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Def Defeated
IP Indefinitely Postponed
PP Postponed
PO Passed Over

PROCEEDINGS
SPECIAL TOWN MEETING
FEBRUARY 24, 1997

(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, February 3, 1997, the inhabitants of the Town of Sudbury, qualified to vote in Town Affairs, met in the Lincoln-Sudbury Regional High School auditorium on Monday, February 24, 1997, for the first session of the Special Town Meeting.

The Special Town Meeting for the Town of Sudbury was called to order by Moderator, Thomas G. Dignan, Jr. at 7:40 P.M. when a quorum was declared present.

The Reverend George Saylor of the United Presbyterian Church, gave the invocation which was followed by the Pledge of Allegiance.

The Moderator had examined and found in order the call of the meeting, the Officer's Return of Service and the Town Clerk's Return of Mailing. He recognized Chairman Blacker for a motion to dispense with the reading of the Call of the Meeting. Following, Mr. Blacker of the Board of Selectmen, Moved to dispense with the reading of the warrant and the individual articles.

The motion received a second and was **VOTED**.

The Moderator reviewed the order of procedure for a town meeting. He said he intended to exercise the powers of the Moderator to limit debate to the extent necessary to assure completion of the warrant by Wednesday night as it would be difficult to meet print deadlines for the Town Election to be held on March 31st for those items passed that must be included on the ballot. He said that he was not saying that there was any limit on debate but that he would be alert to repetition.

Hans LoPater, Winsor Road, asked if any or all articles passed at this town meeting would be bundled as one item at the time of the election.

The Moderator said that was a legitimate inquiry, in his opinion, as it could affect people's vote if they knew things would be bundled or not on given articles, and it was up to the Selectmen to decide. He asked the Selectmen if they wished to address the question. Mr. Blacker said they had not made a decision. He said that in informal discussions they had three different opinions as to whether some, all, or none should be bundled. He said they were not trying to duck the question, they did not know yet. It would take two of the three Selectmen to come to some consensus as to what they are going to do and that wouldn't take place until this Special Town Meeting is concluded.

Jim Tewhey, Fairbank Road, suggested to the Selectmen that particular answer made it extraordinarily difficult to cast an intelligent vote on any of the matters being discussed. There was a set of important issues before the Town Meeting and an important vote would be coming up and unless he knew how the vote would be structured, he believed he could not make an intelligent decision about what to do for the remainder of that evening. If this were to be bundled as one package he would have one set of votes; if it were to be set out as a series of votes individually, that allowed a different set of votes. The way it was set up made it virtually impossible to make a reasonable set of decisions that night.

The Moderator pointed out that the authority to set that ballot lay with the elected officials of the Town, the Selectmen, and if they didn't have any answer, the attendees must simply go forward on that basis. There was nothing anyone could do.

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Ralph Tyler asked a question of the Town Counsel regarding the making of any one of these articles contingent on there being a separate vote as opposed to being a bundled vote. He inquired if that would be acceptable or what sort of effect that would have on procedure.

Paul Kenny replied that the Town Meeting could not direct the Selectmen to make an article contingent of there being a separate vote or bundled vote.

Mr. Tyler rephrased his question indicating that he was not directing the Selectmen to make articles contingent on there being a separate vote or a bundled vote, he was suggesting that the Selectmen allow the Hall to make the decision and the Selectmen could follow suit.

The Moderator said he believed what Mr. Kenny stated was that making the vote contingent upon the Selectmen doing certain things could be argued as the same as directing them. Mr. Kenny said that that was correct.

Martha Coe, Churchill Street, stated that she had read in the newspaper that one of the Selectmen said that if an article were not passed at this meeting it would not appear in the March ballot. She wanted to know if that were true. Mr. Blacker said that was true and he assumed she meant that if any article were defeated, it would not appear.

Lawrence Blacker added, regarding bundling, that because L-S is a separate entity if the Rogers Theatre passed, it would be a separate article. It was not an option of the Selectmen to put that into the rest of the package.

The Moderator called for the opening remarks from the Board of Selectmen with respect to the entire meeting which Town Manager, Mr. Steve Ledoux, delivered.

Steve Ledoux addressed the hall. He thought Sudbury folks were in a unique set of circumstances with many serious items to be considered. He believed people were there for at least three reasons: 1) the need to know more about the proposed projects, 2) the need to understand that if the plan were approved in its entirety what did it mean on the tax rate, and 3) what were some other operational costs or impacts upon the tax rate.

Using a chart he showed some of the projects under consideration and potential offsets of cost as the town moves forward. He explained the impact on taxes if everything does pass, bundled or not bundled. He also addressed another area of concern which was possible operational surprises, and impact of school issues.

THE FINANCE COMMITTEE REPORT: The Finance Committee did not have a preliminary report.

ARTICLE 1. CONSTRUCT PUBLIC WORK FACILITIES -

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$3,000,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of remodeling, reconstructing, constructing additional space, or making extraordinary repairs to the existing town Highway Department facility off Old Lancaster Road and/or constructing a new town building, purchasing additional equipment and furniture, and landscaping, for a Department of Public Works and other town offices, and all expenses connected therewith, including professional, engineering, and architectural services and preparation of plans, specifications and bidding documents, and supervision of work; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen and Highway Supervisor

Selectman John Drobinski Moved to appropriate the sum of \$3,026,000 to be expended under the direction of the Permanent Building Committee, for the purpose of remodeling, reconstructing, constructing additional space, or making extraordinary repairs to the existing town Highway Department facility off Old Lancaster Road and/or constructing a new town building, purchasing additional equipment and furniture, and landscaping, for a Department of Public Works and other town offices, and all expenses connected therewith, including costs of demolition, expenses incurred for professional, engineering, and architectural services, expenses for the preparation of plans, specifications and bidding documents, expenses related to supervision of work and expenses for bond and note issuance; to authorize the Permanent Building Committee to execute a contract or contracts therefor; and to raise this appropriation the Treasurer, with approval of the Selectmen, is authorized to borrow \$3,026,000 under General Laws C.44, S.7; all appropriation hereunder to be contingent upon approval of a proposition 2 1/2 debt exclusion in accordance with General Laws C59,S21C. The motion received a second.

BOARD OF SELECTMEN REPORT AND HIGHWAY SURVEYOR REPORT: Town Manager, Steve Ledoux, made the presentation on behalf of the Selectmen. He stated that under State law the Town is obligated to pay contractors' prevailing wage rate, which is a rate determined by the Department of Labor and Industries stating what pay jobs within a construction project should receive. The prevailing rate throughout the State drives up the cost of construction projects from 20 to 50%.

Using slides, he showed a project description- its requirements, costs, and architect's input. He also showed a series of photos depicting deterioration of doors and windows, significant structural cracks, bowing roof, lunch area, lavatory facilities, and tight quarters between trucks. He showed pictures of the planned new building and the planned rehabilitation of current building.

Mr. Ledoux turned the presentation over to Bob Noyes, the Highway Surveyor. He informed the hall that there is \$ 500K of capital equipment stored outside day and night, that the heating system has problems, and that there are safety factors which needed repaired.

FINANCE COMMITTEE REPORT: (Karen Palmer) The Finance Committee recommended approval of this article in the amount of \$ 3,026,000 by means of the debt exemption

PERMANENT BUILDING COMMITTEE: (Bruce Ey) The Permanent Building Committee supported approval.

LONG RANGE PLANNING COMMITTEE: (Bill Katz) The Long Range Planning Committee recommended approval.

Henry Sorrett, Longfellow Road, was recognized and spoke against this article. He proposed to privatize the construction of the facility, avoid prevailing wage laws, and then lease the building for as

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long as needed. He said Sudbury could put in an option to buy back the facility at its appreciated value at the end of the lease.

Mr. Blacker responded to Mr. Sorrett's comment saying that in order to do what Mr. Sorrett proposed, Massachusetts required special state legislation which is almost impossible to obtain.

There was much discussion regarding the article.

A motion was received and seconded to Move the question.

This motion to terminate debate was **VOTED**.

The motion under Article 1 was **VOTED** and counted.

YES: 559 OPPOSED: 255 (543 needed)

ARTICLE 2. FLYNN BUILDING RENOVATION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$1,500,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of reconstructing, remodeling, or making extraordinary repairs to the Flynn Building, including purchasing additional equipment and furnishings, and for the purpose of obtaining professional, engineering and architectural services, including preparation of plans, specifications, bidding documents and supervision of work, and all expenses connected therewith including storage, moving, and bond and note issue expense; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen

Selectman John Drobinski Moved to appropriate the sum \$2,078,000 to be expended under the direction of the Permanent Building Committee, for the purpose of reconstructing, remodeling, or making extraordinary repairs to the Flynn Building, including purchasing additional equipment and furnishings, and for the purpose of obtaining therefor professional, engineering and architectural services, including preparation of plans, specifications, bidding documents and supervision of work, and all expenses connected therewith including storage, moving, and bond and note issuance; to authorize the Permanent Building Committee to execute a contract or contracts therefor, and to raise this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$2,078,000 under General Laws Chapter 44, Section 7, all appropriation hereunder to be contingent upon approval of Proposition 2 1/2 debt exclusion in accordance with General Laws Chapter 59, Section 21C. The motion received a second.

BOARD OF SELECTMEN REPORT: Steve Ledoux made the presentation on behalf of the Selectmen. He said that the Flynn project dealt with structural, legal, and efficiencies issues similar to the Town Garage. The renovation was a three part project- First it was a structural renovation. Part of the issue with the structure was the loading capacity. Secondly, the Town was cited for not meeting the ADA (Americans with Disabilities Act). Thirdly, this project consolidated most of the Town's offices into one building. Sudbury has three buildings with key administrative people. This situation makes it difficult for Mr. Ledoux to keep a pulse on what's going on. The building also has inadequate electrical wiring and some mechanical problems.

Adding onto the DPW garage and consolidating everyone into one building was considered. Architect, Max Sparrow, estimated that if we were to duplicate the square footage of the Flynn Building at another site, presumably the Town Garage site as an example, the project would be \$3M. Doing it here would save the Town at least \$1M. In sum this project addressed the Federal law on disabilities, it reinforced the building structurally, and it allowed the Town to be more efficient in terms of office consolidation. Reference was made to possible future uses of the Loring Parsonage such as a museum or the Historic Society. It was anticipated that the Town Hall would continue to be used for public purposes.

FINANCE COMMITTEE REPORT: (Steve Wishner) The Finance Committee recommended disapproval of this article. It recognized the need for this project and agreed to support the Flynn renovation at \$1.5M, however, immediately preceding this Special Town Meeting the Fincom was apprised that the cost associated with the project had increased dramatically, by approximately one-third of the entire cost of the project. The Finance Committee did not have the opportunity to evaluate the change or impact of the change.

PERMANENT BUILDING COMMITTEE REPORT: (Frank Schimmoller) The Permanent Building Committee supported this article.

LONG RANGE PLANNING COMMITTEE REPORT: (L. William Katz, Chairman) The Long Range Planning Committee went along with the FinCom and asked for further information. Mr. Katz had

not polled his Committee but believed they supported the position as well. The LRPC had supported the project at the \$1.5M cost and had heard about the higher amount only that evening.

Lawrence Blacker said the Selectmen understood the positions of the Finance Committee and the Long Range Planning Committee, yet he asked the hall to vote in favor of the article. The only change is the cost. It is the same plan. He believed both Committees would support the new estimate when it comes before the Hall at the Annual Town Meeting. He said the compliance with the ADA regulations was the largest bulk of the cost. ADA and structural deficiencies were two-thirds of the cost, efficiencies were only one-third of the cost.

Donald Oasis, Willis Road, asked the Moderator if any article defeated that night could be debated again at the Annual Town Meeting. The Moderator replied in the affirmative but that Zoning Articles under certain circumstances could not be brought back.

Ralph Tyler recommended that this article be defeated because he believed it was the wrong project in the wrong building. If Sudbury were to have consolidated offices he thought it should be in the place where people go and he believed that should be the Town Hall. He reviewed the number of employees involved, and the amount of space rented out to non-town departments such as the Credit Union and the Sudbury Foundation. Mr. Tyler suggested places in which meetings could be held. He also thought this article, and many of other articles as well, should be defeated. He felt it unwise for the whole capital plan to be approved at once because one could lose control through the feed-back mechanism.

Mr. Blacker responded that they were working to bring this project in for less money.

Don Griswold, Dutton Road, asked why the Finance Committee and other committees just found out about the increase that night.

Mr. Ledoux replied that the new estimate from the architect was received a week and a half ago. He subsequently asked the Permanent Building Committee to review the plan to see if the cost could be reduced. It then took a week or so for the Permanent Building Committee to get back to him.

There was a motion to "*Move the question*", which was seconded. This motion to terminate debate was VOTED by a clear two-thirds vote.

The main motion under Article 2 was **DEFEATED**.

ARTICLE 3. REPAIR FIRE STATION #2, BOSTON POST ROAD

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$107,500, or any other sum, to be expended under the direction of the Fire Chief and Permanent Building Committee, for the purpose of making extraordinary repairs to the building and property known as Fire Station #2, 550 Boston Post Road, including but not limited to replacing the concrete floor in the apparatus area, replacing the roof, and paving the driveway and parking lot, and for the purpose of obtaining professional, engineering and architectural services, including preparation of plans, specifications, bidding documents, and supervision of work, and all expenses connected therewith; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen and Fire Chief.

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Selectman John Drobinski Moved to appropriate the sum of \$108,500 to be expended under the direction of the Fire Chief and Permanent Building Committee, for remodeling or making extraordinary repairs to the building and property known as Fire Station #2, 550 Boston Post Road, including but not limited to replacing the concrete floor in the apparatus area, replacing the roof, and paving the driveway and parking lot, and all expenses connected therewith, including expenses incurred for professional, engineering and architectural services, expenses for the preparation of plans, specifications, and bidding documents, expenses related to the supervision of work, and expenses for bond and note issuance; to authorize the Permanent Building Committee to execute a contract or contracts therefor; and to raise this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$108,500 under General Laws Chapter 44, Section 7; all appropriations hereunder, to be contingent upon approval of Proposition 2 1/2 debt exclusion in accordance with General Laws Chapter 59 Section 21C. The motion received a second.

BOARD OF SELECTMEN REPORT AND THE FIRE CHIEF REPORT: Steve Ledoux and Chief Dunn made the presentation. Fire Station #2 was located on Route 20, in front of the Raytheon Plant. The building was about 36 years old. The project cost basically does three things—it replaced the cracked concrete floor in the apparatus area; it replaced the roof, and finally it paved the heaved driveway area. The floor drains were cracked, tilted, and did not meet current DEP standards. An alternative considered was a flat roof which would save money but would not do well in this environment, and would have some maintenance costs. The repair of the floor would eliminate many slips and falls.

Chief Dunn showed photos of the current building and its problem areas. A quote of \$65,000 was received from the original architect to remove and replace the floor with the proper drainage. The cost to replace the roof is \$35,000. The final part was the paving cost of \$7,500 which was quoted from a local contractor.

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

PERMANENT BUILDING COMMITTEE REPORT: The Permanent Building Committee recommended approval of this article.

LONG RANGE PLANNING COMMITTEE REPORT: The Long Range Planning Committee recommended approval of this article.

The motion under Article 3 was **UNANIMOUSLY VOTED**.

A Point of Order was requested by Mr. Kline to adjourn. The Moderator noted that he would accept such a motion but it would require a two-thirds vote to pass.

The Moderator declared it was a two-thirds vote and the meeting was adjourned at 10:25 P.M. until the following evening.

Attendance: 900

ADJOURNED SPECIAL TOWN MEETING

FEBRUARY 25, 1997

(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, February 3, 1997, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School auditorium on Tuesday, February 25, 1997, for the second session of the Special Town Meeting.

The second session of the 1997 Special Town Meeting was called to order at 7:33 P.M.

The Moderator noted all motions of substance, including main motions to amend, were to be put in writing and presented to the Town Clerk before they were made or directly thereafter.

ARTICLE 4. SCHOOL CONSTRUCTION AND RENOVATION PROJECTS

To see what sum the Town will vote to appropriate for the purpose of constructing a new elementary school and for remodeling, reconstructing or making extraordinary repairs and additions to existing schools and for all costs associated therewith, including engineering costs and bidding documents, to be expended under the direction of the Permanent Building Committee; and to determine whether this sum will be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

Karen Krone of the Sudbury School Committee Moved to appropriate the sum of \$43,604,000 to be expended under the direction of the Permanent Building Committee for the purpose of constructing a new elementary school, and for remodeling, reconstructing, or making extraordinary repairs and additions to existing schools, and for purchasing additional equipment and furniture, and for landscaping, and for all expenses connected therewith, including costs of demolition, expenses incurred for professional, engineering and architectural services, expenses for the preparation of plans, specifications and bidding documents, expenses related to supervision of work, and expenses for bond and note issuance; to authorize the Permanent Building Committee to execute a contract or contracts therefor; and to raise this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$43,604,000 under General Laws Chapter 44 Section 7, and Chapter 645 of the Acts of 1948; All appropriations hereunder to be contingent upon approval of a Proposition 2 1/2 debt exclusion in accordance with General Laws Chapter 59 Section 21C. The Motion received a second.

Ms. Krone stated, "The School Committee, as your elected representatives and fellow taxpayers, has been working for the past year and a half to develop a comprehensive cost effective plan to deal with increasing student enrollment and aging buildings. We worked with citizens, town employees, various town boards, administrators, teachers and independent professionals to find solutions to the complex problems we are facing today and tomorrow. The School Committee has now completed our homework and made our decisions. We have developed the plan. What we are asking for tonight is your support to allow this project to go forward to the ballot on March 31. By voting yes tonight you will allow all of Sudbury's voters to have a voice at the polls. The School Committee, administrators and teachers are committed to maintaining Sudbury's long tradition to excellence in education. We know that you too are committed to the same values and we ask for your support tonight. The School Committee shares the responsibility of educational stewardship with the professional staff. We have asked Bill Hurley, Superintendent of Schools, to present a brief summary of the School Committee's plan."

SUDBURY SCHOOL COMMITTEE REPORT: William Hurley, Superintendent of Schools, made the presentation. He addressed the following questions: Was this necessary? How much would it cost? Can this plan be spread out over time? Could Sudbury count on reimbursement? Did the Committee

look at options? He stated that enrollment growth was driving this plan. There was an 8% growth in grades K through 8 last year, which was about twice the State average. He showed slides supporting the increased growth of school population and the expected growth. In 1996 the schools had a student capacity which exceeded space allotment and this situation would only get worse if nothing is done. He showed slides of children studying and having lessons in the hallways and foyers of buildings. He estimated that the space needs by the year 2006 would be 39 new classrooms at elementary level, and about 18 more at the middle school.

Mr. Hurley said they were dealing with aging infrastructures. This integrated plan coordinated the \$2.6 million appropriated at last year's Town Meeting to deal with emergency issues with this current plan ensuring there is no wasted money. If this plan went forward, Mr. Hurley stated that \$700,000 would be reimbursable. He stated there was an urgency to get the plan approved by the State Education Department.

He explained the plan which recommended building a new elementary school to house approximately 650 students at the expanded Loring site. He showed a sketch of a two-story building which would occupy the space. The second aspect of the plan was to renovate and expand Curtis to 1156 students. The Curtis long range plan was for useable life of 40 years. The final aspect of the plan was to provide comparable technology at all the schools.

Mr. Hurley next addressed the costs, which included:

- The Haynes renovation and addition of approximately \$8.5 million
- The renovation and technology work at Noyes of just over \$1 million
- The technology at Nixon of \$380,000
- The Curtis renovation and addition of just over \$20 million
- The new elementary school of just under \$13 million

The request at Town Meeting therefore was \$43.2 million of which \$27.5 million was reimbursable through SBAB (School Building Assistance Bureau). The net cost to the Town was \$15.7 million. He stated that the School Committee looked at alternatives and he listed a few of them. He said the final plan was the most cost effective and gives the most longevity.

BOARD OF SELECTMEN REPORT: (Maryann Clark) The Board of Selectmen recommended approval.

FINANCE COMMITTEE REPORT: (Michael Bayer) The Finance Committee recommended approval.

PERMANENT BUILDING COMMITTEE: (Michael Melnick) The Permanent Building Committee recommended approval.

LONG RANGE PLANNING COMMITTEE: (Charlotte Broussard) The Long Range Planning Committee recommended approval.

Martha Coe (Churchill Street) stated that she felt that the State reimbursement is not guaranteed and that this article should be defeated. Therefore she thought the Sudbury School Committee should go back to the Annual Town Meeting with a plan the taxpayers could afford. She also addressed class sizes and the costs that resulted from smaller or larger classrooms. She felt that if this project in its current form were passed it would reduce the value of houses, not increase it, as it would eliminate the pool of people who would buy the houses.

Kirsten Roopenian (Harness Lane) discussed the SBAB reimbursement saying that she had just received a notice from the Governor's office stating that the SBAB funding was proposed to increase in the next fiscal year.

Jim Tewhey (Fairbank Road) supported this article but did not feel that this was a comprehensive plan dealing with issues around enrollment. He felt that until such time as the Town got a handle on development in the Town we are in fact not going to deal with the issue of enrollment in the schools.

There was additional discussion on the construction of the Curtis Middle School, and on the impact of the operations budget of this program.

A motion was received and seconded to Move the question.

This motion to terminate debate was **VOTED**.

The motion was voted and counted.

YES: 590 OPPOSED: 107 (465 needed to pass)

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

**ARTICLE 5. PURCHASE LOTS 12A AND 13A, WOODSIDE ROAD/CUTLER
FARM ESTATES, FOR SCHOOL PURPOSES**

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$565,000, or any other sum, to be used for the purchase of all or a portion of Lots 12A and 13A, adjacent to the Loring School property on Woodside Road, to be used in conjunction therewith, said Lots 12A and 13A shown on a plan entitled, "Site Plan Lots 12A and 13A Cutler Farm, Sudbury, MA Prepared for Barberrry Homes, Inc.," drawn by Gregory J. Patterson, Land Planner/Civil Engineer, 12 Lomas Drive, Framingham, MA, and dated April 7, 1996, a copy of which is on file in the Town Clerk's Office; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Maryann Clark, Board of Selectmen, Moved to authorize the Board of Selectmen, acting on behalf of the Town of Sudbury, to purchase all or a portion of lots 12A and 13A adjacent to the Loring School Property on Woodside Road, to be used in conjunction therewith, such lots 12A and 13A shown on a plan entitled "Site Plan Lots 12A and 13A Cutler Farm, Sudbury, MA prepared for Barberrry Homes, Inc.," drawn by Gregory J. Patterson, Land Planner/Civil Engineer, 12 Lomas Drive, Framingham, MA, and dated April 7, 1996, and to appropriate the sum of \$550,000 therefor and for all expenses connected therewith, including bond and note issuance expense; and to raise this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$550,000 under General laws Chapter 44 Section 7; all appropriations hereunder to be contingent upon approval of a Proposition 2 ½ debt exclusion in accordance with General Laws Chapter 59 Section 21C. The motion received a second.

Mr. William Braun, of the Sudbury School Committee, made the presentation. During the process of developing the school's capital plan, it became evident that a new elementary school would be necessary. Naturally, we first turned our attention to the Loring School site. This slide shows this site has significant constraints due to its size, wetlands and topography. The architects and engineers advised us that the site could not support a school of 600 to 650 students. These wetlands are isolated and non-functional but would need to be replicated if we were to build a school any bigger than the present building shown right here—even if a proposed school was to be a multi-storied structure. In addition to a school, space is needed for a bus loop, parent drop-off, parking, play area and athletic fields, if possible. Also, as you can see the elevation drop[s] off from some 16 feet within the proposed foot print of a potential new school. So the site poses some significant challenges in terms of school structure as well.

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He reviewed the SBAB guidelines covering proposed school sites, which made the school eligible for State reimbursement. With that criteria in mind and given the difficulties involved in the Loring School site as it stood, we looked at all the other town-owned properties in the hope of finding a suitable school site without having to buy land. After evaluation of all possible sites, the Loring School site remained the best option. To make this option feasible, the addition of Lots 12A and 13A was required to accommodate a building of sufficient size with adequate grounds for parking and outdoor activities. Mr. Braun then showed the school plan, bus loops, parking and drop-off, replicated wetlands and baseball fields.

He explained the initial discussions with the developer regarding the purchase price. After negotiation with the Town Manager the developer has made a final offer of \$545,000, which was presented to you in tonight's reading of the article with \$5,000 of bonding cost added for a total of \$550,000. Unfortunately, since these parcels make possible the only feasible site without incurring significantly higher land costs, their value is higher to the town than it may be to other parties. The Town could take the land via the eminent domain process, but the Town has rarely engaged in unfriendly takings under eminent domain. In the case of such a taking, the affected party has the right to dispute the valuation in court. Town Counsel advises that this course could result in a lower price but also entails a appreciable risk that the Town would be compelled by the court to pay an amount equal to or greater than the initial offering price. In view of the necessity of the new school, the financial unattractiveness of other land acquisition alternatives, and the uncertainty of any significant savings to the Town through a hostile eminent domain process, the School Committee recommends that the Town Meeting approve the appropriation of the sum not to exceed \$550,000 including bonding costs to purchase the additional land necessary to construct a new school on the Loring site.

FINANCE COMMITTEE REPORT: (Michael Bayer) The Finance Committee recommended approval. There was a concern that the land price as indicated in the Article represented a high valuation on the property, and the Finance Committee urged the School Committee to continue negotiations with the property owner to arrive at a fair price based on an independent and unbiased assessment of the fair market value of the property.

LONG RANGE PLANNING COMMITTEE: (Charlotte Broussard) The Long Range Planning Committee supported this article.

The motion under Article 5 was **UNANIMOUSLY VOTED.**

**ARTICLE 6. TRANSFER LORING SCHOOL AND LOTS 12A & 13A
TO SUDBURY SCHOOL COMMITTEE**

To see if the Town will vote to transfer the care, custody, management and control of the Loring School property on Woodside Road, together with all or a portion of Lots 12A and 13A shown on a plan entitled, "Site Plan Lots 12A and 13A Cutler Farm, Sudbury, MA Prepared for Barberry Homes, Inc.", drawn by Gregory J. Patterson, Land Planner/Civil Engineer, 12 Lomas Drive, Framingham, MA, and dated April 7, 1996, a copy of which is on file in the Town Clerk's Office, to the Sudbury School Committee pursuant to M.G.L. C.40, section 15A, or act on anything relative thereto.

Submitted by the Board of Selectmen.

The Board of Selectmen Moved to *Indefinitely Postpone Article 6*. The motion was seconded. The Board of Selectmen Indefinitely Postponed this Article because the Article would be going to the Annual Town Election on March 31. If it passed at the Annual Town Election the Selectmen did not want to transfer ownership until after the Annual Town Meeting.

The Finance Committee did not have a position on the motion to indefinitely postpone.

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

ARTICLE 7. TECHNOLOGY MANAGEMENT PLAN

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$944,374, or any other sum, for the purpose of purchasing and installing a wide area computer network to link all municipal Town and Sudbury Public School buildings and for all expenses connected therewith including equipment, information systems software, and professional, consulting and training services; to be expended as follows:

\$500,000 under the direction of the Town Manager and

\$444,374 under the direction of the Superintendent of Schools;

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

Submitted by the Board of Selectmen and Sudbury School Committee.

Lawrence Blacker, Chairman of the Board of Selectmen, Moved to appropriate the sum of \$700,800 to be expended under the direction of the Town Manager, and the sum of \$73,200 to be expended under the direction of the Sudbury School Superintendent for the development, design, purchase and installation of computer hardware and equipment, and information systems software incidental thereto, for the purposes of establishing a wide area computer network linking all municipal town and Sudbury public school buildings, and all expenses connected therewith, including expenses incurred for professional, engineering, consulting and training services, expenses for the preparation of plans, specifications and bidding documents, expenses related to supervision of work, and expenses for the bond and note issuance; and to raise this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$774,000 under General Laws Chapter 44 Section 7, all appropriations hereunder to be contingent upon approval of a Proposition 2 ½ exclusion in accordance with General Laws Chapter 59 Section 21C. The Motion received a second.

BOARD OF SELECTMEN REPORT AND THE SUDBURY SCHOOL COMMITTEE

REPORT: Steven Ledoux, Town Manager, said this was a unique joint venture between the Town and the K through 8 school system. The technology is important to the Town and schools because it will be needed to move into the 21st century. He stated that in 1993 the Town undertook a management study performed by the MMA Consulting Group and in 1994 as part of the result of that study the Town Charter was created. In 1996 the Town undertook a technology needs assessment and a technology management plan was developed.

In 1993 the MMA came forth with several recommendations, which were:

1. That the Town needed to establish a formal approach to acquire hardware and software;
2. That a computer committee of users should be established for the Town;
3. That a Management Information Department be developed;
4. That the hardware and software be inventoried;
5. That Local and Wide Area Networks be established;
6. That strategies for use of the technology be developed.

The Town Charter required formation of several departments and increased the authority of the Town Manager. The 1996 needs assessment helped establish connections between departments; eliminated duplication of efforts, increased user access to financial and census applications, and established an information technology department. Many of the requirements were fulfilled but the Town still had a goal to electronically connect all citizens and employees to Town services. Mr. Ledoux described the overall goals of the Town of Sudbury Technology Plan.

The Plan established a Wide Area Network connected to all the Town Buildings and a Local Area Network within the buildings. It dealt with employee workstations and with the software licensing. He described outside financing and donations which were already received from various sources.

Next, the Director of Curriculum Instruction of the Sudbury Schools addressed the school's section of this Article. The purpose of the Technology Plan was to equip the students with the necessary skills and resources to effectively utilize technology in their learning and in their lives. The Plan initiatives include:

1. Designing an infrastructure to support teaching, learning and administration as the State has asked;
2. Creating a comprehensive curriculum and instruction plan which utilizes technology as a tool;
3. Developing a communications network that maximizes available and future resources and creates an environment of responsible and effective use of technology with students;
4. Developing a comprehensive professional development plan.

Further goals and costs covering the next five years were addressed.

FINANCE COMMITTEE: (Karen Anderson-Palmer) The Finance Committee supported funding of this Article.

LONG RANGE PLANNING COMMITTEE: The Long Range Planning Committee supported the Technology package but requested a little more time on the school package and its coordination with the Town Technology Package.

Hans LoPater, Winsor Road, asked why there was a 40% difference between what was printed in the warrant and what was requested.

MaryEllen Dunn, Treasurer, responded that the original estimate was a year old, and it was the routers to be used which increased the cost.

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Mr. LoPater was looking for a cost benefit analysis, and based on what he heard that night he felt this was not the time to spend this money. He urged defeat of this Article.

Susan Kuykendall, Hampshire Street, indicated that the plan was at least two years old, that there are more updated technologies to be investigated, and the costs could be subsequently affected. She encouraged knowledgeable townsfolk to step forward and help.

Robert Coe (Churchill Street) stated that he felt high technology is a "piece" of the educational experience in this Town, but that this Town is training its students for jobs purely in high tech. He felt that if the Town trains its student only for computers and high tech employment then the Town had tunnel vision and was training for jobs that do not exist.

There was additional discussion regarding the need for information for ongoing costs, a cost savings report, a needs assessment, the expectations of the technology manager, and the need to reach out to the community for donations and services.

The motion under Article 7 was presented to the voters and was **DEFEATED**.

ARTICLE 8. WALKWAY PROGRAM

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$565,550, or any other sum, to be expended under the direction of the Director of Public Works, for the planning, engineering, and construction of the following walkways:

Dakin Road (Concord Town Line to Blacksmith Drive)
Concord Road (Lincoln Road to Thompson Drive)
Fairbank Road (Fairbank Center northward 450 feet)
Goodman's Hill Road (Kato Drive to Route 20)
Peakham Road (Robert Best Road to #118 Peakham Road)
Powder Mill Road (Virginia Ridge Road to Route 117) and (Tavern Circle to Maynard Town Line)
Powers Road (Powder Mill Road to Concord Town Line)
Dutton Road (Tanbark Road to Pratt's Mill Road)
Horse Pond Road (State Police Crime Lab to Route 20)

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

Submitted by the Board of Selectmen and Planning Board.

Richard Brooks of the Planning Board Moved to appropriate the sum of \$638,500 to be expended under the direction of the Town Manager for the planning, engineering, and construction of the following walkways:

*Dakin Road from Concord Town Line to Blacksmith Drive
Concord Road from Lincoln Road to Thompson Drive
Fairbank Road from Fairbank Center northward 450 feet
Goodman's Hill Road from Kato Drive to Route 20
Peakham Road from Robert Best Road to #118 Peakham Road
Powder Mill Road from Virginia Ridge Road to Route 117 and from Tavern Circle to Maynard Town Line
Powers Road from Powder Mill Road to Concord Town Line*

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*Dutton Road from Tanbark Road to Pratt's Mill Road
Horse Pond Road from State Police Crime Lab to Route 20;*

and to raise this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$638,500 under General Laws 44 Section 7; all appropriation herewithunder to be contingent upon approval of a Proposition 2 ½ debt exclusion in accordance with General Laws Chapter 59 Section 21C. The motion received a second.

THE PLANNING BOARD REPORT: Richard Brooks of the Planning Board made the presentation. He said this is a 6-year plan and that these were priority walkways. The criteria established for walkway construction included: providing pedestrian safety; access to schools and recreation areas, and to connect neighborhoods and existing walkway structures. He said the Planning Board believed this plan would benefit a large percentage of Sudbury's population. He showed a slide of current and planned walkways.

THE BOARD OF SELECTMEN REPORT: Larry Blacker, Chairman of the Board of Selectmen, said that one of the reasons this Article has been brought before the Town Meeting in this fashion is to avoid what happens every year. Typically a neighborhood which desires a walkway comes and petitions the hall to approve the construction of their walkway and they tend to bring as many neighbors and people interested as they can so as to get the vote to support it. It ends up pitting one neighborhood against another neighborhood. The intent here is to have a plan. This covers most of the walkways that have been recognized as being needed, to facilitate access to schools and/or because of dangerous roads, and/or to get to the center of town and things of that nature. This avoids that problem. As was stated by Mr. Brooks, this is a plan that will not be expended on the day it is approved, assuming it is approved, but over a six-year period. He urged support.

FINANCE COMMITTEE: The Finance Committee recommended approval.

There was further discussion regarding linkages and unfinished walkways.

Ralph Tyler Moved to change the amount to \$1.5 million. The motion did not receive a second. He used a slide to enhance his thoughts regarding building connecting walkways. Mr. Tyler then spoke against the article because he felt it was a partial plan.

A motion was received and seconded to Move the question.

This motion to terminate debate was **VOTED**.

The motion under Article 8 was presented to the voters and was **DEFEATED**.

A motion was received and seconded to continue with articles that evening.

The motion to continue was presented to the voters and was **DEFEATED**.

Before the hall adjourned the Moderator asked Ralph Tyler if he intended to bring motions forward under the last three articles or did Mr. Tyler think they were moot at this point. It was Mr. Tyler's intent to pass them over.

It being 10:45 P.M. under the rules of the Town, the meeting was adjourned.

Attendance: 814

ADJOURNED SPECIAL TOWN MEETING

FEBRUARY 26, 1997

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

The third session of the Special Town Meeting for the Town of Sudbury was called to order by Moderator, Thomas G. Dignan, Jr. at 7:45 P.M. when a quorum was declared present.

ARTICLE 9. LSRHS ROGERS EDUCATIONAL CENTER RENOVATION

To see if the Town will vote to approve the amount of \$1,950,000 debt authorized on January 28, 1997, by the Lincoln-Sudbury Regional School District for the purpose of financing costs of reconstructing, equipping, remodeling and making extraordinary repairs to the Rogers Educational Center, including costs incidental and related thereto; or act on anything relative thereto.

Submitted by the Lincoln-Sudbury Regional School District Committee.

Dave Wilson of the LSRHS Committee Moved to approve the \$1,950,000 debt authorized on January 28, 1997, by the Lincoln-Sudbury Regional School District for the purpose of financing costs of reconstructing, equipping, remodeling, and making extraordinary repairs to the Rogers Educational Center, including costs incidental and related thereto, provided, however, that the aforesaid approvals be subject to passage by the Town of the Proposition 2 1/2 debt exclusion respecting such borrowing. The Motion received a second

The Moderator said because this was an approval vote on an LSRHS matter no motions to amend can be accepted.

LINCOLN-SUDBURY REGIONAL SCHOOL DISTRICT COMMITTEE REPORT: Mr. Wilson made the presentation for the LSRHS District Committee. LSRHS was built in 1954. Total cost for building, land and Featherland Park as a unit was \$1.5 million. Since that time there had been three additions and other repairs. Over 42 years the Town had spent \$10.5 million for the school. The building had been well maintained, however, Rogers Theatre needs repair. Rogers is 42 years old and there are safety considerations.

In 1990 the L-S School Committee hired Gale Engineering to recommend actions to maintain the building. The renovations suggested by Gale Engineering were decreased by the School Committee to what the Committee felt were absolutely necessary items. Everything on the School Committee list had been repaired except for Rogers Theatre.

The present 156-seat Rogers Theater has serious structural and safety concerns. The problems include:

- There are safety concerns involving wiring, lights and the lightboard. They are 42 years old, pieced together and hung over 35-year old temporary pipes.
- The fixtures, curtain, stage rigging, the stage, and fly space are all 36- to 42-years old and in need of repair.
- There are only three exits.
- The seats are wood, flammable and falling apart.
- The wood paneling at the rear of the theatre is flammable.
- There is no sprinkler system or fire control mechanism.
- There is no sound system which means an extra layer of wires to go with the lighting.
- The stage is not handicapped accessible. Federal mandates required that it must be handicapped accessible.

The presentation was turned over to Superintendent-Principal of L-S Regional High School, John Ritchie. He spoke about the potential educational and community opportunities provided by the proposed Rogers Educational Center. This plan is a result of a facilities study done in 1992; it was approved by the town of Lincoln in 1994. Fundamentally it involves turning a small, rundown, uncomfortable and unsafe theatre with 148 seats into an education center for the school and the towns with seating for 350 people. He felt if it were to be renovated it would be used all day and during most evenings. The costs involved include construction, lighting, staging, seats, lobby, dressing rooms, handicapped access, air conditioning; but the benefits seem immeasurable.

BOARD OF SELECTMEN: (John Drobinski) The Board of Selectmen supported this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommended approval.

Lawrence Blacker stated that LS can be bundled with the other articles. On the first night of the Special Town Meeting he believed that L-S could not be bundled, however, since that time he learned that it could be bundled.

LONG RANGE PLANNING COMMITTEE: (Bob Graham) The Long Range Committee did not support this article. The Committee felt that a need had not been adequately demonstrated. Furthermore, it believed the safety issues were exaggerated. Within the past year both the Fire Chief and Building Inspector looked at the auditorium and said it was safe and not in violation of fire and building codes.

Hendrik Tober, Ames Road, stated that there was not a curricular need for a theatre in a school and therefore the taxpayer should not be required to pay for one.

Ed Sooper, Churchill Street, urged the hall to defeat this article but not because the article did not have merit but because he was against financing it with tax dollars. He urged the taxpayers to hire professional development officers who know where and how to get the funds for renovation without cost to the taxpayers.

Mr. Graham responded that this had already been done and that it was found that generally money foundations believed that the towns should be doing the renovations to their schools.

Considerable discussion in the hall ensued centering around the benefits of the Rogers Theatre including: Chuck Schwager's nine reasons to pass the article; an explanation about the source of money to be raised privately from philanthropists and area foundations; and a small donation from Chiswick Theatre.

Ivan Lubash, Barbara Road, felt there were some inconsistent statements. An example was the description of the Rogers Theatre. If it were in the condition as described then it should have been closed. Secondly, he felt the acting classes could be held in the auditorium. Lastly, he referenced income to be derived from use of the Theatre and wondered if that income were intended to be used for debt reduction.

The response was that if the Business Manager agrees to its being used to reduce the debt then it would be used for that purpose. It generally was used to offset the budget on a yearly basis.

Mavis LoPater, Winsor Road, reminded the hall that when the pool was built it was stated that it would generate income which actually did not happen. Also, she noted that "nice to have" is different from "need to have." She believed a theatre would be nice to have at some point in time, but that the Town could not afford it at this time. She therefore urged defeat of this article.

Donald Oasis, Willis Road, asked how would these projects be financed over time. He also asked if bundling would make a difference in financing.

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David Wilson responded that by statute the Town can go for 10 years on the financing for the theatre. It starts out as \$44 per average household and works down to approximately \$32 making the average cost about \$37.

Lawrence Blacker stated that the bond issues were spread out over various years, for example the Rogers Theatre would be over a 10-year period, the schools would be over a 20-year period, some other things would be over 4 years. He reminded the hall that long term bonds cost more than short term bonds.

Ralph Tyler suggested a method to accomplish in-house financing by moving a classroom currently being conducted in a portable classroom into the high school. The money saved by eliminating a portable classroom could then be put towards the renovation of the Theatre. He made an additional suggestion regarding alternative places where the drama club could hold its productions. He also indicated that the tax impact was significantly lower for Lincoln on this project, and made the suggestion that Lincoln pay on the proportionality of real estate values.

A motion was received and seconded to Move the question.

This motion to terminate debate was **VOTED**.

The motion was voted and counted.

YES: 129 OPPOSED: 116 (123 needed to pass)

The motion was **VOTED**.

ARTICLE 10. ACCEPT M.G.L. c.64G, §3A
- ROOM OCCUPANCY TAX

To see if the Town will vote to accept the provisions of Chapter 64G, §3A of the Massachusetts General Laws, establishing a local excise tax upon the transfer of occupancy of any room, or rooms, in a hotel, motel, bed and breakfast or lodging house, by any operator at a rate of four percent (4%) of the total amount for each occupancy; or act on anything relative thereto.

Submitted by the Board of Selectmen

Lawrence Blacker, Chairman of the Board of Selectmen Moved in the words of the article. The motion received a second.

BOARD OF SELECTMEN REPORT: Steven Ledoux made the presentation for the Selectmen. He stated that this tax was one of the few local optional taxes that municipalities in Massachusetts have to accept. This tax allowed the community to levy from 1% to 4% on the occupancy rate of the hotel or motel. The tax is collected by the Department of Revenue and added on top of the State tax of 5 ¾% and reimbursed to the Town on a quarterly basis. It applied to all hotels, motels, and bed & breakfasts with over four rooms which charge at least \$15 per night. For Sudbury it was estimated that at 4% this tax would generate \$3,800 per year.

FINANCE COMMITTEE REPORT: The Finance Committee recommended approval.

Hendrik Tober, Ames Road, spoke against the tax because he felt it was selective taxation.

Joseph Klein, Stone Road, was in support of article because it was tax wherein the Town "gets" rather than "pays".

The Moderator asked if there were anyone wishing to be heard, seeing no one, he presented the motion.

The motion under Article 10 was **VOTED**.

ARTICLE 11. TRANSFER LORING SCHOOL
FROM SELECTMEN TO SUDBURY SCHOOL COMMITTEE

To see if the Town will vote to transfer from the control of the Selectmen to the Sudbury School Committee all the land and buildings of the Loring School site on Woodside Road; or act on anything relative thereto.

Submitted by Petition

Article 11 was **PASSED OVER**.

**ARTICLE 12. PURCHASE LAND ADJACENT TO LORING SCHOOL
AND TRANSFER TO THE SUDBURY SCHOOL COMMITTEE**

To see if the Town will vote to authorize the Selectmen to acquire by purchase or to take by eminent domain land adjacent to the Loring School; and to see what sum the Town will vote to appropriate for the acquisition and expenses in connection therewith; and to determine whether said sum shall be raised by borrowing or otherwise and once acquired to transfer control of this land from the Selectmen to the Sudbury School Committee for use in connection with the renovated/expanded Loring School; or act on anything relative thereto.

Submitted by Petition

Article 12 was **PASSED OVER**.

ARTICLE 13. LORING SCHOOL RENOVATION AND EXPANSION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$13,500,000, or any other sum, to be expended under the direction of the Town Manager and the Permanent Building Committee for the purpose of 1) remodeling, reconstructing, making extraordinary repairs, removing asbestos, demolition and removal of debris where required, and expanding the Loring School; 2) purchase additional equipment and furnishings as required; and all expenses connected therewith, including development of specifications and bidding documents, supervision of work, and all professional, engineering and architectural services; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Petition

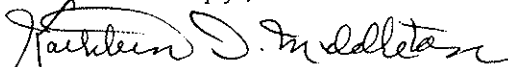
Article 13 was **PASSED OVER**

The Moderator then accepted a motion to adjourn, which was seconded. The motion to adjourned was **UNANIMOUSLY VOTED**.

The meeting was dissolved at 9:24 P.M.

Attendance: 260

A true copy, Attest:


Kathleen D. Middleton
Town Clerk

ANNUAL TOWN ELECTION
MARCH 31, 1997

The Annual Town Election was held at two locations. Precincts 1 & 2 voted at the Fairbank Community Center on Fairbank Road and Precincts 3 & 4 voted at the Town Hall on Concord Road. The polls were open from 7:00 am to 8:00 pm. There were 3,844 votes, including 219 absentee ballots, cast representing 36% of the Town's 10,634 registered voters. The final tabulation of votes was done at the Town Hall.

	PRECINCT				TOTAL
	1	2	3	4	
BOARD OF SELECTMEN (1): FOR THREE YEARS					
MARYANN K. CLARK	517	481	381	492	1871
CARMINE L. GENTILE	418	400	391	397	1606
WRITE-INS	1	1	5	2	9
BLANKS	<u>101</u>	<u>82</u>	<u>78</u>	<u>97</u>	<u>358</u>
TOTAL	1037	964	855	988	3844

BOARD OF ASSESSORS (1): FOR THREE YEARS

DAVID G. BERRY	681	641	519	608	2449
WRITE-INS	1	6	6	7	20
BLANKS	<u>355</u>	<u>317</u>	<u>330</u>	<u>373</u>	<u>1375</u>
TOTAL	1037	964	855	988	3844

GOODNOW LIBRARY TRUSTEES (2) FOR THREE YEARS

DAVID L. LEVINGTON	437	412	344	390	1583
IVAN H. LUBASH	321	338	264	307	1230
JILL W. BROWNE	420	364	339	418	1541
DAVID S. PETTIT	327	292	270	348	1237
WRITE-INS	0	0	3	2	5
BLANKS	<u>569</u>	<u>522</u>	<u>490</u>	<u>511</u>	<u>2092</u>
TOTAL	2074	1928	1710	1976	7688

BOARD OF HEALTH (1): FOR THREE YEARS

MICHELLE K. STAKUTIS	668	644	542	604	2458
WRITE-INS	2	1	2	1	6
BLANKS	<u>367</u>	<u>319</u>	<u>311</u>	<u>383</u>	<u>1380</u>
TOTAL	1037	964	855	988	3844

MODERATOR (1): FOR ONE YEAR

THOMAS G. DIGNAN, JR	748	702	590	693	2733
WRITE-INS	9	7	7	4	27
BLANKS	<u>280</u>	<u>255</u>	<u>258</u>	<u>291</u>	<u>1084</u>
TOTAL	1037	964	855	988	3844

	PRECINCT				TOTAL
	1	2	3	4	
PARKS & RECREATION COMMISSIONERS (2): FOR THREE YEARS					
MARK S. SHULMAN	669	630	512	583	2394
WRITE-INS - LEONARD NOCE	16	23	25	22	86
WRITE-INS - FRANCIS W. LOGAN	3	3	3	1	10
OTHER	12	26	26	21	85
BLANKS	<u>1374</u>	<u>1246</u>	<u>1144</u>	<u>1349</u>	<u>5113</u>
TOTAL	2074	1928	1710	1976	7688

PLANNING BOARD (2) FOR THREE YEARS

WILLIAM J. COSSART	543	480	452	524	1999
WILLIAM J. KELLER, JR.	563	486	406	515	1970
LAEL M. MEIXSELL	283	322	251	303	1159
HENDRIK TOBER	164	162	181	166	673
WRITE-INS	2	2	2	2	8
BLANKS	<u>519</u>	<u>476</u>	<u>418</u>	<u>466</u>	<u>1879</u>
TOTAL	2074	1928	1710	1976	7688

SUDBURY HOUSING AUTHORITY (1): FOR FIVE YEARS

STEVEN J. SWANGER	641	598	484	598	2321
WRITE-INS	3	10	6	2	21
BLANKS	<u>393</u>	<u>356</u>	<u>365</u>	<u>388</u>	<u>1502</u>
TOTAL	1037	964	855	988	3844

SUDBURY SCHOOL COMMITTEE (2): FOR THREE YEARS

KAREN K. KRONE	688	635	551	586	2460
GREGORY S. LAUER	699	613	520	586	2418
WRITE-INS	0	10	8	5	23
BLANKS	<u>687</u>	<u>670</u>	<u>631</u>	<u>799</u>	<u>2787</u>
TOTAL	2074	1928	1710	1976	7688

LINCOLN-SUDBURY REGIONAL DISTRICT SCHOOL COMMITTEE (2): FOR THREE YEARS

CHARLES SCHWAGER	681	598	489	583	2351
ANDREW M. SCHWARZ	680	616	509	584	2389
WRITE-INS	2	5	8	3	18
BLANKS	<u>711</u>	<u>709</u>	<u>704</u>	<u>806</u>	<u>2930</u>
TOTAL	2074	1928	1710	1976	7688

BALLOT QUESTIONS-

BALLOT QUESTION NO. 1 -

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to do the following:

A) Remodel, reconstruct, construct additional space or make extraordinary repairs to the existing Town Highway Department facility off Old Lancaster Road and/or construct a new Town building, purchase additional equipment and furniture, and landscaping, and to pay for all expenses connected therewith, for a Department of Public Works;

B) Remodel or make extraordinary repairs to the building and property at Fire Station No.2, 550 Boston Post Road, including but not limited to replacing a portion of concrete floor, replacing the roof, and paving driveway and parking lot, and to pay for all expenses connected therewith;

C) Construct a new elementary school at the Loring School site, 80 Woodside Road, and remodel, reconstruct or make extraordinary repairs and additions to all existing elementary and middle schools, and to pay for all expenses connected therewith;

D) Purchase all or a portion of Lots 12A and 13A, adjacent to the Loring School property on Woodside Road, to be used in connection with the Loring School site for school purposes;

E) Pay for the Town's apportioned share of the bonds issued by the Lincoln-Sudbury Regional School District in order to finance costs of reconstructing, equipping, remodeling, and making extraordinary repairs to the Rogers Educational Center at the regional high school on Lincoln Road, and to pay for all expenses connected therewith?

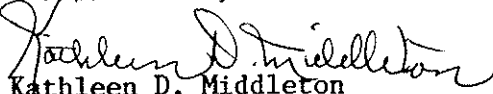
	PRECINCT				TOTAL
	1	2	3	4	
YES	598	437	416	407	1858
NO	427	510	429	570	1936
BLANKS	<u>12</u>	<u>17</u>	<u>10</u>	<u>11</u>	<u>50</u>
TOTAL	1037	964	855	988	3844

BALLOT QUESTION NO. 2-

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to develop or reconstruct recreational facilities, and to pay for all expenses connected therewith?

YES	600	448	425	435	1908
NO	403	487	406	529	1825
BLANKS	<u>34</u>	<u>29</u>	<u>24</u>	<u>24</u>	<u>111</u>
TOTAL	1037	964	855	988	3844

A true record, Attest:


 Kathleen D. Middleton
 Town Clerk

PROCEEDINGS
ANNUAL TOWN MEETING
APRIL 7, 1997

(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 17, 1997, and a quorum being present, the meeting was called to order at 7:35 PM by Thomas Dignan, the Moderator, at the Lincoln-Sudbury Regional High School Auditorium. Reverend Lisa Schoenwetter, from the Memorial Congregational Church gave the invocation and Meghann Mulherin, an outstanding senior at Lincoln-Sudbury Regional High School, led the hall in the Pledge of Allegiance.

It was announced that the certified Free Cash for the Town Meeting was \$1,249,723. The Call of the Annual Town Meeting, the Officer's Return of Service and the Town Clerk's Return of Mailing having been examined were all found to be in order.

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

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

Various town officials, committee and board members present were introduced to the voters and four exchange students from overseas were introduced. Selectman Maryann Clark read the following resolution in memory of those citizens who had served the Town and had passed away this year.

IN MEMORIA

WHEREAS: THE TOWN OF SUDBURY IS FIRST AND FOREMOST THE SUM OF ALL ITS PEOPLE; AND

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

NOW, THEREFORE BE IT

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

RUTH M. BUXTON

**(1910-1996)
SUDBURY RESIDENT: 1956 - 1971
TEACHER AT SUDBURY HIGH SCHOOL AND
LINCOLN-SUDBURY REGIONAL HIGH SCHOOL: 1948-1971**

GEORGE A. COX

**(1923-1996) MOVED TO SUDBURY IN 1960
TREASURER OF THE SUDBURY WATER DISTRICT: 1983 -1996**

April 7, 1997

ERNEST T. FERGUSON (1919-1996)
SUDBURY RESIDENT: 1944 - 1968
TREE WARDEN AND GYPSY AND BROWN TAIL
MOTH, SUPERINTENDENT: 1943 - 1947; 1957 - 1965
SPECIAL POLICE OFFICER: 1945 - 1947

COLONEL PAUL J. LEAHY (1913-1996) MOVED TO SUDBURY: 1968
COUNCIL ON AGING: 1973 - 1990
VETERANS ADVISORY COMMITTEE: 1973 - 1980
VETERANS AGENT, ACTING TEMPORARY: 1980 - 1981
VETERANS AGENT AND DIRECTOR OF VETERANS
SERVICES: 19 81 - 1992
VETERANS GRAVES OFFICER: 1980 - 1992
ASSISTANT REGISTRAR: 1984

MARION D. LETTENEY (1904-1996)
MOVED TO SUDBURY: 1966
COUNCIL ON AGING: 1973 - 1980

E. HELENE SHERMAN (1908-1996)
MOVED TO SUDBURY: 1944
LOCAL ARTS COUNCIL: 1980 - 1984
DESIGNER OF SUDBURY'S OFFICIAL TOWN FLAG: 1994

JOHN STEVEN YEO (1923-1997)
MOVED TO SUDBURY: 1981
CONSERVATION COMMISSION: 1984-1993

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 TOWN.

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

At this time the Moderator recognized Mr. Kip Johnson who read a statement from the Friends of Feeley Field. He stated that no funds were being requested this year because they have worked with Park and Recreation resources, and have, with the help of local businesses raised funds, materials and labor to complete about half of their \$65,000 project. He listed the visible and invisible projects. The Friends hoped to continue to complete the project with independent funding and not ask the Town Meeting for additional funds. He wanted the Town to know that this was a Town asset and much of what was done need not have been done if the Town had adequately maintained the Park after it was built. He asked the Townspeople to support the Park and Recreation Commission. He said donations could be sent to Friends of Feeley, 39 Harness Lane, Sudbury, MA.

The Moderator reviewed the order of procedure for a Town Meeting. He then recognized Selectman Blacker who had a Board of Selectmen statement. Mr. Blacker addressed the needs and achievements of the Town. Both a Finance Department and a Public Works Department will be formed, the latter will bring together the Engineering, Highway and Park & Recreation Departments. He also addressed the impact of the defeat of the bundled debt exemption question as well as Article 13 of this warrant, which allows the land to be taken by eminent domain. He said that the Articles that were passed at the February Special Town Meeting the will be presented in a semi-unbundled manner at the May 19th Special Election. He discussed the desirability from a cost point of view, to place on the May 19th ballot any articles passed at this Annual Town Meeting.

April 7, 1997

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 1996 Town Report or as otherwise presented; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Ivan H. Lubash of Barbara Road *Moved to accept the reports of the Town Boards, Commissions, Officers, and Committees as printed in the 1996 Town Report or as otherwise presented, subject to the correction of errors, if any, where found.*

The Motion under Article 1 was seconded and **UNANIMOUSLY VOTED.**

The Consent Calendar was the next business taken up. The Moderator explained the procedure to be used and read the number of each article which had been placed on the Calendar. The following articles were held and removed from the Consent Calendar: 27, 28, 29, 30, 34, 47 and 48

On a motion by Selectman Blacker and seconded, it was **UNANIMOUSLY VOTED TO TAKE ARTICLES 7, 8, 9, 10, 33, 35, 43, 44, 45 and 51 OUT OF ORDER AND CONSIDER THEM TOGETHER AT THIS TIME.**

On a motion made by Selectman Blacker, seconded and **UNANIMOUSLY VOTED: TO MOVE IN THE WORDS OF THE CONSENT CALENDAR MOTIONS AS PRINTED IN THE WARRANT FOR THESE ARTICLES 7, 8, 9, 10, 33, 35, 43, 44, 45 AND 51.**

(See individual articles for reports and motions voted.)

April 7, 1997

ARTICLE 2. FY97 BUDGET ADJUSTMENTS

To see if the Town will vote to amend the votes taken under Article 9, FY97 Budget, of the 1996 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.

Mr. Blacker Moved to amend the votes taken under Article 9, FY97 Budget, of the 1996 Annual Town Meeting, by adding to or deleting from line items thereunder, by transfer between or among accounts or by transfer from available funds as follows:

<u>AMOUNT</u>	<u>TO</u>	<u>FROM</u>
\$9,330	220 Fire Dept. Personal Services	Retirement Trust Fund
\$21,600	220 Fire Dept. Personal Services	Ambulance Reserve for Appropriation Account
\$6,415	220 Fire Dept. Expenses	Ambulance Reserve for Appropriation Account
\$5,955	420 Highway Dept. Personal Services	301 Minuteman Voc. Tech. High School

The motion received a second.

BOARD OF SELECTMEN REPORT: Mr. Steve Ledoux, Town Manager, made the presentation. He went through each of the expenses and explained the adjustments.

FINANCE COMMITTEE: (Kathleen Precourt) The Finance Committee recommended approval.

The Motion under this Article was **UNANIMOUSLY VOTED.**

ARTICLE 3. UNPAID BILLS

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

Submitted by the Town Accountant.

Mr. L. Blacker *Moved* to appropriate \$5,401 for the payment of certain unpaid bills incurred in previous fiscal years or which may be legally unenforceable due the insufficiency of the appropriation in the years in which such bills were incurred, as follows:

- \$3,900 TO PAY NEW ENGLAND LEAGUE OF MIDDLE SCHOOLS (SUDBURY PUBLIC SCHOOLS);
- \$36 TO PAY AMERICAN LIBRARY ASSOCIATION (SUDBURY PUBLIC SCHOOLS);
- \$405 TO PAY CHILDREN'S HOSPITAL (SUDBURY PUBLIC SCHOOLS);
- \$1,060 TO PAY MICHAEL PRECOURT (HIGHWAY DEPT.);

said appropriation to be raised by transfer from FY97 budget account 301, Minuteman Vocational Technical High School, appropriated by the 1996 Annual Town Meeting under Article 9. The motion received a second.

BOARD OF SELECTMEN REPORT: Mr. Steve Ledoux gave an explanation of how the costs were incurred.

FINANCE COMMITTEE: The Finance Committee recommended approval.

The Moderator then asked if anyone else wished to be heard on Article 3.

Mr. Coe, Churchill Street, asked Mr. Ledoux to go over the \$3,900 again—what was it for and why it was expended. Mr. Ledoux said the bill was not received in time for the books to be closed for the last fiscal year. Pat Hamblton, Director of Business and Finance for the Sudbury Public Schools, said it was an evaluation procedure assessment.

The Motion under this Article was **UNANIMOUSLY VOTED.**

ARTICLE 4. STREET ACCEPTANCES

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

- | | |
|------------------------|--|
| Bowker Drive | from Ford Road to Elsbeth Road,
a distance of 1,195 feet, more or less; |
| Saunders Road | from Bowker Drive to a dead end,
a distance of 500 feet, more or less; |
| Cutler Farm Road | from Woodside Road to a dead end,
a distance of 2,227 feet, more or less; |
| Read Road | from Cutler Farm Road to Cutler Farm Road,
a distance of 694 feet, more or less; |
| Harness Lane Extension | from the end of the 1971 Public Layout to a dead end,
a distance of 105 feet, more or less; |
| Butler Road Extension | from the end of the 1952 Public Layout to a dead end,
a distance of 137 feet, more or less; |

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

Submitted by the Board of Selectmen.

John Drobinski, Selectman, *Moved* to accept the layout of the following ways:

- | | |
|-------------------------------|--|
| <i>Bowker Drive</i> | <i>from Ford Road to Elsbeth Road,
a distance of 1,195 feet, more or less;</i> |
| <i>Saunders Road</i> | <i>from Bowker Drive to a dead end,
a distance of 500 feet, more or less;</i> |
| <i>Cutler Farm Road</i> | <i>from Woodside Road to a dead end,
a distance of 2,227 feet, more or less;</i> |
| <i>Read Road</i> | <i>from Cutler Farm Road to Cutler Farm Road,
a distance of 694 feet, more or less;</i> |
| <i>Harness Lane Extension</i> | <i>from the end of the 1971 Public Layout of Harness Lane
to a dead end, a distance of 105 feet, more or less;</i> |
| <i>Butler Road Extension</i> | <i>from the end of the 1952 Public Layout to a dead end,
a distance of 137 feet, more or less;</i> |

as laid out by the Board of Selectmen in accordance with the descriptions and plans on file in the Town Clerk's Office; to authorize the acquisition by purchase, by gift or by a taking by eminent domain, in fee simple, of the property shown on said plans; and to appropriate the sum of \$500 for expenses connection therewith. The motion received a second.

April 7, 1997

BOARD OF SELECTMEN REPORT: John Drobinski made the presentation. He said the public ways have been bid out. It requires a Town Meeting vote to formally accept the roads.

FINANCE COMMITTEE: (Mr. Duncan). The Finance Committee recommended approval.

PLANNING BOARD: The Planning Board recommended approval.

The Motion under this Article was **UNANIMOUSLY VOTED.**

April 7, 1997

ARTICLE 5. HOP BROOK PONDS REMEDIATION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$5,000, or any other sum, to support the Hop Brook Algae Harvesting Research Project and/or other activities to remediate the Hop Brook nutrient pollution problem, or to support activities to cause Marlboro or others to remediate the problem; or act on anything relative thereto.

Submitted by Petition.

George Siscoe, Dutton Road, representing the Hop Brook Protection Association, Moved to Indefinitely Postpone the article. The motion received a second.

PETITIONER REPORT: Mr. Siscoe explained that Hop Brook Protection Association is trying to clean up the chain of ponds. They anticipated a bigger clean up project than they had done last year but this project would not be started this year. Therefore they were postponing the request for now.

BOARD OF SELECTMEN: The Board of Selectmen had no position on the motion to Indefinitely Postpone

FINANCE COMMITTEE: The Finance Committee had no position on the motion to Indefinitely Postpone.

The Motion to Indefinitely Postpone Article 5 was **UNANIMOUSLY VOTED.**

ARTICLE 6A. FY98 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, 1997 through June 30, 1998, inclusive, in accordance with the following schedule, which is incorporated herein by reference; and to determine whether or not the appropriation for any of the items shall be raised by borrowing; and to further determine that automobile mileage allowance rates shall be paid in accordance with Federal Internal Revenue Service mileage allowance regulations; or act on anything relative thereto.

Submitted by the Finance Committee.

First a Limited Motion was placed before the voters. This would preclude the voters from approving a budget in excess of \$36,512,494.

Chairman Precourt of the Finance Committee *Moved* that the amount appropriated under the budget not exceed the sum of \$36, 512,494. The motion received a second.

FINANCE COMMITTEE REPORT: Chairman Precourt said this represented the sum that is required to meet the expenditures for the FY98 budget for things other than the Enterprise Fund which is the Landfill and Pool. This is a non-override budget, which used the amount of revenue available within Proposition 2-1/2.

The Moderator asked if anyone else wanted to be heard on the Limiting Motion. There was no one.

The Limiting Motion was **UNANIMOUSLY VOTED**.

Chairman Precourt of the Finance Committee, *Moved* that the Town appropriate the sums of money set forth in the warrant under Article 6A in the column "Finance Committee Recommended FY98", for fiscal year 1998 except as follows:

<u>CATEGORY</u>	<u>BUDGET</u>	
100 General Government	\$1,338,693	(+ 2,224)
400 Public Works	1,825, 676	(+ 6,439)
600 Culture & Recreation	547,601	(+ 2)
900 Unclass./Trans. Accts.	3,503,318	(- 9,330)

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Ambulance Reserve for Appropriation Account	200 Public Safety	\$111,778
Dog Licenses	600 Culture and Rec.	\$4,875
Free Cash	900 Unclass./Trans.	\$1,249,723
Abatement Surplus	900 Unclass., Trans.	\$102,500
Retirement Trust Fund	900 Unclass./Trans.	\$28,151

April 7, 1997

And that automobile mileage allowance rates shall be paid in accordance with Federal Internal Revenue Service mileage allowance regulations. The motion received a second.

FINANCE COMMITTEE REPORT: Kathleen Precourt, Chairman of the Finance Committee, made the presentation. She said that the Finance Committee had been predicting for a number of years that the amount of money required to support the services given the increased number of students and population in the Town would begin to exceed the amount of revenue that was available and that would begin to come to bear this year. She also used slides to enhance her discussion.

She explained the budget process for this year. The Finance Committee with the Budget Managers, the two school superintendents, and the Town Manager did a financial outlook through to the FY2000 and looked at the budget requirements. The news was not necessarily good as it looked like the budget needed to be raised over 7% - 8% each year to sustain the same level of services delivered today. The revenue looked to increase at only to 4% - 4 ½%. That disconnect made for very tight budgets and that was the basis the budget managers used in preparing the budgets. There was no room for improvements and they had to look at their highest priorities.

One of the things that was different this year was that the Finance Committee voted to recommend at Town Meeting that the budget for the Town services be voted as a cluster budget. Clusters were put together so that there were opportunities for coordination and utilization of resources that would be the most effective and efficient for the Town. The Finance Committee was moving towards the Town Manager having the opportunity within his clusters to allocate resources as needs arose during the year. Ms. Precourt then presented the budget and gave a sense of where the money was going and how it was allocated. She said that the Finance Committee's first consideration was level effort or level program. It was a matter of saying how much would it cost in FY98 to repeat FY97 and included such things as salary increases and inflation. It was noted that at this time there were no salary contracts ratified and there were no one-time expenses. After these considerations, the Finance Committee looked at how much money was left over and said given the growth in this community, what was needed to be applied to these budgets in order to accommodate that growth. There were no salary increases in these amounts and there was no more money available. The Finance Committee, therefore, said to the Budget Managers that since there is no more money the only way that the salary increases could be accommodated was by going back into the budget and cutting things to allocate money to salary increases. Services would be cut to the extent that salary increases occur. The total budget was \$36,512,494. She showed a slide to explain the outlook, the budget line, and the revenue line.

BOARD OF SELECTMEN: The Board of Selectmen supported the budget.

At this time the Moderator recognized various town and school departments who wished to address their individual budgets within the budget.

K-8 SYSTEM BUDGET: Mr. William Hurley, Superintendent, used several overheads to enhance his presentation. The K-8 budget increased \$1,170,217, broken down into the categories of salaries and expenses. Salaries increased \$662,395 before any negotiated settlements. The expense portion increased \$507,822. He said that 79% of the operating budget was dedicated to people, which left very little flexibility within the budget. He addressed individual costs within the budget and said that growth was driving the increases. He said the number of teachers and staff support was anticipated to increase.

TOWN BUDGET: Steve Ledoux, Town Manager, presented the Town report which included both long and short term goals for the community. He said that one of the Selectmen's goals was to attempt to seek alternative sources of revenue. He defined the "Unified Budget Approach" and explained that it was used this year unlike prior years. He also said that one of the Selectmen's goals was to work towards a performance budgeting system and toward that end they broke out some expenses into new cost centers. The three new cost centers created were Budget and Personnel, Trees and Cemetery, and Parks and Grounds. The actual operational budget submitted by departments were almost \$9.7M but after he reviewed and prioritized, the budget which went to the Finance Committee, was about \$8.6M including the Enterprise Funds.

He showed charts breaking down the budget and the percentages used by each department. After Finance Committee review, the Town Budget was recommended at \$8,465,839 which was an \$8K increase over FY97 appropriations for the total Town operations including the transfer station and pool enterprises, which were broken out this year into Budget 6B and 6C. The reason for the \$8K over FY97 budget was because of the increased sticker price to cover trucking resulting from the opening of the transfer station. This increase caused a migration to private haulers. Now, less than one-third of the households have transfer station stickers. This has created serious cash flow problems and made the Town over rely on retained earnings. There were no funds for operating the transfer station in this budget. Therefore, what was a \$528K appropriation in 1997 became an \$82,463 appropriation in 1998. The money from retained earnings was being used for final closing and monitoring of the landfill. He also explained why Town sponsored curbside pickup would not be addressed at this town meeting.

The budget presented was cluster budgets. This was done because the Charter required that two new departments be formed. Those departments were the Department of Public Works, and the Finance Department. Directors would be appointed shortly and the Cluster Budget would allow the Directors of those departments the flexibility to reallocate and reorganize as they saw fit within those functional areas. Also the Town Manager could create, consolidate or abolish departments. This format allowed that flexibility with the approval of the Finance Committee. The next overhead showed the Cluster cost centers and Mr. Ledoux explained each cost center and the Enterprise Funds.

LINCOLN-SUDBURY REGIONAL HIGH SCHOOL: (David Wilson) Mr. Wilson made the presentation for the L-S School Committee. He said that they were maintaining their current programs but not adding any new programs. This year's budget contained a 4.9% increase, which broke down to a 2.3% increase for Sudbury. The 4.9 % budget increase included any teacher's contract that we would have for the first year of a 3-year contract. He next spoke to the history of the budget.

The L-S budget has several long-term problems. First, the student population was growing. The second budget problem was that State aid has stayed level at about \$1.5M for the budget for the last 10 years, meaning it was a decreasing percentage of the revenue each year. The third problem was that the State continued to mandate more programs that must be done while not giving money to fund those programs. More teachers will be hired to fulfill the 990 mandated hours. Teachers were the major component in the budget.

Dr. John Ritchie, Superintendent, spoke about the noteworthiness of the school, the tough decisions made this past year, and some of the events to which he was looking forward.

MINUTEMAN SCIENCE TECHNOLOGY HIGH SCHOOL: (Glenn Noland) Mr. Noland addressed the financial challenges and gave thanks to the administrators and educators. He then turned the meeting over to the Superintendent Ronald Fitzgerald who addressed the budget for the school.

Dr. Fitzgerald used slides as a summary of his report. He said that the faster growing section of the school was the science and technology division. He said the budget was up 6.8%; the member town enrollment was up 7.5% so the budget was up less than the member town enrollment. The school was full to capacity with a waiting list of 121 students. Unfortunately, the school was not getting more aid but its costs were going up.

The revenue estimates were addressed - including entrepreneurial projects, revenue/tuition students, transfer costs, and transportation costs. He also spoke to the assessment costs. Sudbury's assessment for this year was \$352,839; the proposal for next year was \$338,279 (\$10,558 per pupil). He said he hoped the budget would be appropriated this year.

COUNCIL ON AGING: (Dan Claff): Mr. Claff spoke to the Sudbury Senior Community Work Program and referred to last year's successful program. He stated that the 10 positions resulted in 13 placements while staying within the budget. Applicants are chosen on a basis of both skill and with economic sensitivity. He hoped their budget would be approved.

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The Moderator asked if there were any other town department or agency that wished to speak on its budget. There were none. He then said it was time to go down the budget check-off list. It was by the clusters that the Finance Committee proposed.

300	Schools
100	General Government
200	Public Safety
400	Public Works
500	Human Services
600	Culture & Recreation
700	Debt Service
900	Unclassified/Transfer Accounts

There were no motions to amend. He asked if there were any further debate on the budget. The Moderator saw no hands.

The main motion under Article 6A was presented to the voters and was **UNANIMOUSLY VOTED.**

ARTICLE 6B. SOLID WASTE DISPOSAL ENTERPRISE FUND FY98 BUDGET

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums set forth in the 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.

Karen Anderson-Palmer Moved to appropriate the sum of \$67,264 for the Solid Waste Enterprise Fund for Fiscal Year 1998, such sum to be raised by transfer of retained earnings from the enterprise fund; and further authorize use of an additional \$15,199 of retained earnings for indirect costs.

The motion received a second.

FINANCE COMMITTEE REPORT: Karen Anderson-Palmer of the Finance Committee made the presentation. She addressed the disconnect between insufficient revenues and not having a predictable revenue source to cover the operations of the landfill. The Enterprise Landfill Fund currently had a positive balance in the Landfill Retained Earnings Account of approximately \$300K as of FY96 year-end. This money was being used very quickly but these retained earnings must be preserved as far as possible to cover the required costs for closing the landfill and for monitoring it over a 20 year period for fumes and other environmental things which are emitted from the landfill. It was in recognition of this fact that the Finance Committee moved only to cover the costs of closing the landfill and for monitoring, but not for any further landfill operations.

BOARD OF SELECTMEN: The Board of Selectmen recommended support of the Article.

The Moderator asked if anyone else wished to be heard. Frank Reipe asked for more information about the recycling center. Karen Palmer-Anderson responded by saying that the current situation does not include funding for any activities related to operation of the transfer station or the resource recovery activity. Mr. Reipe then asked if this article supported the closing of the recycling center? The Selectmen responded in the affirmative. There was also a short discussion regarding private or town-wide trash pick-up.

Mr. Tim Coyne, Taylor Road, questioned whether due diligence had been exercised as he said the Selectmen had not involved voluntary committees in the decision. He also questioned Ms. Anderson-Palmer's statement that the revenue of the Enterprise Funds was not sufficient to support the expenses. He thought that if the price to use the town's transfer station were lowered, the volume of user would increase. He felt this was the opposite of what was done. There was additional discussion on this article.

Mr. Pat Kinney, Marlboro Road, wanted to make a motion to appropriate the sum of \$323,435 for the Solid Waste Enterprise Fund for Fiscal Year 1998. Such sum to be raised by transfer of retained earnings from the enterprise fund; and further the authorize use of an additional \$41,652 of retained earnings for indirect costs net of any receipts of solid waste disposal. The Moderator said that to construct a legal motion would require re-opening the whole budget article again. He said there was a procedural device available which was a move to postpone consideration of this article to another time which would then give everyone time to put together a legal motion. He said he would entertain a motion to postpone consideration of Article 6B until an appropriate time.

Mr. Robert Coe made a motion to reconsider Article 6A. This motion received a second. Mr. Blacker discussed what would be done with the townspeople's trash. There was additional discussion with input from Mr. Coe, Terry Ackerman, Budget Officer; Paul Kenny, Town Counsel; and Karen Anderson-Palmer.

The Motion to reconsider Article 6A as proposed by Mr. Coe was **DEFEATED**.

April 7, 1997

Mr. Klein, Stone Road, *Moved to postpone consideration of Article 6B until Wednesday of this week, April 9, 1997.* The motion received a second.

The motion to postpone Article 6B until the first order of business on Wednesday **CARRIED.**

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

The meeting was adjourned at 10:30 PM

Attendance: 412

PROCEEDINGS

ADJOURNED ANNUAL TOWN MEETING

APRIL 8, 1997

(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 3, 1997, the inhabitants of the Town of Sudbury, qualified to vote in Town affairs, met in the Lincoln-Sudbury Regional High School Auditorium on Tuesday, April 8, 1997, for the second session of the Annual Town Meeting.

The meeting was called together at 7:45 p.m. when a quorum was declared present.

ARTICLE 6C. POOL ENTERPRISE FUND FY98 BUDGET

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums set forth in the 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.

Ms. Sheila Stewart, Finance Committee, *Moved to appropriate the sum of \$302,610 for the Pool Enterprise Fund for fiscal year 1998, such sum to be raised from receipts of the Enterprise Funds; and further to authorize use of an additional \$25,429 of Enterprise receipts for indirect costs.*

The motion received a second.

FINANCE COMMITTEE REPORT: Ms. Stewart made the presentation. The Pool Enterprise Fund budget continued to move in a positive direction by showing a decrease in the operational deficit over the past two years. The pool had operated in the black for the first three quarters of fiscal year 1997, including covering the costs of extraordinary expenses. It is anticipated to finish the year in the black. The Finance Committee recommends approval of this article.

BOARD OF SELECTMEN: The Board of Selectmen supported the Article.

The Moderator asked if anyone wished to be heard. Mr. Klein, Stone Road, felt that there was insufficient information presented. Ms. Stewart responded where in the warrant more detail could be found.

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

April 8, 1997

ARTICLE 7. CHAPTER 90 HIGHWAY FUNDING

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of \$969,204, or any other Chapter 90 funding, that may become available to the Town during the fiscal year, to be expended under the direction of the Town Manager for the construction, reconstruction and maintenance projects of Town and County ways pursuant to Chapter 90 funding, and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement by the Commonwealth; or act on anything relative thereto.

Submitted by the Highway Surveyor.

HIGHWAY SURVEYOR REPORT: The anticipated revenue is derived from Chapter 113, Acts of 1996, and is Sudbury's first and second portions of the \$300 million allocated to the cities and towns by the legislature. This amount will be combined with money previously voted from the Transportation Bond issued to continue the implementation of our pavement management program.

BOARD OF SELECTMEN: The Board of Selectmen supported this article.

FINANCE COMMITTEE: The Finance Committee recommended approval of this article.

The motion under Article 7 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE.**
(Consent Calendar)

April 8, 1997

ARTICLE 8. GOODNOW LIBRARY REVOLVING FUND (CONSENT CALENDAR)

To see if the Town will vote to authorize for fiscal year 1998, the use of a revolving fund by the Goodnow Library for maintenance and utility charges for the Multi-Purpose Room, to be funded by all receipts from the room reservation charge policy for non-Town (municipal) agencies; said fund to be maintained as a separate account, in accordance with Massachusetts General Laws Chapter 44, Section 53E½, and expended under the direction of the Trustees of the Goodnow Library; the amount to be expended therefrom shall not exceed the sum of \$1,400; or act on anything relative thereto.

Submitted by the Goodnow Library Trustees.

GOODNOW LIBRARY TRUSTEE REPORT: State law required that Town Meeting approve this fund annually. The revolving fund provided additional funds for Goodnow's Building Maintenance Budget. Prior to its existence, the Maintenance Budget often fell short of meeting basic maintenance costs. The library requested either emergency transfers, or delayed maintenance or making repairs. Through the first six months of FY97, the fund had generated \$265.

BOARD OF SELECTMEN: The Board of Selectmen supported this article.

FINANCE COMMITTEE: The Finance Committee recommended approval of this article.

The motion under Article 8 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE.**
(Consent Calendar)

April 8, 1997

ARTICLE 9. BUS REVOLVING FUND

(CONSENT CALENDAR)

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44, Section 53E½, to authorize a revolving fund for the purpose of providing additional or supplemental school transportation to be funded by user fee collection; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

SCHOOL COMMITTEE REPORT: Since September of 1991, the School Department had been receiving payments from the students to offset the cost of school bus transportation. The amount offset had 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 advised that a revolving fund must be authorized each year at the Annual Town Meeting. Passage of this article would achieve that purpose.

BOARD OF SELECTMEN: The Board of Selectmen supported this article.

FINANCE COMMITTEE: The Finance Committee recommended approval of this article.

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

April 8, 1997

ARTICLE 10. EARLY CHILDHOOD REVOLVING FUND (CONSENT CALENDAR)

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44, Section 53E½, to authorize a revolving fund for the purpose of providing additional or supplemental early childhood instruction to be funded by tuition collection; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

SCHOOL COMMITTEE REPORT: Over the past several years, the School Department had been receiving payments from the students to offset the cost of early childhood instruction. The amount offset had 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 advised that a revolving fund must be authorized each year at the Annual Town Meeting. Passage of this article achieved that purpose.

BOARD OF SELECTMEN: The Board of Selectmen supported this article.

FINANCE COMMITTEE: The Finance Committee recommended approval of this article.

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

April 8, 1997

ARTICLE 11. FIRE DEPARTMENT LEASE - PUMPER

To see if the Town will vote to approve a lease/purchase agreement for a term of five years, in order to obtain a new pumper fire truck for the Fire Department; or act on anything relative thereto.

Submitted by the Fire Chief.

Mr. Blacker *Moved to Indefinitely Postpone Article 11.*

The motion received a second.

Mr. Blacker explained that this was in the budget passed last night, therefore, there is no need to have it as a separate item.

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

April 8, 1997

ARTICLE 12. SCHOOL CONSTRUCTION AND RENOVATION PROJECTS

To see what sum the Town will vote to appropriate for the purpose of constructing a new elementary school and for remodeling, reconstructing or making extraordinary repairs and additions to existing schools and for all costs associated therewith, including engineering costs and bidding documents, to be expended under the direction of the Permanent Building Committee; and to determine whether this sum will be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Sudbury School Committee.

Karen Krone, School Committee, *Moved to Indefinitely Postpone Article 12.*

The motion received a second.

The explanation for the motion was that this Article was passed at the Special Town Meeting in February and will be on the ballot on May 19th.

Mr. Ralph Tyler and Mr. Edward Kreitsek presented several reasons why they felt this Article should not be Indefinitely Postponed. The Moderator asked if there were anyone else wishing to be heard on the motion to Indefinitely Postpone. No one responded.

The motion to Indefinitely Postpone Article 12 was presented to the voters and was **VOTED**.

April 8, 1997

ARTICLE 13. PURCHASE LOTS 12A AND 13A, WOODSIDE ROAD/CUTLER FARM ESTATES, FOR SCHOOL PURPOSES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$550,000, or any other sum, to be used for the purchase, or taking by eminent domain, of all or a portion of Lots 12A and 13A, adjacent to the Loring School property on Woodside Road, to be used in conjunction therewith, said Lots 12A and 13A shown on a plan entitled, "Site Plan Lots 12A and 13A Cutler Farm, Sudbury, MA Prepared for Barberrry Homes, Inc.", drawn by Gregory J. Patterson, Land Planner/Civil Engineer, 12 Lomas Drive, Framingham, MA, and dated April 7, 1996, a copy of which is on file in the Town Clerk's Office; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Selectman Blacker *Moved* to authorize the Board of Selectmen, acting on behalf of the Town of Sudbury, to purchase or take by eminent domain all or a portion of lots 12A and 13A, adjacent to the Loring School property on Woodside Road, to be used in conjunction therewith, such lots 12A and 13A shown on a plan entitled, "Site Plan Lots 12A and 13A Cutler Farm, Sudbury, MA Prepared for Barberrry Homes, Inc.", drawn by Gregory J. Patterson, Land Planner/Civil Engineer, 12 Lomas Drive, Framingham, MA and dated April 7, 1996, and to appropriate the sum of \$550,000 therefor and for all expenses connected therewith, including bond and note issuance expense; and to raise this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$550,000 under General Laws Ch. 44, s. 7; all appropriation hereunder to be contingent upon approval of a Proposition 2 1/2 debt exclusion in accordance with General Laws Ch. 59,s21C.

The motion received a second.

BOARD OF SELECTMEN REPORT: Mr. Blacker made the presentation for the Selectmen. He said it replicated the Article that was passed at the February Special Town Meeting with one exception. That exception was this Article granted the Selectmen the ability to take the property by eminent domain. That was not included in the Article in February. The Selectmen felt it was fiscally prudent to be able to have that option in the event that appraisals come in at numbers significantly different than that which the owner of the property might wish to sell.

FINANCE COMMITTEE: The Finance Committee supported the Article.

SCHOOL COMMITTEE: The School Committee recommended approval of this Article.

There was discussion about the costs of the property, market values, and effects of eminent domain action.

The motion under this Article was **UNANIMOUSLY VOTED.**

April 8, 1997

**ARTICLE 14. TRANSFER LORING SCHOOL AND LOTS 12A & 13A
TO SUDBURY SCHOOL COMMITTEE**

To see if the Town will vote to transfer the care, custody, management and control of the Loring School property on Woodside Road, together with all or a portion of Lots 12A and 13A shown on a plan entitled, "Site Plan Lots 12A and 13A Cutler Farm, Sudbury, MA Prepared for Barberry Homes, Inc.", drawn by Gregory J. Patterson, Land Planner/Civil Engineer, 12 Lomas Drive, Framingham, MA, and dated April 7, 1996, a copy of which is on file in the Town Clerk's Office, to the Sudbury School Committee pursuant to M.G.L. c.40, section 15A, or act on anything relative thereto.

Submitted by the Board of Selectmen.

Selectman Clark moved to transfer the care, custody, management and control of the Loring School property on Woodside Road, together with all or a portion on Lots 12A and 13A shown on a plan entitled, "Site Plan Lots 12A and 13A Cutler Farm, Sudbury, MA Prepared for Barberry Homes, Inc.", drawn by Gregory J. Patterson, Land Planner/Civil Engineer, 12 Lomas Drive, Framingham, MA, and dated April 7, 1996, to the Sudbury School Committee pursuant to Massachusetts General Laws Chapter 40, sec. 15A.

The motion received a second.

BOARD OF SELECTMEN REPORT: Selectman Maryann Clark made the presentation. She said this transfer required two votes. First it required a vote at Town Meeting which was being requested that evening. Secondly, the Selectmen would vote on this transfer after the May 19th ballot question. She said there will be a double vote on this transfer.

FINANCE COMMITTEE: (Michael Bayer) The Finance Committee recommended approval.

SCHOOL COMMITTEE: The School Committee recommended approval.

The motion under this Article was **UNANIMOUSLY VOTED.**

ARTICLE 15. CONSTRUCT PUBLIC WORKS FACILITIES

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$3,026,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of remodeling, reconstructing, constructing additional space, or making extraordinary repairs to the existing town Highway Department facility off Old Lancaster Road and/or constructing a new town building, purchasing additional equipment and furniture, and landscaping, for a Department of Public Works and other town offices, and all expenses connected therewith, including professional, engineering, and architectural services and preparation of plans, specifications and bidding documents, and supervision of work; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen and Highway Surveyor.

John Drobinski, Board of Selectmen, *Moved to Indefinitely Postpone Article 15.*

The motion received a second.

The explanation for the motion was that this Article was passed at the Special Town Meeting in February and would be on the ballot in May.

FINANCE COMMITTEE: The Finance Committee supported the motion to Indefinitely Postpone.

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

ARTICLE 16. FLYNN BUILDING RENOVATION

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$2,078,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of reconstructing, remodeling, or making extraordinary repairs to the Flynn Building, including purchasing additional equipment and furnishings, and for the purpose of obtaining professional, engineering and architectural services, including preparation of plans, specifications, bidding documents and supervision of work, and all expenses connected therewith including storage, moving, and bond and note issue expense; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen.

John Drobinski, Board of Selectmen, *Moved to appropriate the sum of \$2,078,000 to be expended under the direction of the Permanent Building Committee, for the purpose of reconstructing, remodeling, or making extraordinary repairs to the Flynn Building, including purchasing additional equipment and furnishings, and for the purpose of obtaining therefor professional, engineering and architectural services, including preparation of plans, specifications, bidding documents and supervision of work, and all expenses connected therewith including storage, moving, and bond and note issuance; to authorize the Permanent Building Committee to execute a contract or contracts therefor; and to raise this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$2,078,000 under General Laws Ch. 44, s.7; all appropriation hereunder to be contingent upon approval of a Proposition 2 1/2 debt exclusion in accordance with General Laws Ch. 59, s.21C.* The motion received a second.

BOARD OF SELECTMEN REPORT: Mr. Ledoux made the presentation. He said the Flynn Building originally was built in the 1890's and became a Town office building in the 1970's. Three years ago the Town Meeting authorized the Permanent Building Committee to preliminarily redesign the Flynn to update it to accommodate all the Town's administrative offices. The reflected plan in Article 16 corrected the Americans with Disabilities Act access issues. It also corrected structural issues and centralized the administration. Mr. Ledoux also addressed the cost of the renovations and the impact of the Prevailing Wage Laws.

Mr. Ledoux next introduced Mr. Max Farrow of the Preservation Partnership, the Project Architect, to more fully describe the project. The Hall gave him permission to speak. Mr. Farrow outlined the problems including a floor sag in an office, underviring, and a furnace in need of repair. He spoke to the inaccessibility of the building to persons with disabilities and the changes he envisioned, including elevators, meeting rooms, and a sunspace. He discussed where the various offices would be located in the renovated building, and associated costs.

FINANCE COMMITTEE: (Steve Wishner) The Finance Committee supported the Article.

LONG RANGE PLANNING COMMITTEE: (Robert Graham) The Long Range Planning Committee supported the Article.

Mr. Ralph Tyler, 1 Deacon Lane, asked for some priorities of projects. Mr. Blacker replied that he thought all the projects were priorities and that the Towns people will cast their vote on the actual priorities. Mr. Tyler also said he felt the money should be spent to renovate the Town Hall rather than the Flynn Building.

There was additional discussion around costs, what was included in the costs, and about the repercussions from not adhering to the ADA regulations.

The motion under Article 16 was **UNANIMOUSLY VOTED.**

April 8, 1997

ARTICLE 17. REPAIR FIRE STATION #2, BOSTON POST ROAD

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$108,500, or any other sum, to be expended under the direction of the Fire Chief and Permanent Building Committee, for the purpose of making extraordinary repairs to the building and property known as Fire Station #2, 550 Boston Post Road, including but not limited to replacing the concrete floor in the apparatus area, replacing the roof, and paving the driveway and parking lot, and for the purpose of obtaining professional, engineering and architectural services, including preparation of plans, specifications, bidding documents, and supervision of work, and all expenses connected therewith; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen and Fire Chief.

Mr. Blacker, Board of Selectmen, *Moved to Indefinitely Postpone Article 17.*

The motion received a second.

The explanation for the motion was that this Article was passed at the Special Town Meeting in February and will be on the ballot in May.

The motion to Indefinitely Postpone Article 17 was presented to the voters and was **VOTED.**

ARTICLE 18. TECHNOLOGY MANAGEMENT PLAN

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$774,000, or any other sum, for the purpose of purchasing and installing a wide area computer network to link all municipal Town and Sudbury Public School buildings and for all expenses connected therewith including equipment, information systems software, and professional, consulting and training services; to be expended as follows:

\$700,800 under the direction of the Town Manager and

\$73,200 under the direction of the Superintendent of Schools;

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

Submitted by the Board of Selectmen and Sudbury School Committee.

Mr. Blacker *Moved* to appropriate the sum of \$303,000, to be expended under the direction of the Town Manager, for the development, design, purchase and installation of computer hardware and equipment and information systems software incidental thereto for the purpose of establishing local area computer networks and for upgrading current inventory of computer workstations and software in town buildings, and all expenses connected therewith, including expenses incurred for professional, engineering, consulting and training services, expenses for the preparation of plans, specifications and bidding documents, expenses related to supervision of work, and expenses for bond and note issuance; and to raise this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$303,000 under General Laws Ch. 44, s. 7; all appropriation hereunder to be contingent upon approval of a Proposition 2 1/2 debt exclusion in accordance with General Laws Ch. 59, s. 21C. The motion received a second.

BOARD OF SELECTMEN REPORT: Mr. Ledoux made the presentation. He noted that this Article dealt only with the Local Area Network. Mary Ellen Dunn, Tax Collector/Treasurer, continued the presentation. She focused on operating costs and revenue. She explained what the costs included such as cabling, server costs, connectivity costs, employee workstations costs, and went through the costs line by line.

Dan Loughlin next talked about the financial and service benefits. He said that the Town was strongly pursuing getting funding from sources other than the taxpayer. He said that once there was a system in place, it would need to be managed and maintained. Mr. Loughlin noted that in the FY 98 budget an MIS department was budgeted for \$65K. In FY99 that was expected to increase and that the Town would need someone to manage it. It was possible that the budget for FY99 would be in the \$100K range. He also discussed the benefits of a networked environment such as reduction of redundancies, and faster retrieval of data.

FINANCE COMMITTEE: The Finance Committee supported the Article.

LONG RANGE PLANNING COMMITTEE: The Long Range Planning Committee supported the Article.

Mr. Hans Lopater, Winsor Road, asked what savings, if any, would the Town have if the networking were installed. The response was that it would not be a dollar per dollar savings but rather that people will work smarter and more efficiently. Mr. Lopater next asked if the plan for LAN is finished or was it being currently worked. Ms. Dunn explained with what had been currently done and what remains to be completed. Mr. LoPater said he concluded there was no plan and encouraged voting against it.

April 8, 1997

There was expressed concern that while there was a need for the Article, there must be some oversight so that this department does not unduly grow. Mr. Ledoux replied that he would keep it tight, efficient, and lean as possible.

Mr. Jacob Kuykendall, Hampshire Street, wanted to re-word the motion to say that the MIS consultant be hired by competitive bid. Mr. Blacker said that if it were over \$10,000 the Town must go out for competitive bidding, if it were less than \$10,000 the Town must get three quotes, but if someone volunteers then the Town would take the volunteers. He said that the most recent consultant was by bid. The Moderator said that State statutes take care of whether competitive bidding must be employed.

The Moderator told Mr. Kuykendall that he must submit a motion to the Moderator in writing, and that he, Mr. Kuykendall, could propose to the Hall to postpone consideration of this Article to another time.

6B. Mr. Kuykendall *Moved to postpone consideration of Article 18 until the next night after Article*

The motion received a second.

There were two voters who spoke against postponement.

FINANCE COMMITTEE: The Finance Committee urged defeat of postponement of this Article.

The Motion to Postpone Article 18 was **DEFEATED**.

A Motion to terminate debate was made and seconded. The Moderator declared there was a clear two-thirds vote and debate was terminated.

The main motion under Article 18 was **UNANIMOUSLY VOTED**.

ARTICLE 19. DEVELOP RECREATION FIELDS

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$60,500, or any other sum, to be expended under the direction of the Park and Recreation Commission, for the purpose of developing or reconstructing recreational facilities; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen and Park and Recreation Commission.

Tom Biggins, Parks & Rec., *Moved to appropriate the sum of \$60,500, to be expended under the direction of the Park and Recreation Commission, for the purpose of developing or reconstructing recreational playing fields; that to meet this appropriation the Treasurer is authorized to borrow \$60,500 under General Laws Ch. 44, s.7; which appropriation hereunder has been approved by a Proposition 2 1/2 debt exclusion in accordance with General laws Ch. 59, s.21C.*

The motion, which reflects a change from the original motion, was seconded.

BOARD OF SELECTMEN AND PARK & RECREATION COMMISSION REPORT: Mr. Biggins made the presentation. In proposing this Article the Park and Recreation Commission was motivated by two major factors: (1) was the safety of the children, and (2) to reconstruct a women/girls softball field which had previously existed. He explained where the safety problem exist and why the Parks & Rec. Commission feel it is a top priority to develop a woman's/girls softball field. He also addressed the costs of these proposals and the results of the March 31st election, which supported this expenditure.

BOARD OF SELECTMEN: The Board of Selectmen recommended approval of this Article.

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

The motion under this Article was **UNANIMOUSLY VOTED.**

April 8, 1997

ARTICLE 20. LSRHS ROGERS EDUCATIONAL CENTER RENOVATION

To see if the Town will vote to approve the amount of \$1,950,000 debt authorized on January 28, 1997, by the Lincoln-Sudbury Regional School District for the purpose of financing costs of reconstructing, equipping, remodeling and making extraordinary repairs to the Rogers Educational Center, including costs incidental and related thereto; or act on anything relative thereto.

Submitted by the Lincoln-Sudbury Regional School District Committee.

Mr. Steve Silverman, L-S School Committee, *Moved to Indefinitely Postpone Article 20.*

The motion received a second.

The explanation for the motion was that this Article was passed at the Special Town Meeting in February and will be on the ballot in May.

The motion to Indefinitely Postpone Article 20 was presented to the voters and was **VOTED.**

April 8, 1997

ARTICLE 21. WALKWAY PROGRAM

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$638,500, or any other sum, to be expended under the direction of the Town Manager, for the planning, engineering, construction and reconstruction of the following walkways:

Dakin Road (Concord Town Line to Blacksmith Drive)
Concord Road (Lincoln Road to Thompson Drive)
Fairbank Road (Fairbank Center northward 450 feet)
Goodman's Hill Road (Kato Drive to Route 20)
Peakham Road (Robert Best Road to #118 Peakham Road)
Powder Mill Road (Virginia Ridge Road to Route 117) and (Tavern Circle to Maynard Town Line)
Powers Road (Powder Mill Road to Concord Town Line)
Dutton Road (Tanbark Road to Pratt's Mill Road)
Horse Pond Road (State Police Crime Lab to Route 20)
Raymond Road (Cider Mill Road to Warren Road)
Landham Road (Route 20 to Coolidge Lane);

and/or such other walkways as the Town Manager may determine as appropriate and funds therefor are available; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen and Planning Board.

Mr. William Cossart *Moved to Indefinitely Postpone Article 21*

The motion received a second.

The explanation for the motion was that the Planning Board plans to expand the Town's walkways but felt a moratorium on walkway construction should be imposed for three reasons: 1) enthusiasm had outstripped the ability to build them; 2) apparent lack of maintenance on the walkways, and 3) additional capital costs was needed to maintain the walkways. The Planning Board wanted to wait for the Public Works and the Town Manager to get control of this entire concept and to be sure the Town has sufficient personnel and equipment. The program would be resumed at that time.

BOARD OF SELECTMEN: The Board of Selectmen supported the Motion to Indefinitely Postpone Article 21.

FINANCE COMMITTEE: The Finance Committee supported the motion to Indefinitely Postpone Article 21.

The motion to Indefinitely Postpone Article 21 was presented to the voters and was **VOTED**.

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

The meeting was adjourned at 10:30 p.m.

Attendance: 343

PROCEEDINGS

ADJOURNED ANNUAL TOWN MEETING

APRIL 9, 1997

(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 3, 1997, 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 9, 1997, for the third session of the Annual Town Meeting.

The meeting was called together at 7:45 p.m. when a quorum was declared present.

The Moderator said all motions of substance and that includes the main motions and the motions to amend the main motions should be delivered to the Town Clerk in writing before they were made. He said he would enforce this rule that evening due to the elaborate amendments being made.

The Moderator said the first order of business that evening was Article 6B due to a postponement previously in the warrant.

ARTICLE 6B. SOLID WASTE DISPOSAL ENTERPRISE FUND FY98 BUDGET

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the following sums set forth in the 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.

Kathy Precourt *Moved* to appropriate the sum of \$67,264 for the Solid Waste Enterprise Fund for Fiscal Year 1998, such sum to be raised by transfer of retained earnings from the enterprise fund; and further to authorize use of an additional \$15,199 of retained earnings for indirect costs.

The motion received a second.

FINANCE COMMITTEE REPORT: Kathy Precourt, Finance Committee, made the presentation. This is the same motion as the one presented Monday night. She explained some of the things which got people confused on Monday night. One of these was using a number of terms interchangeably—such as landfill, transfer station and solid waste disposal. Also there were questions as to why there was an Article 6A, 6B and 6C. They all mean somewhat different things but we were using them similarly.

She went through what was within 6B and what was not. What was within 6B was moneys to fund the landfill portion of the solid waste disposal issue, i.e. the “dump.” It had to do with the capping and monitoring which the Town was obligated to do by law. It required a Town Meeting vote to appropriate the funds to do the capping and monitoring. 6B did not address recycling and solid waste disposal. She said the funding options available at that time would still be available at a future Town Meeting.

BOARD OF SELECTMEN REPORT: John Drobinski, Selectman, addressed the technical and financial issues of this Article. He emphasized that 6B neither closed nor kept the transfer station open, it merely funded the Town's obligation to meet 310 CMR19, which was the Solid Waste statue in Massachusetts. He gave an overview of the three components to the solid waste operation in Sudbury—the

April 9, 1997

landfill proper, the transfer station, and the recycling center. He noted that the retained earnings were being seriously depleted because fewer people are using the landfill and buying the stickers. He used viewgraphs to explain the trend of retained earnings from FY93 to FY97. In FY94 and FY95 there was a positive surplus, but in 1997 the Town would have to dip into the Enterprise Funds for \$160K to make the landfill components financially sound. Recognizing this financial drain on the taxpayer, the Selectmen asked Mr. Ledoux to go out for bids to private haulers to see what options were available to the Town and what would be the costs. Mr. Ledoux received some responses from the haulers and these were being evaluated. Mr. Drobinski said there would be a public hearing on May 12th to get input from all citizens to find out exactly what is wanted, and then based on that response, there would be a Special Town Meeting in June to determine what sort of path would be taken.

He said that the Board of Selectmen was unanimous on this issue and that their commitment was to protect the public health, safety, welfare and environment of the Town of Sudbury; they were committed to efficient and thorough solid waste management; they wanted to continue Town recycling in some manner and they wanted to be cost-effective to tax-payers.

There was some Hall discussion regarding this Article involving the budget and operating costs, about getting inputs from taxpayers, and the various options available after the May 12 meeting.

Mr. Ralph Tyler *Moved to amend the motion to substitute \$323,435 in total direct costs instead of the \$67,264, and substituting for the \$15,199 the amount \$41,652.*

The motion received a second.

Mr. Tyler spoke in favor of his motion.

BOARD OF SELECTMEN POSITION: Mr. Blacker urged defeated of this motion. He said it put the Town into an override. He said at this juncture it was fiscally irresponsible to make this motion.

FINANCE COMMITTEE REPORT: Urged defeat of the change to this article.

Martha Coe, Churchill Street, pointed out that the entire amount of free cash was spent in Article 6A.

Pat Kinney, Marlboro Road, supported the motion to amend as he felt it kept the options open.

Chuck Schwager, Ridge Hill Road, urged defeat of this motion.

There was a call on the motion to *move the question* which was seconded. The Moderator declared there was a clear two-thirds to terminate debate on the motion.

The motion to amend this Article **FAILED**.

The Main Motion under Article 6B was **VOTED**.

ARTICLE 22. POWDER MILL ROAD WALKWAY

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

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

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

Submitted by Petition.

Shulamit Wurmfeld, Cranberry Circle, Moved to appropriate the following amounts for the following walkways projects, such walkways to be constructed with macadam pavement or other similar sidewalk material, and all expenses connected therewith, including expenses incurred for professional, engineering and architectural services, expenses for the preparation of plans, specifications and bidding documents, expenses related to supervision of work and expenses for bond and note issuance:

\$3,000 for planning and engineering funds and \$60,000 for construction funds, to be expended under the the direction of the Town Manager, for walkways along Powder Mill Road, as follows;

From Tavern Circle to Cranberry Circle and from Virginia Ridge Road to Singing Hill Circle.

and to raise this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$63,000 under General Laws C. 44, §7.

The motion received a second

PETITIONERS REPORT: Shulamit Wurmfeld made the presentation. This was part of the approved walkways plan dated February 22, 1988 and also received support from the Safety Officer, the Town Planner and the Engineer in a letter dated January 29, 1996. She spoke to safety concerns in regard to the walkways, about the increased traffic flow onto the roadway and about the number of households and children in the area.

BOARD OF SELECTMEN POSITION: (Mr. Blacker) Recommended disapproval of this Article.

FINANCE COMMITTEE REPORT: (Mr. Duncan) recommended disapproval of this Article.

LONG RANGE PLANNING COMMITTEE REPORT: (Charlotte Broussard) Recommended disapproval of this Article.

PLANNING BOARD REPORT: (Mr. Cossart) Planning Board took no position on this Article.

Mr. Brooks, Planning Board, had a minority report. He felt that it was difficult to support this Article from a fiscal standpoint. He said it would have been much better to have been part of a

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comprehensive plan and it was agreed that this was how it would have to come back next year. From his own standpoint he felt that he could support it because it was the right thing to do. He said it met the criteria of what would come back before the Finance Committee next year. He said it was not clear to him that it should be delayed.

There was considerable discussion regarding this Article both in support and against this Article. There were several references to the possibility of approaching Digital Equipment Corporation to see if they would be willing to contribute to developing the walkway since many of its employees use the road for traffic and jogging.

There was a call on the motion to *move the question* which was seconded. The Moderator declared there was a clear two-thirds vote to terminate debate on the motion.

The motion under this Article was **DEFEATED**.

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ARTICLE 23. SUDBURY SCHOOL BUDGET SUPPLEMENT - OVERRIDE

To see what sum the Town will vote to raise and appropriate, to be expended under the direction of the Sudbury School Department for the purpose of supplementing the sums appropriated under Article 6 of this meeting, for the Sudbury Public Schools Grades Kindergarten through Eight Fiscal Year 1998 Operating Budget; all appropriation hereunder contingent upon approval of a Proposition 2½ Override, in accordance with General Laws Chapter 59, §21C; or act on anything relative thereto.

Submitted by Petition.

Joyce Friedman *Moved* to appropriate the sum of \$500,000 to be expended under the direction of the Sudbury School Department, for the purpose of supplementing the sums appropriated under Article 6 of this meeting, for the Sudbury Public Schools grades kindergarten through eight FY 1998 operating budget; all appropriation hereunder contingent upon approval of a Proposition 2 ½ override, in accordance with General Laws Chapter 59, Section 21C.

This received a second.

PETITIONERS REPORT: Joyce Friedman made the presentation. In support of this Article, she discussed the proposed operating budget, the funding of extracurricular activities, the parents' subsidizing of school busses and the parents' field trip participation. She gave the projected dollar amounts per household should this Article be passed.

BOARD OF SELECTMEN POSITION: (Mr. Drobinski) Did not support this Article.

FINANCE COMMITTEE REPORT: (Mr. Bayer) Did not support this Article.

LONG RANGE PLANNING COMMITTEE REPORT: (Mr. Graham) did not support this Article.

SCHOOL COMMITTEE REPORT: Took no position on this Article.

The Motion under this Article was **DEFEATED**.

ARTICLE 24. SUDBURY SCHOOLS QUALITY INITIATIVES - OVERRIDE

To see if the Town will vote to raise and appropriate the sum of \$700,000, or any other sum, to be expended under the direction of the Sudbury School Department, for the purpose of funding quality initiatives set forth in the "FY97-98 BUDGET STAFF PROPOSAL 2ND DRAFT", dated December 12, 1996, a copy of which is on file in the Town Clerk's Office; all appropriation hereunder contingent upon approval of a Proposition 2½ Override, in accordance with General Laws Chapter 59, §21C; or act on anything relative thereto.

Submitted by Petition.

Joyce Friedman *Moved* to appropriate the sum of \$1,094,000 to be expended under the direction of the Sudbury School Department, for the purpose of funding quality initiatives set forth in the "FY97-98 budget staff proposal 2nd draft", dated December 12, 1996; all appropriations hereunder contingent upon approval of a Proposition 2 1/2 override, in accordance with General Laws Chapter 59, Section 21C.

The motion received a second.

PETITIONERS REPORT: Joyce Friedman made the presentation. Using overheads to assist in clarifying her motion, she showed what she felt were the real needs of the K-8 system. Overhead #1 dealt with professional staff proposals, #2 with support staff. She said that the average resident equated the school budget with the capital plan but they were two separate issues. She felt that the requests for program initiatives and position ought to somehow be met.

BOARD OF SELECTMEN POSITION: (Mr. Blacker) The Board of Selectmen opposed this Article.

FINANCE COMMITTEE REPORT: (Mr. Bayer) The Finance Committee did not support this Article.

SCHOOL COMMITTEE POSITION: The School Committee did not have a position.

LONG RANGE PLANNING COMMITTEE REPORT: (Mr. Graham) The Long Range Planning Committee opposed this Article.

The Motion under this Article was **DEFEATED**.

ARTICLE 25. AMEND ZONING BYLAW, ART. IX -
SENIOR RESIDENTIAL COMMUNITY SPECIAL PERMIT

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

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

“E. **SENIOR RESIDENTIAL COMMUNITY** - The Planning Board, acting as Special Permit Granting Authority, may grant a Special Permit for construction of a Senior Residential Community (SRC) and accessory structures, in all zoning districts listed below in section 3.a subject to the following:

1. Objectives - The objectives of the Senior Residential Community Special Permit are to provide alternative housing for a maturing population; to provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

2. Planning Board Action - The Planning Board shall not grant a Special Permit for an SRC unless it shall, after holding a public hearing in accordance with requirements of Chapter 40A of the General Laws, find that: (i) the SRC complies with the purposes of the SRC bylaw as stated in Sections 1-7 hereof; (ii) the SRC is in an appropriate location and does not significantly alter the character of the neighborhood in comparison to a single family residential development; (iii) adequate and appropriate facilities will be provided for the proper operation of the SRC; (iv) the SRC use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances; (v) the SRC use would not cause undue traffic congestion in the immediate area; (vi) the SRC responds to the recommendations of Town Boards and Agencies; and (vii) the granting of the Special Permit would not result in unsuitable development of the land in question.

3. Qualifications - The following qualifications shall apply to all Senior Residential Communities:

a. Zoning District - An SRC shall be located in Single Residence "A", Single Residence "C", the Wayside Inn Historic Preservation Zone Residential Zone Districts, Limited Business Districts, Village Business Districts and Research Districts.

b. Tract Qualification - At the time of granting a special permit by the Planning Board, the property under consideration for an SRC shall be located on one or more contiguous parcels, whether or not separated by a public or private way, with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least 35 acres.

c. Age Qualification - An SRC shall constitute housing intended for persons of age fifty-five or over within the meaning of M.G.L. c151B, §4, ¶6 and 42 USC §3607(b)(2)(c), and in accordance with the same, one hundred percent (100%) of the dwelling units in a Senior Residential Community shall each be owned and occupied by at least one person fifty-five years of age or older per dwelling

unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statutes and regulations promulgated pursuant thereto. In the event of the death of the qualifying owner/occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in an SRC, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

- d. **Applicant Qualifications** - The applicant for a Special Permit for an SRC shall be the owner of the tract proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the development.
4. **Rules and Regulations and Fees** - The Planning Board shall adopt, and from time to time amend, Rules and Regulations consistent with the provisions of this Zoning Bylaw, Chapter 40A of the General Laws, and other applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such Rules and Regulations shall, subject to and in accordance with provisions of section 7 of this bylaw, prescribe as a minimum the size, form, contents, style and number of copies of plans and specifications, the town board or agencies from which the Planning Board shall request written reports, and the procedure for submission and approval of an SRC Special Permit. The Planning Board shall also specify the fees to be paid in connection with an application for Special Permit for an SRC, bonding requirements to satisfy conditions of approval, and owner/occupancy reporting requirements to satisfy compliance with the age restriction. Other specifications as deemed necessary by the Planning Board shall be included in the Rules and Regulations.
5. **Tract Requirements** - The following requirements shall apply to all Senior Residential Community tracts:
 - a. **Number of Dwelling Units Permitted** - The maximum number of dwelling units in an SRC shall be computed based on the number of buildable lots permitted under a conventional subdivision, with each lot satisfying minimum lot area, frontage and all other applicable zoning regulations for which district the parcel is located within, possessing suitable soils as determined by the Board of Health, and sufficient upland, buildable area to sustain a single family home. In Village Business Districts and Research Districts, a minimum lot area of 40,000 sq. ft. and minimum frontage requirement of 180 feet shall be used to calculate each buildable lot. For the purposes of this section, minimum lot area in every district shall contain no more than 25% which is underwater land or wetland resource as defined in Chapter 131, Section 40 of the M.G.L. or in the Sudbury Wetlands Administration Bylaw. For each buildable lot calculated, a maximum of five (5) bedrooms shall be permitted. The number of bedrooms shall determine the number of units, pursuant to section 6 below, with the maximum number of bedrooms in any unit being less than or equal to 3.
 - b. **Minimum Open Space** - At least 50% of the area of the tract comprised in an SRC shall be Open Space. Wetlands, as determined and specified by the Conservation Commission shall not qualify as Open Space except to the extent that such wetlands are included in the Perimeter Buffer. The open space areas shall be selected in order to maximize the value of wildlife habitat, shall be contiguous to the extent required to preserve significant habitat, and shall be configured to minimize the perimeter to surface area ratio in order to preserve

large blocks of undisturbed land. The open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in areas where revegetation may be necessary to increase buffering, as determined by the Planning Board.

- c. **Ownership of Open Space** - The open space shall be owned in common by the owners of the dwelling units in the SRC, or by an organization or entity owned and controlled by such dwelling unit owners, or can be offered to the Town, or another non-profit organization whose principal purpose is the preservation of open space, for conservation purposes. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.
 - d. **Perimeter Buffer** - A 100-foot wide buffer between an SRC and abutting properties is required around the entire SRC perimeter; provided, however, that access roads and pedestrian paths may cross the buffer at the discretion of the Planning Board, and the Planning Board may otherwise reduce the width of the buffer to no less than 50 feet at appropriate locations, taking into account the character or open space use of abutting properties or the existence or requirement of buffer thereon. The perimeter buffer shall remain in a natural state to preserve the visual character of the parcel being developed. The perimeter buffer may be included in Open Space computations.
6. **Building and Dwelling Unit Requirements** - The following requirements shall apply to all buildings and dwelling units in a Senior Residential Community:
- a. Dwelling units can be attached, or detached as single units, or a combination of these types.
 - b. **Dwelling Units Per Building** - No building shall contain more than four dwelling units.
 - c. **Maximum Height** - No building constructed in an SRC shall exceed 35 feet in height.
 - d. **Maximum Number of Bedrooms** - No dwelling unit constructed in an SRC shall contain more than three bedrooms. No more than ten percent (10%) of the total units in an SRC shall have fewer than two bedrooms.
 - e. **Accessory Buildings and Structures** - In an SRC, accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the Site Plan.
 - f. **Design Criteria** - All buildings in an SRC shall be designed (i) to have compatibility of style, building materials and colors with those in Sudbury, (ii) to afford variations of facade and roof lines, and interior layouts of dwelling units, (iii) so as not to have any dwelling unit extend under or over another dwelling unit in the same building and (iv) to comply with requirements of law with respect to housing intended for persons of age fifty-five and over. The Planning Board may utilize the skills of the Design Review Board, or may

- (ii) A preliminary subdivision plan showing the development of the tract under the provisions of the Zoning Bylaw without regard to this section, for the purposes of determining density. Such plan shall generally conform to provisions described in section IV.B.4 of the Rules and Regulations Governing the Subdivision of Land for a preliminary plan. Drainage design and calculations are not necessary. Such plan shall be accompanied by a report from a Certified Soil Evaluator, with confirmation that the results have been approved by the Board of Health, stating which lots on said plan contain soil conditions suitable for sub-surface sewerage disposal in accordance with rules and regulations of the Town of Sudbury and applicable laws of the Commonwealth of Massachusetts. Soil testing witnessed by the Board of Health or its agent is required. The preliminary plan shall also contain the boundaries of all wetland resource areas as defined in the Sudbury Wetlands Administration Bylaw.
- (iii) An SRC Site Plan showing, insofar as pertinent, all of the information required for a definitive subdivision plan, as specified in the Town of Sudbury, Subdivision Rules and Regulations, as amended, and showing the following additional information: soil characteristics as shown on Soil Conservation Service Maps; resource areas as defined by M.G.L., Chapter 131, section 40, (The Wetlands Protection Act), and delineation of the official wetland area boundaries as accepted by the Sudbury Conservation Commission pursuant to the Sudbury Wetlands Administration Bylaw; existing floodplain boundary lines; existing and conceptually proposed locations of buildings containing dwellings and other buildings; all setback lines; existing and proposed roads and driveways; lighting; signs; proposed and existing wells and wastewater disposal systems on the parcel and abutting properties if such systems are within 200 feet of the property line; existing and proposed topography; existing perimeter of trees; proposed landscape features (such as fences, walks, planting areas, type, size and location of planting materials, methods to be employed for screening); the proposed use of the common land including improvements intended to be constructed thereon; the proposed ownership of all common land; and any other information required by the Planning Board.
- (iv) A schedule of the stages or phases of development which the applicant proposes to construct the SRC, including dates.
- (v) Sample floor plans of dwellings; elevation drawings or models of dwellings; schedule of building materials.
- (vi) Plans showing proposed methods of stormwater management, including drainage calculations.
- (vii) Plans showing proposed wastewater disposal facilities;
- (viii) Sample copies of the condominium association or other legal structure formed for the operation, maintenance, management and enforcement of this development, including a master deed and bylaws of the organization. All such documentation shall include a reference to the objectives of the Senior Residential Community and the requirement

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for 100% of the units to be owned and occupied by at least one person age 55 or over.

- b. Reports from Town Boards or Agencies - The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission, Engineering Department, Design Review Board, Park and Recreation Commission, Board of Assessors, Historic Districts Commission, Building Inspector, Fire Department, Highway Surveyor, Police Department and the Sudbury Water District. Failure of any such board or agency to make a written recommendation or submit a written report within 35 days of receipt of the application shall be deemed a lack of opposition.
- c. Special Permit Conditions - In order to implement a Special Permit for an SRC and to assure compliance therewith, the Planning Board shall in the Special Permit set forth requirements and conditions that before a building permit is issued for any buildings in any stage or phase of the SRC (i) the applicant shall have submitted to the Planning Board detailed plans showing the locations, designs and layouts of such buildings and all driveways and accessory structures included in such stage or phase, (ii) the applicant shall have provided security by covenant, bond or other means satisfactory to the Planning Board securing the construction and installation of driveways, utilities, drainage and related services in such phase, and (iii) the Planning Board shall have determined that the detailed plans are in substantial conformity with the conceptual plans approved in the Special Permit.
- d. The Planning Board shall have so notified the Building Inspector of its review and approval of each phase.
- e. The Planning Board may in a Special Permit for an SRC set forth further requirements and conditions as the Board shall deem appropriate to accomplish the purposes of this Bylaw, including requirements of recording of plans and documents and report thereof to the Board.

9. Enforcement

- a. In accordance with the provisions of M.G.L. Chapter 40, Section 31, Chapter 40A, Section 7, and every other authority and power that may have been or may hereafter be conferred upon it, the Town may enforce the conditions and safeguards imposed on the exercise of special permits under this Section IV,E in equity or at law and to recover from the applicant, his successor or approved assignee(s) all moneys that may be required to complete the development plan approved.
- b. The penalty provisions of these bylaws may be imposed upon the applicant, his general agent, tenant(s), architect(s), contractor(s), or any and all persons having an interest in the development site, including a mechanics lien, mortgage or attachments.
- c. All provisions of the development plan approved shall run in favor of the residents thereof but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent such provisions, whether recorded by plan, easement, covenant, or otherwise, may be enforced at law or in equity by said residents acting individually, jointly or through their organization.

- d. In the event of a violation of law, an unauthorized sale or lease of the approved development site or any dwelling unit therein, development that deviates from the development plan approved, any use of the property that is not permitted in the development site, the failure to maintain residential land or if the applicant shall otherwise fail or neglect to comply with the conditions and safeguards imposed on the exercise of the special permit, the Building Inspector or Zoning Enforcement Officer may deliver a stop order to the applicant or his agent by certified mail, return receipt requested, and by posting the same in a conspicuous location in said site. The order shall describe the nature of the violation, and the date on which said order shall expire, which date shall not be less than six days later than the date of the stop order. Failure of the Town to deliver a stop order for any reason shall not prevent the Town from pursuing any other legal remedy permitted under law. Any person who shall violate the provisions of a stop order shall be deemed in violation of the zoning bylaw.”;

2. Amend subsection G of Section I to read:

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

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

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

or act on anything relative thereto.

Submitted by the Planning Board.

Mr. Larry O’Brien, Planning Board, *Moved in the words of the article.*

This motion received a second.

PLANNING BOARD REPORT: Mr. Lawrence O’Brien, Boston Post Road, represented the Planning Board.

The Town of Sudbury needs your help. Current Zoning Bylaws in Sudbury only allow for the construction of single family homes in residential districts. Every time a land owner decides to take the money that is being offered by developers, the Planning Board is presented with a single family subdivision plan that consists of as many homes as can possibly be squeezed onto that parcel of land. Because of the price of land, the homes that are being built are all 4,000 to 5,000 square feet with four to five bedrooms. These homes are then occupied by families with two to three children or more. We just finished a Special Town Meeting regarding new school construction due to the explosive growth and the number of school children in Town.

The objective of Article 25 is to preserve open space at no cost to the Town, to provide alternative housing for a maturing population and to provide a type of housing which reduces the burden of property maintenance and reduces the demand for municipal services while promoting flexibility in land use planning. We have structured the Article to be sensitive to the underlying zoning and its density calculations so that it is not an incentive bylaw but merely an option. We are not pre-committed to any power block. We are approaching this town meeting with supreme confidence that this bylaw is one answer to Sudbury’s growth problem. We are not alone in this thought. This revised Article has received

the endorsement of the Board of Selectmen, the School Committee, the Board of Assessors, the Sudbury Housing Authority and the Conservation Commission.

The Planning Board revised and improved upon Article 7, which was defeated in 1996. This year we are not involved with any particular developer. No particular parcel of land has been targeted, as was the case last year. Article 25 would create an overlay zone covering all of the Town except for business and industrial zoned areas. At last year's town meeting many suggestions were made, the Planning Board heard what the Town said and worked hard and long to include those suggestions into this Article. They also met with all of the major town boards and committees to gain ideas and suggestions on ways to improve this article.

Mr. O'Brien went over the ways that this article had been improved. First, the required amount of open space should be increased. He used two slides to enhance his presentation. One slide showed the type of open space that would be in a single-family subdivision. Both of these examples are based on the same plot of 35 acres with 5 acres of wetlands. In Article 25 the 35-acre parcel with 5 acres of wetlands would yield 20 acres or 57% open space. Second, the approval of Town Meeting for a proposed development of this type could be considered spot zoning. He said the open space parcels were to be kept in an open and natural state and the 100% of the homes would have at least one owner occupant over 55 years of age. He listed some of the facts of Article 25. First, minimum of 50% open requirement, second, 100% over age 55 restriction in perpetuity—each unit must be owned and occupied by an individual age 55 or older; the limit on the number of bedrooms per unit a three; wastewater treatment would be limited to septic system only with a total maximum of 10,000 gallons per day as dictated by Title V regulations from the State. A limit on the total number of bedrooms for one senior residential community—90 bedrooms would be the maximum limit because of the Title V limitations from septic systems. This creates a true maximum density of 2.571 bedrooms per acre. A minimum parcel size for this type of development would be 35 acres. There were considerations for allowing attached or detached housing units. Enforcement of age, occupancy and sale of property would be accomplished through the master deed, the Homeowners Association, the Building Inspector, the Zoning Enforcement Officer and the semi-annual reporting to the Planning Board. Any senior residential community that is approved and constructed would be required to be maintained as a private community that will be responsible for the maintenance of the infrastructure, roads, walkways, snow removal, trash removal, etc. The only Town services that would be provided would be response by Police and Fire.

This Article will provide the Planning Board with an option to discuss with developers. Not all parcels will be developed as senior residential communities. Children are allowed in this type of development. It does not restrict children. It only requires that one owner occupant be 55 years of age or older. Federal and State Law allow for this type of age-based zoning. He stated there are 22 potential developable parcels of land in Town. The estimated cost of these units is between \$300,000 to \$400,000 depending on size and amenities. It is very hard to estimate the amount of tax revenue that could be generated for the Town. Keep in mind that nay unit that is occupies without any school-aged children would generate a net gain to the Town. He urged support of Article 25.

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

BOARD OF SELECTMEN POSITION: Mr. Drobinski, Selectman, said the majority of the Board supports the Article. We believe it provides diversity in housing alternatives for seniors, conserves open space and slows the student population growth.

Maryann Clark, Selectman, held the minority viewpoint and spoke from that position. She said senior residential housing is another name for condominium. She said she thought it was a quick fix for economic problems and that it was a quick way to get poor. The big risk is the hidden costs of condos. Will their dense concentration of wastewater force the Town onto public sewers and MWRA water?

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Sudbury cannot afford to let any development occur which might result in forcing the Town to install public sewers, a cost of catastrophic measure.

She felt that putting urban development such as condos into a rural infrastructure such as Sudbury causes serious problems. One Planning Board reason given in support of this article—alternative housing for seniors 55 and older means few school children. Limiting one owner to age 55 and over is meaningless. It is common today for one parent to be over 55 with school children. There will be school children in condos. Will the price of the condos proposed by the Planning Board mean there will only be affluent seniors in Town, a town without diversity is a weak community.

She also addressed what she saw as inconsistencies and ambiguities in the clauses of the Article. This bylaw is developer motivated. She felt the need for the Strategic Planning Committee to get the public's input through a town-wide questionnaire before proposing such a bylaw as part of an overall comprehensive plan for the future of Sudbury.

BOARD OF ASSESSORS REPORT: (William Keller) The Board of Assessors supported this article.

CONSERVATION COMMISSION REPORT: (Steve Meyer) The Conservation Commission supported this Article.

Mr. Edward Vanderslice, Dudley Road, spoke against this Article and had a list of concerns which he expressed. He felt this Article was weaker than last year's Article 7 and had many flaws and ambiguous wordings. He said his biggest concern was drinking water and he addressed the hydrology of the Nobscot Mountain area and its relation to the Raymond Road aquifer.

Mr. Stewart Hoover, Evergreen Road, spoke against this article because he felt Article 25 took the voter out of the decision-making of site approvals and the tax windfall was overstated. He also addressed the issue for need of this type of housing. There is no data to support the need for this type of development.

Ms. Ursula Lyons, Wayside Inn Road, presented a brief past, present and future perspective of condos in Sudbury and she urged a vote to defeat Article 25.

Mr. Edward Kreitsek, Dudley Road, *Moved to adjourn this session of Town Meeting and continue next Monday where we have left off on a discussion of Article 25.*

This received a second.

The Motion **PASSED** with a two-thirds vote.

The Moderator reminded the Hall that the first order of business when the Town Meeting resumes on Monday, April 14 will be continued debate of Article 25.

The meeting was adjourned at 10:50 p.m.

Attendance: 347

PROCEEDINGS

ADJOURNED ANNUAL TOWN MEETING

APRIL 14, 1997

(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 3, 1997, 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 14, 1997, for the fourth session of the Annual Town Meeting.

The meeting was called to order at 7:45 P.M. when a quorum was declared present.

The Moderator reminded the Hall that they were in the middle of Article 25.

The Moderator asked the Hall if those in favor of starting from the beginning of Article 25 would hold up their cards; all those opposed. It was a clear vote not to start from the beginning. The motion that was on the floor was in the words of the article.

Hank Tober, 12 Ames Road, spoke against Article 25. Using slides to emphasize his speech, Mr. Tober asked the Hall to envision what the property in question would look like in the year 2007. He showed a photograph of Windsor Heights, a seniors community in Waltham, and proceeded to describe its successful tenants association. Mr. Tober felt that the tenants association for the Article 25 community was ubiquitous and could not exist. He further discussed the term "open space," his view of open space as it applied to this Article, and the parameters of revenue and development density.

Mr. Tober next described Tippling Rock as a slab of monolithic-unique granite surrounded for two-third's of the way by the aquifer. It is so impervious that it can cradle a pond. From this pond several crystal clear brooks tumble down the headwalls and into the marshes there to sink into the aquifer for plentiful drinking water. He stated that he never saw a setup so environmentally vulnerable as this one and implored the Hall to imagine what homes will do to this environment if built 500 feet from the trail.

Jeff Bernstein, Blueberry Hill Lane, said he felt the problem with Sudbury was a population problem. Using an overhead he showed how he felt the Article was seriously flawed and said that this Article was an attempt to raise tax revenue without addressing the underlying problem of an exploding population.

Mr. William Cossart, Concord Road, Planning Board Member, spoke to the seriousness of Sudbury's financial situation. He said that the number of new children coming into the town have placed a great financial strain upon the town. Until this point, the attempt to control development has been limited to the imposition of financial burdens upon developers such as required walkways and landscaping. No matter what was done the developments continued to come. He referenced the nitrate loading study which was conducted a few years ago. He advised that the only way to get the development under control was to come up with alternate uses for the large parcels of land in Town. He said that there were ways for land owners to sell their land while making a profit but prevent the very expensive construction of homes. Using overheads, he addressed the positive issues of Article 25 including the financial and health questions. Article 25 provides for a less intensive alternative use of large residential parcels. It is limited to parcels in excess of 35 acres and is a housing opportunity for seniors. He felt that Article 25 would benefit the Town.

Mr. Joseph Klein, Stone Road, *Moved that a Paragraph 10 of Section 1E be inserted to read: In addition to that of the Planning Board any construction authorized under this Article shall also require the approval of at least two-thirds of the voters assembled at Town Meeting.*

This motion received a second.

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Mr. Klein offered this amendment as what he regarded as a protection for the Town against the Planning Board. He explained that the Planning Board allowed the developers to write many of the development plans themselves. He felt that the Planning Board had never heard of the word "NO."

Mr. Larry O'Brien, Planning Board, responded that the Planning Board opposed this amendment because of the advice the Planning Board took from last year's Town Meeting which stated that this type of zoning could be considered as spot zoning and, while not having been tried in court, might be considered as illegal.

Mr. James Gish, Rolling Lane, opposed the amendment saying that if "you don't approve of the way the Planning Board implements the zoning by-laws then vote them out and run yourself."

Ms. Maria Caira, Old Meadow Road, felt that this motion should be considered because she felt the residents did not get enough say about what was built and where.

Many people expressed their opinions on this motion—both for and against it.

A motion was received to terminate debate. The vote was a clear two-thirds.

The amendment offered by Mr. Klein was **DEFEATED**.

The discussion returned to the Main Motion and many persons spoke both in favor and against the Article. These people included:

Marianne D'Angelo, Belcher Drive, informed the Hall she called six surrounding towns inquiring about their residential zoning bylaws and condo development applications/approvals. She shared her results with the Hall and spoke in favor of this Article.

Bridget Hanson, Brewster Road, a member of the Conservation Committee and the Strategic Planning Committee said the open space referenced in Article 25 has a conservation restriction on it and nothing can be done on it without permission of the Town. She felt from an environmental point of view this Article is a clear winner. Whenever the same number of units are built on half the site and the other half is protected, that is a tremendous advantage to the Town.

BOARD OF HEALTH REPORT: Hugh Caspe, Chairman, pointed out a few issues which concerned the Board of Health, and wanted to amend this article.

Mr. Caspe *Moved to amend Article 25, Senior Residential Community, Section E5a with the following: A. after the word "frontage" on the third line, add the words "percability requirements"; B. delete the last two sentences and substitute the following: the maximum number of bedrooms with any SRC shall not exceed 90 and shall be reduced by 2.5 bedrooms for each lot with does not meet buildability requirements with the maximum number of bedrooms in any unit being less than or equal to three.*

This received a second.

Mr. Caspe clarified the maximum size of the septic system under Title V and the effect that the number of bedrooms has upon it. He explained why the maximum number of bedrooms which can be built is 90, and the number of bedrooms for a 35 acre parcel is 2.6 bedrooms per buildable acre. He proceeded to explain why the Board of Health is concerned about the effluent and its effect on the aquifer. He said that in the opinion of the Board of Health dispersion of this effluent was a critical factor to the preservation of the drinking water quality especially within the Zones 1 and 2. What this Article will do is reduce the size of those septic systems associated with these lots or bedrooms.

Mr. Blacker wished to be heard on the Motion to Amend. He asked the Board of Health the following question. "If I have a 35 acres subdivision, assuming I have 35 lots, can I not put 35 five-bedroom houses in the subdivision?"

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Mr. Caspe responded that each house would have its own septic system, however, in the case of this Article there would be one septic system into which the effluence would be concentrated. That concentration could be located in Zone 1 or Zone 2. There was additional discussion about the amount of various water uses.

Mr. Drobinski stated the Water District owns Zone 1 so there would be no development in Zone 1.

The Planning Board stated that it was against the amendment as it felt the bylaw adequately addressed the situation and that incorporation of such an amendment was too complex and would confuse the voters. They felt the mathematics being applied in this bylaw were better than that being offered by the Board of Health in this amendment.

Many residents spoke on the Motion to Amend.

The Moderator took a motion for the question.

It received a second.

The Moderator asked if all those who were in favor of terminating debate and voting on the amendment to indicate by raising their cards—all those opposed.

It was a clear two-thirds vote.

The Moderator asked if all those in favor of the Motion to Amend as offered by Mr. Caspe to indicate by raising their cards—all those opposed.

The Moderator declared the motion DEFEATED.

The Hall requested a count. The counted vote was:

YES: 152 NO: 226 TOTAL: 378 (190 was needed to pass)

The Motion to amend **FAILED**.

Considerable general debate ensued on Article 25.

Hale Lamont-Havers, Morse Road, stated that she was a senior citizen who loved the Town and wished to stay. This Article gives empty nesters what they need—alternative housing. She urged the Hall to vote for it.

Ellen Hoffman, Hawes Road, said she had investigated a similar residential community in Concord and found that the people who had moved into the senior community were frequently executives from New York, Atlanta, and Washington, D.C. who now worked in Boston and did not want to live in an expensive condo in Boston. People from within Concord were not moving into the senior residential community. She wholly supported the Article.

The Moderator took a motion for the question.

It received a second.

A clear two thirds of the Hall **VOTED** to terminate debate and vote on the question.

The motion under Article 25 was presented to the voters. The vote not being clear, the Moderator asked for a count.

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The count was: YES: 263 NO: 124 TOTAL: 387 (258 was needed to pass)

He then declared that the motion **PASSED**.

There was a motion to adjourn for the evening.

The motion received a second.

The meeting adjourned at 10:25 P.M.

Attendance: 421

PROCEEDINGS

ADJOURNED ANNUAL TOWN MEETING

APRIL 15, 1997

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

Pursuant to a Warrant issued by the Board of Selectmen, March 3, 1997, 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 15, 1997, for the third session of the Annual Town Meeting.

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

The Moderator advised the Hall that a petition under bylaws for reconsideration of Article 25 was filed with the Town Clerk's office before noon. The Town Clerk certified that the signatures were 15 or more in number, and were signatures of registered voters who had attended the meeting the prior night. Therefore the Moderator said Article 25 would be the first order of business on Wednesday night or, if the warrant were to be completed that night then it would be considered as the last item for consideration. He said the only argument to be made is that the Article should or should not be made for various reasons. In addition it would require a 2/3 vote for reconsideration.

ARTICLE 26. AMEND ZONING BYLAW, ART. IX.V.P. -
WIRELESS COMMUNICATIONS FACILITIES

To see if the Town will vote to amend Article IX (The Zoning Bylaw) by adding a new section, IX.V.P - Wireless Communications, as follows:

"P. WIRELESS COMMUNICATIONS

A wireless communications facility (including antennas, towers, equipment buildings and accessory structures, if any) may be erected in a Wireless Communications Services District upon the issuance of a special permit by the Board of Appeals pursuant to Section VI.C.3 of the Zoning Bylaw, subject to site plan approval pursuant to Section V. A. of the Zoning Bylaw, as may be amended, and subject to all of the following:

1. Purpose.

The purpose of this bylaw is to establish districts within Sudbury in which wireless communications services may be provided with minimal harm to the public health, safety and general welfare of the inhabitants of Sudbury; and to regulate the installation of such facilities by 1) minimizing visual impact, 2) minimizing the overall number and height of such facilities to only what is essential, and 3) promoting shared use of existing facilities to reduce the need for new facilities.

For the purposes of this section, "wireless communications services" shall mean the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used, and shall include the following types of services: cellular telephone service, personal communications and enhanced specialized mobile radio service, and the infrastructure commonly associated with the provision of these services, including but not limited to cables, switches, towers and other facilities and equipment required to enable wireless service.

Towers, satellite dishes or antennas for non-commercial use are regulated under Section IV.A of the Zoning Bylaw.

2. Location.

The Wireless Communications Services District shall include all land owned by the Town of Sudbury which is held in the care, custody, management and control of the Board of Selectmen, Park & Recreation Commission, Sudbury School Committee, Lincoln-Sudbury Regional School District Committee and on all land owned by the Sudbury Water District.

The Wireless Communications Services District shall be constructed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.

3. Submittal Requirements.

As part of any application for a special permit, applicants shall submit, at a minimum, the applicable information required for site plan approval, as set forth herein at Section V.A.5, as may be amended, and the following additional information:

- a. A color rendition of the proposed facility with its antenna and/or panels at the proposed location is required. A rendition shall also be prepared illustrating a view of the facility from the nearest street or streets, and from adjacent residential properties.
- b. The following information prepared by one or more professional engineers:
 - a description of the facility and the technical, economic and other reasons for the proposed location, height and design.
 - confirmation that the facility complies with all applicable Federal and State standards.
 - a description of the capacity of the facility including the number and type of panels, antenna and/or transmitter receivers that it can accommodate and the basis for these calculations.
- c. If applicable, a written statement that the proposed facility complies with, or is exempt from, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

4. Use Restrictions.

- a. Applicants for a Special Permit to construct wireless communications service facilities are encouraged to explore alternative types of systems other than tower mounted systems.
- b. The construction of towers for the purposes of providing wireless communications services shall be regulated by the following provisions:
 - 1) Tower height shall not exceed 55 feet above the existing terrain.
 - 2) In no event shall any such tower be located closer than two (2) miles to any other such tower within the Town of Sudbury.
 - 3) A tower shall not be erected nearer to any property line than a distance equal to the vertical height of the tower (inclusive of any appurtenant devices), measured at the finished grade of the tower base.
 - 4) A tower shall not be erected nearer to a residential lot line than 200 feet.

- 5) Towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten-year period) technically practicable. To the extent feasible, all service providers shall co-locate on a single tower.
 - 6) New towers shall be considered only upon a finding by the Board of Appeals that existing or approved towers cannot accommodate the wireless communications equipment planned for the proposed tower.
 - 7) The tower shall minimize, to the extent feasible, adverse visual effects on the environment. The Board of Appeals may impose reasonable conditions to ensure this result, including painting and lighting standards.
- c. Antenna, dishes or other structures associated with wireless services located on a building or structure shall not exceed ten (10) feet in height above the roofline of the structure.
 - d. Existing on-site vegetation shall be preserved to the maximum extent practicable.
 - e. Traffic associated with the facilities and structures shall not adversely affect abutting ways.
 - f. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis.
 - g. Night lighting of the facilities shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.
 - h. There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles.
 - i. Applicants proposing to erect wireless communications facilities and structures shall provide evidence of contractual authorization from the Town of Sudbury or the Sudbury Water District to conduct wireless communications services on said property.
 - j. All unused facilities or parts thereof or accessory facilities and structures which have not been used for one (1) year shall be dismantled and removed at the owner's expense. A bond in an amount which shall not be less than the estimated cost to dismantle and remove the wireless communication facility plus twenty-five percent (25%), shall be required to be furnished to the Town prior to construction of the facility.
 - k. Any change in the capacity or operation of a wireless communications facility allowed by a Special Permit, such as the number of antennae, cells or panels, tower height, number of service providers or a change in service provider, shall require authorization from the lessor of the property, and shall be subject to a new application for an amendment to the Special Permit.
5. Exemptions.

The following types of uses are exempt from this Section P:

- a. Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the tower operator is not licensed to conduct commercial business on a daily basis from that facility; and
- b. Towers used for the purposes set forth in M.G.L. c. 40A, S.3.”;

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or act on anything relative thereto.

Submitted by the Planning Board.

Larry O'Brien, Planning Board, *Moved to postponed Article 26 to follow Article 57 of the 1997 Annual Town Meeting.*

The motion received a second.

Mr. O'Brien explained that due to comments presented to the Board on April 1, the Board would like to have some time to confer with Town Counsel and discuss the possibility of amending the motion under Article 26. He said that postponing to the end of the Town Meeting would give adequate time to consider this matter and come back fully prepared.

The motion to postpone consideration of Article 26 **CARRIED.**

ARTICLE 27. SEPTIC SYSTEM BETTERMENT LOAN PROGRAM
CALENDAR)

(CONSENT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$200,000, or any other sum, for the repair, replacement and/or upgrade of subsurface sewage disposal systems, or for loans to property owners for such purposes; and to determine whether this appropriation shall be raised from the Massachusetts Water Pollution Abatement Trust under Chapter 29C or otherwise; or act on anything relative thereto.

Submitted by the Board of Health.

Michelle Stakutis, Board of Health, *Moved* to appropriate the sum of \$200,000, for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$200,000 and issue bonds or notes therefor under M.G.L. C. 111, s. 127B-1/2 and/or Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects and/or for the financing thereof; and that the Board of Health is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects.

This motion received a second.

BOARD OF HEALTH REPORT: Michelle Stakutis made the presentation. She said the State of Massachusetts made available to the people in this Town, who were in need of financial assistance to repair their septic systems in case of an emergency, the sum of \$200,000. The Board of Health wanted to make it available to Town residents in need first on an environmental impact priority basis and secondly on a financial requirement basis. The interest rate would be 5%.

BOARD OF SELECTMEN REPORT: (Lawrence Blacker) The Board of Selectmen recommended support of this Article.

FINANCE COMMITTEE REPORT: (Sheila Stewart) The Finance Committee recommended approval of this Article.

Mr. Coe pointed out that this was not an entirely risk-free proposition because it was being loaned to people who may not be able to repay the loan. Then a lien would have to be placed on the property and foreclose. He said he felt it was not correct to say there would be no impact on the tax rate. He thought it would be fair to say he hoped there would be no impact on the tax rate.

The Motion under Article 27 was **UNANIMOUSLY VOTED.**

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**ARTICLE 28. ACCEPT CH. 181, §1, ACTS OF 1995 -CONSUMER PRICE INDEX
ADJUSTMENT FOR ELDERLY REAL ESTATE TAX EXEMPTION**

To see if the Town will vote to accept the provisions of Chapter 181, Section 1 of the Acts and Resolves of 1995 amending Massachusetts General Laws, c.59, §5, to allow cost of living increases to be added to exemptions under M.G.L. c.59, §5, clauses 17, 17C, 17C½ or 17D and to increase the amount of said exemptions by an amount equal to the prior year's CPI; or act on anything relative thereto.

Submitted by the Board of Assessors.

Dan Loughlin, Town Assessor, *Moved in the words of the Article.*

The motion received a second.

BOARD OF ASSESSORS REPORT: Dan Loughlin spoke to what tax exemptions were available to Sudbury residents, particularly the property exemption, to which this Article refers. He said if anyone had questions or wanted to know more about the exemption those persons should call his office. He also said that the Town spent \$39,233 on tax exemptions for needy citizens. That is 1/1000th of the total town budget. Any changes made to these exemptions would have a same impact as well. Article 28 sought to adjust the exemption amount which was \$175 per year off the tax bill for qualifying applicants by the Consumer Price Index. The change would be 2.39% for next year which would increase the exemption \$4.18.

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

FINANCE COMMITTEE REPORT: The Finance Committee supported this article.

The motion under Article 28 was **UNANIMOUSLY VOTED.**

**ARTICLE 29. ELDERLY EXEMPTION/DEFERRAL OF REAL ESTATE TAXES—INCREASE
INCOME LIMIT**

To see if the Town will vote to approve the adoption of a \$40,000 maximum gross income amount under Massachusetts General Laws, c.59, §5, cl.41A, for the exemption and deferral of real estate taxes on property owned by persons aged 65 or older who have an annual gross income of no more than the maximum amount; or act on anything relative thereto.

Submitted by the Board of Assessors.

Dan Loughlin, Town Assessor, *Moved in the words of the Article.*

This motion received a second.

BOARD OF ASSESSORS REPORT: Dan Loughlin, Town Assessor, made the presentation. He explained that Clause 41 is not an exemption, but rather a deferral. The taxpayer and Town enter into an agreement each year wherein the taxpayer agrees to defer some portion or all of their tax bill. The money will be repaid with interest. He explained that they wanted to expand the program. Currently one of the restrictions on this program is the maximum gross income from all sources cannot exceed \$30,000. We would like to increase it to \$40,000, which is the State limit.

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

FINANCE COMMITTEE POSITION: The Finance Committee supported this article.

Mr. Coe suggested that was not a substantive action to help people stay in Sudbury.

Mr. Loughlin said that he strongly agreed with Mr. Coe, however, he pointed out that out programs will be looked at from other states, and that he hoped over the next few years real meaningful legislation will be acted upon.

The motion under Article 29 was **UNANIMOUSLY VOTED.**

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ARTICLE 30. INTERMUNICIPAL AGREEMENT TO ESTABLISH A CAMA CONSORTIUM

To see if the Town will vote to enter into an intermunicipal agreement pursuant to Massachusetts General Laws, c.40, §4. The purpose of the agreement is to help the participating cities and towns to improve their Computer Assisted Mass Appraisal (CAMA) and Tax Administration software and to engage in joint purchasing of products and services related to such software. This agreement shall be effective for the ten years beginning July 1, 1996 and ending June 30, 2006 as among the member cities and towns; or act on anything relative thereto.

Submitted by the Board of Assessors

Dan Loughlin, Town Assessor, *Moved to authorize the Town Manager to enter into an intermunicipal agreement for a period of no more than ten years commencing July 1, 1996, pursuant to Massachusetts General Laws Chapter 40, Section 4, for the purpose of improving the Computer Assisted Mass Appraisal (CAMA) and Tax Administration software of the participating towns and to engage in joint purchasing of products and services related to such software.*

This motion received a second.

Mr. Loughlin made the presentation in which he described the CAMA package and the reasons for forming a consortium.

BOARD OF SELECTMEN POSITION: (Lawrence Blacker) The Board of Selectmen recommended approval.

FINANCE COMMITTEE REPORT: (Steven Wishner) The Finance Committee recommended approval.

The motion under this Article 30 was **VOTED**.

ARTICLE 31. 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.

Mr. Lawrence Blacker, Chairman, Board of Selectmen, *Moved to Indefinitely Postpone the Article.*

This motion received a second.

The reason Mr. Blacker gave was that there was no money to put into the stabilization fund.

FINANCE COMMITTEE: (Steven Wishner) The Finance Committee concurred with Mr. Blacker.

The motion to Indefinitely Postpone this Article 31 was **VOTED.**

ARTICLE 32. MINUTEMAN TECH - CONTRIBUTION FORMULA

To see if the Town will vote to reallocate its required share of the Minuteman Regional Vocational Technical School District budget in accordance with the regional agreement as permitted by Section 16B of Chapter 71 of the General Laws, or act on anything relative thereto.

Submitted by the Board of Selectmen.

Mr. Lawrence Blacker, Board of Selectmen, *Moved to postpone consideration of Article 32 to be taken as the second article to be heard tomorrow evening or the next to last order of business this evening.*

This motion received a second.

Mr. Blacker explained that Mr. Glenn Noland of the Minuteman School Committee was unable to attend that evening and Mr. Noland wanted to discuss how the formula worked and for what they were asking. Mr. Noland was available the next evening.

FINANCE COMMITTEE REPORT: The Finance Committee took no position.

No one else wished to be heard on the motion to postpone.

The motion to postpone **CARRIED.**

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ARTICLE 33. AMEND BYLAWS, ART. XXI - HIGHWAY SURVEYOR (Consent Calendar)

To see if the Town will vote to amend the Town of Sudbury Bylaws by deleting therefrom in its entirety Article XXI, Highway Surveyor; or act on anything relative thereto.

Submitted by the Board of Selectmen.

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

ARTICLE 34. AMEND BYLAWS, DELETE ART. XI - PERSONNEL BYLAW

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

Submitted by the Board of Selectmen.

Mr. Blacker *Moved in the Words of the Article.*

The motion received a second

SELECTMEN REPORT: Mr. Blacker made the presentation. He said The Town Manager Act of a few years ago did away with the Personnel Bylaw. The purpose of this Article was to cleanup the bylaws so that the section no longer applicable did not appear.

FINANCE COMMITTEE REPORT: The Finance Committee did not have a position on this Article.

Mr. Ralph Tyler, Deacon Lane, *Moved to amend Article 34 by striking the words "By Deleting Therefrom" and "In its Entirety" and adding at the end "By Deleting Section 2, Personnel Board" and by replacing in the rest of the Bylaw the words "Personnel Board" or "Board" wherever they occur with the words "Town Manager" and by replacing the words "Majority of its members" with the words "Board of Selectmen" and amend Section 8 by adding the words "With the approval of the Selectmen" in three places—at the end of the first sentence in Subsection 5, at the beginning of the third sentence in Subsection 6 and at the beginning at Subsection 10."*

On advice of Counsel the Moderator did not take the amendment because the Bylaw is invalid under State law.

Mr. Tyler then said he wanted to speak against this article because he read the new Town Charter differently. Mr. Tyler spoke to his understanding of the Town Charter and the benefits of checks and balances. He did not think it appropriate to remove this from our current bylaws.

No one else wished to be heard on this Article.

The main motion under Article 34 was **VOTED**.

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**ARTICLE 35. AMEND BYLAWS, ART. XII, TOWN PROPERTY - TECHNICAL NAME
CHANGE (Consent Calendar)**

To see if the Town will vote to amend Article XII of the Town Bylaws, entitled "Town Property", by substituting "Committee for the Preservation and Management of Town Documents" for "Ancient Documents Committee" wherever it appears, or act on anything relative thereto.

Submitted by the Board of Selectmen.

The motion under Article 35 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE** by a hand vote. (Consent Calendar)

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ARTICLE 36. AMEND ACCESS EASEMENT - CUMMINGS PROPERTY, NORTH RD.

To see if the Town will vote to amend an existing Access Easement granted by the Town of Sudbury on property located at North Road, to allow for the erection of a sign, or signs, in conformance with the Zoning Bylaw as allowed by the Board of Appeals to identify the benefited property; or act on anything relative thereto.

Submitted by the Board of Selectmen.

Mr. Blacker, Chairman, Board of Selectmen, *Moved in the words of the article, subject to the Town's receipt of an access easement satisfactory to Town Counsel.*

The motion received a second.

BOARD OF SELECTMEN REPORT: Mr. Blacker made the presentation. He said this article sought to have the Town attain an access easement to the Unisys-Cummings property which the Town believed it would originally get from the Trust for Public Lands. He described the driveway, the current easement and the walkway easement traversing the septic system. The Town sought a vehicular easement continuing from where it was at that moment to almost the Frost property. In consideration of that easement the Selectmen would grant the right to put a sign in the lower portion near 117 area describing the property.

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

PLANNING BOARD REPORT: (Carmine Gentile) The Planning Board supported this Article.

Mr. Tyler, Deacon Lane, asked when the "No Trespassing" signs keeping Towns people off Town land would be resolved. He also asked if the current foundation and landscaping could be used for the sign.

Mr. Blacker said the "No Trespassing" signs would be taken down immediately.

Frank Riepe, King Philip Road, asked for specifics around the real estate being given in the easement.

Mr. Kenny responded by saying there was no new easement being granted here. There is presently an existing easement over the roadway. This Article amends this easement to make it clear that a sign could be put at the entrance of the property where the easement already exists.

No one else wanted to be heard on this Article.

The motion under this Article 36 **UNANIMOUSLY VOTED.**

ARTICLE 37. WAYLAND/SUDBURY SEPTAGE DISPOSAL FACILITY AGREEMENT

To see if the Town will vote, pursuant to Chapter 40, sections 4 and 4A, of the General Laws, to revise the present agreement between the Towns of Sudbury and Wayland, Massachusetts, which provides for certain joint or cooperative activities with respect to siting, designing, constructing, originally equipping, operating, and providing access to a septic-tank pumping disposal facility on land owned by the Towns of Sudbury and Wayland, north of the Boston Post Road and west of the Sudbury River; to determine what town officer, board, commission, committee, or combination of them shall be authorized to execute such agreement; or act on anything relative thereto.

Submitted by the Wayland-Sudbury Septage Disposal Facility Operational Review Committee.

Mr. Gottberg, Mossman Road, Moved pursuant to Chapter 40, sections 4 and 4A, of the General Laws, to revise the present agreement between the Towns of Sudbury and Wayland, Massachusetts, which provides for certain joint or cooperative activities with respect to siting, designing, constructing, originally equipping, operating, and providing access to a septic-tank pumping disposal facility on land owned by the Towns of Sudbury and Wayland, north of the Boston Post Road and west of the Sudbury River; as set forth in the Warrant Report under Article 37 of this meeting; and to authorize the Board of Selectmen to execute such agreement.

This motion received a second.

WAYLAND-SUDBURY SEPTAGE DISPOSAL FACILITY OPERATIONAL REVIEW

COMMITTEE: Mr. Gottberg made the presentation. He explained the functions of three areas of changes at which they looked. These were: finance, operations and management. The Committee recommended a Septage Committee of four members of each community who would have direct responsibility in the direction of where the facility would go. This would result in Sudbury and Wayland being on even par. The Committee recommended a part-time director/engineer who would handle the minor management decisions to be made on a daily basis. This director/engineer would also be communicating with the ORC or the Septage Committee. The Committee was looking to a contract operation for the actual operation of the facility which meant that the Committee would know what the costs would be on an annual basis.

Printed below is the proposed agreement:

**“SEPTAGE DISPOSAL AGREEMENT
BETWEEN THE TOWNS OF WAYLAND, MASSACHUSETTS AND SUDBURY, MASSACHUSETTS**

THIS AGREEMENT made this ____ day of _____, pursuant to the provisions of G.L. Chapter 40, Sections 4 and 4A, and every other power which they may have, by and between the TOWN OF SUDBURY, a municipal corporation in Middlesex County, Massachusetts (hereinafter referred to as SUDBURY), acting by its Board of Selectmen, and the TOWN OF WAYLAND, a municipal corporation in Middlesex County, Massachusetts (hereinafter referred to as WAYLAND), acting by its Board of Selectmen,

WITNESSES that:

WHEREAS the parties have determined that they need facilities for the treatment and disposal of sewage and offal, including septic-tank pumpings, the last of which is hereinafter called septage; and

WHEREAS the parties have jointly used the existing facility since its original construction and desire to continue such joint use and benefit; and

WHEREAS this Agreement has been duly authorized by votes of Town Meetings in

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SUDBURY and WAYLAND, respectively, copies of which, designated Exhibits A and B, respectively, are annexed hereto and incorporated herein by reference;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

SECTION I The Facility

SUDBURY and WAYLAND shall continue to jointly finance, construct, equip, maintain, repair and operate for the benefit of the citizens of said Towns a facility for the treatment and disposal of septage located north of Route 20 near the Wayland-Sudbury Town Line.

SECTION II The Site

SUDBURY and WAYLAND shall have the right and easement to use the Septage Treatment Facility and parcels of land on which the Facility is located in said Towns North of State Route 20 for the construction and operation of said facility in accord with the terms of the Agreement.

SECTION III SEPTAGE COMMITTEE

A. In order that SUDBURY and WAYLAND each have an equal voice in the fundamental aspects of the aforesaid facility, there shall be established an SEPTAGE COMMITTEE, hereinafter referred to as the COMMITTEE, consisting of eight (8) members to be designated as follows:

- One person appointed by the Board of Health of each Town.
- One person appointed by the Conservation Commission of each Town.
- One person appointed by the Planning Board of each Town.
- One person appointed by the Selectmen of each Town.

The term of office shall be determined by the appointing Board or Commission. In the event that any of the above appointing boards ceases to exist in either town, its functional successor board or elected official shall have the appointing authority.

B. The authority granted hereunder to the COMMITTEE or its functional successor shall at all times be exercised so that the facility shall operate in a manner that is fair and equitable to the citizens of both Towns.

SECTION IV Authority and Duties of the COMMITTEE

A. The COMMITTEE shall be responsible for all aspects of the operation and maintenance of the facility and obtaining and approving all designs and changes to equipment and structures at the facility.

B. No substantial changes may be made in the location, design, layout, engineering, or equipment of the facility, without the approval of the COMMITTEE.

C. In the first quarter of each fiscal year and at such other times as may be appropriate, the COMMITTEE shall review the operation of the facility and establish the maximum volume of septage to be accepted and processed yearly at the facility; the volume of septage that may be accepted from persons who do not reside in SUDBURY and WAYLAND; the types of waste that may be accepted, and the schedule of fees to be charged for the use of said facility.

D. The COMMITTEE shall adopt and approve any rule or regulation governing public use of the facility.

E. The COMMITTEE shall appoint a DIRECTOR to oversee the day to day operation, maintenance and management of the Facility. Such appointment shall be reviewed no less than once per year. The COMMITTEE may hire operational staff including independent contractors to operate and maintain the Facility under the direction of the DIRECTOR.

F. The COMMITTEE shall review and have final approval authority over the annual budget prepared by the DIRECTOR pursuant to Section VI.

G. The COMMITTEE may arrange for the Septage Enterprise Accounts to be audited by an accountant selected by the COMMITTEE.

SECTION V Authority and Duties of the DIRECTOR

A. The DIRECTOR shall operate, maintain, repair, and manage the facility and shall have the care, custody, management, and control thereof and of the land more fully described above.

B. The DIRECTOR shall also be responsible for maintaining complete and accurate books and records pertaining to the operation of said facility and make them available for inspection at any reasonable time to the Town Accountant of SUDBURY and/or WAYLAND, any member of the COMMITTEE and/or any person who shall have been duly designated by them or any of them.

C. The DIRECTOR shall report to the COMMITTEE at its regularly scheduled meetings on all aspects of the operations, maintenance, construction or management as may be requested by the COMMITTEE.

D. No person or vehicle shall deposit septage at the facility unless a qualified Wastewater Treatment Plant Operator is present.

SECTION VI Apportionment and Payments of Costs

A. Classification of Costs

In order to apportion the costs incurred for the construction and operation of the facility between SUDBURY and WAYLAND, all such costs shall be divided into the following categories:

1. Capital Costs

Capital costs shall mean all costs, financed by bonds, notes, or other indebtedness, for constructing or adding to said facility or the equipment and furnishings thereof, and for remodeling or making extraordinary repairs thereto. Capital costs shall also include payment of all principal and all interest on bonds, notes, or other obligations issued to finance such costs. Any such Capital costs may be incurred only after a vote of Town Meeting in the Town authorizing the borrowing.

2. Operating Costs

Operating costs shall mean all costs other than capital costs, as defined in Section VI A 1 above, including any costs incurred for maintenance or repairs.

B. Financing

In order to pay the future original capital costs required for said facility, as the same are defined above, the Host Town (as defined herein) shall issue such notes or other obligations as it may deem best for the period of construction and replace the same with a permanent financing arrangement.

C. The Budget Process

1. On or before November 15 of each year, the DIRECTOR shall submit to the COMMITTEE a copy of the capital and operating budget proposed for the facility to cover their estimate of the costs anticipated during the next fiscal year. This budget shall also present an estimate of the volume of septage to be processed during the next fiscal year. This volume shall be the budgeted operating level and shall not exceed the maximum volume set by the COMMITTEE in accordance with Section IV C. The budget operating level shall show the respective volumes expected from SUDBURY and WAYLAND and that expected from outside sources. The Budget shall also present the expected revenue sources.

2. The COMMITTEE shall review and shall, on or before December 15 of each year, approve or revise and approve the budget submitted by the DIRECTOR. Such approval shall require the vote of two-thirds of those members of the COMMITTEE present and voting, and shall also require an affirmative vote from at least one member from each Town. The DIRECTOR shall, upon approval of the budget by the COMMITTEE, transmit a copy of said budget to the Board of Selectmen and Finance Committee of the Host Town for inclusion in the Warrant for the Host Town's Annual Town Meeting.

3. The Budget adopted by the COMMITTEE shall be included in the Warrant for the Host Town's Town Meeting without any changes.

4. The Septage Committee shall request a financial proposal from the Treasurer of both Wayland and Sudbury to provide the municipal financial and treasury services as outlined in this Agreement. Every three years the Septage Committee shall reevaluate the financial operations and make any changes as it determines are warranted. This may include asking both Towns to re-bid their financial proposal. The Town designated by the Septage Committee to provide the services for each three year period shall be designated as the "Host Town" in this Agreement. Until such time that the Septage Committee makes a change in the Financial Operations, the current arrangements shall remain in effect.

5. The operating and capital costs of the facility shall be paid from Enterprise Funds to be carried on the books of the Host Town and are to be maintained in separate, interest bearing bank accounts, hereinafter the Septage Operating Enterprise Account and the Septage Capital Enterprise Account, for such purpose by the Host Town.

D. Billing & Collection

1. The Host Town shall be responsible for the billing and collecting of any fees for use of the facility and all fees collected by the Host Town shall be deposited into separate, interest bearing Enterprise Account maintained by the Treasurer of the Host Town in accordance with Section VI.C.5. The Treasurer of the Host Town shall transmit to both towns such other amounts for Capital Costs, including debt payment, as are required by each town to make such payments on any outstanding bonds issued by that town and associated with the Facility.

E. Fees

1. The Host Town shall transmit to either town, upon the request therefor, the names of property owners who are delinquent more than ninety (90) days in the payment of fees billed to them.

2. For all accounts in WAYLAND and SUDBURY that are delinquent in excess of ninety (90) days, the Treasurers of WAYLAND and SUDBURY shall transmit to the Treasurer of the Host Town payment for such overdue accounts. The Treasurer of the Host Town shall deposit such payment into the Septage Enterprise Operating Account in the Host Town. Each Town shall be responsible for collecting such overdue payments from the property owners in the town through the tax lien.

3. The Treasurer of the Host Town shall transmit each month to the COMMITTEE and to each Town a detailed expense and general ledger statement indicating all activity of the Enterprise Account during the previous month.

F. Unilateral Termination

In the event that either Town shall terminate this Agreement without the consent of the other, it shall, nevertheless, continue to pay fifty percent (50%) of the all outstanding debt at the time of the termination, until such debt is fully retired.

SECTION VII Use of Facility

A. Except as may otherwise be provided herein, the facility shall be operated and maintained for the benefit of the citizens of SUDBURY and WAYLAND.

B. Septage may be accepted at the facility for an appropriate fee from persons who do not reside in SUDBURY or WAYLAND, to the extent permitted by the COMMITTEE.

C. In the event that demand shall exceed the maximum volume permitted at the facility during the periods that the facility is operated for both Towns, each Town shall be entitled to use for septage originating within that Town one-half of such volume as well as any portion not used by the other Town.

SECTION VIII Protection Against Liability

A. For the duration of this Agreement, the Town of WAYLAND shall purchase and maintain policies or riders on existing policies of insurance providing for:

1. The payment of compensation and the furnishing of other benefits to all persons employed pursuant to this Agreement in accord with the provisions of G. L. Chapter 152, and

2. Public liability and property damage insurance covering liability for the Towns, their employees, agents, or contractors for injury to persons, including death, resulting from the actions or failures to act of the DIRECTOR or the COMMITTEE, their successors, their employees, agents, or contractors in the construction and operation of said facility which provides indemnity protection to the amount or limit of at least \$1,000,000 on account of injury or death of any one person, and subject to such limits as respects injury or death of one person, of at least \$3,000,000 on account of any one accident resulting in injury or death of more than one person, as well as coverage for property damage to the amount or limit of at least \$20,000 on account of any one accident resulting in such property damage.

3. The cost of such insurance shall be included in the operating budget each year and the Treasurer of the Host Town shall make payment of same to the Treasurer of WAYLAND upon receiving notice from WAYLAND that payment is due.

B. The parties further agree that all damages, costs, charges, judgments, expenses, as well as the cost of investigating and defending claims against either or both Towns, including attorneys' fees and expenses, that SUDBURY or WAYLAND may incur by reason of any alleged act, neglect, omission, or default on its part or that of its employees, agents, or contractors in any way arising out of the construction and/or operation of the aforesaid facility shall be shared equally by said Towns, regardless of fault, to the extent that such expense shall not be covered by insurance.

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SECTION IX Casualty and Eminent Domain

In the event that any property within or upon the site shall be damaged or taken by eminent domain, the COMMITTEE shall determine and direct what use shall be made of all proceeds that may be recovered on account of such damage or taking; but if it shall be unable or unwilling to make such determination within forty-five days after such funds have been received, the net proceeds shall be divided and distributed to the Towns in equal shares.

SECTION X Taxation

All property used in connection with the operation of the aforesaid facility shall be exempt from taxation by either Town, and neither Town may demand any fees or charges on account of said facility which are not paid at the same rate by other facilities situated in said Town.

SECTION XI Fiscal Year

The fiscal year for the operation of said facility shall commence on July 1st of each year.

SECTION XII Annual Reports

The COMMITTEE shall submit a written report each year to the Selectmen of each Town, for inclusion in the Annual Reports of SUDBURY and WAYLAND, containing detailed financial statements concerning the operation of the facility as well as a statement showing the methods that were used to compute the annual charges apportioned to each Town.

SECTION XIII Effective Date

This Agreement shall become effective upon the execution of this instrument as duly authorized by each party hereto in accord with the provisions of G. L. Chapter 40, Section 4.A.

SECTION XIV Term

Unless sooner terminated, as provided in G. L. Chapter 40, Section 4.A, this Agreement shall expire at the end of twenty (20) years from the effective date hereof.

SECTION XV Termination

A. During the term of this Agreement

As provided by the provisions of Chapter 40 Section 4.A of the General Laws, either town may terminate this Agreement at the end of any fiscal year provided that notice of such termination is given to the other town at least one year prior to the date of termination. If the Agreement is Terminated by either Town:

1. The Terminating Town shall pay the other Town all monies that may have been due at the time of such event on account of the current operating costs of said facility within thirty (30) days after such amount shall have been determined by the COMMITTEE and certified to its Town Treasurer. Such amount may subsequently be adjusted and become payable as provided in Section VI.D.4 above. Any funds held in one or more enterprise fund of the Terminating Town for the Septage Facility shall be turned over to the non-terminating Town for its use in operating, maintaining and upgrading of the facility, subject to appropriation.

2. The other Town shall thereupon have the right, at its own expense, to operate the facility and to control for this purpose the land included in the site until the expiration of twenty (20)

years from the effective date of this Agreement without interference of any kind by the Terminating Town, including the imposition of taxes, usage fees (except as provided in Section X above), or otherwise.

3. Each Town shall continue to pay its share of any capital cost that may have been outstanding at the time of such event in accord with the provisions of Sections VI., and VIII above until such capital cost shall have been paid in full.

4. The authority of the COMMITTEE shall continue in all respects.

5. In the Case of Termination by one Town, membership on the COMMITTEE shall be limited to appointees of the continuing Town.

6. The maximum volume of the facility and the types of waste to be accepted at the facility shall not exceed those of the last actual safe and reasonable level of operation recorded by the COMMITTEE for a fiscal year prior to such termination; the Town that shall continue to operate the facility may accept septage from other communities for a fee up to such level of operation and retain such fees without reporting such fees to or sharing them with the Terminating Town.

B. Upon Expiration of this Agreement

In the event that the parties hereto shall not extend the term of this Agreement, the COMMITTEE shall, at the end of twenty years after the effective date of this Agreement, or at such earlier date as the parties shall determine by agreement, obtain an appraisal of the facility, excluding the land but including all structures, equipment, supplies, and materials associated therewith, and such facility shall thereupon be disposed of as follows:

1. In the event that WAYLAND shall vote to continue to operate said facility, it shall be permitted to do so upon payment to SUDBURY of one-half of said appraised value, either if SUDBURY shall permit such continued operation on the site, or if WAYLAND can operate the facility without using that portion of the site located in SUDBURY.

2. Otherwise the said facility shall be disposed of with the approval of the COMMITTEE as follows:

a. If the facility shall have a market value, the assets (excluding the land) shall be sold by WAYLAND and the net proceeds shall be divided equally between the Towns, together with all monies remaining due from one Town to the other arising out of the construction and operation of said facility;

b. If the facility shall be deemed to have no market value, or if the Town of WAYLAND shall determine that it constitutes a nuisance or liability, the Town of WAYLAND may demolish the same, and SUDBURY shall reimburse WAYLAND one-half the cost of such demolition, after any credit for salvage value, if it shall occur within five years of the expiration of this Agreement;

c. In any other manner, including a lease thereof, which may be authorized by vote of the two Towns.

C. Upon Termination of this Agreement

The obligations of one Town to the other under this Agreement shall cease upon its termination, except for any reimbursement or adjustments that may be due for any operating costs up to and including the date of termination and any outstanding indebtedness or obligations due from one Town to the other on account of the facility, including the payments provided by Section.

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SECTION XVI Amendment

This Agreement may be amended from time to time provided that no such amendment shall become effective until approved by a Town Meeting in both member Towns.

SECTION XVII Filing

A copy of this Agreement and all amendments thereto shall be filed with the Town Clerk of each member Town as a public document.

SECTION XVIII Notice

Any notice, demand, or request required to be given hereunder shall be deemed sufficiently given or served on either of the parties hereto if mailed, postage prepaid, to WAYLAND at 195 Main Street, Wayland, Massachusetts 01778, and to SUDBURY at Town Hall, Sudbury, Massachusetts 01776, or to such other address, as shall be designated by either party in writing for that purpose.

IN WITNESS WHEREOF, the parties have hereto set their hands and seals, SUDBURY by its Selectmen, and WAYLAND by its Selectmen, both thereunto duly authorized, who, however, incur no personal liability by reason of the execution hereof or anything herein contained, in duplicate, the date and year first above written.

TOWN OF SUDBURY
By its Selectmen

TOWN OF WAYLAND
By its Selectmen"

BOARD OF SELECTMEN POSITION:(John Drobinski) The Board of Selectmen supported this Article.

FINANCE COMMITTEE REPORT: (Karen Anderson Palmer) The Finance Committee recommended approval of this Article.

No one else wished to be heard on this Article.

The motion under Article 37 was **VOTED**.

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ARTICLE 38. WAYLAND/SUDBURY SEPTAGE DISPOSAL FACILITY MANAGEMENT

To see if the Town will vote to amend "The Septage Disposal Agreement Between the Towns of Wayland and Sudbury" hereinafter referred to as the Intertown Agreement, as follows:

By changing the words *Road Commissioners* (Wayland) to "Board of Health (Wayland)"; and

By reducing the Operational Review Committee (ORC) from ten (10) to eight (8) members by deleting the Town of Sudbury Highway Commission appointee and the Town of Wayland Road Commission appointee;

or act on anything relative thereto.

Submitted by Petition.

There was no motion made for Article 38. It was **PASSED OVER**.

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**ARTICLE 39. AMEND ZONING BYLAW, ART. IX. I & III -
FLOOD PLAINS**

To see if the Town will vote to amend Article IX (I,H) by deleting therefrom paragraph 4 and substituting the following:

“4. Floodplain District Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town of Sudbury Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated June 1, 1982, as Zone A, AE, AH, AO, A1-30, A99, V, V1-30, VE and the FEMA Flood Boundary & Floodway Map dated June 1, 1982, both maps which indicate the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study booklet dated December 1, 1981. The FIRM, Floodway Maps and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Department.”;

and by adding thereto a new paragraph 5 as follows:

“5. Floodway Data

In Zone A, A1-30 and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.”;

and by amending Article IX (III,E) by adding thereto a new paragraph 5 as follows:

“5. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- a. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 2102.0, Flood Resistant Construction);
- b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c. Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);
- d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15.000, Title 5);
- e. The Sudbury Wetlands Administration Bylaw;

Any variances from the provisions and requirements of the above referenced State regulations may only be granted in accordance with the required variance procedures of these local and State regulations.”;

or act on anything relative thereto.

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Submitted by Town Engineer.

John Drobinski, in behalf of the Town Engineer, Moved in the words of the Article.

This motion received a second.

TOWN ENGINEER'S REPORT: Mr. William Place, Town Engineer, said these changes to the Town Flood Plain Zoning Bylaw were suggested by the Department of Environmental Management, to ensure that the bylaw was up to date in compliance with the National Flood Insurance Program requirements. The change to Paragraph 4 of the bylaw was to include the floodway boundary and the floodway map. A new Paragraph 5 had been added to prohibit any encroachment into a floodway that was not shown on the Flood Insurance Rate Maps or Floodway Maps. In Section III.E, a new Paragraph 5 had been added which required any activity in a Flood Plain to conform to specific standards which Mr. Place outlined.

BOARD OF SELECTMEN POSITION: (John Drobinski) The Board of Selectmen supported this Article.

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

PLANNING BOARD REPORT: (Jody Kablack) The Planning Board supported this Article.

Mr. Riepe asked if this changed the extent of the flood plain.

The response was that there were no changes in flood plains.

No one else wished to be heard on this Article.

The motion under Article 39 was **VOTED.**

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ARTICLE 40. AMEND ZONING BYLAW, ART. IX.III.C.2. -ADD RECREATIONAL USES TO INDUSTRIAL DISTRICTS

To see if the Town will vote to amend the Town of Sudbury Zoning Bylaw, Article IX, section III.C.2. (Permitted Uses in Industrial Districts), by adding a new section "k" as follows:

"k. Recreational facilities, such as tennis courts, ice skating rinks, swimming pools, athletic clubs having handball and squash courts and gymnasiums, provided that a special permit is granted by the Board of Appeals and a site plan is submitted under the provisions of this bylaw.";

or act on anything relative thereto.

Submitted by the Planning Board.

Jody Kablack, Town Planner, *Moved in the words of the Article.*

The motion received a second.

PLANNING BOARD REPORT: Jody Kablack, Town Planner, made the presentation. She said that this revision added recreational facilities as an additional use to Industrial Districts. Any requests to construct such a facility would require a special permit from the Zoning Board of Appeals and Site Plan special approval from the Board of Selectmen. The Planning Board believed that adding this use to Industrial Districts served three purposes: 1) it would expand Industrial Districts to permit less intensive uses than conventional industrial uses; 2) it would provide Sudbury with greater opportunities to expand its commercial tax base; and 3) it would provide needed space for recreational facilities which had been disappearing from Sudbury in the past 10 years. It would also enhance Town sponsored recreational activities. Ms. Kablack explained where the properties were located into which the Planning Board wished to allow this use.

BOARD OF SELECTMEN POSITION: (M. Clark) The Board of Selectmen supported this Article.

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

The motion under Article 40 was **VOTED.**

ARTICLE 41. AMEND ZONING BYLAW, ART. IX.I.C - LOT AREA DEFINITION - WETLANDS EXCLUSION

To see if the Town will vote to amend the Town of Sudbury Zoning Bylaw, Article IX, Section I.C (Definitions), "Lot Area" by adding the following after the words "basins, etc.)":

"and no more than twenty-five percent (25%) of the minimum required lot size in any district which is underwater land or wetland resource area as defined in Chapter 131, Section 40 of the General Laws or the Sudbury Wetlands Administration Bylaw";

so that the definition of Lot Area reads as follows:

"Lot Area - Area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which the lot abuts, even if fee to such street is in the owner of the lot; provided however, when computing minimum lot area for any lot laid out and submitted for approval by the Planning Board, in accordance with Chapter 41 of the Massachusetts General Laws as of the effective date of this bylaw, no land designed for surface collection of storm water or drainage waters (i.e., detention, retention, infiltration ponds or basins, etc.) and no more than twenty-five percent (25%) of the minimum required lot size in any district which is underwater land or wetland resource area as defined in Chapter 131, Section 40 of the General Laws or the Sudbury Wetlands Administration Bylaw shall be used in the computation.";

or act on anything relative thereto.

Submitted by the Planning Board.

Jody Kablack, Town Planner, *Moved in the words of the Article.*

The motion received a second.

PLANNING BOARD REPORT: Ms. Kablack said this Article helped manage residential growth in Town. This article rezoned buildable land by requiring larger lot sizes in areas with wetlands. The Board chose this method of rezoning over full scale minimum lot area change as an interim measure. The language contained in the bylaw amendment would allow no more than 25% of the minimum lot area in any district to be wetlands when computing lot area for subdivision purposes. The bylaw will not affect legally existing single and separate lots whether vacant or approved. It only affects those lots to be submitted for review as a subdivision or non-subdivision plan. Any legally existing lot with less than the minimum required lot area will not be affected by this change. She explained the advantages of this amendment.

BOARD OF SELECTMEN POSITION: (John Drobinski) The Board of Selectmen supported this Article.

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

CONSERVATION COMMISSION REPORT: (Dick Bell) The Conservation Commission supported this Article.

Mr. Les Bellows, Juniper Road, asked Mr. Kenny to define a subdivision.

Mr. Kenny responded with the definition.

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Mr. Riepe spoke in favor of the Article.

Edward Kreitsek asked a question regarding grandfathering of small non-conforming parcels of land to which

Mr. John Hepting, Zoning Inspector, responded in a detailed answer. Mr. Hepting also noted that he felt this was not a zoning amendment and that he thought the grandfathering would not be affected.

The motion under Article 41 was **UNANIMOUSLY VOTED.**

ARTICLE 42. AMEND ZONING BYLAW, ART. IX.IV.D - CLUSTER DEVELOPMENT

To see if the Town will vote to amend the Town of Sudbury Zoning Bylaw, Article IX, section IV.D.4 (Cluster Development - Common Land), by adding the following at the end of the first sentence of that section:

“Of the 35% required open land, a minimum of 50% must be exclusive of wetlands, floodplain (as defined in section I,H of the Zoning Bylaw), ledge outcropping, and slopes in excess of 15% grade.”;

so that section reads as follows:

“4. Common Land - Not less than 35% of the land area of the tract, exclusive of land set aside for road area, shall remain unsubdivided and shall be dedicated as common open land. Of the 35% required open land, a minimum of 50% must be exclusive of wetlands, floodplain (as defined in section I,H of the Zoning Bylaw), ledge outcropping, and slopes in excess of 15% grade.”;

and by adding the following in section IV.D.4.a, after the second sentence:

“The common land shall be selected in order to maximize the value of wildlife habitat, shall be contiguous to the extent required to preserve significant habitat, and shall be configured to minimize the perimeter to surface area ratio in order to preserve large blocks of undisturbed land. The common land shall be left in an undisturbed, natural state.”; or act on anything relative thereto.

Submitted by the Planning Board.

Jody Kablack, Town Planner, *Moved in the words of the Article.*

The motion received a second.

PLANNING BOARD REPORT: This bylaw gives the Town and Developers an option when submitting a subdivision plan. It allows for the reduction of lot frontage and area when designing a subdivision plan in return for the preservation of a minimum of 35% open space in that subdivision. The density of a cluster development was exactly equal to that of a conventional subdivision, however, the design of the plan was more flexible. Generally it allowed for a shorter road length which translated to a reduction in cost to build the subdivision. The Town then got the benefit of preserving open space at no cost. This was the premise of the Cluster Development Bylaw. Sudbury had only Run Brook II and Run Brook III as cluster developments. These parcels were suitable for cluster development however a vast amount of open space was wetlands. Article 42 proposed to require a minimum of 50% of the required open space in a cluster development be upland area or other unbuildable areas outside of the wetlands. Ms. Kablack discussed the assets of this proposal. The Planning Board believed that unbuildable should not act the sole open space in a cluster development.

BOARD OF SELECTMEN POSITION: (John Drobinski) The Board of Selectmen supported this Article.

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

CONSERVATION COMMISSION: (Dick Bell) The Conservation Commission supported this Article.

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There was additional discussion about cluster developments, lot sizes, public access to land and trails.

The motion under Article 42 was **UNANIMOUSLY VOTED**.

ARTICLE 43. AMEND ZONING BYLAW, ART. IX.III.C.2.a - PERMITTED USES, INDUSTRIAL DISTRICTS (Consent Calendar)

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

"or which may contaminate ground water, any stream or other body of water or wet area."; or act on anything relative thereto.

Submitted by the Planning Board.

The motion under Article 43 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE**.(Consent Calendar)

ARTICLE 44. AMEND ZONING BYLAW, ART. IX.III.C.2.c - PERMITTED USES, INDUSTRIAL DISTRICTS (Consent Calendar)

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

"if a special permit is granted by the Board of Appeals."; or act on anything relative thereto.

Submitted by the Planning Board.

The motion Article 44 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE**. (Consent Calendar)

**ARTICLE 45. AMEND ZONING BYLAW, ART. IX.V.D - SIGNS AND ADVERTISING
DEVICES (Consent Calendar)**

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

Section V.D.2.a.

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

Section V.D.2. (Definitions).

Add the following:

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

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

Delete paragraph b. and substitute the following:

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

Delete paragraph e. and renumber remaining paragraphs accordingly;

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

Add the following:

- "j. Flags.";

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

Delete paragraph c. and substitute the following:

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

Section V.D.

Insert the following:

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

and renumber remaining paragraphs accordingly;

or act on anything relative thereto.

Submitted by the Planning Board.

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The motion Article 45 was **UNANIMOUSLY VOTED IN THE WORDS OF THE ARTICLE.** (Consent Calendar)

ARTICLE 46. AMEND ZONING BYLAW, ART. IX.I & III - ASSISTED CARE FACILITY DEFINITION, NURSING HOME RESTRICTIONS

To see if the Town will vote to:

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

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

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

“f. Nursing Homes provided that :

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

or act on anything relative thereto.

Submitted by the Planning Board.

Mr. John Rhome, Planning Board Member, Moved in the words of the Article.

This motion received a second.

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PLANNING BOARD REPORT: Mr. John Rhome made the presentation. This Article was the same as was passed at the 1996 Annual Town Meeting with the following exceptions. He said that this Article did two things:

- It defined "Assisted Living Facilities."
- It put some parameters and limitations on nursing homes.

He explained the density limitation was unfeasible and undesirable so the proposed article had been revised to exclude the density limitation of seven bedrooms per acre for nursing homes

BOARD OF SELECTMEN POSITION: (Maryanne Clark) The Board of Selectmen supported this Article.

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

Mr. Ralph Tyler *Moved to amend Article 46 by adding to the end of Paragraph F(1) the words "and shall be limited to seven bedrooms per acre."*

Mr. Tyler spoke in support of his motion. He discussed last year's long debate at Town Meeting over how dense we wanted a nursing home in a residential area in the community. Last year the Town came to the conclusion that to limit the nursing home to seven bedrooms per acre was a wise thing to do. Mr. Tyler wanted to reinstate what was done at last year's Town Meeting.

PLANNING BOARD POSITION: (John Rhome) Mr. Rhome said that they strongly opposed this amendment as it was uneconomical and should not be in this type of bylaw.

Mr. Klein stated that he thought there should be a limitation of beds in this article and in absence of such a number he supported Mr. Tyler's amendment.

Mr. Blacker said this was a septic system limitation. He could not say what those numbers were. He also commented that if this amendment were passed it was saying that there were no nursing homes wanted. The reason was that no one will build a nursing home at seven bedrooms per acre.

There was additional discussion around this amendment both in favor and in opposition to the amendment.

The motion to amend Article 46 was **DEFEATED**.

The main motion under Article 46 was **UNANIMOUSLY VOTED**.

ARTICLE 47. ABANDON RIGHT OF WAY EASEMENTS - HAMPSHIRE STREET

To see if the Town will vote to authorize the Selectmen, acting on behalf of the inhabitants of the Town, to release the right of way easements on land shown as Parcel 132 and 133 of Town Property Map E08, being recorded in Middlesex South Registry of Deeds Book 18409, Page 218 and Book 20297, Page 108, respectively, and to refer the matter to the Great and General Court of the Commonwealth for their vote to release, if necessary; or act on anything relative thereto.

Submitted by the Planning Board.

Jody Kablack, Town Planner, *Moved in the words of the Article.*

The motion received a second.

PLANNING BOARD REPORT: Jody Kablack, Town Planner, gave the presentation. The subject easements being requested to be abandoned were granted as part of the Willis Acres Subdivision approved in 1965. Those easements gave the Town the right to construct a turnaround at the end of Hampshire Street if one had been deemed necessary at a future date. No turnaround had been constructed since that date and the need for one was precluded by the approval of a new subdivision called Summerfields on the abutting property. The Planning Board sponsored this article since the need for the easements had been negated with the development of the adjacent land and the construction of a turnaround on the adjacent property.

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

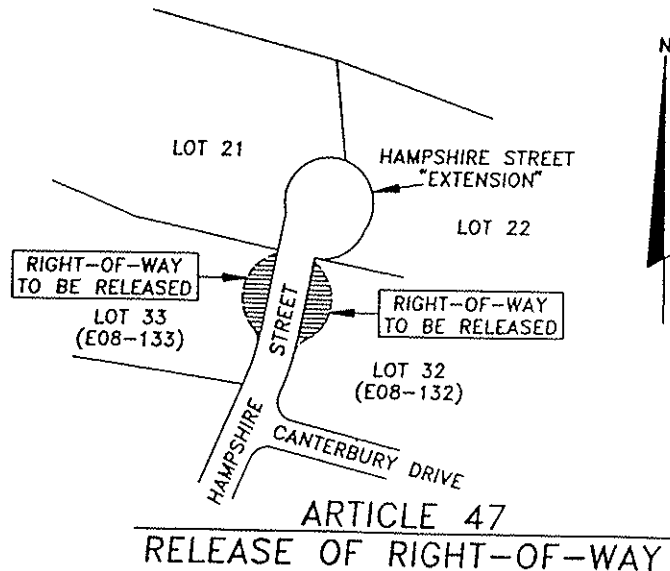
FINANCE COMMITTEE REPORT: The Finance Committee took no position on this Article.

Mr. Robert Coe, Churchill Street, stated that he believed this Article to be premature. What happens if the Hampshire Street extension falls through and that cul-de-sac never gets build or gets built and never gets accepted as a public way? We should not remove this easement. We should remove the easement when, and only when, the extension is build to Town standards and accepted.

Carmen Gentile, Planning Board, stated that we have a cash bond for the completion of the new cul-de-sac. If the developer chose not to build it, we have the money sitting in a bank account to build it ourselves. Secondly, the Conservation Commission already has approved an Order of Condition for the street and the cul-de-sac.

There was some discussion both pro and con for this Article.

The main motion under Article 47 was **DEFEATED**.



ARTICLE 48. ABANDON RIGHT OF WAY EASEMENT - LOT 14, CUTLER FARM ROAD
(CONSENT CALENDAR)

To see if the Town will vote to authorize the Selectmen, acting on behalf of the inhabitants of the Town, to release the right of way easement on land shown as Parcel 414 on Town Property Map L10, being recorded in Middlesex South Registry of Deeds Book 24555, Page 441, which parcel is shown as Lot 14 on the Definitive Subdivision Plan of Cutler Farm, Sudbury, MA, and to refer the matter to the Great and General Court of the Commonwealth for their vote to release, if necessary; or act on anything relative thereto.

Submitted by the Planning Board.

Jody Kablack, Town Planner, *Moved in the words of the Article.*

This motion received a second.

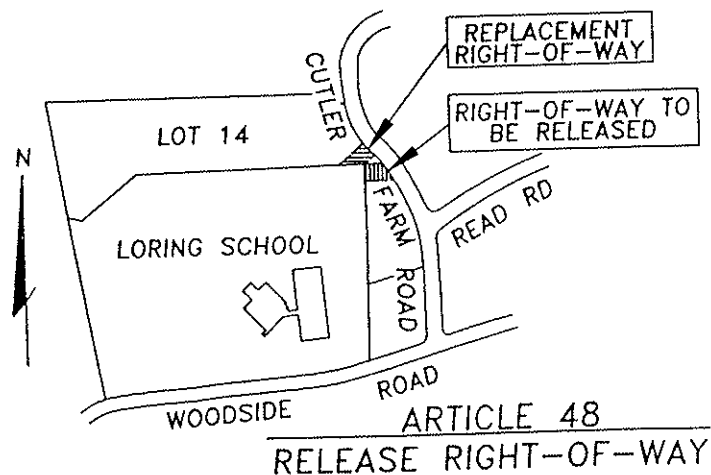
PLANNING BOARD REPORT: Jody Kablack, Town Planner, made the presentation. She indicated that Article 48 was to release the right-of-way easement on Lot 14 Cutler Farm Road. She explained that in the sketch in the warrant for this Article the word "Farm" went with Cutler Farm Road. The word "Farm" was on Lot 14 where the existing right-of-way existed, and which the Planning Board was requesting to be released. Lot 14 was also 13A and above that lot was Lot 12A. The premise of Article 48 was to swap easement locations to provide access to Loring School property from Cutler Farm Road. She discussed the reasons for the revised easement locations.

BOARD OF SELECTMEN POSITION: (Maryann Clark) The Board of Selectmen supported this Article.

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

SUDBURY SCHOOL COMMITTEE: (Bill Braun) Mr. Braun assured the residents of the Cutler Farm area that obtaining the alternate easement did not imply intention by the schools to create an access to a school to be located in that site by Cutler Farm Road. It was simply replacing an existing easement so that the Town retains an easement in case the purchase of the two additional lots did not go through.

The motion under Article 48 was **UNANIMOUSLY VOTED.**



**ARTICLE 49. LONG RANGE PLANNING COMMITTEE—NAME CHANGE, MODIFIED
STRUCTURE & DUTIES**

To see if the Town will vote to amend the votes taken under Article 14 of the 1986 Annual Town Meeting and Article 12 of the 1969 Annual Town Meeting by:

Changing the name of the Long Range Planning Committee to the Capital Planning Committee;

Expanding the Committee to seven (7) members; four (4) to be appointed by the Board of Selectmen and three (3) by the Moderator for staggered terms of four (4) years each;

Requiring that the full Committee annually elect a new chairman, by simple majority vote, within ten (10) days of the close of Annual Town Meeting, provided that no person may serve as chairman for more than two (2) years consecutively;

Requiring that no member of the Committee be an employee of the Town of Sudbury;

Requiring that no member of the Committee simultaneously serve in any capacity, paid or unpaid, on any board or committee, or within a town department, if such board, committee or department is making, or may reasonably be expected to make, capital spending requests of the Town;

Requiring that each fiscal year the Committee:

- make diligent inquiry into the capital spending/infrastructure needs of the Town on a projected ten (10) year basis;
- hold at least one public hearing with every board, committee or department making a capital spending request of the Town;
- perform a due diligence process to verify the legitimacy of each capital spending need being asserted by the various boards, committees and departments, as well as the efficacy and financial advisability of each proposed solution;
- draft a written Committee opinion that either confirms or disputes the legitimacy of each need asserted as well as the efficacy and financial advisability of each proposed solution;
- develop a comprehensive and written ranking that reflects the Committee consensus regarding town-wide infrastructure/capital spending priorities;
- incorporate all of the aforementioned into a ten (10) year Sudbury Capital Budget. This budget will contain, at a minimum, the nature of each anticipated capital expenditure as well as the Committee's recommendation regarding fiscal year, dollar amount, and funding source of each;

Requiring that a copy of the updated Sudbury Capital Budget, all written opinions, the priority ranking, and a summary report of the Committee's activity for the previous year be forwarded to the Selectmen, Moderator, Finance Committee and Town Manager no later than December 15 of each year, be simultaneously released to the local press, and be published in the Sudbury Town Report and Annual Town Meeting Warrant;

or act on any relative thereto.

Submitted by Petition.

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Robert Graham, Tanbark Road, *Moved in the words of the Article.*

The motion received a second.

PETITIONERS REPORT: Mr. Robert Graham made the presentation. He addressed the reasons that he felt that the voters received so little thoughtful guidance regarding town-wide spending priorities. He said the purpose of Article 49 was to strengthen and revitalize Sudbury's Long Range Planning Committee. He felt that the Committee was ineffective and that the taxpayers were not being well served. The nature of the Committee's responsibilities had not changed, however, the magnitude, complexity and political realities of the tasks which confronted the Committee had changed dramatically. He listed these tasks and said he felt the Long Range Planning Committee was not up to the job of addressing these tasks. He pointed out that he thought the evaluative process was broken.

He said Article 49 contained seven concrete proposals which would serve to strengthen the existing Committee. He felt the most important reform was the one that stated "making your expectations, and your resulting charge to the committee, more specific by mandating that the Committee hold annual public hearings, make clear and public recommendations regarding capital spending issues, clearly prioritize the Town's needs, and generate a specific, detailed, and written work product on a yearly basis." Mr. Graham next addressed the remaining 6 proposals.

It is true that Sudbury's recent adoption of a Town Manager form of government does rest ultimate responsibility for the preparation of the capital budget with the Town Manager. It does not decrease and may in fact increase the need of an industrious, vigilant and non-political citizen committee to oversee the development of the Town's capital budget, to evaluate the merits of the various spending proposals and to make thoughtful written recommendations to the community as a whole. Article 49 states the Committee's responsibilities with greater clarity and precision. He urged the Hall's support.

FINANCE COMMITTEE REPORT: The Finance Committee recommended disapproval of this article.

BOARD OF SELECTMEN: John Drobinski, Board of Selectmen, *Moved to amend the Article to read "expanding the Committee to seven members to be appointed by the Board of Selectmen all of which appointed by the Board of Selectmen" striking out the words "four (4)" and "and three (3) by the Moderator."*

The reasoning behind this motion as explained by Mr. Drobinski was because the Moderator did not want to be in the position of appointing members to this Committee.

The Motion to Amend received a second.

The Moderator went to the floor to speak to the Hall. He said that being Moderator and running a fair Town Meeting, as well as appointing members of the Finance Committee, was more than enough power and he felt it was not a good perception for the Sudbury Moderator to be in that appointing position. He, therefore, had asked the Selectmen to make the motion to amend and he asked the Hall to support it.

Three persons spoke against the amendment to the Article and two persons spoke for the amendment, each person having given reasons to support his position.

The motion to amend **CARRIED**.

We were now discussing the Main Motion as amended.

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BOARD OF SELECTMEN POSITION: (John Drobinski) The Board of Selectmen did not support the Article.

LONG RANGE PLANNING COMMITTEE: (Julianne Haugen) The Long Range Planning Committee did not support this Article. She gave reasons why the Committee urged the Hall to defeat the Article.

The Motion under Article 49 as amended was **DEFEATED**.

It being 10:41 p.m. the Moderator adjourned the meeting.

He stated that the first order of business tomorrow was the reconsideration of Article 25. The second order of business would be Article 32.

Attendance: 201

ADJOURNED ANNUAL TOWN MEETING

APRIL 16, 1997

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

Pursuant to a Warrant issued by the Board of Selectmen, March 3, 1997, 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 9, 1997, for the third session of the Annual Town Meeting.

The meeting was called together at 7:35 p.m. when a quorum was declared present.

The Moderator asked that each speaker give his name and address each time before speaking.

The Moderator said all motions of substance, that includes the main motions and the motions to amend the main motions, should be delivered to the Town Clerk in writing before they were made. He said he would enforce this rule that evening due to the elaborate amendments being made.

The Moderator said the first order of business that evening was the motion for reconsideration of Article 25. The second order of business was to take up Article 32. He read the bylaw which governs the procedure for reconsideration. He emphasized that the bylaw said the Hall was not there to re-debate Article 25. The debate was to be confined to the issue of whether there are good reasons to reconsider the prior action on the Article. The Moderator said the Hall was not there to go into the merits of the bylaw. He said he intended to enforce the bylaw. The petition was presented by Selectman Maryann Clark, therefore, the Moderator recognized her for the purpose of making the motion.

Maryann Clark *Moved to reconsider Article 25.*

This motion received a second.

Maryann Clark was recognized in support of her motion. She said reconsideration of Article 25 was needed because she saw the Town Meeting turn into a verbal melee and the government process break down. She said on that evening there was a Planning Board member who gave an inaccurate statement and who "deceived the public into thinking that the Planning Board was the only Board to propose a Housing Bylaw." No needs assessment was offered by the Planning Board as to what the Sudbury citizens wanted and Ms. Clark suggested that a needs assessment should be done. She urged the Hall to vote for reconsideration.

Bill Cossart said he had contacted 18 people from the Strategic Planning Committee to ask a variety of questions regarding that Committee. They were asked if they supported the passage of Article 25 to which 17 replied "Yes." The remaining person withdrew from the questioning. He continued by saying the master plan is the responsibility of the Planning Board. He said that the people contacted supported the idea that Article 25 should proceed but also that the Town should not have reconsideration of the Article. He also said that no one he contacted wanted to see this Article Indefinitely Postponed.

Chuck Schwager, Ridge Hill Road, urged defeat of the motion of reconsideration. He said that attendees of the Town Meeting knew that not every speech is based on the best information and that they have to filter out what needed to be filtered. He also gave other reasons for defeat of the reconsideration which were in the realm of legalities.

John Drobinski, Board of Selectmen member, spoke as an individual. He felt this motion raised a "fundamental earthquake" as to how business at the Town Meeting was conducted. He said the Article was debated for more than four hours and although there were some erroneous things said, they had been said in the best interest of the Town. He referenced the fact that a member of that Town Meeting had to be

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escorted by the Police Department from the Hall at the end the meeting. He felt that it was a shame for that to have happened. He said that whatever the outcome of the vote, the Hall had to respect it.

PLANNING BOARD REPORT: (Larry O'Brien) The Planning Board was opposed to reconsideration of the Article.

FINANCE COMMITTEE REPORT: (Kathy Precourt) The Finance Committee took no position on this motion.

Several persons spoke against reconsideration of this Article.

A motion was *Made for the question.*

This received a second.

The motion received a clear *two-thirds* **VOTE.**

The motion to reconsider the Article **FAILED.**

The Moderator moved to Article 32.

ARTICLE 32. MINUTEMAN TECH - CONTRIBUTION FORMULA

To see if the Town will vote to reallocate its required share of the Minuteman Regional Vocational Technical School District budget in accordance with the regional agreement as permitted by Section 16B of Chapter 71 of the General Laws, or act on anything relative thereto.

Submitted by the Board of Selectmen.

Mr. Larry Blacker, Board of Selectmen, *Moved that the Town's share of the Minuteman Regional Vocational Technical School District budget be allocated in accordance with the regional agreement.*

This motion received a second.

BOARD OF SELECTMEN'S REPORT: Mr. Blacker, Board of Selectmen, made the report. He explained that originally the towns making up the District entered into an agreement as to how they would share costs. The State Legislature pursuant to education reform, had abrogated the formula. Minuteman Tech desired that all the towns utilize the formula in the original agreement and not use the State formula. He said it was less expensive for Sudbury to use the existing agreement than to use the contribution dictated by education reform.

FINANCE COMMITTEE: Supported this Article.

MINUTEMAN SCHOOL COMMITTEE: (Mr. Glenn Noland, Minuteman School Committee) Supported this Article. Mr. Noland named the 16 towns involved and explained that this Article would allow each town involved to pay the same amount of money per attending pupil, however, all 16 towns need to be in agreement.

The motion under Article 32 was **VOTED.**

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ARTICLE 50. RESOLUTION - BICYCLE AND PEDESTRIAN TRAIL

To see if the Town will vote to adopt a resolution supporting: development of a bicycle and pedestrian trail along the branch of the Central Massachusetts Railroad, now owned by the Massachusetts Bay Transportation Authority; requesting that the Department of Environmental Management and the Massachusetts Highway Department design and construct said trail; and requesting that the Selectmen place an article on a town meeting warrant when necessary concerning the maintenance and patrol of such trail within the Town of Sudbury; or act on anything relative thereto.

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

Submitted by Petition.

Mr. Dan Buttner, Old Garrison Road, *Moved to adopt a resolution supporting the following: development of a bicycle and pedestrian trail along the Central Massachusetts Railroad, now owned by the Massachusetts Bay Transportation Authority; requesting the design and construction of the aforesaid trail by the Massachusetts Highway Department; and a commitment to assume the responsibility, assisted by citizen volunteer groups, for maintaining and policing the section of the trail within the Town's borders after the design and construction are complete.*

This motion received a second.

PETITIONERS REPORT: Mr. Dan Buttner made the presentation for the Petitioners. He explained this was a resolution. It is not asking for any taxpayers' money to develop and construct this trail. He gave a brief history of the Mass Central Line and its subsequent demise. The trail proposed would utilize the railbed of the Mass Central Line, running from Belmont in the east to Berlin in the west and would provide safe, off-road facilities. He discussed who would use this trail and he explained the results of the feasibility study process. There were no impediments to preclude construction. The money for construction of this trail was already in the State budget with some help coming from the Federal government and there was no cost to the Town. The Town, however, was required to maintain and police the trail and therein was a small cost. He read statements from officials in the various towns which currently have the railtrail, all of which were favorable. He added that the MBTA retained ownership but if nothing is done the MBTA could sell it off.

BOARD OF SELECTMEN POSITION: (John Drobinski) The Board supported this resolution.

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

PLANNING BOARD: (Richard Brooks) The Planning Board supported the Resolution.

A motion to *Move the questions was made.*

This motion received a second.

The motion to terminate debate received a two-thirds **VOTE.**

The Resolution was **VOTED.**

ARTICLE 51. SPECIAL ACT -KAPLAN CONSERVATION RESTRICTION
(CONSENT CALENDAR)

To see if the Town will vote to petition the General Court to pass legislation enabling the release of a certain portion of a Conservation Restriction not exceeding 370 square feet, in exchange for a grant of a Conservation Restriction on other land not exceeding 370 square feet; such petition to be submitted as follows:

“An Act to Amend a Certain Conservation Restriction. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. The Town of Sudbury, acting by its Board of Selectmen, is hereby authorized to release a certain parcel of land subject to the Conservation Restriction granted to the Town of Sudbury by Arden B. MacNeill, on June 14, 1984, and recorded at Middlesex South Registry of Deeds, Book 17249, Page 611, from said restriction. The parcel of land to be released is shown on Parcel “A” on a plan entitled “(EASEMENT PLAN) PLAN OF LAND IN SUDBURY, MASS.”, prepared for: George L. and Marjorie Corkin Kaplan, recorded at Middlesex South Registry of Deeds, Book 23418, Page 488, dated February 23, 1996, Zanca Land Surveyors Inc.

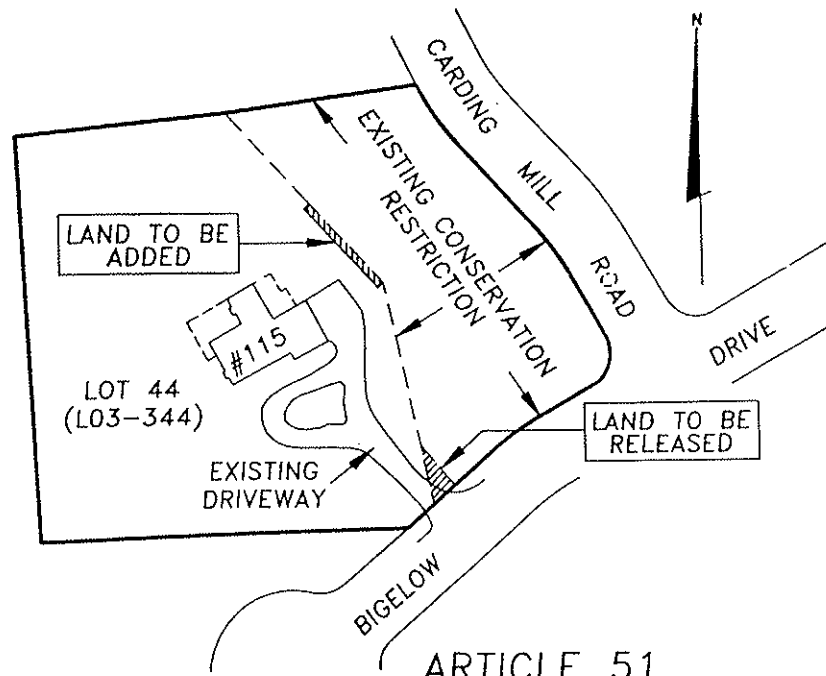
In consideration for the release of said Conservation Restriction, George L. and Marjorie Corkin Kaplan, owners of said parcel of land, shall grant to the Town of Sudbury, a Conservation Restriction on the land shown as Parcel “B” on said plan.

Section 2. This act shall take effect upon its passage.”;

or act on anything relative thereto.

Submitted by Petition.

The motion under Article 51 was **UNANIMOUSLY VOTED.** (Consent Calendar)



ARTICLE 51
CONSERVATION RESTRICTION

ARTICLE 52. SPECIAL ACT - LAND BANK

To determine whether the Town will vote to petition the Massachusetts General Court to enact legislation authorizing the Town to collect a land-transfer fee to be deposited in a Land Bank Fund in the town treasury, monies from which could be expended for acquiring land or interests in land for the furtherance of municipal goals, all as specified in the attachment to the Petition entitled "A Land Bank Bill for Sudbury", substantially in the form set forth in Petitioners Warrant Report and on file in the office of the Town Clerk; or act on anything relative thereto.

Submitted by Petition.

PETITIONERS REPORT:

"A LAND BANK BILL FOR SUDBURY

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

SECTION 1 - PURPOSE. The purpose of this act shall be to enable the Town of Sudbury to acquire, hold, manage and maintain land and interests in land, including buildings thereon, in order to achieve the following goals: (a) preserving the town's natural resources, (b) maintaining the town's rural character with ample open space, (c) maintaining scenic views enjoyed from public areas and roads, (d) continuing to build and maintain the town's greenbelts and trail systems, (e) enhancing active and passive recreational opportunities available to residents of all ages, interests, and abilities, and (f) protecting and acquiring land for open space, recreation, and resource protection.

SECTION 2 - DEFINITIONS. For the purpose of this act, the following words and phrases shall have the following meanings:

"Collector" - The Sudbury Collector of Taxes.

"Fund" - The Land Bank Fund, defined in Section 3.

"Land Bank Board" - the board created by Section 4.

"net purchase price" - The purchase price for a non-exempt transfer less \$100,000 for each existing dwelling unit contained within the transferred property. For this purpose, "dwelling unit" shall not include an accessory dwelling unit as defined in the zoning bylaws of the Town of Sudbury.

"purchaser" - The transferee, grantee, or recipient of any real property interests.

"purchase price" - All consideration paid or transferred by or on behalf of a purchaser directly or indirectly to a seller or his/her nominee, or for his/her benefit, for the transfer of any real property interest, including, but not limited to: all cash or its equivalent so paid or transferred; all cash or other property given up by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised by or on behalf of the purchaser to the seller or his/her nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real-property interest transferred remains subject after the transfer, determined at the time of the transfer; but excluding payment of the buyer's pro rata share of real-estate taxes and other municipal liens, other than the fee established pursuant to Section 6 of this act, which are not overdue at the time of the transfer; and the fair-market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods and services paid, transferred or rendered in exchange for such real property interest.

"real-property interest" - Any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any real or equitable interest in real property, but which shall not include any interest which is limited to any or all of the following: the dominant estate in any easement or right of way, any estate at will or at sufferance, and any estate having a term of less than thirty years, the interest of a mortgagee or other secured party in

any mortgage or security agreement, and the interest of a stockholder in a corporation, or a partner in a partnership, a member of a limited liability company, or other like ownership interest in an entity.

"seller" - The transferor, grantor, or immediate former owner of any real property interest.

"time of the transfer" of any real property interest - The time at which such transfer is legally effective as between the parties thereto.

SECTION 3 - THE LAND BANK FUND. There is hereby established in the Town of Sudbury a separate fund known as the Land Bank Fund of which the Town Treasurer shall be custodian. The Town Treasurer shall invest and reinvest the assets of the Fund in investments which are legally authorized for municipal funds, and all income therefrom shall be credited to the Fund. The Fund shall be used only for the purposes set forth in Sections 1 and 5. The Land Bank Fund shall be set up as a revolving or sinking account to be funded by (a) a 1.0 per cent registration fee for certain transfers of real estate, (b) appropriations voted by the Town at Town Meeting such as back taxes returned to the town through roll backs of agricultural or conservation easements, and (c) gifts made to the fund in cash or other negotiable securities.

SECTION 4 - THE LAND BANK BOARD. There is hereby established in the Town of Sudbury a Land Bank Board consisting of eight members, including one representative each appointed by the Planning Board, the Conservation Commission, the Finance Committee and the Park and Recreation Commission; one representative appointed jointly by the Strategic Planning Committee and the Open Space Planning Committee during any interval in which either such committee is duly constituted and holding regular meetings; one representative from a not-for-profit land trust that owns or manages land in Sudbury; one representative appointed by the Board of Selectmen; and, ex officio, the Town Manager. The Land Bank Board shall have all the rights, duties and responsibilities necessary to (a) purchase and dispose of fee and less than fee interest in lands, including any improvement thereon, (b) to have borrowing authority on the future revenue stream of land bank fees, (c) to accept gifts of land in fee or less than fee, or funds, to further its purpose, and (d) to hire such staff and professional services as are necessary in order to perform its duties. The Land Bank Board shall meet its financial obligations by drawing upon the Land Bank Fund. The Land Bank Board may accept gifts or bequests of funds or land or interests in land, including the beneficial rights to conservation easements or restrictions.

SECTION 5. - APPROPRIATIONS FROM THE LAND BANK FUND. The Land Bank Board may expend monies in the Fund to acquire, reclaim, hold, and manage land or interests in land, including buildings thereon, and to manage and maintain land, for any of the goals listed in Section 1. The Land Bank Board may participate in any transaction concurrently with any governmental or not-for-profit non-governmental organization whose mission is to own or manage and maintain lands devoted to open space or recreation and may contract with, and delegate to, any one or more of such organizations to perform administrative functions of the Land Bank Board. The Land Bank Board may join with other similar entities to contract for such services on a regional basis.

SECTION 6 - LAND BANK FEES. There is hereby established a fee on the transfer or conveyance of real property interests in the Town of Sudbury. Said fee shall be based on the net purchase price and shall be one percent of said net purchase price. The fee imposed by this section shall become effective only upon notice of said fee by registered or certified mail to the Middlesex South Registry of Deeds. Said fee shall be paid by the purchaser and shall be an encumbrance on the title of the purchaser for the purposes of Section twenty-one of Chapter one hundred and eighty-four of the General Laws and a tax assessed upon the land for the purposes of Section thirty-seven of Chapter sixty of the General Laws. Said fee shall be paid to the Collector who shall maintain a separate account for the purpose of this section. Any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser.

SECTION 7 - EXEMPT TRANSFERS. The following transfers of real property interests shall be exempt from the fee imposed by Section 6 of this act:

(a) transfers to the government of the United States, the Commonwealth of Massachusetts, or any of their instrumentalities, agencies, or subdivisions;

(b) transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made;

(c) transfers made as gifts without consideration. In any proceedings to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration less than fair market value of the real property interests transferred was made as a gift without consideration to the extent of the difference between the fair market value and the amount of the consideration claimed by the purchaser to have been paid or transferred, if the purchaser shall have been at the time of the transfer the spouse, lineal descendant, or lineal ancestor of the seller or the seller's spouse, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value at the time of transfer.

(d) transfers to the trustees of a trust in exchange for a beneficial interest received by the seller in such trust and distributions by the trustees of such a trust to the beneficiaries of the trust;

(e) transfers by will or by operation of law without actual consideration, including, but not limited to, transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest;

(f) transfers made in partition of land and improvements thereto under Chapter 241 of the General Laws;

(g) transfers to the public, any charitable organization as defined in Clause 3 of Section 5 of Chapter 59 of the General Laws, or any religious organization, provided that the real property interests so transferred will be held by the purchaser solely for its public, charitable or religious purposes;

(h) transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage in consideration of the forbearance of the mortgagee from foreclosing said mortgage;

(i) transfers made by a corporation or partnership at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of Section 351 of the Internal Revenue Code of 1986, as amended;

(j) transfers to a stockholder of a corporation in dissolution of that corporation in consideration of stock held by that stockholder, transfers made to a partner of a partnership in dissolution of the partnership, or to a member of a limited liability company, in each case in dissolution of such entity;

(k) transfers consisting of the division of marital assets under the provisions of Section 34 of Chapter 208 or other provisions of the law; and

(l) transfers of property consisting in part of real property interests situated in Sudbury and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Sudbury, provided that the purchaser or seller shall furnish the Collector such information as he shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfer.

SECTION 8. - COLLECTIONS.

Fees payable under this Act shall be collectible against the purchaser and the property in accordance with Chapters 59 and 60 of the General Laws. The Collector shall have available all tax-collection remedies for the collection of said fees. The fee shall be paid to the Collector and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Collector shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Middlesex County, and the assistant recorder for the registry district of Middlesex County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate, executed by the Collector or his/her designee. Failure to comply with this requirement shall not affect the validity of any instrument. The fee imposed hereunder shall be due at the time of transfer of the property upon which the fee is imposed. The expenses incidental to collection of the fee shall be borne by the Land Bank Fund.

SECTION 9 - APPEALS. The Collector shall notify a purchaser by registered or certified mail of any failure to discharge in full the amount of the fee due under Section 6 and any penalty or interest assessed. The Town's board of assessors shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by said board within thirty days after the mailing of said notice by the Collector. The board shall notify the purchaser in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the board concerning a deficiency may appeal to the district or superior court within three months after the mailing of notification of determination of the board. Upon failure to petition for a hearing or appeal within the time limits hereby established, the purchaser shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee or interest or penalty determined by the board. All decisions of said courts shall be appealable. Every notice to be given under this section by the board shall be effective if mailed by certified or registered mail to the purchaser at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records of the Registry of Deeds for, or the Registry District of, Middlesex County, such notice shall be effective when so mailed to the purchaser in care of any person appearing of record to have fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in said Registry or District. All fees, penalties and interest required to be paid pursuant to this act shall constitute a personal debt of the purchaser and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the Collector, and said action, suit or proceeding shall be subject to the provisions of Chapter 260 of the General Laws.

SECTION 10 - Nothing in this act shall affect the eligibility of the Town of Sudbury to receive funds under the program created under Section 11 of Chapter 132A of the General Laws or under any similar state program, or to receive state housing assistance.

SECTION 11 - After passage of this act, the act shall take effect upon its approval by a majority of those voters in the town of Sudbury voting in a general or special election by secret ballot."

Deborah Menoyo *Moved* in the words of the article except that Section 4 of the proposed Land Bank Bill should be deleted and the following shall be substituted:

SECTION 4 - THE LAND BANK BOARD.

(a) There is hereby established in the Town of Sudbury a Land Bank Board consisting of eight members, including one from the Board of Selectmen, one from the Planning Board, one from the Sudbury Water District, and four at-large members to be elected in general or special elections for staggered three-year terms except that in the first election, two members will be elected to serve a one-year term, one member will be elected to serve a two-year term, and one member will be elected to serve a three-year term, with all succeeding terms to be three years. The Town Manager shall serve ex officio. The Board of Selectmen shall appoint the initial four at-large members to serve from the effective date of this act until the first election of the regular members at the first regular or special town election following the effective date of this act. The Land Bank Board shall elect a chairman and a vice chairman from among its regular members; shall elect a secretary who need not be a member of the Land Bank Board; and shall adopt, after holding a public hearing and after requesting recommendations from the town boards and committees, rules and regulations for conducting its internal affairs and procedural guidelines for carrying out its responsibilities under this act.

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(b) The Land Bank Board shall have all the rights, duties and responsibilities necessary to (i) purchase and dispose of fee and less than fee interests in lands, including any improvement thereon, (ii) to have borrowing authority on the future revenue stream of land bank fees, subject to the terms of paragraph (d) of this Section 4; (iii) to accept gifts of land in fee or less than fee, or funds, to further its purpose, and (iv) to hire such staff and professional services as are necessary in order to perform its duties. The Land Bank Board shall meet its financial obligations by drawing upon the Land Bank Fund. The Land Bank Board may accept gifts or bequests of funds or land or interests in land, including the beneficial rights to conservation easements or restrictions. The Land Bank Board shall use as guidelines the Sudbury open space and master plans, if any, and shall also adopt a management plan for managing each of its land interests.

(c) The Land Bank Board's annual operating budget and annual land acquisition expenditure budget including borrowing costs shall be subject to Finance Committee review and approval by Town Meeting.

(d) Borrowing of monies to be undertaken by the Land Bank Board shall be subject to Finance Committee review and approval by a majority vote at Town Meeting. The Land Bank Board shall not have the power to initiate any new borrowing in any new year in which aggregate outstanding borrowings exceed seventy-five per cent (75%) of an amount equal to (i) fifty per cent (50%) of the lowest annual Land Bank Fee revenues as determined from analysis of the actual non-exempt real estate transfers in each of the preceding ten fiscal years, multiplied by (ii) the number of years over which any of the amounts so borrowed shall be outstanding. No borrowing shall encumber any existing Town lands, including land bank lands. The Maturity Date of any borrowing shall not extend beyond June 30, 2012 or such later date as may have been approved from time to time by Town Meeting as provided for within Section 12 of this Article.

and except that the following Section 12 shall be added to the Land Bank Bill:

***SECTION 12** - The collection of the Land Bank Fee shall cease at the end of the fiscal year ending June 30, 2012, ("Termination Date") unless such Termination Date shall be extended by a majority vote of a Town Meeting prior to that date. The Land Bank Board shall take all necessary steps to wind-up its business within one (1) year of the Termination Date including, without limitation, provision for payment in full of all borrowing obligations incurred by the Land Bank Board, provision for the continued maintenance of Land Bank-owned properties, and transfers to the Town of all remaining Land Bank-owned properties and funds.*

This motion received a second

ARTICLE 52 - SPECIAL ACT - LAND BANK (AS AMENDED AT TOWN MEETING)

"A LAND BANK BILL FOR SUDBURY

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

SECTION 1 - PURPOSE. The purpose of this act shall be to enable the Town of Sudbury to acquire, hold, manage and maintain land and interests in land, including buildings thereon, in order to achieve the following goals: (a) preserving the town's natural resources, (b) maintaining the town's rural character with ample open space, (c) maintaining scenic views enjoyed from public areas and roads, (d) continuing to build and maintain the town's greenbelts and trail systems, (e) enhancing active and passive recreational opportunities available to residents of all ages, interests, and abilities, and (f) protecting and acquiring land for open space, recreation, and resource protection.

SECTION 2 - DEFINITIONS. For the purpose of this act, the following words and phrases shall have the following meanings:

"Collector" - The Sudbury Collector of Taxes.

"Fund" - The Land Bank Fund, defined in Section 3.

"Land Bank Board" - the board created by Section 4.

"net purchase price" - The purchase price for a non-exempt transfer less \$100,000 for each existing dwelling unit contained within the transferred property. For this purpose, "dwelling unit" shall not include an accessory dwelling unit as defined in the zoning bylaws of the Town of Sudbury.

"purchaser" - The transferee, grantee, or recipient of any real property interests.

"purchase price" - All consideration paid or transferred by or on behalf of a purchaser directly or indirectly to a seller or his/her nominee, or for his/her benefit, for the transfer of any real property interest, including, but not limited to: all cash or its equivalent so paid or transferred; all cash or other property given up by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised by or on behalf of the purchaser to the seller or his/her nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real-property interest transferred remains subject after the transfer, determined at the time of the transfer; but excluding payment of the buyer's pro rata share of real-estate taxes and other municipal liens, other than the fee established pursuant to Section 6 of this act, which are not overdue at the time of the transfer; and the fair-market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods and services paid, transferred or rendered in exchange for such real property interest.

"real-property interest" - Any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any real or equitable interest in real property, but which shall not include any interest which is limited to any or all of the following: the dominant estate in any easement or right of way, any estate at will or at sufferance, and any estate having a term of less than thirty years, the interest of a mortgagee or other secured party in any mortgage or security agreement, and the interest of a stockholder in a corporation, or a partner in a partnership, a member of a limited liability company, or other like ownership interest in an entity.

"seller" - The transferor, grantor, or immediate former owner of any real property interest.

"time of the transfer" of any real property interest - The time at which such transfer is legally effective as between the parties thereto.

SECTION 3 - THE LAND BANK FUND. There is hereby established in the Town of Sudbury a separate fund known as the Land Bank Fund of which the Town Treasurer shall be custodian. The Town Treasurer shall invest and reinvest the assets of the Fund in investments which are legally authorized for municipal funds, and all income therefrom shall be credited to the Fund. The Fund shall be used only for the purposes set forth in Sections 1 and 5. The Land Bank Fund shall be set up as a revolving or sinking account to be funded by (a) a 1.0 per cent registration fee for certain transfers of real estate, (b) appropriations voted by the Town at Town Meeting such as back taxes returned to the town through roll backs of agricultural or conservation easements, and (c) gifts made to the fund in cash or other negotiable securities.

SECTION 4 - THE LAND BANK BOARD.

(a) There is hereby established in the Town of Sudbury a Land Bank Board consisting of eight members, including one from the Board of Selectmen, one from the Planning Board, one from the Sudbury Water District, and four at-large members to be elected in general or special elections for staggered three-year terms except that in the first election, two members will be elected to serve a one-year term, one member will be elected to serve a two-year term, and one member will be elected to serve a three-year term, with all succeeding terms to be three years. The Town Manager shall serve *ex officio*. The Board of Selectmen shall appoint the initial four at-large members to serve from the effective date of this act until the first

election of the regular members at the first regular or special town election following the effective date of this act. The Land Bank Board shall elect a chairman and a vice chairman from among its regular members; shall elect a secretary who need not be a member of the Land Bank Board; and shall adopt, after holding a public hearing and after requesting recommendations from the town boards and committees, rules and regulations for conducting its internal affairs and procedural guidelines for carrying out its responsibilities under this act.

(b)The Land Bank Board shall have all the rights, duties and responsibilities necessary to (i) purchase and dispose of fee and less than fee interests in lands, including any improvement thereon, (ii) to have borrowing authority on the future revenue stream of land bank fees, subject to the terms of paragraph (d) of this Section 4; (iii) to accept gifts of land in fee or less than fee, or funds, to further its purpose, and (iv) to hire such staff and professional services as are necessary in order to perform its duties. The Land Bank Board shall meet its financial obligations by drawing upon the Land Bank Fund. The Land Bank Board may accept gifts or bequests of funds or land or interests in land, including the beneficial rights to conservation easements or restrictions. The Land Bank Board shall use as guidelines the Sudbury open space and master plans, if any, and shall also adopt a management plan for managing each of its land interests.

(c)The Land Bank Board's annual operating budget and annual land acquisition expenditure budget including borrowing costs shall be subject to Finance Committee review and approval by Town Meeting.

(d)Borrowing of monies to be undertaken by the Land Bank Board shall be subject to Finance Committee review and approval by a majority vote at Town Meeting. The Land Bank Board shall not have the power to initiate any new borrowing in any year in which aggregate outstanding borrowings exceed seventy-five per cent (75%) of an amount equal to (i) fifty per cent (50%) of the lowest annual Land Bank Fee revenues as determined from analysis of the actual non-exempt real estate transfers in each of the preceding ten fiscal years, multiplied by (ii) the number of years over which any of the amounts so borrowed shall be outstanding. No borrowing shall encumber any existing Town lands, including land bank lands. The Maturity Date of any borrowing shall not extend beyond June 30, 2012 or such later date as may have been approved from time to time by Town Meeting as provided for within Section 12 of this Article.

SECTION 5. - APPROPRIATIONS FROM THE LAND BANK FUND. The Land Bank Board may expend monies in the Fund to acquire, reclaim, hold, and manage land or interests in land, including buildings thereon, and to manage and maintain land, for any of the goals listed in Section 1. The Land Bank Board may participate in any transaction concurrently with any governmental or not-for-profit non-governmental organization whose mission is to own or manage and maintain lands devoted to open space or recreation and may contract with, and delegate to, any one or more of such organizations to perform administrative functions of the Land Bank Board. The Land Bank Board may join with other similar entities to contract for such services on a regional basis.

SECTION 6 - LAND BANK FEES. There is hereby established a fee on the transfer or conveyance of real property interests in the Town of Sudbury. Said fee shall be based on the net purchase price and shall be one percent of said net purchase price. The fee imposed by this section shall become effective only upon notice of said fee by registered or certified mail to the Middlesex South Registry of Deeds. Said fee shall be paid by the purchaser and shall be an encumbrance on the title of the purchaser for the purposes of Section twenty-one of Chapter one hundred and eighty-four of the General Laws and a tax assessed upon the land for the purposes of Section thirty-seven of Chapter sixty of the General Laws. Said fee shall be paid to the Collector who shall maintain a separate account for the purpose of this section. Any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser.

SECTION 7 - EXEMPT TRANSFERS. The following transfers of real property interests shall be exempt from the fee imposed by Section 6 of this act:

(a) transfers to the government of the United States, the Commonwealth of Massachusetts, or any of their instrumentalities, agencies, or subdivisions;

(b) transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made;

(c) transfers made as gifts without consideration. In any proceedings to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration less than fair market value of the real property interests transferred was made as a gift without consideration to the extent of the difference between the fair market value and the amount of the consideration claimed by the purchaser to have been paid or transferred, if the purchaser shall have been at the time of the transfer the spouse, lineal descendant, or lineal ancestor of the seller or the seller's spouse, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value at the time of transfer.

(d) transfers to the trustees of a trust in exchange for a beneficial interest received by the seller in such trust and distributions by the trustees of such a trust to the beneficiaries of the trust;

(e) transfers by will or by operation of law without actual consideration, including, but not limited to, transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest;

(f) transfers made in partition of land and improvements thereto under Chapter 241 of the General Laws;

(g) transfers to the public, any charitable organization as defined in Clause 3 of Section 5 of Chapter 59 of the General Laws, or any religious organization, provided that the real property interests so transferred will be held by the purchaser solely for its public, charitable or religious purposes;

(h) transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage in consideration of the forbearance of the mortgagee from foreclosing said mortgage;

(i) transfers made by a corporation or partnership at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of Section 351 of the Internal Revenue Code of 1986, as amended;

(j) transfers to a stockholder of a corporation in dissolution of that corporation in consideration of stock held by that stockholder, transfers made to a partner of a partnership in dissolution of the partnership, or to a member of a limited liability company, in each case in dissolution of such entity;

(k) transfers consisting of the division of marital assets under the provisions of Section 34 of Chapter 208 or other provisions of the law; and

(l) transfers of property consisting in part of real property interests situated in Sudbury and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Sudbury, provided that the purchaser or seller shall furnish the Collector such information as he shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfer.

SECTION 8. - COLLECTIONS. Fees payable under this Act shall be collectible against the purchaser and the property in accordance with Chapters 59 and 60 of the General Laws. The Collector shall have available all tax-collection remedies for the collection of said fees. The fee shall be paid to the Collector and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Collector shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Middlesex County, and the assistant recorder for the registry district of Middlesex County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate, executed by the Collector or his/her designee. Failure to comply with this requirement shall not affect the validity of any

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instrument. The fee imposed hereunder shall be due at the time of transfer of the property upon which the fee is imposed. The expenses incidental to collection of the fee shall be borne by the Land Bank Fund.

SECTION 9 - APPEALS. The Collector shall notify a purchaser by registered or certified mail of any failure to discharge in full the amount of the fee due under Section 6 and any penalty or interest assessed. The Town's board of assessors shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by said board within thirty days after the mailing of said notice by the Collector. The board shall notify the purchaser in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the board concerning a deficiency may appeal to the district or superior court within three months after the mailing of notification of determination of the board. Upon failure to petition for a hearing or appeal within the time limits hereby established, the purchaser shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee or interest or penalty determined by the board. All decisions of said courts shall be appealable. Every notice to be given under this section by the board shall be effective if mailed by certified or registered mail to the purchaser at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records of the Registry of Deeds for, or the Registry District of, Middlesex County, such notice shall be effective when so mailed to the purchaser in care of any person appearing of record to have fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in said Registry or District. All fees, penalties and interest required to be paid pursuant to this act shall constitute a personal debt of the purchaser and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the Collector, and said action, suit or proceeding shall be subject to the provisions of Chapter 260 of the General Laws.

SECTION 10 - Nothing in this act shall affect the eligibility of the Town of Sudbury to receive funds under the program created under Section 11 of Chapter 132A of the General Laws or under any similar state program, or to receive state housing assistance.

SECTION 11 - After passage of this act, the act shall take effect upon its approval by a majority of those voters in the town of Sudbury voting in a general or special election by secret ballot.

SECTION 12 - The collection of the Land Bank Fee shall cease at the end of the fiscal year ending June 30, 2012, ("Termination Date") unless such Termination Date shall be extended by a majority vote of a Town Meeting prior to that date. The Land Bank Board shall take all necessary steps to wind-up its business within one (1) year of the Termination Date including, without limitation, provision for payment in full of all borrowing obligations incurred by the Land Bank Board, provision for the continued maintenance of Land Bank-owned properties, and transfers to the Town of all remaining Land Bank-owned properties and funds."

PETITIONER'S REPORT: Sigrid Pickering, Peakham Circle, made the initial presentation. Said that the qualities which attracted people to Sudbury in the first place were incrementally being destroyed. She showed a map of the 1970 Open Space Plan as prepared by the Sudbury Conservation Commission. The next map she showed was the 1996 Open Space Plan as filed with the State. It offered the dual benefit of providing new recreational and resource protection opportunities while it slowed growth. She said that in order to implement an updated Open Space Plan funding had to be found

The Petitioner gave examples of towns with the land bank legislation, and provided an explanation of the purpose of the land bank legislation. Next was a very detailed description of how the land bank would function from how the Land Bank Board would work to the funding issues. The borrowing formula was clarified. The Sunset Clause was explained.

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Dan Loughlin, Town Assessor, spoke in favor of the Land Bank and gave the rationale behind this statement. One of the reasons he gave was that no town having a land bank experienced a decline in property values due to the land bank.

There were 13 people who asked for advanced recognition. The Moderator implored the speakers to keep their talks as short as possible and that he would entertain a motion to limit debate if that course were not followed.

SELECTMEN'S POSITION: (Maryann Clark) The Board of Selectmen unanimously supported this Article.

LONG RANGE PLANNING COMMITTEE: (Bill Katz, Chairman) The Long Range Planning Committee had no position on this Article.

PLANNING BOARD COMMITTEE: (Carmine Gentile) The Planning Board supported this Article.

CONSERVATION COMMISSION: (Bridgit Hanson) The Conservation Commission took no position on this Article. Because of the late change in the wording the Commission did not have time to review it.

FINANCE COMMITTEE: (Sheila Stewart) The Finance Committee supported this Article.

Louis Stephen, Thunder Road, urged defeat of Article 52 as he felt this was a new tax and was not deductible on either State or Federal taxes. Additionally he gave statistics around the mortgage payments when it was affected by the land bank and also brought up the issue of how the price of the parcels would be determined. He suggested forming a committee as per Article 52, Section 4 for the purposes of Article 52, Section 1. He suggested putting options or first right of refusals on all targeted properties as soon as possible, i.e. those 22 parcels identified in Article 25. The Town could then approve the targeted properties by vote. The Town should request funds through a Proposition 2 1/2 override. He suggested this would cost less money in the long-run. He felt these targeted properties should be purchased at a price agreed upon by three certified appraisers, and he felt there should be a Sunset Clause when all identified properties are purchased.

Jonathan Gossels, Rich Davison, Karen Pelto, Carol Sheingold, Frank Lyons and others spoke in support of Article 52 and supplied various favorable comments.

Hendrik Tober indicated that he resented the implication of this Article.

Hans LoPater asked if there was recourse to the Town should the Land Bank not be able to meet its commitments. The response was that the formula explained earlier was devised to eliminate defaults. Mr. Wishner next gave additional response to Mr. LoPater's question to clarify why the Finance Committee is comfortable with the structure of the Land Bank. Based on Mr. Wishner's explanation, Mr. LoPater said he felt comfortable with the Land Bank structure and would vote in favor of this Article and urged the Hall to do the same.

It was Moved was made to terminate debate. The Motion was seconded.

A vote to terminate debate and vote was called by the Moderator to be overwhelmingly a two-thirds **VOTE**.

The motion under Article 52 was **VOTED**.

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ARTICLE 53. AMEND BYLAWS, ART.III - TOWN AFFAIRS

To see if the Town will vote to amend Article III - Town Affairs, of the Town Bylaws, by adding the following Section 10:

“Section 10. Any person appointed to a commission, committee, council, task force, board or other similar group, to perform specified duties for or on behalf of the Town of Sudbury as a volunteer, shall have Sudbury as his/her principal place of residence and shall be included on the current Town of Sudbury Census. A subsequent change in principal place of residence by moving out of town, after any such appointment, shall be deemed and taken as a resignation of said office. If, at the time this bylaw is enacted by Town Meeting, there is any appointed town official who does not comply with these requirements, that person shall serve until a replacement volunteer is available for that position.”;

or act on anything relative thereto.

Submitted by Petition.

Mr. Joseph Klein *Moved in the words of the article.*

The motion received a second.

Mr. Klein made the presentation for the Petitioners. He said that Sudbury to a considerable extent is governed by part-time appointed officials and that under the present rules there was no requirement that these officials be residents of the Town. The purpose of this Bylaw was to rectify this situation.

FINANCE COMMITTEE: The Finance Committee did not have a position on this Article.

Parker Coddington asked Mr. Klein about the purpose of the final sentence of this Article and was it being retroactive.

Mr. Klein responded that he thought in fairness that one should not make rules for people when they did not apply to themselves and that he failed to see that it was retroactive.

SELECTMEN'S POSITION: (Lawrence Blacker) Opposed to this Article in this present form.

Mr. Blacker *Moved to amend this Article by removing the last sentence.*

This motion received a second.

Mr. Blacker spoke to the amendment. He said that conceptually the Selectmen do not have a great hardship with the Article, however, there are non-residents serving and it would unfair to these persons to change in midstream.

David Wallace, Hilltop Road, said that the person about whom they were talking was Steve Meyer and that Mr. Meyer had expressed his intention to return to Sudbury. Mr. Wallace said he felt that it would be a great loss to lose Mr. Meyer at that time. He therefore supported Mr. Blacker's motion to amend.

The motion to amend **CARRIED**.

The Moderator asked if anyone wished to speak on the motion as amended.

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Peter Anderson, Landham Road, was opposed to this amendment because he felt it was too exclusionary, and urged defeat of the Article. Jim Gish also urged defeat of the Article because he felt this was not an issue and did not see a reason to burden the Town with additional bylaws.

The motion as amended under Article 53 **FAILED**.

ARTICLE 54. AMEND SPECIAL TOWN MEETING ARTICLE 8 -WALKWAY PROGRAM

To see if the Town will vote to amend the votes taken under Article 8 (Walkway Program) of the February 24, 1997 Special Town Meeting by adding thereto the following walkways:

Raymond Road (Cider Mill Road to Warren Road)
Landham Road (Route 20 to Coolidge Lane)

and/or such other walkways as the Town Manager may determine as appropriate and funds therefor are available; or act on anything relative thereto.

Submitted by Petition.

Article 54 was **PASSED OVER**.

ARTICLE 55. SPECIAL ACT - OPEN SPACE FUND

To see if the Town will vote to establish a fund to receive voluntary contributions of capital to be used exclusively for purchase of all or a portion of the Adam Weisblatt real property, should it be available, and deem that land as conserved open space. Should the property be unavailable or if a surplus of capital exists after purchase, the amount of capital to be transferred to a Land Bank fund, if one is established within the next two years, otherwise, to be used toward purchase of future undeveloped land, when available, as conserved open space; or act on anything relative thereto.

Submitted by Petition.

Mr. Ed Vanderslice, Dudley Road, *Moved to Indefinitely Postpone Article 55.*

The Motion received a second.

Mr. Vanderslice said that with the passage of the Land Bank and the almost certain development of the Weisblatt property since Article 25 was passed Article 55 seemed to be non-relevant.

The motion to Indefinitely Postpone Article 55 was **VOTED**.

ARTICLE 56. AMEND ZONING BYLAW, ART. IX.IV.C.3.c -MODIFICATIONS AND EXCEPTIONS and ART. IX.V.D.7.e - FREESTANDING BUSINESS SIGN

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

Section IV.C.3.c

Delete the phrases "except growing plants, no signs," and "hedge, or landscape feature" so that it reads: "In Limited Business (LBD-), Business (BD-), Limited Industrial (LID-) and Industrial Districts (ID-), no open display, no gasoline pump, and no structure having a height in excess of three feet, except a utility or light pole, shall be nearer to the center or exterior line of any street or way than seventy-five percent of the required setback and front yard distance, respectively, specified herein for a building in the district in which located."; and

Section V.D.7.e (Freestanding Business Sign)

Delete the second half of the paragraph beginning with the words "...16 square feet and the height measured from..." and replace it with the "standards in the following table:

If the Property's street frontage is	The area of each side of the sign may not exceed	The distance from the front property line shall be no less than
less than 75 feet	12 square feet	6 feet
less than 150 feet	16 square feet	10 feet
less than 250 feet	20 square feet	14 feet
less than 350 feet	24 square feet	18 feet
350 feet or more	30 square feet	24 feet

No freestanding business sign may be closer than 15 feet from a side property line.";

or act on anything relative thereto.

Submitted by Petition.

Mr. Frank Riepe, Design Review Board Member, *Moved in the words of the Article.*

This motion received a second.

Mr. Riepe made the presentation. He explained that there were two components to this Article—the first involved a modification to the Zoning Bylaws regarding what site features could be allowed in the front-yard setback as applied to specific districts. The second half of the Article prescribes a system of sizing and placing freestanding signs in a business district based on the frontage of the property.

SELECTMEN POSITION: (Maryann Clark) The Selectmen agree on the second section of the Article concerning freestanding business signs, but have a divided opinion on the deletion of growing plants in excess of three feet because of safety reasons. Mr. Blacker said he and John Drobinski do not have a problem with the Article.

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

PLANNING BOARD: (Carmine Gentile) The Planning Board supported this Article.

Mr. Ralph Tyler, Deacon Lane, wanted a provision put into the Article saying "provided they are in compliance with all other aspects of zoning." He expressed a concern about new signs being placed over old ones.

Mr. Riepe responded that as part of the sign approval process of review in the permitting of signs all circumstances are reviewed and it is quite common for a proviso for a permit to require cleaning up non-conforming signs. If someone chooses not to comply with the terms of the permit, with the provisions of the bylaws, then the Zoning Enforcement Agent must go through a process of fining them and taking them to court. The Town is relying on voluntary compliance until legal action must be taken. While there is a fairly good system of management, there are always people who refuse to comply.

The motion under Article 56 was **UNANIMOUSLY VOTED**.

The Moderator asked for a formal showing of hands to finish the Warrant on this evening. That being done the Moderator moved on to the next article. He also said that he understood that Article 26 would be Indefinitely Postponed. He also took a moment to address the appointments of the Finance Committee which had to be done at the Town Meeting. He announced the names of the new Finance Committee persons and the names of the persons whose terms have been completed and to whom he wished to give thanks. The persons leaving the Committee were Chairman Kathy Precourt, Vice-Chairman John McDonough and Tom Duncan. The new members were Robert J. Hurstak, Jr., John V. Nikula and Emil J. Ragonis.

ARTICLE 57. AMEND ZONING BYLAW, ART. IX.II.C - DELETE PORTION OF BD#1

To see if the Town will vote to amend Section II.C of Article IX, the Zoning Bylaw, by deleting from Business District No. 1 lots 019 and 020 shown on Town Property Map No. K11 and lot 014 shown on Town Property Map No. K10 (properties now or formerly owned by Praxair, Inc., The Buddy Dog Humane Society and the Boston Edison Company); the rest of the district shall remain unchanged; or act on anything relative thereto.

Submitted by Petition.

Mr. Frank Riepe, Design Review Board, *Moved in the words of the Article.*

The motion was seconded.

Mr. Riepe was recognized in support of the petition and made the presentation. Using an overhead, he said the Petitioners were concerned with the Linde Gas site also known as the Praxair site, and related properties and he pointed out these sites on the overhead. This site had been double-zoned, i.e. zoned Industrial and zoned Business. This was done in the 1950's to invite business growth. Praxair property was for sale at the time of this Town Meeting. This Article asked that that the Business Zoning on this property be removed leaving it Industrial. Industrial will allow any current or future owners to continue any number of industrial uses including office uses. By removing Business Zoning from this site, there was an avoidance of chance of a major shopping center or big box store being built on this site. Mr. Riepe gave reasons why there should not be a big box store built there including the shift of business from the current centralized location as well as the need for a traffic light at the intersection of Goodman Hill Road and Route 20.

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BOARD OF SELECTMEN POSITION: (Maryann Clark) The Board of Selectmen were opposed to this Article. Join Drobinski noted that he withdrew from this vote because he was a resident in the neighborhood and he felt it was inappropriate for him to vote.

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

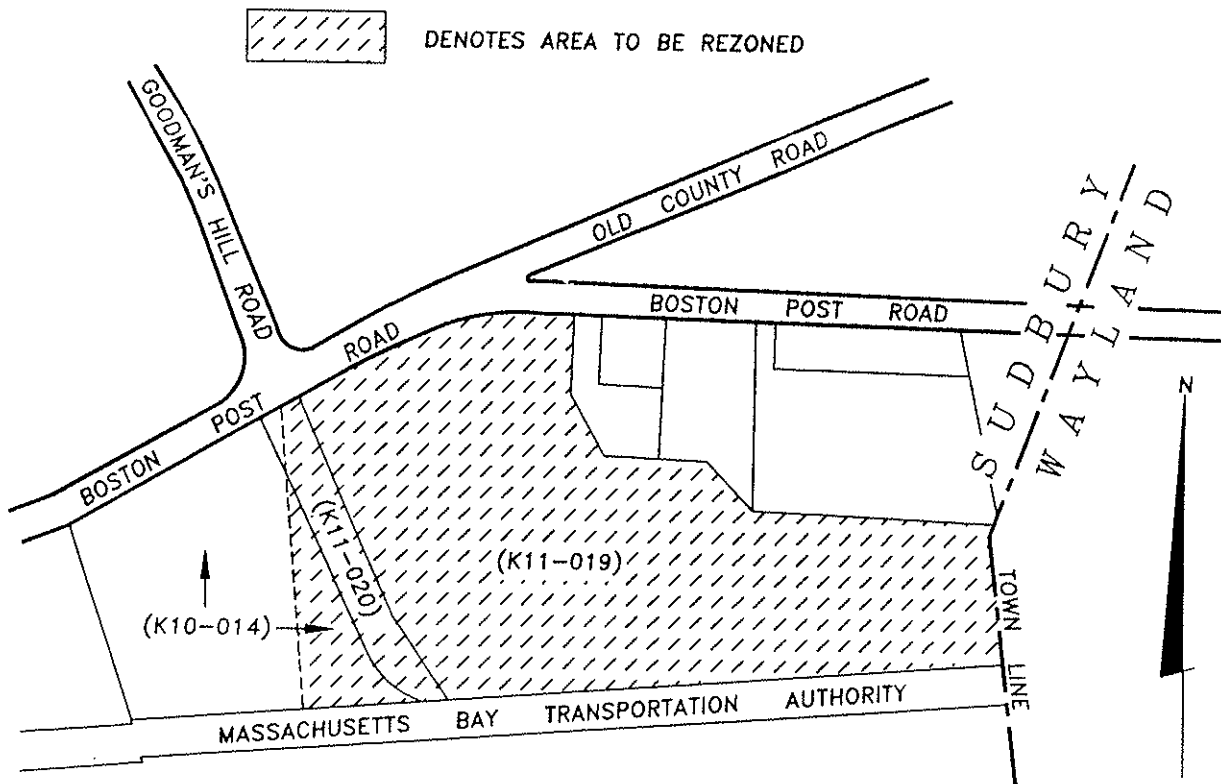
PLANNING BOARD REPORT: (Carmine Gentile) The Planning Board opposed this Article.

Dan Loughlin, Town Assessor, brought it to the Hall's attention that when a government agency rezones a parcel of land and the effect of that rezoning is a diminishment of value of that parcel, which Mr. Loughlin felt this would be, the Supreme Court has ruled that it constitutes a taking and the municipality may be liable for the difference in value.

Jody Kablack, Town Planner, added to Mr. Loughlin's statement by saying the effective rezoning proposed by this article was really to remove the Business District Zoning. She felt it would not render the parcel unusable and Article 40 which was approved the prior night expanded the District. She said this Article took away the retail use of the site.

Mr. Kreitsek, President of the Buddy Dog Humane Society, which is one of the parcels involved in the rezoning, said that Buddy Dog had not been contacted by the Petitioners and said that Buddy Dog was opposed to the rezoning of the land.

The motion under Article 57 **FAILED**.



ARTICLE 57
BUSINESS DISTRICT NO. 1

ARTICLE 26. AMEND ZONING BYLAW, ART. IX.V.P. -
WIRELESS COMMUNICATIONS FACILITIES

To see if the Town will vote to amend Article IX (The Zoning Bylaw) by adding a new Section, IX.V.P - Wireless Communications, as follows:

“P. WIRELESS COMMUNICATIONS

A wireless communications facility (including antennas, towers, equipment buildings and accessory structures, if any) may be erected in a Wireless Communications Services District upon the issuance of a special permit by the Board of Appeals pursuant to Section VI.C.3 of the Zoning Bylaw, subject to site plan approval pursuant to Section V.A. of the Zoning Bylaw, as may be amended, and subject to all of the following:

1. Purpose.

The purpose of this bylaw is to establish districts within Sudbury in which wireless communications services may be provided with minimal harm to the public health, safety and general welfare of the inhabitants of Sudbury; and to regulate the installation of such facilities by 1) minimizing visual impact, 2) minimizing the overall number and height of such facilities to only what is essential, and 3) promoting shared use of existing facilities to reduce the need for new facilities.

For the purposes of this Section, “wireless communications services” shall mean the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used, and shall include the following types of services: cellular telephone service, personal communications and enhanced specialized mobile radio service, and the infrastructure commonly associated with the provision of these services, including but not limited to cables, switches, towers and other facilities and equipment required to enable wireless service.

Towers, satellite dishes or antennas for non-commercial use are regulated under Section IV.A of the Zoning Bylaw.

2. Location.

The Wireless Communications Services District shall include all land owned by the Town of Sudbury which is held in the care, custody, management and control of the Board of Selectmen, Park & Recreation Commission, Sudbury School Committee, Lincoln-Sudbury Regional School District Committee and on all land owned by the Sudbury Water District.

The Wireless Communications Services District shall be constructed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.

3. Submittal Requirements.

As part of any application for a special permit, applicants shall submit, at a minimum, the applicable information required for site plan approval, as set forth herein at Section V.A.5, as may be amended, and the following additional information:

- a. A color rendition of the proposed facility with its antenna and/or panels at the proposed location is required. A rendition shall also be prepared illustrating a view of the facility from the nearest street or streets, and from adjacent residential properties.

- b. The following information prepared by one or more professional engineers:
 - a description of the facility and the technical, economic and other reasons for the proposed location height and design.
 - confirmation that the facility complies with all applicable Federal and State standards.
 - a description of the capacity of the facility including the number and type of panels, antenna and/or transmitter receivers that it can accommodate and the basis for these calculations.
 - c. If applicable, a written statement that the proposed facility complies with, or is exempt from, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
4. Use Restrictions
- a. Applicants for a Special Permit to construct wireless communications service facilities are encouraged to explore alternative types of systems other than tower mounted systems.
 - b. The construction of towers for the purposes of providing wireless communications services shall be regulated by the following provisions:
 - 1) Tower height shall not exceed 55 feet above the existing terrain.
 - 2) In no event shall any such tower be located closer than two (2) miles to any other such tower within the Town of Sudbury.
 - 3) A tower shall not be erected nearer to any property line than a distance equal to the vertical height of the tower (inclusive of any appurtenant devices), measured at the finished grade of the tower base.
 - 4) A tower shall not be erected nearer to a residential lot line than 200 feet.
 - 5) Towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten-year period) technically practicable. To the extent feasible, all service providers shall -locate on a single tower.
 - 6) New towers shall be considered only upon a finding by the Board of Appeals that existing or approved towers cannot accommodate the wireless communications equipment planned for the proposed tower.
 - 7) The tower shall minimize, to the extent feasible, adverse visual effects on the environment. The Board of Appeals may impose reasonable conditions to ensure this result, including painting and lighting standards.
 - c. Antenna, dishes or other structures associated with wireless services located on building or structure shall not exceed ten (10) feet in height above the roofline of the structure.
 - d. Existing on-site vegetation shall be preserved to the maximum extent practicable.
 - e. Traffic associated with the facilities and structures shall not adversely affect abutting ways.

- f. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis.
- g. Night lighting of the facilities shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.
- h. There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles.
- i. Applicants proposing to erect wireless communications facilities and structures shall provide evidence of contractual authorization from the Town of Sudbury or the Sudbury Water District to conduct wireless communications services on said property.
- j. All unused facilities or parts thereof or accessory facilities and structures which have not been used for one (1) year shall be dismantled and removed at the owner's expense. A bond in an amount which shall not be less than the estimated cost to dismantle and remove the wireless communication facility plus twenty-five percent (25%), shall be required to be furnished to the Town prior to construction of the facility.
- k. Any change in the capacity or operation of a wireless communications facility allowed by a Special Permit, such as the number of antennae, cells or panels, tower height, number of service providers or a change in service provider, shall require authorization from the lessor of the property, and shall be subject to a new application for an amendment to the Special Permit.

5. Exemptions.

The following types of uses are exempt from this Section P:

- a. Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the tower operator is not licensed to conduct commercial business on a daily basis from that facility; and
- b. Towers used for the purposes set forth in M.G.L. c. 40A, S.3.”;

Submitted by the Planning Board.

Mr. Larry O'Brien, Planning Board, *Moved to Indefinitely Postpone Article 26.*

The motion received a second.

Mr. O'Brien explained that the Planning Board had received a great deal of information regarding the Telecommunications Act of 1996 within the last few weeks. They felt it was in the best interest of the Town to evaluate all the available information and make a prudent Article to bring forth at another time. He wanted to add that the Board would appreciate help from those members of the community who might have knowledge of the Telecommunication Act of 1996 regarding wireless communication either from legal, engineering or technical aspects in drafting a new Article. Two citizens had already volunteered to help.

April 16, 1997

BOARD OF SELECTMEN POSITION: The Board of Selectmen had no position on the Indefinite Postponement.

FINANCE COMMITTEE: The Finance Committee had no position on the Indefinite Postponement.

The motion to Indefinitely Postpone Article 26 was **VOTED**.

TOWN COUNSEL OPINIONS:

It is the opinion of Town Counsel that, if the Bylaw amendments proposed in the following articles in the Warrant for the 1997 Annual Town Meeting are properly moved, seconded and adopted by a majority vote in favor of the motion, the proposed changes will become valid amendments to the Sudbury Bylaws:

Article 33	Amend Art. XXI	Highway Surveyor
Article 34	Amend Art. XI	Personnel Bylaw
Article 35	Amend Art. XII	Town Property - Technical Name Change

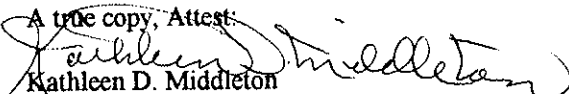
It is the opinion of Town Counsel that, if the Zoning Bylaw changes set forth in the following articles in the Warrant for the 1997 Annual Town Meeting are property moved and seconded, reports are given by the Planning Board as required by law, and the motions are adopted by a two-thirds vote in favor of the motions, the proposed changes will become valid amendments to the Sudbury Zoning Bylaw after approval by the Attorney General.

Article 25	Amend Art. IX	Senior Residential Community-Special Permit
Article 26	Amend Art. IX.V.P	Wireless Communications
Article 39	Amend Art. IX.I & III	Flood Plains
Article 40	Amend Art. IX.III.C.2	Recreational Uses – Industrial Districts
Article 41	Amend Art. IX.I.C.	Lot Area Definition – Wetlands Exclusion
Article 42	Amend Art. IX.IV.D	Cluster Development
Article 43	Amend Art. IX.III.C.2.a	Permitted Uses – Industrial Districts
Article 44	Amend Art. IX.III.C.2.c	Permitted Uses – Industrial Districts
Article 45	Amend Art. IX.V.D	Signs and Advertising Devices
Article 46	Amend Art. IX.I & III	Assisted Care Facility – Definition, Nursing Home Restrictions
Article 56	Amend Art. IX.IV.C.3.c & Amend Art IX.V.D.7.e	Modifications and Exceptions and Freestanding Business Signs
Article 57	Amend Art. IX.II.C	Business District #1

There being no further business, a motion was made to dissolve the Town meeting.

It was seconded and the Moderator declared the meeting was dissolved.

The meeting was dissolved at 10:45 PM. Attendance – 492

A true copy, Attest:

Kathleen D. Middleton
Town Clerk

**SPECIAL TOWN ELECTION
MAY 19, 1997**

The Special Town Election was held at two locations. Precincts 1 & 2 voted at the Fairbank Community Center on Fairbank Road and Precincts 3 & 4 voted at the Town Hall on Concord Road. The polls were open from 7:00 am to 8:00 pm. There were 4,856 votes cast, including 275 absentee ballots, representing 46% of the town's 10,655 registered voters. The final tabulation of votes was done at the Town Hall.

BALLOT QUESTION #1 -		PRECINCT				TOTAL
		1	2	3	4	
Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to remodel or make extraordinary repairs to the building and property at Fire Station No.2, 550 Boston Post Road, including but not limited to replacing a portion of concrete floor, replacing the roof, paving the driveway and parking lot, and to pay for all expenses connected therewith?	BLANKS	13	18	12	9	52
	YES	758	672	596	632	2658
	NO	547	593	438	568	2146
	TOTAL	1318	1283	1046	1209	4856

BALLOT QUESTION #2 -		1	2	3	4	TOTAL
Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two one one-half, so-called, the amounts required to pay for the bonds issued in order to design, purchase and install computer hardware and equipment, and information systems software for purposes of establishing local area computer networks, including the upgrading of the current inventory of computer workstations and software, and to pay for all expenses connected therewith?	BLANKS	21	25	21	18	85
	YES	487	413	386	413	1699
	NO	810	845	639	778	3072
	TOTAL	1318	1283	1046	1209	4856

BALLOT QUESTION # 3 -		1	2	3	4	TOTAL
Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amount required to pay for the bonds issued in order to reconstruct, remodel, or make extraordinary repairs to the Flynn Building, 278 Old Sudbury Road, and purchase additional equipment and furnishings, and to pay for all expenses connected therewith including moving and storage, for a town office building?	BLANKS	25	24	19	20	88
	YES	512	438	412	406	1768
	NO	781	821	615	783	3000
	TOTAL	1318	1283	1046	1209	4856

BALLOT QUESTION # 4 -		1	2	3	4	TOTAL
Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to remodel, reconstruct, construct additional space or make extraordinary repairs to the existing Town Highway Department facility off Old Lancaster Road and/or construct a new Town building, purchase additional equipment and furniture, and landscaping, and to pay for all expenses connected therewith?	BLANKS	19	21	19	22	81
	YES	519	468	370	406	1763
	NO	780	794	657	781	3012
	TOTAL	1318	1283	1046	1209	4856


BALLOT QUESTION # 5 -		1	2	3	4	TOTAL
Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the Town's apportioned share of the bonds issued by the Lincoln-Sudbury Regional School District in order to finance costs of reconstructing, equipping, remodeling, and making extraordinary repairs to the Rogers Educational Center at the regional high school on Lincoln Road, and to pay for all expenses connected therewith?	BLANKS	14	8	16	15	53
	YES	588	447	369	398	1802
	NO	716	828	661	796	3001
	TOTAL	1318	1283	1046	1209	4856

BALLOT QUESTION #6 -

	PRECINCT				TOTAL
	1	2	3	4	
BLANKS	3	5	4	6	18
YES	827	648	570	591	2636
NO	488	630	472	612	2202
TOTAL	1318	1283	1046	1209	4856

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to do the following: 1) construct a new elementary school at the Loring School site, 80 Woodside Road, and remodel, reconstruct or make extraordinary repairs and additions to all existing elementary and middle schools, and to pay for all expenses connected therewith; and 2) purchase or take by eminent domain all or a portion of Lots 12A and 13A, adjacent to the Loring School property on Woodside Road, to be used in connection with the Loring School site for school purposes?

A true record, Attest:


 Kathleen D. Middleton
 Town Clerk

PROCEEDINGS

SPECIAL TOWN MEETING

JUNE 17, 1997

(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, May 23, 1997, the inhabitants of the Town of Sudbury, qualified to vote in Town Affairs, met in the Lincoln-Sudbury Regional High School auditorium on Tuesday, June 17, 1997, for the first session of the Special Town Meeting.

The Special Town Meeting for the Town of Sudbury was called to order by Moderator, Thomas G. Dignan, Jr. at 7:40 PM when a quorum was declared present.

A moment of silence was called for by the Moderator in contemplation of what the hall was about to undertake. This was followed by Lawrence Blacker, Chairman of the Board of Selectmen leading the hall in the Pledge of Allegiance.

The Moderator had examined and found in order the call of the meeting, the Officer's Return of Service and the Town Clerk's Return of Mailing. He recognized Chairman Blacker for a motion to dispense with the reading of the Call of the Returns Notice and a reading of the individual articles. Mr. Blacker of the Board of Selectmen so moved.

The motion received a second and was *UNANIMOUSLY VOTED*.

The Moderator asked if anyone in the hall had not been to a town meeting. There were no hands so the Moderator assumed that the people in the hall were familiar with the procedures to be followed.

ARTICLE I. COUNCIL ON AGING REVOLVING FUND

To see if the Town will vote to authorize for FY1998, the use of a revolving fund by the Council of 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 53E 1/2. and expended under the direction of the Council on Aging; or act on anything relative thereto.

Submitted by the Council on Aging

Ruth Grizzell, Director of the Council of Aging, moved to authorize for fiscal year 1998, 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 53E 1/2, and expended under the direction of the Council on Aging; the amount to be expended therefrom shall not exceed the sum of \$ 10,000. The motion received a second.

COUNCIL ON AGING REPORT: Ruth Grizzell made the presentation. She said the Council on Aging used the revolving fund for the first time last year and she did not realize it had to be renewed each year. By the time the realization occurred, it was too late to get on the warrant for the April Town Meeting. It would have been on the Consent Calendar.

BOARD OF SELECTMEN: The Selectmen had no position.

FINANCE COMMITTEE: (Steve Stolle) The Finance Committee supported the article.

The motion under Article 1 was *UNANIMOUSLY VOTED*.

JUNE 17, 1997

ARTICLE 2. SOLID WASTE DISPOSAL ENTERPRISE FUND FY98 BUDGET

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$ 253,853, or any other sum, in the budget of the Solid Waste Disposal Enterprise for FY98, in addition to funds already appropriated, to be included in the tax levy and offset by the funds of the Enterprise, or act on anything relative thereto.

Submitted by the Town Manager

Lawrence Blacker, Chairman of the Board of Selectmen, moved to appropriate, in addition to funds already appropriated, the sum of \$ 238,239 for the solid waste disposal enterprise fund for fiscal year 1998, such sum to be raised from receipts of the enterprise fund; and further to authorize use of an additional \$ 15,614 of the enterprise fund receipts for indirect costs. The motion received a second.

TOWN MANAGERS REPORT: Steve Ledoux, Town Manager, made the presentation. He stated that the reason we are there this evening is to act on a proposal to continue our transfer and recycling center for FY98. Our landfill closed a little over a year ago and at that point in time we instituted a transfer station. It started with a lot of uncertainty.

He gave a brief history of sticker sales, retained earnings, and alternative disposal options. The alternative disposal options included curbside collection to be placed on the tax rate, curbside collection where the hauler would direct bill the residents, private operation of the transfer station, and finally continued Town operation of the transfer station. All these options included the recycling component.

In addition to the private sector bids received, the Town put in three bids. These proposals included operating the transfer station on either a 2-day, 3-day, or 5-day schedule. After a public meeting in May it was decided that the Town should continue to run the transfer station and recycling center on a 3-day operation. He showed a slide indicating the budget running on a 3-day operation. This proposal included Town employees trucking Sudbury's trash to CMAS in Rochester MA. Also, the labor costs have been reduced proportionately to the amount of time of operation reductions. Included in this proposal was one household hazardous waste day. The recycling program remained in tact. Joint recycling with Wayland was discussed.

Following are three charts used in the presentation.

JUNE 17, 1997

LANDFILL ENTERPRISE FUND
RETAINED EARNING USED

<u>Fiscal Year</u>	<u>Retained Earning Used</u>
93	\$ 16,560
94	0*
95	0*
96	\$ 68,065
Projected 97	\$ 162,213

* A surplus was generated into Retained Earnings during these years.

BALANCE IN ENTERPRISE FUND AS OF 6/30/96: \$ 298,000

PROJECTED BALANCE IN ENT. FUND ON 6/30/97: \$ 136,000

STICKERS SOLD IN SUDBURY

FY97
JULY - DECEMBER

	1,651 @ \$ 85.	544 @ \$ 5.
	117 @ \$ 42.50	26 @ \$ 2.50
	<hr/>	<hr/>
Total	1,768 first stickers	570 second stickers

FY97
JANUARY - JUNE

	1,335 @ \$ 85.	485 @ \$ 5.
	123 @ \$ 42.50	23 @ \$ 23.
	<hr/>	<hr/>
Total	1,465 first stickers	508 second stickers

TOTAL ANNUAL REVENUE \$ 269,750

JUNE 17, 1997

SOLID WASTE BUDGET: FY98 RECOMMENDATION

	Landfill Open 3 Days / week
Total Personal Services	88,889
Total Expenses	149,350
Total Direct Costs (Appropriated)	238,239
Total Indirect Costs: (Not Appropriated)	15,614
Total	253,853
Projected Revenue	284,000

FINANCE COMMITTEE: (Sheila Stewart) The Finance Committee recommended approval.

Timothy Coyne, Taylor Road, representing Sudbury Earth Committee, endorsed this article.

A question was raised regarding which 3-days it would remain open. Mr. Ledoux said it would be a Saturday and 2 other days. Also raised was the question of charging at the transfer station on the basis of unit weight or per bag. It was stated that a flat fee does not encourage people to recycle and that it is more equitable to pay for what each person throws away.

Mr. Ledoux agreed and stated this would be looked at for our next budget year.

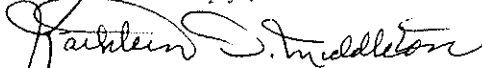
The motion under this Article was *UNANIMOUSLY VOTED*.

The Moderator then accepted a motion to adjourn, which was seconded. The motion to adjourn was *UNANIMOUSLY VOTED*.

The meeting was dissolved at 8:05 p.m.

Attendance: 183

A true copy, Attest:


Kathleen D. Middleton
Town Clerk

PROCEEDINGS
SPECIAL TOWN MEETING

NOVEMBER 17, 1997

(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, October 21, 1997, and a quorum being present, the meeting was called to order at 7:41 PM by Thomas Dignan, the Moderator, at the Lincoln-Sudbury Regional High School Auditorium. A moment of silence to reflect upon what the hall was about to do was held followed by the Pledge of Allegiance.

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

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

ARTICLE 1, LAND ACQUISITION - MARLBORO ROAD

To see what sum the Town will vote to appropriate for the purchase of land known as the Meachen-Meggs property located on the northerly side of Marlboro Road adjacent to Willis Road, on a portion of which the Town has a right of first refusal pursuant to Massachusetts General Laws Chapter 61A, and being shown as parcel 600 on Town Property Map E08, or a portion thereof; and to determine whether the land shall be acquired by purchase or eminent domain; and, further, to determine whether this sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen

Chairman Blacker moved to *postpone the Article until the end of the warrant. He explained that the purpose of this motion was to ensure that all the articles would be finished before 10:30. The motion received a second. The motion was DEFEATED.*

The meeting went to Article 1.

Mr. Lawrence Blacker, Chairman of the Board of Selectmen, Moved *in the words of the Article.* The motion was seconded.

BOARD OF SELECTMEN'S REPORT: Each of the Selectmen had a different position on this Article therefore each Selectmen chose to speak.

Mr. Blacker interjected that the motion was NOT in the words of the Article and requested permission to read the Article.

Move to authorize the Board of Selectmen, acting on behalf of the Town of Sudbury, to purchase or take by eminent domain, for general municipal purposes, land known as the Meachen- Meggs property on the northerly side of Marlboro Road adjacent to Willis Road, and being shown as Parcel 600 on Town property map E08, or a portion thereof, and to appropriate the sum of \$ 3,798,000 therefor and for all expenses connected therewith, including bond and note issuance expense; and to raise this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$ 3,248,000 under General Laws Ch. 44, s.7, and the balance

NOVEMBER 17, 1997

of \$ 550,000 to be raised by transfer of funds authorized under Article 13 of the 1997 Annual Town Meeting (Loring School land); all appropriation hereunder to be contingent upon approval of a Proposition 2 1/2 debt exclusion in accordance with General Laws Ch. 59, s.21C, except those which have received prior approval. The motion received a second.

Mr. Drobinski, Selectman, said the purchase of this property was about the cost of defining and preserving the character, values and environmental quality of Sudbury. He urged passage of this Article.

Mr. Blacker presented his position of this Article which was to defeat this Article. He referenced M.G.L. 61A and its tax implications. He said that all the Selectmen wanted to purchase this property but because there was insufficient money to purchase it, a Special Town Meeting was called to see how people felt about spending the money to purchase this property. Mr. Blacker utilized viewgraphs to supplement his speech in which he addressed what he believed to be the favorable aspects of the Senior Residential Community which the developer proposed to build. He said it was his opinion that the SRC plan would be submitted to the various boards for their approval. He felt that if this Article were defeated then a "win-win" situation would be the result.

Selectman, Maryann Clark spoke to the choices available to the townspeople such as assigning rights of purchase to a non-profit organization, and of the Town's purchasing the property and then selling it back to the developer with restrictions. She said she wanted a balance between conservation, development, and cost to the Town. Her preference was to have the landowner and developer agree with the Town to build a SRC having a minimum development of 45 two-bedroom units or a combination of units yielding 90 bedrooms, keeping 50% as open space, in exchange for the Selectmen's withdrawal of the 61A first-refusal option.

FINANCE COMMITTEE: (Steve Stolle) The Finance Committee supported this article. This was a split vote by the Committee, but the Committee believed the choice should be given to the Town.

CONSERVATION COMMISSION: (Steve Meyer, Chairman) On behalf of the Conservation Commission he wished to amend the motion by a substitute motion.

moved to strike the motion on the floor and amend to read as follows:

Move to authorize the Board of Selectmen, acting on behalf of the Town of Sudbury, to purchase or take by eminent domain for conservation purposes with exception of approximately 40,000 sq.ft. at the intersection of Marlboro and Willis Roads for roadway improvements, land known as the Meachen-Meggs property on the northerly side of Marlboro Road, adjacent to Willis Road, and being shown as parcel 600 on Town Property Map E08, or a portion thereof, and to appropriate the sum of \$ 3,798,000 therefor and for all expenses connected therewith, including bond and note issuance expense; and to raise this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$ 3,248,000 under General Laws Ch. 44, s.7, and the balance of \$ 550,000 to be raised by transfer of funds authorized under Article 13 of the 1997 Annual Town Meeting (Loring School Land); all appropriation hereunder to be contingent upon approval of a Proposition 2 1/2 debt exclusion in accordance with General Laws Ch., 59, s.21C, except those which have received prior approval. The motion received a second.

Mr. Stephen Meyer spoke for his motion. He explained that the change in his motion from the original motion was to remove the clause for "general municipal purposes" and substitute "for conservation purposes with the exception of approximately 40,000 sq. ft. at the intersection of Marlboro Road." He showed a map supporting his motion to purchase the entire 19.1 acres in perpetuity in its current state, to maintain the hayfield and agriculture, and preserve the land around it. The 40,000 sq. ft. was excluded for roadway improvements.

Mr. Meyer spoke to the key aspects of open space properties. These included aesthetics, field ecology, wetlands ecology, vernal pools, endangered species, and the open space plan. He explained why the SRC would do nothing for field aesthetics and nothing for field ecology. The SRC represented no preservation of open space in any useful manner, - the endangered species will be protected but not in relation to the field and it was not known what the long-term consequences would be.

At the conclusion of Mr. Meyer's presentation, the Moderator wanted to make a matter of procedure understood which was that the substitute motion to amend was on the floor at that moment. The vote taken would be to amend the original motion and required a majority vote. If it passed, the vote on the main motion under the article - the main motion or the amended motion - required a 2/3 vote.

Mr. Johnson, the Head of the Sudbury Valley Trustees, a non-resident of the Town, was given permission by the Hall to speak. He underscored what the SVT felt regarding the uniqueness of this parcel of land, and wholeheartedly supported this amended motion.

Other residents spoke in favor of the Conservation amendment, including Dan Laughlin the Sudbury Assessor. Mr. Laughlin explained that his analysis on this property showed that if \$750,000 homes were built on this land, taking into account associated children per household and other Town supplied services, the Town could break even. However, he said there were other reasons for purchasing and acquiring land besides money and that he thought this was a spectacular piece of land.

A question was asked why the Town was not purchasing all 60 acres of land. Mr. Blacker answered that only 19.1 acres of land was under 61A therefor the Town was entitled to purchase only the 19.1 acres.

The motion to amend was *CARRIED*.

Discussion ensued on the main motion which was the substitute motion by the Conservation Commission.

THE STRATEGIC PLANNING COMMITTEE: (Kirsten Roopenian) The Strategic Planning Committee supported the Article.

Mr. Hendrik Tober moved to *Indefinitely Postpone this motion*. This motion received a second.

A motion for the question was made and seconded. The vote on the motion for the question was a clear 2/3.

The motion to Indefinitely Postpone this motion was *DEFEATED*.

There was additional discussion about the property purchase and about any possible lawsuit.

A motion was received and seconded to move the question.

The motion to terminate debate was a clear 2/3.

The main motion as amended, was voted and counted.

YES: 383 OPPOSED: 75 The motion under Article 1 was *VOTED*.

ARTICLE 2. UNPAID BILLS

To see if the Town will vote to raise and appropriate from available funds, a sum of money for the payment of certain unpaid bills incurred in previous 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 Acting Town Accountant

Mr. Steve Ledoux moved to appropriate \$ 5,102 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, as follows:

\$ 4,668.42 To pay Metrowest Medical Center
(Sudbury Public Schools)

\$ 433.48 To pay Independent Special Education Evaluation (Sudbury Public Schools);

Said appropriation to be raised by transfer from FY98 unclassified medical claims/insurance account 900-7-57706.

The motion received a second.

Mr. Steve Ledoux said these were bills incurred in the prior fiscal year and they needed a 9/10 vote of the Hall to pay them.

FINANCE COMMITTEE: (Steve Stolle): The Finance Committee supported the Article.

The motion under this Article was UNANIMOUSLY VOTED.

ARTICLE 3. FY 98 BUDGET ADJUSTMENTS

To see if the Town will vote to amend the votes taken under Article 6A, FY98 Budget, of the 1997 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

Mr. Steve Ledoux moved to amend the votes taken under Article 6A, FY98 budget, of the 1997 Annual Town Meeting, by adding to or deleting from line items thereunder by transfer between or among accounts or by transfer from available funds, as follows:

<u>AMOUNT</u>	<u>TO</u>	<u>FROM</u>
\$ 10,000	100 General Gov't	900-7-57706 Uncl. Med.Claims/Ins.
\$ 53,286	100 General Gov't	Taxation
\$ 19,598	100 General Gov't	M.R.V.T.H.S. Assessment
\$ 125,000	200 Public Safety	900-7-57706 uncl. Med. Claims/ins.
\$ 114,863	300 Sud. Schools	900-7-57706 uncl. Med. Claims/ins.
\$ 91,035	300 Sud. Schools	Taxation
\$ 61,335	400 Public Works	Ins. Recovery Res. for Approp.
\$ 33,000	400 Public Works	Taxation
\$ 1,527,470	700 Debt Service	Taxation
\$ 5,509	900 Unclassified Employee Benefits	Taxation

This motion received a second.

Mr. Ledoux and Mr. Hurley, Superintendent, made the presentation. This Article represented new revenue the Town has received since the April Town Meeting as well as one-time savings also experienced. This Article included Cherry Sheet money for school purposes, additional lottery money, insurance reimbursements, and a lower assessment for the Minuteman Regional High School. This money allowed projects to get underway. This Article also made a technical correction to the debt service budget appropriated in April. Mr. Ledoux used slides to supplement his presentation and addressed other aspects

of the budget. He compared and contrasted the plans of the past to those proposed that evening - doing the design work to see if it were feasible to put a second story on the administration building and other changes in the Highway building, and for installation of an elevation in the Flynn Building. He discussed the technology plan - computer purchases and upgrades, a training center, and two mobile terminals for the Police Department. Mr. Ledoux spoke about the employee incentive program and about employee and supervisory training. Finally, he addressed the debt issues. Mr. Hurley explained the expenditures on the school side.

FINANCE COMMITTEE: (Steve Stolle) The Finance Committee recommended approval.

Mr. Tyler moved *to strike the \$1.527470M for 700 Debt Service from Taxation*. The motion received a second.

Mr. Tyler said that this was an 81% increase in debt service from last year. He said the whole premise in the debt program was that it would not have an impact in FY98.

There was no one else who wished to be heard on this motion to amend.

The motion to amend *FAILED*.

There was no one else who wished to be heard on the main motion.

The main motion as originally proposed was *UNANIMOUSLY VOTED*.

ARTICLE 4. SCHOOL BUDGET - FOUNDATION RESERVE PROGRAM

To see what sum the Town will vote to raise and appropriate to be added to the Sudbury School Department Budget for Fiscal Year 1998 for educational purposes; said sum to be raised by funding from the Foundation Reserve Program of the Department of Education; or act on anything relative thereto.

Submitted by the Sudbury School Committee

Mr. Gregory Lauer, of the Sudbury School Committee, moved *to appropriate \$ 113,000, to be added to the Sudbury School Department budget for fiscal year 1998 for educational purposes, and appropriate \$ 5,000, to be added to 900 Unclassified Employee Benefits Budget for fiscal year 1998; said sums to be raised by funding from the Foundation Reserve Program of the Department of Education*. The motion received a second.

Mr. Hurley made the presentation. He said this was money which came to the Sudbury schools as a result of "pothole" monies voted by the Legislature. Sudbury applied for it in the form of a grant and was eligible for it under the "rapid growth" category. Sudbury was awarded \$ 118,000 and Mr. Hurley said this money would be spent on one-time expenses.

FINANCE COMMITTEE: (Steve Stolle) The Finance Committee recommended support of the Article. It also commended Dr. Hurley for the initiative of going after these monies from the State for Sudbury.

No one else wished to be heard.

The motion under Article 4 was *UNANIMOUSLY VOTED*.

ARTICLE 5. THIRD QUARTER ESTIMATED TAX BILLS

To see if the Town will vote to submit a home rule petition to the State Legislature to allow Sudbury to issue third quarter estimated tax bills for fiscal 1998, or act on anything relative thereto.

Submitted by the Board of Assessors

Mr. Dan Loughlin, Town Assessor, moved *in the words of the Article*. This motion received a second.

Mr. Loughlin made the presentation for this Article. He said he was re-assessing the entire Town as required every three years, and that because this was such an immense project and because he wanted to do a thorough job he wished to delay issuing the actual tax bill, which would reflect the new assessment and new tax rate, by one quarter by issuing an estimated bill in the third quarter. The last bill which would be issued on April 1st would reflect the new assessments and new tax rate.

FINANCE COMMITTEE: (Steve Stolle) The Finance Committee recommended approval of this Article.

The Moderator asked if these bills would be issued early enough so that people may take the deduction on the Federal tax return. Mr. Loughlin said pre-payments could be made, however, the bills would go out on December 31st.

No one else wished to be heard on this Article.

The motion under Article 5 *UNANIMOUSLY VOTED*.

NOVEMBER 17, 1997

ARTICLE 6. ACCEPT MGL CH. 59 S. 5 - INCREASE TAX EXEMPTIONS

To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 5, to allow for an increase of up to 100% of the current exemption amounts under Clauses 41C, 37A, 22, and 17D of said Chapter 59, Section 5; or act on anything relative thereto.

Submitted by the Board of Assessors

Mr. Dan Loughlin, Town Assessor, moved *in the words of the Article*. This motion received a second.

Mr. Loughlin made the presentation. He used a viewgraph to show a list of all the property tax exemptions granted in fiscal 1997, representing 1/10 of 1% of the entire Town budget. The Assessor wanted to increase the exemptions granted from \$ 34,900 to roughly \$ 68,000 - \$ 70,000 which would represent 2/10 of 1% of the Town budget.

FINANCE COMMITTEE: (Steve Stolle) The Finance Committee recommended support of this Article.

No one else wished to be heard on this Article.

The motion under this Article *UNANIMOUSLY VOTED*.

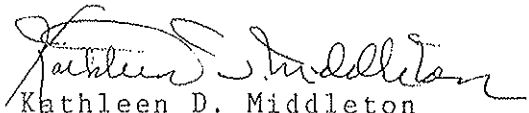
A motion was Made to dissolve the Special Town Meeting. The Motion was seconded.

The motion was *UNANIMOUSLY VOTED*.

The meeting was dissolved at 10:25 p.m.

Attendance: 527

A true copy, Attest:


Kathleen D. Middleton
Town Clerk

SPECIAL TOWN ELECTION
DECEMBER 8, 1997

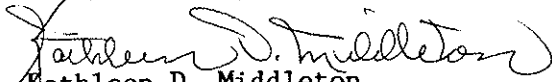
The Special Town Election was held at two locations. Precincts 1 & 2 voted at the Fairbank Community Center on Fairbank Road and Precincts 3 & 4 voted at the Noyes School on Old Sudbury Road. The voting place for Precincts 3 & 4 had been changed due to the Goodnow Library's temporary occupation of the Town Hall. The polls were open from 7:00 a.m. to 8:00 p.m. There were 2422 votes cast, including 104 absentee ballots, representing 23% of the Town's 10,558 registered voters. The results were reported at 8:30 p.m. as follows:

BALLOT QUESTION NO. 1

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds issued in order to purchase or acquire by eminent domain, land known as the Meachen-Meggs property, located on the northerly side of Marlboro Road adjacent to Willis Road, shown on Town Property Map E08, Parcel 600?

	PRECINCT				TOTAL
	1	2	3	4	
YES	543	311	264	374	1492
NO	<u>189</u>	<u>232</u>	<u>257</u>	<u>252</u>	<u>930</u>
TOTAL	732	543	521	626	<u>2422</u>

A true record, Attest:


Kathleen D. Middleton
Town Clerk