

# 2010 ANNUAL TOWN MEETING

*April 26, 27, 28, and 29, 2010*

*NOTE: The 2010 Annual Town Meeting minutes printed below are excerpted from the official minutes of this Meeting. For the complete text of all votes taken at this Meeting, contact the Town Clerk's Office.*

Pursuant to the Warrant signed by the Selectmen on February 8, 2010, Town Moderator Edward N. Perry called the 2010 Annual Town Meeting to order at 7:03 pm on April 6, 2010 at the Concord-Carlisle High School Auditorium, Cafeteria and, if necessary, the Upper Gymnasium. The Moderator declared that the meeting was properly called and that a sufficient number of voters were present to permit the meeting to be opened.

On a MOTION made by Stanly Black and duly seconded, the following was VOTED:

That this meeting be held in the Concord-Carlisle Regional High School Auditorium, Cafeteria and, if necessary, the Upper Gym, and that the halls be connected by means of a public address system and loudspeakers so that the proceedings in the auditorium can be heard by all voters present in any hall.

Mr. Perry noted that he had appointed Eric E. Van Loon and George M. Dallas to serve as Assistant Moderators at this Town Meeting, and that they had been duly sworn to the faithful and impartial discharge of their duties. On a MOTION made by Stanly Black and duly seconded, it was VOTED: To elect Eric E. Van Loon as Deputy Moderator to preside over this meeting if the Moderator elected by the Town is unable to serve in that position. Mr. Van Loon was duly sworn.

Mr. Perry expressed gratitude to the Regional School Committee, Principal, staff, faculty and students for accommodating us for Town Meeting. He noted the Town's continued Aaa bond rating, thanking Finance Director Anthony Logalbo and staff, Town Manager Chris Whelan, the Selectmen, and School Committees for their continued stewardship of the Town's fiscal affairs. Mr. Perry noted his appointment of David W. Bearg to the School Committee for the Minuteman Regional Vocational Technical School. He thanked John Lang for his six years of service representing Concord on this Regional School Committee.

Mr. Perry announced the following appointments to the Finance Committee made by Mr. Van Loon: Reappointment for a three-year term expiring at the dissolution of the 2013 Annual Town Meeting—Charles R. Blair, Pamela A. Hill and David W. Kramer; Appointment for a three-year term to expire at the dissolution of the 2013 Annual Town Meeting—Patricia C. Nelson and Mark E. Garvey; Reappointment to complete an unexpired term of two years to expire at the dissolution of the 2012 Annual Town Meeting—Jill Appel. Mr. Perry noted the retirement of Walter Birge after six years of service, and Patrick Padden who had filled an unexpired term on the Committee, thanking both for their service.

Mr. Perry urged everyone to read the Finance Committee Report, the "Moderator's Notes for the 2010 Annual Town Meeting," and "Concord's Town Meeting Traditions and Procedures." Mr. Perry noted that Dr. Susan Curtin would be serving as Town Meeting Resource Person, to be assisted by Johanna R. Glazer. The Town's IT Director David Mickey was introduced as the Technical Resource person, assisted by Denise Caruso who will be running the clock.

Fire Chief Mark Cotreau reviewed evacuation procedures in the event of an emergency.

Mr. Perry noted that Abraham Fisher had been appointed Head Teller, to be assisted by Todd Crocker. David Allen was appointed Ballot Supervisor, to be assisted by Mark Myles, in the event of a ballot vote. Mr. Perry administered the oath of office to the Tellers and Ballot Counters.

Concord Girl Scouts and Boy Scouts brought the flags forward. Mr. Perry asked attendees to stand and observe a moment of silence and reflect on how, through this Town Meeting, our neighbors and we provide for our common good. He asked that we be reminded that the passions of the moment are not necessarily the best guide for our conduct in the future, and that if sacrifice by a few is required, the sacrifice should be only where the

common goal is worthy of the sacrifice. He asked that we approach each issue, no matter how divisive, with an open heart, an open mind, and a sense of humor.

Mr. Perry acknowledged and thanked Town Meeting Coordinator Laurel Landry for helping to make the meeting go smoothly.

Upon a MOTION made by Stanly Black and duly seconded, it was VOTED: That the reading of the Warrant and the Return of Service thereon be omitted.

Mr. Perry urged residents to read the Annual Town Report and noted the availability of Green Cards. Mr. Perry noted that at this time he did not anticipate any motions under Articles 4, 12, 40 and 60. He reviewed the likely schedule for the meeting.

Upon a MOTION made by Stanly Black and duly seconded, it was VOTED: That the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises at 7:00 pm tomorrow evening, April 27<sup>th</sup>.

### ARTICLE 1. CHOOSE TOWN OFFICERS

Under Article 1, Mr. Perry reported the results of the Town Election held on March 23, 2010.

Upon a MOTION made by Gregory Howes and duly seconded, it was VOTED: That Article 1 remain open for such other action there under as may be necessary and that the meeting take up Article 2.

### ARTICLE 2. HEAR REPORTS

Upon a MOTION made by Stanly Black and duly seconded, it was VOTED: To accept the reports of the various Town Officers and Committees.

Following a brief explanation by Mr. Perry of the procedures for the proposed Consent Calendar, Mark Howell made the following MOTION that was duly seconded: That the 2010 Annual Town Meeting advance for consideration Articles 5, 13, 14, 16, 17, 18, 19, 20, 30, 43, 48, 49, 50, 54, 66, 67, 69 and 70 and take action on such articles without debate on any of such articles, provided that, upon the request of five voters at this Meeting, 2010 Annual Report

made before the vote is taken on this motion, an article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

After reading the motion and giving a brief explanation of each article, the Moderator inquired as to whether there was a request to drop any of the articles from the Consent Calendar motion. No requests were made. Upon a show of hands, the Consent Calendar was UNANIMOUSLY VOTED, and so declared by the Moderator, as follows:

## CONSENT CALENDAR

(Articles 5, 13, 14, 16, 17, 18, 19, 20, 30, 43, 48, 49, 50, 54, 66, 67, 69 and 70)



*Ned Perry, Town Moderator 2000 –2010*

### ARTICLE 5. RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

Upon a MOTION duly made and seconded, it was VOTED: To ratify the Personnel Board's actions to amend the Classification and Compensation Plan.

### ARTICLE 13. PROPERTY TAX EXEMPTION

Upon a MOTION duly made and seconded, it was VOTED: To accept the provisions of §4 of Ch. 73 of the Acts of 1986 as amended by Ch. 126 of the Acts of 1988, and to increase by 100% the amount of property tax exemption granted to persons who qualify for said exemption under clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, and 41C of §5 of Ch. 59 of the MGL.

### ARTICLE 14. LIGHT PLANT PAYMENT IN LIEU OF TAXES

Upon a MOTION duly made and seconded, it was VOTED: That the Town vote to authorize a transfer of \$380,000 from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for FY 2011.

### ARTICLE 16. ROAD REPAIR REVOLVING FUND EXPENDITURES

Upon a MOTION duly made and seconded, it was VOTED: That the income and fees paid by applicants

to the Commissioners of Public Works for permits to dig up, alter or disturb a public way, in an amount not to exceed \$120,000, be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways.

**ARTICLE 17. SOLID WASTE DISPOSAL FUND EXPENDITURES**

Upon a MOTION duly made and seconded, it was VOTED: That the income from user fees for solid waste disposal services, associated services, and jobbing services by Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Solid Waste Disposal Fund, be expended without further appropriation under the direction and control of the Town Manager.

**ARTICLE 18. SEWER FUND EXPENDITURES**

Upon a MOTION duly made and seconded, it was VOTED: That the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Sewer Fund, be expended without further appropriation under the direction and control of the Town Manager.

**ARTICLE 19. SEWER IMPROVEMENT FUND EXPENDITURES**

Upon a MOTION duly made and seconded, it was VOTED: That the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation under the direction and control of the Town Manager.

**ARTICLE 20. WATER SYSTEM EXPENDITURES**

Upon a MOTION duly made and seconded, it was VOTED: That the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation under the direction and control of the Town Manager.

**ARTICLE 30. AMBULANCE REPLACEMENT**

Upon a MOTION duly made and seconded, it was VOTED: To appropriate the sum of \$200,000 to be ex-

pended under the direction of the Town Manager for the purchase of a Fire Department front line ambulance, and to authorize the Treasurer with the approval of the Board of Selectmen to borrow this sum.

**ARTICLE 43. ZONING BYLAW AMENDMENT -- GROUNDWATER CONSERVANCY DISTRICT**

Upon a MOTION duly made and seconded, it was VOTED: To amend the Zoning Bylaw Section 2.2 Zoning Map to extend groundwater protection of the Zone II water resources to Acton Water District's Assabet well field.

**ARTICLE 48. ZONING BYLAW AMENDMENT -- FLOOD PLAIN CONSERVANCY DISTRICT**

Upon a MOTION duly made and seconded, it was VOTED: To amend the Zoning Bylaw Section 2.2 Zoning Map, Section 2.3.5, and Section 7.2 Flood Plain Conservancy District to address the changes to the Federal Emergency Management Agency and National Flood Insurance Program mapping prepared by FEMA in 2009.

**ARTICLE 49. ZONING BYLAW AMENDMENT -- DEFINITION -- CEILING HEIGHT**

Upon a MOTION duly made and seconded, it was VOTED: To amend the definition of "Gross floor area" in Zoning Bylaw subsection 1.3.11.

**ARTICLE 50. ZONING BYLAW AMENDMENT -- TABLE I -- PRINCIPAL USE REGULATIONS**

Upon a MOTION duly made and seconded, it was VOTED: To amend the Zoning Bylaw Table I—Principal Use Regulations to allow Transportation services to be a "by-right" use in the Industrial Park and Limited Industrial Park zoning districts.

**ARTICLE 54. ZONING BYLAW AMENDMENT -- SPELLING CORRECTIONS**

Upon a MOTION duly made and seconded, it was VOTED: To amend Zoning Bylaw Section 7.7 Off-street Parking, Loading and Design Standards to correct spelling errors.

**ARTICLE 66. REVISIONS TO SALE OF TOBACCO TO MINORS BYLAW**

Upon a MOTION duly made and seconded, it was VOTED: To amend the Sale of Tobacco to Minors Bylaw to reflect changes in state regulations, to incorporate a

broader scope of definitions, to provide for additional fines for non-compliance.

**ARTICLE 67. REVISIONS TO SMOKING IN FOOD ESTABLISHMENTS BYLAW**

Upon a MOTION duly made and seconded, it was VOTED: To amend the Smoking in Food Establishments Bylaw to reflect changes in state law, to increase the fines for non-compliance, to prohibit the sale of tobacco products in vending machines or by mobile vendors, and to prohibit smoking in certain facilities.

**ARTICLE 69. DEBT RESCISSION**

Upon a MOTION duly made and seconded, it was VOTED: To rescind the unused borrowing authorization--\$250,000 from Article 32 of 2005 (Burke Land Acquisition).

**ARTICLE 70. AMENDMENTS TO HISTORIC DISTRICTS COMMISSION SPECIAL ACT**

Upon a MOTION duly made and seconded, it was VOTED: To petition the General Court to amend Chapter 345 of the Acts of 1960 (reaffirmation of 2007 Town Meeting vote).

**END OF CONSENT CALENDAR**

**ARTICLE 3. MEETING PROCEDURE**

Upon a MOTION made by Mark Howell and duly seconded, it was UNANIMOUSLY VOTED: To adopt a Rule of the Meeting governing requirements on motions and amendments to motions made under articles concerning expenditures, in order to assure compliance with the requirements of Proposition 2½.

**ARTICLE 4. SECRET BALLOT VOTING PROCEDURE**

There was NO MOTION under this article.

**ARTICLE 5. VOTED PREVIOUSLY UNDER CONSENT CALENDAR**

**ARTICLE 6. CLASSIFICATION & COMPENSATION PLAN FOR REGULAR STATUS EMPLOYEES**

Upon a MOTION made by David Stiffler and duly seconded, it was UNANIMOUSLY VOTED: To amend the Classification and Compensation plans for all regular status Town employees, effective July 1, 2010.

**TOWN BUDGET FISCAL YEAR 2010-2011**

No.	Department	Appropriation
<b>GENERAL GOVERNMENT</b>		
1A	Town Manager	\$286,423
1B	Town-wide building maintenance	150,000
1C	Human Resources Department	<u>152,539</u>
	TOTAL Town Manager Acct.#1	\$ 588,962
2	Legal Services	\$225,000
3A	Elections	\$33,524
3B	Registrars	<u>8,328</u>
	TOTAL Elections & Registrars Acct. #3	\$41,852
4	Town Meeting & Reports	\$77,800
5	Planning and Land Management	
5A	Planning	\$ 230,669
5B	Board of Appeals	46,026
5C	Natural Resources	202,013
5D	Inspections	336,585
5E	Health	<u>225,881</u>
	TOTAL Planning & Land Management	\$1,041,174
6	141 Keyes Road	<u>62,488</u>
	<b>TOTAL GENERAL GOVERNMENT</b>	<b>\$2,037,276</b>

No.	Department	Appropriation
<b>FINANCE AND ADMINISTRATION</b>		
7	Finance Committee	\$3,100
<u>8</u>	Finance Department	
8A	Administration	\$233,611
8B	Treasurer-Collector	239,952
8C	Town Accountant	125,752
8D	Assessors	355,655
8E	Town Clerk	<u>196,497</u>
	TOTAL Finance Department	\$1,151,467
9	Information Systems	\$357,089
10	Town House	<u>\$102,406</u>
	<b>TOTAL FINANCE AND ADMINISTRATION</b>	<b>\$1,614,062</b>
<b>PUBLIC SAFETY</b>		
11	Police Department	\$3,702,146
12	Fire Department	3,322,820
13	West Concord Fire Station	40,443
14	Police and Fire Station	200,072
15	Emergency Management	12,810
16	Dog Officer	<u>18,151</u>
	<b>TOTAL PUBLIC SAFETY</b>	<b>\$7,296,442</b>
<b>PUBLIC WORKS AND FACILITIES</b>		
<u>17</u>	Public Works Department	
17A	CPW Administration	\$151,695
17B	Engineering	286,218
17C	Highway Maintenance	1,084,327
17D	Parks and Trees	538,740
17E	Cemetery	<u>59,520</u>
	TOTAL Public Works Department	\$2,120,500
18	Snow and Ice Removal	\$495,000
19	Street Lighting	50,000
20	CPW Equipment	270,000
21	Drainage Program	205,000
22	Sidewalk Management	100,000
23	Road Improvements	90,000
24	133/135 Keyes Road	<u>89,040</u>
	<b>TOTAL PUBLIC WORKS AND FACILITIES</b>	<b>\$3,419,540</b>
<b>HUMAN SERVICES</b>		
25	Library	\$1,711,379
26	Recreation Administration	86,940
27	Hunt Recreation Center	75,173
28	Harvey Wheeler Community Center	132,144
29	Council on Aging	234,534
30	Veterans Services and Benefits	30,222
31	Ceremonies and Celebrations	23,483
32	Visitor Center and Restaurant	<u>25,818</u>
	<b>TOTAL HUMAN SERVICES</b>	<b>\$2,319,693</b>

No.	Department	Appropriation
<b>UNCLASSIFIED</b>		
33	Town Employee Benefits	\$90,000
34	Reserve Fund	225,000
35	Salary Reserve	350,000
36	Land Fund	0
<b>TOTAL UNCLASSIFIED</b>		<b>\$665,000</b>
<b>JOINT (TOWN-CPS)</b>		
37A	Group Insurance	\$4,465,000
37B	Property and Liability Insurance	<u>175,000</u>
TOTAL Insurance Acct.#37		\$4,640,000
38A	Unemployment Compensation	\$100,000
38B	Workers Compensation	<u>100,000</u>
TOTAL Acct. #38		200,000
39	Retirement	\$2,750,000
40	Social Security & Medicare	\$580,000
41A	Debt Service – within levy limit	\$3,175,000
41B	Debt Service – excluded from levy limit	<u>\$3,864,782</u>
TOTAL Debt Service Acct.#47		\$7,039,782
<b>TOTAL JOINT ACCOUNTS</b>		<b>\$15,209,782</b>
<b>TOTAL ARTICLE 7</b>		<b>\$32,561,795</b>

#### ARTICLE 7. TOWN BUDGET

After presentations by Finance Committee Member Mark Howell and Town Manager Christopher Whelan, and upon a MOTION made by Christopher Whelan and duly seconded, it was VOTED: To raise and appropriate the following sums of money for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2010, and that the same be expended only for such purposes under the direction of the Town Manager:

#### ARTICLE 8. PUBLIC SCHOOL BUDGET

After a presentation by CPS Chair Pamela Gannon, upon a MOTION made by Ms. Gannon and duly seconded, the following was: VOTED: That the Town raise from the tax levy and appropriate the sum of \$27,699,200 for the necessary and expedient purposes of the support of the public schools for the fiscal year ending June 30, 2011; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

#### ARTICLE 9. REGIONAL SCHOOL BUDGETS

##### MOTION 1. Concord-Carlisle Regional School

Following a presentation by CCRSD Chair Jan McGinn, and upon a MOTION made by Ms. McGinn 2010 Annual Report

that was duly seconded, the following was: VOTED: That the Town raise from the tax levy and appropriate the Town's apportioned share of \$14,588,665 for the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2011; and that the same be expended only for such purposes and under the direction of the Concord-Carlisle School Committee.

##### MOTION 2. Minuteman Regional Vocational Technical School District

Following a presentation made by Superintendent Edward Bouquillon and upon a MOTION made by John Lang and duly seconded, it was VOTED: To raise from the tax levy and appropriate the Town's apportioned share of \$590,682 for the Minuteman Regional Vocational Technical School District assessment for the fiscal year ending June 30, 2011.

#### ARTICLE 10. ELEMENTARY SCHOOL DEBT STABILIZATION FUND USE

Upon a MOTION duly made and seconded, it was UNANIMOUSLY VOTED: To appropriate the sum of \$1,000,000 from the Elementary School Debt Stabilization Fund established under Article 10 of the 2008 Annual Town Meeting, to be expended under the direction of the Town Manager for a portion of the debt service

due during fiscal year 2011 on the bonds issued for the Alcott, Thoreau and Willard school buildings.

**ARTICLE 11. FREE CASH USE**  
Upon a MOTION made by Mark Howell and duly seconded, it was VOTED: To authorize and direct the Assessors to take \$600,000 from Free Cash to reduce the tax levy for the fiscal year ending June 30, 2011.

**ARTICLE 12. UNPAID BILLS**  
There was NO MOTION under this Article.

**ARTICLES 13 AND 14. VOTED PREVIOUSLY UNDER CONSENT CALENDAR**

**ARTICLE 15. LIGHT PLANT EXPENDITURES**  
Upon a MOTION duly made and seconded, it was UNANIMOUSLY VOTED: That the income from sales of electricity and from servicing and jobbing during the ensuing fiscal year together with the balance of operating cash in the Light Plant Fund, be expended without further appropriation under the direction and control of the Town Manager for the expenses of the Light Plant.

**ARTICLES 16 THROUGH 20. VOTED PREVIOUSLY UNDER CONSENT CALENDAR**

**ARTICLE 21. BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND; FY2011 BUDGET**  
Upon a MOTION made by Danner DeStephano and duly seconded, the following was VOTED: To appropriate the sum of \$2,436,409 from the estimated revenues of the Community Pool Enterprise Fund for the fiscal year beginning July 1, 2010 to be expended under the direction of the Town Manager for the operating expenses of the Beede Swim & Fitness Center; and further that the sum of \$120,000 be appropriated from the certified undesignated fund balance of June 30, 2009 to be expended under the direction of the Town Manager for capital expenditures.

**ARTICLE 22. 2011 ROAD PROGRAM**  
Upon a MOTION made by James Smith and duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY, and so declared by the Moderator: To appropriate the sum of \$700,000 for the reconstruction or renovation of roads and streets within the town; and that to meet said appropriation, the Town authorize the Town Treasurer with the approval of the Board of

Selectmen to borrow the sum of \$700,000; and that the Town Manager be authorized to accept and expend state and/or county grants as may be available for the same purpose.

**ARTICLE 23. NAGOG POND WATER SUPPLY SYSTEM IMPROVEMENTS**

Upon a MOTION made by Philip Swain and duly seconded, the following was UNANIMOUSLY VOTED, and so declared by the Moderator: To appropriate the sum of \$1,900,000 for the construction of water supply and water treatment facilities and improvements associated with Nagog Pond reservoir, Nagog dam and the Route 2A pump stations; and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow this sum

**ARTICLE 24. CONCORD PUBLIC SCHOOL RENOVATIONS**

Upon a MOTION made by Pamela Gannon and duly seconded, the following was UNANIMOUSLY VOTED, and so declared by the Moderator: To appropriate the sum of \$600,000 to be expended under the direction of the School Committee for remodeling, reconstructing or making extraordinary repairs, and related work at various Concord Public School facilities; and that the Treasurer with the approval of the Board of Selectmen be authorized to borrow this sum.

**ARTICLE 25. CONCORD PUBLIC SCHOOLS TECH STABILIZATION FUND CREATION/ FUNDING**

Upon a MOTION made by Peter Fischelis and duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY, and so declared by the Moderator: to establish a Stabilization Fund for the purpose of reserving funds to lower future tax levy impacts of operating budgets for Concord Public Schools technology equipment replacements and networking service upgrades, and that the sum of \$25,000 be transferred from available funds originally appropriated for the operation of the public schools for the fiscal year ending June 30, 2009 and encumbered at year end for capital equipment purposes.

**ARTICLE 26. TRANSFER FUNDS TO PUBLIC SCHOOLS CAPITAL NEEDS STABILIZATION FUND**

Upon a MOTION made by Peter Fischelis and duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY, and so declared by the Moderator: to transfer the sum of \$130,000 from available funds originally appropriated for the operation of the public schools for the fiscal year ending June 30, 2008 and encumbered at that year end for capital purposes, and to transfer the sum of \$130,000 from available funds originally appropriated for the operation of the public schools for the fiscal year ending June 30, 2009 and encumbered at that year end for capital purposes, said sums to be transferred into the Concord Public Schools Capital Needs Stabilization Fund.

**ARTICLE 27. CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT TECH STABILIZATION FUND CREATION & FUNDING**

Upon a MOTION made by Peter Fischelis and duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY, and so declared by the Moderator: to establish a Stabilization Fund for the purpose of reserving funds to lower future tax levy impacts of operating budgets for Concord-Carlisle Regional School District technology equipment replacements and networking service upgrades, and that the sum of \$5,800 be transferred from the available year end balance reserved at June 30, 2009 and transferred into said Stabilization Fund effective July 1, 2010.

**ARTICLE 28. CONCORD-CARLISLE HIGH SCHOOL/MSBA FEASIBILITY STUDY**

Upon a MOTION made by Jerry Wedge and duly seconded, the following was VOTED: to approve the sum of \$1,300,000 of debt authorized by the Concord-Carlisle Regional School Committee to be expended, as advised and recommended by the Regional School District's appointed Chief Procurement Officer, for the CCHS Feasibility Study and Schematic Design, provided that the amounts required to pay the Town's assessable share of the bonds to be issued by the Regional School District are voted by the Town to be exempt from the limitation of taxes imposed by Proposition 2½; and that the total amount of the borrowing authorized by this vote shall be

reduced by any grant amount set forth in the Feasibility Study Agreement.

**ARTICLE 29. MINUTEMAN CAREER & TECHNICAL HIGH SCHOOL FEASIBILITY STUDY**

Upon a MOTION made by John Lang and duly seconded, the following was VOTED: to approve the sum of \$725,000 of borrowing authorized by the Minuteman Regional Vocational Technical School District, for the purpose of paying costs of a feasibility study to consider options for making improvements to the District's high school building located at 758 Marrett Road, Lexington; and that the total amount of the borrowing authorized by this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement.

**ARTICLE 30. VOTED PREVIOUSLY UNDER CONSENT CALENDAR.**

At 9:59 pm a MOTION TO ADJOURN was duly made, seconded, and VOTED.

**ADJOURNED SESSION – APRIL 27, 2010**

Mr. Perry called the second night of Town Meeting to order at 7:03 pm. Mr. Perry introduced Town Officials who were sitting in the front of the Auditorium. He thanked the Concord-Carlisle Adult & Community Education program for suspending its program of courses during Town Meeting.

On a MOTION made by Stanly Black and duly seconded, it was VOTED: To take up no new business after 10:00 pm, and that when we adjourn, we adjourn and reconvene at 7:00 pm on April 28.

Mr. Perry reviewed the schedule for the evening, including the use of "pro" and "con" microphones for Articles 31, 32 and 33, all of which involve local option tax issues. We will return to the normal use of microphones with Article 34 and beyond.

**ARTICLE 31. LOCAL OPTION MEALS EXCISE**

On a MOTION made by Virginia McIntyre and duly seconded, it was VOTED: To accept General Laws Ch. 64L, §2(a) to impose a local meals excise of 0.75% effective July 1, 2010.

**ARTICLE 32. LOCAL OPTION ROOM OCCUPANCY TAX**

On a MOTION made by Virginia McIntyre and duly seconded, it was VOTED: To amend its local room occupancy excise under G.L. Ch. 64G, §3A to the rate of 6% effective July 1, 2010.

**ARTICLE 33. LOCAL OPTION LOCAL INCOME TAX**

The following MOTION was made by Jonathan Keyes and duly seconded: To request the Board of Selectmen to ask our legislative representatives to file and seek passage of legislation that would permit cities and towns the option of adopting a local income tax on residents which would be collected by the state and returned to the municipality, the proceeds being applied solely for the purpose of reducing the local residential property tax levy.

After considerable discussion, and upon a MOTION that was duly made and seconded at 8:26 pm, it was VOTED BY TWO-THIRDS MAJORITY TO END THE DEBATE AND MOVE THE QUESTION. A VOTE was then taken on Mr. Keyes' above motion, which PASSED BY AN OVERWHELMING MAJORITY STANDING VOTE and was so declared by the Moderator.

**ARTICLE 34. CPA COMMITTEE APPROPRIATION RECOMMENDATIONS**

The following MOTION was made by Gary Clayton and duly seconded: Pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate \$1,046,100 from the Concord Community Preservation Fund, of which \$13,855 shall come from the undesignated fund balance at June 30, 2009, and \$1,032,245 from projected FY2011 Fund Revenues, to be expended under the direction of the Town Manager, for the following:

CPA Awards by Category	Source of Funds		
	Total Amount	FY11 Revenue	Prior Balance
<b>Community Housing</b>			
• Concord Housing Authority Peter Bulkeley Terrace	\$500,000	\$486,145	\$13,855
<b>Open Space</b>			
• Open Space Reserve Fund	\$87,925	\$87,925	
<b>Open Space/ Recreation</b>			
• Town of Concord Warner's Pond Watershed Management Plan	\$43,175	\$43,175	
<b>Historic Preservation</b>			
• Concord Public Library Corporation Fowler Library Renovations	\$375,000	\$375,000	
• Concord Scout House, Inc. Historic Structures Report	\$10,000	\$10,000	
<b>Administrative Expenses</b>			
Town of Concord	\$30,000	\$30,000	
<b>TOTAL</b>	<b>\$1,046,100</b>	<b>\$1,032,245</b>	<b>\$13,855</b>

Four amendments were made by David Stephens that were duly seconded to reduce the above appropriations. Votes were taken on each of the first three of his amendments, which FAILED TO PASS. In light of that, Mr. Stephens withdrew his fourth proposed amendment. A VOTE was then taken on Mr. Clayton's original motion, which PASSED ON A SHOW OF HANDS and was so declared by the Moderator.

**ARTICLE 35. COMMUNITY PRESERVATION COMMITTEE -- PRESERVATION & ACQUISITION OF THE CAESAR ROBBINS/PETER HUTCHINSON HOUSE**

Upon a MOTION made by Gary Clayton that was duly seconded, the following was VOTED by an OVERWHELMING MAJORITY, and so declared by the Moderator: Pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate the sum of \$60,000 from the Concord Community Preservation Fund's projected Fiscal Year 2011 Fund Revenues, to be expended under the direction of the Town Manager for the purposes of assisting with the preservation and rehabilitation, including relocation, of the Caesar Robbins House, currently situated at 324 Bedford Street.

**ARTICLE 36. AUTHORIZATION OF LONG-TERM LEASE ON TOWN PROPERTY AT 34B**

**MONUMENT ST. FOR THE RELAOCATION OF THE CAESAR ROBBINS/PETER HUTCHINSON HOUSE**  
Upon a MOTION made by Christopher Whelan that was duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY and so declared by the Moderator:

To authorize the Town Manager to enter into or approve a long-term lease or sublease agreement, subject to terms and conditions approved by the Board of Selectmen, for the purposes of relocating the Caesar Robbins House to the municipal property at 34B Monument Street, which lease shall be granted to a non-profit organization that has as one of its goals the preservation of historic properties, for the purpose of preserving the Caesar Robbins House.

**ARTICLE 37. CONSERVATION RESTRICTION  
CONVEYANCE -- 335 WALDEN STREET**

Upon a MOTION made by Gary Clayton that was duly seconded, the following was UNANIMOUSLY VOTED and so declared by the Moderator: To authorize the Board of Selectmen to transfer the open space land behind 335 Walden Street to the Natural Resources Commission, acting as the Town's Conservation Commission, and thereafter to authorize such commission to grant a conservation restriction to the Concord Land Conservation Trust, on terms acceptable to the Selectmen.

**ARTICLE 38. REVOKE THE COMMUNITY PRES-  
ERVATION ACT (BY PETITION)**

The following MOTION was made by Gregory Gravel and duly seconded: To vote to revoke (effective Fiscal Year 2011) the acceptance of the Community Preservation Act in Concord, thereby removing the 1.5% surcharge on the annual real estate tax levy on real property, and removing the need for the Community Preservation Committee.

After discussion, a VOTE was taken and Mr. Gravel's MOTION FAILED TO PASS on a show of hands.

**ARTICLE 39. LAND ACQUISITION -- MAR-  
SHALL FARM**

Upon a MOTION made by Christopher Whelan that was duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY and so declared by the Moderator: To authorize the Board of Selectmen to purchase for \$725,000 land located at 169 Harrington Avenue, containing 1.8 acres, together with the structures thereon; appropriate the sum of \$725,000 to pay for the purchase; that to meet this appropriation the Treasurer with the approval of the Selectmen be authorized to borrow \$725,000; and further to authorize the Town

Manager to grant a lease or license for all or a portion of this property to an individual or family actively engaged in farming said property.

**ARTICLE 40. LAND ACQUISITION --SCIMONE  
FARM ON OLD BEDFORD ROAD**

There was NO MOTION under this article.

**ARTICLE 41. ZONING BYLAW AMENDMENT --  
NONCONFORMING USES AND STRUCTURES**

Upon a MOTION made by Mark Bobrowski that was duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY and so declared by the Moderator: To amend the Zoning Bylaw §7.1 Nonconforming Uses Structures by deleting the words "square feet" and replacing them with the words "gross floor area."

At 10:01 pm a MOTION TO ADJOURN was duly made, seconded, and VOTED.

**ADJOURNED SESSION—APRIL 28, 2010**

Mr. Perry called the third night of Town Meeting to order at 7:02 pm. Pam Gannon recognized Concord Public School employees with 25 or more years of service. Jan McGinn recognized Concord-Carlisle Regional School employees with 25 or more years of service, and retiring employees from both CPS and CCHS. Peter Fischelis recognized and thanked Jan McGinn for her six years of service on the School Committee. Jeff Wieand recognized Town employees with 25 or more years of service, and retiring employees. He also recognized and thanked Dinny McIntyre for her six years of service on the Board of Selectmen. This was followed by a tribute to retiring Moderator Ned Perry, including a rendition of "Anchors Aweigh" by the Fenn School Band.

**ARTICLE 42. ZONING BYLAW AMENDMENT --  
PLANNED RESIDENTIAL DEVELOPMENT**

Upon a MOTION made by Mark Bobrowski that was duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY and so declared by the Moderator: to amend the Zoning Bylaw, §10. Planned Residential Development to reduce the number of units that can be built, provide clear language that 10% of the units must be affordable, and require upland area in the open space calculation.

**ARTICLE 43. VOTED PREVIOUSLY UNDER  
CONSENT CALENDAR**

**ARTICLE 44. ZONING BYLAW AMENDMENT  
-- WEST CONCORD BUSINESS DISTRICT &  
WEST CONCORD INDUSTRIAL DISTRICT**

Upon a MOTION made by Dan Holin that was duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY and so declared by the Moderator: to amend the Zoning Bylaw §2.2 Zoning Map to separate out the West Concord Business district from other areas of town that are zoned as business districts and the West Concord Industrial district from other areas of town that are zoned as industrial districts.

**ARTICLE 45. ZONING BYLAW AMENDMENT  
-- CONCORD BUSINESS & INDUSTRIAL DIS-  
TRICTS (BY PETITION)**

Upon a MOTION made by Matt Johnson that was duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY and so declared by the Moderator: To amend the Zoning Bylaw §2.2 Zoning Map to separate out the West Concord Business district, Concord Center Business district, Thoreau Depot Business District and Nine Acre Corner district from any other area of town that is zoned as business, and separate the West Concord Industrial district from other areas of town that are zoned as industrial districts.

**ARTICLE 46. ZONING BYLAW AMENDMENT --  
FORMULA BUSINESS**

The following MOTION was made by Elise Stone and duly seconded: To amend the Zoning Bylaw §1 by adding a new definition 1.3.10 Formula Business.

After discussion, at 9:02 pm a MOTION was made by Dean Banfield that was duly seconded to CALL THE QUESTION. Mr. Banfield's Motion PASSED BY TWO-THIRDS MAJORITY. A VOTE was then taken on Ms. Stone's MOTION, which FAILED TO PASS (with 305 voting in favor and 172 opposed, with a 2/3 vote or 318 votes needed to pass).

**ARTICLE 47. ZONING BYLAW AMENDMENT --  
FORMULA BUSINESS (BY PETITION)**

The following MOTION was made by Matt Johnson and duly seconded: To amend the Zoning Bylaw §1 by adding or replacing definition 1.3.10 Formula Business.

After discussion, at 10:00 pm a MOTION was made by Judy LaRocca that was duly seconded to CALL THE QUESTION. Ms. LaRocca's MOTION PASSED BY TWO-THIRDS MAJORITY. A VOTE was then taken on Mr. Johnson's MOTION, which FAILED TO PASS (with 269 voting in favor and 186 opposed, with a 2/3 vote or 303 votes needed to pass).

At 10:12 pm a MOTION TO ADJOURN was duly made, seconded, and VOTED, with the group to meet back at 7:00 pm on Thursday, April 29, 2010 at the same location.

**ADJOURNED SESSION – APRIL 29, 2010**

Mr. Perry called the meeting to order at 7:00 pm. Mr. Perry remarked about the meaning of the words inscribed on the Town's seal—"Quam Firma Res Concordia," which is loosely translated to mean "How strong is harmony." The meeting stood for a moment of silence to honor Concord resident Tyler Ryan, who died suddenly yesterday.

**ARTICLES 48 THROUGH 50. VOTED PREVI-  
OUSLY UNDER THE CONSENT CALENDAR.**

**ARTICLE 51. ZONING BYLAW AMENDMENT --  
TABLE II—ACCESSORY USE REGULATIONS**

Upon a MOTION made by Jeff Adams that was duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY and so declared by the Moderator: To amend Table II Accessory Use Regulations to reflect existing language in the zoning bylaw that allows seasonal catering use by special permit in LB District #5.

**ARTICLE 52. ZONING BYLAW AMENDMENT --  
HOME RECREATIONAL FACILITIES**

Upon a MOTION made by Jeff Adams that was duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY and so declared by the Moderator: To amend Subsection 5.3.1 Home recreational facilities to add language that related pool buildings and equipment must also comply with the minimum yard setback requirements for a principal structure.

**ARTICLE 53. ZONING BYLAW AMENDMENT --  
MINIMUM LOT AREA**

Upon a MOTION made by Jeff Adams that was duly seconded, the following was VOTED BY TWO-THIRDS MAJORITY and so declared by the Moderator: To

amend Subsection 6.2.2 Minimum lot area to clarify the language for consistency.

**ARTICLE 54. VOTED PREVIOUSLY UNDER CONSENT CALENDAR.**

**ARTICLE 55. ZONING BYLAW AMENDMENT -- SOUTHFIELD NEIGHBORHOOD -- INTERIM PLANNING OVERLAY DISTRICT**

A brief presentation was made by Jeff Adams explaining why the Planning Board did not intend to make a motion under this article. A brief discussion ensued, and then Phebe Ham made the following MOTION which was duly seconded: To amend the Zoning Bylaw by adopting a new zoning map titled "Southfield Neighborhood—Interim Planning Overlay District" dated January 1, 2010, and adding a new Section 7.10 Southfield Neighborhood—Interim Planning Overlay District.

After discussion, at 7:50 pm Dick Quanrud made a MOTION TO CALL THE QUESTION, which was duly seconded and PASSED by a TWO-THIRDS MAJORITY on a show of hands. A vote was then taken on Ms. Ham's original motion, which FAILED TO PASS on a show of hands.

**ARTICLE 56. SIGN BYLAW AMENDMENT**  
Upon a MOTION made by Jeff Wieand that was duly seconded, the following was UNANIMOUSLY VOTED: To amend and restate the Town of Concord Sign Bylaw in its entirety.

**ARTICLE 57. APPROPRIATION OF FUNDS FOR CONCORD'S 375TH ANNIVERSARY (BY PETITION)**

Upon a MOTION made by Margaret Gaudet that was duly seconded, the following was VOTED: To appropriate the sum of \$20,000 from Free Cash to be expended under the direction of the Town Manager for the purpose of partially funding celebrations in September 2010 to commemorate the Town's 375th Anniversary of its incorporation.

**ARTICLE 58. OLD CALF PASTURE RESTORATION PLAN**

Upon a MOTION made by Jamie Bemis that was duly seconded, the following was UNANIMOUSLY VOTED: To appropriate the sum of \$14,430 from Free Cash, to be expended under the direction of the Town Manager

upon the request of the Natural Resources Commission for the mowing and other conservation purposes at the Old Calf Pasture.

**ARTICLE 59. WETLANDS BYLAW REGULATIONS**

Upon a MOTION made by Jamie Bemis that was duly seconded, the following was VOTED: To adopt regulations under the approved non-zoning Wetlands Bylaw.

**ARTICLE 60. RIGHT TO FARM BYLAW**  
There was NO MOTION under this article.

**ARTICLE 61. CONSTRUCTION NOISE BYLAW**  
Upon a MOTION made by Christopher Whelan that was duly seconded, the following was VOTED: To adopt a Construction Noise Bylaw that prohibits loud noise related to non-public construction activities prior to 7:00 am and after 8:00 pm on weekdays and Saturdays, and prior to 8:00 am and after 6:00 pm on Sundays and limited holidays.

**ARTICLE 62. ADOPTION OF MASSACHUSETTS BUILDING CODE -- STRETCH ENERGY CODE**  
Upon a MOTION made by Peter Nobile that was duly seconded, the following was VOTED: to adopt the portion of the State of Massachusetts Energy Code known as the Massachusetts Stretch Energy Code, in the Town of Concord.

**ARTICLE 63. RIGHT TO DRY BYLAW (BY PETITION)**  
Upon a MOTION made by Peggy Brace that was duly seconded, the following was VOTED: To adopt the following bylaw: Real estate contracts, deed restrictions, agreements or rules that preclude the use of clotheslines for drying clothes on a residential property within the Town of Concord shall not be enforceable.

**ARTICLE 64. AUTHORIZATION OF LONG-TERM LEASE FOR SOLAR ENERGY**  
Upon a MOTION made by Christopher Whelan that was duly seconded, the following was VOTED: To authorize the Town Manager to enter into a lease, license or other contractual agreement of not more than 25 years in duration for the purposes of installing solar energy generating facilities on Town-owned property to supply solar electric power for the Town, provided that no

such lease, license or other agreement will be executed for said purposes until after a public hearing.

**ARTICLE 65. BAN THE SALE OF DRINKING WATER IN PLASTIC BOTTLES IN CONCORD (BY PETITION)**

Upon a MOTION made by Jean Hill that was duly seconded, the following was VOTED: To ban the sale of drinking water in plastic bottles in Concord starting January 1, 2011.

**ARTICLES 66 AND 67. VOTED PREVIOUSLY UNDER CONSENT CALENDAR.**

**ARTICLE 68. PUBLIC CONSUMPTION OF MARIJUANA BYLAW**

The following MOTION was made by Christopher Whelan and duly seconded: To adopt a Public Consumption of Marijuana Bylaw.

After discussion, a VOTE was taken and the motion FAILED TO PASS (with 82 voting in favor and 95 opposed).

**ARTICLES 69 AND 70. VOTED PREVIOUSLY UNDER CONSENT CALENDAR.**

Mr. Perry made some brief closing remarks upon the conclusion of the meeting. The meeting concluded with the business of the Warrant, and upon a MOTION duly made and seconded, the 2010 Annual Town Meeting adjourned and dissolved at 10:35 pm.

Respectfully submitted,

Anita S. Tekle

Town Clerk

There were 476 registered voters in attendance on April 26th; 524 in attendance on April 27th; 528 in attendance on April 28th; and 398 in attendance on April 29th. Over the course of the four nights, there were 946 individuals who attended one or more sessions (unduplicated count).



*Concord Middle School Eighth Graders kicking off the 375th Birthday Celebrations*