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an unusual motion picture!*

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Celebrated
Prize Winning
Book*

The Report

Of the Finance Committee of the Town of Concord



OPENS MONDAY, APRIL 22, 2013 7:00 PM
CONCORD-CARLISLE REGIONAL HIGH SCHOOL

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29	Beede Swim & Fitness Center, FY2014 Budget		77	Affirmative action, \$2,524,938 operations, \$325,000 capital expenditures	Affirmative action, \$2,524,938 operations, \$325,000 capital expenditures
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60	PETITION: Cat Bylaw		106	Recommend No Action	Recommend No Action
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Shaded article numbers are proposed for inclusion on the Consent Calendar to be voted under Article 2.

Town Meeting

Monday, April 22, 2013

7:00 PM Concord-Carlisle Regional High School

Parking

Town Meeting attendees should enter the high school parking lot via the Walden Street entrance only. On-site parking is limited. Carpooling is encouraged. Parking for people with disabilities is available at the flagpole circle at the high school. In the event that the parking lots at the high school are full, attendees will be directed to Alcott School first and, once Alcott is full, then the Concord District Court. Shuttle buses will be available to bring residents to and from the satellite parking.

Childcare

Childcare will be provided at the high school for children two-and-a-half and older. The Concord Recreation Department offers the service at a cost of \$5 per child per hour or \$25 for two or more children for the evening. In order to guarantee a space, reservations should be made in advance by calling the Concord Recreation Department at 978/369-6460.

Seniors

Seniors may arrange transportation with the Council on Aging office @ 978/318-3020. Advance reservations are necessary.

Check in

All voters who were registered to vote by February 27, 2013 are eligible to participate at Town Meeting. Voters should check-in at the tables in the main lobby by last name and pick up a Town Meeting ballot on each night of attendance. Only one ballot per voter per evening of attendance. Ballots are not transferrable.

Seating

Seating is available in either the auditorium or the cafeteria. The auditorium will be the main meeting room.

Assisted listening devices

Assisted listening devices will be available in the lobby.

Special arrangements or needs

Anyone with a disability requiring special arrangements for Town Meeting should contact Douglas Meagher, Deputy Town Manager/ADA Coordinator before 4:30 p.m. on April 12, 2013 at (978) 318-3000. The earlier that special arrangement needs are communicated, the more likely that time will allow for special accommodations, if possible, to be met.

Tellers

Voters willing to be a teller at Town Meeting are asked to call Abe Fisher, head teller at (978) 869-9233 e-mail at abefisher@misterfisher.com or Greg Englund at (617) 439-6779 e-mail at GJEnglund@EnglundLawFirm.com.

Thanks

The Finance Committee thanks the town and school administrations, employees and committees for their cooperation and assistance during the past year.

Terms to expire in 2013

Charles R. Blair
Mark Garvey, Clerk
Pamela A. Hill
David W. Kramer
Patricia Nelson

Terms to expire in 2014

Bruce W. Button (resigned March 2013)
Alexandra C. Kuchar
Robert Mandeville
Wendy Rovelli, Guidelines Clerk
Lynn B. Salinger, chair

Terms to expire in 2015

John C. Hutchins, vice chair
Radha S. Jalan
Paul O. McGinn
Thomas R. Piper (resigned March 2013)
Triveni Upadhyay

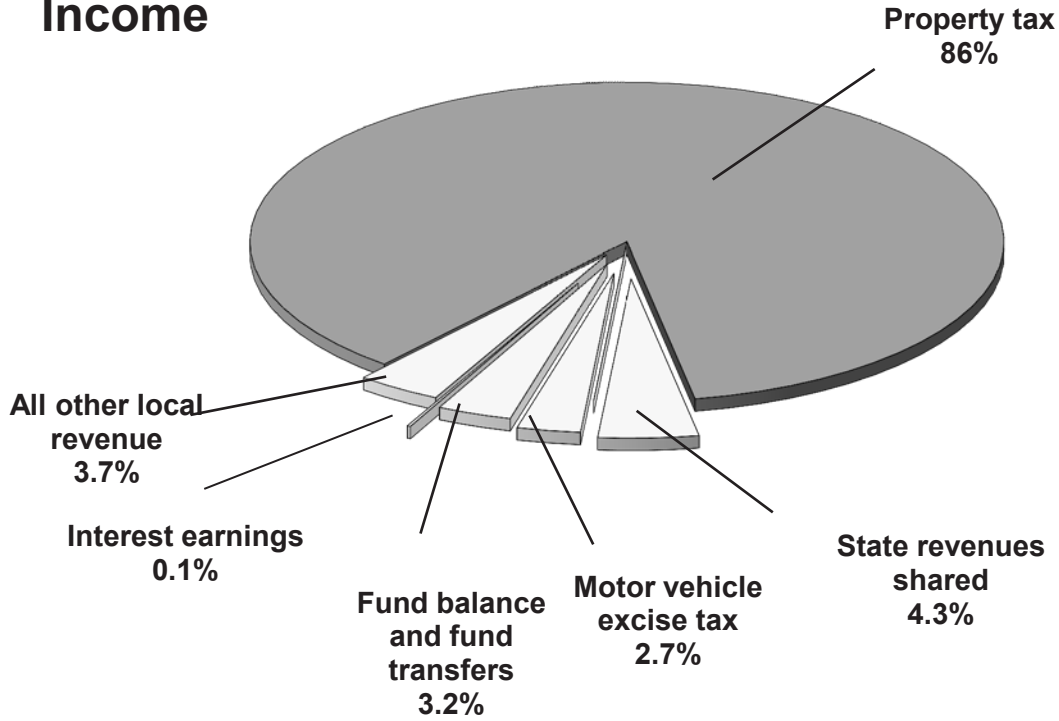


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Charts and tables by the Town of Concord Finance Department.

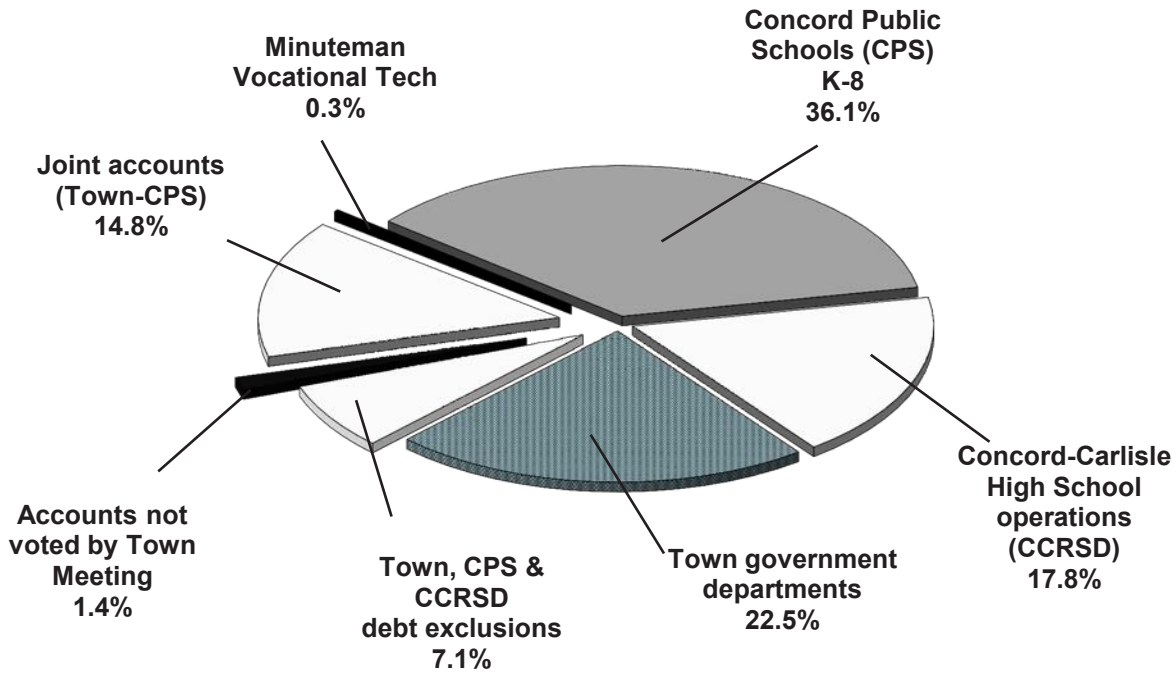
This report of the Concord Finance Committee was designed, edited and produced with the assistance of Janet Beyer.
Cover Design by Donna Thomas

General Fund
FY14 PROPOSED BUDGET
Operating budgets of town and schools
Total Budget: \$86,359,810 (+4.98%)

Income



Outlays



The budget in brief

Essential information at a glance

Total Budget: Town Government and Education at Finance Committee recommendations

- The total proposed FY14 General Fund budget is \$86,359,810. This is \$4,099,983 or 4.98% over FY13. Concord's share of the debt service payable on bonds to be issued by the Concord-Carlisle Regional School District in June 2013 is estimated at \$1,555,402. This is 38% of the total budget increase. Without this debt service cost, excluded from the levy limit by ballot votes in Concord and Carlisle in November 2011, the remainder of the budget is a 3.1% increase.
- The Town government and education proposed operating budgets total \$66,005,772, which is 3.87% over FY13 operating budgets.
- 65.7% of the proposed FY14 spending plan is for expenses related to primary and secondary education.
- Total debt service (principal and interest payments on long and short-term debt) is budgeted at \$9,576,300 (including \$735,000 proposed to be appropriated from the Elementary School Debt Stabilization Fund under Article 18 and \$230,000 proposed to be appropriated from the High School Debt Stabilization Fund under Article 19). The tax levy for debt service excluded from the Proposition 2 ½ levy limit, in accordance with previous town-wide ballot votes, is \$4,801,422, which is equal to 5.6% of the total proposed budget.
- Long term bonds have been issued for the financing of the new Alcott, Thoreau and Willard schools opened in 2004, 2006 and 2009 respectively. The total debt issued, principal to be repaid through June 30, 2013 and the FY14 debt service amounts are:

	<u>Debt issued</u>	<u>Repaid at 6/30/13</u>	<u>FY14 debt service</u>	
			<u>Principal</u>	<u>Interest</u>
Alcott	\$ 9,365,000	\$ 3,770,000	\$ 505,000	\$ 215,995
Thoreau	16,940,000	5,380,000	935,000	446,397
Willard	<u>27,025,000</u>	<u>5,675,000</u>	<u>1,595,000</u>	<u>714,778</u>
	\$53,330,000	\$14,825,000	\$ 3,035,000	\$ 1,377,170

Property taxes

- The median single family residential tax bill in FY13 is \$9,425 based on an assessed value of \$669,850 at a tax rate of \$14.07 per thousand.
- The FY14 tax rate projected increase is 3.31% (an additional \$312 on the median bill, \$47 per \$100,000 of assessed valuation).
- Each 1% increase in the tax levy equals \$711,000 in revenue for FY14.
- 86% of the Proposed Budget support is derived from property taxes.
- 76% of property taxes are paid by single-family residential property.

Free Cash Use

- The Finance Committee recommends allocating \$850,000 from Free Cash to support the FY14 budget plan. Free Cash is a term denoting the available portion of the unreserved General Fund balance. Free Cash is certified as of each June 30 by the state for each city and town.

The Proposed General Fund Appropriation for the year beginning July 1, 2013 (FY14)

Recommendations of the Finance Committee

Articles 6, 7, 10, 16, 18 & 19

	Warrant location reference	Appropriated FY13	Proposed FY14	percent change	percent of total
Town Government					
General Government	Art. 6, items 1-6	\$ 2,263,824	\$ 2,268,863	0.2%	2.6%
Finance & Admin; Inf. Systems	Art. 6, items 7-10	1,873,455	2,055,805	9.7%	2.4%
Public Safety (Police & Fire)	Art. 6, items 11-16	7,888,889	7,937,713	0.6%	9.2%
Public Works	Art. 6, items 17-24	3,754,847	3,824,559	1.9%	4.4%
Library	Art. 6, item 25	1,859,577	1,872,206	0.7%	2.2%
Reserve Fund	Art. 6, item 34	225,000	225,000	0.0%	0.3%
Salary Reserve	Art. 6, item 35	88,142	480,574	--	0.6%
Recreation and all other	Art. 6, items 26-32, 33, 36	770,279	809,293	5.1%	0.9%
Total Town Gov't operations		\$ 18,724,013	\$ 19,474,013	4.0%	22.5%
Concord Public Schools (CPS)	Article 7	\$ 29,755,538	\$ 31,140,538	4.7%	36.1%
Concord-Carlisle Regional HS	Operations	\$ 15,066,221	\$ 15,391,221	2.2%	17.8%
<i>(Concord's assessment share)</i>	Debt Service	254,128	1,551,843	510.7%	1.8%
	Article 10	\$ 15,320,349	16,943,064	10.6%	19.6%
Town and School (CPS) debt service					
debt repayment within levy limit		\$ 3,300,000	\$ 3,400,000	3.0%	3.9%
debt excluded from levy limit		4,244,471	3,659,457	-13.8%	4.2%
Total tax-supported	Art. 6, item 41 (A & B)	\$ 7,544,471	\$ 7,059,457	-6.4%	8.2%
CPS School Debt Stabilization	Article 18	475,000	735,000	54.7%	0.9%
High School Debt Stabilization	Article 19	230,000		
total debt service		\$ 8,019,471	\$ 8,024,457	0.1%	9.3%
Employee Benefits (Town and CPS only):					
Group Insurance	Art. 6, item 37A	\$ 4,650,000	\$ 4,650,000	0.0%	5.4%
OPEB Trust	Art. 6, Item 37B	400,000	650,000	62.5%	0.8%
Retirement (pension funding)	Art. 6, item 39	2,945,000	3,035,000	3.1%	3.5%
Social Security & Medicare	Art. 6, item 40	625,000	640,000	2.4%	0.7%
Total Employee Benefits		\$ 8,620,000	\$ 8,975,000	4.1%	10.4%
Minuteman Tech Regional HS	Art. 16	\$ 437,910	\$ 227,033	-48.2%	0.3%
Property & liability insurance	Art. 6, item 37C	175,000	200,000	14.3%	0.2%
Unemployment/Worker's Comp	Art. 6, item 38	200,000	200,000	0.0%	0.2%
TOTAL Town Meeting appropriations		\$ 81,252,281	85,184,105	4.8%	98.6%
Not Appropriated:					
State assessments (mostly for MBTA)		\$ 468,736	\$ 455,705	-2.8%	0.5%
Snow & Ice expense account deficit		0	170,000		0.2%
Overlay for tax exemptions and abatements		538,810	550,000	2.1%	0.6%
		\$ 1,007,546	\$ 1,175,705	16.7%	1.4%
TOTAL SPENDING PLAN		\$ 82,259,827	\$ 86,359,810	5.0%	

To the residents of Concord

Overview

These last five years have brought significant national, international, and local economic challenges. The Concord Finance Committee Chair's annual letter to the residents of Concord has noted "this most tumultuous year for the nation" (2009 report, referring to 2008) "economic conditions... [that] remain difficult" (2010), the persistence of the national economic downturn (2011), and "the ripple effects of economic stagnation" (2012).

Concord has certainly been affected by this downturn, but our Town has fared better throughout the Great Recession than have many other communities in Massachusetts. Our fiscal position has remained strong and our ability to generate revenues to continue to fund excellent town and school services remains solid. In recognition thereof, both the town of Concord and Concord-Carlisle Regional High School District (CCRHSD) have received Moody's highest Aaa bond rating.

Risks and uncertainties are noted that may once again unsettle our community. In the second half of 2012 unemployment rates edged upward again in Concord. The State's revenue picture clouded in the run-up period to the Dec. 31 "fiscal cliff." In response, potential cuts in FY13 State aid were signaled by Governor Patrick in late 2012. Concord's dependence on locally generated property taxes for nearly 90% of our income, however, makes us less vulnerable than other communities to cuts in State aid, should they take effect. Most notably, as this letter is being drafted, Congress' inability to settle on a budget course for the nation may throw into jeopardy the funding of commercial contracts and research funding on which Massachusetts—and the livelihoods of many Concord residents—relies.

Concord's Finance Committee has also taken note of various indicators of local economic health that may signal a shift in the economic winds toward a calmer 2013. The number of building permits issued in Concord was at an all-time high in 2012. The number of property valuation abatement requests has fallen significantly. The numbers of donors and donations to the Town's Tax Relief Committee is sharply up. Concord's housing market is reviving, especially for properties priced at less than \$1 million. New growth in Town, i.e., construction of new real estate and upgrading of the existing housing stock, continues in Concord, contributing to an increased property tax base. Another indicator of local well-being comes from our residents directly. Every two years, the Town surveys a statistically significant, randomly drawn sample of Concord households to gauge citizens' satisfaction with the quality of services from Town government, satisfaction with services received relative to taxes paid, and issues of priority to citizens. Increases in satisfaction rates in 2012 more than reverse the dip recorded in 2010. The relative importance

TABLE 1
Priority Issues for Concord Residents

<i>% by year</i>	Schools	Taxes	Town Character	Roads	Affordable Housing	Public Safety	Gov't Services	Other
2008	36%	21%	20%	6%	6%	4%	4%	3%
2010	31%	27%	17%	2%	6%	11%	4%	2%
2012	39%	22%	18%	5%	6%	5%	4%	1%

Source: 2012 Citizen Survey Results, Concord Finance Department, available on the Town of Concord website at concordma.gov

Continued

of priority issues for citizens once again tipped more strongly in favor of “schools” over “taxes” in 2012.

Understanding Concord's fiscal position

Fiscal resources are managed conservatively in Concord. Revenue forecasts aim low, expected costs are based on analysis of historic trends, and a healthy cash reserve is maintained. Our total property tax levy is significantly under the limit as defined by Proposition 2 ½. In order to preserve our excellent bond rating, especially important now as the Regional School District prepares to issue long-term debt to finance the high school construction project, our unreserved fund balance (“free cash”) is targeted at about 10% of total budget plan. When resources permit, additional resources are added from free cash to our stabilization funds, which act as dedicated savings accounts for future spending or future debt relief. In FY14 the Finance Committee proposes to assign \$750,000 from free cash to our High School Debt Stabilization Fund, to moderate the expected debt repayment burden in the next few years, and \$850,000 from free cash to help finance our proposed FY14 budget plan. The Town also manages its physical assets soundly, with a target of 5% of the operating budget dedicated every year to regular capital maintenance and renewal projects.

In our deliberations over Town and school budget guidelines, budget needs, and property levy increases, the Finance Committee considers a longer term view and relies on cross-town data comparisons. We have discussed the importance of comparing trends in property levy increases against household income trends. When property tax bills rise more rapidly than household incomes, they represent an increasing share of total income, which, if left unchecked for an extended period, may become unsustainable, raising affordability issues for households. We have considered the long-term, cumulative impact of rising property tax levy increases, and the need to manage annual budget increase requests with an eye for longer term impacts. We have also continued to seek data on household income distribution in Concord (all income sources combined) in order to develop a richer profile of the economics of our community. For instance, 2010 data from the U.S. Census Bureau indicated that while nearly 30% of households in Concord earned \$200,000 and above, another nearly 30% of households earn under \$75,000.

TABLE 2
Long Term Trends, FY1996-2013: Expenditures

<i>Compound Annual Growth Rates</i>	<u>FY96-02</u>	<u>FY02-07</u>	<u>FY07-13</u>	<u>FY10-13</u>	<u>FY14 (Proposed)</u>
Town Government	5.9%	4.6%	3.0%	2.6%	4.01%
CPS	7.8%	5.3%	2.6%	2.4%	4.65%
CCHS (Concord assessment)	5.7%	7.6%	4.1%	3.9%	2.16%
Total Operating Budgets	6.9%	5.4%	3.1%	2.8%	3.87%
Insurance, Retirement, etc.	5.0%	6.5%	5.0%	4.6%	1.79%
Debt Service	20.2%	26.2%	9.8%	3.3%	15.75%
Town Meeting Vote	6.7%	6.0%	3.7%	3.0%	4.84%
Total Budget Plan	6.7%	5.8%	3.7%	2.9%	4.98%

The Finance Committee remains sensitive to uncertainties caused by the economic downturn of these last few years. As noted in the table above, the rates of increase in Concord’s town and school budgets have been subsiding. Whereas the average annual growth rate of the total budget plan in the late 1990s and early 2000s exceeded 6%, the average annual increase in the most recent period has been cut in half. Proposed increases for FY14 are somewhat higher, reflecting the Finance Committee’s belief that the spending initiatives being proposed by the Town and schools, held in check and deferred during the height of the recession, are appropriate. The increase in the total budget plan for FY14 is also affected by the sharp increase in excluded debt service, reflecting amounts approved by the voters for the construction of the new high school.

Setting budget guidelines

The proposed total budget for Concord is \$86,359,810 in FY14. The Finance Committee's FY14 budget Guidelines were published in November 2012. The Town operating budget request submitted by the Town Manager in his budget document of February 7, 2013 is at the Finance Committee Guideline, providing for \$750,000 of new spending. The CPS budget and CCRSD operating assessment, with increases of \$1,385,000 and \$325,000 respectively, and voted by the Concord-Carlisle and Concord School Committees in December, also meet these Guidelines.

TABLE 3
FY13 and Proposed FY14 Budgets

	FY13 Budget	FY14 Proposed Budget	Change from FY13 to FY14	
			Amount	Percent
Town Government	\$18,724,013	\$19,474,013	\$ 750,000	4.0%
Concord Public Schools	29,755,538	31,140,538	1,385,000	4.7%
Concord-Carlisle Regional HS (Concord's operating assessment)	15,066,221	15,391,221	325,000	2.2%
Total Operating Budgets	\$63,545,772	\$66,005,772	\$ 2,460,000	3.9%
All Other Accounts	18,714,055	20,354,058	1,640,003	8.8%
Total Budget Plan	\$82,259,827	\$86,359,810	\$ 4,099,983	5.0%

In addition to the operating budgets, the impact of debt incurred to launch the high school construction budget will begin to be felt in FY14, contributing to the significant increase in "all other accounts" for FY14. Concord's budgeted share of expected FY14 debt service associated with the high school project is \$1,555,402. Excluding this item, the increase in "all other accounts" is 0.5% and the Total Budget Plan increase is 3.1%.

Revenue and expenditure forecasts for FY14 originally made last September were reviewed again at the beginning of March 2013. Resource availability is up somewhat higher than expected, while certain cost items now are expected to be lower than originally anticipated (for example, Concord's Minuteman Career and Technical High School assessment has dropped with a decline in enrollment). This results in an expected tax impact on existing taxpayers of 3.31% and a projected unused levy limit of \$2,946,767. New growth, anticipated to represent an additional 1.20% in property tax revenue, supports the rest of the budget increase.

Understanding fiscal drivers

To understand the drivers affecting upcoming budgets the Finance Committee meets regularly throughout the fall with Town and school officials. We consider recent and likely medium-term trends in salaries, special education, other costs, and capital expenditures. We evaluate annual operating budget requirements and contributions toward pension and health insurance commitments to retired public employees in light of already approved debt.

We also seek to understand the structural changes that affect the scope or quality of public services being delivered to our citizens. Notable drivers this year include:

- Salaries: The largest component of Town and school budgets is the salaries of our employees. In the school system, most salaries are determined through various collective bargaining agreements. This is less true of salaries in the Town budget, where only public safety and library personnel are represented by unions. Labor agreements typically cover a three-year period and salaries structured within them typically include service- and education-related increases, which limits the flexibility to adjust budgets from year to year.
- Rising numbers of students: Student enrollment in Concord Public Schools has risen significantly, from 1,839

Continued

students in FY09 to 2,102 in FY13, a jump of 263 students in four years at the K-8 level that will work its way through the high school in future years. About 40% of this increase is due to new families moving into the new Concord Mews neighborhood, while the rest is due to new families moving in across Town. Rising enrollments put pressures on our schools in terms of instruction costs, class sizes, and space needs. An enrollment subcommittee of the Concord School Committee is considering strategies for accommodating this increase.

- Shifts in high school student enrollment between Concord and Carlisle: The two member towns of the Regional School District contribute to its budgets in direct proportion to annual enrollment shares. Concord's assessment, which has hovered around or just over 70% for the last five years, is expected to rise to 79% by 2020. This will push increases in Concord's CCHS assessment at a rate higher than the rate of overall budget increase at the high school.
- Demographic shifts in town: Looking at census statistics available through 2011, Concord's population is aging. The over-60 age segment of the population, which comprised 20% of the total population in 1992, is now 27% of our total population. This may signal new service needs from citizens for delivery by the town, from emergency medical services to recreation and other quality of life issues. However, the recent spike in public school student enrollment may signal further evolution of the town's demographic picture, to be monitored.
- Other Post-Employment Benefits obligations (OPEB): All Massachusetts cities and towns face large unfunded liabilities to cover their obligations with respect to Other Post-Employment Benefits for retired public employees. Both Concord and the Concord-Carlisle Regional School District are making annual contributions toward reducing their liabilities, but have not yet reached their actuarially determined net OPEB obligation (NOO). As an example, in FY14, the Town proposes to appropriate \$650,000, compared with an estimated NOO of \$2,000,000. Yet Concord's practice far exceeds what other Massachusetts cities and towns have been able to accomplish during these challenging economic times, and is thus considered exemplary by rating agencies.

Concord households expect and receive high quality public service from our Town and schools. Although Concord's average tax bill, skewed upward by the presence in Concord of some expensive properties, is high relative to those in most other Massachusetts cities and towns (in FY12 Concord ranked 7th highest), a comparison of towns' average tax bills to income per capita (an imperfect indicator of affordability reveals that Concord ranks 221st in Massachusetts cities and towns). Spending per pupil in the Concord Public Schools and Concord-Carlisle Regional School District is also among the highest in the State, owing to an education model that is human resource and technology rich.

Looking ahead: high school building project

The largest public project in the history of our Town, construction of a new Concord-Carlisle Regional High School directly behind the existing building was approved by both towns at special Town Meetings and at the ballot in November 2011. With a total construction cost of \$75 million and total project cost of \$92.5 million, \$28 million of which is expected to be reimbursed by the Massachusetts School Building Authority (MSBA), the project has generated a fair amount of controversy, including:

- Pursuit of the least-cost site plan, requiring demolition of the existing school bus transportation depot on the high school campus, led to a proposal by the school administration to contract for private delivery of school transportation services. This in turn was met with stiff resistance by some citizens. In early 2013 an interim garaging and maintenance facility solution is in place, but a longer term solution to the policy dilemma regarding the future school transportation delivery model is as-yet unresolved.
- Ambitious design scope in early 2012 led to project cost estimates that were above the amount voted, which in turn led the Massachusetts School Building Authority (MSBA) to temporarily suspend its project funding agreement with the Town, now reinstated. Value engineering, the process of selecting lower cost design and materials options and altering design elements to fit the project back within its original financial scope, was

undertaken during 2012. The 60% construction documents package was submitted and reviewed in early 2013 by MSBA.

- Soil testing for the project revealed the presence of reportable concentrations of various metals and organic compounds in the ground under the eastern parking lot adjacent to the high school, owing to the existence of a private landfill on the site prior to its purchase in the mid 1950s by the Regional School District. As of early 2013, the project's environmental consultants have provided information to support a tier classification by the Massachusetts Department of Environmental Classification, which is the next stage in the lengthy process of identifying a remediation strategy for the site.

The Concord Finance Director was appointed to the High School Building Committee in November 2012, and a member of the Finance Committee observes all Building Committee meetings.

Looking ahead: deciding the way forward regarding school buses and use of the landfill

This year, Concord citizens are being asked to decide a major policy dilemma that has faced the Town since early 2012. At that time it became clear that the new high school construction project, approved at a Special Town Meeting and at the polls in November 2011, would not include space for a school bus transportation depot. Deciding among competing options for use of the former town landfill requires weighing a complex set of information about construction, land use planning, green design, incentives and reimbursement rates, environmental regulations, transportation services and traffic management, conservation, and cultural heritage issues.

The 94-acre high school campus presents serious challenges to the construction project. Much of the land sits in a groundwater conservancy district, requiring careful consideration to minimize impermeable surface area and accommodate bio retention of rain runoff. Existing and planned athletic uses of the campus are extensive. Slope and gully, as well as wetlands, occupy a significant area. Neighbors and the MBTA rail line abut on several sides. The site chosen for the new high school was the least expensive option among many considered and the best in terms of integrating the entire campus. It nonetheless presents serious grading, land use, and re-permitting issues.

The CCHS Building Committee opted to demolish the existing bus depot because its removal allows for careful re-engineering of the hillside immediately behind the existing high school building. This way, earth can be moved within the chosen site, rather than having to pay hefty fees to have the hillside hauled away or to design a more expensive building on a more complicated ledge of the hillside.

The Building Committee also opted to pursue a green design for the new high school, both because it conforms to our community's values and because doing so brings a high MA-CHPS (Massachusetts-Collaborative for High Performing Schools) rating. In turn, designation as a MA-CHPS verified leader brings a higher reimbursement rate from the MSBA. Opting to restore a school bus depot to the high school campus could jeopardize our MA-CHPS audit after completion of the project, which could result in reduced reimbursement from MSBA (at a minimum, our MA-CHPS bonus of \$1.6 million would likely be in jeopardy).

Environmental regulatory issues also complicate new uses of the existing high school campus. Environmental regulations have tightened in the last ten or twenty years. Today's groundwater conservancy, impermeable surfaces, and wetlands regulations make it unlikely, if not out of the question, that any part of the high school campus would ever be permitted for future bus parking, fueling, and maintenance. Moreover, the discovery of the presence of contaminants under the student parking lot brings the Regional School District into a lengthy process with the Massachusetts Department of Environmental Protection (MA DEP) to decide an appropriate remediation strategy.

In response to the Building Committee's decision to remove the school bus depot, the school administration proposed to privatize the delivery of school bus transportation services. The majority of cities and towns in the Commonwealth of Massachusetts already use this option, including many of our surrounding peer towns (Bedford, Car-

lisle, Lexington, Lincoln, Sudbury, and Wayland). This option provoked strong opposition from school families and other concerned citizens. In consideration of the community's concerns, the School Committee opted to suspend consideration of an "outsourcing" option for the 2012-2013 school year, pending conduct of further investigation regarding other possible school transportation options. However, the School Committees did vote in May 2012 to restrict the CCHS campus from consideration as a site for a permanent transportation facility, citing land use and environmental concerns and competing school demands for the land.

Beginning in June 2012, the Citizens' Transportation Committee (CTC) and the School Committee's Transportation Advisory Subcommittee (TAC) researched, respectively, safety and management issues associated with private transportation delivery and alternative land parcels in and near Concord on which a new school bus depot might be situated. Safety and route management issues were some of the qualitative, non-cost dimensions that were surfaced by the CTC. After an extensive inventory of available Town land was identified and reviewed by the Transportation Advisory Committee, no other appropriate land options were identified. Reports delivered by the two study committees in October 2012 converged on a recommendation that the former Town landfill be considered as a site for a new, permanent school bus transportation facility. Members of both study committees continue to collaborate today to ensure a common understanding of cost issues associated with outsourcing.

To ensure the safe and efficient delivery of children to school during the 2012-2013 school year as building construction gets underway with site preparation launched in February 2013, temporary lease contracts were arranged (after the FY13 budget was approved) for parking facilities in Acton and maintenance facilities in Billerica. These add \$350-425,000 per year to the school budgets (compared with proposed total budget in Concord of over \$46 million in FY14). Concord has options on second and third years for these two leases, but there are no guarantees that other nearby facilities will be available if and when these arrangements expire. Even if Concord decides to outsource delivery of services, having bus parking and maintenance facilities in Town will minimize the costs and pollution associated with storing, fueling, and repairing our buses elsewhere.

The School Committees are awaiting the results of a formal study of the feasibility of using about three acres of the former Town landfill's 35.4 acre site for construction of parking, maintenance, and administration facilities for school buses and other vehicles, expected before Town Meeting in April. Potential environmental issues include the site's previous use as a landfill and State regulations that govern the use of such sites, as well as the proposed location's proximity to Goose Pond, where Concord and Lincoln residents have raised concerns. However, the landfill does not lie in a groundwater conservancy district, nor is it affected by wetlands or other zoning restrictions. A school bus depot could co-exist on the landfill with solar energy, Department of Public Works, and other possible future uses of the acreage. In anticipation of the results of that feasibility study, Article 13 of the 2013 Town Meeting Warrant asks the Town to approve the appropriation of funds from the Concord Public Schools Capital Needs Stabilization Fund to develop such infrastructure.

Another group also has an interest in the former Town landfill. The Walden Woods Project, an independent, non-profit organization, based in Lincoln and dedicated to the preservation of Henry David Thoreau's land, literature, and legacy, seeks to place a conservation restriction on the same parcel, with some permitted uses by the Town to remain, such as solar energy generation and public works activities. Passive recreation uses of the land are also envisioned, as the organization aspires one day to connect Walden Pond with its interpretive Thoreau's Path on Brister's Hill across Route 2. Conservation groups both near and far have expressed concerns to the Town about the loss of any portion of Walden Woods, and thus of Thoreau's heritage. Under Article 12 of the 2013 Town Meeting Warrant, Walden Woods has offered the Town \$2.8 million (the terms of payment have not been announced) in exchange for this conservation restriction. If accepted, the terms of the conservation restriction would have to be approved by Mass. Department of Environmental Protection.

If Article 12 is passed by Town Meeting, all other potential uses, except those expressly allowed by the terms of

the language of the conservation restriction, of the 34.5-acre site will be excluded. The \$2.8 million windfall, once received by the Town, will be credited to the Town's general fund. The funds cannot be dedicated to any particular use. If the conservation restriction is accepted, the schools have indicated that they will likely proceed to prepare a bid request for private provision of school transportation services.

If Article 12 fails and Article 13 passes, planning for the construction of a new school bus transportation facility at the former landfill will proceed. It is currently estimated that construction of the depot will cost on the order of \$1-1.5 million, with more precise figures expected in the feasibility study report. The Walden Woods Project will lose its access to a cornerstone of the land they seek to protect. The Town will lose the \$2.8 million windfall from Walden Woods.

If neither Article passes, the land will remain under Town control for future consideration of alternative uses.

Looking ahead: other pressures and projects on Concord's fiscal horizon

The Finance Committee estimates the impact of a range of possible increases in Town and school resource requirements and expected changes in resource availability from sources aside from the property tax levy (such as State Aid, miscellaneous taxes, and new growth) in order to present taxpayers with a five-year projection of expected trends in the total property tax levy. This analysis follows on pages 21 -22.

Excluded from this analysis are a number of cost-drivers and anticipated projects, the fiscal impacts of which cannot be gauged accurately at this time. The following items have not been included:

- Changes in the ratio of Concord to Carlisle students at CCHS;
- Unexpected changes in overall school enrollments;
- Unusual changes in special education requirements;
- The cost to remediate contamination found on the CCHS campus;
- Costs associated with a long-term solution for school transportation needs that would exceed current annual expenditures, such as construction of a new bus depot, if Article 13 passes, or possible changes in annual recurring costs associated with private provision of bus transportation services;
- Investment in expanded public safety facilities, such as a new ambulance in West Concord, expected in the next year or two.

Additional investments anticipated by Concord's public enterprises, for example, to expand Concord's wastewater treatment facilities, which are near capacity, or to introduce expanded solar energy generation capacity or high-speed data services through the Concord Municipal Light Plant (the latter is presented in Article 48), are not included here as these costs will be borne directly by ratepayers of the enterprises, not by property taxpayers. Concord's property base includes a number of tax-exempt organizations that nonetheless do share in the cost of public enterprise expansions through rate increases.

Looking Ahead: Finding Opportunities for More Efficient Service Delivery

Concord's elected decision-makers, the Board of Selectmen and School Committees, the Concord Finance Committee, and Town and school officials are committed to finding new ways to maintain Concord's excellent services, while delivering them as efficiently as possible.

An exploration of opportunities to consolidate the management of services common to both Town and schools will be undertaken in the coming year. Regionalized consolidation of services makes sense in some areas (such as with regard to emergency medical and animal control services), and new opportunities will continue to be sought. Savings from use of online (such as bill payment) or private delivery of services will also continue to be sought, where appropriate.

Continued

Experiences gained by other Commonwealth cities and towns in these efforts will also be consulted in order to benefit from lessons learned elsewhere. The goal is to continue to bring quality of town life as efficiently as possible to Concord residents in the years ahead.

Conclusion

The past year has been an active one for our Town and schools. Policy discussions by elected officials, citizens, and even the State about Concord's school transportation, construction of the new high school, and alternative uses for the Town's former landfill have been lively.

Opportunities abound for citizens to contribute, whether via elected office on the governing boards of our Town and schools or through volunteer participation on numerous planning, regulatory, and oversight bodies, to town-wide policy and resource allocation decision making. The Finance Committee has deep confidence in the democratic processes long utilized in Concord to produce the high-quality services, reputations, and outcomes that in turn maintain strong demand for residency in our town and thus preserve the resilience of our property values.

Though our Town's financial health is strong, we face challenges ahead. If property taxes rise faster than average household incomes, the character of Concord will change. Demographic transitions may accelerate, as older households opt to move away and younger families replace them. Though mitigated somewhat by a debt stabilization fund, the impact of the high school construction debt will begin to be felt in FY14, adding an additional 1% to the increase in our taxes, and making Concord less affordable for those at the lower end of the income distribution. The Finance Committee continues to monitor these trends and push for continued conservative financial management.

As always, we are enormously grateful to the wide bench of professionals who manage Concord's Town departments and schools. Christopher Whelan, Town Manager, and Diana Rigby, Superintendent of Schools, lead impressive teams. Thanks go to each and every one for their vision, dedication, and skill, as well as for their patient mentoring and support of an ever-changing cast of volunteer townspeople contributing their time to the good of the Town. We deeply appreciate, too, the collaborative relationships with our colleagues on the Board of Selectmen and School Committees. We owe a special debt to our Town Finance Director, Anthony Logalbo, and the Deputy Superintendent, John Flaherty, for their solid financial acumen and their abilities to present our Committee with data both deep and wide about the state of our Town and school finances.

Notes:

The Concord Finance Committee was established by Town bylaw in 1921 and comprises 15 members appointed by the Moderator for staggered three-year terms. By tradition, members serve no more than two terms. By this arrangement, there is always a mix of new and experienced members and a mix of new points of view and institutional memory. The appointment process is designed so that the Finance Committee remains independent of the Town's administrative structure and elected boards.

The Finance Committee has the following responsibilities:

- Establishing fiscal guidelines for the Town Manager, the Concord Public School Committee, and the Concord-Carlisle Regional School Committee in preparing their budgets. Under Town by-law, these guidelines must be published by the end of November each year;
- Conducting public hearings on the budgets and other financial matters expected to come before annual and special Town Meetings;
- Preparing this report for distribution to all residents, including recommendations on warrant articles before the Annual Town Meeting and a summary of the Town's financial status;
- Conducting special studies and activities to gather and disseminate information about financial issues affecting the Town;
- Managing a Reserve Fund account to meet extraordinary and unforeseen expenditures (proposed at \$225,000 for FY14);

Individual committee members are assigned as observers to attend public meetings of other Town boards and committees. Reports from these observers are included in the Observer Reports section of this document.

It is important to emphasize that the role of the Finance Committee is limited to making recommendations. The Finance Committee regularly makes recommendations to Town Meeting, the Town Manager, the Board of Selectmen, the school committees, the Superintendent of schools, other boards and committees, and the citizens of the Town. Responsibility for making decisions is reserved to the citizens through Town Meeting and Town elections and to staff members, boards, and committees to whom specific responsibilities have been delegated by Town by-law and/or State law.

That being said, the Finance Committees recommendation for the allocation of the limited resources within the Levy Limit has the de facto force of a formal decision. This is because the three major budgetary entities—the Town Manager, Concord Public Schools, and the Concord-Carlisle Regional School District—have constituencies of roughly equal weight. Therefore, as a practical matter, any one entity is rarely able to increase its share at the expense of the others without the Finance Committee’s support.

Finance Committee Policies

For many years, the Finance Committee has had a set of long-range financial policies for prudent financial management of the Town. Starting in FY06, the Town began to document its financial policies in the Town Manager’s annual budget in a comprehensive way, following the recommended practices of the Government Finance Officers Association of the United States and Canada. Following is a summary of some of these policies, from the perspective of the Finance Committee:

- Maintain a minimum fixed percentage of the annual budget in Free Cash. This forms the core of the Town’s reserves and its working capital. Since the mid-1990s, the percentage has been 5%, equivalent to about \$4.3 million the Town we enters FY14.
- Spend about 7% to 8% of the annual budget on routine recurring capital maintenance and renewal of the Town’s facilities and infrastructure (including schools). Included in this, up to 5% is reserved for debt service for large items and projects funded by borrowing with debt service to be supported within the property tax levy limit and therefore, for this component of the capital program, without resort to debt exclusion ballots.
- Avoid earmarking of revenues, except as established by statute or local bylaw enacted by Town Meeting. All other revenues go into the General Fund, where they form part of the current year resources and/or contribute to Free Cash for future years.
- Maximize the efficiency of capital with an aggressive program of repayment of debt principal, thereby minimizing the proportion of debt service paid in interest and making tax dollars go farther.
- Adjust these policies only gradually and deliberately, not in response to pressures of the moment.

In general, the Finance Committee’s position is that debt service within the Levy Limit should be focused on routine things over which the Town has little discretion, e.g., roofs, roads, equipment, workspaces for employees. Debt exclusion financing should be reserved for community amenities that are direct additions or improvement in basic services and that would otherwise push essential maintenance out of the capital budget.

Budget Process

The budget process begins each summer when the Finance Committee formulates a series of requests for information from the Town Manager and School Superintendent regarding overall trends and issues. In September, a joint coordination meeting is held, including the Finance Committee, the Board of Selectmen, the School Committees, the Carlisle Board of Selectmen, and the Carlisle Finance Committee. During this meeting, the general parameters of revenue, state aid, and fixed costs are laid out, along with matters of coordination between the two towns regarding the Regional School District.

Continued

During the fall, the Town Manager and the School Superintendent begin their annual budget process with their own department managers. In October, the Guideline Subcommittee of the Finance Committee meets with each of them to begin to frame the allocation of resources within the Levy Limit and any override for the coming fiscal year. This is presented to the full Finance Committee, which publishes its Tentative Guideline by the end of October

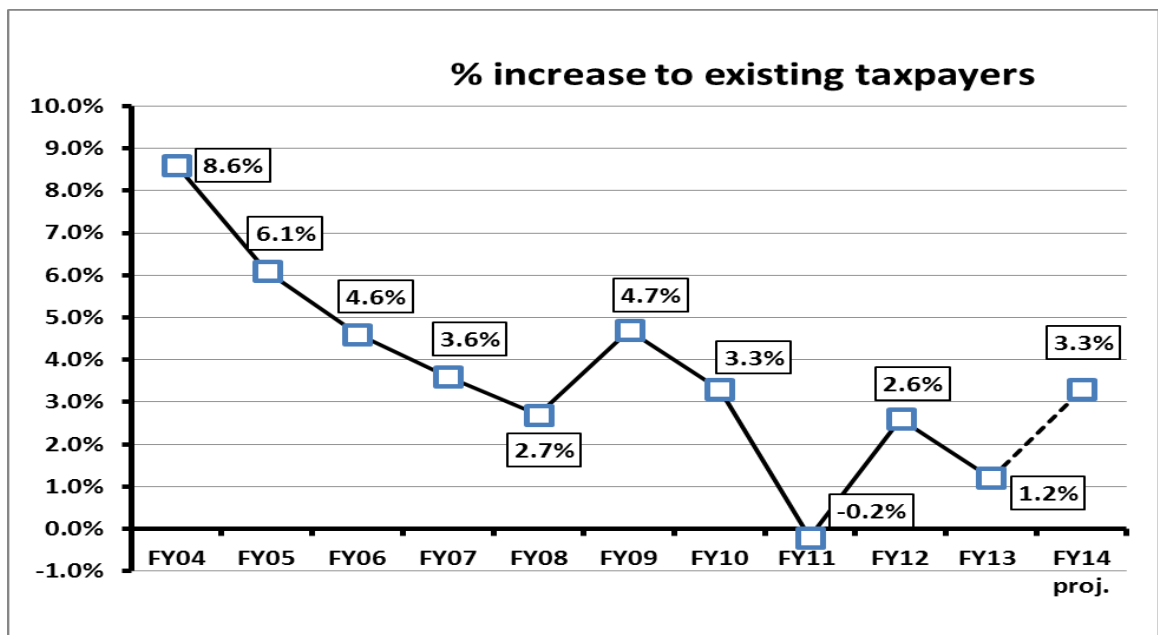
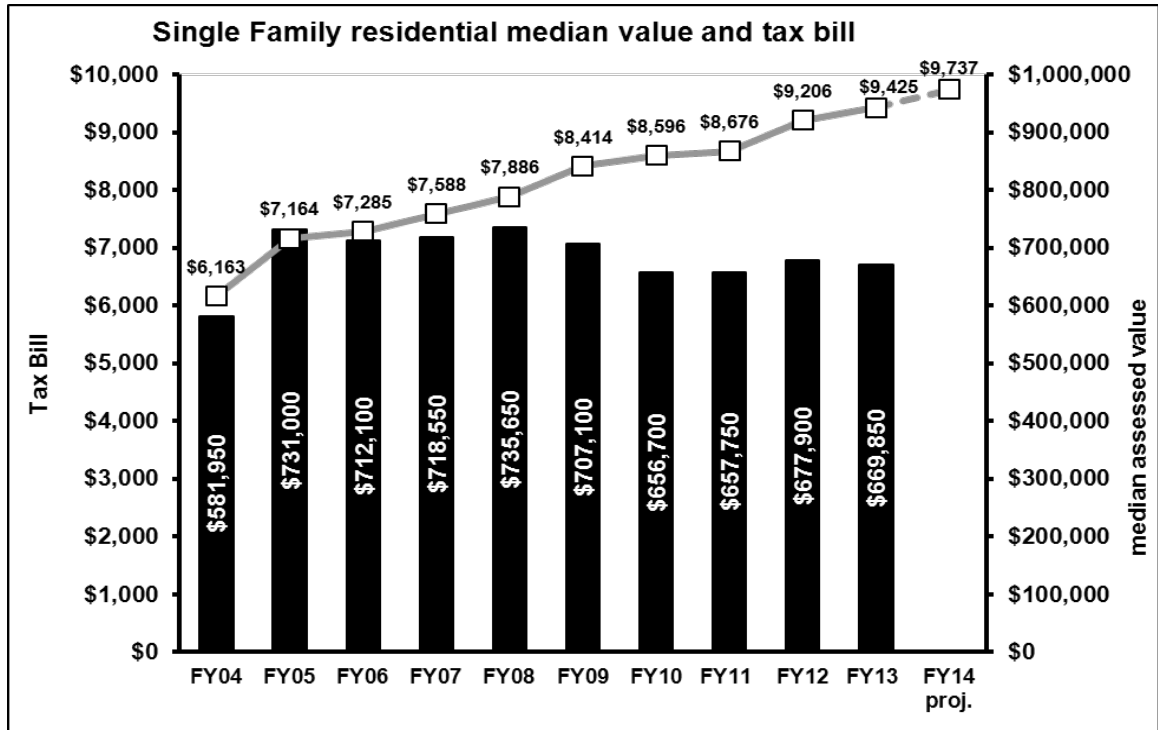
During November, the Guideline Subcommittee again meets with the Town Manager and School Superintendent to finalize the recommended Guideline. This Guideline is published by the Finance Committee no later than the end of November.

School budgets are voted by the School Committees in December, in time for the Town Meeting warrant. By Town Charter, the Town Manager's budget proposal must be presented to the Board of Selectmen 90 days before the start of Town Meeting. About two months before Town Meeting, the Town and Education budgets are presented for public comment at the Finance Committee's public hearings. The period between these hearings and Town Meeting is for resolving issues, addressing comments and questions, and refining the budgets.



PROPERTY TAX IMPACT OF PROPOSED FY14 BUDGET

	<u>FY13</u> <u>Actual</u>		<u>FY14</u> <u>Budget</u>
<i>Single Family residential property</i>			
<u>Projected Tax rate Impact</u>			+ 3.31%
Tax Bill at median \$669,850 assessed value	\$ 9,425	+ 312	= \$ 9,737
Tax Bill per \$100,000 assessed value	\$ 1,407	+ 47	= \$ 1,454



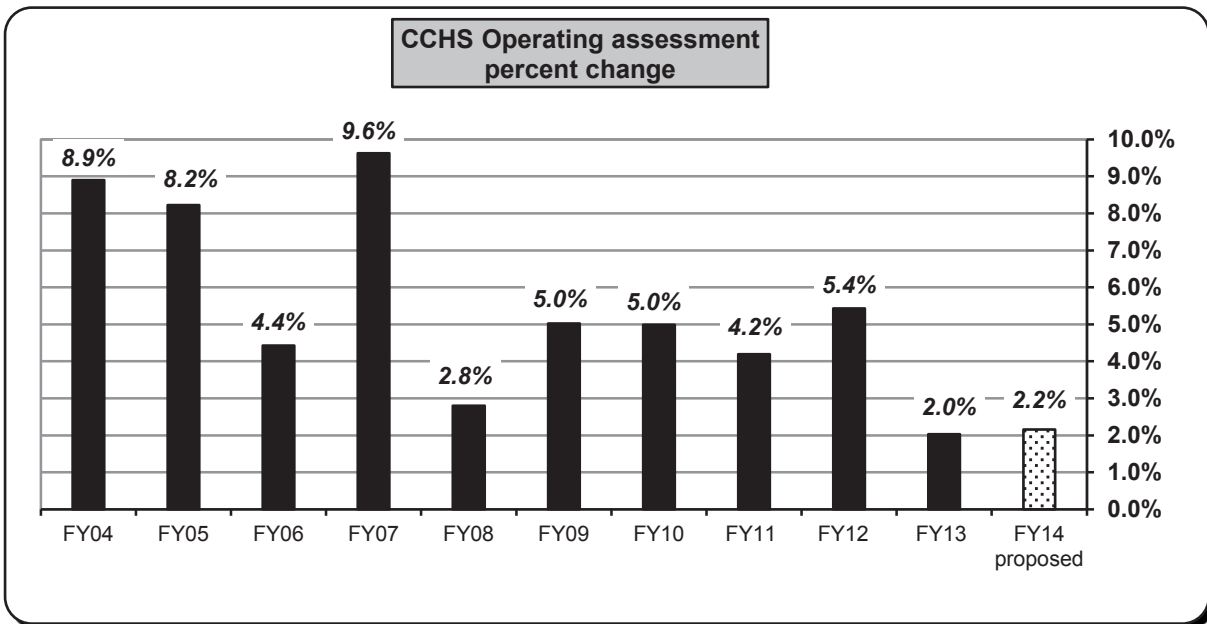
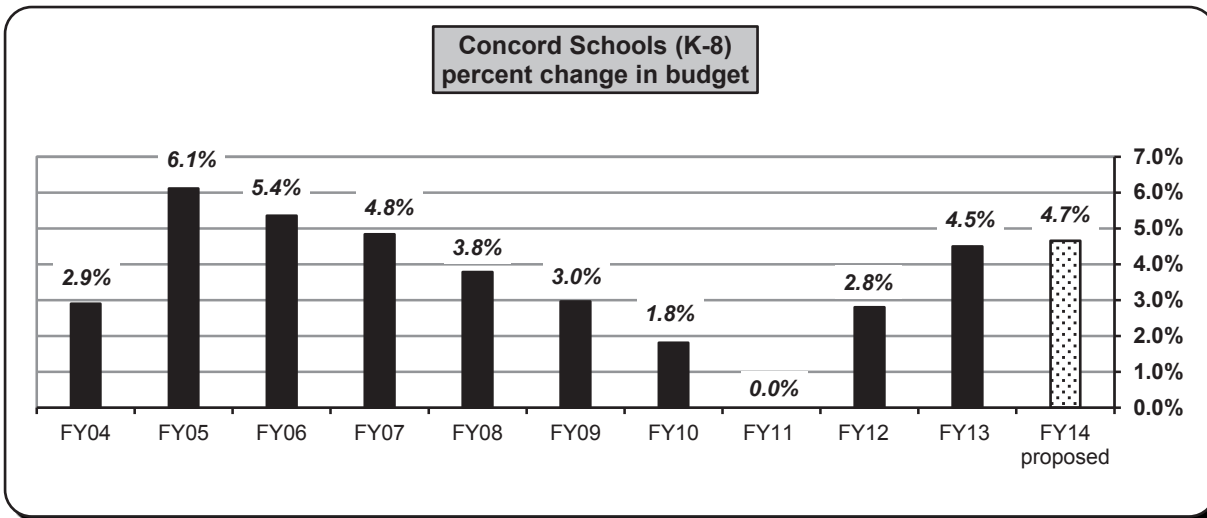
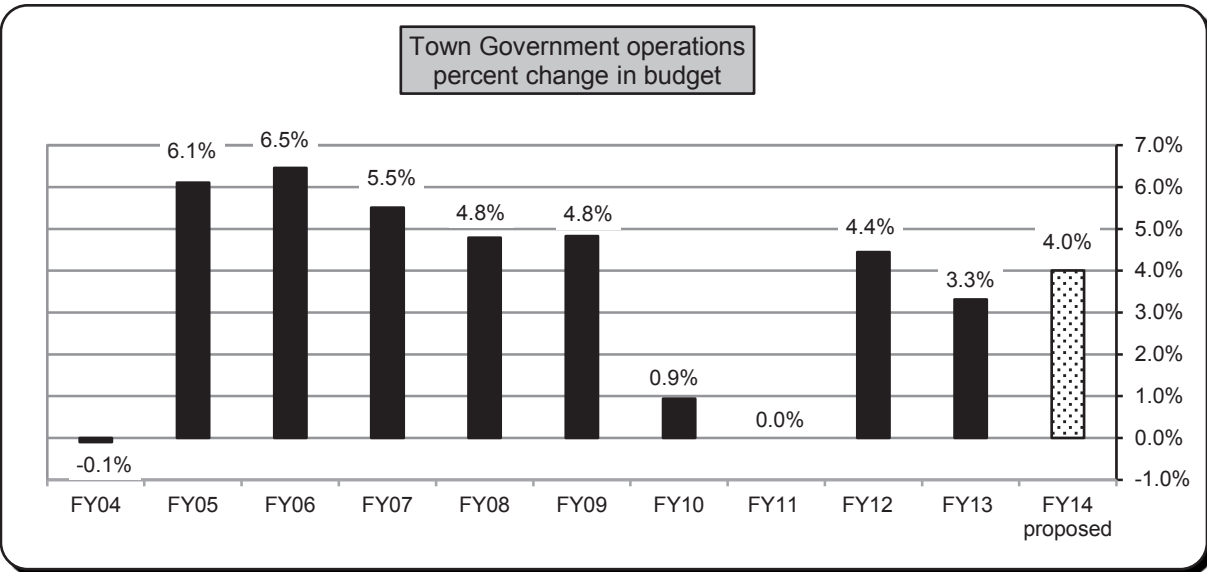
**General Fund Budget - All Accounts
FY11 - FY13 Budgets
and FY14 Proposed (at Finance Committee Guidelines)**

Line #		FY11 Budget	FY12 Budget	FY13 Budget	FY14 Proposed	Dollar Change	Percent Change	Percent of Total
Town Government								
1	personal services	\$ 12,974,546	\$ 13,599,845	13,937,691	14,494,368	556,677	3.99%	
2	O & M	2,836,967	2,914,168	3,126,322	3,234,645	108,323	3.46%	
3	capital outlay	1,315,500	1,385,000	1,435,000	1,520,000	85,000	5.92%	
4	Reserve Fund	225,000	225,000	225,000	225,000			
5	Total	\$ 17,352,013	\$ 18,124,013	\$ 18,724,013	\$ 19,474,013	\$ 750,000	4.01%	22.55%
6	Concord Public Schools	\$ 27,699,200	\$ 28,474,200	\$ 29,755,538	\$ 31,140,538	\$ 1,385,000	4.65%	36.06%
7	Concord-Carlisle RSD	\$ 14,006,221	\$ 14,766,221	\$ 15,066,221	\$ 15,391,221	\$ 325,000	2.16%	17.82%
9	Total Operating Budgets	\$ 59,057,434	\$ 61,364,434	\$ 63,545,772	\$ 66,005,772	\$ 2,460,000	3.87%	76.43%
9	Group Insurance	\$ 4,465,000	\$ 4,650,000	\$ 4,650,000	\$ 4,650,000	\$ 0		5.38%
9a	OPEB Trust	150,000	150,000	400,000	650,000	250,000	62.50%	0.75%
10	Retirement	2,750,000	2,860,000	2,945,000	3,035,000	90,000	3.06%	3.51%
11	Debt Service	3,175,000	3,275,000	3,300,000	3,400,000	100,000	3.03%	3.94%
12	Social Security/Medicare	580,000	610,000	625,000	640,000	15,000	2.40%	0.74%
13	Other Fixed & Mandated	375,000	375,000	375,000	400,000	25,000	6.67%	0.46%
14	subtotal	\$ 11,345,000	\$ 11,920,000	\$ 12,295,000	\$ 12,775,000	\$ 480,000	3.90%	14.79%
15	Minuteman Voc Tech	\$ 590,682	\$ 555,830	\$ 437,910	\$ 227,033	\$ (210,877)	-48.16%	0.26%
16	High School Debt Exclusion	582,444	322,941	254,128	1,551,843	1,297,715		1.80%
17	Town Debt Exclusion	4,864,782	4,874,334	4,719,471	4,624,457	(95,014)	-2.01%	5.35%
	Free Cash appropriations	\$ 6,037,908	\$ 5,753,105	\$ 5,411,509	\$ 6,403,333	\$ 991,824	18.33%	7.41%
18	TOWN MEETING VOTE	\$ 76,474,772	\$ 79,037,539	\$ 81,252,281	\$ 85,184,105	\$ 3,931,824	4.84%	98.64%
19	State assessments	\$ 441,741	\$ 446,473	\$ 468,736	\$ 455,705	\$ (13,031)	-2.78%	0.53%
20	Snow/ice & other deficits	99,199	157,838	0	170,000	170,000		0.20%
21	Overlay	545,082	500,183	538,810	550,000	11,190	2.08%	0.64%
22	subtotal	\$ 1,086,022	\$ 1,104,494	\$ 1,007,546	\$ 1,175,705	\$ 168,159	16.69%	1.36%
23	TOTAL BUDGET PLAN	\$ 77,560,794	\$ 80,142,033	\$ 82,259,827	\$ 86,359,810	\$ 4,099,983	4.98%	

"Concord-Carlisle RSD" is Concord's share of the assessable portion of the High School budget.
 "Other Fixed & Mandated" includes: Property & Liability Insurance, Unemployment and Worker's Compensation.

Financing the Budget Plan

		FY11 Budget	FY12 Budget	FY13 Budget	FY14 Proposed	Dollar Change	Percent Change	Percent of Total
24	state aid	\$ 3,657,671	\$ 3,580,402	\$ 3,717,120	\$ 3,717,000	\$ (120)	-	4.30%
25	motor vehicle excise tax	2,100,000	2,150,000	2,225,000	2,350,000	125,000	5.62%	2.72%
26	investment earnings	300,000	175,000	175,000	125,000	(50,000)	-28.57%	0.14%
27	other local revenue	2,511,500	2,731,400	2,899,400	3,164,400	265,000	9.14%	3.66%
28	Appropriations financed from:							
29	Elem. Debt Stabilization Fund	1,000,000	700,000	475,000	735,000	\$ 260,000	54.74%	0.85%
30	CCHS Debt Stabilization Fund				230,000	230,000		
30	Free Cash	34,430	24,822					
31	transfers to General Fund:							
32	from CMLP (Light Fund)	380,000	380,000	385,000	447,800	\$ 62,800	16.31%	0.52%
33	Thoreau School MSBA grant	431,796	427,412	409,878	409,878	-	-	0.47%
34	"free cash" transfer	600,000	850,000	850,000	850,000	-	-	0.98%
35	subtotal	\$ 11,015,397	\$ 11,019,036	\$ 11,136,398	\$ 12,029,078	\$ 892,680	8.02%	13.93%
Property Tax:								
36	property tax base	\$ 61,712,667	\$ 64,189,546	\$ 65,851,372	\$ 68,679,310			
37	new growth	817,300	863,588	1,183,336	850,000			
38	total within the Levy Limit	\$ 62,529,967	\$ 65,053,134	\$ 67,034,708	\$ 69,529,310	\$ 2,494,602	3.72%	80.51%
39	debt exclusion	4,015,430	4,069,863	4,088,721	4,801,422	712,701	17.43%	5.56%
40	total property tax	\$ 66,545,397	\$ 69,122,997	\$ 71,123,429	\$ 74,330,732	\$ 3,207,303	4.51%	86.07%
TOTAL RESOURCES		\$ 77,560,794	\$ 80,142,033	\$ 82,259,827	\$ 86,359,810	\$ 4,099,983	4.98%	



Five-year projection of real estate taxes

Article 3 adopted at the Special Town Meeting held Nov. 7, 2011 requested the Finance Committee to make a five-year projection of the real estate taxes likely to be levied on the citizens of the Town. This report represents the second year this projection has been developed and covers the period FY15 through FY19.

The levels of the operating budgets of the Town and schools are the dominant contributors to the amount of taxes that must be levied since they comprise approximately 75% of the total Town Budget. The Town and School administrations have informed the Committee that annual increases between 3% and 5% are necessary to maintain the current level of services provided to the townspeople. Keeping budgets below the lower end of this range for an extended period of time is likely to require cuts in services, staff reductions, deferral of maintenance and/or delays in equipment replacement to balance resource availability with expenditures.

The projections by the Finance Committee are based on a number of significant assumptions, including:

- 1) The operating budgets of the Town and Concord Public Schools and Concord's share of the Concord Carlisle Regional School District operating budget will increase by 4% per annum;
- 2) new growth and other sources of revenue will remain flat at the

levels contemplated in the FY14 budget;

3) No new debt exclusion projects will be approved through the 2017 Annual Town Meeting;

4) The debt service cost for the new high school and planned allocations from debt stabilization funds will adhere closely to current expectations; and

5) the annual expense contributions for employee health insurance, pension funding and funding of the Town's retiree health insurance liability will remain at the assumed levels.

The projections intentionally do not include any allowance for potential or unanticipated projects, contingencies or revenue sources. A listing of such future concerns can be found on page 13.

Under these assumptions, property taxes to existing taxpayers will increase between 3.1% and 4.4% per year over the period. Projected trends based on the Committee's assumptions are depicted in Figure 1 on the following page. The projected tax increases are broken down to distinguish between increases in the base and in excluded debt (see p. 22). Changes in any of the Committee's assumptions will, of course, result in different outcomes. For example, if operating budgets rise by 3% per year, slightly lower rates of property tax increases are expected (2.2-3.5%), while a 5% annual increase results in slightly higher rates of property

tax increases (3.9-5.2%).

Figure 2 indicates that with 4% increases in the operating budgets, Concord may reach its Proposition 2½ levy limit (see p. 38) during the next five years. Once this limit is exceeded, two sets of approvals will be required (see p. 39). The Town has approved operating budget overrides of levy limits in prior years, most recently in FY07.

A tax bill calculator is included in Table 1 to allow an individual to calculate the impact of the projected tax increases on each property tax bill based on the present assessed value. The Finance Committee will continue its efforts to improve the usefulness of its five-year projection for taxpayers, Town and school administrators, boards and committees. We welcome comments and suggestions with regard to the report methodology and ways to enhance the value and usefulness of this information.

A copy of this report will be available on the Finance Committee website with alternative assumptions and additional charts and tables.



**Figure 1. Percent Change in Tax Levy on Existing Taxpayers:
Base Levy and Debt Exclusion Levy Components**

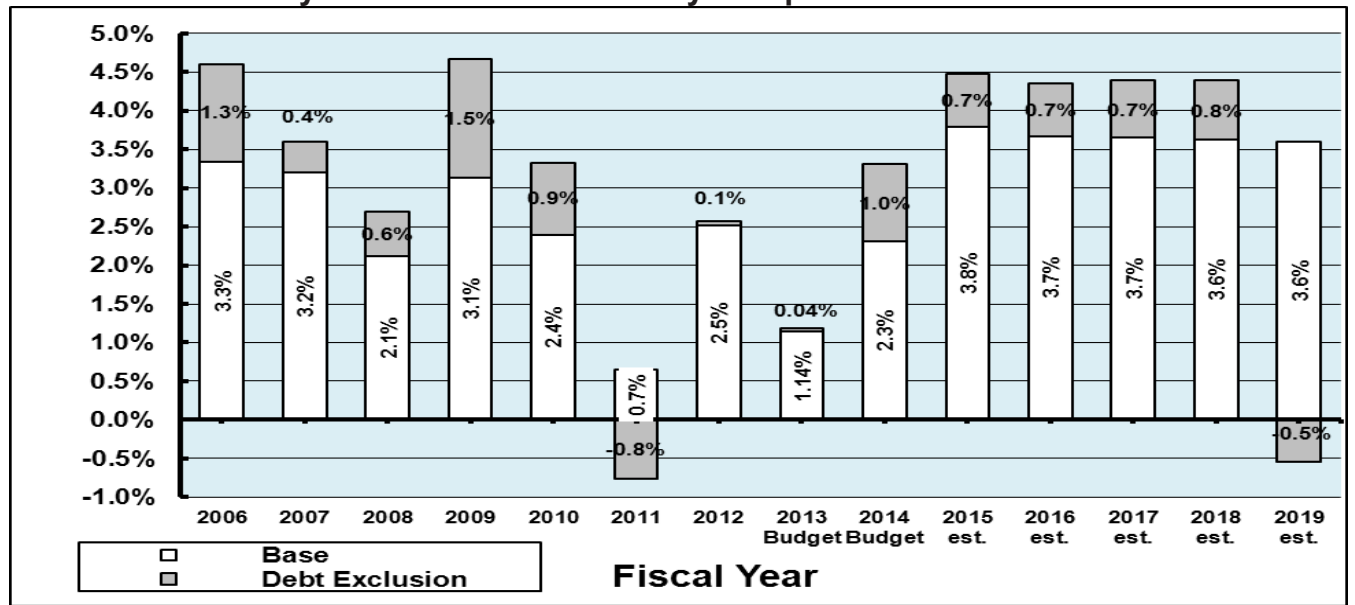


Figure 2. Total Property Tax

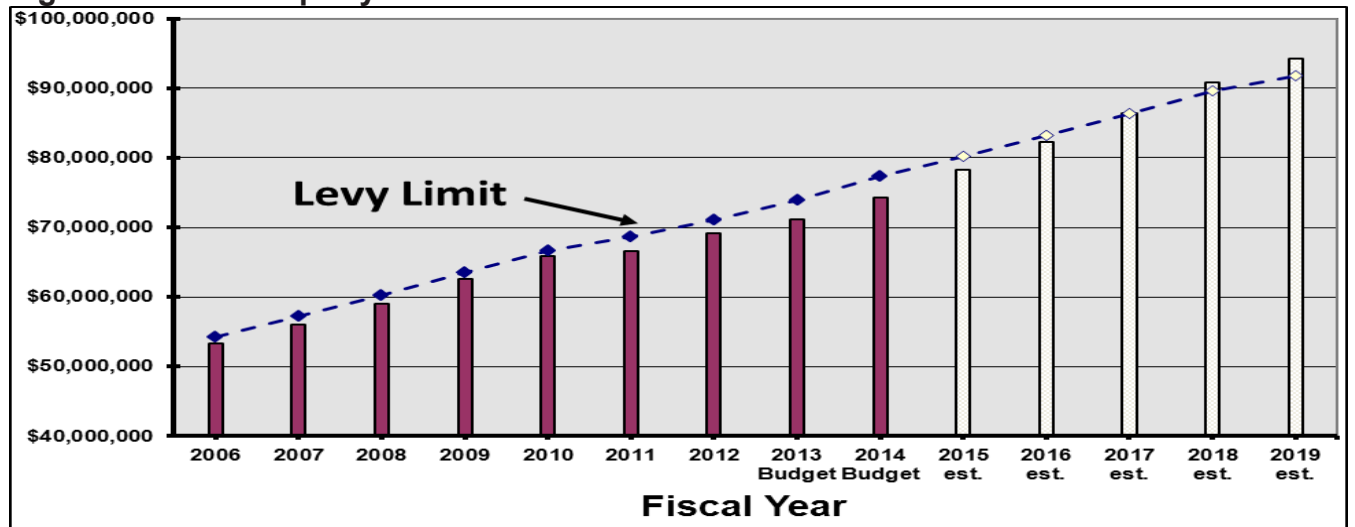


Table 1: Tax Impact Calculator

Home Value	2013	(B) 2014	Est 2015	Est 2016	Est 2017	Est 2018	Est 2019
Single-Family Median (\$669,850)	\$9,425	\$9,737	\$10,174	\$10,616	\$11,082	\$11,569	\$11,924
- per 100K	1,407	1,454	1,519	1,585	1,654	1,727	1,780
\$250,000	3,518	3,634	3,797	3,962	4,136	4,318	4,450
\$500,000	7,035	7,268	7,594	7,924	8,272	8,636	8,900
\$750,000	10,553	10,902	11,391	11,887	12,408	12,953	13,350
\$1,000,000	14,070	14,537	15,188	15,849	16,544	17,271	17,800
\$1,500,000	21,105	21,805	22,782	23,773	24,817	25,907	26,701
\$2,000,000	28,141	29,073	30,376	31,698	33,089	34,542	35,601

Note: The median single family residential tax bill in FY13 is \$9,425, based on an assessed value of \$669,850 at a tax rate of \$ 14.07 per thousand. Estimates assume no change in property values over FY13.

Budget Summary: Article 6

Town Government Departments & Joint Town-Concord Public Schools (CPS) Accounts

Article 6 consists of 41 separate appropriation accounts. Once voted, funds cannot be transferred between these accounts except by Town Meeting action. For Guideline purposes, these accounts are grouped into two categories:

- the Town Operating Budget, Items 1-36 is recommended at \$19,474,013 for FY2014, which is an increase of \$750,000 or 4.0% from the current year budget and is at the Finance Committee's Guideline;
- the Joint Town-CPS accounts, Items 37-41, recommended at \$16,434,457. This is 0.5% below the current budget, with the decrease due to a decline in Excluded Debt Service (Account 41B) as the debt outstanding for the three elementary schools is gradually reduced. Of the \$53,330,000 debt issued for the elementary school projects, \$14,825,000, or about 28%, will have been paid down through June 30, 2013.

The Joint Town-CPS group of accounts includes employee group insurance, the Other Post-Employment Benefits (OPEB) Trust Fund, the Town's annual required payment to the employee (non-teacher) pension fund, property and liability insurance covering the Town and CPS, and the debt service account covering debt issued for both

Article 6 - The Proposed Town Government General Fund Budget for the year beginning July 1, 2013 General Fund appropriations			
	<u>Appropriations FY 2013</u>	<u>Proposed FY 2014</u>	<u>percent change</u>
Operations (accounts 1-36)			
General Government	\$2,028,823	\$2,028,863	0.0%
Finance & Admin	1,703,455	1,805,805	6.0%
Police & Fire	7,677,890	7,771,213	1.2%
Public Works	2,958,347	2,978,559	0.7%
Library	1,849,577	1,867,206	1.0%
Reserve Fund	225,000	225,000	0.0%
Salary Reserve	88,142 *	480,574	
Recreation & all other	757,779	796,793	5.1%
subtotal- operations	\$17,289,013	\$17,954,013	3.8%
Capital Outlays	1,435,000	1,520,000	5.9%
TOTAL subject to Guideline	\$18,724,013	\$19,474,013	4.0%
Town and School debt service (account #41):			
repayment within levy limit	3,300,000	3,400,000	3.0%
excluded from levy limit	4,244,471	3,659,457	-13.8%
TOTAL	\$7,544,471	\$7,059,457	-6.4%
Employee Benefits (Town and CPS):			
Group Insurance (acct. #37A)	4,650,000	4,650,000	0.0%
OPEB Trust Fund (acct. #37B)	400,000	650,000	
Retirement (pension funding, acct. #39)	2,945,000	3,035,000	3.1%
Medicare/social security (acct. #40)	625,000	640,000	2.4%
TOTAL	\$8,620,000	\$8,975,000	4.1%
Other Expenses (Town/CPS joint accounts)			
Workers & Unempl. Comp (acct. #38)	200,000	200,000	0.0%
Property & Liability Insr. (acct. #37B)	175,000	200,000	14.3%
TOTAL, Article 6	\$35,263,484	\$35,908,470	1.8%

* NOTE: balance of FY13 salary reserve at 3-31-13 not yet transferred to operating accounts

Continued

Town's and CPS capital projects, both debt service within the levy limit and debt service on bonds voted by the Town's electorate to be paid from tax levies above the levy limit. Management of these accounts is strengthened by consolidating the Town government and Concord Public Schools components rather than budgeting them separately between Town and school appropriations. Elsewhere in this report, these accounts are allocated to show the overall education and non-education shares of Town's spending plans.

Item 41, Debt Service, includes \$3,659,457 for principal and interest expense excluded from the levy limit by past votes of the electorate (refer to the section in this Report on Excluded Debt). This is the net amount to be tax-supported after the proposed allocation of \$965,000 from Debt Stabilization funds (Articles 18 and 19).

Town Government: Items 1-36

The proposed operating budget for the departments organized under the Town Manager is \$19,424,013. As shown in the accompanying table (p. 23), it is broken down into two main components: operations, up 3.8%; and capital outlay, up 5.9% .

Article 6: Overview

Article 6 shows only the General Fund portion of each budget account, as this is the portion to be voted by the Town Meeting. Many budget accounts include resources from other funds, typically involving allocations from the Town's enterprise operations (Water, Sewer, Light, Solid Waste, Swim and Fitness Center) for management services provided.

The Town Manager's Proposed Budget document, published Feb. 4 and available on the Town website at concordma.gov, provides detailed discussion of each account. The Finance Committee has reviewed this document with the Town Manager and has conducted a Public Hearing (Feb. 25) on the submitted plan. The Finance Committee recommends the adoption of the Town Government budget as proposed by the Town Manager.

Highlights of the Proposed Budget are summarized as follows.

Staffing changes in the Town Manager's Proposed Budget:

For FY14, the main tax-supported proposed staffing changes are as follows.

- FY13 staffing level will be decreased by 1,219 hours for election officers and technicians, due to the expectation that there will be one election in FY14 as compared to three elections budgeted in FY13.
- The 25 hour-per-week Assistant Town Accountant position be increased to a 30 hour-per-week position, an increase of 0.13 full time equivalent employees (FTE).
- To augment the increasing needs regarding geographic information systems and applications programs, the Information Systems Department budget includes the new position of GIS/Applications Programs Manager.
- The Fire Department budget includes funding of a 783 hours per year (0.38 FTE) Department Clerk position.

To assist with upkeep of common land, the CPW Highway Maintenance Division budget includes an additional 800 hours for a seasonal employee. In the Cemetery account, funding for the full-time Laborer/Truck Driver position (1.0 FTE) will be eliminated in FY14. Most of the duties of the Labor/Truck Drivers will be performed by other CPW staff or by contractors.

- The Library budget includes a Head of Reference position, at 0.58 FTE. To offset the cost, the Senior Administrative Assistant is decreased from 1.0 FTE to 0.5 FTE. The Council on Aging budget includes the addition of 1033 hours (0.5 FTE) for the Outreach Coordinator.
- The Council budget includes the additional 1033 hours (0.5 FTE) for the Outreach Coordinator

Budget Changes

The principal actions recommended in this budget for each appropriation account are as follows:

Acct # Account Title

1A Town Manager

The Town Manager's operating budget represents a 0.5% increase from FY13. Included is a new allocation of \$2,000 for use by the Concord Cultural Council. In addition, the budget continues to maintain funding for the Community Services Coordinator and Youth Services Coordinator positions.

1B Human Resources

The operating budget for the Human Resources Division will have no significant change in funding from FY13 to FY14. Nonetheless, through savings in other areas, the Department Clerk position proposed to be increased from 0.6 FTE to 1.0 FTE.

1C Town-wide building maintenance

This account was established with the FY05 budget in an effort to set up a central pool of funds with which to monitor building conditions, establish renovation priorities, and fund repairs and improvements. Since FY05, when the account was budgeted at \$40,000, the funding level has gradually been increased to \$170,000 in FY13. The recommended level in FY14 is \$180,000 and the five-year Capital Outlay Plan raises this funding target to \$250,000 by FY18. During FY11, the Town hired a full-time Facilities Manager, paid from this account, to oversee the maintenance of all town buildings under the control of the Board of Selectmen. An interdepartmental committee under the direction of the Deputy Town Manager manages the fund and sets project priorities.

1D Resource Sustainability Fund

This new account was initiated in the current year budget with funding of \$25,000. An amount of \$40,000 is proposed to be allocated in FY14 for resource sustainability and energy conservation projects.

2 Legal services

The Legal Services account is level funded at \$225,000. It is expected that this amount will be sufficient to cover the FY14 legal services costs for the Town.

3A Elections

The amount required to fund the Elections account depends on the number of federal, State, and local elections that are held in a given year. In FY14, it is expected that there will be just one local election. Each election costs the Town approximately \$12,000. In FY13, the budget provided for three scheduled elections. Special State elections, such as the upcoming US Senate primary and general election, typically involve State reimbursement of the major portion of costs.

3B Registrars

There are no significant proposed changes in the Registrars' account. This account provides resources to register voters, conduct the Annual Town Census, and certify nomination papers and petitions.

4. Town Meeting and reports

The current budget allows for a four-session Annual Town Meeting in April 2013 and also budgets in anticipation of a one-day Special Town Meeting. While there are no specific plans for a Special Meeting, it has been common in the past several years for one to take place. The proposed amount of \$81,550 in FY14 provides for this same level of activity in FY14, and provides limited additional funding for staff time needed to assemble the Annual Town Report.

Continued

5A Planning Division, Department of Planning and Land Management (DPLM)

For the FY14 presentation, the Zoning Board of Appeals budget is incorporated into the Planning Division budget. In addition, the Planning budget contains funding for the Historic Districts Commission and the Historical Commission. The FY14 operating budget for the Planning Division is proposed to have no significant change from that of FY13. A Senior Planner provides assistance to the Community Preservation Committee with part of this salary paid from CPA funds.

5B Natural Resources Division, DPLM

The proposed Natural Resources budget represents a 0.3% decrease in operating costs from that of the FY13 budget.

5C Building Inspections Division, DPLM

Most of the allocation in this account goes toward funding the Building Inspections staff. Funding for the part-time position of Plumbing and Gas Inspector is proposed to increase by \$6,700, to provide added staff time in response to continuing strong building permit activity.

5D Health Division, DPLM

This budget represents a 2.7% increase in operating cost over FY13. \$20,000 is recommended to continue funding of the East Middlesex Mosquito Control Project for efforts to protect Concord residents and visitors from Eastern Equine Encephalitis and West Nile Virus. In addition, \$4,000 is proposed to fund a part-time Public Health Nurse.

6 141 Keyes Road, DPLM

The FY14 proposed operating budget represents a 2.0% increase over FY13 to provide additional funding for utility and maintenance costs for the 141 Keyes Rd. building.

7 Finance Committee

Funding for support of the Finance Committee is included in this budget, which represents no significant change from the FY13 budget.

8A Finance Administration Division, Finance Department

The Finance Administration Division budget is proposed to increase by 0.9% from that of FY13.

8B Treasurer-Collector, Finance Department

The Treasurer-Collector budget is proposed to increase by 0.8% in FY14. This account includes funding for much of the Town's postage expenses and banking service charges.

8C Town Accountant, Finance Department

The FY14 budget is proposed to increase by 2.3%. This budget increases the hours of the Assistant Town Accountant from 25 hours per week to 30 hours per week. Also included in this budget is \$50,000 to cover the cost of the Town's annual external audit, a fee unchanged over the past five years.

8D Assessing Division, Finance Department

The Assessing budget is proposed to decrease by 0.6% in FY14. The Assessing Division is located at its recently renovated office at the Town-owned 24 Court Lane building, adjacent to the Sleepy Hollow Cemetery.

8E Town Clerk, Finance Department

The Town Clerk budget is proposed to rise by 1.2% from FY13. This budget provides funding for the Town Clerk, Assistant Town Clerk and Senior Department Clerk positions.

9 Information Systems

The Town's Information Systems (IS) Department recently underwent a comprehensive review to assist the Town Manager in determining the appropriate organizational model and technology structure that the Town should use going forward. An additional study was conducted to look at the Geographic Information Systems (GIS) needs of the Town. Based on these reviews, the FY14 IS Department budget adds a GIS/Application Program Manager position.

Additionally, the IS Department budget funds \$80,000 for a voice-over-internet phone system (VOIP), to replace the town's current system which is almost 15 years old.

10 Town House

The FY14 proposed operating budget is a 5.0% decrease from that of FY13, largely due to decreases in the budgeted amount for utilities. This budget includes the cost of maintaining and cleaning the Town House and the Assessing Division office space at 24 Court Lane.

11 Police Department

The FY14 operating budget proposes a 1.8% increase, which is primarily a result of increasing the Police Officers overtime budget by approximately \$30,000 to provide funding for an additional 500 hours. Also proposed is an allocation for the replacement of three police cruisers (\$90,000), the upgrade and maintenance of public safety equipment (\$15,000) and the replacement of computer equipment (\$3,000).

12 Fire Department

There is a proposed 0.3% increase in the Fire Department's FY14 budget. Included in this budget is \$7,658 for a 15-hour per week office clerk position and \$7,434 added to the overtime account for training purposes. In addition, funding is provided for the upgrade and maintenance of public safety equipment (\$20,000) and the replacement of a This budget funds the operations of the West Concord Fire Station located at 1201 Main Street. As compared to FY13, the FY14 budget is proposed to increase by 1.1%. This increase is due to higher budgeted utility costs.

14 Police and Fire Station

This budget funds the operations of the Police and Fire Department headquarters at 209 Walden St. Compared to FY13, the FY14 budget is proposed to increase by 3.5%. This increase is partially due to an increase in maintenance cost with the installation of a new HVAC system.

15 Emergency Management

In order to maintain an action plan and necessary resources in place in the event of a community-wide emergency, the budget proposes level funding at \$12,810 for the Emergency Management account. The Fire Chief serves as the Emergency Management Director.

16 Animal Control Officer

With the enactment of recent state legislation, each municipality is required to provide animal control services. In the past, Concord has contracted with a private vendor to provide dog control services only. The increase of \$6,035, from \$19,065 in FY13 to \$25,100 in FY14, is proposed to be used to provide these additional services.

17A Public Works Administration, Concord Public Works (CPW)

Compared to FY13, this budget is being slightly decreased in FY13 by 0.3% due to a decrease in budgeted overtime.

17B Engineering, CPW

The Engineering Division's operating budget is proposed to be 2.5% less in FY14 than in FY13. The decrease is primarily due to a reclassification of the GIS Program Coordinator position to a GIS Analyst position. In addition, funding is proposed for Geographic Information Services (GIS) software maintenance and training services (\$20,000), traffic control devices (\$20,000), mandated street sign replacements (\$20,000), and NPDES permit compliance (\$15,000).

17C Highway Maintenance, CPW

This operating budget is proposed to increase by 2.8% from FY13. The increase is mainly due to \$10,000 in funding for a seasonal employee to care for common land and \$22,646 allocated for vehicle and equipment maintenance and repair.

17D Parks and Trees, CPW

The FY14 Parks & Trees operating budget is proposed to have substantially no change from the funding level budgeted in FY13. For the capital budget, \$40,000 is allocated for turf improvements and park rehabilitation, \$20,000 for public shade trees, and \$5,000 for small equipment.

17E Cemetery, CPW

The Cemetery Fund supports the Cemetery Division by providing resources for 65% of all operating expenditures and 100% of all capital improvements. The FY14 operating budget is proposed to decrease by 1.1%.

18 Snow Removal, CPW

The FY14 snow removal budget is proposed to be funded at \$540,000, an increase of \$15,000 from FY13. The Town is allowed by State statute to expend above the appropriation level (subject to several conditions) but must add any overrun to the following year's tax levy. The FY14 budget plan presented last Sept. provided room for a \$170,000 overrun of the \$525,000 current year appropriation. At mid-March, the Town has expended all of the FY13 appropriation and a small part of the overrun allowance.

19 Street Lights, CPW

The FY14 proposed Street Light budget is \$68,463, a \$3,839 increase from the \$64,624 budgeted in FY13.

20 Public Works Equipment, CPW

The Public Works Equipment budget of \$277,000 funds the Town's well-planned schedule of equipment replacement. This represents a decrease of \$19,500 from FY13. In FY14, the appropriation will be allocated for replacement of an Elgin sweeper (\$170,000) and 1-ton dump truck (\$64,000), and the refurbishment of a SnoGo blower (\$43,000).

21 Drainage, CPW

The FY14 funding plan includes \$105,000 for drainage improvements, \$100,000 for culvert improvements.

22 Sidewalk Management, CPW

The FY14 budget provides for level funding for maintenance of the Town's existing sidewalks, at \$100,000. Although this appropriated budget allocates no funding for sidewalk expansion, Article 31 of the 2009 Annual Town Meeting provided for the borrowing of \$250,000 for sidewalk expansion, and the five-year capital improvement plan anticipates a new \$250,000 sidewalk expansion authorization to be requested at the 2015 Town Meeting

23 Road Improvements, CPW

The proposed funding for road improvements within the operating budget is \$90,000, which will be used for internal engineering services provided by the Town Engineering Department. With additional amounts of \$685,300 expected from the State (Chapter 90 Road Funds) and \$900,000 in borrowing (Article 45), the total FY14 amount for road improvements is recommended to be \$1,675,300.

24 133 and 135 Keyes Road, CPW

For FY14, there is no proposed substantial change in the operating budget for this building. For capital, \$14,000 is proposed to be allocated for acquisition and installation of rolling storage shelves, in order to provide substantially increased records storage capacity within the limited available space.

25 Library

The Trustees of the Concord Free Public Library Corporation owns the Main Library and the Fowler Branch buildings, and is responsible for maintenance and capital improvements of the buildings and grounds. The Town Manager is in charge of the staff and is responsible for operating the library department. For FY14 operations, the Library budget is proposed to increase by 0.8%. To offset the cost of partially funding a Head of Reference position, the Senior Administrative Assistant position is to be decreased from full-time to half-time status.

26 Recreation Administration

With the exception of the Recreation Director's position, the expenses of the Recreation Department are paid by fees collected from individual recreation programs. In this way, the Recreation Department has flexibility in providing programs at a level which meets the demand of the community. The resources for this budget are comprised of a General Fund portion (\$96,742) and a Beede Swim and Fitness Center portion (\$11,809).

27 Hunt Recreation Center

It is proposed that the FY14 operating budget for the Hunt Recreation Center increase by 6.6% from the FY13 budgeted level. The increased budget is primarily due to higher utility costs and additional maintenance costs associated with a recently installed high-efficiency HVAC system.

28 Harvey Wheeler Community Center

The Harvey Wheeler Community Center continues to be a great resource for the Town in providing space for the Council on Aging office and Recreation Department programs, as well as a meeting area for Town departments, not-for-profit groups, and private individuals. The FY14 budget provides for operating expenditures to increase by 5.5%, as a result of higher utility and HVAC maintenance costs.

29 Council on Aging

The FY14 budget for the Council on Aging (COA) is proposed to increase by 10.9%. The proposed budget allows for \$19,325 in funding for 1,288 additional hours for the Outreach Coordinators and \$3,465 in funding to increase the receptionist/clerk hours from 32 hours-per-week to 40 hours-per-week.

30 Veterans Services

The FY14 proposed budget represents a 50.8% increase from that of FY13. This increase is a result of the predicted rise in veterans' benefits costs from \$9,000 to \$24,000 to accommodate additional beneficiaries. The Town is required to provide benefits to all eligible individuals, in accordance with State law. The State reimburses 75% of the cost, about a year later through a State Aid account.

31 Ceremonies and Celebrations

The FY14 proposed budget is level funded at \$23,800

32 Visitors' Center

The FY14 operating cost to maintain the Visitors Center is proposed to be \$24,447, a 6.0% increase from FY13. This increase funds custodial staff hours and contracted services.

33 Town Employee Benefits

The proposed budget provides \$90,000 to cover unused sick leave buyback for eligible employees at retirement. This payment is restricted to non-union employees hired prior to July 1, 1992 and to uniformed police and fire personnel subject to collective bargaining agreements. In all eligible cases, the benefit is capped at 62 days (65 for firefighters). This account also funds the Employee Assistance Program and certain medical costs for police and fire retirees for accidental disability expenses.

34 Reserve Fund

The Reserve Fund appropriation is an integral part of the budget process. Through management of this account, the Finance Committee acts in the place of the Town Meeting to authorize funding for unanticipated emergencies of limited scale. By statute, this fund is to be used to meet "extraordinary or unforeseen expenditures" as approved by the Finance Committee. A funding level of \$225,000 is proposed for this purpose, unchanged from FY13.

35 Salary Reserve

The allocation in this account makes resources available for the funding of collective bargaining agreements. In addition, the account provides for a market adjustment to the pay scales and a step and merit adjustment to the

salary schedules applicable to non-union employees effective July 1, 2013. Transfers from this account to the individual departmental operating accounts are reported to the Finance Committee and Board of Selectmen in accordance with the vote of Town Meeting adopting the budget article. This account is proposed to be funded at \$480,574 to provide resources for such compensation adjustments for union and non-union staff.

37A Group Insurance

The budget anticipates no increase in FY14 group insurance costs supported by the General Fund. As part of the 17-member Minuteman-Nashoba Health Group, the Town is self-insured for employee health coverage and the cost each year directly reflects actual and projected claims experience. Group health plan offerings for FY13 (effective June 1, 2012) implemented a new plan design pursuant to authority provided by the state legislature's enactment of Chapter 69 of the Acts of 2011.

37B Other Post-Employment Benefits (OPEB)

With the FY13 budget, Other Post-Employment Benefits (OPEB) has been separated into its own line item due to the increasing importance of recognizing and funding this liability. The OPEB liability primarily consists of the present value of the Town's portion of future retiree health care cost. That is, in addition to the amount allocated to pay for the current health care cost of retirees, there is also a liability for the future health care cost for Town Government and Concord Public School current and future retirees. This liability is referred to as the Town Government's Annual Net OPEB Obligation (NOO).

In FY14, the General Fund share of the NOO is projected to be about \$2.0 million. In an effort to partially fund this liability, it is proposed that the Town budget \$650,000 for this purpose, an increase of \$250,000 over the current budget. The Town's funding plan for this liability increases the budget allocation by \$250,000 annually until the NOO is fully funded.

38 Unemployment & Workers Compensation

An amount of \$100,000 is proposed for the Unemployment Compensation account. The Town pays only for actual claimants, not as a percent of payroll (since the minimum available "experience rating" percentage would be in excess of our actual historical costs). In addition, an amount of \$100,000 is proposed for Worker's Compensation costs; this amount funds a stop-loss reinsurance policy covering wage and other claims and the payment of miscellaneous medical expenses resulting from employee injury on the job.

39 Retirement

Following the sharp economic downturn in the financial markets during the fall of 2008, assets of the Concord Retirement System have recovered from their previous peak reached Oct. 2007. At the most recent biennial actuarial valuation as of Jan. 1, 2012, the revised Funding Schedule for projected full funding status has been extended to 2030.

In FY14, the General Fund appropriation is projected at \$3,035,000, an increase of 3.0% from FY13 and consistent with the present funding schedule. The retirement system is a Defined Benefit plan that provides a pension benefit based upon the highest three-year average annual pay and years of service.

41 Debt Service

This item includes the appropriation for Town and Concord Public Schools debt service within the levy limit and outside the levy limit (excluded debt). Most of the excluded debt is to cover the cost of construction of the three new elementary schools. For debt service, the FY14 budget proposes allocating \$7,059,457, which includes \$3.4 million for debt service within the levy limit and \$3.6 million for excluded debt. The excluded debt is net of amounts allocated from the Stabilization Funds. The excluded debt to pay for the construction of the new high school is budgeted as part of the assessment for the Concord-Carlisle Regional School District (Article 10).

Budget summary: Education

Budgets proposed for Concord Public Schools (CPS, grades K-8) and the Concord-Carlisle Regional School District (CCRS) for FY14, compared with those approved in FY13, are presented in the accompanying table. Both proposals represent levels agreed to by the School Committees and the Concord Finance Committee, as reflected in operating budget guidelines that were issued Nov. 30, 2012.

The CPS requests \$31,140,538 for its FY14 operating budget (Article 7), which represents an increase of 4.65% or \$1,385,000 above the current FY13 budget. Over the last several years, CPS budget increases have been quite small—1.8% in FY10, 0% in FY11, 2.8% in FY12 and 4.5% in FY13—as the schools tightly managed costs during the recent period of economic distress. Last year's CPS budget increase was larger due to a significant increase in special education costs (SPED) above prior years.

The CPS budget increase for FY14

reflects a further increase in SPED costs of \$614,452, or 7.9%, and an increase in regular education costs of \$907,138, or 5.8%, to accommodate a larger than anticipated increase in enrollment of 145 students (7.4%) as well as increased pre-school expenses. The other portions of the CPS budget are expected to rise minimally (administration costs) or even fall (operations and fixed costs). The total salary bill will rise by \$1,110,975, or 4.75%.

The CCRSD total budget (Article 10) request for FY14 is \$26,353,647, which represents an increase of 8.49% or \$2,063,224 from the current FY13 budget level. This total includes debt service of \$2,419,139, the assessed cost of which has been excluded from the property tax levy limit by past ballot votes in both Concord and Carlisle. All of the increase in debt service is attributable to the debt being issued to finance the new high school. The proposed net operating budget of \$23,934,508 reflects

an increase of \$287,121, or only 1.21%, over FY13. Special education costs are projected to decline by \$371,859, or 7.1% in FY14, but fixed costs are projected to increase by \$1,768,188, or 50.31%, reflecting the debt service costs in connection with the planned issuance by the Regional School District of a bond issue in June 2013 for approximately \$32.5 million. This bond will finance about half of the expected total local share cost of the new high school (\$64 million) of the new high school. Regular education and operations costs are also budgeted to increase by 5.5% and 9.49%, respectively.

Due to shifts in enrollment between the two member towns of the regional high school district, Concord's assessment, relative to Carlisle's, is rising and enrollment projections suggest it will continue to rise. In FY14 it is projected to be 72.85% (based on the Oct. 1, 2012 actual enrollment), compared with 71.77% in FY13. Concord's FY14 assessment for its share of

<i>Enrollment Data:</i>	<i>Concord Public (k-8)</i>			<i>CCHS</i>			
	<i>K-5</i>	<i>6-8</i>	<i>Total</i>	<i>Concord</i>	<i>Carlisle</i>	<i>Other</i>	<i>Total*</i>
Oct. 1, 2007	1228	581	1809	846	332	81	1259
Oct. 1, 2008	1233	606	1839	850	332	86	1268
Oct. 1, 2009	1233	626	1859	813	353	79	1245
Oct. 1, 2010	1304	614	1918	801	337	83	1221
Oct. 1, 2011	1324	633	1957	811	319	79	1209
Oct. 1, 2012	1403	699	2102	832	310	74	1216
Projected:							
Oct. 1, 2013	1436	710	2146*	845	323	76	1244 *

* NESDEC, Oct. 2012; totals include non-resident students.

Continued

the CCRSD operating budget is \$15,391,221, representing an increase of \$325,000 or 2.16%. Concord's share of the CCRSD debt assessment is \$1,551,843, resulting in a total FY 14 assessment of \$16,943,064 to be appropriated under Article 10.

The assessment to Concord for its share of this cost will be cushioned if the Town adopts Article 19, which requests approval to withdraw \$230,000 from the High School Debt Stabilization Fund established by the November 2011 Special Town Meeting.

Increases in CPS and CCRSD budgets have abated significantly over the last 10 years. These important reductions in education cost increases represent significant savings for Concord taxpayers. At the same time, impressive performance metrics have been maintained by Concord's schools, from which all Concord homeowners benefit through enhanced property values. Setting reasonable expectations regarding education cost drivers, while preparing for somewhat erratic trends due to unpredictable shifts in enrollment and special education costs, remains an important Finance Committee goal.

Nonetheless, the Finance Committee considers the long-term sustainability of budget increases as part of its guidelines setting process every year. In addition, the Finance Committee recognizes that the Nov. 2011 approval by the citizens of Concord and Carlisle of a \$92.5 million project to build a new high school

will result in significant additional upward pressure on property taxes. This pressure will be mitigated somewhat in early borrowing years by transfers from the High School Debt Stabilization Fund approved at Special Town Meeting Nov. 2011.

The Finance Committee has engaged in a benchmarking exercise to compare the CPS and CCRSD performance outcomes and education costs to those incurred in comparable school systems. Concord's schools have performed exceedingly well, though at a per-pupil cost that exceeds those of many, if not most, of our reference towns.

Education budgets are driven by a number of factors that are either fixed in the short term and thus are relatively immune from immediate economic pressures or are potentially volatile and thus difficult to project. Key budget drivers include enrollments, special education costs, class sizes, and salaries. While enrollment and special education costs are tracked carefully, they can be subject to significant fluctuations. In contrast, salary costs and increase parameters are fixed in the short term as negotiated in multi-year collective bargaining agreements.

As of Oct. 1, 2012, CPS enrollment was 2102 students, up 145 students (7.4%) from the prior year and up 9.4% above the level on October 1, 2010. Some of this increase is due to the near-full occupancy of the new Concord Mews neighborhood in West Concord, but the majority of the increase is due to new families moving into already existing homes

throughout town. Enrollment at CCHS was 1,216 students, up 7 students from the prior year but down 4.1% since the most recent peak in 2008. While the number of CCHS students has been relatively stable over the last couple of years, a shift in relative numbers between Concord and Carlisle is taking place, resulting in an increase in the share of Concord students, as detailed above. The schools are studying the enrollment trends and projections, but the dramatic increase in the CPS enrollment can be expected to impact both total enrollment and the ratio of Concord students at CCHS in the coming years.

Concord's schools have made significant efforts to rein in special education costs. Early intervention and provision of many services within the district have each contributed to success. Special education costs, however, can be volatile, particularly when new, previously unidentified cases move into the community.

Student-teacher ratios are fixed in the CCHS teachers' employment contract, though such ratios are more flexible in the CPS. The total salary bill, which represents about 60% of total education costs in Concord, is difficult to adjust in the short term, as it is largely determined by teacher contracts, which are normally negotiated on a three- or four-year basis.

The future of the school bus transportation department has continued to be an issue this year. Construction of the new high school immediately behind the existing building has resulted in destruction of the present

**Concord Finance Committee
FY14 Guideline
Proposed Education Budgets**

	Adopted FY13 Budget	Proposed FY14 Budget	FY13 to FY14	
			\$ Change	% Change
Concord Public Schools				
<u>Program Area</u>				
Regular Education	\$ 15,647,474	\$ 16,554,618		
Special Education	7,795,829	8,410,279		
Administrative Support	2,033,674	4,085,538		
Operations	4,213,615	2,041,803		
Fixed Costs	64,946	48,300		
Total	\$ 29,755,538	\$ 31,140,538	\$ 1,385,000	4.65%
Concord-Carlisle High School				
<u>Program Area</u>				
Regular Education	\$ 11,067,040	\$ 11,660,209		
Special Education	5,235,732	4,836,801		
Administrative Support	1,335,889	1,434,327		
Operations	3,136,859	3,374,627		
Fixed Costs	2,871,867	2,628,544		
Operations	\$ 23,647,387	\$ 23,934,508	\$ 287,121	1.21%
Debt Service:				
debt reimbursed by state aid	\$ 288,950	\$ 288,950		
debt exclusion assessed	354,086	2,130,189		
	\$ 643,036	\$ 2,419,139	\$ 1,776,103	276.2%
Total	\$ 24,290,423	\$ 26,353,647	\$ 2,063,224	8.49%
Financing Sources				
State aid	\$ 2,343,971	\$ 2,496,181	\$ 152,210	6.49%
District funds	600,000	600,000	0	
Assessments	\$ 21,346,452	\$ 23,257,466	\$ 1,911,014	8.95%
Concord assessment ratio				
	71.77%	72.85%		
without debt exclusion	\$ 15,066,221	\$ 15,391,221	\$ 325,000	2.16%
debt exclusion	254,128	1,551,843	1,297,715	
TOTAL	\$ 15,320,349	\$ 16,943,064	\$ 1,622,715	10.59%
Carlisle assessment ratio				
	28.23%	27.15%		
without debt exclusion	\$ 5,926,145	\$ 5,736,056	\$ (190,089)	-3.21%
debt exclusion	99,958	578,346	478,388	
TOTAL	\$ 6,026,103	\$ 6,314,402	\$ 288,299	4.78%

transportation depot and facilities. While an interim solution for transportation needs has been improvised involving the lease of a storage and fueling site for the buses and other vehicles in Acton, lease of a maintenance and repair facility in Billerica, and relocation of the administrative offices of the department to the Ripley School, no long-term solution has yet been decided. The School Committees and a citizens' advisory group have worked extremely diligently to identify alternative strategies looking forward. Possible solutions presently under consideration include 1) constructing a new bus storage and maintenance facility at the former town landfill, and 2) contracting for private provision of operation, maintenance, and/or ownership of the buses for CCHS, CPS, or both, or some combination of the foregoing. The school committees are awaiting the conclusion of a feasibility study regarding the possibility of constructing a new bus storage and transportation facility on a part of the Town's present landfill and composting site at 759 Walden Street. Warrant articles to appropriate funds for this purpose are discussed below.

*Minuteman Career and
Technical High School Budget:
Article 16*

Concord is one of 16-member communities of the Minuteman Career and Technical High School District. The school provides a broad range of career and college preparation options for Concord students. The school is recognized as one of the most successful technical high

schools in the nation, achieving both a reputation for solid academic preparation and a superior placement record for its graduates.

Concord's enrollment at Minuteman Career and Technical High School as of Oct. 1, 2012 was nine full-time equivalent (FTE) students, down from 18 in the prior year. Although Minuteman's proposed budget of \$18,547,097 represents a 7.5% increase over last year's budget, Concord's assessment of \$227,033 for FY14 is down 48.2% from FY13, owing to the decreased enrollment.

Miscellaneous Education Articles

These articles are:

- CPS: Renovations (Article 8);
- CPS: Supplemental Appropriation for Current Year (Article 9);
- CCRSD: Supplemental Assessment for Current Year (Article 11);
- CPS: Use of the CPS Capital Needs Stabilization Fund for Transportation Infrastructure (Article 13);
- Petition Article to Keep the Concord School Bus Transportation Department on the Regional High School Property (Article 14);
- Petition Article: Educational & Fiscal Concerns in the Concord Public Schools (Article 15);
- Minuteman Career and Technical High School Budget (Article 16);
- Elementary School Debt Stabilization Fund Use (Article 18); and
- High School Debt Stabilization Fund: Addition and Use (Article 19).

Article 8 is an annual allocation of borrowing capacity for ongoing capital maintenance and improve-

ments of the elementary and middle school facilities. For FY14 it may also help fund the cost of transportation infrastructure. The \$795,000 requested this year is part of the Town Manager's five-year capital plan and the resulting debt service cost will be funded in future years from the debt service appropriation and within the levy limit. A portion of the funds requested for FY14 would be used for renovations and improvements at the Alcott and Thoreau Elementary Schools, keeping them in as new condition. Alternative uses are proposed for the remaining funds. The first would involve replacement of air-handling equipment at the Ripley Administration Building and, if Article 13 is approved, allocating \$475,000 for transportation infrastructure (which would be additional to the \$950,000 proposed to be withdrawn from the CPS Capital Needs Stabilization Fund under Article 13). Otherwise the funds would be used for roof replacement at the Peabody School and other repairs and maintenance of the middle schools

Article 9 requests a supplemental appropriation to CPS of \$210,000 for FY13 due to unforeseen transportation expenses for CPS associated with the interim parking, fueling and maintenance arrangements in neighboring towns. The additional costs, which were identified in 2012 after the FY13 budget had been approved, are allocated across the CPS and CCRSD (see Article 11 below) budgets. At this writing, it is anticipated that Article 9 will not be moved as it is hoped that the

expenses can be covered within the existing FY13 budget.

Article 11, requesting a supplemental assessment by CCRSD of \$100,478 as Concord's share of \$140,000 in expenses for FY13 due to unforeseen transportation expenses for CCRSD, will also probably not be moved as it is hoped that the additional expenses can be covered within the existing FY13 budget.

Article 13 requests approval of the appropriation of \$950,000 from the CPS Capital Needs Stabilization Fund to be expended for the development of transportation infrastructure at 759 Walden Street (the former Town Landfill) or "at any other available site controlled by and deemed appropriate by the Concord School Committee". No other site has been identified, however. Adoption of Article 12, requesting approval for sale of a \$2.8 million conservation restriction on the landfill site to the Walden Woods Project, will preclude adoption of Article 13. Both articles 11 and 13 require a two-thirds majority for approval.

Article 14, an article submitted by citizen petition, asks the Town to request the CPS and CCRSD School Committees to retain the existing Concord School Bus Transportation System on the CCRSD grounds, together with the bus fleets owned by CPS and CCRSD, and requests that the maintenance garage and modular administration building be kept intact. The physical garage and school bus transportation administration building were demolished in February 2013 in connection with the beginning of site work for construction

of the new high school.

Article 15, an article submitted by citizen petition, asks the Town to urge the CPS and CCRSD School Committees to make changes in the central administration of the School Department to the end of achieving greater transparency and fiscal responsibility. The Finance Committee is taking no position on this Article as the financial implications of the petition are either minimal or undefined from our perspective.

Article 18 requests approval of the appropriation of \$735,000 from the Elementary School Debt Stabilization Fund to be expended for a portion of the debt service associated with the bonds issued for the construction of the Alcott, Thoreau, and Willard elementary school buildings. The Elementary School Debt Stabilization Fund was created by vote of the 2008 Annual Town Meeting to help offset the property tax levy that would otherwise have been required, and this action will essentially complete the use of the fund over a four-year period (\$2,910,000 in all, which includes \$410,000 earned over the life of the fund and added to it).

Article 19 first requests that the Town appropriate and transfer from Free Cash \$750,000 to be added to the \$2,000,000 Stabilization Fund established at the November 2011 Special Town Meeting to help pay the debt service costs for the bonds to be issued to finance the new high school, and then asks that \$230,000 be appropriated for FY14 as the first step in a planned multi-year allocation of funds (through FY17) to mit-

igate the real estate property tax increases that would otherwise result from the assessment to the Town of its share of the debt service costs for the new high school.

The creation of all stabilization funds must be approved by Town Meeting. A two-thirds vote at Town Meeting is required both to place funds in and to draw funds out of a Town Stabilization Fund. Deposit and withdrawal from a Regional School District stabilization fund, once such fund has been authorized by the Concord and Carlisle Town Meetings, requires a two-thirds vote of the Regional School Committee.

Concluding Comments

Concord's schools receive strong support from the taxpayers of Concord and Carlisle. Concord's education budgets and the share of related expenses, such as group insurance and retirement of CPS employees, account for more than 65% of the General Fund budget. Concord and Carlisle taxpayers have also made significant commitments through multiple authorizations of debt exclusions from the levy limit to improve the physical infrastructure of the school system. The Finance Committee, in coordination with its colleagues on the School Committees and in the School Administration, will continue to monitor spending for education closely to maintain a balance between a desire for reasonable resource allocation and quality educational outcomes.

Community Preservation Act: Historical Background

The Community Preservation Act (CPA) was adopted by the Commonwealth in 2000 to help Massachusetts communities preserve open space and historic sites, and to create affordable housing and recreational facilities. Concord's Town Meeting adopted a 1.5% surcharge on property tax bills, affirmed by the voters at the polls in Nov. 2004. The surcharge on residential property is applied after excluding the first \$100,000 of taxable assessed value. The surcharge was first collected in FY05 (the tax year ending June 30, 2005).

Community Preservation funds are derived from both local and State sources. Through the FY07 surcharge year, State funds had represented a 100% match with town surcharge revenues. State funds are disbursed once annually in the fall, as a match of the prior year's local surcharge. The State share is funded by a surcharge on Registry of Deeds' fees on property transactions and mortgage refinancing, with fees deposited into the State Community Preservation Trust Fund. Registry fee income dropped sharply in recent years, from \$50 million in FY04 to \$20 million in FY11, as real estate sales activity tailed off. Further, many municipalities have joined the program over the past several years—48 since Concord did so. As a consequence, the State matching percentage of the local surcharge collected in the prior fiscal year has fallen: Oct. 2008, 67%; Oct. 2009, 35%; Oct. 2010, 27.2%; Oct. 2011, 26.6%; Oct. 2012, 26.8%. The Town's budget forecast for the Oct. 2013 match is 25%.

CPA funds can be used only to acquire, create, and preserve open space and land for recreational purposes; to

acquire, preserve, rehabilitate and restore historic resources and to acquire, create, preserve and support affordable housing. Under the law, a minimum of 10% of revenues must be appropriated or reserved each year for each of the three interests of open space, community housing and historic preservation.

In 2005, the Board of Selectmen established the Community Preservation Committee (CPC), which by law is charged with the task of "studying the needs, possibilities, and resources of the Town regarding community preservation." The Committee prepares a plan document that is updated annually. The Committee receives information from the Town's boards, commissions and officials, as well as information from other Town planning documents, including the Comprehensive Long Range Plan. The Plan is available on the Town of Concord website www.concordma.gov, at the Town libraries, and at the Planning Department, 141 Keyes Road.

Fund history

Through the 2012 Town Meeting, \$11.3 million has been appropriated for CPA projects. These appropriations have been made in the following categories:

Community housing	\$2,823,150	25% of total
Historic preservation	\$4,319,300	38%
Open space	\$1,885,590	17%
Recreation	\$1,987,189	18%
Land (open category)	\$ 22,826	
Administration	\$ 232,500	2%

Through Oct. 2012, \$3,604,720 has been received into the fund from State distributions. The fund receives its own interest earnings. Through June 30, 2012, \$424,145 has been added to the fund from this source.

Recommendations for 2013 Town Meeting, Articles 51, 52, 54 and 55

The CPC is proposing \$1,606,500 of project appropriations for 13 specific projects as well as \$30,000 to cover CPC direct administrative costs. Most of the recommended projects will generate matching revenues derived from Town, State, foundation and/or other private funds. The single largest allocation is \$800,000 toward the cost of renovating the exterior of the Town House (Article 55), including restoration of the original brownstone. This allocation is proposed to be combined with a \$950,000 tax-supported borrowing authorization, for a total project cost of \$1,750,000.

For each project recommended by the CPC, Town Meeting may affirm, reject or reduce the recommended funding level. State law does not allow Town Meeting to increase the recommended funding level of any recommendation made by the Community Preservation Committee or to add a project not already put forward by the CPC.

The Finance Committee recommends affirmative action on Articles 51, 52, 54 and 55 as proposed by the Community Preservation Committee, including the borrowing authorization of \$950,000 as part of Article 55.

Community Preservation Fund *financial status*

	Actual			Revised Estimate	
	FY10	FY11	FY12	FY13	FY14
Fund Resources					
1.5% surcharge collections	\$ 856,067	\$ 866,476	\$ 897,353	\$902,000	\$929,000
State match of surcharge committed	286,445 ^a	233,141 ^a	230,656 ^a	241,434 ^a	225,500 ^a
Earnings on available cash balance	10,481	6,708	6,470	2,000	500
Other financing sources	0	0	0	0	0
TOTAL FUND REVENUE	<u>\$1,152,993</u>	<u>\$1,106,325</u>	<u>\$1,134,479</u>	<u>\$ 1,145,434</u>	<u>\$ 1,155,000</u>
Fund Disbursements					
Beginning cash balance	1,438,015	681,320	1,019,707	2,640,269	1,606,500
Ending cash balance	\$1,723,126	\$1,438,104	\$1,863,109	\$ 1,977,881	\$483,046
	<u>\$1,438,104</u>	<u>\$1,863,109</u>	<u>\$1,977,881</u>	<u>\$483,046</u>	<u>\$ 31,546</u>

Notes

(a) State match is based upon the net levied surcharge of the prior fiscal year, paid in October. The amount shown in the FY13 column was received Oct. 2012, a 26.8% match of the FY12 surcharge. FY14 assumes a 25% match.

	APPROPRIATIONS (by Fund Year):				Proposed
	FY10	FY11	FY12	FY13	FY14
Housing	\$483,107	\$500,000	\$111,000	\$115,000	\$145,000
Historic Preservation	\$501,986	\$445,000	\$637,390	\$799,708	\$862,200
Open Space	\$125,193	\$131,100	\$202,518	\$115,000	\$117,800
Recreation	\$100,000	\$0	\$109,202	\$43,400	\$0
Undesignated land acquisition			\$3,000	\$19,826	\$0
Administration	\$30,000	\$30,000	\$30,000	\$52,500	\$30,000
TOTAL*	<u>\$1,240,286</u>	<u>\$1,106,100</u>	<u>\$1,093,110</u>	<u>\$1,145,434</u>	<u>\$1,155,000</u>
10% of surcharge and state match:	\$114,251	\$109,962	\$112,801	\$114,343	\$115,450
<i>(minimum amount that must be allocated to Housing, Historic Preservation, Open Space)</i>					

* includes appropriations from Uncommitted Fund Balance

Proposition 2 1/2 The levy limit explained

Proposition 2 1/2 refers to an initiative statute adopted by the voters of the Commonwealth November 1980. Its purpose was to restrict the increase of the property tax levy. It limits the amount by which the taxing capacity of the Town is allowed to increase each year. The allowed growth is 2.5 percent of the prior year's levy limit. For FY14, this allowed increase in the limit will be \$1,747,778 (which is 2.5% of the FY13 levy limit, \$69,911,104).

Added to the levy limit computation is the levy increase attributable to new growth. This represents additions to the base of taxable property, typically as a result of new construction, renovation and minor alterations, or change of use. Permitting the levy limit to be adjusted by new growth recognizes the fact

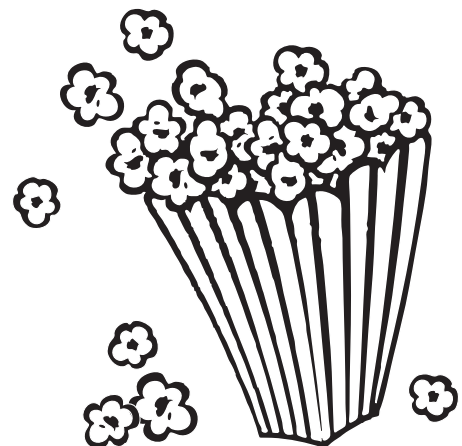
that development creates pressures on Town services over the long term.

The assessment date for each tax year is Jan. 1. The 2001 Annual Town Meeting adopted a State law allowing the physical improvements existing on property through each June 30 to be assessed with the taxable roll of the preceding Jan. 1. Thus, new growth forecasted for FY14 is based on the activity of the current 12-month fiscal year ending June 30, 2013. The budget estimate is \$850,000, equivalent to about 1.2% of the FY13 total property tax levy.

Total growth of the levy limit is therefore attributable to two factors, one that is fixed (+2.5% per year) and one that is variable and subject to economic conditions. The total

projected increase in the FY14 levy limit is thus \$2,597,778.

Additionally, the FY14 permitted tax levy will increase due to the added cost of debt service already approved by voters at the ballot box in prior years. The FY14 increase is \$712,701. This is net of the proposed allocation from the Elementary School Debt Stabilization Fund (Article 18, \$735,000), from the High School Debt Stabilization Fund (Article 19, \$230,000), and the allocation of the Thoreau School grant received from the Mass. School Building Authority in June 2010 (\$409,878 required to be allocated for FY14).



Overriding the levy limit

Once at the annual levy limit, the Town may exceed this limit only with a majority vote at a Town-wide special or regularly scheduled election. Voters approved operating overrides for the Town government accounts and the schools for six consecutive years concluding with FY07 (ballot vote of June 6, 2006):

FY02 budget: \$2,249,022;
 FY03 budget: \$1,478,773;
 FY04 budget: \$1,532,364;
 FY05 budget: \$1,858,160;
 FY06 budget: \$ 752,480;
 FY07 budget: \$ 657,538.

Since then no operating override ballots have been presented to the voters. Without changes to current State laws, development of new municipal revenue sources, or significant amounts of new State aid, override votes are expected again to become an annual consideration in the budget cycle within the five-year forecast period to FY19.

Sixteen debt exclusion ballots have also been approved by the voters since 1980 (see the section Excluded Debt). The most recent approval was a ballot in Nov. 2011 for the construction of a new \$92.5 million Concord-Carlisle High School. The total debt exclusion tax levy for FY14 is budgeted at \$4,801,422 (about 6.5% of the total projected tax levy). This is net of the proposed \$735,000 allocation from the Elementary School Debt Stabilization Fund proposed under Article 18, the proposed \$230,000 allocation from the High School Debt Stabilization Fund proposed under

Article 19, and the FY14 allocation of \$409,878 from the \$6.3 million Thoreau School grant received from the MSBA. The major portion of this sum, \$3,267,292, about 4.4% of the projected tax bill, is the FY14 property tax share of debt service cost on long-term bonds issued for the Alcott, Thoreau and Willard elementary school projects. Between Sept. 2004 and May 2011, a total of \$53,165,000 was issued as long-term debt to finance the construction of the three elementary school buildings.

Forms of overrides

The Town Meeting does not vote on overrides, or specify the ballot questions. By State law, overrides, capital outlay and debt exclusions are voted upon only at a Town-wide election and require a simple majority vote for approval. State law gives the Board of Selectmen the sole authority to determine and specify the ballot questions. The Town Meeting's responsibility is to adopt budgets, and, when necessary, to specify whether and how much of an appropriation is to be contingent upon override or exclusion approval by the Town-wide electorate.

Override votes may precede or follow Town Meeting action. A General Override or Capital Exclusion vote will show the amount of the override in the wording of the ballot question. A Debt Exclusion cannot, by State law, show the amount of the debt, but rather can refer only to the debt authorized or to be au-

thorized by a vote of Town Meeting. Authorization of Town debt by the issuance of bonds requires a two-thirds vote in a specified amount at Town Meeting.

There are several permitted forms of a vote to exceed the annual levy limit:

General override

A majority vote of the Board of Selectmen (3 of 5) is required to place this question on a ballot. The dollar amount of the levy limit increase must be specified and, if approved, the vote permanently increases the limit. The question can be posed with respect to the total budget or by identifying allocations to specific departments.

Capital outlay exclusion

A two-thirds vote of the Board of Selectmen (4 of 5) is required to place this question on a ballot. If approved, the dollar amount of the override is effective for one year only. This form of vote can be used to authorize a capital purchase in lieu of a borrowing authorization. It can only be used for an expense that qualifies, under State law, for debt issuance authorization by the Town Meeting.

Debt exclusion

A two-thirds vote of the Board of Selectmen (4 of 5) is required to place this question on a ballot. If approved, the override is effective only for the duration of the specified loan. The annual debt service amount (principal and interest payment) is added to the otherwise permitted annual levy limit.

Debt management

Prudent use of debt financing is an important part of the Town's overall fiscal planning. The central objective of any debt management approach is to borrow at the least cost over the term of repayment of the debt. Pursuit of this objective requires clear strategies regarding the purposes of the borrowing, when to schedule debt-financed projects, and how long to stretch out the repayment. Borrowing is a means of distributing part of a current capital cost to future taxpayers, and therefore should be utilized only when such cost allocation is deemed equitable and the long-term interest costs do not outweigh other benefits.

All debt of the Town is issued as general obligation debt. This means that the full faith and credit of the Town—its promise to repay from any source—is pledged to the bondholder. Debt issued on behalf of the Town's enterprise operations (water, sewer, light) is, however, fully supported by the revenues of the respective enterprise when this is stipulated by the authorizing vote of Town Meeting. The basic rules of debt issuance are set forth in the General Laws of the Commonwealth. Municipalities have no independent authority to develop their own rules or innovations.

Capital financing and debt management policy for Town debt supported by taxation within the levy limit is subject to the following guidelines:

- the total budget allocation for capital needs should be in the range of 7% to 8% of the total budget (Town and K-8 schools)
- approximately one-third of capital needs should be met from current resources; the repayment of principal and interest, together with related issuance costs and short-term financing costs (i.e., debt service) should be capped at approximately 5% of the total budget;
- a rapid debt repayment schedule should be maintained, with a goal of 60% principal repayment within five years and 90% repayment within 10 years.

These guidelines are modified for major projects supported by debt exclusion votes. For example, the Willard School bond of January 2010 was issued as a 19-year level-principal maturity schedule.

The guidelines for debt to be financed within the levy limit serve several important purposes:

- capital needs are not displaced by the fiscal demands of current operations;
- the Town's approach to borrowing decisions is disciplined;
- the amount of debt service dollars expended for interest cost is minimized; about 23% of the total FY14 debt service appropriation for long-term debt repayment will be expended for interest;
- the capacity to address ongoing capital needs is quickly and continuously restored.

Revenue-supported debt (water, sewer, light) is subject to different guidelines that consider the useful life of the project and the current interest rates in the marketplace (generally, debt issued for longer periods bears a higher interest rate).

May 11, 2012, in connection with the Town's most recent long-term bond issue, Moody's Investors Service reaffirmed the Town's credit rating of Aaa, its highest rating category. The rating report may be viewed on the Town's website at concordma.gov. The Aaa rating had first been obtained in Nov. 1987. The Town's credit rating is a measure of its overall fiscal health.

The benefit of a strong credit rating is realized in lower interest costs on the Town's long-term debt issues. Thus, to the extent that the Town plans to borrow in support of its future capital needs, a strong credit rating is a benefit to the taxpayers. Over the past nine years, the Town has issued more than \$53 million in long term debt to finance the three elementary school construction projects. Each bond issue has been sold at an interest rate below 4%.

Through June 30, 2013, 28% of the debt obligation for construction for the three new elementary schools will have been repaid.

Excluded Debt

The FY14 budget for debt service on all excluded debt authorized to date is \$6,176,300. This includes \$1,555,402 as Concord's assessed share of debt service for the new Concord-Carlisle High School. Of the total, \$735,000 is proposed to be allocated from the Elementary School Debt Stabilization Fund (Article 18). The purpose of this fund is to lessen the tax impact from \$53 million of bonds issued since 2004 for the Alcott, Thoreau and Willard elementary schools. \$230,000 is proposed to be allocated from Concord's High School Debt Stabilization Fund (Article 19). Additionally, \$409,878 will be the fourth annual allocation from the \$6.3 million Thoreau School grant received from the Mass. School Building Authority in June 2010.

The net FY14 tax levy for excluded debt, \$4,801,422, will be about 6.5 % of the total \$74.33 million projected property tax levy. The major portion of this cost is for the three elementary school projects.

The FY14 tax levy includes \$3,267,292 for Alcott, Thoreau and Willard School debt expense (net of the Stabilization Fund and MSBA grant allocations).

Tax Levy for Excluded Debt									
<i>projected to FY19, including share of planned High School debt</i>									
Debt Issued:	FY12 Actual	FY13 Budget	FY14 Proposed	FY15	FY16	FY17 PROJECTED	FY18	FY19	Final Fiscal Yr
Concord-Carlisle H.S.	\$ 322,941	\$ 254,128	(3,559)	(9,889)	193,409	186,773	183,594		2018
Harvey Wheeler Building	116,994	114,039	110,837	107,389	103,695				2016
Alcott School	762,558	740,052	720,995	701,499	682,442	661,628	641,913	622,147	2025
Thoreau School	1,492,661	1,416,392	1,381,397	1,344,761	1,305,061	1,266,311	1,230,148	1,188,619	2026
Willard School	2,388,276	2,347,423	2,309,778	2,240,652	2,128,091	2,087,764	2,033,957	1,813,598	2029
Wastewater Plan, Phase 1	101,678	101,565	101,450	101,332	101,212	101,089	100,964	100,836	2026
subtotal	\$ 5,185,108	\$ 4,973,599	\$4,620,898	\$4,485,744	\$4,513,910	\$4,303,565	\$4,190,576	\$3,725,200	
CCHS not yet issued			<u>1,555,402</u>	<u>1,862,662</u>	<u>3,117,005</u>	<u>3,079,116</u>	<u>3,337,516</u>	<u>3,311,687</u>	2042
			<u>\$6,176,300</u>	<u>\$6,348,406</u>	<u>\$7,630,915</u>	<u>\$7,382,681</u>	<u>\$7,528,092</u>	<u>\$7,036,887</u>	
<i>less Elem. Stabilization Fund</i>	(700,000)	(475,000)	(735,000)						
<i>less HS Stabilization Fund</i>			(230,000)	(625,000)	(1,375,000)	(520,000)			
<i>less MSBA Thoreau grant</i>	(427,412)	(409,878)	(409,878)	(409,878)	(409,878)	(409,878)	(409,878)	(407,686)	
NET from property tax levy	4,057,696	\$4,088,721	\$4,801,422	\$5,313,528	\$5,846,037	\$6,452,803	\$7,118,214	\$6,629,201	

Following is a summary of the debt exclusion authorizations comprising the FY14 budget.

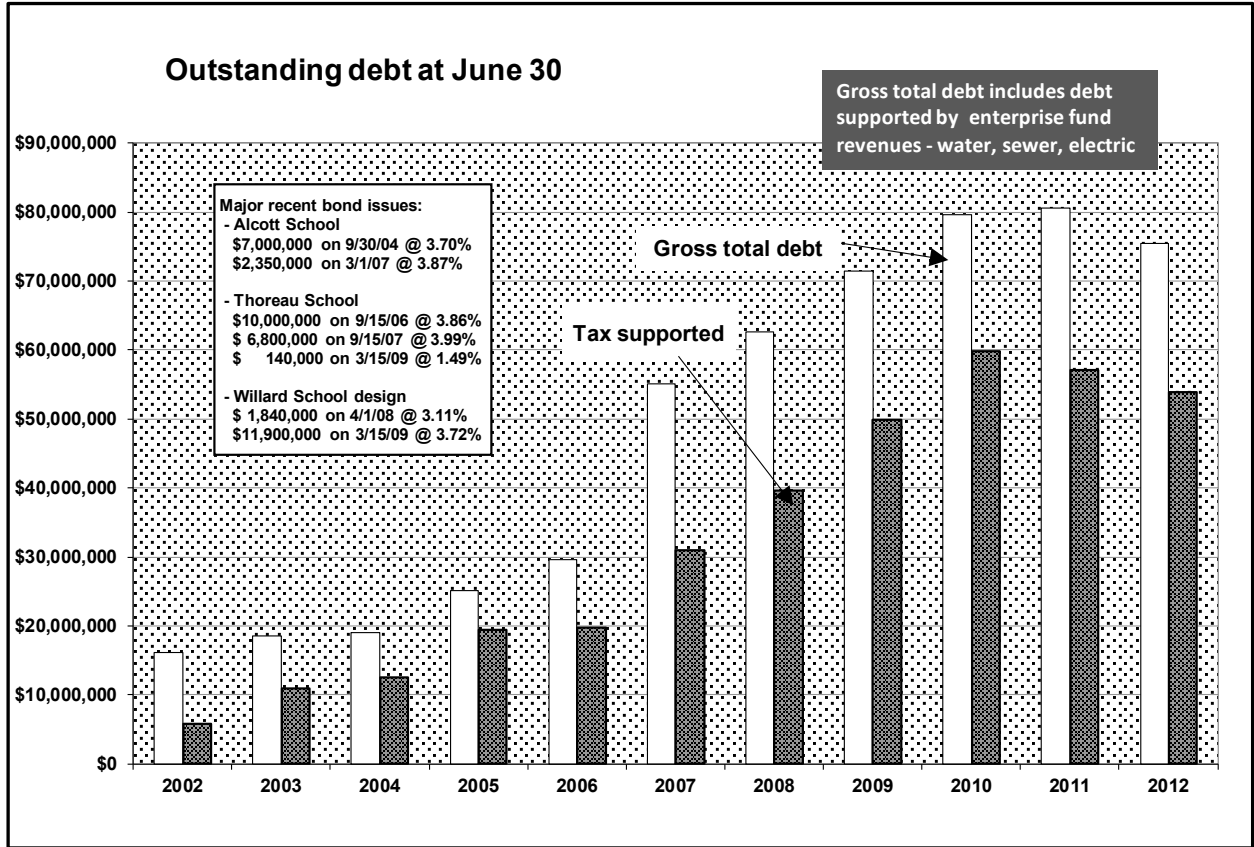
Harvey Wheeler Bldg. (2002): final payment FY16

At a Special Election May 14, 2002, voters by a margin of 2,759 to 1,062 approved excluding \$1.2 million of debt for the Harvey Wheeler Building renovations, following authorization at the 2002 Annual Town Meeting. This debt was issued Feb. 2004 at a 2.87% interest rate and repayment commenced in FY05.

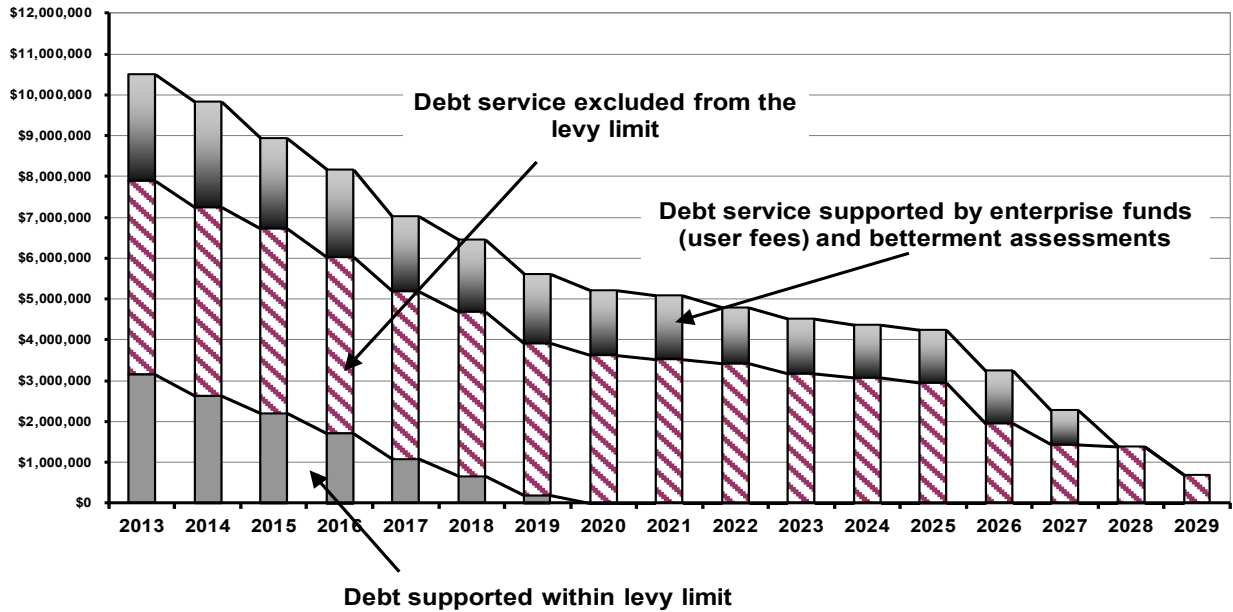
Alcott School (2002): \$9,365,000 issued, final payment FY25

June 19, 2002, voters approved excluding the debt for construction of the new Alcott School, a \$16.7 million authorization approved at the 2002 Annual Town Meeting. The ballot vote was 2,208 to 1,477. The design and construction portion of this authorization, about \$14.2 million, was audited by the State in the summer of 2006 and received a lump-sum state grant of \$7.2 million in Sept. 2006. A 20-year bond for \$7 million, representing the major portion of the Town's anticipated local share for the construction phase, was issued in Sept. 2004 at a favorable 3.7% interest rate. The second phase of work, demolition of the original building and site work, began in the summer of 2006 following the relocation of Thoreau students to their new school building after two years in temporary residence at the old Alcott School. No further State grant was earned for Phase 2 of the Alcott project. A 15-year bond for \$2.3 million was issued in Feb. 2007 at a rate of 3.89%. A one-year bond for \$15,000 was issued in March 2009 at a rate of 1.17%.

Continued



Annual Debt Service for long-term debt issued through June 30, 2012



Debt Service Schedule for debt issued through June 30, 2012

Fiscal Year	Total Annual Debt Service		Total Principal Outstanding at June 30th	Tax Supported Annual Debt Service						Revenue Supported Annual Debt Service									
	Debt Service			Town		Town		School (within levy limit)		School (outside levy limit)		Water		Sewer		Betterment (MPAT loans)		Light	
	Principal Matured	Interest Payment		Principal Matured	Interest Payment	Principal Matured	Interest Payment	Principal Matured	Interest Payment	Principal Matured	Interest Payment	Principal Matured	Interest Payment	Principal Matured	Interest Payment	Principal Matured	Interest Payment	Principal Matured	Interest Payment
2013	8,094,410	2,400,030	67,299,322	2,225,000	242,671	176,184	39,631	625,000	72,221	3,045,000	1,476,386	470,000	177,744	593,420	194,146	199,806	39,532	760,000	157,699
2014	7,667,797	2,164,513	59,631,525	1,830,000	183,541	177,723	34,726	560,000	56,516	3,035,000	1,384,126	470,000	161,144	603,388	179,931	231,686	36,955	760,000	127,574
2015	7,007,026	1,942,783	52,624,499	1,510,000	132,076	179,293	29,539	535,000	39,581	3,005,000	1,287,825	470,000	146,144	613,557	165,398	234,176	34,326	460,000	107,894
2016	6,436,542	1,732,882	46,187,957	1,155,000	87,700	180,395	24,067	435,000	23,388	2,930,000	1,189,082	470,000	130,681	623,932	150,620	236,715	31,644	405,000	95,700
2017	5,506,350	1,522,898	40,681,607	780,000	50,000	82,529	18,560	240,000	10,175	2,930,000	1,088,857	370,000	110,706	534,516	134,242	239,305	28,908	330,000	81,450
2018	5,111,456	1,353,749	35,570,151	550,000	25,750	84,196	16,767	100,000	3,000	2,920,000	990,844	370,000	97,388	545,314	122,634	241,946	26,116	300,000	71,250
2019	4,421,888	1,184,311	31,148,283	200,000	6,000	85,897	14,939	0	0	2,740,000	886,850	295,000	83,213	556,331	110,791	244,640	23,268	300,000	59,250
2020	4,167,273	1,043,007	26,981,011	0	0	87,632	13,073	0	0	2,740,000	787,563	295,000	73,050	567,570	98,709	177,071	20,362	300,000	50,250
2021	4,183,532	906,539	22,797,478	0	0	89,403	11,170	0	0	2,740,000	687,888	295,000	62,450	579,036	86,383	180,093	17,398	300,000	41,250
2022	4,028,844	766,599	18,768,635	0	0	91,209	9,229	0	0	2,740,000	585,088	235,000	51,850	590,734	73,808	171,901	14,374	200,000	32,250
2023	3,890,536	628,994	14,878,099	0	0	93,062	7,248	0	0	2,585,000	480,178	235,000	43,050	602,668	60,979	174,816	11,289	200,000	26,250
2024	3,877,635	496,643	11,000,464	0	0	94,932	5,227	0	0	2,585,000	380,884	235,000	34,250	614,843	47,891	147,860	8,141	200,000	20,250
2025	3,894,982	360,365	7,105,502	0	0	96,850	3,165	0	0	2,585,000	278,682	235,000	25,300	627,265	34,538	150,847	4,930	200,000	13,750
2026	3,002,637	240,751	4,102,865	0	0	98,806	1,062	0	0	1,875,000	193,844	235,000	16,275	639,936	20,916	153,895	1,654	200,000	7,000
2027	2,127,865	157,850	1,975,000	0	0	0	0	0	0	1,300,000	143,657	175,000	7,175	652,865	7,018	0	0	0	0
2028	1,300,000	89,313	675,000	0	0	0	0	0	0	1,300,000	89,313	0	0	0	0	0	0	0	0
2029	675,000	27,000	0	0	0	0	0	0	0	675,000	27,000	0	0	0	0	0	0	0	0
total	75,393,733	17,018,227		8,250,000	727,738	1,616,601	228,403	2,495,000	204,881	41,530,000	11,988,067	4,855,000	1,220,420	8,945,375	1,486,004	2,784,757	298,897	4,915,000	891,817

Interest expense as % of total debt service, FY12: **22.9%**
 Interest expense as % of total debt service to final maturity: **18.4%**

Projected as of June 30, 2013:
 Debt Retirement - all **5 yrs** | **10 yrs**
 Debt Retirement - tax supported only **46.0%** | **75.1%**
48.2% | **76.7%**

Thoreau School (2004): \$16,940,000 issued, final payment FY25

June 8, 2004, voters approved excluding the debt for new construction and reconstruction (1994 wing) of the Thoreau School, a \$16.8 million authorization approved at the 2004 Annual Town Meeting. The ballot vote was 3,421 to 1,899. A further \$350,000 was authorized by Town Meeting vote in April 2006. An 18-year bond for \$10 million was issued in Sept. 2006 at a favorable 3.85% interest rate. An 18-year bond for \$6.8 million was issued in Sept. 2007 at a 3.99% rate. A 3-year bond for \$140,000 was issued in March 2009 at a 1.49% rate, completing the Thoreau School permanent financing.

Wastewater Management Plan, Phase 1 (2004): final payment in FY26

June 8, 2004, voters approved excluding the debt for construction of sewer system extensions in the West Concord and Elm Brook neighborhoods. The ballot vote was 3,392 to 1,851. A debt authorization of \$4,190,000 was approved by the 2004 Annual Town Meeting, the debt to be issued through the state Water Pollution Abatement Trust at a subsidized interest rate of 2%. The Town meeting voted to allocate this debt among the General Fund, the Sewer Fund and betterments. The property tax share of the debt is approximately \$1,640,000. The debt was executed with the State in Nov. 2005 and principal repayment commenced on a 20-year schedule beginning July 2006.

Willard School Design (2006): \$1,840,000 issued, final payment in FY18

March 28, 2006, voters approved excluding the debt for design cost of a new Willard elementary school. The ballot vote was 2,080 to 1,747. Town Meeting subsequently authorized \$1,840,000 for this purpose. This amount was financed as part of the April 1, 2008 bond issue, with a 10-year maturity schedule at a 3.11% interest rate.

Concord-Carlisle High School (2006 and 2007): final payment in FY18

June 6, 2006, voters approved a debt exclusion for Concord's share of \$1,200,000 for renovations at the regional high school, pursuant to the vote of the 2006 Annual Town Meeting. The ballot vote was 1,209 to 778. March 27, 2007, voters approved a debt exclusion for Concord's share of \$1,245,000 for renovations at the regional high school, by a vote of 959 to 514. This debt was subsequently authorized at the April 2007 Annual Town Meeting. These authorizations were combined and issued by the District as a 10-year \$2.445 million bond on December 15, 2007, at a 3.33% interest rate.

Willard School construction (2007): \$25,175,000 issued, final payment in FY28

Nov. 14, 2007, voters approved \$29.4 million for construction of a new Willard Elementary School, by a vote of 2,160 to 1,200. The project is scheduled for fall 2009 completion. A 19-year bond was issued for \$11.9 million in March 2009 at a 3.72% interest rate. A second 19-year bond was issued for \$12.9 million in January 2010 at a 3.18% interest rate. A 4-year bond was issued for \$375,000 in May 2011 at a 1.06% rate, completing the Willard permanent financing.

Concord-Carlisle High School (2010 and 2011)

June 8, 2010, voters approved a debt exclusion for Concord's share of \$1,300,000 for a feasibility study and schematic design of a renovated or new CCHS building. The ballot vote was 1,809 to 450.

On November 15, 2011, voters approved a debt exclusion for Concord's share of a \$92,578,000 new high school, following the MSBA approval of a maximum facilities grant on Sept. 28, 2011, at 35.58% of eligible costs. The ballot vote was 3,571 to 659. This vote incorporated the earlier \$1.3 million debt authorization. The projected net local cost of the project is approximately \$64 million. A \$32.5 million bond is expected to be issued by the Regional School District in June 2013 and principal repayment will begin in the FY14 budget period. A further bond issue is anticipated in spring 2015, with completion of the permanent financing in 2016 after all site work and the MSBA audit is completed.

State Aid

State Aid is received for general town purposes and is not restricted in use, although it is often discussed as if earmarked for school aid and general or non-school aid. “Chapter 70” school aid and the distribution of the net lottery proceeds are the major components of Concord’s aid. Concord receives a minimum statutory Chapter 70 allocation, due to its income and property wealth measures.

State Aid and the State’s fiscal position

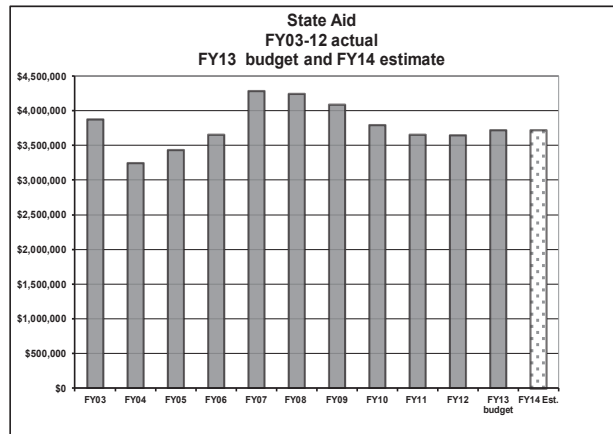
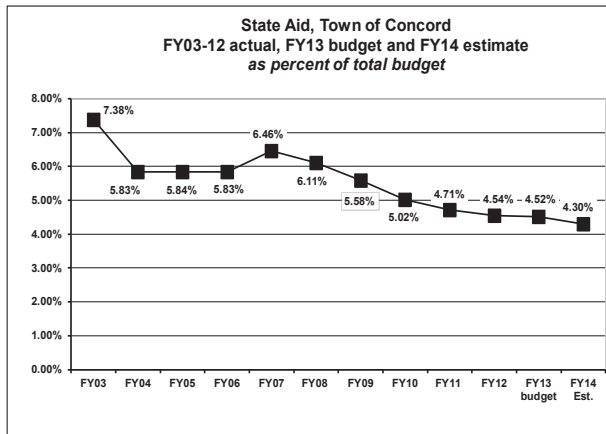
State Aid is a significant component of the State budget, equivalent to about 22% of own-source state revenues. Aid is distributed to the cities and towns through a variety of formulas, most of which provide aid to communities based upon relative

need as measured by property and income characteristics. On average, about 21% of all local General Fund spending is supported from state aid while property taxes support 59% of local spending (FY12 estimated). Funding received by Concord in FY12 represented about 4.5% of the Town’s total General Fund budget while property taxes supported 86% of the budget.

Since fiscal year 2009, state aid to municipalities and regional school districts was cut more than 10% through FY12. Concord’s recent state aid history reflects a steeper drop, from \$4.5 million as the initial FY09 allocation (before a mid-year cutback) to \$3.64 million received in FY12 year, a drop of almost 20%.

The Governor’s January proposal for the FY14 state budget seeks to increase state aid for most communities for the coming year. However, the Governor’s proposals rely to an uncertain degree on new state tax revenues which may or may not receive legislative approval. At this writing, the legislature has not yet weighed in with a response to the Governor’s budget message or with specific House and Senate budget plans.

The financial plan being presented for Concord’s Town Meeting incorporates a FY14 State Aid estimate at the same amount scheduled for the current budget year, \$3,717,000, or 4.3% of the proposed budget total.



State Aid						
FY10 - FY12 actual, FY13 budget and FY14 forecast						
Account	Actual FY10	Actual FY11	Actual FY12	FY13 Budget	FY14 Forecast	
1 Chapter 70 school aid	\$2,111,688	\$1,988,323	\$1,998,997	2,075,197		
2 Unrestricted general gov't aid	1,022,124	981,239	910,291	981,239		
3 Police career incentive	31,046	15,896	0	0		
4 State-owned land	589,412	569,247	589,606	589,796		
5 all other	37,364	97,345	142,934	70,888		
TOTAL	\$3,791,634	\$3,652,050	\$3,641,828	3,717,120		\$3,717,000

Article 17: Free Cash use

Article 18: Elementary School Debt Stabilization Fund

Article 19: High School Debt Stabilization Fund

Free Cash

The accumulation and use of Free Cash, which is available undesignated fund balance of the General Fund, is an important component of the Town's overall financial management policies. These policies maintain the Town's ability to respond to emergencies, promote the stability of service levels and control the rate of tax levy change.

The undesignated fund balance may be appropriated in either of two forms: (1) for specific expenditures or (2) to reduce the tax levy that otherwise would be required. The available amount is calculated and certified each year by the Commonwealth's Department of Revenue based upon the balance sheet submitted by the Town.

The General Fund Balance, sometimes referred to as surplus or surplus revenue, is the amount by which cash and receivables exceed current liabilities and commitments. In a business sense, this might be thought of as liquidity. In a personal sense, it can be thought of as avail-

able savings—at least the portion of savings that cannot be claimed by any other creditor and that is available without requiring the sale of property or other fixed assets.

It is customary for the Annual Town Meeting to allocate some portion of the General Fund Balance to the support of the ensuing year's expenditure plan. In some years these savings used are more than replenished from operations, while in other years the year-end return from unexpended appropriations and from revenues over estimates (if any) is insufficient to fully restore the Town's accumulated reserves. The sums voted by each annual Town Meeting for use in the ensuing fiscal period are deducted and reserved prior to each June 30 certification.

Free Cash allocated to FY14 budget support

The Finance Committee's Budget Guideline plan issued last Nov. recommends an allocation of \$850,000 to support the FY14 operating budgets. The Committee annually re-

views the Free Cash policy and has reaffirmed the commitment to keep the unused Free Cash Balance at or above 5% of the total ensuing budget, a level deemed essential to enable the Town to cope with unexpected circumstances. The Town's actual Free Cash level has been above this minimal level in recent years and has been an important factor in the maintenance of the Town's Triple A credit rating.

Any favorable budget variances from current year operations (actual revenues in excess of the FY13 budget estimate, and/or any FY13 appropriations that remain unspent at year end) will become part of the June 30, 2013 Free Cash balance. This balance will be available to the next Annual Town Meeting in 2014 for allocation in support of future budgets. The results of FY13 operations are presently expected to restore all or most of the Free Cash balance proposed for allocation at the 2013 Town Meeting. The Committee recommends allocation of \$850,000 (Article 17).

Free Cash					
Undesignated Fund Balance					
BALANCE			USED		
As of June 30	Certified	As % of next budget	Fiscal Year	To reduce tax rate	As percent of levy
2007	\$ 8,003,063	11.5%	2009	\$ 600,000	1.0%
2008	7,371,061	9.8%	2010	1,040,000	1.6%
2009	8,471,337	11.2%	2011	600,000	0.9%
2010	8,635,340	11.1%	2012	850,000	1.2%
2011	9,567,656	11.9%	2013	850,000	1.2%
			<i>proposed</i>		
2012	\$ 9,357,662	11.3%	2014	\$ 850,000	1.1%

Elementary School Debt Stabilization Fund

The 2008 Town Meeting had acted upon the recommendation of the Finance Committee to establish a debt service stabilization fund, with an initial transfer of \$2.5 million from Free Cash (effective July 1, 2008), in anticipation of significant debt service costs projected to begin in FY11 for debt service on the Willard School project. One of the advantages of utilizing a Stabilization Fund is that it can be invested by the Treasurer, outside of money market restrictions but still safely, with earnings automatically retained in the fund. Through February 2013, \$414,000 has been earned (in a short-term bond account) and added to the fund. Over three years, FY11 through FY13, \$2,175,000 has been allocated by Town Meeting vote, reducing the tax levy that otherwise would have been required. The proposed allocation for FY14 is \$735,000, essentially the remaining balance of the fund. By using this fund, the net tax levy for excluded debt service has been kept essentially level over the past three years (refer to the table on the Excluded Debt page in this Report). The Finance Committee is recommending affirmative action on Article 18 in the amount of \$735,000.

High School Debt Stabilization Fund

The Special Town Meeting Nov. 7, 2011 approved the borrowing autho-

rization of \$92.5 million as voted by the Regional School District Committee. The Massachusetts School Building Authority will share 35.58% of the eligible portion of this cost, based on an Estimated Facilities Grant of \$25.5, reimbursing the district as construction bills are incurred. This, the Regional School District will be financing with permanent debt just the local share of the eligible cost plus 100% of costs not eligible for MSBA participation. This exclusion encompasses 100% of the cost of the second gym. The total local share of the project cost is projected at about \$64 million.

Debt service on this borrowing will be assessed annually to Concord and Carlisle based on the same student population ratio as is used to allocate the net operating budget costs. This ratio will change each year. Long-range student enrollment projections are subject to uncertainty but indicate at this point that Concord's share will average about 73% over the next five years (FY14-18), but could average a 79% share for the five-year period after that (FY19-23). These assumptions were used in updating the Finance Committee's five-year forecast. The model projects issuance of 25-year level-principal bonds in two stages timed for a construction schedule that would have a completed high school building opening Sept. 2015. The maximum tax bill impact of the high school debt is about a 4% in-

crease in tax bills by FY16.

Recognizing the significant tax increase that results from the project, the Selectman and Finance Committee proposed the establishment of a new Debt Stabilization Fund, modeled on the Fund created in 2008 to address the elementary school debt impact. \$2,000,000 was voted to be appropriated for this purpose from the Free Cash balance of July 1, 2011. Article 19 proposes to add \$750,000 to this fund, from the July 1, 2012 certified Free Cash balance.

The present plan, represented in the table appearing on the Excluded Debt page in this Report, is to allocate this Stabilization Fund over four years as follows:

FY14	\$ 230,000
FY15	\$ 625,000
FY16	\$ 1,375,000
FY17	\$ 520,000

The Finance Committee recommends affirmative action on Article 19 in the amount of \$750,000 appropriated from Free Cash to be added to the fund, and in the amount of \$230,000 appropriated from the High School Debt Stabilization Fund to reduce the FY14 tax levy that would otherwise be required for Concord's assessed share of debt service.

Reserve Fund transfers

The Reserve Fund is an appropriated contingency account. It is part of the Town Government budget (item 34 of Article 6, proposed at \$225,000) and is counted within the Finance Committee's budget guideline for Town Government operations (Article 6, items 1-36). It is allocated during the budget year by vote of the Finance Committee pursuant to the request of the Town Manager. By State law, its use is restricted to "extraordinary or unforeseen expenditures". In FY12, \$60,250 was allocated and \$164,750 was returned unexpended at the end of the budget year.

The Town budget is adopted as a series of separate appropriations (Article 6, items 1-41). Funds are not transferred from one appropria-

tion account to another except by Town Meeting action. Only the Reserve Fund appropriation may be used during the fiscal year to supplement other appropriation accounts, except that in the final three months of the budget year any appropriation balance may be transferred by joint approval of the Finance Committee and the Board of Selectmen. This latter provision was added by state law in 2003 as a safety valve for communities that exhaust their Reserve Fund account. Concord has never used this provision of state law.

The budget contingency process works differently for the Concord Public Schools budget (Article 7). State law gives the School Committee the bottom line power to

authorize transfers within its appropriation total voted by Town Meeting.

At the end of each fiscal year, funds in appropriation accounts that are not spent are returned to the General Fund balance.

The FY13 Reserve Fund appropriation recommendation, \$225,000, is about six-tenths of one percent of the total Article 6 recommendation. State law allows the Reserve Fund appropriation to be as much as 5% of the previous tax levy; this would permit a Reserve Fund appropriation of \$3.5 million. The Concord Finance Committee has not felt that such a large contingency account would be consistent with the objective of fostering tight expenditure control by Town and School

Reserve Fund Uses, FY2012

Town Account	Amount	Purpose
Parks & Trees Division	\$ 15,000	Shortfall in anticipated credit from Snow account
Highway Division	40,000	Shortfall in anticipated credit from Snow account
Town Meeting & Reports	5,250	Special Town Meeting, Nov. 5, 2011

Observer report

Concord Municipal Light Plant

The Concord Municipal Light Plant (CMLP) is a municipal-owned electric utility, established in 1898 by the citizens of Concord. The Concord Municipal Light Plant operates as a completely self-supporting enterprise fund within Town government. All operating expenses, capital investments, and debt service are supported by revenues raised from electric rates paid by its customers. The light plant operates under the direction of the Town Manager who has delegated responsibility for approval of electric rates to the Municipal Light Board. The Light Board also provides advice on strategies related to the power supply portfolio and energy conservation. Preliminary financial results for calendar year 2012 are projected to show Operating Fund net income of \$239,500, or a 0.50 % rate of return. The budget for CY 2013 targets Operating Fund net income at \$844,547 (a 1.69% rate of return), all of which is expected to be reinvested in CMLP operations and plant improvements. This budget includes a \$447,800 Payment in Lieu of Taxes (PILOT) to the Town's General Fund, which serves to reduce the overall tax burden of town citizens. This PILOT has increased 16% over FY2012, reflecting the increased asset value of CMLP due primarily to the fiber optic network capital improvements.

In 2012, the Light Plant has continued to manage several large infrastructure projects. Installation of the Smart Grid system (originally approved in the 2009 Town Meeting) was completed including fiber optic cable, gateways, wireless controllers and street light controllers. HVAC controllers and smart thermostats are being tested with the goal of managing electrical loads and controlling electric hot-water heaters during peak demand periods. Planning, design and contract implementation for the renovation of the light plant warehouse has been ongoing with construction expected to start in April and to be completed by year-end at a cost close to the approved budget of \$800,000. Planning for the upgrade of the Forest Ridge Substation has also been a key activity. The project will update the substation with two 70 MVA transformers to help manage the town's increasing energy demand. Detailed design specifications and RFP packages were distributed in the fall, with bids returned and evaluated in December. The contract for \$1.9 million was awarded in Feb., with installation targeted for completion in the late fall of 2013. RFP development, distribution and evaluation for installation of a 3-megawatt solar photovoltaic electric generation system at the former landfill site has also been completed. This contract will involve constructing solar

arrays on roughly 10 acres of the landfill (flat and sloped sections), with CMLP purchasing the power generated at an average cost which could be potentially as low as 7.4 cents per kWh (compared to the estimated 2013 average of 9.3 cents per kWh). The contract is expected to include a Purchased Power Agreement (PPA), ground lease, interconnection lease and a Payment In Lieu of Taxes (PILOT) agreement. The PILOT agreement allows the annual collection of revenue based on the asset value of the privately-owned electric generating equipment. The PILOT agreement is subject to Town Meeting approval and is included as Article 57 on the 2013 Town Meeting warrant. The project timeline has construction beginning in June 2013 with installation complete by year end 2013.

CMLP manages a portfolio of purchased power contracts that have been evolving through a deliberate strategy over the last few years. In December 2012 the Morgan Stanley contract (representing 82% of the calendar 2012 portfolio) expired and has been replaced with a group of five separate multi-year energy contracts finalized at different times over the last 2 years. The new contracts provide a blend of bids which protects CMLP from large shifts in market price of purchased power. The new contract rates provide roughly a 10% composite reduc-

Continued

tion in rates over the former Morgan Stanley contract rate. The rate reduction will not be observed by consumers as funds from a rate stabilization fund (established in 2006) were used to mitigate the higher cost of the Morgan Stanley contract rate over the past three years. These funds were carefully managed and depleted to coincide with expiration of this contract. Management of the power supply portfolio includes a focus on obtaining power from renewable, sustainable or environmentally friendly sources. These opportunities are pursued as long as the cost is in line with conventional power. Currently 14% of the power portfolio comes from renewable sources with a goal of achieving 30% by 2020. This current proportion will increase as CMLP strives to meet a goal to increase utility scale energy generating capacity by 5 megawatts (MWs) every 5 years. The solar installation on the former Town landfill site will provide 3 MWs toward this goal.

Reviewing and approving revised electrical rates effective Jan. 1, 2013 occurred over the fall and included rates to further incentivize solar installations. Electric rates have not been altered substantially, but are structured to cover operating cost associated with both transmission and the purchased price of energy. All rates are structured to incentivize energy conservation. During 2012, the board approved a new "Net Metering with Banking" rate structured specifically to incent solar energy customers to optimize the return of energy to CMLP while allowing that

customer to monthly bank that energy toward future consumption. The rate structure was originally coupled with a Peak Shaving Incentive program which would provide credit for energy returned during CMLPs peak period. This incentive program would have been unique in the market, but could not be accommodated under the town's billing system and was removed. Time-of-use billing structures are what the market uses to most effectively incent behavior change, but at this time energy meters to provide this type of structure are cost prohibitive and are not broadly installed across Concord's customer base. This is a topic that will continue to be revisited by CMLP in the future. The new rate structure was refined with active participation and input by consumers at Light Board meetings. An additional example of responsiveness to consumer input was the refinement of a separate metered rate for electric cars, which also serves to encourage smart energy consumption.

The Light Board has also been engaged in discussions to establish telecommunication services (e.g. internet access) to town residents and businesses. The service is intended to leverage the existing fiber-optic network and requires new investment in the purchase of equipment to connect consumers directly to the network. The town would leverage multiple internet service providers and establish a rate structure comparable to or below current market availability. This service meets the needs of business customers who could benefit greatly from improved

high-speed access as well as residents looking for improvements in service quality and reliability. The service would be under the direction of CMLP, overseen by the Town's Chief Information Officer in collaboration with the CMLP Director, and managed as a separate operating component within the CMLP enterprise. Warrant Article 48 requests a borrowing authorization in the amount of \$1 million to provide initial funding for the necessary infrastructure. The debt service on any actual borrowing up to the authorized amount will be fully recovered by telecommunication subscriber revenues over time.

The CMLP operations are well-managed, both technically and financially. A testament to the organization's effectiveness was observed by all customers in response to the management of Hurricane Sandy that had an impact on 3,500 customers (about 50% of the town). Service was restored to 93% of affected customers within 36 hours and was completely restored within 72 hours. Concord benefited from timely support from surrounding communities as far away as Hingham, a mutual aid request which had not been necessary since 1998.

Consumer satisfaction with both rates and services was evident in the Town's 2012 bi-annual citizen survey where 92% of citizen's rated overall town services as excellent/good, and in a separate 2011 municipal service survey where 89% of respondents rated electric rates as a good bargain and/or reasonably priced.

Article 2

Consent calendar

Ms. Salinger moves: that the 2013 Annual Town Meeting advance for consideration Articles 3, 4, 5, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 45, 47, 50, 54 and 63, and take action on such Articles without debate on any of such Articles, provided, that upon the request of five voters at this Meeting, made before the vote is taken on this motion, an Article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

Article 3 Meeting Procedure

Affirmative Action Recommended By: Finance Committee, Board of Selectmen

Motion: That the Town take affirmative action on Article 3 as printed in the Handout applicable to the Article.

Reason: Routine and noncontroversial; the motion will be identical to a motion passed annually and unani- mously for more than 12 years.

Article 4 Ratify Personnel Board Classification Actions

Affirmative Action Recommended By: Finance Committee, Board of Selectmen and Personnel Board

Motion: That the Town take affirmative action on Article 4 as printed in the Warrant.

Reason: Routine and noncontroversial.

Article 5 Classification & Compensation Plan for Regular-Status Positions

Affirmative Action Recommended By: Finance Committee, Board of Selectmen and Personnel Board

Motion: That the Town take affirmative action on Article 5 as printed in the Warrant.

Reason: Routine; noncontroversial; 1.5% scale adjustment.

Article 16 Minuteman Career and Technical High School Budget

Affirmation Action By: Finance Committee and Board of Selectmen

Motion: That the Town raise and appropriate the Town's apportioned share of \$227,033 for the Minuteman Career and Technical School District assessment for the fiscal year ending June 30, 2014.

Reason: Routine; noncontroversial. Concord sends 9 of 401 member-town students, a 2.24% share by for- mula, much less than our 4.19% share last year.

Article 17 Free Cash Use

Affirmative Action Recommended By: Finance Committee, Board of Selectmen

Motion: That the Town take affirmative action on Article 17 to authorize and direct the Assessors to take \$850,000 from free cash to reduce the tax levy for the fiscal year ending June 30, 2014.

Reason: Routine and noncontroversial; reduces future property tax rate; the specific amount is recommended by the citizen Finance Committee and is explained in the FinCom Report (p.44)

Article 18 Elementary School Debt Stabilization Fund Use

Affirmative Action Recommended By: Finance Committee, Board of Selectmen

Motion: That the Town appropriate the sum of \$735,000 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 2014 on the bonds issued for the Alcott, Thoreau and Willard elementary school buildings.

Reason: Noncontroversial; fourth year (of four) of using 2008-appropriated funds to reduce school debt tax rate impact.

Continued

Article 21 Property Tax Exemption

Affirmative Action Recommended By: Finance Committee, Board of Selectmen and Board of Assessors

Motion: That the Town take affirmative action on Article 21 as printed in the Warrant.

Reason: Routine and noncontroversial (voted last year on Consent C alendar, passed unanimously annually since 2001).

Article 22 Light Plant Payment in Lieu of Taxes

Affirmative Action Recommended by: Finance Committee, Board of Selectmen and Light Board

Motion: That the Town take affirmative action on Article 22 as printed in the Warrant in the sum of \$447,800.

Reason: Routine and noncontroversial (on consent calendar past four years).

Article 23 Light Plant Expenditures

Affirmative Action Recommended By: Finance Committee, Board of Selectmen and Light Board

Motion: That the Town take affirmative action on Article 23 as printed in the Warrant.

Reason: Routine and noncontroversial (voted in previous years on consent calendar).

Article 24 Road Repair Revolving Fund Expenditures

Affirmative Action Recommended By: Finance Committee, Board of Selectmen and Public Works Commission

Motion: That the Town take affirmative action on Article 24 as printed in the Warrant, in an amount not to exceed \$120,000.

Reason: Routine and noncontroversial (revolving fund, voted last five years on consent calendar).

Article 25 Solid Waste Disposal Fund Expenditures

Affirmative Action Recommended by: Finance Committee, Board of Selectmen, and Public Works Commission

Motion: That the Town take affirmative action on Article 25 as printed in the Warrant.

Reason: Routine and noncontroversial (enterprise fund, voted last five years on consent calendar).

Article 26 Sewer System Expenditures

Affirmative Action Recommended by: Finance Committee, Board of Selectmen, and Public Works Commission

Motion: That the Town take affirmative action on Article 26 as printed in the Warrant.

Reason: Routine and noncontroversial (enterprise fund, voted last five years on consent calendar).

Article 27 Sewer Improvement Fund Expenditures

Affirmative Action Recommended by: Finance Committee, Board of Selectmen, and Public Works Commission

Motion: That the Town take affirmative action on Article 27 as printed in the Warrant.

Reason: Routine and noncontroversial (enterprise fund, voted last five years on consent calendar).

Article 28 Water System Expenditures

Affirmative Action Recommended by: Finance Committee, Board of Selectmen, and Public Works Commission

Motion: That the Town take affirmative action on Article 28 as printed in the Warrant.

Reason: Routine and noncontroversial (enterprise fund, voted last five years on consent calendar).

Article 29 Beede Swim & Fitness Center Enterprise Fund; FY 2014 Budget

Affirmative Action Recommended by: Finance Committee, Board of Selectmen, and Recreation Commission

Motion: That the Town appropriate \$2,524,938 for the operating expenses and \$325,000 for capital expenditures including building improvements and equipment replacements of the Beede Swim and Fitness Center

for the fiscal year beginning July 1, 2013, to be expended under the direction of the Town Manager; and that to meet this appropriation the amount of \$2,430,364 is appropriated from the estimated fiscal year 2014 revenues and \$419,574 is appropriated from the certified undesignated fund balance as of July 1, 2012 of the Community Pool Enterprise Fund.

Reason: Routine and noncontroversial (enterprise fund, voted unanimously annually for multiple years).

Article 31 Zoning Bylaw Amendment: Frontage Definition

Affirmative Action Recommended by: Board of Selectmen and Planning Board

Motion: That the Town take affirmative action on Article 31 as printed in the Warrant.

Reason: Noncontroversial; housekeeping; incorporates a definition from one section into another.

Article 32 Zoning Bylaw Amendment, Table III: Dimensional Regulations

Affirmative Action Recommended by: Board of Selectmen and Planning Board

Motion: That the Town take affirmative action on Article 32 as printed in the Warrant.

Reason: Noncontroversial; incorporates prior year Town Meeting votes into charts; makes current practice explicit.

Article 33 Zoning Bylaw Amendment: Limited Industrial Park #2

Affirmative Action Recommended by: Board of Selectmen and Planning Board

Motion: That the Town take affirmative action on Article 33 as printed in the Warrant.

Reason: Noncontroversial; allows educational use size to be the same as R&D and light manufacturing uses.

Article 34 Zoning Bylaw Amendment: Accessory Use Table

Affirmative Action Recommended by: Board of Selectmen and Planning Board

Motion: That the Town take affirmative action on Article 34 as printed in the Warrant.

Reason: Noncontroversial; incorporates names from Town Meeting votes since 2007 in table; conforms Yes/No in two tables.

Article 35 Zoning Bylaw Amendment: Special Home Occupation

Affirmative Action Recommended By: Board of Selectmen and Planning Board

Motion: That the Town take affirmative action on Article 35 as printed in the Warrant.

Reason: Noncontroversial; wordsmithing: eliminates sole example cited.

Article 45 2014 Road Program

Affirmative Action Recommended by: Board of Selectmen, Finance Committee and Public Works Commission

Motion: That the Town appropriate the sum of \$900,000 to be expended under the direction of the Town Manager for the design, repair, reconstruction or renovation of roads and streets within the town, including drainage and sidewalk improvements, and costs incidental or related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$900,000 under the provisions of Chapter 44, §7 of the Massachusetts General Laws, or any other enabling authority; and further to authorize the Town Manager to apply for, accept and expend state grants as may be available for the same purpose and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow up to the amount stipulated in such grant or grants under the provisions of Chapter 44, §§ 6 and/or 6A, of the Massachusetts General Laws, in anticipation of reimbursement of such amount; and that the Board of Selectmen and Town Manager are authorized to take any actions necessary or convenient to carry out this vote

Reason: Routine annual approval. Noncontroversial at hearing. Part of Town Manager five-year capital plan. Smaller amount than last year. Voted unanimously annually multiple years.

Article 47 Authorization of 10-Year Term for Actuarial Services Contract

Affirmative Action Recommended by: Board of Selectmen and Finance Committee

Motion: That the Town take affirmative action on Article 47 as printed in the Warrant.

Reason: Ministerial/noncontroversial; promotes efficiency and consistency in required biennial pension benefit actuarial reporting.

Article 50 51 Laws Brook Road and Rideout Field Site Improvements

Affirmative Action Recommended by: Board of Selectmen and Finance Committee

Motion: that the Town appropriate the sum of \$100,000 to be expended under the direction of the Town Manager for the purpose of preparation of the property at 51 Laws Brook Rd. to be incorporated into the adjacent Rideout Field property for recreation purposes, including any necessary engineering, survey, planning and design services and the cost of building demolition, site work, landscaping, park improvements and related costs; and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$100,000 under the provisions of Massachusetts General Laws, Chapter 44, §7 or any other enabling authority.

Reason: Noncontroversial; carries out last year's Town Meeting vote, removes foundation and fences.

Article 54 Land Acquisition: Stetson/Spinelli, Easements at 121 and 131 Harrington Avenue

Affirmative Action Recommended by: Board of Selectmen and Finance Committee

Motion: That, pursuant to the recommendation of the Community Preservation Committee, the Town vote to appropriate the sum of \$38,800 from projected Fiscal Year 2014 Fund Revenues of the Concord Community Preservation Fund, in accordance with Chapter 44B of the Massachusetts General Laws, to be expended under the direction of the Town Manager for the purpose of acquiring easements over the parcels, located at 121 and 131 Harrington Avenue and shown on the assessors maps as parcels 2708 and 2709-1 to be held as permanently protected Open Space and to be used to establish a continuous public trail system and access along the Assabet River from Second Division Brook to Harrington Park, and further to authorize the Board of Selectmen to accept any gifts or grants to help defray the cost of acquiring the easements.

Reason: Noncontroversial; provides connection for farm equipment and public access.

Article 63 Debt Rescission

Affirmative Action Recommended by: Board of Selectmen

Motion: That the Town take affirmative action on Article 63 as printed in the Warrant.

Reason: Routine. Done periodically when necessary. Housekeeping formality.



Moderator's notes

Civility in debate

All speakers must address all remarks to the Moderator. Our Concord Town Meeting has a long tradition of vigorous, civil, and respectful debate. This means that we stick strictly to the issue, avoid impugning the motives of any person or group, and avoid any personal attacks or references to other speakers by name. Any speaker who fails to honor this tradition will be ruled out of order.

Civility enables all participants to speak and be heard without interruptions or demonstrations, such as hissing, booing, clapping or cheering. All participants are expected to listen to all presentations carefully. The Moderator has the obligation to ensure that the meeting proceeds in an orderly and respectful manner, so that thoughtful deliberation and decision-making may occur.

Parliamentary procedure and time limits on speaking

All speakers must stick strictly to the announced time limits. This year this means five minutes for presenting a main motion, and two minutes for speaking pro or con on a motion. Any extra time must have the Moderator's permission in advance. Sometimes providing a handout with more comprehensive information can be the best way to communicate your point of view effectively. The "Town Meeting Procedure in a Nutshell" and "Town Meeting Traditions and Procedures" pamphlets expand on these points.

Documents you will need

Please be sure you have a copy of the Finance Committee Report, which indicates the recommendations of the Board of Selectmen, Finance Committee, and other Town boards and committees (when available). If a Selectmen or Finance Committee affirmative action recommendation is indicated in the Finance Committee Report, they may not come to the microphone solely to repeat this. Also, please pick up copies of handouts provided on the tables outside the hall, as the Moderator may not read articles or motions, which are printed on a handout. When a handout is available, the Moderator usually notes this at the start of debate.

Voting slip

All registered voters receive a voting slip when they check in with the registrars. The perforated ballots are to be used if the Meeting votes to decide on a matter by ballots.

Do not detach any ballot until you are instructed to do so by the Moderator. Please keep your voting slip handy, and show it during a vote by show of hands. When a standing vote is being counted by the Tellers, you must show your voting slip to identify you as a voter to the tellers who are responsible for counting the section where you are seated. If you leave the meeting early, please take your voting slip with you.

Smoking

Smoking is not permitted in any part of the premises.

Visitors: Non-residents and residents who are not eligible to vote

Anyone not registered to vote must check in at the door to the high school, sign the guest list, and receive a visitor's badge. The badge must be worn until the person leaves. Separate seating for persons in these categories is provided to avoid confusion in counting votes. A resident not registered to vote, or anyone not residing in Concord may speak only with the prior specific leave of the Moderator.

Town employees not residents of the Town

Town employees who are not residents of the Town may sit with their respective boards and committees and may be granted leave to speak by the Moderator.

Continued

Refreshments

Food and drinks may be consumed only in the cafeteria or the hallways. They may not be brought into the auditorium, except for bottled water.

Cell phone use, and broadcasting and private videotaping

Cell phones may not be used to make or receive calls in any meeting hall, and all cell phones must be placed in vibrate only mode. The Meeting is cablecast live by Comcast Channel 9. Private videotaping is not permitted, without the prior permission of the Moderator.

Hearing assistance

Hearing assistance devices are available in the lobby.

Emergency evacuation of the building

In the event we need to evacuate the building, please exit promptly and carefully through the nearest designated exit. If you have children in the childcare center, do not attempt to go for them. They will be safely cared for by the people in charge.

Recycling

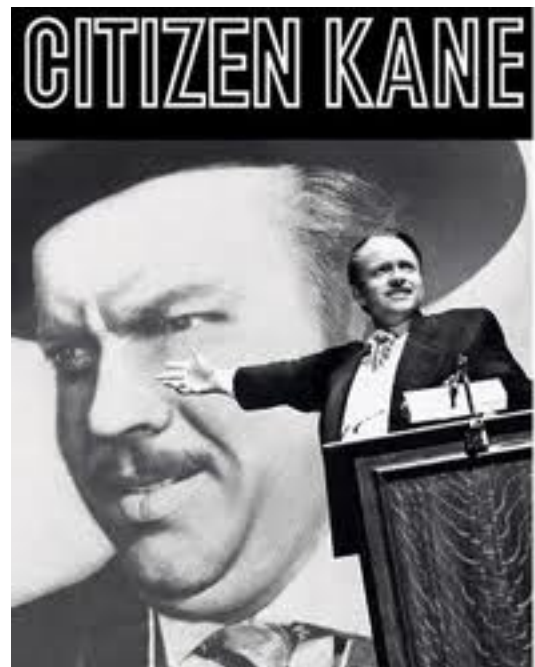
Recycling barrels are available in the lobby for materials you do not wish to take home. Copies of the Warrant, FinCom Report, and “Town Meeting Traditions & Procedures” pamphlet should be re-placed on a lobby document table for reuse by another voter.

Pre-town meeting assistance

If you need help in drafting a motion or working out a matter of Town Meeting procedure, please email moderator@concordma.gov or call 978-369-8528.

April 2013

Eric E. Van Loon, Town Moderator



Town Meeting procedure in a nutshell

One guiding principle for Concord Town Meeting is “Keep it simple.” We follow procedures set forth in *Town Meeting Time*, a book published by the Mass. Moderators Association (available at libraries and in the lobby). The booklet *Concord Town Meeting Traditions and Procedures* gives more information.

To vote

Check in with the Registrars in the Lobby and be sure to get a Voting Slip. Keep your Voting Slip handy. You will need it for votes by show of hands and in counted votes.

To make a motion

1. Stand at a microphone and wait to be recognized by the Moderator.
2. Give your name and address and wait for acknowledgment by the Moderator.
3. State your motion: “I move that ...”
4. Your motion must be seconded by another voter saying: “I second the motion.”

To amend a motion

1. Stand at a microphone until recognized by the Moderator. State your name and address.
2. Have two written copies of your amendment ready to give to the Moderator. The Moderator will not accept an amendment that is not in writing. All voters thinking about amendments are encouraged to discuss them with the Moderator as early in the Town Meeting process as possible. Please put your name and address on your amendment to help the Town Clerk keep an accurate record of the Meeting.
3. Say: “I move to amend the motion as follows: ...” [then read your amendment].
4. Every motion to amend must be seconded by another voter.
5. Every amendment must be within the scope of the article under debate.
6. Debate will then proceed on your amendment until the Meeting decides whether to accept it and amend the main motion, or to reject your amendment.
7. Only two amendments may be “on the floor” (considered by the Meeting) at the same time.

To end debate and call for a vote

1. Stand at a microphone until recognized by the Moderator. State your name and address.
2. Say: “I move the previous question” or “I move to call the question.” You may not make any other statement regarding the merits of the matter being discussed.
3. Your motion must be seconded and is not debatable. It requires a 2/3 vote to pass.
4. If an amendment is being discussed, you must state whether your motion applies to the amendment only, or to the amendment and the main motion.
5. Concord tradition allows the Moderator to ask a mover to hold this kind of motion until a reasonable amount of debate pro and con has occurred. Before moving the question, please consider whether you believe that there has been a reasonable amount of debate.

To question the Moderator’s declaration (announcement) of a vote

1. After the Moderator declares the result of any voice vote or a show of hands, any seven voters may question the announced result. Mass. Gen. Laws, chap. 39, sec. 15.
2. To do this, stand and say: “I question the Vote.” This must be done immediately after the declaration of the vote being questioned.
3. If seven voters question a vote, tellers must count a re-vote by standing voters.
4. Once a standing vote has been counted by tellers, it may not be challenged.

Continued

To call for a paper ballot

1. Stand at a microphone until recognized by the Moderator. State your name and address.
2. State your motion: "I move that we vote on this matter by paper ballot."
3. This motion must be seconded and is debatable.
4. The meeting then decides by majority vote whether to vote by paper ballot (unless a different procedure has been adopted by a previous vote of the Meeting).

To take an article out of order

1. Stand at a microphone until recognized by the Moderator (when no other business is pending on the floor). When recognized, state your name and address.
2. Then say: "I move that the Meeting take up Article__ at __" (time when article is to be taken up).
3. This motion requires a second, is debatable, and may be amended.
4. The Meeting decides this motion by majority vote.

To raise a question of decorum or a point of order

1. Stand at a microphone until recognized by the Moderator. State your name and address.
2. State your point of order, or question, as succinctly as possible.
3. No second is required. The Moderator will respond to, or rule on, the matter you raise.

To reconsider a vote

1. Concord Town Meeting has traditionally limited reconsideration to situations where new information, not previously available, becomes available to be considered by the Meeting.
2. A motion to reconsider must be seconded, is debatable, and requires a majority vote.
3. The Concord Town Meeting By-Law on Reconsideration of a Vote at the Same Town Meeting governs the limited timing when a motion for reconsideration may be brought:
 - a) To move reconsideration of a motion at the same session where the original motion passed, a motion to reconsider must be made within 20 minutes of the declaration of the vote to be reconsidered.
 - b) To move reconsideration of a motion passed at a previous session, notice must be given to the Moderator before adjournment of that previous session at which the vote to be reconsidered was taken.
 - c) Apart from the above two timing and notice requirements, the Selectmen or Finance Committee may consent to reconsideration of a motion at any time before a meeting dissolves. However, Town Meeting itself must still vote on the merits of whether to reconsider. (See also: Concord Town Meeting Traditions and Procedures).

To adjourn

1. Stand at a microphone until recognized by the Moderator. State your name and address.
2. Say: "I move that the Meeting adjourn (to a specific time, if one has not been set)."
3. A motion to adjourn must be seconded, and is debatable and amendable. A majority vote is required. A motion to adjourn may be made at any time and takes precedence over all other pending business on the floor at the time.
4. If the time and place to which to adjourn has not been fixed by a previous vote at the Meeting, the Moderator will ask that this be done before the Meeting votes on the Motion.
5. A motion to "dissolve" (end Annual Town Meeting altogether) is not in order if any warrant article remains undisposed of.

To lay on the table

Concord Town Meeting does not use this kind of motion as a means of terminating debate.

**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR THE ANNUAL TOWN MEETING 2013**

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-second day of April 2013, 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-second day of April 2013, 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 "Receptionist/Clerk" to Grade AC-1, effective June 4, 2012.
2. Add to the Plan a Classification Group titled "Human Services" consisting of a Grade HS-1 with a salary range of \$15.00 to \$30.00 per hour and a Grade HS-2 with a salary range of \$15.00 to \$40.00 per hour, effective January 1, 2013.
3. Add the title "Human Services Specialist" to Grade HS-1, effective January 1, 2013.
4. Add the title "Child Care/Education Specialist" to Grade HS-2, effective January 1, 2013.
5. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 2, 2013, and April 22, 2013.

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. Four 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, 2013, or take any other action relative thereto:

**CLASSIFICATION AND COMPENSATION PLAN
Effective July 1, 2013**

ADMINISTRATIVE-CLERICAL

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
AC-1	Hourly	15.37	18.48	21.59
Receptionist/Clerk Recreation Clerk				
AC-2	Hourly	17.16	20.63	24.10
Account Clerk Department Clerk Senior Recreation Clerk Utility Account Clerk				
AC-3	Hourly	19.46	23.40	27.33
Senior Account Clerk Senior Department Clerk				
AC-4	Hourly	21.02	25.27	29.52
Administrative Assistant Collections Assistant Retirement Assistant Treasury Assistant				
AC-5	Hourly	22.47	27.01	31.55
Assistant Town Clerk Human Resources Assistant Senior Administrative Assistant				
AC-6	Hourly	23.24	27.95	32.65
Finance Assistant				
AC-7	Hourly	25.68	30.88	36.08
Executive Assistant to the Town Manager				

TRADES-CRAFTS-LABOR

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
TCL-1 Building Custodian	Hourly	15.16	18.33	21.50
TCL-2 Building Maintenance Custodian Laborer/Truck Driver	Hourly	17.13	20.71	24.28
TCL-3 Building Systems Custodian Cemetery Specialist Equipment Operator Park & Tree Specialist Water/Sewer System Maintainer	Hourly	18.84	22.78	26.72
TCL-4 Equipment/Line Operator Master Mechanic Park & Tree Specialist (Aerial) Senior Park & Tree Specialist	Hourly	21.09	25.51	29.92
TCL-5 Cemetery Supervisor Crew Leader Senior Master Mechanic Treatment Systems Operator	Hourly	23.35	28.24	33.12
TCL-6 Fleet Supervisor Senior Treatment Systems Operator	Hourly	26.23	31.72	37.20
TCL-7 Public Works Supervisor	Hourly	29.10	35.20	41.29

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	41,743	52,356	62,968
Aquatics Supervisor				
Associate Engineer				
Engineering Technician				
Recreation Supervisor				
MP-2	Annual	47,107	59,082	71,057
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	55,585	69,716	83,847
Aquatics Coordinator				
Assistant Human Resources Director				
Assistant Public Health Director				
Assistant Public Works Engineer				
Assistant to the Water/Sewer Superintendent				
Assistant Town Accountant				
Assistant Treasurer				
Civil Engineer				
Customer Service Administrator				
Energy Conservation Coordinator				
Facilities Maintenance Supervisor				
Fitness Coordinator				
GIS Program Coordinator				
Local Inspector				
Management Analyst				
Recreation Coordinator				
Retirement System Administrator				
Senior Budget & Operations Analyst				
Senior Environmental & Regulatory Coordinator				
Senior Planner				

MANAGERIAL-PROFESSIONAL, continued

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

MP-4	Annual	59,426	74,533	89,640
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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	63,921	80,170	96,419
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Assistant Library Director
 Deputy Fire Chief
 Deputy Treasurer/Collector
 Highway & Grounds Superintendent
 Police Lieutenant
 Public Health Director
 Town Clerk

MP-6	Annual	70,442	88,349	106,256
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Building Commissioner
 Deputy Police Chief
 Human Resources Director
 Town Accountant
 Town Assessor
 Town Engineer
 Water/Sewer Superintendent

MP-7	Annual	80,660	101,166	121,671
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Chief Information Officer
 Director of Planning & Land Management
 Library Director
 Recreation Director

MP-8	Annual	89,863	112,709	135,554
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Deputy Town Manager
 Fire Chief
 Police Chief
 Public Works Director

MP-9	Annual	98,487	123,526	148,564
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Finance Director

ELECTRICAL LABOR

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
EL-1 Meter Reader	Hourly	16.97	20.52	24.07
EL-2 Lineworker, Grade 3 Meter Technician	Hourly	20.70	25.04	29.37
EL-3 Lineworker, Grade 2 Utility Electrician	Hourly	26.27	29.70	33.12
EL-4 Lineworker, Grade 1	Hourly	32.61	36.87	41.13
EL-5 Lead Lineworker	Hourly	34.15	38.61	43.06
EL-6 Line Supervisor	Hourly	36.78	41.58	46.38

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	56,900	68,406	79,912
EM-2 Electrical Engineer	Annual	65,307	78,512	91,716
EM-3 Assistant CMLP Director Engineering & Operations Manager	Annual	77,684	93,392	109,099
EM-4 CMLP Director	Annual	105,006	126,238	147,469

SWIM & FITNESS

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

HUMAN SERVICES

Grade Number & Class Title		Minimum	Mid-Point	Maximum
HS-1 Human Services Specialist	Hourly	15.00	22.50	30.00
HS-2 Child Care/Education Specialist	Hourly	15.00	27.50	40.00

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 FY14. 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, 2014, or take any other action relative thereto:

General Fund Operating Budget

Item No.	Department	Fiscal 2012 Expenses	Fiscal 2013 Appropriation	Fiscal 2014 Proposal
General Government				
\$2,268,863 is 6.3% of Total				
1	Town Manager's Office			
	A. Town Manager	\$ 303,709	\$ 317,368	\$ 319,753
	B. Human Resources	174,362	192,531	192,535
	C. Town-Wide Building Fund	160,302	170,000	180,000
	D. Resource Sustainability Fund	-	25,000	40,000
	Subtotal	638,373	704,899	732,288
2	Legal Services	215,806	225,000	225,000
3	Elections and Registrars			
	A. Elections	24,348	37,168	17,129
	B. Registrars	7,612	8,078	8,216
	Subtotal	31,960	45,246	25,345
4	Town Meeting and Reports	82,916	77,800	81,550
5	Planning			
	A. Planning Administration	293,202	305,300	305,863
	B. Natural Resources	194,540	211,032	190,317
	C. Inspections	361,584	370,445	375,271
	D. Health	242,197	252,562	260,433
	Subtotal	1,091,523	1,139,339	1,131,884
6	141 Keyes Road	66,325	71,539	72,796
	Total General Government	\$ 2,126,903	\$ 2,263,823	\$ 2,268,863
Finance and Administration				
\$2,055,805 is 5.7% of Total				
7	Finance Committee	3,100	3,100	3,410
8	Finance			
	A. Finance Administration	244,078	256,998	259,456
	B. Treasurer-Collector	249,367	257,613	259,976
	C. Town Accountant	120,827	136,384	141,822
	D. Assessors	345,263	382,273	379,998
	E. Town Clerk	207,161	217,318	220,106
	Subtotal	1,166,696	1,250,586	1,261,358
9	Information Systems	408,648	517,901	693,770
10	Town House	104,433	101,868	97,267
	Total Finance and Administration	\$ 1,682,877	\$ 1,873,455	\$ 2,055,805

Item No.	Department	Fiscal 2012 Expenses	Fiscal 2013 Appropriation	Fiscal 2014 Proposal
Public Safety				
\$7,937,713 is 22.1% of Total				
11	Police Department	3,867,289	3,953,098	3,956,940
12	Fire Department	3,585,716	3,650,262	3,681,641
13	West Concord Fire Station	36,036	35,515	35,814
14	Police-Fire Station	201,262	218,139	225,408
15	Emergency Management	12,337	12,810	12,810
16	Animal Control Officer	18,686	19,065	25,100
	Total Public Safety	\$ 7,721,326	\$ 7,888,889	\$ 7,937,713
Public Works and Facilities				
\$3,824,559 is 10.7% of Total				
17	Public Works			
	A. CPW Administration	163,079	173,382	172,595
	B. Engineering	376,819	350,283	334,149
	C. Highway Maintenance	1,182,410	1,193,768	1,226,813
	D. Parks and Trees	613,385	600,543	641,721
	E. Cemetery	69,035	60,765	60,070
	Subtotal	2,404,728	2,378,741	2,435,348
18	Snow and Ice Removal	291,685	525,000	540,000
19	Street Lighting	64,321	64,624	68,463
20	CPW Equipment	210,000	296,500	277,000
21	Drainage Program	215,000	205,000	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	88,677	94,982	108,748
	Total Public Works and Facilities	\$ 3,464,411	\$ 3,754,847	\$ 3,824,559
Human Services				
\$2,571,499 is 7.2% of Total				
25	Library	1,826,877	1,859,577	1,872,206
26	Recreation Administration	92,554	96,742	96,742
27	Hunt Recreation Center	84,351	83,538	86,922
28	Harvey Wheeler Community Ctr.	135,284	137,934	144,945
29	Council on Aging	230,528	264,591	276,466
30	Veterans Services and Benefits	28,031	30,468	45,971
31	Ceremonies and Celebrations	23,540	23,800	23,800
32	Visitors' Center and Restroom	22,668	23,206	24,447
	Total Human Services	\$ 2,443,833	\$ 2,519,856	\$ 2,571,499

Item No.	Department	Fiscal 2012 Expenses	Fiscal 2013 Appropriation	Fiscal 2014 Proposal
Unclassified \$815,573 is 2.3% of Total				
33	Town Employee Benefits			
	A. Unused Sick Leave	90,000	90,000	90,000
	B. Public Safety Disability	310	2,500	2,500
	C. Employee Assistance Program	6,778	7,500	7,500
	Subtotal	97,088	100,000	100,000
34	Reserve Fund*	-	225,000	225,000
*Transfers totaling \$60,250 were made to other accounts in Fiscal Year 2012				
35	Salary Reserve**	-	88,142	480,574
**Transfers totaling \$412,217 in Fiscal Year 2012 and \$371,858 in Fiscal Year 2013 (to date) were made to other accounts.				
36	Land Fund	15,000	10,000	10,000
	Total Unclassified	\$ 112,088	\$ 423,142	\$ 815,573
SUBTOTAL FOR REFERENCE ONLY Account 1-36		\$ 17,551,436	\$ 18,724,013	\$ 19,474,013
Joint (Town - CPS) \$16,434,457 is 45.7% of Total				
37	Insurance			
	A. Group Insurance	4,300,000	4,650,000	4,650,000
	B. OPEB	500,000	400,000	650,000
	C. Property/Liability	175,000	175,000	200,000
	Total	4,975,000	5,225,000	5,500,000
38	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	89,176	100,000	100,000
	B. Workers' Comp.	58,768	100,000	100,000
	Total	147,944	200,000	200,000
39	Retirement	2,855,977	2,945,000	3,035,000
40	Social Security and Medicare	555,459	625,000	640,000
41	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	2,556,270	2,467,673	2,491,041
	School Principal and Interest	541,716	697,221	815,516
	Subtotal	3,097,986	3,164,894	3,306,557
	Interest on Notes	5,315	100,106	58,443
	Other Debt Expense	11,426	35,000	35,000
	Subtotal Within Levy Limit	3,114,727	3,300,000	3,400,000
	B. Excluded Debt	4,159,144	4,244,471	3,659,457
	Total Debt Service	7,273,871	7,544,471	7,059,457
	Total Joint (Town - CPS)	\$ 15,808,251	\$ 16,539,471	\$ 16,434,457
	Total Appropriation	\$ 33,359,687	\$ 35,263,484	\$ 35,908,470

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 Health Division 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, 2013 and thereafter pursuant to the salary schedules adopted under Article 5, the implementation of the merit pay plan in accordance with Section 10.2 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 2014, 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 2014, 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.

That the Town authorize the sum of \$29,727.51 to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payment of the Massachusetts Pollution Abatement Trust #T5-05-1234A due and payable during FY 2014, pursuant to Article 50 of 2004 and the loan totaling \$296,830 executed on June 13, 2012 and having a final payment date of July 15, 2022.

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 total appropriation to be presented for Town Meeting approval is at the spending guideline set by the Finance Committee in November 2012.

Finance Committee recommends affirmative action in the amount of \$35,908,470.

Board of Selectmen recommends affirmative action in the amount of \$35,908,470.

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, 2014, or take any other action relative thereto:

SCHEDULE A - PUBLIC SCHOOL BUDGET				
Item No.	Department	Fiscal 2012 Adopted	Fiscal 2013 Adopted	Fiscal 2014 School Committee Vote of Dec. 12, 2012
1	Concord Public Schools Budget/Appropriation	\$28,474,200	\$29,755,538	\$31,140,538

This article provides the annual operating budget for the Concord Public Schools. The appropriation to be presented for Town Meeting approval is at the spending guideline set by the Finance Committee in November 2012.

Finance Committee recommends affirmative action in the amount of \$31,140,538.

Board of Selectmen recommends affirmative action in the amount of \$31,140,538.

CONCORD PUBLIC SCHOOLS RENOVATIONS

ARTICLE 8. To determine whether the Town will vote to raise and appropriate, or transfer 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 \$795,000, or any other sum, to be expended under the direction of the School Committee 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 \$795,000 for renovations, repairs, and related work at various Concord Public School facilities. 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 \$795,000 from borrowing.
Board of Selectmen recommends affirmative action in the amount of \$795,000 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 \$210,000 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 2012 Annual Town Meeting, for the purposes of meeting extraordinary or unforeseen expenditures of the Concord Public Schools Budget on account of increased pupil transportation expenses, identified after preparation of the FY13 budget for the fiscal year ending June 30, 2013, or take any other action relative thereto.

This article would amend the current year budget for the purpose of paying unanticipated costs of pupil transportation services. The Article proposes a supplemental appropriation to the Reserve Fund account which is subject to the control of the Finance Committee. The School Committee would make a request to the Finance Committee, by June 30, 2013, for a transfer from the Reserve Fund appropriation to the extent necessary but not exceeding the amount voted.

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, 2014, or take any other action relative thereto.

SCHEDULE A – CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET				
Item No.	Department	Fiscal 2012 Adopted	Fiscal 2013 Adopted	Fiscal 2014 School Committee Vote of Dec. 12, 2012
1	Concord-Carlisle Regional High School			
	Budget	\$23,981,012	\$24,290,423	\$26,353,647
	Assessment	\$15,089,162	\$15,320,349	16,943,064 *
*(includes \$15,391,221 assessment for operating budget and \$1,551,843 assessment for debt exclusion)				

This article provides Concord's share of the annual operating budget for the Concord-Carlisle Regional High School. The appropriation to be presented for Town Meeting approval is at the spending guideline set by the Finance Committee in November 2012.

Finance Committee recommends affirmative action in the assessment amount of \$16,943,064, which includes \$1,551,843 as the debt exclusion assessment.

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

CCRSO SUPPLEMENTAL ASSESSMENT FOR CURRENT YEAR

ARTICLE 11. To determine whether the Town will vote to transfer from available funds in the treasury, or from current year appropriations, the sum of \$100,478, or any other sum, as a supplemental assessment for FY2013, for the purpose of meeting extraordinary or unforeseen expenditures of the Concord-Carlisle Regional School District budget on account of increased pupil transportation expenses, identified after preparation of the FY13 budget for the fiscal year ending June 30, 2013, or take any other action relative thereto.

This article would appropriate \$100,478 as the Town's assessed share, 71.77%, of a \$140,000 amendment to the current year CCRSD budget for the purpose of paying unanticipated costs of pupil transportation services.

No motion is expected.

SALE OF CONSERVATION RESTRICTION – FORMER LANDFILL SITE

ARTICLE 12. To determine whether the Town will vote to authorize the Board of Selectmen to convey to Walden Woods Project, a not-for-profit organization, or to a similar conservation organization, a conservation restriction pursuant to Chapter 184, §§ 31-33 of the Massachusetts General Laws, on terms and conditions agreeable to the Selectmen, on all or a portion of the parcel of land at 759 Walden Street identified on the Assessor's maps as parcel #4039, comprised of approximately 35.4 acres, said conservation restriction to permit the Town to carry out solar energy generation and public works activities at the site, and further to authorize the Selectmen to accept the sum of \$2.8 million or any other sum as compensation for the conservation restriction, or take any other action relative thereto.

This article would authorize the Selectmen to sell a land-use restriction to the Walden Woods Project and make a commitment to limit future activities on the former landfill site which is located close to Walden Pond.

Finance Committee recommendation will be made at Town Meeting.

Board of Selectmen recommendation will be made at Town Meeting.

CONCORD PUBLIC SCHOOLS – USE OF THE CPS CAPITAL NEEDS STABILIZATION FUND FOR TRANSPORTATION INFRASTRUCTURE

ARTICLE 13. To determine whether the Town will vote to appropriate the sum of \$950,000, or any other sum, from the CPS Capital Needs Stabilization Fund established by vote under Article 32 of the 2006 Annual Town Meeting, to be expended under the direction of the Concord School Committee for the development of transportation infrastructure at 759 Walden Street (the former Town landfill site), assessors' parcel #4309, or at any other available site controlled by and deemed appropriate by the Concord School Committee, or take any other action relative thereto.

This article authorizes use of monies in the Concord Public Schools Capital Stabilization Fund.

Finance Committee recommendation will be made at Town Meeting.

Board of Selectmen recommendation will be made at Town Meeting.

BY PETITION TO KEEP THE CONCORD SCHOOL BUS TRANSPORTATION DEPARTMENT ON THE REGIONAL HIGH SCHOOL PROPERTY

ARTICLE 14. To determine whether the Town will vote to request the Concord Public School Committee and the Concord-Carlisle Regional High School Committee to retain the existing Concord School Bus Transportation Department on the Concord-Carlisle High School Grounds, together with the fleet of buses, which are owned by the Concord Public Schools and the Concord-Carlisle Regional High School District.

In addition it is requested that the \$350,000 three-bay maintenance garage and the modular administration building be kept intact for the use of the Concord School Bus Transportation Department or take any action relative thereto.

PETITIONER'S EXPLANATION:
For 35 years, Concord's well-managed Bus Transportation Department has been at the High School. The Citizen's Transportation Committee, established by Town Meeting vote last April, has studied the matter extensively and has recommended it remain there.

Finance Committee recommendation will be made at Town Meeting.

Board of Selectmen recommendation will be made at Town Meeting.

BY PETITION EDUCATIONAL & FISCAL CONCERNS IN THE CONCORD PUBLIC SCHOOLS

ARTICLE 15. To determine whether the Town will vote to urge the Concord Public School Committee and the Concord Carlisle Regional School Committee to make positive new changes in the central administration of the School Department to ensure a good faith effort towards greater transparency and fiscal responsibility.

Concord is in need of a healthier educational climate in order to best serve its children and citizenry. Especially of concern is the 2012 TELL (Teaching, Empowering, Leading, and Learning) state-wide survey data which shows teachers in Concord lack confidence in the administration, and feel devalued and disrespected. The School Committees are directed to carefully examine the "top down" style of leadership in the administration which disallows open dialogue among staff, teachers, and parents.

Concord taxpayers request that the School Committees address problems which are the result of poor planning, fiscal mismanagement, and failure to communicate. Issues recently raised regarding the costs of moving the bus yard and the elimination of features in the new high school due to poor oversight of the project, are just two examples of the School Finance Department's failures. A change of leadership is needed to avoid future loss of valued faculty and an increase in tax overrides.

Or take any other action relative thereto.

PETITIONER'S EXPLANATION:
For over a year now citizens have spoken out on decisions and actions taken by the school administration which have concerned them. These issues have not been satisfactorily addressed or resolved.

Board of Selectmen recommends no action.

MINUTEMAN CAREER AND TECHNICAL HIGH SCHOOL BUDGET

ARTICLE 16. 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, 2014, or take any other action relative thereto.

SCHEDULE A – MINUTEMAN CAREER AND TECHNICAL HIGH SCHOOL BUDGET				
Item No.	Department	Fiscal 2012 Adopted	Fiscal 2013 Adopted	Superintendent's Proposed Budget & Fiscal 2014 Assessment
1	Minuteman Regional High School Budget Assessment	\$16,435,673 530,994	\$17,251,713 437,910	\$18,547,098 230,588 (est. @ 1/08/2013)

This article provides Concord's share of the annual operating budget for the Minuteman Vocational Technical School District. The estimated assessment is revised to \$227,033.

Finance Committee recommends affirmative action in the amount of \$227,033.

Board of Selectmen recommends affirmative action in the amount of \$227,033.

FREE CASH USE

ARTICLE 17. 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, 2014, 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 2014 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 18. To determine whether the Town will vote to appropriate the sum of \$735,000, 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 2014 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, 2008. Interest earned is added to the Fund. Approximately \$415,000 will have been earned and allocated from the Fund in addition to the initial appropriation. This is the fourth year of the planned allocation period to reduce the tax impact of the related debt service cost. The intent of this Article is to apply the remaining balance of the Fund.

Finance Committee recommends affirmative action in the amount of \$735,000.

Board of Selectmen recommends affirmative action in the amount of \$735,000.

HIGH SCHOOL DEBT STABILIZATION FUND – ADDITION AND USE

ARTICLE 19. To determine whether the Town will vote to appropriate and transfer from Free Cash the sum of \$750,000 to be added to the Stabilization Fund established by vote under Article 2 of the November 7, 2011 Special Town Meeting for the purpose of reserving funds to be used to lower the tax levy impact of the Town's assessed share of principal and interest payment on bonds to be issued by the Concord-Carlisle Regional School District for the new District High School construction project; and further, to appropriate the sum of \$230,000, or any other sum, from said Fund, to be expended under the direction of the Town Manager for a portion of the Town's assessed share of the debt service due and payable during fiscal year 2014; or take any other action relative thereto.

This article is recommending that \$750,000 of the Uncommitted Fund Balance ("Free Cash") be added to the existing \$2,000,000 High School Debt Stabilization Fund; and further that the first of a planned multi-year allocation be made beginning in FY2014 to mitigate the property tax increase that will otherwise occur due to payment of the Town's apportioned share of debt service on the Concord-Carlisle Regional School District bonds to be issued in connection with the construction of the new high school building.

Finance Committee recommends affirmative action in the amount of \$750,000 appropriated and transferred from Free Cash into the Fund and \$230,000 appropriated from the Fund.

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

UNPAID BILLS

ARTICLE 20. 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 21. 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 22. To determine whether the Town will vote to authorize a transfer of \$447,800, 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, 2014, or take any other action relative thereto.

This article authorizes the transfer of \$447,800 from the Operating Fund of the Light Plant to the General Fund as a Payment In Lieu of Taxes (or PILOT) for fiscal year 2014. 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 \$447,800.

Board of Selectmen recommends affirmative action in the amount of \$447,800.

LIGHT PLANT EXPENDITURES

ARTICLE 23. 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 24. 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 2014 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.

Board of Selectmen recommends affirmative action in the amount of \$120,000.

SOLID WASTE DISPOSAL FUND EXPENDITURES

ARTICLE 25. 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 2014 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 26. 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 2014 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 27. 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 2014 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 28. 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 2014 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 2014 BUDGET

ARTICLE 29. 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, 2013 (FY2014) 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. In 2012, Town Meeting appropriated an operating budget of \$2,479,524 (\$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). The FY14 budget will be submitted by the Town Manager and reviewed at a Public Hearing on March 18, 2013.

Finance Committee recommends affirmative action in the amount of \$2,430,364 from Fiscal year 2014 fund revenues and \$419,574 from the certified undesignated fund balance of July 1, 2012.

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

BY PETITION **REPEAL OF DRINKING WATER IN SINGLE-SERVE PET BOTTLES BYLAW**

ARTICLE 30. To determine whether the Town of Concord will vote to repeal in its entirety the bylaw known as "Drinking Water in Single-Serve PET Bottles Bylaw" that was adopted under Article 32 of the 2012 Annual Town Meeting, or take any other action relative thereto.

PETITIONER'S EXPLANATION:

In April 2012, Article 32: Drinking Water in Single-Serving PET Bottles Bylaw was passed by a very small margin. This year's article seeks to repeal this Bylaw. The intent of this article is to restore consumer choice to Concord, recognizing that residents, guests, and the many tourists to town should have the option to choose water, a healthy, safe drink.

Board of Selectmen recommends no action.

ZONING BYLAW AMENDMENT – FRONTAGE DEFINITION

ARTICLE 31. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

Delete Subsection 6.2.3 *Frontage* and replace with the following new subsection 6.2.3 *Frontage*, to incorporate the definition for frontage found in Subsection 1.3.11:

6.2.3 Frontage: Frontage, as defined in subsection 1.3.11, shall be measured in a continuous line along the sideline of the street between the points of intersection of the side lot lines with said sideline of the street.

Or take any other action relative thereto.

This is a "housekeeping" amendment to relate the measurement of frontage in section 6.2.3 to the definition of frontage in section 1.3.11.

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – TABLE III – DIMENSIONAL REGULATIONS

ARTICLE 32. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

Revise Table III Dimensional Regulations in Section 6 to incorporate the new Zoning Districts that have been created and added to the Principal Use Table in the past four years, which include the Concord Center Business (CCB), Thoreau Depot Business (TDB), Nine Acre Corner Business (NACB), West Concord Industrial (WCI), Industrial Park A (IPA) and Industrial Park B (IPB), and Limited Industrial Park #1 (LIP#1) and Limited Industrial Park #2 (LIP#2) with the respective dimensional requirements of each as shown in underlined text in the portions of Table III, as revised below;

And, for the Business District, West Concord Business (WCB) and West Concord Village (WCV) Districts, delete the word “Where” at the beginning of each paragraph under the columns labeled Minimum Side Yard in Feet and Minimum Rear Yard in Feet and replace with the words “none, except where”, as shown in underlined text in the portions of Table III, as revised as below:

TABLE III – DIMENSIONAL REGULATIONS

<i>Zoning Districts</i>	<i>Min. Lot Area in Sq. Ft.</i>	<i>Min. Lot Frontage In Feet</i>	<i>Frontage Exception In Feet</i>	<i>Min. Lot Width In Feet</i>	<i>Min. Front Yard In Feet'</i>	<i>Min. Side Yard In Feet</i>	<i>Minimum Rear Yard in Feet</i>	<i>Corner Clearance In Feet</i>	<i>Height In Feet</i>	<i>Max. Lot Coverage %</i>	<i>Max. Floor Area Ratio</i>
Business	_____	_____	_____	_____	10	<u>none, except where</u>	a business or industrial use abuts a residential district: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which about the residential district unless otherwise specified under site plan approval.	10	35	_____	_____
<u>Concord Center, Thoreau Depot and Nine Acre Corner Business</u>	_____	_____	_____	_____	<u>10</u>	<u>none, except where</u>	<u>a business or industrial use abuts a residential district: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which about the residential district unless otherwise specified under site plan approval.</u>	<u>10</u>	<u>35</u>	_____	_____
West Concord Business	_____	_____	_____	_____	0	<u>none, except where</u>	a business or industrial use abuts a residential dist.: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which about the residential district unless otherwise specified under site plan approval.	10	Maximum height 35 minimum height side and rear 15; minimum height front façade 18	_____	_____
West Concord Village	_____	_____	_____	_____	0	<u>none, except where</u>	a business or industrial use abuts a residential dist.: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which about the	10	Maximum height 35; minimum height side and rear 15; minimum height front	_____	_____

						residential district unless otherwise specified under site plan approval.		façade 18		
<u>West Concord Industrial</u>	<u>20,000</u>	<u>100</u>	-----	-----	<u>10</u>	<u>10' in all cases, of which 5' shall be landscaped buffer along those side and rear lot lines which abut the residential districts unless otherwise specified under site plan approval.</u>	<u>10</u>	<u>35</u>	<u>75, the same to include the gross ground floor area of all buildings and all paved areas, or open space equal to 50% of the gross floor area of the building, whichever measure of lot coverage is greater.</u>	-----
<u>Industrial Park A and Industrial Park B</u>	<u>4 acres</u>	<u>50' on a private interior street constructed as part of the development of a site or 200' on an existing public way.</u>	-----	-----	<u>20' from the side lines of private streets constructed as part of a development of a site and 100' from existing public ways. No parking areas may be placed closer than 30' from the side lines of any public way or 20' from the side lines of private streets within the boundaries of the Industrial Park development.</u>	<u>20' except 100' from property lines of parcels zoned residential and in residential use, 50' of which must be a landscaped buffer. No parking areas may be placed within the minimum side or rear yard except where joint parking areas are permitted by the Planning Board through site plan approval.</u>	<u>10</u>	<u>40, but not more than 3 stories, excluding basements</u>	<u>50%, the same to include all paved areas and 20% maximum lot coverage by all structures.</u>	-----
<u>Limited Industrial Park #1 and Limited Industrial Park #2</u>	<u>5 acres</u>	<u>50' on a private interior street within the LIP development or 200' on a public way.</u>	-----	-----	<u>100' from public ways in existence prior to January 1, 1981 and 50' from all other streets. No parking area may be placed within the minimum front yard.</u>	<u>20' for buildings for which a building permit was issued prior to February 14, 1980 and for any additions thereto, 50' for all other buildings and for any additions thereto, and 200' from property lines of parcels zoned residential and in residential use, 100' of which must be a landscaped buffer. No parking</u>	<u>10</u>	<u>40, but not more than 3 stories, excluding basements</u>	<u>35%, the same to include the gross ground floor area of all buildings and all paved areas.</u>	<u>6,000 sq.ft. gross floor area per acre for R&D and light manufacturing uses, or 3,000 sq.ft. gross floor area per acre for other uses.</u>

						area may be placed within 20' of the side and rear lot lines except where joint parking areas are permitted by the Planning Board through site plan approval.				
--	--	--	--	--	--	---	--	--	--	--

³ In the West Concord Business and West Concord Village Districts, the maximum front yard is ten (10) feet unless a special permit is granted for a greater front yard depth.

Or take any other action relative thereto.

This proposed change to the Zoning Bylaw Table III Dimensional Regulations adds the new districts adopted by Town Meeting since 2007 (Concord Center Business District, Thoreau Depot Business District, Nine Acre Corner Business District, West Concord Industrial District, Industrial Park A and Industrial Park B Districts and Limited Industrial Park 1 and Limited Industrial Park 2 Districts) and codifies the Building Commissioner's interpretation of building side yard setbacks in the Business Districts the West Concord Village District and the Limited Industrial Park #1 and #2 Districts. Changes to the table are shown underlined for the warrant only.

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – LIMITED INDUSTRIAL PARK #2

ARTICLE 33. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

Revise Table III Dimensional Regulations in Section 6 by adding the words “Educational in LIP#2” in the Maximum Floor Area Ratio column so that the Maximum Floor Area Ratio for Educational Uses in the Limited Industrial Park District #2 would increase from 3,000 square feet gross floor area per acre to 6,000 square feet gross floor area per acre as shown in the underlined text in the portion of Table III below:

TABLE III – DIMENSIONAL REGULATIONS

Zoning Districts	Min. Lot Area in Sq. Ft.	Min. Lot Frontage In Feet	Frontage Exception In Feet	Min. Lot Width In Feet	Min. Front Yard In Feet ¹	Min. Side Yard In Feet	Minimum Rear Yard in Feet	Corner Clearance In Feet	Height In Feet	Max. Lot Coverage %	Max. Floor Area Ratio
Limited Industrial Park #1 and Limited Industrial Park #2	5 acres	50' on a private interior street within the LIP development or 200' on a public way.	_____	_____	100' from public ways in existence prior to January 1, 1981 and 50' from all other streets. No parking area may be placed within the minimum front yard.	20' for buildings for which a building permit was issued prior to February 14, 1980 and for any additions thereto, 50' for all other buildings and for any additions thereto, and 200' from property lines of parcels zoned residential and in residential use, 100' of which must be a landscaped buffer. No parking area may be placed within 20' of the side and rear lot lines except where joint parking areas are permitted by the Planning Board through site plan approval.		10	40, but not more than 3 stories, excluding basements	35%, the same to include the gross ground floor area of all buildings and all paved areas.	6,000 sq. ft. gross floor area per acre for <u>Educational in LIP #2, R&D</u> and light manufacturing uses, or 3,000 sq. ft. gross floor area per acre for other uses.

Or take any other action relative thereto.

This amendment to the Zoning Bylaw will allow educational uses, which are allowed by right in all zoning districts, the greater floor area ratio as defined for R&D and light manufacturing uses in the Limited Industrial Park District #2, a district located along Route 62 at the Acton-Concord town line. Proposed changes in the table are shown underlined for the warrant only.

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – ACCESSORY USE TABLE

ARTICLE 34. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

Revise the Table II - Accessory Use Regulations in Section 5 to incorporate the new Zoning Districts that have been created and added to the Principal Use Table in the past two years, which include the Concord Center Business (CCB), Thoreau Depot Business (TDB), Nine Acre Corner Business (NACB), West Concord Business (WCB), West Concord Village (WCV), West Concord Industrial (WCI), Industrial Park A (IPA) and Industrial Park B (IPB), and Limited Industrial Park 1 (LIP#1) and Limited Industrial Park #2 (LIP#2) as shown in the shaded and underlined text in Table II below:

And, in the second and third paragraphs of subsection 5.2, Provisions Applicable to Table II, delete the letter “Y” and replace with the word “yes”; and in the second paragraph of subsection 5.2, delete the letter “N” and replace with the word “no”;

And, in the Accessory Use Table II, delete the letter “Y” in every place where it occurs and replace with the word “yes”, and delete the letter “N” in every place where it occurs and replace with the word “no”, as shown in the revised Table II below:

Accessory Uses	Residential Districts				Commercial Districts					MP	Industrial Districts					
	AA	A	B	C	B	<u>CCB</u> , <u>TDB</u> , <u>NACB</u>	<u>WCB</u>	<u>WCV</u>	LB		<u>WCI</u>	I	<u>IP A</u>	<u>IP B</u>	<u>LIP #1</u>	<u>LIP #2</u>
5.3.1 Home recreational facilities	yes	yes	yes	yes	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	no	yes	<u>no</u>	no	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
5.3.2 noncommercial radio and TV towers and structures	SP	SP	SP	SP	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	SP	SP	<u>SP</u>	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
5.3.3 Kennels	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes ¹	no	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.4 Stables	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes ¹	no	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.5 Parking or garaging of more than one commercial vehicle	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.6 Home occupation																
5.3.6.1 Customary home occupation	yes	yes	yes	yes	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.6.2 Special home occupation	SP	SP	SP	SP	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	SP	SP	<u>SP</u>	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
5.3.7 Farm product sales	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.8 Lodging for farm employees	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.9 Aviation facilities for take-off and landing	SP	SP	SP	SP	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	SP	SP	<u>SP</u>	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
5.3.10 Watchman’s apt.	no	no	no	no	no	<u>no</u>	<u>no</u>	<u>no</u>	no	no	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>

5.3.11 Workshops and classes	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.12 Lunchrooms and cafeterias	no	no	no	no	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.13 Gift shops, candy counters	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.14 Scientific research and development	no	no	no	no	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	SP	SP	<u>SP</u>	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
5.3.15 Tourist home or bed and breakfast	SP	SP	SP	SP	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	no	SP	<u>no</u>	no	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
5.3.16 Personal service shop	no	no	no	no	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	no	no	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.17 Seasonal catering	no	no	no	no	no	<u>no</u>	<u>no</u>	<u>no</u>	SP ⁵	no	<u>no</u>	no	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
5.3.18 Common driveway	SP	SP	SP	SP	no	<u>no</u>	<u>no</u>	<u>no</u>	no	no	<u>no</u>	no	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>

Or take any other action relative thereto.

This proposed change to the Zoning Bylaw Table II Accessory Use Regulations simply adds the new districts adopted by Town Meeting since 2007 (Concord Center Business District, Thoreau Depot Business District, Nine Acre Corner Business District, West Concord Business District, West Concord Village District, West Concord Industrial District, Industrial Park A and Industrial Park B Districts and Limited Industrial Park #1 and Limited Industrial Park #2 Districts) and conforms the “yes” and “no” designations in the table to the convention used in Table I – Principal Use Regulations. Items in the table above are shown as shaded and underlined for the warrant only.

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – SPECIAL HOME OCCUPATION

ARTICLE 35. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

Delete the phrase “including the sale of antiques” from subsection 5.3.6.2 *Special Home Occupation*, so that the Section reads:

5.3.6.2 *Special Home Occupation:* In all dwellings, the Board may by special permit authorize a Special Home Occupation ~~including the sale of antiques~~ in a dwelling or in an accessory building provided that:

- (a) Not more than one full-time employee, exclusive of residents of the dwelling, is employed on the premises;
- (b) Except for signs, commercial motor vehicles (Section 5.3.5), and related equipment as may be approved by the Board, there is no exterior indication, including but not limited to visual or auditory, that the dwelling is used for anything other than residential purposes;
- (c) Off-street parking for the dwelling and home occupation is provided and the Board finds the number of vehicles on the premises at any one time and number of vehicle trips per day, exclusive of the residents’ vehicles and trips per day, are consistent with the residential character of the property; and,
- (d) The home occupation is clearly secondary and incidental to the principal use of the premises.
- (e) As determined by the Board, additional landscaping and fencing may be required to provide visual and auditory protection to adjacent properties and areas viewed from the public way.

Or take any other action relative thereto.

This Zoning Bylaw amendment will delete the sole example provided to define Special Home Occupation, which is "the sale of antiques".

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – SIDE YARDS IN RESIDENCE B ZONING DISTRICT

ARTICLE 36. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

In subsection 6.2.7, amend the paragraph at the end of the subsection by deleting the word "District" and replacing it with the words "and Residence B Districts" as follows:

"In the Residence C and Residence B Districts, any part of the principal structure that extends into the three (3) foot side yard exception area shall be no greater than fifteen (15) feet in height as defined in subsection 6.2.11. The Board may grant relief from the fifteen foot height limitation in the three (3) foot side yard exception area provided the Board finds that there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw."

And, in Section 6, Table III – Dimensional Regulations for the Residence B Zoning District insert a superscript "1" after the number 15 in the column labeled "Min. Side Yard in Feet" and, amend footnote 1 by deleting the word "District" and replacing it with the words "and Residence B Districts" as follows:

<i>Zoning Districts</i>	<i>Min. Lot Area in Sq. Ft.</i>	<i>Min. Lot Frontage In Feet</i>	<i>Frontage Exception In Feet</i>	<i>Min. Lot Width In Feet</i>	<i>Min. Front Yard In Feet</i>	<i>Min. Side Yard In Feet</i>	<i>Min. Rear Yard in Feet</i>	<i>Corner Clearance In Feet</i>	<i>Max. Height In Feet</i>	<i>Max. Lot Coverage %</i>	<i>Max. Floor Area Ratio</i>
Residence B	20,000	125	100	100	20	15 ¹	Lesser of: 30' or 25% of lot depth	10	35	_____	_____

¹Refer to Zoning Bylaw Subsection 6.2.7 for Residence C and Residence B Districts.

Or take any other action relative thereto.

This amendment to the Zoning Bylaw uses the same language adopted for the Residence C District in 2011 so that in the Residence B District the height of structures will now be limited to no greater than fifteen feet within 12-15 feet of a side yard. There is, however, a provision that allows a homeowner to seek a waiver of this limitation if there are no reasonable alternatives. Proposed changes are shown underlined for the warrant only.

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – DEFINITION OF HEIGHT IN RESIDENCE B

ARTICLE 37. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

In subsection 6.2.11, amend the following paragraphs at the end of the subsection by deleting the word "District" in three places and replacing it with the words "and Residence B Districts" as follows:

"In the Residence C and Residence B Districts, the height of a building shall be measured as the vertical distance from the 'base elevation' to the peak of the roof, or the highest point of the exterior in the case of a flat roof. The 'base elevation' is the average of the elevations of the ground where the two corners of the lowest foundation wall of any existing structure meet the ground. In the absence of an existing structure, the base

elevation shall be the average elevation (measured as indicated in the previous sentence) of the ground at the location on the site where the new building is to be placed, prior to any grading or mounding.

The Board may grant relief from the above definition for the height of a building in the Residence C and Residence B Districts provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

In the Residence C and Residence B Districts any part of the principal structure that extends into the three (3) foot side yard exception as defined in subsection 6.2.7 shall be no greater than fifteen (15) feet in height.”

And, in Section 6, Table III – Dimensional Regulations for the Residence B Zoning District, insert a superscript “2” after the number 35 in the column labeled “Max. Height in Feet” and, amend footnote 2 immediately following footnote 1 by deleting the word “District” and replacing it with the words “and Residence B Districts”, as shown in the portion of Table III below as follows:

Zoning Districts	Min. Lot Area in Sq. Ft.	Min. Lot Frontage In Feet	Frontage Exception In Feet	Min. Lot Width In Feet	Min. Front Yard In Feet	Min. Side Yard In Feet	Min. Rear Yard in Feet	Corner Clearance In Feet	Max. Height In Feet	Max. Lot Coverage %	Max. Floor Area Ratio
Residence B	20,000	125	100	100	20	15 ¹	Lesser of: 30' or 25% of lot depth	10	35 ²	_____	_____

¹Refer to Zoning Bylaw Subsection 6.2.7 for Residence C and Residence B Districts.

²Refer to Zoning Bylaw Subsection 6.2.11 for Residence C and Residence B Districts.

Or take any other action relative thereto.

This amendment to the Zoning Bylaw uses the same language adopted for the Residence C District in 2011 and will change the method for measuring the height of a structure in the Residence B District. Proposed changes are shown underlined for the warrant only. Please note that there is a provision for the Board of Appeals to grant relief from this definition for height if there are no reasonable alternatives and there is no substantial detriment to the neighborhood. Proposed changes are shown underlined for the warrant only.

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – GOVERNMENT, UTILITY AND OTHER PUBLIC SERVICE CORPORATION USES

ARTICLE 38. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

Delete Section 4.4 Governmental and Utility Uses in its entirety and insert in its place a new Section 4.4 Governmental, Utility and Public Service Corporation Uses as follows:

4.4 Governmental, Utility and Public Service Corporation Uses

4.4.1 Town of Concord Municipal Use: use of any building, facility and/or area owned or leased by the Town of Concord for the general use and welfare of the Town, its inhabitants or businesses located within the Town.

4.4.2 Underground utility: underground facilities, equipment, and/or structures that are necessary for conducting a public service provided by a public or private utility, except for large-scale, ground-mounted solar photovoltaic installations.

4.4.3 Aboveground utility: aboveground facilities, equipment, and/or structures that are necessary for conducting a public service provided by a public or private utility.

4.4.4 *Public Service Corporation use*: use of facilities, equipment, and/or structures necessary for providing an essential commodity or service to the public by a public, private or quasi-private corporation.

4.4.5 *Municipal Use that is not by the Town of Concord*: use of any building, facility and/or area for a public purpose by any other town that is not the Town of Concord.

And amend Table I Principal Use Regulations to delete Section 4.4 Government and Utility Uses entirely and add the following Section 4.4 Government, Utility and Public Service Corporation Uses:

Principal Uses	Residential Districts				Commercial Districts					Industrial Districts						Site Plan	
	AA	A	B	C	B	<u>CCB,</u> <u>TDB,</u> <u>NACB</u>	<u>WCB</u>	<u>WCV</u>	LB	MP	WCI	I	IP A	IP B	LIP#1	LIP#2	Approval
4.4																	
4.4.1 <u>Town of Concord Municipal Use</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>NR</u>
4.4.2 <u>Underground Utility</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>NR</u>
4.4.3 <u>Aboveground Utility</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>NR</u>
4.4.4 <u>Public Service Corporation Use:</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>NR</u>
4.4.5 <u>Municipal Use not by the Town of Concord</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>R</u>

Or take any other action relative thereto.

This Zoning Bylaw amendment is proposed to add Public Service Corporations to the definition of uses and to provide a higher level of review for projects proposed by municipalities that are not the Town of Concord. Proposed changes in the table are shown underlined for the warrant only.

Board of Selectmen recommendation will be made at Town Meeting.

ZONING BYLAW AMENDMENT – MEDICAL MARIJUANA TREATMENT CENTER

ARTICLE 39. To determine whether the Town will vote to amend the **Zoning Bylaw** to: Add a new use of Medical Marijuana Treatment Center to Section 4.3 Institutional Uses as follows:

4.3.9 *Medical Marijuana Treatment Center*: A non-profit facility or location that has been registered by the Department of Public Health where medical marijuana is grown, processed and/or made available to a qualifying patient or a personal caregiver, provided that:

4.3.9.1 A medical marijuana treatment center shall not be located within three thousand feet (3,000') of an elementary school, middle school, high school, or public library in existence at the time of enactment of the zoning bylaw amendment establishing this use.

And, amend Table I – Principal Use Regulations in Section 4 to add the use “4.3.9 Medical Marijuana Treatment Center” as an allowed use in only the Medical-Professional District (designated by the word “yes” in Table I under the MP district) with Site Plan Approval required (designated with a capital R in the last column of Table I) and not allowed in any other District (designated by the word “no” in Table I under all other districts) as shown in the portion of Table I below as follows.

Principal Uses	Residential Districts				Commercial Districts					Industrial Districts						Site Plan	
	AA	A	B	C	B	<u>CCB</u> , <u>TDB</u> , <u>NACB</u>	<u>WCB</u>	<u>WCV</u>	LB	MP	WCI	I	IPA	IPB	LIP1	LIP2	Approval
4.3																	
<u>4.3.9</u> <u>Medical Marijuana Treatment Center</u>	<u>no</u>	<u>n</u> <u>o</u>	<u>n</u> <u>o</u>	<u>n</u> <u>o</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>yes</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>R</u>

Or take any other action relative thereto.

This Zoning Bylaw amendment is proposed to define and allow the use of Medical Marijuana Treatment Center in the Medical Professional District, which includes: Emerson Hospital and New England Deaconess south of Route 2 and 747 Main Street, 785 Main Street and 801 Main Street north of Route 2, and to provide minimum distance requirements from schools and libraries. Proposed changes are shown underlined for the warrant only.

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – PUBLIC SERVICE CORPORATION OVERLAY DISTRICT

ARTICLE 40. To determine whether the Town will vote to amend the **Zoning Bylaw** by adding a new Section 7.10 Public Service Corporation Overlay District as follows:

7.10 PUBLIC SERVICE CORPORATION OVERLAY DISTRICT (PSCOD)

7.10.1 Purpose. The purpose of the Public Service Corporation Overlay District (PSCOD) is to provide a mechanism for the approval of uses by public service corporations including but not limited to wastewater treatment, municipal public works operations, large-scale ground mounted solar photovoltaic installations, and peaking power plants.

7.10.2 Definitions. Within this Section, the following terms shall have the following meanings:

(a) Public Service Corporation (PSC): a company that provides or performs an essential public service for public convenience and necessity and subject to government regulation.

(b) Public Service Corporation (PSC): Facility sites, equipment, and structures necessary for constructing a public service facility or conducting a public, private or quasi-private utility service. Such facilities shall include but are not limited to public or private wastewater treatment facilities, municipal public works operations, large-scale ground mounted solar photovoltaic installations, and peaking power plants.

(c) Public Service Project (PSP): A project sponsored by a PSC, including facilities, equipment, and structures necessary for conducting a service by a public, private or quasi-private utility facility.

(d) Peaking Power Plant: A power plant that generally runs only when there is a high demand for energy.

7.10.3 Applicability. The PSCOD shall be construed as an overlay district. Within the PSCOD, the requirements of the underlying zoning district(s) shall remain in full force and effect until site plan approval pursuant to Section 11.8 has been granted by the Planning Board, and the decision is filed with the Town Clerk, and the appeal period set forth herein has expired, except where the requirements herein are more restrictive or provide for uses or structures not otherwise available in the underlying district; in such cases, the requirements herein shall supersede the underlying zoning regulations.

7.10.4 Use Regulations. A PSP may be constructed, subject to the requirements set forth herein, upon the issuance of site plan approval pursuant to Section 11.8 by the Planning Board. In the case of a large-scale ground mounted solar photovoltaic installation, the provisions of Section 7.10 of this By-Law shall apply unless superseded by Section 7.10.8 herein. No other use or structures shall be permitted, except as specifically provided herein.

7.10.5 Administration. The Planning Board shall serve as the site plan approval authority pursuant to this Section. The Planning Board may waive the submittal of technical information or documents otherwise required hereunder where the Applicant demonstrates that, due to the simplicity of the proposal, such information is not necessary for or applicable to the Planning Board's decision pursuant to this Section. An application for site plan approval shall be governed by the requirements set forth in Sections 7.10.6 through 7.10.9.

7.10.6 Application. An application for site plan approval shall be submitted to the Planning Board on forms furnished by the Planning Board. Each such application shall be accompanied by a filing fee as set forth in the Planning Board's Rules and Regulations and a technical review fee pursuant to G.L. c. 44, s. 53G and applicable regulations of the Zoning Board of Appeals. The application shall be accompanied by all of the applicable information required for the Board's considerations of site plan review, as set forth in subsection 11.8.5 of the Zoning By-Law.

7.10.7 Dimensional and Design Requirements. A proposed PSP shall meet all of the following requirements:

1. **Parcel Size and Frontage.** Minimum parcel size for a PSP shall be one acre of upland, excluding any resource area protected by G.L. c. 131, s. 40. There shall be no minimum frontage requirement for a PSP and access shall not be required to the PSP via the frontage, if any, serving the parcel.
2. **More than One Principal Use or Building.** More than one principal use or building may be located on the same parcel or lot. In such cases, the Planning Board shall ensure that adequate access exists to all such principal uses for fire, police and emergency vehicles, and for expected vehicular and pedestrian traffic. Ownership and maintenance responsibilities shall be clearly outlined for each facility and its associated infrastructure, including but not limited to utilities, stormwater management, and access drives.
3. **Buffer.** A buffer area of 50 feet shall be provided at the perimeter of the PSCOD where it abuts residentially occupied properties existing at the time this overlay district was adopted, except for driveways necessary for access and egress to and from the site, or for storm water retention facilities. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance or for required stormwater management systems. The Planning Board may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation; or (ii) where the land abutting the site is held for conservation or recreation purposes; or (iii) the Planning Board determines that a smaller buffer will suffice to buffer adjacent residentially occupied properties.
4. **Site Access Drives.** The principal driveway(s) serving the PSP shall be adequate for the intended use and vehicular traffic and shall be maintained by the operator of the PSP.
5. **Parking.** Parking shall be adequate to serve all anticipated uses on the property, with information provided detailing the method used to calculate the number of parking spaces.
6. **Loading.** Screening and landscaping shall be provided to block all views of loading areas (except those specifically designated for emergency vehicles) from the public right-of-way and adjacent properties.
7. **Stormwater Management.** The stormwater management system shall be designed in accordance with Massachusetts Department of Environmental Protection Stormwater Management Regulations and the Concord Public Works Storm Water Regulations and Design and Construction Standards and Details.
8. **Utilities.** Reasonable efforts shall be made to place all electric, gas, telephone, and cable lines underground.
9. **Emergency Systems.** The PSP shall have an integrated emergency call, telephone and other communications system to provide monitoring by operators. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for emergency conditions.

10. *Lighting.* All exterior lighting shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the Town. Lighting practices and systems shall reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; conserve energy and decrease lighting cost without decreasing night time safety, security, and productivity; and preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.

7.10.8 Large-scale Ground Mounted Solar Photovoltaic Installations. A large-scale ground mounted solar photovoltaic installation shall be permitted as a PSP, subject to the provisions of Section 7.10 of this By-Law, with the following exceptions.

1. There shall be no minimum lot or parcel area requirement.
2. A large-scale ground mounted solar photovoltaic installation may be located on the same lot or parcel as another PSP.
3. The setback requirements of Section 7.9.4.2 shall not apply.

7.10.9 Action by the Planning Board. The Planning Board may grant site plan approval for a PSP where it makes the findings required by Section 11.8 of this Bylaw. The proposed PSP shall comply with the requirements of this Section; provided, however, the Planning Board may waive a substantive requirement when the Board determines that the waiver will not result in substantial detriment to the District or the Town.

And, amend subsection 2.1 Classification of Districts by adding “Public Service Corporation Overlay District” to the end of the subsection;

And, amend subsection 2.2 Zoning Map by adding in between the paragraphs beginning “Groundwater Conservancy District” and “Wetlands Conservancy District” the following:

Public Service Corporation Overlay District, the Town of Concord, January 2, 2013 (no scale), consisting of a single sheet.

Or take any other action relative thereto.

This Zoning Bylaw amendment is proposed to create a new overlay district that will add to the allowed uses on land now or formerly owned by the W.R. Grace Company located in the western portion of the Town at the Acton-Concord town line and along the Assabet River.

Finance Committee recommendation will be made at Town Meeting.

Board of Selectmen recommendation will be made at Town Meeting.

BY PETITION ZONING BYLAW AMENDMENT – PARKING AND LOADING FACILITIES

ARTICLE 41. To determine whether the Town will vote to amend the Zoning Bylaw as follows:

By deleting section 7.7.3.4 and replacing it with the following: “7.7.3.4 *Layout:* Required parking and loading facilities shall be laid out so that each vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. Parking or loading spaces shall be not be located so as to require the backing or maneuvering of a vehicle onto the sidewalk or onto a public way in order to enter or leave the space.”,

and by

inserting in Section 7.7.3.12, after “subsection 7.7.3.1”, the following: “and subsection 7.7.3.4”

Or take any other action relative thereto.

PETITIONER’S EXPLANATION:

This article furthers the goals of the 2005 Comprehensive Long Range Plan and the 2007 Village Center Study, one of which is mixed-use development. These zoning changes make it possible to redevelop the underutilized Millbrook Tarry property on Lowell Road and Keyes Road into a vibrant, mixed-use village. To existing uses at Millbrook Tarry (Rite Aid, Citizens Bank, Trail’s End Café, professional offices) will be added residences with underground parking, upscale grocery store, restaurant, and retail space serving local needs. Approval of this article grants no permits to the project’s proponent, who will have to go through the regular town permitting process.

No motion is expected.

BY PETITION ZONING BYLAW AMENDMENT – COMBINED BUSINESS/RESIDENTIAL

ARTICLE 42. To determine whether the Town will vote to amend the Zoning Bylaw as follows:

Amend Subsection 4.2.3.2, by deleting the word “twenty” and replacing it with the word “five” and by inserting after the parenthetical “(and no less than one unit)”, the words “on the lot.”

Amend Subsection 4.2.3.4, by deleting the word “ten” and replacing it with the word “five”, by inserting after the word “units”, the words “on the lot”, by deleting the word and number “forty (40)” and replacing it with the word and number “fifty (50)”, and by adding after the word “spaces”, the words “and/or a decrease in the front yard requirement.”

Or take any other action relative thereto.

PETITIONER’S EXPLANATION:

This article furthers the goals of the 2005 Comprehensive Long Range Plan and the 2007 Village Center Study, one of which is mixed-use development. These zoning changes make it possible to redevelop the underutilized Millbrook Tarry property on Lowell Road and Keyes Road into a vibrant, mixed-use village. To existing uses at Millbrook Tarry (Rite Aid, Citizens Bank, Trail’s End Café, professional offices) will be added residences with underground parking, upscale grocery store, restaurant, and retail space serving local needs. Approval of this article grants no permits to the project’s proponent, who will have to go through the regular town permitting process.

No motion is expected.

BY PETITION ZONING BYLAW AMENDMENT – LOT

ARTICLE 43. To determine whether the Town will vote to amend the Zoning Bylaw as follows:

By adding the following sentence to Section 1.3.17: “One ownership shall be deemed to exist where the same persons control a lot by a combination of fee ownership and exclusive, irrevocable, recorded easement rights allowing such persons to build, maintain, and replace structures and other improvements in the portion of the lot subject to the easement.”

Or take any other action relative thereto.

PETITIONER’S EXPLANATION:

This article furthers the goals of the 2005 Comprehensive Long Range Plan and the 2007 Village Center Study, one of which is mixed-use development. These zoning changes make it possible to redevelop the underutilized Millbrook Tarry property on Lowell Road and Keyes Road into a vibrant, mixed-use village. To existing uses at Millbrook Tarry (Rite Aid, Citizens Bank, Trail’s End Café, professional offices) will be added residences with underground parking, upscale grocery store, restaurant, and retail space serving local needs. Approval of this article grants no permits to the project’s proponent, who will have to go through the regular town permitting process.

No motion is expected.

BY PETITION AUTHORIZE THE SELECTMEN TO SELL CONVEY RIGHTS IN LAND ON KEYES ROAD AND TO ACCEPT CASH OR LAND RIGHTS AS COMPENSATION THEREFOR

ARTICLE 44. To determine whether the Town will vote to authorize the Board of Selectmen to convey to Millbrook Tarry Condominium Association, Inc., a Massachusetts corporation, on terms and conditions agreeable to the Selectmen, fee ownership of, or easements in or other rights to use, all or a portion of the parcel of land at 13B Keyes Road identified on the Assessor's maps as parcel #1682-1, containing approximately 19,455 square feet, and to authorize the Selectmen to accept as compensation and/or exchange therefor: a) the sum of \$50,000 or any other sum, and/or b) a conveyance by Millbrook Tarry Condominium Association, Inc., a Massachusetts corporation, of fee ownership of, or easements in or other rights to use, land bordering the Mill Brook owned by Millbrook Tarry Condominium Association, Inc., the area and configuration of such bordering land and the terms of the conveyance to be as determined by the Selectmen, or take any other action relative thereto.

PETITIONER'S EXPLANATION:

This article authorizes the Selectmen, should they consider it advisable, to sell or grant rights in an isolated parcel of town-owned land on Keyes Road to the owner of the Millbrook Tarry property, located on Lowell Road and Keyes Road. The town-owned land would be added to the Millbrook Tarry property and the combined areas would accommodate the creation of a vibrant, mixed-use commercial and residential village, as envisioned by both the 2005 Comprehensive Long Range Plan and the 2007 Village Center Study, prepared by the Department of Planning and Land Management and by the Concord Village Centers Committee in 2007.

No motion is expected.

2014 ROAD PROGRAM

ARTICLE 45. 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 \$900,000, 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 \$900,000, 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 \$900,000 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 \$900,000 from borrowing.
Board of Selectmen recommends affirmative action in the amount of \$900,000 from borrowing.**

STREET ACCEPTANCE – FINIGAN WAY

ARTICLE 46. To determine whether the Town will vote to (a) accept as a Town way the laying out by the Commissioners of Public Works of a street located on the westerly side of Strawberry Hill Road approximately 850' feet north westerly from Barrett's Mill Road extending in a westerly direction approximately 1,277 feet and terminating in a cul-de-sac turnaround over land of N/F Bentley Building Corp., as shown on a plan filed with the Town Clerk and recorded at the Middlesex South District Registry of Deeds on March 26, 2008 as Plan No. 214 of 2008, entitled "Definitive Subdivision Plan, Finigan Way, A Planned Residential Development, Concord Massachusetts", dated June 26, 2007, revised March 7, 2008, prepared by Stamski and McNary, Inc., containing three (3) sheets; (b) name said street Finigan Way; (c) authorize the Commissioners to acquire on behalf of the Town, by purchase, eminent domain or otherwise, such interests in land as may be necessary and related thereto, including utility and other easements, on such terms and conditions as the Commissioners may determine; and (d) raise and appropriate, transfer from available funds or accept a grant of a sum of money therefor; or take any other action relative thereto.

The Public Works Commission will vote its intent to lay out Finigan Way in early 2013, prior to Town Meeting. This Article asks Town Meeting to accept the laying out of Finigan Way as a public way.

No motion is expected.

AUTHORIZATION OF 10-YEAR TERM FOR ACTUARIAL SERVICES CONTRACT

ARTICLE 47. To determine whether the Town will vote, pursuant to the provisions of MGL Chapter 30B, section 12(b), to authorize the procurement of professional actuarial services for the purpose of valuation of post-retirement health insurance liabilities for a contractual term of up to ten years, or take any other action relative thereto.

State procurement law sets a maximum contract term of three years for most services, unless Town Meeting by majority vote authorizes a longer contractual term. Accounting standards require that the Town value its Other Post-Employment Benefit ("OPEB") liabilities on a biennial schedule, for the purpose of reporting these liabilities on the Town's annual financial reports. As a practical matter, this means that each valuation necessitates a new procurement process. It would be prudent and more efficient to have a longer-term relationship with a professional actuary to conduct this repetitive study and to carry out the time-consuming process of provider selection only at longer time intervals. Any long-term contractual relationship of this nature would be exercised at the sole option of the Town and be based on the availability of appropriation and satisfaction with the professional services rendered.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

FUNDING FOR TELECOMMUNICATIONS OPERATION

ARTICLE 48. 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 by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, the sum of \$1,000,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of beginning to provide telecommunication services to Concord residents and businesses, including broadband internet services and telephony, said funds to be used for, equipment, contract services and other functions necessary to begin offering telecommunications services for a fee, the cost of such services to be paid for by the users of such services, or take any other action relative thereto.

This article provides funds to enable the Concord Municipal Light Plant start offering telecommunication services (e.g. Internet) to Concord's residents and businesses. Town Meeting voted in 2003 and 2004 to authorize CMLP to enter into the telecommunications services business. Since then, CMLP has constructed a fiber-optic network throughout Concord to manage the Town's electric grid and other public infrastructure that can also provide telecommunications. This funding would finance the startup expenses and initial capital cost of connecting customers to the CMLP's fiber-optic network. Debt service costs and any related operating costs are to be fully supported from user charges, with no property tax or General Fund support.

Finance Committee recommends affirmative action in the amount of \$1,000,000 from borrowing.
Board of Selectmen recommends affirmative action in the amount of \$1,000,000 from borrowing.

POLICE/FIRE RADIO SYSTEM

ARTICLE 49. 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 by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, the sum of \$450,000, or any other sum, for the purposes of purchasing and installing a new public safety radio system for the Police and Fire Departments, including computer-aided dispatch consoles, mobile and portable radios together with all related antennas, repeaters, wiring and equipment necessary to operate a fully functioning public safety radio network, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

Since 2010, the Town has experienced significant failures in the operation of its public safety radio system. The communication center is 11 years old and is used 24/7 for emergency communications. In order to enhance Police and Fire safety and to improve overall radio communications between Town resources and other Public Safety entities, while meeting all FCC radio requirements, it is necessary to convert to a radio system that is mutually compatible to both analog and digital systems.

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 \$450,000 from borrowing.
Board of Selectmen recommends affirmative action in the amount of \$450,000 from borrowing.

51 LAWS BROOK ROAD AND RIDEOUT FIELD SITE IMPROVEMENTS

ARTICLE 50. 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 by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, the sum of \$100,000, or any other sum, for the purposes of preparing the property at 51 Laws Brook Road to be incorporated into the Rideout Field property, including any necessary engineering, survey, planning and design services and the cost for building demolition, site work, landscaping, park improvements and related costs, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

Town Meeting voted at the 2012 Annual Town Meeting to authorize the acquisition of the property at 51 Laws Brook Road, consisting of one acre of land, said property to be merged into the existing Rideout Playground. The land and buildings were acquired in August of 2012. It is expected that the existing dwelling will be removed using available funds. The funding requested under this article would allow the Town to remove any foundation holes, fences and other structures and to make site improvements necessary to incorporate this property into the larger Rideout Field facility.

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 \$100,000 from borrowing.
Board of Selectmen recommends affirmative action in the amount of \$100,000 from borrowing.**

COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

ARTICLE 51. To determine whether the Town will vote to appropriate the sum of \$397,700, or any other sum, from the Concord Community Preservation Fund, of which \$21,216 shall be appropriated from the undesignated fund balance as of June 30, 2012, \$94,284 shall be appropriated from unappropriated Fiscal Year 2013 Fund Revenues, \$20,000 shall be appropriated from funds previously allocated to the Housing Reserve Fund; and \$262,200 shall be appropriated from projected Fiscal Year 2014 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	Total Amount Recommended	Category	Source of Funds			
				Community Housing Reserve Fund	FY13 CPA Fund Revenue	Prior Year Fund Balance	FY14 CPA Fund Revenue
A	Town of Concord – Regional Housing Services Program	25,000	Community Housing		10,000		15,000
B	Town of Concord – Heywood Meadow Stone Wall Engineering and Design	15,000	Historic Preservation				15,000
C	Town of Concord – Wheeler-Harrington House Studies	33,000	Historic Preservation				24,000
			Open Space		9,000		0
D	Town of Concord – Old Calf Pasture Habitat Restoration	25,000	Open Space				25,000
E	Concord Housing Dev. Corp. – Maintaining Concord's Affordable Housing	50,000	Community Housing				50,000
F	Concord Housing Authority – Everett Garden Expansion Roof Replacement	100,000	Community Housing	20,000			80,000
G	Wright Tavern Roof Replacement and Historic Structure Report	50,000	Historic Preservation		15,284	11,516	23,200
H	Emerson Umbrella – Cupola Restoration Project	60,000	Historic Preservation		60,000		0
I	Concord Children's Center – Phase II of the Natural Playscape at Ripley	9,700	Recreation			9,700	0
J	Town of Concord – Staff and Technical Support	30,000	Administrative				30,000
		\$397,700		\$20,000	\$94,284	\$21,216	\$262,200

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 \$175,000 for Community Housing, \$149,000 for Historic Preservation, \$34,000 for Open Space, \$9,700 for Recreation and \$30,000 for Administration. 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 \$397,700.
Board of Selectmen recommends affirmative action in the amount of \$397,700.**

LAND ACQUISITION- 449 BARRETT'S MILL ROAD – MCGRATH'S FARM

ARTICLE 52. To determine whether the Town will vote to authorize the Board of Selectmen to:

- (a) acquire, by purchase, gift, eminent domain or otherwise, fee, easement and/or other property interests in, on, over, across, under and along all or any portion of the property located at 449 Barrett's Mill Road, shown on the Assessors Maps as parcel #1986-8, consisting of approximately 1.9 acres, including the buildings located thereon (the "subject property"), for the purposes of preserving all or a portion thereof for agriculture and open space and/or reserving a portion thereof for subsequent sale, on such terms and conditions as the Board of Selectmen may determine,
- (b) authorize the conveyance of a conservation restriction to a non-profit organization pursuant to Chapter 184 on such portion intended to be preserved for agriculture and open space,
- (c) expend an additional sum under the direction of the Town Manager to remove some or all structures thereon and make other site improvements and restoration thereto;
- (d) sell or transfer all or a portion of the interests in the subject property acquired by the Town, including the sale of a use or other easement to help defray the cost of acquisition, and
- (e) authorize incidental expenses related to such acquisition and sale, including legal, permitting and environmental assessment costs;

and that to meet such expenditures, the Town will raise and appropriate, or transfer from available funds in the Treasury, or appropriate a sum not to exceed \$400,000 from the Concord Community Preservation Fund, and/or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, a sum of \$925,000, or any other sum said borrowing to be reduced by the amount of any grants or gifts received or Community Preservation Fund appropriations for this acquisition after reimbursement of the General Fund for the cost of any short-term note interest and issuance expense incurred, for the purpose of acquiring the subject property and making said site improvements, including incidental related expenses, or take any other action relative thereto.

The Town has been acquiring the lands associated with the McGrath Farm on Barrett's Mill Road for many years and approximately 40 acres are now held in conservation. The United States Department of the Interior acquired the historic Barrett Farm House in August 2012 and plans to merge that property into Minuteman National Historical Park. This 1.9 acres, together with a 2 bedroom house, greenhouses and outbuildings are proposed for acquisition to complete the protection and preservation of these historic agricultural lands. This article would enable the Town to acquire the property and to work with financial partners, including the National Park Service, to permanently protect the farmland.

Finance Committee recommendation will be made at Town Meeting.

Board of Selectmen recommends affirmative action in the amount of \$925,000 from borrowing.

**CONSERVATION LAND EXCHANGE
FOR 449 BARRETT'S MILL ROAD – MCGRATH'S FARM**

ARTICLE 53. To determine whether the Town will vote to authorize the Board of Selectmen to petition the Massachusetts Legislature for an act approving the sale of land currently held in conservation near the intersection of Barrett's Mill and Strawberry Hill Roads, shown on the Assessors Maps as [a portion of] parcel # 1950-2 and on a plan of land on file with the Town Clerk, including removal of said parcel from protection as natural and open space under Article 97 of the Amendments to the Massachusetts Constitution and exemption from disposition under the provisions of Chapter 30B of the Massachusetts General Laws, and if the Legislature so approves, authorize the transfer of said land from the Natural Resources Commission to the Selectmen to exchange for all or any portion of the property located at 449 Barrett's Mill Road, shown on the Assessors Maps as parcel #1986-8, on such terms and conditions as the Board of Selectmen may determine, or take any other action relative thereto.

This article would authorize the Town to convey one acre of Town conservation land, subject to the approval of the Legislature, as part of an exchange for any portion of the property at 449 Barrett's Mill Road that had been acquired by a third party. Under this article, the Selectmen would work with financial partners to acquire a parcel that completes the protection of 40+ acres on the south side of Barrett's Mill Road.

No motion is expected.

LAND ACQUISITION – STETSON/SPINELLI EASEMENTS AT 121 AND 131 HARRINGTON AVENUE

ARTICLE 54. To determine whether the Town will vote to appropriate the sum of \$38,800, or any other sum, from the Concord Community Preservation Fund, in accordance with Chapter 44B of the Massachusetts General Laws, to be expended under the direction of the Town Manager for the purpose of acquiring a portion of the parcels, or easements over the parcels, located at 121 and 131 Harrington Avenue (Parcels 2708 and 2709-1) as permanently protected Open Space to be used to establish a continuous public trail system and access along the Assabet River from Second Division Brook to Harrington Park, or take any other action relative thereto.

The Stetson and Spinelli properties are two long, narrow residential properties located between Town-owned land on Harrington Avenue, both having frontage on the Assabet River. To the west of these parcels is the former Rogers Farm land, 4.5 acres acquired by the Town for agriculture in 2011. To the east are the Marshall Farm and Harrington House properties, comprising an additional 22 acres of town land. This article would authorize the Selectmen to acquire an easement over these two properties that would create a connection between the Rogers land and the Marshall Farm/Harrington House lands. This would allow farm equipment access to all of the Town land in that area and would allow public access to municipal property having more than 2,600 feet of frontage along the Assabet River.

Finance Committee recommends affirmative action in the amount of \$38,800.

Board of Selectmen recommends affirmative action in the amount of \$38,800.

TOWN HOUSE EXTERIOR RENOVATIONS

ARTICLE 55. 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 by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, the sum of \$950,000, or any other sum, and further to determine whether the Town will vote to appropriate the sum of \$800,000 or any other sum, from the Concord Community Preservation Fund, in accordance with Chapter 44B of the Massachusetts General Laws, said funds to be expended under the direction of the Town Manager for the purpose of undertaking masonry repairs and historic preservation and related work on the exterior of the Concord Town House located at 22 Monument Square, including any necessary design, planning and engineering services, required to effect the proper restoration of the exterior of the building, or take any other action relative thereto.

The Concord Town House was built in 1851 and is the seat of Concord's Town government. The original building has hard-fired red face brick with extensive use of Portland Connecticut Brownstone. The Town retained the services of McGinley Kalsow & Assoc, Architects and Preservation Planners to assess the condition of the exterior. Their report dated September 18, 2012 is posted on the Town's website. The report confirms that 100% of the brickwork needs to be repointed, as do the stairs and granite foundation. The brownstone elements of the building are generally in poor condition and much of it should be replaced. Due to the difficulty in locating replacement stone and the steadily increasing cost of restoration work, it is recommended that the repair work be undertaken as soon as possible.

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 and \$800,000 from CPA funds.

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

BY PETITION CONCORD TOWN CHARTER

ARTICLE 56. To determine whether the Town will vote: To request the Moderator or Selectmen to create a Committee to study the organization of Concord town government and its component parts including Municipal functions, the Schools, Library and Municipal Light Plant. The Committee would meet regularly, report periodically to the Selectmen and School Committee, and present findings and recommendations to 2014 Town Meeting.

Concord Municipal government is organized under a Charter approved by the Legislature in 1952 and adopted in Concord in 1956. It has been amended six times, most recently in 2003. Under the Home Rule Amendment to the State Constitution adopted in 1966, towns have a great deal of latitude in determining the structure of town government. A review of Concord's Charter and various aspects of Town government not currently addressed by the Charter is overdue, or take any other action relative thereto.

PETITIONER'S EXPLANATION:

The 2005 Comprehensive Long Range Plan called for a review of the Town Charter on the 50th anniversary of its acceptance. Eight years later this is still a good idea. Creation of a review committee will provide a forum in which to examine what we have, what has worked, what could be improved, and what is not addressed in the current Charter.

Most Concord citizens have a limited understanding of the structure and function of Concord town government. Citizen participation rates are low. Town meeting attendance hovers below 10% of registered voters, about half of who attend just one evening session. Many critical votes are taken at town meeting by a few hundred of the Town's 12,580 registered voters. Turnout at the polls is around 20% for town elections contrasted with 85% for national contests. Local democracy matters, and Concord can do better than this.

No motion is expected.

PILOT AGREEMENT – SOLAR PROJECT AT LANDFILL SITE

ARTICLE 57. To determine whether the Town will vote to approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Town Manager with the selected solar project developer for proposed solar energy generating facilities to be located at the 759 Walden Street, the former Sanitary Landfill Site, or take any action relative thereto.

Town Meeting voted at the 2012 Annual Town Meeting to authorize the installation of a utility-scale solar photovoltaic electric generating system at the former Landfill site on Walden Street. As municipal property, the land is tax-exempt, but the electric generating equipment will be privately owned and will therefore be subject to local property taxes. Setting the value of electric generating equipment is not an exact science and the value of the equipment can vary depending on a number of factors that cannot be known in advance, such as the demand for energy, the regional economy and changes in regulations. MGL chapter 59, section 38 allows electrical generators to negotiate a payment in lieu of taxes "... which shall be the result of good faith negotiations and shall be the equivalent of full and fair cash valuation..." and the agreement must be ratified by the municipal legislative body. Such an agreement provides the opportunity to determine a predictable tax revenue stream for the Town and predictable tax payments for the generating company.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

WETLANDS BYLAW AMENDMENT

ARTICLE 58. To determine whether the Town will vote to amend the Wetlands Bylaw by making the following revisions (proposed new text is italicized, bolded, and underlined, and proposed deleted text is italicized, bolded, and struck out for the warrant only).

1. Purpose

The purpose of this Bylaw is to protect the Town of Concord’s wetlands, water resources, flood prone areas, and adjoining upland areas including three major rivers, the Assabet, Sudbury, and Concord and their tributaries by prior review and regulation of activities deemed by the Concord Natural Resources Commission (the Commission) likely to have a significant or cumulative effect on resource area values. These resource area values include, but are not limited to, the following:

- public or private water supply
- groundwater
- flood control
- erosion and sedimentation control
- storm damage prevention
- water quality
- prevention and control of pollution
- fisheries
- wildlife habitat
- rare species habitat including rare plant and animal species
- agriculture

deemed important to the community (collectively, the “wetland resource area values protected by this Bylaw”).

This Bylaw is subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant Bylaws of the Town of Concord.

2. Jurisdiction

Except as permitted by the Commission or as provided in this Bylaw or its Regulations hereunder, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas:

- 2.1 any freshwater wetland, marsh, wet meadow, bog, swamp, flat, bank, or beach bordering on any reservoir, lake, pond, perennial or intermittent stream, river, brook, or creek; and adjoining lands out to a distance of 100 feet known as the Buffer Zone;
- 2.2 any land under the aforementioned waterways and waterbodies;

- 2.3 any Certified Vernal Pool and adjoining lands out to a distance of 100 feet known as the Vernal Pool Habitat;
- 2.4 any perennial stream, river, brook, or creek; the land thereunder; and adjoining lands out to a distance of 200 feet known as the Riverfront Area, and;
- 2.5 any Land Subject to Flooding

(collectively the “resource areas protected by this Bylaw”).

Concord Wetlands Protection Map

The Natural Resources Commission may refer to, and amend from time to time, a “Concord Wetlands and Certified Vernal Pool Protection Map” which shall be designed to illustrate the wetland resource areas (including Certified Vernal Pools) that may be jurisdictional under this Bylaw. The map is to be used as a general guide only. Field observations and/or engineering calculations shall control in determining jurisdiction under this bylaw.

3. Exemptions

The following exemptions shall apply and no application or permit is required for:

- 3.1 The following activities in the 100-foot Buffer Zone (which includes the 25-foot No-Disturb Zone) or the 200-foot Riverfront Area provided the activity is not within any other resource area; there is no regrading; no trees greater than 6 inches diameter breast height are removed; there is no alteration to additional resource areas; and erosion and sedimentation controls are used as needed or as determined by the Commission or agent of the Commission:
 - a. Maintaining and repairing existing buildings and structures ***(excluding repaving)*** provided that:
 - i. the footprint remains the same;
 - ii. there is no additional alteration of any resource areas; and
 - iii. there is no heavy equipment or stockpiling within 50 feet of resource areas;
 - b. Constructing, maintaining, and repairing unpaved pedestrian walkways for private use provided no use of fill material;
 - c. Maintaining and repairing existing stonewalls;
 - d. Maintaining and constructing new fencing provided that:
 - i. it is greater than 50 feet from the edge of the wetland boundary or 50 feet from the mean annual high water line of a perennial stream (whichever is farther);
 - ii. it does not constitute a barrier to wildlife movement (i.e. the fence is greater than 6 inches from the ground surface);
 - e. Stacking cordwood;
 - f. Conversion of lawns to decks, sheds, patios, and pools that are accessory to residential structures, provided the activity, including any discharge pipes, is located more than 50 feet from the mean annual high water line or bordering vegetated wetland (whichever is farther). The conversion of such uses, or other impervious surfaces accessory to existing single family houses to lawn or natural vegetation is also allowed;
 - g. Activities, such as monitoring wells, exploratory borings, soil sampling, and surveying, that are temporary, have negligible impacts as determined by the Commission, and are necessary for planning and design purposes;
 - h. Planting native species of trees, shrubs, or groundcover (excluding turf lawns).
 - i. Vista pruning, provided the activity is located more than 50 feet from the mean annual high water line within a riverfront area or from bordering vegetated wetland, whichever is farther.
- 3.2 The following activities are exempt in any resource area and Buffer Zone:
 - a. Routine mowing (including river meadows) and maintenance of lawns, gardens, and landscaped areas (including tree pruning), in existence on the effective date of this Bylaw or which are created after such date in accordance of the terms of this Bylaw;
 - b. Work performed for normal maintenance or improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations as 310 CMR 10.00; and
 - c. Removal of dead and dying trees, as confirmed by the Natural Resource Director or a certified arborist and documented to the Commission within 30 days of removal; and

- d. Fencing around existing vegetable gardens that is flush or below ground.

3.3 Emergency Projects

Permits shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this Bylaw, if deemed necessary by the Commission. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

3.4 Utilities and Roads

Permits shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, sewer, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Commission 14 days prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in Regulations adopted by the Commission.

The applications and permits required by this Bylaw shall not be required for maintaining and repairing existing and lawfully located existing roads (excluding bridges and culverts) provided that:

- a. there is no increase in impervious surface;
- b. there is no additional alteration of resource areas;
- c. written notice has been given to the Division of Natural Resources 14 days prior to commencement of work;
- d. erosion and sedimentation controls are used as necessary.

4. Definitions

Except as otherwise provided in this Bylaw or the Regulations hereunder, the definitions of terms and the procedures in this Bylaw shall be as set forth in the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310 CMR 10.00), as now in effect. In addition, the following definitions shall apply in the interpretation and implementation of this Bylaw.

The term “abutter” shall include all landowners and individual condominium owners.

The term “alter” shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this Bylaw:

- 4.1 Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- 4.2 Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- 4.3 Drainage, or other disturbance of water level or water table;
- 4.4 Dumping, discharging, or filling with any material which may degrade water quality;
- 4.5 Placing of fill, or removal of material, which would alter elevation;
- 4.6 Driving of piles, erection or expansion of buildings or structures of any kind;
- 4.7 Placing of obstructions or dam-like objects in water;
- 4.8 Destruction of plant life including removal of trees and shrubs;
- 4.9 Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- 4.10 Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater;
- 4.11 Incremental activities that have, or may have, a cumulative adverse impact on the resource areas protected by this Bylaw.

The term “structure” shall mean any manmade component whether above, on, or below ground. It may include, but not be limited to, any new surface or sub-surface component such as buildings, foundations, sheds, decks, garages, fences, barns, tennis courts, underground tanks and irrigation systems, swimming pools, and driveways, due to its potential to alter wetland resource area values.

The term “vernal pool” is defined as any confined basin or depression which has been certified by the Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

The term “vernal pool habitat” is the area within 100 feet of a Certified Vernal Pool, which provides essential habitat for vernal pool species to complete their life cycle.

The term “vista pruning” means the selective thinning of tree branches or understory shrubs to establish a specific “window” to improve visibility. Vista pruning does not include the cutting of ***trees limbs*** which would reduce the leaf canopy to less than 90% of the existing crown cover and does not include the mowing or removal of understory brush.

5. Applications and Fees

5.1 Application.

Written application shall be filed with the Commission to perform activities subject to this Bylaw. This application shall include the information and plans set forth in the Rules and Regulations of the Commission.

5.2 Request for Determination of Applicability.

Any person desiring to know whether a proposed activity or an area is subject to this Bylaw may in writing request a determination from the Commission. The Commission shall accept a Request for Determination of Applicability (RDA) under the Wetlands Protection Act as a request under this Bylaw. Such a request for determination shall contain information and plans specified by the Rules and Regulations of the Commission. The Commission shall issue its order or determination in writing within 21 days of the close of the public hearing thereon unless the applicant authorizes an extension in writing. If the Commission determines that a proposed activity is subject to this Bylaw and issues a positive RDA, the applicant may file for approval as outlined in §§ 6.0 – 7.0 of this Bylaw.

5.3 Request for Wetland Resource Area Approval.

Any person desiring to certify, for purposes of this Bylaw, the limits of resource areas on a site may file a request for approval of resource area boundaries. This application shall include such information and plans as are set forth in the Rules and Regulations of the Commission to describe and define the wetland resource areas. The Commission shall accept an Abbreviated Notice of Resource Area Delineation (ANRAD) under the Wetlands Protection Act (M.G.L. Ch. 131 §40) as similar request under this Bylaw. **Alternatively, the Commission may accept a Request for Determination of Applicability to determine partial resource area boundaries. The suitability of this approach will be determined by the Commission.**

5.4 Independent Consultants.

The Commission may, at the expense of the applicant, retain an independent consultant for the purpose of providing the Commission with data, analysis, or other information deemed by the Commission to be reasonably necessary or appropriate to assist the Commission in reviewing the application or rendering its decision, in conformity with the provisions of M.G.L. Ch. 44 §53G and Rules and Regulations of the Commission. This is intended only to assist in reviewing large or complex projects.

6. Notice and Hearings

6.1 Notice.

Any person filing a Notice of Intent, Abbreviated Notice of Intent, or Abbreviated Notice of Resource Area Delineation, or an amendment to any of the above permits with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. ***An affidavit of the person providing***

~~such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.~~ When a person filing any application is other than the owner, the request **shall be sent by the person making the request to the owner and notice of the hearing and** the determination shall be sent by the Commission to the owner as well as to the person making the request.

6.2 Public Hearing.

The Commission shall conduct a public hearing on any application and a public meeting on the Request for Determination of Applicability, with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in Concord. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information or plans required of the applicant or others as deemed necessary by the Commission. In the event that the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

- a. In order to provide sufficient review time the Commission may continue a public hearing or public meeting if new information is submitted by the applicant, or applicant's agent, less than seven (7) business days before the scheduled public hearing or public meeting.
- b. The Commission may combine its hearing under this Bylaw with the hearing conducted under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310 CMR 10.00).

7. **Permits and Conditions**

7.1 Administrative Approvals.

Activities considered minor in scope and that would predictably have no measurable or cumulative impact upon the resource areas protected by this Bylaw, may be reviewed and permitted by the Natural Resource Director.

7.2 Decision.

If the Commission, after a public hearing and consideration of the general and specific factors set forth below, determines that the activities which are subject to the application, or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect on the resource area values protected by this Bylaw, the Commission, within 21 days of the close of the hearing, unless the applicant authorizes an extension in writing, shall issue or deny a permit for the activities requested. The decision shall be in writing.

7.3 Factors.

In making such a determination, the Commission shall take into account the following factors:

- a. the extent to which the applicant has avoided, minimized and mitigated any such effect;
- b. any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt; and
- c. foreseeable future activities.

Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

7.4 Specific Factors.

a. Buffer Zone

In reviewing activities within the Buffer Zone, the Commission shall presume the Buffer Zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat.

b. Riverfront Area

In reviewing activities within the Riverfront Area, the Commission shall presume the Riverfront Area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder

shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this Bylaw, has proved by a preponderance of the **credible** evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this Bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

c. Resource Area Loss

To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication.

d. Certified Vernal Pools

The Commission shall presume that all areas meeting the definition of “vernal pools” under §4.0 of this Bylaw, including the adjacent Vernal Pool Habitat, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the area does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act Regulations (310 CMR 10.00).

e. Setbacks

The Commission shall presume that any activity or alteration within 25 feet of any freshwater wetlands, marshes, wet meadows, bogs, swamps, springs, banks, beaches, reservoirs, lakes, ponds, and lands under water bodies, intermittent streams, brooks and creeks, and perennial rivers and streams, has a significant individual or cumulative impact upon the resource area values protected by this Bylaw and shall be prohibited.

- i. This presumption may be overcome where applicant can clearly demonstrate with credible evidence the proposed activity or alteration would have no individual or cumulative impact upon any of the resource area values protected by this Bylaw in accordance with the Regulations hereunder. Alternatively, the Commission may waive the setback if it determines that an applicant satisfies the waiver requirements in §7.7.
- ii. The following shall not be subject to this setback presumption: Routine maintenance, repairs and construction on legally preexisting structures so long as there is no expansion in the structure; **the installation of public or private utilities along or within legally existing roadways and driveways**; continuation of a legally preexisting use; or the construction and maintenance of publicly maintained trails that restrict the use of motorized vehicles. Maintenance, repairs, and construction shall be subject to all other requirements under this Bylaw and its Regulations hereunder.

7.5 Conditions.

Upon the issuance of a permit, the Commission shall impose conditions it deems necessary or desirable to protect said wetland resource area values, and all activities shall be conducted in accordance with those conditions.

7.6 Denial.

Where no conditions are adequate to protect said resource area values, the Commission is empowered to deny a permit for failure to meet the requirements of this Bylaw. The Commission may also deny a permit:

- a. for failure to submit necessary information and plans requested by the Commission;
- b. for failure to comply with the procedures, design specifications, performance standards, and other requirements in Regulations of the Commission; or
- c. for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this Bylaw.

7.7 Waivers.

The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its Regulations, provided that:

- a. the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said Regulations;
- b. ***that*** avoidance, minimization and mitigation have been employed to the maximum extent feasible; and
- c. ***the project, considered in its entirety, would result in a net benefit of resource area values;***
or
- d. ***that*** the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

7.8 Expiration of Permit.

A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. The Commission may extend a permit for one or more periods of up to three years each, upon written request from the applicant made at least 30 days prior to the expiration of the permit.

Notwithstanding the above, the Commission in its discretion may (a) issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission, and (b) extend such permit for one or more periods of up to five years each, upon written request from the applicant made at least 30 days prior to the expiration of the permit. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.

7.9 Revocation of Permit.

For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, determination or other decision issued under this Bylaw after notice to the holder, the public, abutters, and town boards, pursuant to §6.0, and after a public hearing.

7.10 Amendment of Permit.

Amendments to any permit shall be handled in the manner set out in the Wetlands Protection Act Regulations (310 CMR 10.00) and policies thereunder. For good cause, the Commission may also modify its determination of any resource area boundary delineation established in an ORAD at the time of issuance of any Order of Conditions for any activity or project on the same site; the issuance of an ORAD shall not be considered final action on such a boundary delineation request.

7.11 Recordation of Permit.

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Middlesex (South) Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for the Middlesex (South) Registry of Deeds, and until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee therefore, either at the time of recording or as a condition precedent to the issuance of a COC

8. Regulations

After public notice at least 14 days prior to public hearing, the Natural Resource Commission may promulgate such Rules and Regulations to effectuate the purpose of this Bylaw, effective when voted and approved by a majority vote of Town Meeting, and filed with Town Clerk. Failure by the Commission to promulgate such Rules and Regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.

9. Compliance

9.1 Scope.

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this Bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this Bylaw.

9.2 Entry.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

9.3 Enforcement.

The Commission shall have authority to enforce this Bylaw, its Regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under M.G.L. Ch. 40 §21D, and civil actions. Any person who violates provisions of this Bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

9.4 Legal Action.

Upon request of the Commission, the Town Manager, Board of Selectmen and Town Counsel may take legal action for enforcement under civil law.

9.5 Fines.

The Natural Resources Director or other designee of the Town Manager may issue a fine for each offense as specified in this Bylaw and 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.

As long as any person in violation demonstrates a reasonable, good faith effort to comply with this Bylaw, the Natural Resources Director shall refrain from issuing fines. However, the Natural Resources Director shall resort to issuing fines when the violator ceases to demonstrate a reasonable, good faith effort toward achieving compliance. This provision does not preclude the Natural Resources Director from issuing fines and the Commission from simultaneously ordering mitigation or restoration of the affected resource area(s).

a. Fine Schedule

Any person who violates any provision of this Bylaw, Regulations, permits, or administrative permits issued hereunder, may be subject to the following fine schedule:

- i. \$100 per day for the first offense;
- ii. \$200 per day for the second offense;
- iii. \$300 per day for the third and subsequent offense.

Each day or a portion thereof during which a violation continues shall constitute a separate offense, and each provision of the Bylaw, Regulations, or permit violated shall constitute a separate offense, provided, however, that the accelerating penalty schedule for second, third and subsequent offenses set forth above shall not apply to continuing violations or violations of multiple bylaw provisions arising out of the same activity.

b. Appeals.

In addition to the appeal provisions under M.G.L. Chapter 40, §21D, persons fined may appeal in writing to the Commission within 21 days. The Commission shall vacate fines where compliance has been established or, their issuance is inconsistent with the interests of this Bylaw. The Commission shall suspend fines as long as the person in violation demonstrates a reasonable, good faith effort toward obtaining compliance. The Commission may restore suspended fines at any time during an existing violation. This provision does not preclude the issuance of fines in conjunction with orders for restoration or mitigation.

10. Burden of Proof

Except where a higher burden of proof is specified in this Bylaw or Regulations adopted by the Commission, the applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this Bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

11. Appeals

A decision of the Commission shall be reviewable in the superior court in an action filed within 60 days thereof, in accordance with M.G.L. Ch. 249 §4 as amended .

12. Relation to the Wetlands Protection Act

This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (M.G.L. Ch. 131 §40), as amended, and Regulations (310 CMR 10.00), as amended thereunder.

13. Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Provided that this Bylaw shall not be applicable to activity that is the subject of a Notice of Intent filed with the Commission pursuant to the provisions of said Wetlands Protection Act (M.G.L. Ch. 131 §40) before May 6, 2009.

Article 43, Town Meeting, April 29, 2009

Approved by Attorney General September 8, 2009

Or take any other action relative thereto.

The Natural Resources Commission has had the opportunity to work with the Wetlands Bylaw for over three years, and is now proposing minor revisions. The changes fall broadly into three categories: expanded definitions for improved clarity, aligning Bylaw language with state regulations, and providing better guidance for property owners, Town staff, and the Commission, while still upholding the principles of the protections provided by the Bylaw.

Board of Selectmen recommends affirmative action.

BY PETITION TOWN OF CONCORD MASSACHUSETTS CAT REGISTRATION BYLAW

ARTICLE 59. To determine whether the Town will vote to adopt a bylaw requiring the registration of domestic pet cats.

Section 1. PURPOSE OF THIS BYLAW

The purpose of this bylaw is to create a process for registering domestic pet cats in Concord;

- whereas the state of Massachusetts requires by law that cats be vaccinated for rabies;
- whereas Concord has no procedure in place for documenting vaccinated pet cats.

Section 2. REGISTERING PET CATS

- a. no person shall own or keep a cat 6 months of age or older within the Town unless it is registered with the Town;
- b. the registering keeper of the cat(s) must be 18 years of age or older;
- c. a registration fee of \$10 shall be collected per household/residence vs. collecting a fee for each cat living on said premises; a \$40 registration fee per household/residence will be applied if any cat(s) are not neutered or spayed. Cat breeders identified on Town records are exempt from the spay/neuter fees.
- d. during the registration period, each owner will have his/her cat(s) registered, numbered and described at the Town Clerk's office. The owner may add descriptive words, indicating the cat's sex, age, coloring, weight, unique markings and breed.
- e. a valid rabies certificate along with evidence of having the cat(s) spayed or neutered must be submitted to the Town Clerk at the time of registration;
 - 1) evidence of vaccination, spaying or neutering may be waived if a signed statement from a veterinarian warrants such action;
- f. updates regarding status or number changes are to be submitted voluntarily by keepers of the cat(s).
- g. any cat(s) in transit, or brought into temporarily for the sole purpose of showing in a cat show or exhibition, shall be exempt from these provisions;
- h. cat owners 70 years of age or older will have a special registration rate of \$5 for spayed or neutered cats, and \$30 for cats not spayed or not neutered;
- i. a violation of the rabies vaccine law may be fined up to a maximum of \$100;
- j. registration takes place annually between April 1st and the following March 31st, both dates inclusive.

Or take any other action relative thereto.

PETITIONER'S EXPLANATION:

This Article seeks Town Meeting approval to adopt a bylaw requiring registration of pet cats in Concord.

Board of Selectmen recommends no action.

BY PETITION TOWN OF CONCORD MASSACHUSETTS CAT BYLAW

ARTICLE 60. To determine whether the Town will vote to adopt a bylaw discouraging certain roaming behaviors related to pet cats.

Section 1. PURPOSE OF THIS BYLAW

The purpose of this bylaw is to have a mechanism in place regarding free-roaming pet cats.

- a. this bylaw encourages cat owners/keepers keep their cats indoors or within the boundaries of their property, and pertains to domestic, pet cats only;
- b. an owner/keeper of a cat(s) will only allow his/her cat to roam outside with direct supervision and respect the boundaries of neighboring properties;
- c. no person shall allow his/her cat to disturb the peace of neighbors or private property, or endanger the safety of any other person or pet;
- d. there is no disturbance to peace or property if a community of neighbors agree on and support a free-roaming cat within the boundaries of their related properties.

Section 2. TRESPASS

- a. no owner or keeper of a cat shall allow his/her cat to enter onto the property of a neighbor without agreement from the neighbor;
- b. if a cat owner/keeper has been informed by a law enforcement officer or Animal Control Officer that his/her cat was disturbing a neighbor or property of another, this constitutes a First Offense. Subsequent offenses and fines follow:

- 1st Offense = No fine;
- 2nd Offense = \$25 fine;
- 3rd Offense = \$50 fine;
- 4th Offense = remedial actions as directed by ACO and all parties involved.

Or take any other action relative thereto.

PETITIONER’S EXPLANATION:

This Article seeks Town Meeting approval to adopt a bylaw addressing safety or nuisance complaints as related to pet cats in Concord.

Finance Committee recommends no action.

Board of Selectmen recommends no action.

LOCAL OPTION LOCAL INCOME TAX – FURTHER ACTION

ARTICLE 61. To determine whether the Town will take any further action with regard to the legislative proposal that has been submitted to the 2013 General Court pursuant to approval of Article 47 at the 2012 Annual Town Meeting, which proposes that the Town of Concord be permitted 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 to 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.

This article, submitted by the Local Option Local Income Tax Committee appointed by the Board of Selectmen, enables the 2013 Annual Town Meeting to take further action on the implementation of a Local Option Local Income Tax for the Town of Concord in the event the state legislature acts favorably to grant such authority to the Town. If the state legislature has not yet acted, this Article enables the 2013 Annual Town Meeting to consider what other steps may be necessary and desirable to promote and encourage favorable action by the state legislature.

No motion is expected.

HOME RULE LEGISLATION – FOR ONE ADDITIONAL LICENSE FOR THE RETAIL SALE OF ALL ALCOHOLIC BEVERAGES (SECTION 15 OFF-PREMISE)

ARTICLE 62. To determine whether the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation with the General Court to allow for the placement on the official ballot for any general or special election the following question: “Shall the Board of Selectmen of the Town of Concord be authorized to issue one additional license for the retail sale of all alcoholic beverages, in accordance with Massachusetts General Laws Chapter 138, Section 15, or take any other action relative thereto.

The purpose of this article is to serve the public convenience by allowing one additional “Section 15 Off-Premise” license for the retail sale of all alcoholic beverages.

Board of Selectmen recommends affirmative action.

DEBT RESCISSION

ARTICLE 63. To determine whether the Town will vote to rescind the following unused borrowing authorization:

Article 20 of 2009 Annual Town Meeting – Concord Municipal Light Plant, Smart Grid (original authorization \$4,500,000)	\$ 500,000
Article 33 of 2011 Annual Town Meeting – Fire Equipment, aerial ladder truck (original authorization \$900,000)	\$ 100,000
Article 42 of 2011 Annual Town Meeting – Land acquisition, Rogers parcel	\$ 300,000

This article will remove from the Town's accounting records debt authorizations that were not required to accomplish the purpose of the original articles and that were issued as bonds or notes. This is routine proper fiscal practice.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

NOTES

NOTES

ATTENTION CITIZENS

The Town of Concord depends upon the immense talent pool possessed by our citizens and we are always seeking interested townspeople to serve on citizen boards and committees, and also to carry out short-term projects. If you are willing to serve your Town on a voluntary basis and desire to participate in shaping the Town's future, please indicate your interest by filling out a "Green Card". Green cards are short forms for listing your areas of interest and any skills relevant to committee or project participation. The form is reproduced on the following page. You may fill it out, and return it to the Administrative Assistant to the Board of Selectmen in the Town House. Additional copies of the form are also available at the Town House, or will be mailed upon request (call 978-318-3001 or 978-318-3000).

You will find the Town Report useful for information on specific activities and responsibilities of the various boards and committees. For further information or to discuss your participation in town government in more detail, please feel free to talk with any member of the Board of Selectmen.

Please understand that, happily, we often have more interested citizens than vacancies on particular committees. For that reason, you may find that you may not be matched up immediately or matched up with a committee that is your top priority. Nonetheless, your indication of interest is strongly encouraged and appreciated.

COMMITTEE LISTING

KEY: + APPOINTED BY MODERATOR
 = APPOINTED BY BOARD OF SELECTMEN
 # APPOINTED BY TOWN MANAGER WITH APPROVAL OF THE BOARD OF SELECTMEN
 * APPOINTED BY TOWN MANAGER

=	BOARD OF APPEALS
#	BOARD OF ASSESSORS
=	CABLE TV COMMITTEE
*	CEMETERY COMMITTEE
=	COMMUNITY PRESERVATION ACT COMMITTEE
=	CONCORD CULTURAL COUNCIL
*	CONCORD MUNICIPAL LIGHT BOARD
*	COUNCIL ON AGING BOARD
+	FINANCE COMMITTEE
=	HANSCOM FIELD ADVISORY COMMISSION REPRESENTATIVE & ALTERNATE
*	BOARD OF HEALTH
#	HISTORICAL COMMISSION
=	HISTORIC DISTRICTS COMMISSION
=	HUGH CARGILL TRUST COMMITTEE
=	LIBRARY COMMITTEE
*	MAPC REPRESENTATIVE
=	MBTA REPRESENTATIVE
+	MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL REPRESENTATIVE
#	NATURAL RESOURCES COMMISSION
=	PERSONNEL BOARD
=	PLANNING BOARD
=	PUBLIC CEREMONIES & CELEBRATIONS COMMITTEE
*	PUBLIC WORKS COMMISSION
=	RECORDS & ARCHIVES COMMITTEE
*	RECREATION COMMISSION
=	BOARD OF REGISTRARS
*	RETIREMENT BOARD
=	TRUSTEES OF TOWN DONATIONS
=	WHITE POND ADVISORY COMMITTEE

LAST NAME:	FIRST NAME:	PRECINCT #:	TOWN OF CONCORD COMMITTEE INTEREST		
STREET ADDRESS:			INDICATE COMMITTEE PREFERENCE		
E-MAIL ADDRESS:					
PHONE – HOME: OFFICE:					
FAX #: CELL#:			1.		
PLACE OF EMPLOYMENT:			2.		
PROFESSION/TITLE:			3.		
RELEVANT EXPERIENCE, EDUCATION:			DATE APP'T	COMMITTEE	TERM EXPIRED
RELEVANT DEGREES, PROFESSIONAL CERTIFICATES:					

PLEASE CHECK THE ANNUAL TOWN REPORT FOR A COMPLETE LISTING OF COMMITTEES AND COMMITTEE REPORTS, THEIR APPOINTIVE AUTHORITIES, AND TERMS OF OFFICE.

ADDITIONAL COMMENTS:

CARDS WILL BE IN ACTIVE FILE FOR 5 YEARS.

MAIL COMPLETED CARD TO: ADMINISTRATIVE ASSISTANT
 BOARD OF SELECTMEN
 TOWN HOUSE
 PO BOX 535
 CONCORD, MA 01742

Assessed Valuation, Levy Limit, Tax Levy and Rates: FY1980-2013

Fiscal Year	Total Assessed Value	Absolute Levy Limit	Annual Levy Limit	Actual Levy		Uniform Tax Rate	Actual Tax Rates			Unused Levy Limit		
				Within Limit	Debt Exclusion		Residential	Open Space	Commercial	CIP ratio	\$	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	\$1,540,653	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	\$23,488,987	\$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	\$25,229,562	\$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	\$508,862	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	\$548,383	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	---	---	\$802,229	1.73%
2002	\$3,974,434,046	\$89,360,851	\$38,958,156	\$38,226,458	\$842,228	\$9.83	---	---	---	---	\$731,668	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	\$48,898,894	\$48,293,261	\$1,854,324	\$9.80	---	---	---	---	\$563,723	1.21%
2006	\$5,207,535,371	\$130,188,384	\$51,679,606	\$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	---	---	---	---	\$1,159,984	2.13%
2008	\$5,486,736,316	\$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	\$64,599,355	\$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	---	---	---	---	\$1,964,041	2.97%
2013	\$5,054,970,064	\$126,374,252	\$69,911,104	\$67,034,708	\$4,088,721	\$14.07	---	---	---	---	\$2,876,366	4.11%

Town of Concord
Town House
Concord, MA 01742

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CONCORD, MASSACHUSETTS
01742

Town Meeting

MONDAY, APRIL 22, 2013
CONCORD-CARLISLE REGIONAL HIGH SCHOOL
7 PM

