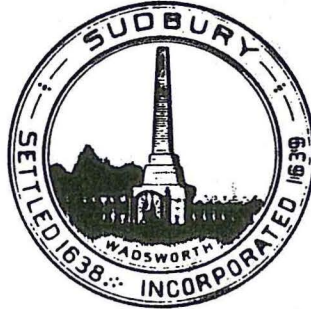


TOWN of SUDBURY

Massachusetts



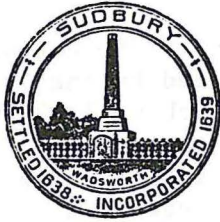
OFFICIAL WARRANT

SPECIAL TOWN MEETING
SEPTEMBER 12, 1989 7:30 P.M.

Lincoln-Sudbury Regional High School Auditorium

**If you are not yet a registered voter, you must
register by 8 p.m. on September 1st to vote
in this Special Town Meeting. Register at Town Hall:
Weekdays 9 a.m. - 5 p.m.
September 1st 9 a.m. - 8 p.m.**

BRING THIS BOOK WITH YOU



TOWN OF SUDBURY
SPECIAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

To the Constables of the Town of Sudbury:

GREETINGS:

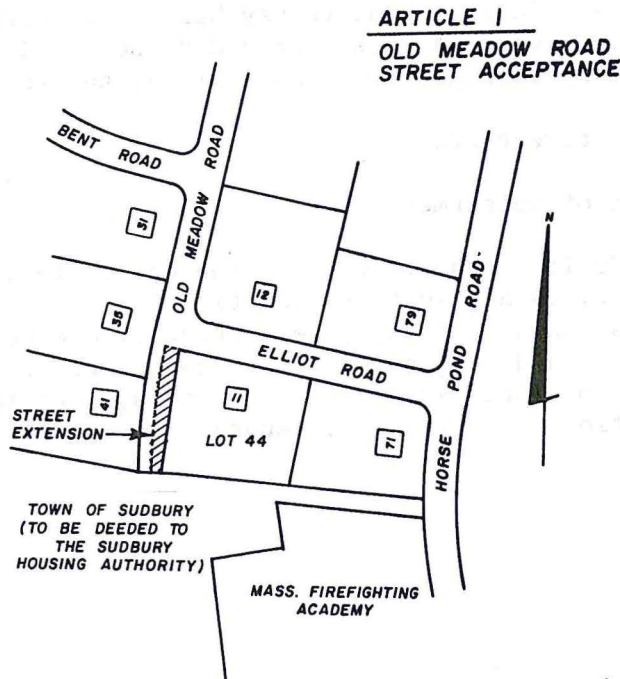
In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, to meet at the Lincoln-Sudbury Regional High School Auditorium in said Town on Tuesday, September 12, 1989, at half past seven o'clock in the evening, then and there to act on the following articles:

ARTICLE 1 STREET ACCEPTANCE - OLD MEADOW ROAD (PORTION)

To see if the Town will vote to accept the layout of a portion of Old Meadow Road extending from Elliot Road southerly to a dead end, a distance of an average of 197 feet, more or less, as laid out by the Board of Selectmen in accordance with the description and plan on file in the Town Clerk's Office; to authorize the acquisition by purchase, by gift, or by a taking by eminent domain, in fee simple, of the property shown on said plans; and to raise and appropriate, or appropriate from available funds, \$185, 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.)



BOARD OF SELECTMEN REPORT: This article will extend the present 20-foot width of the portion of Old Meadow Road from Elliot Road to a dead end by the incorporation of a strip of land presently part of Lot 44, which will allow the Town to widen the road without the expense required to be incurred if the parcel were to be conveyed by deed. In August, a public hearing relative to the proposed layout was held by the Board of Selectmen. The requested appropriation includes recording fees and cost of engaging an outside registered land surveyor to certify plans. The Board supports this article.

ARTICLE 2 SPECIAL ACT - BARKER REAL ESTATE TAX REFUND

- A. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact special legislation not requiring further submission to a Town Meeting as set forth herein:

"The Commonwealth of Massachusetts

In the year one thousand nine hundred and eighty-nine.

An Act authorizing the Town of Sudbury to refund certain property taxes.

Section 1. The Town of Sudbury is hereby authorized to reimburse Harold E. Barker, Jr. and Julia Barker the sum of two thousand seventy-six dollars paid to said Town for real estate taxes on property located at 12 DeMarco Road which were erroneously assessed for the fiscal years 1981 through 1988.

Section 2. This Act shall take effect upon its passage.";

and

- B. To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to pay Harold E. Barker, Jr. and Julia Barker a refund for overpaid taxes, provided such action is approved by the General Court by passage of the Special Act set forth in part A above;

or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: This Article and the one following are submitted on behalf of taxpayers who, as a result of recently discovered assessment errors involving house dimensions and acreage, respectively, are seeking refunds of real estate taxes overpaid during a period of years. Because statute precludes taxpayers from filing for abatements for prior years, legislative action is the only available resolution. The property record cards have been corrected for Fiscal Year 1990.

ARTICLE 3 SPECIAL ACT - SYMINGTON REAL ESTATE TAX REFUND

- A. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact special legislation not requiring further submission to a Town Meeting as set forth herein:

"The Commonwealth of Massachusetts

In the year one thousand nine hundred and eighty-nine.

An Act authorizing the Town of Sudbury to refund certain property taxes.

Section 1. The Town of Sudbury is hereby authorized to reimburse Martha R. Symington the sum of one thousand six hundred eleven dollars and twenty-seven cents paid to said Town for real estate taxes on property located at 20 Bent Road which were erroneously assessed for the fiscal years 1979 through 1988.

Section 2. This Act shall take effect upon its passage.";

and

- B. To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to pay Martha R. Symington a refund for overpaid taxes, provided such action is approved by the General Court by passage of the Special Act set forth in part A above;

or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: See report under Article 2.

ARTICLE 4 AMEND FY90 BUDGET - USE OF ABATEMENT SURPLUS

To see what sum the Town will vote to transfer from the Abatement Surplus Fund to amend the vote taken under Article 6 of the 1989 Annual Town Meeting, Budget, in order to offset certain amounts appropriated under the Fiscal Year 1990 Budget; or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT (Articles 4,5,6): This Special Town Meeting was called to balance the Town budget due to a shortfall in state local aid.

Since the options for making up this deficit are not certain, we have inserted these three Articles to allow us the greatest flexibility to do so. Our current deficit is \$767,159.

With the total cooperation of the Board of Assessors and voting the use of some monies in the Stabilization Fund, we should be able to reduce the deficit to zero and balance the Town budget. If successful, however, all these good

efforts this year will reduce our available funds and spending levels for next year; but we have no other choice.

We urge that you follow the recommendations of the Selectmen and Finance Committee on these Articles as presented at the Special Town Meeting.

At the writing of this Warrant, the following is a proposed plan to reduce our deficit to zero:

- Use of past years' Abatement Surplus Accounts \$353,167.05
 - Use of current FY90 Abatement Account Report at Town Meeting
 - Use of Stabilization Fund \$200,000
 - Increase Estimated Receipts \$ 67,000
- (Need \$767,159 plus amounts appropriated under Articles 1, 2 and 3 above.)

We will make further report at Town Meeting.

ARTICLE 5 AMEND FY90 BUDGET - USE OF STABILIZATION FUND

To see what sum the Town will vote to transfer from the Stabilization Fund, established under Article 12 of the October 7, 1982 Special Town Meeting, to amend the vote taken under Article 6, of the 1989 Annual Town Meeting, Budget, in order to offset certain amounts appropriated under the Fiscal Year 1990 Budget in accordance with M.G.L. Chapter 40, §5B; or act on anything relative thereto.

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

BOARD OF SELECTMEN REPORT: See report under Article 4.

ARTICLE 6 AMEND FY90 BUDGET - REDUCTION OF APPROPRIATIONS

To see by what sum the Town will vote to reduce the amounts appropriated for Departmental operations and expenses under the Fiscal Year 1990 Budget voted under Article 6 of the 1989 Annual Town Meeting, or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: See report under Article 4.

ARTICLE 7 AMEND BYLAWS, ART. III,2 - TOWN REPORT

To see if the Town will vote to amend Article III, Section 2, of the Town of Sdubury Bylaws by deleting said section in its entirety (paragraphs 1 and 2) and substituting therefor the following:

"Section 2. ANNUAL TOWN REPORT. All Town boards, committees, commissions and officials, whether appointed or elected, shall make written report in detail of their activities during the preceding calendar year and of all financial transactions during the preceding financial year, which report shall be delivered to the Board of

Selectmen at a date specified by the Selectmen. The Selectmen shall cause all such reports, as well as any other reports or data as the laws of the Commonwealth, bylaws of the Town, or the Selectmen require, to be printed in an Annual Town Report. Sufficient copies shall be printed for public distribution at the Town Hall and/or Public Library and made available to the citizens of the Town at least ten days before the Annual Meeting.";

or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: The present Bylaw now reads as follows:

"Section 2. All Town Boards and officials, whether appointed or elected and all committees having had any financial transactions during the preceding financial year, shall make a written report in detail, which report shall be delivered to the Accountant on or before December 1st. The Accountant shall audit these reports and deliver them to the Selectmen not later than January 10th.

The Selectmen shall cause all such reports, as well as reports of any other board or committees, to be printed in pamphlet form. Receipt of the pamphlets shall be scheduled for a date which will permit the Town Clerk to have them in the hands of the citizens of the Town at least ten days before the Annual Meeting."

Although the present wording does not necessarily require delivery of the Town Report to each household, it has been the practice of the Town to actually deliver or mail a copy to each residence. It is proposed to discontinue such distribution and to clarify the bylaws accordingly. Town Reports would, however, be made available at various locations in the Town and at Town Meeting for those who desire a copy. For those persons unable to pick up a copy, a copy will be mailed upon request. It is the Selectmen's contention that Town Meeting should decide such a change in policy as suggested by this article.

By following this procedure, at last year's costs, we estimate a savings of \$3,000 in mailing and printing costs; additional savings will be realized in staff time. We find that a great number of towns have for some time now stopped delivery of town reports to keep costs at a minimum. This Article is further prompted by the inability once again to obtain groups willing to take on the distribution project and thus, with the rising cost of a Town-wide mailing, this has become a considerable expense.

This Bylaw is further amended for clarity and the requirement of the Town Accountant auditing each department's individual calendar year financial report is eliminated.

The Board of Selectmen recommends approval of this article.

TOWN COUNSEL OPINION: It is the opinion of Town Counsel that, if the Bylaw amendment proposed in Article 7 in the Warrant for this Special Town Meeting is properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed change will become a valid amendment to the Sudbury Bylaws.

ARTICLE 8 AMEND BYLAWS, ART. V,3, UNLICENSED DOGS (PENALTY)

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article V, Section 3, by deleting the word "June" and substituting therefor the word "April", so that said paragraph shall read:

"Section 3. Unlicensed Dogs. All owners or keepers of dogs kept in the Town of Sudbury during the preceding six (6) months and who, on the first day of April of each year, have not licensed said dog or dogs, as prescribed by Section 137, Chapter 140 of the General Laws, shall be subject to a penalty of \$25 payable to the Town, in addition to the license fee, for each dog so unlicensed.";

or act on anything relative thereto.

Submitted by the Board of Selectmen.

BOARD OF SELECTMEN REPORT: The annual dog licensing period in Middlesex County has changed to JANUARY 1 - DECEMBER 31 (formerly April 1 - March 31), effective January 1, 1990. It is, therefore, desirable to amend the Town Bylaw accordingly relative to the date the late penalty charge goes into effect. This proposed Bylaw amendment allows a three-month grace period during which residents may license their dogs without paying a penalty. The current Bylaw allows just two months until the penalty goes into effect.

TOWN COUNSEL OPINION: It is the opinion of Town Counsel that, if the Bylaw amendment proposed in Article 8 in the Warrant for this Special Town Meeting is properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed change will become a valid amendment to the Sudbury Bylaws.

ARTICLE 9 AMEND ZONING BYLAW, ART. IX.III.C.1.c - PERMITTED USES, LIMITED INDUSTRIAL DISTRICTS

To see if the Town will vote to amend Section III.C.1.c. of the Zoning Bylaw, Permitted Uses, Limited Industrial Districts, by inserting after the word "organizations" the following clause, "and theatres for the performing arts" so that the section will read as follows:

"c. Private clubhouses, meeting halls and lodge rooms to be used by fraternal or other organizations, and theatres for the performing arts, provided that a site plan is submitted under provisions of this Bylaw.";

or act on anything relative thereto.

(Two-thirds vote required.)

Submitted by Petition.

PETITIONERS' REPORT: This Article is presented to avoid conflicting opinions regarding the interpretation of live theatre operating as a "club" function and to open theatre participation to public at large. Its passage at this time would avoid conflict and encourage approvals within the time frame necessary to assure that the Nickerson Theatre Group would remain in Sudbury with their proposal.

PLANNING BOARD REPORT: The Planning Board will report at Town Meeting.

TOWN COUNSEL OPINION: It is the opinion of Town Counsel that, if the Zoning Bylaw change set forth in Article 9 in the Warrant for this Special Town Meeting is properly moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed change will become a valid amendment to the Sudbury Zoning Bylaw after approval by the Attorney General.

ARTICLE 10 RESOLUTION - AFFORDABLE HOUSING PLANNING

To see if the Town will vote to approve the following Resolution:

"Resolution - Affordable Housing Planning

The residents of the Town of Sudbury are cognizant of the mandate from the Commonwealth of Massachusetts that every town provide affordable housing. In this time of severe budgetary constraints, large developments can severely tax the educational, safety and fiscal resources of our community, and have a major effect on our environment. Because these developments have major impact on the community as a whole, be it hereby resolved that the Sudbury Housing Authority (SHA) and the Sudbury Housing Partnership Committee (SHPC) are requested to present to Town Meeting any plan that proposes to develop more than fifteen housing units, before that Authority makes any binding commitment to the implementation of said plan. Be it also resolved that the SHA and SHPC are requested to develop and provide Town Meeting with data detailing the impact of said development on the Town's resources. Be it further resolved that the SHA and SHPC are requested to prepare and make available to Town officials a detailed long range plan so that the Town can make appropriate plans to meet future obligations.";

or act on anything relative thereto.

Submitted by Petition.

PETITIONERS' REPORT: The excessing of Fort Devens Sudbury Annex land has created a potential opportunity for a major housing development. The Sudbury Housing Authority has begun negotiations with the U.S. General Services Administration and the Department of Health and Human Services to either acquire or gain the use of the land for mixed income housing. The government's position is not clearly stated and policy is being set as negotiations proceed. The Sudbury Housing Authority (SHA) has stated that as many as 150 housing units might be constructed and currently 100 are proposed. All of this is quite early in the planning cycle. The SHA and the Sudbury Housing Partnership Committee (SHPC) have done excellent jobs, to date, with small and well placed units. There is concern that the inevitable impact of a large development cannot always be explored fully in the time frame required for submission of its proposal. The charter of the Authority gives it relative autonomy as it helps the Town meet state requirements for mandated low and moderate income housing. Many citizens are solicitous lest a proposal be made that forces the community into commitments which it is unable to keep as a result of insufficient advance planning. It is the intent of this Article to determine if the Town wishes to request that the SHA and SHPC hold a dialogue with the Town as a whole before any major project is obligated.

NOTE: THE FINANCE COMMITTEE WILL MAKE ITS REPORT ON ARTICLES IN THIS WARRANT AT THE SPECIAL TOWN MEETING.

And you are required to serve this Warrant by posting an attested copy thereof at the Town Hall at least fourteen days before the time appointed for such meeting.

Hereof fail not and make due return of this Warrant by your doing thereon to the Town Clerk, at or before the time of meeting aforesaid.

Given under our hands this fourteenth day of August, one thousand nine hundred and eighty-nine.

SELECTMEN OF SUDBURY

John C. Drobinski

Judith A. Cope

David A. Wallace

NOTICE
OF
NEW 1990 DOG LICENSING REGULATIONS
(Effective January 1, 1990)

- * NEW LICENSING PERIOD: Licenses will be issued for the period
January 1 - December 31
and available by late December 1989.
- * NEW LICENSING FEES: Male & Female Dogs: \$10.00 or
Neutered & Spayed Dogs: \$6.00

SEPTEMBER 12, 1989 SPECIAL TOWN MEETING

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Board of Selectmen
Town Hall
Sudbury, MA 01776

U.S. POSTAGE
PAID
Permit No. 4
Sudbury, MA 01776

POSTAL PATRON

SUDBURY

MASSACHUSETTS 01776

Your Vote Counts! Attend Town Meeting.
Please bring this Warrant with you.