- Even scarier, last year the Justice Department drafted what can be called the Patriot Act II; now this legislation was leaked to the press and the furor was so great that it prompted a number of local resolutions all across the United States and it raises the question: Is the Bill of Rights out of date?;
- The Justice Department proposed legislation that would allow someone to arrest and hold citizens in secret and allow them to be held indefinitely without being charged with a crime which is in violation of the Fourth, Fifth and Sixth Amendments;
- It would have allowed the Government to revoke the citizenship of Americans without a hearing and deport such persons to anywhere in the World which is in violation of the Fifth Amendment;
- It would remove almost all restrictions on a secret surveillance of Americans by Law Enforcement Agencies even when they are not suspected of criminal activities which is in violation of the First and Fourth Amendments;
- It would allow the Government to use secret evidence in trials which is in violation of the Fifth Amendment;
- It would create a National DNA Database of suspects and make it a crime to participate in sampling for such a database;

Just this past week, both Secretary Rice and Attorney General Ashcroft spoke in favor of the Patriot Act. The one point made was that the provisions allowing the FBI and the other agencies to share information was a key to changing the climate of investigation since before 911. This resolution doesn't object to that; this Non-Binding Resolution is objecting to the provisions that do or may infringe upon their civil liberties.

Mr. Noer thanked the many high school students who are very interested in this process and welcomed them and appreciates the assistance in collecting signatures for the State-Wide Petition.

Warrant Article 56 has been approved by the Sudbury Democratic Town Committee and the League of Women Voters and in this era of X-ray technology that can see through one's clothing, can see through the walls of one's house which the Government is developing, face matching technology which will try to scan your participation in public events and the development of brain scanning technology so that the Government can determine what your thoughts are so they can match the patterns and pull you out of crowds or airports based upon what the brain scan showed. In that climate the Bill of Rights is needed more than ever and the Town of Sudbury should go on record like the other 26 Massachusetts town's that have approved similar resolutions and approve the Non-Binding Resolution of Article 56.

The Moderator asked the Hall, due to different customs in the Town of Sudbury for Non-Binding Resolutions whether to debate or not. There was a custom for some period of time to debate Non-Binding Resolutions and at other periods of time not to debate Non-Binding Resolutions. The Moderator asked for all those in favor of debating this Non-Binding Resolution please signify by raising your cards; all those opposed.

The Moderator stated that there will be three questions asked and no head count. If there is a clear consensus it will be announced.

The Moderator asked for all those in favor of the Non-Binding Resolution please raise your cards; all those opposed; all those who aren't sure.

The Moderator declared Article 56 **PASSED OVERWHELMINGLY.**

The Moderator stated that before the meeting adjourns there are two items that need to be accomplished.

- There was an error in the Proceedings and Mr. Blacker would like to address that issue
- Rocky Conrado, the Public Safety Officer, would like to make a short statement

Mr. Blacker said that he was in error because the vote to curtail the vote does require a two-thirds vote as was presented by one of the townspeople and stated for the record that the vote was well more than two-thirds to terminate debate on Article 53.

Rocky Conrado heard a number of concerns for Public Safety in relation to an earlier Article and wants to assure the Hall tonight that the Police Department Safety Officer takes that very, very seriously. The Police Department Safety Officer works very close with the Board of Selectmen and other Boards in town. Whatever the final decision is he wants to assure all that they take that very serious and will work closely with and make

decisions together as a Board, the Safety Officer, the Town Engineer and the other necessary boards. All of that information will be taken into consideration.
