

**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR THE ANNUAL TOWN MEETING 2012**

Middlesex, ss.

To any of the Constables of the Town of Concord, in said County, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of said Town of Concord, qualified to vote at Town Meeting for the transaction of Town affairs, to meet at the Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Monday, the twenty-third day of April 2012, at 7:00 pm in the evening, by posting a printed copy of this Warrant by you attested, at the Town House and in at least one public location in each precinct in Concord, and by mailing a copy thereof to every household seven days, at least, before said twenty-third day of April 2012, then and there to act upon the following Articles:

CHOOSE TOWN OFFICERS

ARTICLE 1. To choose all necessary Town Officers and Committees.

HEAR REPORTS

ARTICLE 2. To hear and act upon the reports of Town Officers and Committees.

MEETING PROCEDURE

ARTICLE 3. To determine whether the Town will adopt a rule of the meeting governing requirements on Motions and amendments to Motions made at this meeting under Articles concerned with expenditures, in order to assure compliance with the requirements of Chapter 59, Section 21C of the Massachusetts General Laws (generally referred to as "Proposition 2½"), or take any other action relative thereto.

The motion to be made by the Finance Committee will specify that every motion to appropriate funds will be required to identify the source of funding. This meeting procedure has been adopted by Town Meeting for a number of years.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

ARTICLE 4. To determine whether the Town will vote to ratify the Personnel Board's actions to amend the Classification and Compensation Plan as follows:

1. Add the title "Administrative & Special Projects Coordinator" to Grade MP-2 effective July 1, 2011.
2. Add the title "Senior Treatment Systems Operator" to Grade TCL-6 effective December 28, 2011.
3. Move the title "Environmental & Regulatory Coordinator" from Grade MP-3 to Grade MP-2 effective December 28, 2011.
4. Add the title "Senior Environmental & Regulatory Coordinator" to Grade MP-3 effective December 28, 2011.
5. Add the title "Telecommunications Network Technician" to Grade MP-2 effective December 28, 2011.

6. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 3, 2012, and April 23, 2012.

or take any other action relative thereto.

The Town Manager has authority to create and modify positions throughout the fiscal year; titles and salary ranges are determined using the Town's established classification system. Under the Personnel Bylaw, the Personnel Board is authorized to approve temporary changes in the Classification and Compensation Plans, pending ratification of such actions at the next Town Meeting. Five actions taken appear in the Warrant; if additional actions are taken by the Personnel Board after the close of the Warrant, notice will be filed with the Town Clerk and details will be presented at Town Meeting.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS

ARTICLE 5. To determine whether the Town will vote to amend the Classification and Compensation Plan for all regular-status Town positions by adopting the following schedules to become effective July 1, 2012, or take any other action relative thereto:

**CLASSIFICATION AND COMPENSATION PLAN
Effective July 1, 2012**

ADMINISTRATIVE-CLERICAL

Grade Number & Class Title		Minimum	Mid-Point	Maximum
AC-1 Recreation Clerk	Hourly	15.14	18.21	21.27
AC-2 Account Clerk Department Clerk Senior Recreation Clerk Utility Account Clerk	Hourly	16.91	20.33	23.74
AC-3 Senior Account Clerk Senior Department Clerk	Hourly	19.17	23.05	26.93
AC-4 Administrative Assistant Collections Assistant Retirement Assistant Treasury Assistant	Hourly	20.71	24.90	29.08
AC-5 Assistant Town Clerk Human Resources Assistant Senior Administrative Assistant	Hourly	22.14	26.61	31.08

AC-6	Hourly	22.90	27.54	32.17
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Finance Assistant

AC-7	Hourly	25.30	30.43	35.55
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Executive Assistant to the Town Manager

TRADES-CRAFTS-LABOR

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
TCL-1	Hourly	14.94	18.06	21.18
Building Custodian				
TCL-2	Hourly	16.88	20.40	23.92
Building Maintenance Custodian Laborer/Truck Driver				
TCL-3	Hourly	18.56	22.45	26.33
Building Systems Custodian Cemetery Specialist Equipment Operator Park & Tree Specialist Water/Sewer System Maintainer				
TCL-4	Hourly	20.78	25.13	29.48
Equipment/Line Operator Master Mechanic Park & Tree Specialist (Aerial) Senior Park & Tree Specialist				
TCL-5	Hourly	23.00	27.82	32.63
Cemetery Supervisor Crew Leader Senior Master Mechanic Treatment Systems Operator				
TCL-6	Hourly	25.84	31.25	36.65
Fleet Supervisor Senior Treatment Systems Operator				
TCL-7	Hourly	28.67	34.68	40.68
Public Works Supervisor				

MANAGERIAL-PROFESSIONAL

Annual rates are based on 40 hour base week and will be prorated for part-time schedules.

Grade Number & Class Title	Minimum	Mid-Point	Maximum	
MP-1	Annual	41,126	51,582	62,037
Aquatics Supervisor Associate Engineer Engineering Technician Recreation Supervisor				
MP-2	Annual	46,411	58,209	70,007
Administrative & Special Projects Coordinator Assistant Aquatics Coordinator Assistant Local Inspector Assistant Natural Resources Director Budget Analyst COA Program Supervisor Environmental Health Inspector Environmental & Regulatory Coordinator Field Lister Information Systems Assistant Office Accountant Public Health Inspector Senior Engineering Technician Telecommunications Network Technician Utility Software Coordinator Water Conservation Coordinator				
MP-3	Annual	54,764	68,686	82,608
Aquatics Coordinator Assistant Human Resources Director Assistant Public Works Engineer Assistant to the Water/Sewer Superintendent Assistant Town Accountant Assistant Treasurer Civil Engineer Customer Service Administrator Energy Conservation Coordinator Senior Environmental & Regulatory Coordinator Facilities Maintenance Supervisor Fitness Coordinator GIS Program Coordinator Local Inspector Management Analyst Recreation Coordinator Retirement System Administrator Senior Budget & Operations Analyst Senior Planner				

MP-4	Annual	58,548	73,432	88,315
Assistant Recreation Director				
Budget & Purchasing Administrator				
Financial Administrator				
Council on Aging Director				
Environmental Services Program Administrator				
Natural Resources Director				
Operations Engineer				
Public Works Engineer				
Telecommunications Coordinator				
MP-5	Annual	62,976	78,985	94,994
Assistant Library Director				
Deputy Fire Chief				
Deputy Treasurer/Collector				
Highway & Grounds Superintendent				
Police Lieutenant				
Public Health Director				
Town Clerk				
MP-6	Annual	69,401	87,044	104,686
Building Commissioner				
Deputy Police Chief				
Human Resources Director				
Town Accountant				
Town Assessor				
Town Engineer				
Water/Sewer Superintendent				
MP-7	Annual	79,468	99,671	119,873
Chief Information Officer				
Director of Planning & Land Management				
Library Director				
Recreation Director				
MP-8	Annual	88,535	111,043	133,551
Deputy Town Manager				
Fire Chief				
Police Chief				
Public Works Director				
MP-9	Annual	97,032	121,700	146,368
Finance Director				

ELECTRICAL MANAGEMENT

Annual rates are based on 40 hour base week and will be prorated for part-time schedules.

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
EM-1 Meter Supervisor	Annual	56,059	67,395	78,731
EM-2 Electrical Engineer	Annual	64,342	77,352	90,361
EM-3 Assistant CMLP Director Engineering & Operations Manager	Annual	76,536	92,012	107,487
EM-4 CMLP Director	Annual	103,454	124,372	145,290

ELECTRICAL LABOR

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
EL-1 Meter Reader	Hourly	16.72	20.22	23.71
EL-2 Lineworker, Grade 3 Meter Technician	Hourly	20.39	24.67	28.94
EL-3 Lineworker, Grade 2 Utility Electrician	Hourly	25.88	29.26	32.63
EL-4 Lineworker, Grade 1	Hourly	32.13	36.33	40.52
EL-5 Lead Lineworker	Hourly	33.65	38.04	42.42
EL-6 Line Supervisor	Hourly	36.24	40.97	45.69

SWIM & FITNESS

Grade Number & Class Title	Minimum	Mid-Point	Maximum
SF-1 Swim/Fitness Specialist	8.00	34.00	60.00

With annual adjustments and periodic comprehensive reviews, the Classification & Compensation Plan keeps our salaries competitive in the employment market, maintains internal equity of salary ranges, maintains comparability with salaries of unionized employees, and keeps pace with changes in the cost of living. This Article does not control the amount of the actual salary increases to be received by employees in FY13. The Town Manager and Personnel Board set actual salary increase amounts after Town Meeting, based upon the approved budget.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

TOWN BUDGET

ARTICLE 6. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2013, or take any other action relative thereto:

General Fund Operating Budget

Item No.	Department	Fiscal 2011 Expenses	Fiscal 2012 Appropriation	Fiscal 2013 Proposal
General Government				
\$2,213,402 is 6.3% of total				
1	Town Manager's Office			
	A. Town Manager	\$ 292,399	\$ 304,333	\$ 306,623
	B. Human Resources	159,126	175,020	188,855
	C. Town-Wide Building Maintenance	150,000	160,302	170,000
	D. Resource Sustainability	-	-	25,000
	Total	601,525	639,655	690,478
2	Legal Services	224,887	225,000	225,000
3	Elections and Registrars			
	A. Elections	30,191	27,134	37,168
	B. Registrars	5,967	8,206	8,078
	Total	36,159	35,340	45,246
4	Town Meeting and Reports	62,033	77,800	77,800
5	Planning			
	A. Planning Administration	234,458	246,954	244,286
	B. Board of Appeals	45,934	52,749	52,389
	C. Natural Resources	212,015	195,109	205,267
	D. Inspections	343,101	355,174	357,335
	E. Health	216,000	242,200	244,188
	Total	1,051,508	1,092,186	1,103,465

6	141 Keyes Road	62,025	66,413	71,413
	Total General Government	\$ 2,038,136	\$ 2,136,394	\$ 2,213,402
Finance and Administration				
\$1,827,177 is 5.2% of Total				
7	Finance Committee	2,564	3,100	3,100
8	Finance			
	A. Finance Administration	219,832	253,719	244,169
	B. Treasurer-Collector	245,797	250,066	252,888
	C. Town Accountant	122,865	127,389	133,514
	D. Assessors	358,860	379,682	377,697
	E. Town Clerk	199,091	209,724	210,800
	Total	1,146,444	1,220,580	1,219,068
9	Information Systems	358,275	408,655	503,986
10	Town House	101,921	105,412	101,023
	Total Finance and Administration	\$ 1,609,203	\$ 1,737,747	\$ 1,827,177

Item No.	Department	Fiscal 2011 Expenses	Fiscal 2012 Appropriation	Fiscal 2013 Proposal
Public Safety				
\$7,695,864 is 21.8% of Total				
11	Police Department	3,765,738	3,869,337	3,876,859
12	Fire Department	3,442,795	3,588,000	3,533,608
13	West Concord Fire Station	39,987	36,779	35,515
14	Police-Fire Station	200,453	201,521	218,007
15	Emergency Management	12,810	12,810	12,810
16	Dog Officer	18,142	18,693	19,065
	Total Public Safety	\$ 7,479,926	\$ 7,727,140	\$ 7,695,864
Public Works and Facilities				
\$3,692,474 is 10.5% of Total				
17	Public Works			
	A. CPW Administration	155,595	163,120	162,802
	B. Engineering	294,116	378,032	339,000
	C. Highway Maintenance	1,097,792	1,142,508	1,167,769
	D. Parks and Trees	543,735	598,408	586,843
	E. Cemetery	57,766	69,067	59,954
	Total	2,149,004	2,351,135	2,316,368
18	Snow and Ice Removal	652,838	513,000	525,000
19	Street Lighting	49,681	72,000	64,624
20	CPW Equipment	270,000	210,000	296,500
21	Drainage Program	205,000	215,000	205,000
22	Sidewalk Management	100,000	100,000	100,000
23	Road Improvements	90,000	90,000	90,000
24	133/135 Keyes Road	89,650	88,725	94,982
	Total Public Works and Facilities	\$ 3,606,173	\$ 3,639,860	\$ 3,692,474

Human Services				
\$2,500,096 is 7.1% of Total				
25	Library	1,734,894	1,828,512	1,854,082
26	Recreation Administration	88,644	92,555	92,555
27	Hunt Recreation Center	75,427	84,381	82,119
28	Harvey Wheeler Community Ctr.	133,062	135,972	137,934
29	Council on Aging	236,895	242,053	255,932
30	Veterans	26,682	30,222	30,468
31	Ceremonies and Celebrations	23,478	23,540	23,800
32	Visitors' Center and Restroom	23,788	22,854	23,206
Total Human Services		\$ 2,342,869	\$ 2,460,089	\$ 2,500,096

Item No.	Department	Fiscal 2011 Expenses	Fiscal 2012 Appropriation	Fiscal 2013 Proposal
Unclassified				
\$795,000 is 2.2% of Total				
33	Town Employee Benefits			
	A. Unused Sick Leave	84,135	90,000	90,000
	B. Public Safety Disability	190	2,500	2,500
	C. Employee Assistance Program	5,666	7,500	7,500
	Total	89,991	100,000	100,000
34	Reserve Fund*	-	225,000	225,000
* No transfers were made to other accounts in Fiscal Year 2011.				
35	Salary Reserve**	-	97,783	460,000
**Transfers totaling \$292,936 in Fiscal Year 2011 and \$372,217 in Fiscal Year 2012 (to date) were made to other accounts.				
36	Land Fund	-	-	10,000
	Total Unclassified	89,991	422,783	795,000
SUBTOTAL FOR REFERENCE ONLY				
Account 1-36		\$ 17,166,299	\$ 18,124,013	\$ 18,724,013
Joint (Town - CPS)				
\$16,539,471 is 46.9% of Total				
37	Insurance			
	A. Group Insurance	4,065,000	4,650,000	4,650,000
	B. OPEB	400,000	150,000	400,000
	C. Property/Liability	175,000	175,000	175,000
	Total	4,640,000	4,975,000	5,225,000
38	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	128,411	100,000	100,000
	B. Workers' Comp.	62,824	100,000	100,000
	Total	191,235	200,000	200,000
39	Retirement	2,750,000	2,860,000	2,945,000
40	Social Security and Medicare	560,594	610,000	625,000
41	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	2,351,057	2,482,966	2,557,041
	School Principal and Interest	740,568	659,716	646,479

	Subtotal	3,091,625	3,142,682	3,203,520
	Interest on Notes	7,723	102,318	61,480
	Other Debt Expense	<u>4,343</u>	<u>30,000</u>	<u>35,000</u>
	Subtotal Within Levy Limit	3,103,691	3,275,000	3,300,000
	B. Excluded Debt	3,854,146	4,174,334	4,244,471
	Total Debt Service	6,957,837	7,449,334	7,544,471
	Total Joint (Town - CPS)	\$ 15,099,666	\$ 16,094,334	\$ 16,539,471
	Total Article 6 Appropriation	\$ 32,265,964	\$ 34,218,347	\$ 35,263,484

That the appropriation for equipment under these various line items is to be expended by the Town Manager. The Town Manager is authorized to turn in or sell at public auction the surplus equipment, the amount allowed or received therefor to be applied against the purchase of new equipment;

That the sum of \$ 11,000, state aid to libraries, be transferred to the use of the Library for the purchase of books, periodicals, and subscriptions;

That the Town appropriate and transfer the sum of \$500 from the dog inoculation fees reserve account for the cost of the Board of Health's rabies clinic;

That the appropriation for salary reserve under line item 35 shall be transferred by the Town Manager to the various salary line items in accordance with salary levels established at July 1, 2012 and thereafter pursuant to the salary schedules adopted under Article 5, the implementation of the merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and collective bargaining agreements. Any such transfers shall be reported periodically by the Town Manager to the Board of Selectmen and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year;

That the Town authorize the sum of \$ 10,828.73 to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payment to the Massachusetts Water Pollution Abatement Trust #T5-1070 due and payable during FY 2013, pursuant to Article 46 of 1997 and the loan totaling \$ 200,000 executed on December 22, 1999 and having a final payment due February 1, 2021.

That the Town authorize the sum of \$ 70,317 to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payment of the Massachusetts Pollution Abatement Trust #T5-05-1234 due and payable during FY 2013, pursuant to Article 50 of 2004 and the loan totaling \$ 703,170 executed on March 18, 2009 and having a final payment date of July 15, 2018.

The Town Budget Article provides for all General Fund (tax-supported) town operations and activities organized by Town Charter under the direction of the Town Manager. The appropriations to be presented for Town Meeting approval are within the spending guideline set by the Finance Committee in November 2011.

Finance Committee recommends affirmative action in the amount of \$35,263,484.

Board of Selectmen recommends affirmative action in the amount of \$35,263,484.

PUBLIC SCHOOL BUDGET

ARTICLE 7. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2013, or take any other action relative thereto:

SCHEDULE A - PUBLIC SCHOOL BUDGET				
Item No.	Department	Fiscal 2011 Adopted	Fiscal 2012 Adopted	Fiscal 2013 School Committee Vote of 12/13/11
1	Concord Public Schools Budget/Appropriation	\$27,699,200	\$28,474,200	\$29,755,538

This article provides the annual operating budget for the Concord Public Schools. The proposed budget is at the spending guideline set by the Finance Committee in its Guideline as amended March 15th.

Finance Committee recommends affirmative action in the amount of \$29,755,538.
Board of Selectmen recommends affirmative action in the amount of \$29,755,538.

CONCORD PUBLIC SCHOOLS RENOVATIONS

ARTICLE 8. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow money by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws the sum of \$675,000, or any other sum, to be expended under the direction of the Town Manager for remodeling, reconstructing or making extraordinary repairs, including original equipment and related work at various Concord Public School facilities, or take any other action relative thereto.

This article authorizes the Treasurer to borrow \$675,000 for renovations, repairs, and related work at various Concord Public School facilities. This borrowing is part of the Town Manager's Capital Plan, with the debt service cost to be funded within the Levy Limit.

Finance Committee recommends affirmative action in the amount of \$675,000 from borrowing.
Board of Selectmen recommends affirmative action in the amount of \$675,000 from borrowing.

CONCORD PUBLIC SCHOOLS – SUPPLEMENTAL APPROPRIATION FOR CURRENT YEAR

ARTICLE 9. To determine whether the Town will vote to transfer from available funds in the treasury, or transfer from the current year appropriations, the sum of \$325,000 or any other sum, to be added to the appropriation voted under Item No. 34 Reserve Fund of Article 6 of the Warrant of the 2011 Town Meeting, for the purposes of meeting extraordinary or unforeseen expenditures of the Concord Public Schools Budget on account of increased needs for pre-school special education students three to five years of age, who have significant developmental delays, identified after preparation of the FY12 budget for the fiscal year ending June 30, 2012, or take any other action relative thereto.

No motion is expected. This Article was placed on the Warrant in January to amend the current year budget for the purpose of paying unanticipated special education costs incurred during Fiscal Year 2012 in the Concord Public Schools, grades K-8. These costs will be met within the adopted FY2012 school budget.

No motion is expected.

CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET

ARTICLE 10. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2013, or take any other action relative thereto.

SCHEDULE A – CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET				
Item No.	Department	Fiscal 2011 Adopted	Fiscal 2012 Adopted	Fiscal 2013 School Committee Vote of 12/13/11
1	Concord-Carlisle Regional High School Budget Assessment	\$23,497,303 14,587,881	\$23,981,012 15,089,162	\$24,290,423 15,382,302 *
*(includes \$15,128,174 assessment for operating budget and \$254,128 assessment for debt exclusion)				

This article provides Concord's share of the annual operating budget for the Concord-Carlisle Regional High School. The motion is expected to be reduced to meet the Finance Committee's budget guideline.

Finance Committee recommends affirmative action in the assessment amount of \$15,320,349, which includes \$254,128 as the debt exclusion assessment..

Board of Selectmen recommends affirmative action consistent with the Finance Committee.

CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT TECHNOLOGY STABILIZATION FUND TRANSFER

ARTICLE 11. To determine whether the Town will vote to authorize the Concord-Carlisle Regional School District treasurer to transfer the sum of \$250,000 from available funds encumbered by the District at June 30, 2011 for technology purposes, said sum to be transferred into the Concord-Carlisle Regional School District Technology Stabilization Fund authorized by vote under Article 27 of the 2010 Annual Town Meeting, or take any other action relative thereto.

This Article seeks Town Meeting approval and authorization to transfer into the Technology Stabilization Fund monies encumbered from the Fiscal Year 2011 high school budget for technology expenses. Authorization must be by both Concord and Carlisle town meetings in order to be permitted.

Finance Committee recommends affirmative action to transfer the sum of \$250,000.

Board of Selectmen recommends affirmative action.

MINUTEMAN CAREER AND TECHNICAL HIGH SCHOOL BUDGET

ARTICLE 12. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Minuteman Vocational Technical Regional School District for the fiscal year ending June 30, 2013, or take any other action relative thereto.

SCHEDULE A – MINUTEMAN CAREER AND TECHNICAL HIGH SCHOOL BUDGET				
Item No.	Department	Fiscal 2011 Adopted	Fiscal 2012 Adopted	Superintendent's Proposed Budget & Fiscal 2013 Assessment
1	Minuteman Regional High School Budget Assessment	\$16,238,679 590,682	\$16,435,673 531,008	\$17,251,713 \$457,229 (est. @ 1/9/12)

This article provides Concord's share of the annual operating budget for the Minuteman Vocational Technical Regional School District. The estimated assessment is now \$437,910.

Finance Committee recommends affirmative action in the assessment amount of \$437,910.

Board of Selectmen recommends affirmative action in the assessment amount of \$437,910.

MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT STABILIZATION FUND

ARTICLE 13. To determine whether the Town will vote to approve the establishment of a Stabilization Fund by the Minuteman Regional Vocational School District to pay costs of capital repairs, renovations, and improvements to the regional district school and its associated facilities, in accordance with the provisions of Chapter 71 Section 16G 1/2 of the Massachusetts General Laws, or take any other action relative thereto.

This fund, once established, will pay costs associated with capital repairs, renovations, and improvements to the regional district school and its associated facilities. Any amount to be appropriated to the stabilization fund will be included in future budgets and in each member town's assessment, apportioned based on the regional agreement method for capital costs. Appropriation to expend funds requires a 2/3 vote of all Minuteman School Committee members (11 yes votes).

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

FREE CASH USE

ARTICLE 14. To determine whether the Town will vote to authorize and direct the Assessors to take \$850,000, or any other sum, from free cash to reduce the tax levy for the fiscal year ending June 30, 2013, or take any other action relative thereto.

This article seeks Town Meeting approval to allocate a portion of the available General Fund balance to support the 2013 budget.

Finance Committee recommends affirmative action in the amount of \$850,000.

Board of Selectmen recommends affirmative action in the amount of \$850,000.

ELEMENTARY SCHOOL DEBT STABILIZATION FUND USE

ARTICLE 15. To determine whether the Town will vote to appropriate the sum of \$475,000, or any other sum, from the Elementary School Debt Stabilization Fund established by vote 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 2013 on the bonds issued for the Alcott, Thoreau and Willard elementary school buildings, or take any other action relative thereto.

The 2008 Annual Town Meeting established this Stabilization Fund and transferred \$2.5 million from Free Cash effective July 1, 2009. Interest earned is added to the Fund. This is the third year of a planned five-year allocation period to reduce the tax impact of the related debt service cost.

Finance Committee recommends affirmative action in the amount of \$475,000.

Board of Selectmen recommends affirmative action in the amount of \$475,000.

UNPAID BILLS

ARTICLE 16. To determine whether the Town will vote to raise and appropriate or transfer from available funds in the Treasury, monies to pay the unpaid bills of prior years, or take any other action relative thereto.

If there are unpaid bills of a prior year, state law requires that such bills be presented to the Town Meeting.

No motion is expected.

PROPERTY TAX EXEMPTIONS

ARTICLE 17. To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, and further to act under the aforesaid statutes 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 Section 5 of Chapter 59 of the Massachusetts General Laws, or take any other action relative thereto.

State law establishes property tax exemptions for disabled veterans, blind persons, and elderly citizens who meet certain income and asset limitation requirements. A portion of the foregone taxes resulting from these exemptions is reimbursed by the state. Another provision of state law allows municipalities the option of increasing the state-set exemption amounts by up to 100%, without further state sharing of the cost. This option must be voted annually; the Concord Town Meeting has done so since 2001. For example, the senior exemption is set by the state at \$500 and has been increased in Concord to \$1,000 by annual votes since 2005.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

LIGHT PLANT PAYMENT IN LIEU OF TAXES

ARTICLE 18. To determine whether the Town will vote to authorize a transfer of \$385,000, or any other sum, from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2013, or take any other action relative thereto.

This article authorizes the transfer of \$385,000 from the Operating Fund of the Light Plant to the General Fund as a Payment In Lieu of Taxes (or PILOT) for fiscal year 2013. The amount is determined as the product of the net plant investment of the Light Plant on the previous June 30 and the property tax rate of the current fiscal year. This makes the PILOT equivalent to the amount an investor-owned utility with the same physical plant would pay in property taxes, thus avoiding any indirect subsidy from property taxpayers to the Municipal Light Plant.

Finance Committee recommends affirmative action in the amount of \$385,000.

Board of Selectmen recommends affirmative action in the amount of \$385,000

LIGHT PLANT EXPENDITURES

ARTICLE 19. To determine whether the Town will vote 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 for said fiscal year, as defined in Section 57 of Chapter 164 of the Massachusetts General Laws; and/or for other plant extensions, enlargements, additions, renewals and reconstruction, or take any other action relative thereto.

This article authorizes the Town Manager, as Manager of the Light Plant, to expend the income received by the Light Plant from the sale of electricity along with other departmental income to be used for the purposes of operating the department for the Fiscal Year. This is a routine annual action.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

ROAD REPAIR REVOLVING FUND EXPENDITURES

ARTICLE 20. To determine whether the Town will vote that the income from fees paid by applicants to the Town for permits to dig up, alter, or disturb a public way in accordance with the Motion passed under Article 47 of the 1992 Annual Town Meeting, in an amount not to exceed the sum of \$120,000, or any other sum, be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways, to be managed and expended by the Town Manager in accordance with Chapter 44, Section 53E½ of the Massachusetts General Laws, or take any other action relative thereto.

Consistent with Article 47 of the 1992 Annual Town Meeting, this Article authorizes up to \$120,000 of fees collected through the Town's Right-of-Way Street Permit Program to be used in fiscal year 2013 for repairing, restoring, maintaining and inspecting the Town's public ways. This is a routine annual action, with the amount of the authorization dependent upon the available unreserved balance of the Fund at the time of the vote.

Finance Committee recommends affirmative action in the amount of \$120,000 or such lesser amount as is available in the Fund at the time of the vote.

Board of Selectmen recommends affirmative action consistent with the Finance Committee.

SOLID WASTE DISPOSAL FUND EXPENDITURES

ARTICLE 21. To determine whether the Town will vote 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 in accordance with the Motion passed under Article 27 of the 1989 Annual Town Meeting, or take any other action relative thereto.

Consistent with Article 27 of the 1989 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Solid Waste Disposal Fund and user fee revenue in fiscal year 2013 to be used to operate the Town's "pay-as-you-throw" curbside solid waste and recycling collection and disposal program. The Program consists of two major components: curbside collection and disposal including recycling and Drop-Off Days; and the operation and maintenance of the Town's composting site including the former landfill. This is a routine annual action.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

SEWER SYSTEM EXPENDITURES

ARTICLE 22. To determine whether the Town will vote 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 in accordance with the Motion passed under Article 37 of the 1976 Annual Town Meeting, or take any other action relative thereto.

Consistent with Article 37 of the 1976 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Sewer Fund and fiscal year 2013 revenue for the operation and maintenance and improvement of the Town's sewer system. Similar to the Town's Water and Light Plant Funds, the Sewer Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. At the present time approximately one-third of Concord's residences and many businesses and institutions are connected to the Town's municipal sewer system. This is a routine annual action.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

SEWER IMPROVEMENT FUND EXPENDITURES

ARTICLE 23. To determine whether the Town will vote 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 in accordance with the Motion passed under Article 25 of the 1989 Annual Town Meeting and applicable state enabling statutes, or take any other action relative thereto.

Consistent with Article 25 of the 1989 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Sewer Improvement Fund (a sub-fund within the Sewer Enterprise) and fiscal year 2013 fees for constructing and expanding the Town's sewer lines and treatment facility capacities. Sewer improvement fees are charged to certain properties connecting to the sewer system or for expansion. This is a routine annual action.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

WATER SYSTEM EXPENDITURES

ARTICLE 24. To determine whether the Town will vote 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 in accordance with the Motion passed under Article 38 of the 1974 Annual Town Meeting, or take any other action relative thereto.

Consistent with Article 38 of the 1974 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Water Fund and fiscal year 2013 revenue for the operation and maintenance and improvement of the Town's water system. Similar to the Town's Sewer and Light Plant Funds, the Water Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. Almost all of Concord's residences and businesses/institutions are connected to the Town's municipal water system. This is a routine annual action.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND; FY 2013 BUDGET

ARTICLE 25. To determine whether the Town will vote to appropriate the amount required for the total expenses of the Community Pool Enterprise Fund for the fiscal year beginning July 1, 2012 (FY2013) for the operation of the Community Pool, in accordance with Chapter 44, section 53F½ of the Massachusetts General Laws, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

This Article enacts the operating budget for the Community Swim and Fitness Center. The facility is self-supporting from its own revenues. State law applicable to this enterprise fund, adopted by the 2005 Town Meeting, requires that a budget be enacted by Town Meeting. No tax funds are involved. The FY13 budget submitted by the Town Manager in march proposes an operating budget of \$2,479,524, a 0.1% increase (\$2,338,763 from estimated revenues, \$140,761 from the undesignated fund balance) and a capital budget of \$151,000 (funded from the undesignated fund balance).

Finance Committee recommends affirmative action in the amount of \$2,479,524 for operations and \$151,000 for capital expenditures.

Board of Selectmen recommends affirmative action consistent with the Finance Committee.

2013 ROAD PROGRAM

ARTICLE 26. To determine whether the Town will vote to raise and appropriate or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow the sum of \$950,000, or any other sum, for the repair, reconstruction, renovation or design of roads and streets within the town including drainage and sidewalk improvements; and that to meet said appropriation, the Treasurer with the approval of the Board of Selectmen be authorized to borrow the sum of \$950,000, or any other sum, under the provisions of Chapter 44 of the Massachusetts General Laws; said funds to be expended under the direction of the Town Manager; and further that the Town Manager be authorized to accept and expend state grants as may be available for the same purpose, and that the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow up to the amount stipulated in such grant or grants under the provisions of Chapter 44 of the Massachusetts General Laws, in anticipation of reimbursement of this amount, or take any other action relative thereto.

This Article authorizes the Treasurer to borrow \$950,000 for the repair, reconstruction or renovation of Concord's roads. Combined with expected state road aid and \$90,000 requested under Article 6, item 23, funds will be used to protect and replace Concord's 103 miles of public roads including drainage and sidewalk construction and renovation. This borrowing is part of the Town Manager's Five-Year Capital Plan, with the debt service cost to be funded within the levy limit.

Finance Committee recommends affirmative action in the amount of \$950,000 from borrowing.
Board of Selectmen recommends affirmative action in the amount of \$950,000 from borrowing.

POLICE/FIRE STATION 1 RENOVATIONS

ARTICLE 27. To determine whether the Town will vote to raise and appropriate or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow money by the issuance of bonds or notes under provisions of Chapter 44, of the Massachusetts General Laws, the sum of \$700,000, or any other sum, to be expended under the direction of the Town Manager for remodeling, reconstructing or making extraordinary repairs to the Walden Street Police/Fire Station, including design, engineering, construction, original equipment, drainage, paving and other related work, or take any other action relative thereto.

This Article will providing funding to continue the renovation of the Town's 50-year-old Police and Fire Department headquarters building 200 Walden Street, including exterior drainage, paving and landscaping as well as vehicle exhaust and fire suppression system renovations and locker room renovations.

Finance Committee recommends affirmative action in the amount of \$700,000 from borrowing.
Board of Selectmen recommends affirmative action in the amount of \$700,000 from borrowing.

LIGHT PLANT EXPANSION – SUBSTATION & WAREHOUSE

ARTICLE 28. To determine whether the Town will vote to appropriate the sum of \$7,000,000, or any other sum, and to meet said appropriation the Town Treasurer with the approval of the Board of Selectmen, be authorized to borrow under the provisions of Chapter 44, Section 8 of the Massachusetts General Laws, the sum of \$7,000,000 or any other sum, to be repaid from revenues of the Light Plant, said monies to be expended under the direction of the Town Manager for remodeling, reconstructing or making extraordinary repairs to the Forest Ridge Substation and the Concord Municipal Light Plan Operations Center, including engineering and design, legal services, hearings; permits and other approvals; and material, construction and installation specifications; and bid preparation; or take any other action relative thereto.

This article authorizes the Treasurer to borrow funds for the design and installation of expanded capacity at the Forest Ridge substation and for improvements to warehouse space at the CMLP Operations Center; with debt service to be paid from revenues of the CMLP enterprise fund. Since this article was placed on the Warrant in January, the cost of the preferred option for the Forest Ridge substation transformer replacement has been specified, and the motion will request a borrowing authorization of \$4.4 million.

Finance Committee recommends affirmative action in the amount of \$4,400,000 from borrowing.
Board of Selectmen recommends affirmative action in the amount of \$4,400,000 from borrowing.

EMERGENCY RESPONSE STABILIZATION FUND CREATION AND FUNDING

ARTICLE 29. To determine whether the Town will vote to establish an Emergency Response Stabilization Fund, pursuant to Chapter 40, Section 5B of the Massachusetts General Laws, for the purpose of reserving \$1,000,000 to be received in accordance with the Development Agreement entered into on May 6, 2008 by and between West Concord Development LLC and the Town of Concord, and to be used to mitigate the impact of the Longview Meadow development project on the Town's emergency response capacity; said Emergency Response Stabilization Fund to be invested and to retain its own interest earnings as provided by law; and further, that the sum of \$1,000,000 is hereby appropriated from the certified Free Cash balance of June 30, 2011 and transferred into said Emergency Response Stabilization Fund effective on the day after the conclusion of this Annual Town Meeting; and further that the sum of \$50,000 is hereby appropriated from said fund effective on the day following its establishment, to be expended under the direction of the Town Manager for purposes of acquiring and installing a security access system for emergency response public safety vehicles; or take any other action relative thereto.

Pursuant to the Development Agreement dated May 8, 2008 between West Concord Development LLC and the Town of Concord, on December 29, 2011 the Town Treasury received a \$1,000,000 payment for the purpose of mitigating the impact of the Longview Meadow 350-unit apartment complex on the town's Police and Fire emergency response capacity. This article proposes to establish a Stabilization Fund in order to segregate this payment from general receipts and to manage the fund over a multi-year period to accomplish the intended purpose.

Finance Committee recommends affirmative action to create the Fund, for \$1,000,000 to be appropriated from Free Cash and transferred into the Fund as a FY12 appropriation, and for \$50,000 to be appropriated from the Fund as a FY12 appropriation for the specified purpose.

Board of Selectmen recommends affirmative action consistent with the Finance Committee.

RETIREMENT BOARD, LOCAL OPTION ACCEPTANCE, CHAPTER 131 OF THE ACTS OF 2010, INCREASED ALLOWANCE FOR SURVIVING SPOUSE OF CERTAIN DISABILITY RETIREES

ARTICLE 30. To determine whether the Town will vote to accept the provisions of Chapter 32, Section 101 of the Massachusetts General Laws, as enacted by Chapter 131 of the Acts of 2010, which grants a supplemental annual retirement allowance fixed at the rate of \$9,000, an increase of \$3,000 over the amount otherwise payable, to a surviving spouse of a former employee who had been retired for accidental disability or ordinary disability but who dies from a cause other than the cause of retirement and under which retirement the retiree was unable to provide for any annual allowance to be paid to the surviving spouse at the time of the retiree's death, or take any other action related thereto.

This Article asks the Town Meeting to accept the local option provision of state law enacted in the 2010 session which would increase the annual allowance payable to a surviving spouse of an accidental or ordinary disability retiree under prescribed circumstances. The Concord Retirement System presently has one surviving spouse for whom this provision would be applicable. The Concord Retirement Board accepted this local option by vote on March 29, 2011.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

CONSTRUCTION NOISE BYLAW AMENDMENT

ARTICLE 31. To determine whether the Town will vote to amend the Construction Noise Bylaw that was adopted under Article 61 of the 2010 Annual Town Meeting to add a new Section 3 as follows:

Section 3. Enforcement

Violations under this bylaw shall be enforced under the Town's Non-Criminal Disposition Bylaw by the Building Inspectors and Police Officers. Fines shall be in accordance with Appendix A of the Town's Non-Criminal Disposition Bylaw.

or take any other action relative thereto.

The above Section 3 was originally approved at the 2010 Annual Town Meeting, but was disallowed by the Attorney General since Appendix A had not yet been amended to include a fine for violations of the Construction Noise Bylaw. Appendix A was subsequently amended at the April 2011 Special Town Meeting, so this article is a housekeeping article so that the bylaw is consistent with Appendix A.

Board of Selectmen recommends affirmative action.

By Petition:

DRINKING WATER IN SINGLE-SERVING PET BOTTLES BYLAW

ARTICLE 32. To determine whether the Town of Concord will vote to amend the Town Bylaws by adding a provision for the sale of drinking water in PET bottles, as follows:

Section 1. Sale of Drinking Water in Single-Serving PET Bottles

It shall be unlawful to sell non-sparkling, unflavored drinking water in single-serving polyethylene terephthalate (PET) bottles of 1 liter (34 ounces) or less in the Town of Concord on or after January 1, 2013.

Section 2. Exemption for Emergencies

Sales occurring subsequent to a declaration of an emergency adversely affecting the availability and/or quality of drinking water to Concord residents by the Emergency Management Director or other duly-authorized Town, Commonwealth or United States official shall be exempt from this Bylaw until seven days after such declaration has ended.

Section 3. Enforcement Process

Enforcement of this Bylaw shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any establishment conducting sales in violation of this Bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended. Any such fines shall be paid to the Town of Concord.

Section 4. Suspension of the Bylaw

If the Town Manager determines that the cost of implementing and enforcing this Bylaw has become unreasonable, then the Town Manager shall so advise the Board of Selectmen and the Board of Selectmen shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing, the Board of Selectmen may continue this Bylaw in force or may suspend it permanently or for such length of time as they may determine.

And to amend Appendix A of the Non-Criminal Disposition Bylaw by adding the following:

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
Drinking Water in Single-Serving PET Bottles Bylaw	1 st offense	Warning	Town Manager's Designee
	2 nd offense	\$25.00	
	3 rd & each subsequent offense	\$50.00	

or take any other action relative thereto.

EXPLANATION SUBMITTED BY THE PETITIONER:

In April 2011, the vote on Article 38: Drinking Water in Single-Serving PET Bottles Bylaw was very close (within 7 votes). This year's article is very similar to the 2011 article. It is formatted as a bylaw, focuses on drinking water in single-serve plastic bottles (only) and provides a flexible means of enforcement. It continues to provide an exemption during a declared State of Emergency and empowers the Town to determine direction should the cost of the bylaw become unreasonable. A 'yes' vote on this Article will allow the bylaw to be sent to the State of Massachusetts Office of the Attorney General for review.

Board of Selectmen will make its recommendation at Town Meeting.

By Petition:**TOWN SUSTAINABLE ELECTRICITY ACQUISITION PROCESS**

ARTICLE 33. To determine whether the Town will vote, in moving toward "greener" bulk electricity supplies, to require the Concord Municipal Light Plant, Town Manager, and Selectmen, to follow this procedure:

- 1) use "maximum greenhouse reduction per dollar invested over the product lifecycle" (with "dollars invested" including federal/state subsidies) as the determinative criterion;
- 2) use this criterion to deploy town staff time, with the result that pursuing wind energy (currently the most effective way for Concord to reduce carbon) would become the priority, i.e., commit town staff, first, to pursue wind projects, including the possibility of joint wind projects with like-minded towns;
- 3) monitor investment costs of utility-scale solar and other sustainable technologies, and develop a solar (or other sustainable) proposal when solar (or other sustainable) costs reach rough parity with wind on the determining criterion;
- 4) present a next proposal to Town Meeting expeditiously -- after coordinating with other appropriate town bodies, studying implementation requirements, and conducting appropriate town-wide dialog, particularly regarding land use; and
- 5) replicate this style of governance procedure so as to lessen the call for and eventually obviate such future citizen petition Warrant Articles;

or take any other action relative thereto.

EXPLANATION SUBMITTED BY THE PETITIONER:

For the future welfare of Concord, and of our whole society, we must reduce the emissions of greenhouse gases. One essential step is to shift the production of electricity toward sustainable sources that achieve this goal, without undue delay. In the wake of failure of the solar energy project voted by the April 2010 Town Meeting, this article seeks a more effective way to achieve the goal. The article makes the goal explicit, and it identifies wind and solar as the two technologies currently practical for Concord projects. It notes that wind best meets the goal first (see concord-trustingtheprocess.org for the studies), and that town staff time is the key resource to prioritize. Finally, rather than continued Town Meeting oversight, the article requests town government to build on the process model described in the article.

Board of Selectmen recommends no action.

ZONING BYLAW AMENDMENT – LARGE-SCALE SOLAR FACILITY

ARTICLE 34. To determine whether the Town will vote to amend the **Zoning Bylaw Section 2.2 Zoning Map** to delete the final paragraph in that section which begins “**West Concord Interim Planning Overlay District...**” and delete the existing **Section 7.9 West Concord Interim Planning Overlay District**, which expired upon adjournment of the 2011 Annual Town Meeting, and add a new **Section 7.9 Large-scale Ground-mounted Solar Photovoltaic Installation** as follows:

7.9 Large-Scale Ground-Mounted Solar Photovoltaic Installation

7.9.1 Purpose and Intent:

The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, and minimize impacts on scenic, natural and historic community resources.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations in any zoning district.

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

7.9.2 Definitions: As used in this Section, the following terms shall have the meanings indicated:

7.9.2.1 Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of two hundred-fifty kilowatts (250 kW) direct current (DC).

7.9.2.2 Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

7.9.2.3 Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

7.9.3 General Requirements for all Large-Scale Ground-Mounted Solar Photovoltaic Installations:

The following requirements apply to all large-scale ground mounted solar photovoltaic installations.

7.9.3.1 Site Plan Review: Large-scale ground-mounted solar photovoltaic installations are subject to site plan review by the Planning Board. Proponents shall submit site plans showing:

- (a) existing conditions, including property lines, physical features and roads,
- (b) proposed changes to the landscaping of the site, including grading, vegetation to be cleared, new plantings, exterior lighting, and screening vegetation,
- (c) the proposed layout of the large-scale ground-mounted solar photovoltaic installation, including all appurtenant structures,
- (d) driveways and other means of access to the site of the large-scale ground-mounted solar photovoltaic installation, and
- (e) other reasonable documentation requested by the Planning Board.

7.9.3.2 Site Control: The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed large-scale ground-mounted solar photovoltaic installations.

7.9.3.3 Security: Adequate security measures and fencing shall be provided to control access to the large-scale ground-mounted solar photovoltaic installation in order to prevent unauthorized access. The use of barbed wire or razor wire fencing is prohibited.

7.9.3.4 Operation & Maintenance Plan: The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, stormwater controls and general procedures for operations and maintenance of the installation.

7.9.3.5 Utility Notification: No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the Concord Municipal Light Plant (CMLP) has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid solar photovoltaic arrays shall be exempt from this requirement. The Building Commissioner may issue a permit only if the large-scale ground-mounted solar photovoltaic device complies with this section.

7.9.3.6 Waivers: If the installation does not comply with one or more of the Dimensional Requirements or Design Requirements, the applicant shall be required to apply for a special permit from the Planning Board seeking waivers from any such requirement(s). The Planning Board may grant requested waivers upon a finding that such waiver(s) will not derogate from the intent of this bylaw or be detrimental or injurious to the public.

7.9.4 Dimensional Requirements:

7.9.4.1 Tract Area: For large-scale ground-mounted solar photovoltaic installations, the minimum tract area shall be 5 acres.

7.9.4.2 Setbacks: For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

(a) Front yard: The front yard setback shall be at least 50 feet.

(b) Side yard: Each side yard shall have a setback of at least 50 feet.

(c) Rear yard: The rear yard setback shall be at least 50 feet.

Where a proposed large-scale ground-mounted solar photovoltaic installation does not abut a residential zoning district or use, the Planning Board may waive the above dimensional requirements for front, side and rear yard setbacks by special permit as provided in subsection 7.9.3.6. In no case, however, shall the front, side or rear yard setback be less than 10 feet.

7.9.4.3 Appurtenant Structures: All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

7.9.5 Design Requirements

7.9.5.1 Lighting: Lighting of the large-scale ground-mounted solar photovoltaic installations and appurtenant structures shall be limited to that required for safety, security, and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar photovoltaic array and appurtenant structures shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

7.9.5.2 Signage: Signs appurtenant to the large-scale ground-mounted solar photovoltaic installation shall comply with the Town's Sign Bylaw. A sign consistent with the Town's Sign Bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Large-scale ground-mounted solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer, owner or operator of the large-scale ground-mounted solar photovoltaic installation.

7.9.5.3 Screening / Landscape Buffer: At a minimum, half of the provided side and rear yard setback areas shall be designed to reduce the visual impact of the solar photovoltaic array upon adjacent property by use of trees, shrubs, walls, fences, or other landscape elements. Where the area to be developed abuts land developed for residential use, suitable landscaping shall consist of a substantially sight-impervious screen of evergreen foliage at least eight (8) feet in height or planting of shrubs and trees complemented by a sight-impervious fence of at least five (5) feet, but not more than eight (8) feet, in height, or such other type of landscaping as may be required under site plan review.

7.9.5.4 Utility Connections: Reasonable efforts shall be made to place all utility connections from the large-scale ground-mounted solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site, any requirements of the CMLP and other site permitting requirements. Where an aboveground connection solution already exists, it may be used if it meets the requirements of the CMLP, and electrical transformers for utility interconnections may be located aboveground if required by the CMLP.

7.9.5.5 Stormwater Management: Best management practices shall be used for controlling and managing stormwater run-off and drainage for the large-scale ground-mounted solar photovoltaic installation in compliance with all applicable federal, state and local regulations.

7.9.6 Safety and Environmental Standards:

7.9.6.1 Emergency Services: The large-scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief and CMLP. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries for as long as the installation is in active use.

7.9.6.2 Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Clearing to minimize shading is acceptable.

7.9.7 Maintenance and Modifications:

7.9.7.1 Physical Conditions: The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the installation in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief, CMLP and emergency medical services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access driveway.

7.9.7.2 Modifications: All substantial material modifications or changes to a large-scale ground-mounted solar photovoltaic installations require site plan review by the Planning Board and acceptance by the CMLP.

7.9.8 Abandonment or Decommissioning:

7.9.8.1 Removal Requirements: Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life, is no longer operational or has been abandoned consistent with Section 7.9.8.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board, Building Commissioner and CMLP by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

- (b) Disposal of all solid and hazardous waste brought to the site or generated by the owner or operator or otherwise related to the large-scale ground-mounted solar photovoltaic installation in accordance with local, state, and federal waste disposal law and regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

7.9.8.2 Abandonment: The large-scale ground-mounted solar photovoltaic installation shall be considered abandoned when it does not operate for more than one year. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of discontinued operations, the Town may enter the property and physically remove the installation.

7.9.8.3 Financial Assurance: Proponents of large-scale ground-mounted solar photovoltaic installations shall be required to enter a covenant with the Planning Board to ensure adequate funds are available to provide for decommissioning and removal of the installation.

or take any other action relative thereto.

One of the recommendations from the Solar Siting Committee report finalized in the fall of 2011 was to consider adopting a Large-scale Solar Facility bylaw as part of the Zoning Bylaw. This is a preliminary draft of the bylaw prepared using the Commonwealth's "model solar zoning bylaw". However the Planning Board may make further refinement and revisions to this proposed bylaw prior to the Public Hearing on March 6, 2012 in order to tailor it to Concord's specific situation, and a revised text of the bylaw will be presented to the public at that hearing. These revisions will be subject to the Moderator's determination that they are within the scope of Article 34.

Board of Selectmen will make its recommendation at Town Meeting

AUTHORIZATION OF LEASE OF FORMER LANDFILL SITE FOR SOLAR POWER GENERATION

ARTICLE 35. To determine whether the Town will vote to authorize the Town Manager to enter into a long-term lease, license, agreement for payment in lieu of taxes and/or other contractual agreements, subject to terms and conditions approved by the Board of Selectmen, for all or part of the property at 759 Walden Street, the former Sanitary Landfill site, shown on the Assessors maps as parcel #4039, comprised of approximately 35.4 acres, for the purposes of installing and operating solar energy generating facilities and supplying solar energy and further to authorize the Selectmen and Town Manager to take such action as may be necessary under State law to effectuate said agreements, or take any other action relative thereto.

The purpose of this article is to allow the Town to enter into a long-term lease of municipal land for the purpose of generating affordable, clean energy for use by Concord's residents and businesses.

Board of Selectmen recommends affirmative action.

LAND ACQUISITION – W.R. GRACE LAND – 214Y MAIN STREET, PARCEL #2322

ARTICLE 36. To determine whether the Town will vote to authorize the Board of Selectmen to acquire by purchase, eminent domain or otherwise on such terms and conditions as the Selectmen may determine for municipal, public works, solar electrical generation, recreational and/or open space purposes, all or a portion of a parcel of land comprised of approximately 80 acres, known by the address 214Y Main Street and identified on the Assessor's maps as parcel # 2322, together with any structures, improvements and trees thereon, and further, to determine whether the Town will vote to raise and appropriate, transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen

to borrow under the provisions of Chapter 44 of the Massachusetts General Laws, the sum of \$1,200,000, or any other sum, to be expended by the Board of Selectmen for such acquisition, or take any action relative thereto.

This article authorizes the Board of Selectmen to acquire approximately 79.5 acres of land owned by WR Grace Company along the Concord-Acton town-line off of Knox Trail. The land has considerable frontage along the Assabet River and is part of 260 acres WR Grace owns in Concord and Acton. The property is part of a US EPA "Superfund" site, and the Environmental Protection Agency is overseeing a site clean-up plan approved in 2005. The site has good potential for re-use for utility-scale solar energy generation, wastewater treatment, public works materials storage and a variety of other municipal purposes.

Finance Committee will make its recommendation at Town Meeting.

Board of Selectmen recommends affirmative action. In the amount of \$1,200,000 from borrowing.

PERMISSION TO LEASE OR LICENSE- W.R. GRACE LAND- 214Y MAIN STREET, PARCEL #2322

ARTICLE 37. To determine whether the Town will vote to authorize the Town Manager to enter into or approve a long-term lease or license for all or part of the parcel of land comprised of approximately 80 acres, known by the address 214Y Main St. and identified on the Assessor's maps as parcel # 2322, subject to terms and conditions approved by the Board of Selectmen, and to enter into an agreement for payment in lieu of taxes, and/or other contractual agreements for the purpose of development of solar electrical generation and accessory activities thereon, and to authorize the Board of Selectmen and Town Manager to take such action as may be necessary under state law to effectuate said agreements, or take any action relative thereto.

If Town Meeting approves the preceding article proposing the purchase of 79.5 acres of land owned by WR Grace, this article would authorize the Town Manager, with the approval of the Selectmen, to lease a portion of that property to a company or other agency for the installation of a large photovoltaic energy generating facility. This would allow the Concord Municipal Light Plant to sign a long-term contract to purchase the power generated by the facility. The goal of this article is to enable CMLP to purchase "green power" generated without burning fossil fuels at a financially advantageous price for an extended period of time.

Board of Selectmen recommends affirmative action.

COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

ARTICLE 38. To determine whether the Town will vote to appropriate the sum of \$1,105,226, or any other sum, from the Concord Community Preservation Fund, of which up to \$54,076 shall be appropriated from the undesignated fund balance as of June 30, 2011, and up to \$1,051,150 shall be appropriated from projected Fiscal Year 2013 Fund Revenues, in accordance with Chapter 44B of the Massachusetts General Laws, to be expended under the direction of the Town Manager as follows:

Item	Project/Description	Amount Recommended	Category	Source of Funds	
				Prior Year Fund Balance	FY13 CPA Fund Revenues
A	Town of Concord – Regional Housing Services Program	25,000	Community Housing		25,000
B	Town of Concord – Monument Street Wall Reconstruction	122,500	Historic Preservation	54,076	68,424
C	Town of Concord – Town House Brownstone Repairs	50,000	Historic Preservation		50,000
D	Town of Concord – Memories of Antietam Painting Conservation	43,000	Historic Preservation		43,000
E	Town of Concord – West Concord Historic Resource Survey Update	22,000	Historic Preservation		22,000
F	Town of Concord – Granite Post and Chain Fence at Sleepy Hollow Cemetery	40,000	Open Space		40,000
G	Town of Concord – Recreation Facilities Plan	30,000	Recreation		30,000
H	Town of Concord – Land Acquisition Project Fund	55,726	None		55,726
I	Concord Housing Dev. Corp. – Bringing Affordable Housing Home	80,000	Community Housing		80,000
J	Concord Museum – Slate Roof Replacement and Exterior Renovations	123,000	Historic Preservation		123,000
K	Concord Scout House, Inc. - Phase II Structural Rehabilitation of Roof and Walls	175,000	Historic Preservation		175,000
L	Drinking Gourd Project - Caesar Robbins Interpretive Center	100,000	Historic Preservation		100,000
M	Emerson Umbrella – Emerson Umbrella Historic Structure Report and Master Plan	50,000	Historic Preservation		50,000
N	Friends of the Performing Arts in Concord – 51 Walden Street Historic Structure Report	18,000	Historic Preservation		18,000
O	Save Our Heritage – Barrett Farm Site Drainage	60,000	Historic Preservation		60,000
P	Thoreau Farm Trust – Thoreau Birthplace Historic Structures Report	15,000	Historic Preservation		15,000
Q	Concord Children's Center – Woodland Trail and Play Area	48,000	Open Space		48,000
R	Open Space Reserve Fund	18,000	Open Space		18,000
S	Town of Concord – Staff and Technical Support	30,000	Administrative		30,000
		\$1,105,226		\$54,076	\$1,051,150

or take any other action relative thereto.

This article authorizes the appropriation of funds from the Community Preservation Fund for the completion of specific projects as listed in the above chart and allowed under the Community Preservation Act. These projects will expend a total of \$105,000 for Community Housing, \$778,500 for Historic Preservation, \$106,000 for Open Space, \$30,000 for Recreation, \$30,000 for Administration, and will allocate \$55,726 in undesignated funds for future potential land acquisitions pursuant to the recommendation of the Community Preservation Committee. Town Meeting may reduce or reject but may not increase the appropriation from the Community Preservation Fund for any item proposed by the Committee.

Finance Committee recommends affirmative action in the amount of \$1,105,226.

Board of Selectmen recommends affirmative action in the amount of \$1,105,226.

LAND ACQUISITION – BRUCE FREEMAN RAIL TRAIL RIGHT-OF-WAY

ARTICLE 39. To determine whether the Town will vote to authorize the Board of Selectmen, for purposes of establishing, constructing, operating and maintaining a multi-use rail trail (with related facilities and improvements) for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, on such terms and conditions as the Selectmen may determine to acquire for a nominal sum by purchase, gift, eminent domain or otherwise fee, easement, leasehold, license and/or other real property interests in, (a) all or any portion of the land, premises, easements, rights-of-way and other rights in Concord comprising the former Lowell Secondary Track railroad right-of-way acquired by the Commonwealth of Massachusetts (acting through its former Executive Office of Transportation and Construction) by deeds dated April 28 and November 29, 1982, and recorded in the Middlesex South District Registry of Deeds at Book 14609, Pages 302-317 and Book 14836, Pages 507-512, and (b) abutting and underlying properties as necessary or desirable, in the discretion of the Selectmen for acquiring title to said railroad right-of-way, laying out an improved multi-use rail trail and related facilities and improvements, and providing access to the rail trail area for construction, maintenance and repair purposes, and further to see if the Town will raise and appropriate, transfer from available funds in the treasury, or accept gifts for these purposes, or take any other action relative thereto.

This Article authorizes the Selectmen to acquire the former railroad right-of-way to allow design and construction of the Bruce Freeman Rail Trail between the Acton town line and the Sudbury town line. The property will be available for walking, running, road and mountain biking, wheelchairs and accessible cycling equipment, inline skating, scooters and tricycles, rolling backpacks, strollers, cross country skiing, and other forms of active and passive recreation.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action for a nominal fee of \$1.

ZONING BYLAW AMENDMENT – EXTENDED STAY HOTEL

ARTICLE 40. To determine whether the Town will vote to amend the Zoning Bylaw as follows:

In Section 2.1 Classification of Districts, by deleting the words "Industrial Park" in the list under the words "Industrial Districts" and replacing them with the words "Industrial Park A (IP A)" and "Industrial Park B (IP B)"; and,

In Section 2.2 Zoning Map, by designating the two areas that are currently zoned as Industrial Park as Industrial Park A (IP A), comprised of portions of Baker Ave., Baker Ave. Extension and MCI-Concord, and Industrial Park B (IP B), comprised of the eastern-most portion of Virginia Road near Hanscom Airfield, as shown on a map titled Zoning Map dated January 3, 2012; and,

By deleting subsection 4.2.9 Hotel and motel in its entirety and inserting a new subsection 4.2.9 Hotel, Extended-stay hotel and Motel as follows:

4.2.9 Hotel, Extended-stay hotel and Motel: An establishment providing four (4) or more rooms or suites for transient lodging accommodations (which may include a kitchen area). Rooms or suites in an extended-stay hotel shall not qualify as a principal residence. The lot on which a hotel, extended-stay hotel or motel is located shall contain open space of not less than twice the gross floor area of the hotel or motel in addition to any area required for parking or vehicular access.

and Amend TABLE I – PRINCIPAL USE REGULATIONS, by deleting the column labeled as IP and by adding new columns labeled as IP A and IP B; by substituting the title “4.2.9 Hotel, Extended-stay hotel and Motel” for 4.2.9 Hotel and motel; and, by inserting the word “yes” for 4.2.9 Hotel, Extended-stay hotel and Motel in column IP A and the word “no” for 4.2.9 Hotel, Extended-stay hotel and Motel in column IP B, as follows:

Principal Uses	Residential District				Commercial Districts				Industrial Districts				Site Plan Approval	
	AA	A	B	C	B, CCB, TDB, NACB	WCB	Ltd B	MP	WCI	I	IP A	IP B		LIP
<u>4.2.9 Hotel, Extended-stay hotel and Motel</u>	no	no	no	no	yes	SP	yes ¹	no	no	no	yes	no	no	R

And further Amend TABLE I by inserting the word “yes” for the following uses in columns IP A and IP B: 4.1.1 Forestry; 4.1.2 Agriculture, horticulture, floriculture and viticulture; 4.1.3 Greenhouse; 4.1.5 Conservation use; 4.1.6 Private recreation; 4.3.1 Educational; 4.3.2 Child care facility; 4.3.3 Religious; 4.3.4 Philanthropic; 4.3.8 Lodge and club; 4.4.1 Municipal use; 4.4.2 Underground utility; 4.4.3 Above ground utility; 4.5.3 Craft shop; 4.5.4 Restaurant; 4.5.5 Indoor amusement; 4.5.7 Funeral home; 4.5.8 Repair shop and building trade; 4.5.9 Veterinary and kennel; 4.5.10 Financial and business office; 4.5.11 Professional office; 4.5.12 Medical center and laboratory; 4.5.13 Auto service station; 4.5.14 Auto repair shop; 4.5.15 Vehicular dealerships; 4.5.16 Boat sales and rental; 4.5.17 Parking facility; 4.5.18 Transportation services; 4.6.1 Warehouse; 4.6.3 R&D and Light manufacturing; and 4.6.4 Manufacturing, packaging, processing and testing; and

by inserting the letters “SP” to indicate special permit for the following uses in columns IP A and IP B: 4.1.4 Earth removal; and,

by inserting the word “no” for the following uses in columns IP A and IP B: 4.2.1 Single-family dwelling; 4.2.2 Two-family or additional dwelling unit; 4.2.3 Combined business/residence; 4.2.4 Combined industrial/business/residence; 4.2.5 Residential Compound; 4.2.6 Residential Cluster Development; 4.2.7 Planned Residential Development; 4.2.8 Boarding house; 4.2.9 Hotel and motel; 4.3.5 Hospital and nursing home, provided...; 4.3.6 Assisted living residence; 4.3.7 Cemetery; 4.5.1 Retail store; 4.5.2 Personal service shop; 4.5.6 Outdoor amusement; 4.6.2 Storage yard, open-air sales; and 4.7.1 Prohibited uses;

and, Amend TABLE II – ACCESSORY USE REGULATIONS by replacing the column labeled as IP with two separate columns labeled respectively as “IP A” and “IP B”, and retaining all accessory uses as “Y” for yes, “N” for no and “SP” for special permit (so the same accessory uses currently allowed in the IP district are allowed in both IP A and IP B); and,

and, Amend the following subsections of Section 5 in the Zoning Bylaw:

Section 5.3.11 *Workshops and classes*: by adding “, extended-stay hotel” immediately following the word “hotel”; and

Section 5.3.13 *Gift shops, candy counters*: by adding “, extended-stay hotel” immediately following the word “hotel”;

and, Amend TABLE III – DIMENSIONAL REGULATIONS by deleting the words “Industrial Park” and replacing them with the words “Industrial Park A and Industrial Park B” under the first column labeled “Zoning Districts” (so the dimensional requirements are the same for Industrial Park A and Industrial Park B); and,

Amend the following subsections of Section 7.7 in the Zoning Bylaw:

Section 7.7.2.1 *Required spaces*: TABLE IV, MINIMUM PARKING by replacing the principal use heading “Hotel and motel” with the heading “Hotel, Extended-stay hotel and Motel”; and

Section 7.7.2.10 *Off-Street loading*: by adding the words “, extended-stay hotel” immediately following the word “hotel”.

or take any other action relative thereto.

This amendment divides the Industrial Park District into two separate and distinct districts and the category of extended-stay hotel use is added to the definition for hotel and motel use. Hotel, Extended-stay hotel and Motel uses are not allowed in Industrial Park District B (the industrial area near Hanscom Field). Changes in TABLE I are shown underlined for the warrant only.

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – MOBILE MEDICAL FACILITY

ARTICLE 41. To determine whether the Town will vote to amend **Zoning Bylaw Section 1.3 Definitions** by inserting a new definition *1.3.15 mobile medical facility* after the definition of “Lot” in subsection 1.3.14 as follows:

1.3.15 Mobile medical facility: a trailer or other mobile structure that has been modified by the installation of specialized medical testing equipment as a medical center and laboratory.

and, by renumbering the subsequent definitions starting with “1.3. 16 Multi-unit dwelling” and concluding with “1.3.28 Use, Principal”.

and, by adding to **Section 5.4 Temporary Accessory Uses**, a new subsection 5.4.1.4 to allow the Board of Appeals (the Board) to grant a special permit for more than two years for a mobile medical facility as follows:

“5.4.1.4 In all districts except the residential districts, the Board may, by special permit, authorize the use of a mobile medical facility for more than two (2) years provided that adequate parking is provided equivalent to a medical center and laboratory use and the site has been designed to accommodate the regular delivery and departure of the trailer.”

or take any other action relative thereto.

Currently the Board of Appeals may grant a special permit for no longer than two years. Several medical facilities in the community have adapted their sites and are using mobile trailers to bring in specialized testing equipment for medical procedures. These owners are interested in increasing the length of time authorized under a special permit once the site is fully functional, rather than being required to renew the permit every two years.

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – SPECIAL DIMENSIONAL EXCEPTIONS

ARTICLE 42. To determine whether the Town will vote to amend **Zoning Bylaw Section 6.3 Special Dimensional Exceptions subsection 6.3.3 *Reduced frontage, lot width, lot area and/or side and rear yard setbacks*** by deleting the phrase “that there is an existing historically significant structure or dwelling on the lot” and inserting in its place the following phrase “that the existing historically significant structure or dwelling remains on one of the lots created” after the word “provided” so the paragraph reads as follows:

“6.3.3 Reduced frontage, lot width, lot area and/or side and rear yard setback lots: For the purpose of preserving existing historically significant structures or dwellings on a lot wholly or partially in the residential district, the Board by special permit may authorize the division of land into two or more building lots so that one or more building lot(s) contains reduced frontage, lot width, lot area and/or side and rear yard setback provided that the existing historically significant structure or dwelling remains on one of the lots created and a standard Approval Not Required Plan or Preliminary Definitive Subdivision plan is submitted showing that the lots could otherwise be created without exceptions from the Subdivision Rules and Regulations.”

And, delete the phrase “shall remain on one of the lots created and” from subsection 6.3.3.3.(c) so the sentence reads as follows:

(c) The existing historically significant structure or dwelling shall be preserved consistent with a preservation plan approved as part of or as a condition to the special permit.

or take any other action relative thereto.

This amendment is intended to clarify that the historically significant structure may remain on any of the lots being created, not just the lot that has reduced setbacks or frontage. Changes above are shown underlined for the warrant only.

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – RESIDENTIAL CLUSTER DEVELOPMENT

ARTICLE 43. To determine whether the Town will vote to amend **Zoning Bylaw Section 9 RESIDENTIAL CLUSTER DEVELOPMENT, Subsection 9.2.3 *Dimensional Regulations*** by deleting the first paragraph and replacing it with the following paragraph:

“9.2.3 Dimensional Regulations: Except as provided in this subsection, building lots created as part of a Residential Cluster Development shall conform to the underlying dimensional requirements of Section 6 TABLE III – DIMENSIONAL REGULATIONS. Notwithstanding such compliance however, the Planning Board may require additional setbacks from the tract boundaries of some building lots, not to exceed an additional fifty (50) feet, in order to protect adjacent open space or neighborhoods.”

or take any other action relative thereto.

This amendment is intended to clarify that the maximum additional setbacks from the tract boundaries that the Planning Board may require in a Residential Cluster Development is fifty feet (50’).

Board of Selectmen recommends affirmative action.

By Petition:**HIRING OF A CONCORD ANIMAL CONTROL OFFICER**

ARTICLE 44. To determine whether the Town will vote the following resolution:

Whereas:

- Under M.G.L. Chapter 140, Section 145B: all dogs and cats in the commonwealth, 6 months or older, must be vaccinated against rabies;
- the Town of Concord currently has no procedures in place for the registering and licensing of cats to enforce the cat rabies vaccination law, in order to protect the public health and welfare;
- the Town has only contracted a Dog Officer whose authority is limited to dogs. All calls, complaints and procedures related to all other animals are currently managed and handled by Concord Police Officers, whose training in Animal Control is limited.

To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the Treasury, or authorize with approval of the Board of Selectmen, the sum of \$20,000.00, or any other sum, to hire an Animal Control Officer under the jurisdiction of the Police Department, said funds to be expended under the direction of the town Manager, or take any other action relative thereto.

EXPLANATION SUBMITTED BY THE PETITIONER:

This Article seeks the Town to authorize the raising or transferring of available funds for the hiring of an Animal Control Officer under the jurisdiction of the Police Department.

Finance Committee recommends no action.

Board of Selectmen recommends no action.

By Petition:**TOWN OF CONCORD MASSACHUSETTS CAT BYLAW**

ARTICLE 45. To determine whether the Town will vote to adopt a new bylaw encouraging the licensing, vaccination and regulation of cats.

Section 1. PURPOSE OF THIS BYLAW

The purpose of this bylaw is to create a process for registering, licensing and regulating cats in Concord;

- Whereas the state of Massachusetts requires by law that cats be vaccinated for rabies;
- Whereas Concord has no procedures in place for registering and licensing cats to enforce the rabies law for cats in order to protect the public health and welfare;
- Whereas the Town has no procedures in place encouraging responsible cat ownership.

Section 2. LICENSING OF CATS

- a. no person shall own or keep a cat 6 months of age or older within the Town unless a license for such cat is obtained from the Town;
- b. all licenses must be procured between January 1st and December 31st, both dates inclusive;
- c. a valid rabies certificate must be submitted to the Town Clerk at the time of licensing;
- d. evidence of having a cat spayed or neutered must be presented to be licensed. This may be waived if:

- 1) a statement from a veterinarian is signed and submitted, stating a reason why spaying or neutering has been delayed;
- e. a license tag will be issued to cat owner and all licenses shall be renewed annually;
- f. all cats are required to wear their license;
- g. the holder of a cat license must be 18 years of age or older;
- h. any cat in transit; or brought into Town temporarily for the sole purpose of showing in a cat show or exhibition, shall be exempt from these provisions;

Section 3. TRESPASS

- a. no owner or keeper of a cat may allow his cat to enter into the property of another after the owner has been informed by a law enforcement officer or Animal Control Officer that his cat was found on the property of another. This constitutes the first trespass offense.
- b. greater than 3 offenses constitutes a need for remedial action: the Animal Control Officer will explore options for containing the cat within the boundaries of its own yard, thus lessening potential of injury to a person or animal.

Section 4. IMPOUNDMENT AND RELEASE

- a. the Animal Control Officer shall pick up and impound or quarantine any cat running at large. To obtain release of one's cat, an owner or keeper must procure evidence of inoculation against rabies, as well as for spaying or neutering, and by paying the required impoundment fee.
- b. an animal shelter that accepts a cat with identification shall make a reasonable attempt to notify the owner by telephone or by sending a written notice within 24 hours of admitting the cat. The animal shelter shall hold the cat for a period of 6 days beginning on and including the day of admittance. If the owner claims the cat within the 6 day period, the animal shelter shall release the cat to the owner upon payment of any impoundment fee. Upon expiration of the 6 day period, ownership of the cat is vested with the animal shelter and the animal shelter may then handle the cat as a homeless cat for disposition in accordance with shelter guidelines.
- c. an animal shelter that accepts a cat without identification shall hold the cat for not less than 4 days. After 4 days, the animal shelter may treat the cat as a homeless cat and may:
 - 1) offer the cat for adoption, sell or give the cat away; or
 - 2) move the cat to a no-kill shelter for placement.

An animal shelter may not sell or give a cat to a research facility

Section 5. VIOLATION FINES

The owner of a cat who violates any section of this bylaw shall be subject to a fine for each offense as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, Section 21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended. The Animal Control Officer may issue a separate and additional fine each day for a continuing or recurring violation.

Appendix A of the Non-Criminal Disposition Bylaw shall be amended for said violations above and will include:

1st Offense: Warning; 2nd Offense: \$50; 3rd and each subsequent offense \$100.00

or take any other action relative thereto.

*effective January 1, 2013, subject to approval of the Attorney General

EXPLANATION SUBMITTED BY THE PETITIONER:
This Article seeks Town Meeting approval to adopt a responsible cat ownership bylaw requiring the licensing, vaccination and regulation of cats in order to protect the public health and welfare and promoting safe and harmonious relations in the communities.

Board of Selectmen recommends no action.

By Petition:

GUIDELINES FOR RESPONSIBLE PET OWNERSHIP

ARTICLE 46. To determine whether the Town will vote the following resolution:

Whereas:

- this resolution highlights the importance of responsible pet ownership in the Town of Concord;
- to promote cooperation between neighbors and their pets, the Town of Concord will declare and publicize that the Town has a Responsible Pet Ownership resolution;
- information about the resolution may be published on brochures and websites.

To determine whether the Town will vote to urge the Town Manager and Board of Selectmen to establish Responsible Pet Ownership principles and guidelines designed to promote a community where pets, their owners and neighbors all live in safety and harmony, or take any other action relative hereto.

EXPLANATION SUBMITTED BY THE PETITIONER:
This Article seeks Town Meeting approval to adopt an educational campaign endorsing Responsible Pet Ownership in Concord, encouraging cooperation between the Police Department, Animal Control, Town Government and Residents, with the goals of creating guidelines for pet owners and neighbors living together in safety and harmony and developing methods for measuring program success and performance.

Board of Selectmen recommends no action.

REQUEST FOR HOME RULE LEGISLATION ALLOWING CONCORD TO REDUCE THE PROPERTY TAX WITH A LOCAL OPTION LOCAL INCOME TAX

ARTICLE 47. To determine whether the Town will vote to request the Board of Selectmen to ask our legislative representatives to file and seek passage of legislation [or a special act] authorizing the Town of Concord to adopt a local income tax on residents, which would be collected by the State and returned to the Town, the proceeds being applied solely for the purpose of reducing the local residential property tax levy, in substantially the following form:

AN ACT PROVIDING FOR LOCAL PROPERTY TAX RELIEF FOR THE TOWN OF CONCORD

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. Sections 2 through 6 shall take effect in the Town of Concord, upon the vote of a two-thirds majority at an annual or special Town Meeting, followed by acceptance by the voters at a municipal election.

Section 2. Notwithstanding the provisions of chapter 59, or any other general law or special act to the contrary, the Town of Concord may vote at Town Meeting to accept sections 2 through 6 to replace a portion of its residential real estate property tax by a local income tax to be collected as a surcharge on the taxable personal income of residents of the Town. The adoption of such a local income tax and the rate of said

surcharge shall be voted at an annual or special Town Meeting by a two-thirds majority and approved at a municipal election by a majority of those voting at the polls.

Section 3. The controls and limits on the property tax levy as established in chapter 59 of the General Laws and the method of real estate property tax assessment as set forth in said chapter shall not be altered, raised or lowered as a consequence of adoption of this local income tax. The revenues collected annually from the local income tax, as provided in this section, shall be used solely to reduce the residential property tax levy, and the calculation of levy limit under chapter 59 for purposes of determining the need for a vote to override the levy limit shall incorporate revenues collected from both the local income tax and property tax.

Section 4. The local income tax shall be collected by the department of revenue as a surcharge on the taxable personal income of Concord residents. The department of revenue shall provide space on the personal state income tax return for the surcharge to be calculated and added to the total tax to be paid. The department of revenue shall return the revenues collected from the surcharge to the Town of Concord within the quarter immediately following the calendar quarter of collection. Revenues so received shall be used in calculating the annual property tax rate to be adopted and approved by the Board of Selectmen following vote of the annual Town budget at Town Meeting.

Section 5. The amount collected from said surcharge shall be used solely to reduce the residential property tax levy. All other categories of property shall continue to pay the property tax as provided by existing law.

Section 6. Voters at Town Meeting may also vote to exempt certain residents from the provisions of any local income tax, such as residents who qualify for low income housing or low or moderate income senior housing under state standards.

or take any other action relative thereto.

The 2010 Concord Town Meeting passed Warrant Article 33 asking our representatives to file legislation allowing all cities and towns the choice of reducing the property tax by using a local income tax. As a result H.3375 has been filed. However, without support from other towns, which the Local Option Local Income Tax Committee (LOLIT) has been unable to generate, this bill will not pass. In light of expected increases in the Concord's property tax, the LOLIT committee recommends that the Selectmen request 'home rule' legislation allowing Concord the future option of deciding whether to reduce the property tax by using an income tax to substitute for part of the property tax. This choice would require a vote by a future Town Meeting and a majority vote at the polls.

Board of Selectmen recommends affirmative action.

PEOPLE'S RIGHTS RESOLUTION – FREE SPEECH

ARTICLE 48. To determine whether the Town will vote to adopt a resolution calling upon the Congress of the United States to pass and send to the States for ratification a constitutional amendment to reverse the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission*, to declare that corporations are not "persons" under the First Amendment to the United States Constitution, and to restore to the People their right to regulate the expenditures of corporations to ensure fair elections, in substantially the following form:

WHEREAS, We the people adopted and ratified the First Amendment to the United States Constitution to protect the free speech and other rights of people, not corporations;

WHEREAS, Corporations are not people but entities created by the laws of states and nations;

WHEREAS, A narrow majority of the United States Supreme Court in *Citizens United v. Federal Election Commission* overturned longstanding precedent which permitted under the First Amendment to the United States Constitution laws prohibiting corporations from spending corporate general treasury funds in our elections;

WHEREAS, *Citizens United v. Federal Election Commission* invalidates federal laws, state laws and even state Constitutional provisions precluding the expenditure of corporate money in elections;

WHEREAS, *Citizens United v. Federal Election Commission* has unleashed an infusion of corporate money into our political process unmatched by any campaign expenditure totals in United States history;

WHEREAS, *Citizens United v. Federal Election Commission* presents a serious and direct threat to our republican democracy;

WHEREAS, Article V of the United States Constitution empowers the people and the states of the United States of America to use the constitutional amendment process to correct an egregiously wrong decision of the United States Supreme Court such as *Citizens United v. Federal Election Commission* which goes to the heart of our democracy and republican self-government; and

WHEREAS, the people and states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process throughout our history, in several instances to reverse Supreme Court decisions;

NOW THEREFORE BE IT RESOLVED THAT WE THE PEOPLE OF CONCORD, MASSACHUSETTS CALL UPON THE CONGRESS OF THE UNITED STATES TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO REVERSE THE DECISION OF THE UNITED STATES SUPREME COURT IN *CITIZENS UNITED V. FEDERAL ELECTION COMMISSION*, TO DECLARE THAT CORPORATIONS ARE NOT "PERSONS" UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION, AND TO RESTORE TO THE PEOPLE THEIR RIGHT TO REGULATE THE EXPENDITURES OF CORPORATIONS TO ENSURE FAIR ELECTIONS.

or take any other action relative thereto.

This Article asks whether Town Meeting will adopt a resolution calling upon the Congress of the United States to pass and send to the states for ratification a constitutional amendment to reverse the decision of the United States Supreme Court in Citizens United v. Federal Election Commission, declare that corporations are not "persons" under the First Amendment, and restore the people's right to regulate the expenditures of corporations to ensure fair elections.

Board of Selectmen will take no position on this Article.

Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of meeting aforesaid. Given under our hands this 6th day of February in the year two thousand-twelve.

Elise F. Woodward

Stanly E. Black

Gregory P. Howes

Carmin C. Reiss

Jeffrey S. Wieand

BOARD OF SELECTMEN

Commonwealth of Massachusetts Middlesex, ss.

Concord (date) _____

By virtue of this warrant I have notified the legal voters of the Town of Concord to meet at the times and places and for the purposes within named as directed.

Constable of Concord

NOTES

Assessed Valuation, Levy Limit, Tax Levy and Rates: FY1980-2012

Fiscal Year	Total Assessed Value	Absolute Levy Limit	Annual Levy Limit	Actual Levy		Uniform Tax Rate	Actual Tax Rates			"CIP" ratio	Unused Levy Limit	
				Within Limit	Debt Exclusion		Residential	Open Space	Commercial		\$	as % of Limit
1980	\$371,034,400			\$13,060,411		\$35.20						
1981	\$383,133,677			\$15,248,720		\$39.80					\$536,405	3.43%
1982	\$644,119,237	\$16,102,981	\$15,629,937	\$15,093,532		\$23.43	23.60	20.06	23.43	100.0	\$871,027	5.37%
1983	\$651,122,529	\$16,278,063	\$16,214,000	\$15,342,973		\$23.56	23.66	19.99	23.78	100.9		
1984	\$784,563,443	\$19,614,086	\$17,006,633	\$15,465,780		\$19.71	19.25	16.36	22.63	114.8	\$1,540,853	9.06%
1985	\$801,293,191	\$20,032,330	\$17,780,870	\$15,648,020		\$19.53	19.13	16.26	22.00	112.6	\$2,132,850	12.00%
1986	\$822,949,238	\$20,573,731	\$18,605,674	\$16,125,650		\$19.59	19.25	16.36	21.71	110.8	\$2,480,024	13.33%
1987	\$1,464,903,743	\$36,622,594	\$19,600,366	\$17,296,129		\$11.81	11.47	9.75	13.95	118.1	\$2,304,237	11.76%
1988	\$1,510,487,280	\$37,762,182	\$20,651,135	\$18,392,726		\$12.18	11.89	10.11	14.04	115.3	\$2,258,409	10.94%
1989	\$1,547,164,362	\$38,679,109	\$21,574,623	\$19,908,672		\$12.87	12.61	10.72	14.60	113.4	\$1,665,951	7.72%
1990	\$2,188,108,438	\$54,702,711	\$22,609,017	\$21,603,000		\$9.87	9.72	8.27	10.82	109.6	\$1,006,017	4.45%
1991	\$2,185,289,176	\$54,632,229	\$23,486,987	\$23,083,329		\$10.56	10.21	8.68	12.87	121.9	\$403,658	1.72%
1992	\$1,863,767,794	\$46,594,195	\$24,325,878	\$24,324,345		\$13.05	12.62	10.73	15.91	121.9	\$1,533	0.01%
1993	\$1,831,121,461	\$45,778,037	\$25,229,582	\$24,770,829		\$13.53	13.27	11.28	15.57	115.1	\$458,753	1.82%
1994	\$1,842,884,146	\$46,072,104	\$26,148,398	\$25,639,506	\$435,498	\$14.15	13.98	11.89	15.57	110.0	\$508,892	1.95%
1995	\$1,853,888,132	\$46,347,203	\$27,110,678	\$26,562,285	\$504,753	\$14.60	14.49	12.32	15.62	107.0	\$548,393	2.02%
1996	\$2,246,615,332	\$56,165,383	\$28,513,798	\$27,531,054	\$279,059	\$12.40	12.42	10.56	12.40	100.0	\$982,744	3.45%
1997	\$2,273,535,628	\$56,838,391	\$29,574,375	\$28,652,539	\$544,685	\$12.84	12.86	10.93	12.84	100.0	\$921,836	3.12%
1998	\$2,288,809,124	\$57,220,228	\$30,582,585	\$29,804,080	\$545,529	\$13.26	-----	all @ 13.26	-----	-----	\$778,505	2.55%
1999	\$2,704,003,171	\$67,600,079	\$32,061,277	\$31,406,074	\$772,688	\$11.90	-----	all @ 11.90	-----	-----	\$655,203	2.04%
2000	\$2,742,122,055	\$68,553,051	\$33,421,403	\$32,453,928	\$725,749	\$12.10	-----	all @ 12.10	-----	-----	\$967,475	2.89%
2001	\$2,783,643,972	\$69,591,099	\$34,827,754	\$34,225,525	\$681,370	\$12.54	-----	all @ 12.54	-----	-----	\$602,229	1.73%
2002	\$3,974,434,046	\$99,360,851	\$38,958,156	\$38,226,458	\$842,228	\$9.83	-----	-----	-----	-----	\$731,698	1.88%
2003	\$4,408,301,807	\$110,207,545	\$42,171,555	\$41,782,825	\$713,204	\$9.64	-----	-----	-----	-----	\$388,730	0.92%
2004	\$4,411,852,520	\$110,296,313	\$45,336,664	\$45,161,214	\$1,560,304	\$10.59	-----	-----	-----	-----	\$175,450	0.39%
2005	\$5,117,100,515	\$127,927,513	\$48,886,984	\$48,293,261	\$1,854,324	\$9.80	-----	-----	-----	-----	\$593,723	1.21%
2006	\$5,207,535,371	\$130,188,384	\$51,679,906	\$50,786,544	\$2,486,543	\$10.23	-----	-----	-----	-----	\$893,362	1.73%
2007	\$5,309,253,831	\$132,731,346	\$54,523,353	\$53,363,359	\$2,702,361	\$10.56	-----	-----	-----	-----	\$1,159,994	2.13%
2008	\$5,498,736,316	\$137,468,408	\$57,254,951	\$55,919,464	\$3,026,989	\$10.72	-----	-----	-----	-----	\$1,335,487	2.33%
2009	\$5,264,591,702	\$131,614,793	\$59,634,076	\$58,717,305	\$3,931,336	\$11.90	-----	-----	-----	-----	\$916,771	1.54%
2010	\$5,026,552,229	\$125,663,806	\$62,197,127	\$61,284,932	\$4,512,636	\$13.09	-----	-----	-----	-----	\$912,195	1.47%
2011	\$5,045,140,030	\$126,128,501	\$64,569,355	\$62,529,967	\$4,015,430	\$13.19	-----	-----	-----	-----	\$2,039,388	3.16%
2012	\$5,090,058,629	\$127,251,466	\$67,047,174	\$65,053,133	\$4,069,863	\$13.58	-----	-----	-----	-----	\$1,994,041	2.97%

Town of Concord
Town House
Concord, MA 01742

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RESIDENTIAL CUSTOMER
CONCORD, MASSACHUSETTS
01742

Town Meeting

MONDAY, APRIL 23, 2012
CONCORD-CARLISLE REGIONAL HIGH SCHOOL
7 PM

