

# 2018 ANNUAL TOWN MEETING

APRIL 9, 10, 11, and 12, 2018

The Annual Town Meeting of 2018 was held in the Concord Carlisle High School gymnasium from April 9-12, 2018 pursuant to a Warrant signed by the Select Board on January 8, 2018 with the signed return of service on February 28, 2018 as inspected by the Town Moderator.

There were approximately 387 voters in attendance at the first session on April 9th, 524 voters participated on April 10th, followed by 475 voters checking in on April 11th and finally, 405 voters participated on April 12th, the final day of the meeting. The Warrant was posted at the required locations at least seven days before the meeting and each session began not earlier than 7:00pm as required by Town Bylaws.

## APRIL 9, 2018

Town Moderator Carmin Reiss called the meeting to order at 7:02pm, having determined that a sufficient number of voters were present.

Ms. Reiss thanked Superintendent Hunter, Principal Mastrullo, the Regional School Committees, faculty, students, and staff of the High School for accommodating the meeting, assisting with preparation and patience through the disruption that it causes. All voting would take place in the gymnasium. The meeting would be broadcast live on the High School's radio station WIQH.

Fire Chief Tom Judge reviewed evacuation procedures. Ms. Reiss thanked him, the Fire Department as well as Police Chief Joseph O'Connor and the Police Department for their service at Town Meeting and to the Town every day.

Upon a motion made by Ms. Hotchkiss and duly seconded, Ms. Flood was elected as Deputy Moderator who will carry out the duties of the Moderator if she is unable to serve.

Ms. Reiss thanked Kerry Lafleur, Finance Director, the Finance Committee, Town Manager Chris Whelan

and his staff, and Dr. Hunter and the School Committees for their hard work on the budget.

Voters were directed to the Town Meeting Traditions and Procedures as a helpful guide to the conduct of the meeting. She thanked Ms. Johnana Glazer for being the Town Meeting procedure resource person, available to assist any voter with process questions for the meeting, including drafting and presenting motions and amendments.

Ms. Reiss appointed Mr. Fisher as Head Teller who indicated that the Tellers were prepared. Mr. Carr was appointed as Head Ballot Supervisor, and Mr. Wells was appointed as Assistant Ballot Supervisor. Tellers and Ballot Counters were sworn in by the Moderator.

Her gratitude was also extended her gratitude to the team of individuals across many departments, including High School, Facilities, Public Works, Police and Fire Departments, Child Care Coordinator and Sitters, Scouts, Town Clerk's Office staff, Town Manager's Office staff, and IT Department for their varied roles in the successful administration of Town Meeting. Ms. Heather Butler from the Town Manager's Office was praised for her hard work in her new role as Town Meeting Coordinator.

The flags of the United States and the Commonwealth of Massachusetts were brought forward and placed on the stage by members of Girl Scout Troop 76159 and members of Boy Scout Troop 132.

All present were invited to stand and observe a moment of silence for reflection on their roles as private citizens and legislators in preparation for the meeting.

On a motion made by Ms. Hotchkiss and duly seconded, it was VOTED unanimously to omit the reading of the warrant and return of service.

On a motion made by Ms. Hotchkiss and duly seconded, it was VOTED unanimously to take up no new business after 10:00 PM and to reconvene at 7:00pm on Tuesday, April 10, 2018 in this hall.

**WARRANT ARTICLE 1. CHOOSE TOWN OFFICERS**

To choose all necessary Town Officers and Committees.

Ms. Reiss read the election results from the recent Annual Town Election that are reported elsewhere in this report.

*Article 1 VOTE*

Upon a MOTION made by Ms. Hotchkiss and duly seconded, it was VOTED unanimously that Article 1

be left open for such other action thereunder as may be necessary and that the Meeting take up Article 2.

**WARRANT ARTICLE 2. HEAR REPORTS**

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

*Article 2 VOTE*

Upon a MOTION made by Ms. Hotchkiss and duly seconded, it was VOTED unanimously to accept the 2017 Annual Town Report.

Article 3 **MEETING PROCEDURE**

Affirmative Action Recommended By: Finance Committee, Select Board

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

Reason: Routine and noncontroversial at hearing; the motion will be identical to a motion passed annually and unanimously for more than fifteen years.

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Article 4 **RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS**

Affirmative Action Recommended By: Finance Committee, Select Board

Motion: That the Town take affirmative action on Article 4 as printed in the Warrant, including, under clause 20, the change to the Classification and Compensation Plan voted by the Personnel Board and effective on March 7, 2018 to add the title "Facilities Operations Coordinator" to Grade MP-2.

Reason: Routine and noncontroversial at hearing.

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Article 5 **CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS**

Affirmative Action Recommended By: Finance Committee, Select Board

Motion: That the Town take affirmative action on Article 5 as printed in the Warrant, except that in Salary Grades TT-1 and TT-2, the word "Annual" be replaced with the word "Hourly."

Reason: Routine and noncontroversial at hearing

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Article 6 **USE OF FREE CASH**

Affirmative Action Recommended by: Finance Committee, Select Board

Motion: That the Town take affirmative action on Article 6 to authorize and direct the Assessors to transfer \$1,000,000 from free cash to reduce the tax levy for the fiscal year ending June 30, 2019.

Reason: Routine transfer of surplus funds to reduce tax levy; noncontroversial at hearing. Surplus results from revenue collection exceeding estimates or actual expenditures being less than appropriations, as explained in FinCom Report page 52.

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Article 19 **AUTHORIZE EXPENDITURE FROM PEG ACCESS AND CABLE-RELATED FUND**

Affirmative Action Recommended by: Finance Committee, Select Board

Motion: That the Town vote to transfer from the PEG Access and Cable-Related Fund \$600,000 to be expended during the fiscal year ending June 30, 2019 under the direction of the Town Manager for necessary and expedient cable-related purposes consistent with the license agreement, of which the sum of \$400,000 is the estimated license revenue to be received during FY19 in accordance with the license agreement and the sum of \$200,000 shall be allocated from the available fund balance.

Reason: Routine transfer and noncontroversial at hearing. Action on Article 19 has no impact on Article 20 Independence of the Press.

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Article 22	<p>ALCOHOLIC BEVERAGE BYLAW AMENDMENT Affirmative Action Recommended by: Select Board Motion: That the Town take affirmative action on Article 22 as printed in the Warrant. Reason: Noncontroversial at hearing. Amendment will update the bylaw to reflect issuance of one-day special licenses for sale or service of alcohol on Town-owned property such as 51 Walden Street, Emerson Umbrella, and also permit one-day licenses for other properties under Select Board or Town Manager control.</p>
Article 33	<p>ZONING BYLAW AMENDMENT – DEFINITION OF A DWELLING UNIT Affirmative Action Recommended by: Select Board Motion: That the Town take affirmative action on Article 33 as printed in the Warrant. Reason: Clarification of original bylaw intent; noncontroversial at hearing. Amendment will clarify bylaw to provide better guidance on current Building Inspections Division bylaw interpretation determining whether a space within a structure constitutes a separate dwelling.</p>
Article 36	<p>ZONING BYLAW AMENDMENT – RECONSTRUCTION OF NONCONFORMING STRUCTURES Affirmative Action Recommended by: Select Board Motion: That the Town take affirmative action on Article 36 as printed in the handout applicable to this Article. Reason: Housekeeping amendment; noncontroversial at hearing. Adds language to clarify potential ambiguity in the bylaw as to the types of building projects to which it applies.</p>
Article 37	<p>ZONING BYLAW AMENDMENT – OFF-STREET PARKING, LOADING, AND DESIGN STANDARDS; TABLE IV MINIMUM PARKING Affirmative Action Recommended by: Select Board Motion: That the Town take affirmative action on Article 37 as printed in the Warrant. Reason: Housekeeping amendment; noncontroversial at hearing. Amends a parking requirement table to reflect a definitional change voted at the 2017 Annual Town Meeting – (Article 40), <u>classifying a real estate agency as a professional office instead of a business office.</u></p>
Article 42	<p>AUTHORIZE CAMBRIDGE TURNPIKE EASEMENTS Affirmative Action Recommended by: Select Board Motion: That the Town take affirmative action on Article 42 as printed in the Warrant except that the words “and 200 Lexington Road” be added after the words “18 Cambridge Turnpike” the second time said words appear. Reason: Noncontroversial at hearing. Authorizes the acquisition of easements necessary for Cambridge Turnpike Improvement Project. No appropriation required; easements are to be gifted.</p>
Article 43	<p>MONSEN ROAD STREET ACCEPTANCE Affirmative Action Recommended By: Select Board Motion: That the Town take affirmative action on Article 43 as printed in the Warrant. Reason: Noncontroversial at hearing. Seeks Town Meeting acceptance of an extension of Mosen Road laid out by the Commissioners of Public Works.</p>
Article 48	<p>SOLID WASTE DISPOSAL FUND EXPENDITURES Affirmative Action Recommended by: Finance Committee, Select Board Motion: That the Town take affirmative action on Article 48 as printed in the Warrant. Reason: Routine enterprise fund authorization typically included on consent calendar; noncontroversial at hearing.</p>
Article 49	<p>SEWER SYSTEM EXPENDITURES Affirmative Action Recommended by: Finance Committee, Select Board Motion: That the Town take affirmative action on Article 49 as printed in the Warrant.</p>

Reason: Routine annual enterprise fund authorization; noncontroversial at hearing.

Article 50 SEWER IMPROVEMENT FUND EXPENDITURES

Affirmative Action Recommended by: Finance Committee, Select Board

Motion: That the Town take affirmative action on Article 50 as printed in the Warrant.

Reason: Routine annual action; noncontroversial at hearing. The Sewer Improvement Fund is a sub-fund of the Sewer Fund consisting of fees paid by certain properties connecting to the sewer system; the Article authorizes expenditure from the Fund for construction and expansion of sewer lines and treatment facility capacity.

*CONSENT CALENDAR VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED unanimously that the 2018 Annual Town Meeting advance for consideration Articles 3, 4, 5, 6, 19, 22, 33, 36, 37, 42, 43, 48, 49, and 50 (with a hold placed on Article 52) 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.

**WARRANT ARTICLE 3. MEETING PROCEDURE**

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 Massachusetts General Laws c. 59, § 21C (generally referred to as "Proposition 2½"); or take any other action relative thereto.

*Article 3 VOTE*

Upon a MOTION duly made by Mr. Packard and seconded, it was VOTED unanimously under the Consent Calendar that the Town adopt a "Rule of Meeting" Resolution as printed in the handout applicable to this Article.

**WARRANT ARTICLE 4. RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS**

To determine whether the Town will vote to ratify the Personnel Board's actions to amend the Classification and Compensation Plan as follows; or take any other action relative thereto:

1. Add the title "Maintenance & Inventory Coordinator" to Grade TCL-3 effective May 11, 2017.
2. Add the title "Project & Procurement Coordinator" to Grade AC-5 effective May 11, 2017.
3. Move the title "Assistant Town Manager" from Grade MP-7 to Grade MP-8 effective July 1, 2017.
4. Remove the title "Finance Administrator" from Grade MP-4 and replace it by adding the title "Financial Manager/Accountant" to Grade MP-5 effective August 30, 2017.
5. Move the title "Customer Services Administrator" from Grade MP-3 to Grade MP-4 effective August 30, 2017.
6. Add the title "Operations Manager" to Grade MP-3 effective August 30, 2017.
7. Remove the title "Assistant to the Water/Sewer Superintendent" from Grade MP-3 and reassign the position to the title "Management Analyst" in that same grade effective August 30, 2017.
8. Move the title "Highway & Grounds Superintendent" from Grade MP-5 to Grade MP-6 effective August 30, 2017.
9. Add the title "Director of Sustainability" to Grade MP-5 effective August 30, 2017.
10. Remove the title "Executive Assistant to the Town Manager" from Grade AC-7 and replace it by adding the title "Administrative Manager" to Grade MP-2 effective August 30, 2017.
11. Add the title "Network Engineer" to Grade MP-4 effective August 30, 2017.
12. Add the title "IT Services Manager" to Grade MP-5 effective August 30, 2017.
13. Add the title "Senior Human Resources Assistant" to Grade AC-6 effective August 30, 2017.
14. Add the title "Administrative Systems Analyst" to Grade MP-2 effective August 30, 2017.
15. Add the title "Licensed Electrician/Skilled Carpenter" to Grade TCL-5 effective January 3, 2018.
16. Add the title "Custodial Maintenance Supervisor" to Grade TCL-4 effective January 3, 2018.
17. Add the title "Master Craftsperson" to Grade

TCL-4 effective January 3, 2018.

18. Move the title “Assistant Town Clerk” from Grade AC-5 to Grade MP-3 effective January 9, 2018.

19. Remove the title “Facilities Maintenance Supervisor” from Grade MP-3 effective February 1, 2018.

**CLASSIFICATION AND COMPENSATION PLAN**

Effective July 1, 2018

**ADMINISTRATIVE-CLERICAL**

Grade Number & Class Title	Minimum	Mid-Point	Maximum
AC-1 Receptionist/Clerk Recreation Clerk	16.96	20.40	23.83
AC-2 Account Clerk Department Clerk Senior Recreation Clerk Utility Account Clerk	18.94	22.78	26.61
AC-3 Customer Services Representative Senior Account Clerk Senior Department Clerk	21.48	25.83	30.18
AC-4 Administrative Assistant Collections Assistant Retirement Assistant Treasury Assistant	23.21	27.91	32.60
AC-5 Human Resources Assistant Project & Procurement Coordinator Senior Administrative Assistant	24.81	29.82	34.83
AC-6 Finance Assistant Senior Human Resources Assistant	25.66	30.86	36.05

**TRADES-CRAFTS-LABOR**

<b>Grade Number &amp; Class Title</b>		<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
TCL-1 Building Custodian	Hourly	16.74	20.24	23.73
TCL-2 Building Maintenance Custodian	Hourly	18.91	22.86	26.80
TCL-3 Facilities Maintainer Maintenance & Inventory Coordinator Water/Sewer System Maintainer	Hourly	20.81	25.16	29.50
TCL-4 Custodial Maintenance Supervisor Equipment/Line Operator Master Craftsperson	Hourly	23.28	28.17	33.05
TCL-5 Assistant Public Works Supervisor Crew Leader Licensed Electrician/Skilled Carpenter Senior Master Mechanic Treatment Systems Operator	Hourly	25.78	31.17	36.56
TCL-6 Senior Treatment Systems Operator	Hourly	28.96	35.02	41.08
TCL-7 Public Works Supervisor	Hourly	32.12	38.85	45.58

**MANAGERIAL-PROFESSIONAL**

*Annual rates are controlling and are based on 52.2 weeks at 40 base hours per week; compensation will be prorated for part-time schedules.*

<b>Grade Number &amp; Class Title</b>		<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
MP-1 Associate Engineer Engineering Technician Public Information Officer Recreation Supervisor	Annual	46,086	57,803	69,519
MP-2 Administrative & Special Projects Coordinator Administrative Manager Administrative Systems Analyst Assistant Local Inspector	Annual	52,009	65,229	78,449

Assistant Natural Resources Director  
 Budget Analyst  
 Energy Specialist  
 Environmental Health Inspector  
 Environmental & Regulatory Coordinator  
 Field Lister  
 GIS Technician/Analyst  
 Information Systems Technician  
 Office Accountant  
 Public Health Inspector  
 Senior Engineering Technician  
 Senior Services Programs Supervisor  
 Utility Software Coordinator  
 Water Conservation Coordinator

Minimum                      Mid-Point                      Maximum

MP-3                                      Annual                      61,367                      76,969                      92,571

Assistant Assessor  
 Assistant Human Resources Director  
 Assistant Public Health Director  
 Assistant Public Works Engineer  
 Assistant to the Water/Sewer Superintendent  
 Assistant Town Accountant  
 Assistant Treasurer  
 Childcare Services Manager  
 Civil Engineer  
 Customer Service Administrator  
 Energy Conservation Coordinator  
 Facilities Maintenance Supervisor  
 Local Inspector  
 Management Analyst  
 Recreation Programs & Events Manager  
 Retirement System Administrator  
 Senior Budget & Operations Analyst  
 Senior Environmental & Regulatory Coordinator  
 Senior Information Systems Technician  
 Senior Planner

MP-4                                      Annual                      65,607                      82,287                      98,966

Assistant Highway & Ground Superintendent  
 Assistant Recreation Director  
 Environmental Services Program Administrator  
 Financial Administrator  
 GIS & Application Integration Program Manager  
 Operations Engineer  
 Public Works Engineer  
 Senior Services Director  
 Telecommunications Coordinator

		Minimum	Mid-Point	Maximum
MP-5	Annual	70,570	88,510	106,449
Assistant Library Director				
Assistant Town Engineer				
Budget & Purchasing Director				
Deputy Treasurer/Collector				
Director of Sustainability				
IT Services Manager				
Facilities Manager				
Financial Manager/Accountant				
Natural Resources Director				
Police Lieutenant				
Public Health Director				
Town Clerk				
Town Planner				

MP-6	Annual	77,770	97,540	117,309
Assistant Fire Chief				
Building Commissioner				
Highway & Grounds Superintendent				
Police Captain				
Recreation Director				
Town Accountant				
Town Assessor				
Town Engineer				
Water/Sewer Superintendent				

MP-7	Annual	89,051	111,689	134,327
Director of Planning & Land Management				
Human Resources Director				
Library Director				

MP-8	Annual	99,212	124,434	149,655
Assistant Town Manager				
Chief Information Officer				
Fire Chief				
Police Chief				
Public Works Director				

MP-9	Annual	108,731	136,375	164,018
Finance Director				

### ELECTRICAL LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
EL-1	Hourly	18.45	22.32	26.18
(Reserved for future use)				

		Minimum	Mid-Point	Maximum
EL-2 Lineworker, Grade 3 Meter Technician	Hourly	23.42	28.32	33.22
EL-3 Lineworker, Grade 2 Utility Electrician	Hourly	29.71	33.59	37.46
EL-4 Lineworker, Grade 1	Hourly	36.89	41.72	46.54
EL-5 Lead Lineworker	Hourly	38.63	43.68	48.72
EL-6 Line Supervisor	Hourly	41.60	47.04	52.47

### ELECTRICAL MANAGEMENT

*Annual rates are controlling and are based on 52.2 weeks at 40 base hours per week;  
compensation will be prorated for part-time schedules.*

Grade Number & Class Title		Minimum	Mid-Point	Maximum
EM-1 Meter Supervisor	Annual	63,000	75,613	88,226
EM-2 Electrical Engineer	Annual	78,600	94,300	110,000
EM-3 Lead Electrical Engineer	Annual	82,100	98,550	115,000
EM-4 Assistant CMLP Director Power Supply & Rates Administrator	Annual	103,600	124,300	145,000
EM-5 CMLP Director	Annual	117,800	141,400	165,000

### SWIM & FITNESS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
SF-1 Swim/Fitness Specialist	Hourly	11.00	35.50	60.00

## HUMAN SERVICES

Grade Number & Class Title		Minimum	Mid-Point	Maximum
HS-A Human Services Assistant	Hourly	11.00	18.00	25.00
HS-1 Human Services Specialist	Hourly	15.25	25.13	35.00
HS-2 Child Care/Education Specialist	Hourly	15.25	28.63	42.00

## TELECOMMUNICATIONS TECHNICIANS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
TT-1 Telecommunications Technician	Hourly	28.65	34.00	38.66
TT-2 Senior Telecommunications Technician	Hourly	32.74	38.00	44.23

## TELECOMMUNICATIONS MANAGEMENT

*Annual rates are controlling and are based on 52.2 weeks at 40 base hours per week;  
compensation will be prorated for part-time schedules.*

Grade Number & Class Title		Minimum	Mid-Point	Maximum
TM-1 Network Administrator	Annual	71,900	84,450	97,000
TM-2 Network Engineer Telecommunications Coordinator	Annual	81,900	96,250	110,600
TM-3 Network Operations Manager	Annual	85,100	100,000	114,900
TM-4 Chief Information & Technology Officer	Annual	144,500	169,800	195,100

20. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 4, 2018, and April 9, 2018.

*Article 4 VOTE*

Upon a MOTION duly made by Mr. Packard and seconded, it was VOTED unanimously under the Consent Calendar that the Town take affirmative action on Article 4 as printed in the Warrant, including, under clause 20, the change to the Classification and Compensation Plan voted by the Personnel Board and effective on March 7, 2018 to add the title "Facilities Operations Coordinator" to Grade MP-2.

**WARRANT ARTICLE 5. CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS**

To determine whether the Town will vote to amend the Classification and Compensation Plan for regular-status Town positions by adopting the following schedules to become effective July 1, 2018, or take any other action relative thereto:

*Article 5 VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED unanimously under the Consent Calendar that the Town take affirmative action on Article 5 as printed in the Warrant, except that in Salary Grades TT-1 and TT-2, the word "Annual" be replaced with the word "Hourly."

**WARRANT ARTICLE 6: USE OF FREE CASH**

To determine whether the Town will vote to transfer from free cash, the sum of \$1,000,000, or any other sum, to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2019, or take any other action relative thereto.

*Article 6 VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED unanimously under the Consent Calendar that the Town take affirmative action on Article 6 to authorize and direct the Assessors to transfer \$1,000,000 from free cash to

reduce the tax levy for the fiscal year ending June 30, 2019.

**WARRANT ARTICLE 7: TOWN BUDGET**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$43,374,850, or any other sum, for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2019, or take any other action relative thereto:

**GENERAL FUND OPERATING BUDGET**

*(Following Pages)*

Item No.	Department	Fiscal 2017 Expenses	Fiscal 2018 Appropriation	Fiscal 2019 Proposal
<b>General Government</b> <b>\$3,074,735 is 7.1% of Total</b>				
1	Town Manager's Office			
	A. Town Manager	382,774	397,167	398,394
	B. Human Resources	235,583	266,710	281,426
	C. Facilities Management	235,108	290,000	290,000
	D. Resource Sustainability Fund	118,276	126,000	151,000
	E. Visitor's Center and Restrooms	32,286	44,028	19,292
	F. 37 Knox Trail	8,187	17,762	13,943
	G. 55 Church Street	-	-	40,796
	<b>Subtotal</b>	<b>1,012,214</b>	<b>1,141,667</b>	<b>1,194,851</b>
2	Legal Services	265,215	225,000	250,000
3	Elections and Registrars			
	A. Elections	45,619	13,627	48,412
	B. Registrars	6,896	8,476	8,666
	Subtotal	52,515	22,103	57,078
4	Town Meeting and Reports	61,156	44,900	100,250
5	Planning			
	A. Planning Administration	476,439	389,012	380,998
	B. Natural Resources	233,392	229,899	219,641
	C. Inspections	467,076	464,669	467,145
	D. Health	323,967	325,905	331,778
	<b>Subtotal</b>	<b>1,500,873</b>	<b>1,409,485</b>	<b>1,399,562</b>
6	141 Keyes Road	50,209	71,027	72,994
	<b>Total General Government</b>	<b>2,942,182</b>	<b>2,914,181</b>	<b>3,074,735</b>
Item No.	Department	Fiscal 2017 Expenses	Fiscal 2018 Appropriation	Fiscal 2019 Proposal
<b>Finance and Administration</b> <b>\$2,531,292 is 5.8% of Total</b>				
7	Finance Committee	1,189	3,410	3,410
8	Finance			
	A. Finance Administration	302,629	293,041	337,252
	B. Treasurer-Collector	289,121	297,639	289,615
	C. Town Accountant	162,946	169,270	162,291
	D. Assessors	423,249	439,328	420,468
	E. Town Clerk	243,942	245,912	245,750
	<b>Subtotal</b>	<b>1,421,886</b>	<b>1,445,190</b>	<b>1,455,376</b>
9	Information Systems	898,055	940,718	951,192
10	Town House	108,426	115,150	121,314
	<b>Total Finance and Administration</b>	<b>2,429,556</b>	<b>2,504,469</b>	<b>2,531,292</b>

Item No.	Department	Fiscal 2017 Expenses	Fiscal 2018 Appropriation	Fiscal 2019 Proposal
<b>Public Safety</b> <b>\$9,317,901 is 21.5% of Total</b>				
11	Police Department	4,442,491	4,518,636	4,508,392
12	Fire Department	4,311,316	4,462,853	4,445,434
13	West Concord Fire Station	40,040	39,664	36,323
14	Police-Fire Station	274,880	284,816	284,816
15	Emergency Management	13,859	16,937	16,937
16	Animal Control Officer	24,010	26,000	26,000
<b>Total Public Safety</b>		<b>9,106,596</b>	<b>9,348,906</b>	<b>9,317,901</b>
Item No.	Department	Fiscal 2017 Expenses	Fiscal 2018 Appropriation	Fiscal 2019 Proposal
<b>Public Works and Facilities</b> <b>\$4,249,152 is 9.8% of Total</b>				
17	Public Works			
	A. CPW Administration	195,255	200,636	201,321
	B. Engineering	385,308	408,966	399,107
	C. Highway Maintenance	1,423,784	1,412,870	1,380,563
	D. Parks and Trees	677,285	699,254	702,841
	E. Cemetery	66,561	66,689	70,351
	Subtotal	2,748,193	2,788,414	2,754,182
18	Snow and Ice Removal	587,447	610,000	610,001
19	Street Lighting	60,840	73,463	56,863
20	CPW Equipment	300,000	325,000	325,000
21	Drainage Program	205,000	205,000	205,000
22	Sidewalk Management	100,000	110,000	115,000
23	Road Improvements	90,000	100,000	100,000
24	133/135 Keyes Road	102,237	83,875	83,106
Total Public Works and Facilities		4,193,717	4,295,753	4,249,152
Item No.	Department	Fiscal 2017 Expenses	Fiscal 2018 Appropriation	Fiscal 2019 Proposal
<b>Human Services</b> <b>\$3,134,538 is 7.2% of Total</b>				
25	Library	1,951,574	2,153,361	2,141,097
26	Human Services			
	A. Human Services	27,149	39,152	53,516
	B. Senior Services	350,759	394,414	483,791
	C. Recreation Services	70,093	76,678	101,761
	<b>Subtotal</b>	<b>448,001</b>	<b>510,244</b>	<b>639,068</b>
27	Harvey Wheeler Community Center	120,424	121,905	124,342
28	Hunt Recreation Center	105,574	111,701	99,438
29	Veterans	99,958	125,310	107,970
30	Ceremonies and Celebrations	24,307	19,228	22,624
<b>Total Human Services</b>		<b>2,749,838</b>	<b>3,041,749</b>	<b>3,134,538</b>

Item No.	Department	Fiscal 2017 Expenses	Fiscal 2018 Appropriation	Fiscal 2019 Proposal
<b>Unclassified</b> <b>\$1,742,895 is 4.0% of Total</b>				
31	Town Employee Benefits			
	A. Unused Sick Leave	90,000	90,000	90,000
	B. Public Safety Disability	157	2,500	2,500
	C. Employee Assistance Program	7,177	7,500	7,500
	<b>Subtotal</b>	<b>97,334</b>	<b>100,000</b>	<b>100,000</b>
32	Reserve Fund*	-	225,000	225,000
	*Transfers totaling \$169,117.62 were made to other accounts in FY17.			
33	Salary Reserve**	-	618,954	1,407,895
	**Transfers of \$746,594 in FY17 and \$174,969 (to date) in FY18 were made to other accounts			
34	Land Fund	10,000	15,000	10,000
	<b>Total Unclassified</b>	<b>107,334</b>	<b>958,954</b>	<b>1,742,895</b>
Item No.	Department	Fiscal 2017 Expenses	Fiscal 2018 Appropriation	Fiscal 2019 Proposal
<b>Joint (Town - CPS)</b> <b>\$19,324,337 is 44.6% of Total</b>				
35	Insurance			
	A. Group Insurance	4,650,000	4,800,000	5,526,100
	B. OPEB	1,400,000	1,470,000	1,617,000
	C. Property/Liability	250,000	250,000	275,000
	<b>Subtotal</b>	<b>6,300,000</b>	<b>6,520,000</b>	<b>7,418,100</b>
36	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	104,579	100,000	110,000
	B. Workers' Comp.	95,421	100,000	100,000
	<b>Subtotal</b>	<b>200,000</b>	<b>200,000</b>	<b>210,000</b>
37	Retirement	3,317,000	3,667,000	3,777,010
38	Social Security and Medicare	731,944	810,000	814,713
39	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	2,685,973	3,015,800	3,277,862
	CPS Principal and Interest	939,386	700,350	679,283
	<b>Subtotal</b>	<b>3,625,359</b>	<b>3,716,150</b>	<b>3,957,145</b>
	Interest on Notes	-	135,000	30,000
	Other Debt Expense	1,295	8,850	7,500
	<b>Subtotal Within Levy Limit</b>	<b>3,626,654</b>	<b>3,860,000</b>	<b>3,994,645</b>
	B. Excluded Debt			
	Town Principal and Interest	99,794	99,794	392,294
	CPS Principal and Interest	2,907,470	3,507,713	2,992,575
	Less: Use of Stabilization Funds	(1,000,000)	(785,000)	(275,000)
	<b>Subtotal Excluded Debt</b>	<b>2,007,264</b>	<b>2,822,507</b>	<b>3,109,869</b>
	<b>Total Debt Service</b>	<b>5,633,918</b>	<b>6,682,507</b>	<b>7,104,514</b>
	<b>Total Joint (Town - CPS)</b>	<b>16,182,862</b>	<b>17,879,507</b>	<b>19,324,337</b>
	<b>TOTAL APPROPRIATION (Accounts 1-39)</b>	<b>37,712,084</b>	<b>40,943,520</b>	<b>43,374,850</b>

And further, that the Town Manager is authorized to turn in or sell at public auction any surplus equipment, with the amount allowed or received therefore to be applied against the purchase of new equipment; and

That the sum of \$11,000, State Aid to Libraries, be transferred to the use of the Library Committee for the purchase of books, periodicals, and subscriptions; and

That the Town appropriate and transfer the sum of \$750 from the Dog Inoculation Fees Reserve Account for the cost of the Board of Health's Rabies Clinic; and

That the appropriation for Salary Reserve under Line Item 33 shall be transferred by the Town Manager to the various Salary Line Items in accordance with salary levels established on July 1, 2018 and thereafter pursuant to the salary schedules adopted under Article 5, the implementation of the merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and Collective Bargaining Agreements. Any such transfer shall be reported periodically by the Town Manager to the Select Board and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year; and

That the Town authorize the following sums to be expended from the Title 5 Septic Loan Betterment Reserve Account to meet the loan payments to the Massachusetts Clean Water Trust due and payable during FY19:

<u>Amount</u>	<u>Loan Number</u>	<u>Original Loan</u>	<u>Date of Issue</u>	<u>Final Maturity</u>	<u>Town Authorization</u>
\$10,828.73	T5-97-1070	\$200,000	12/22/99	FY21	Art. 46 (1997)
\$70,317.00	T5-05-1243	\$703,170	03/18/09	FY19	Art. 50 (2004)
\$29,705.00	T5-05-1243-A	\$296,830	06/13/12	FY23	Art. 50 (2004)
\$32,471.00	T5-05-1243-B	\$324,715	05/22/13	FY23	Art. 42 (2009)
\$19,745.70	T5-05-1243-C	\$197,457	01/07/15	FY15	Art. 42 (2009)

And, that the Town appropriate the sum of \$275,000 from the High School Debt Stabilization Fund, to be expended under the direction of the Town Manager, to pay a portion of Concord's share of debt service excluded from the Property Tax Levy Limit due and payable during FY19, and that said appropriation shall be in addition to the sum contained in Line Item 39 herein; or take any other action relative thereto.

*Article 7 VOTE*

Upon a MOTION made by Ms. Hotchkiss and duly seconded, it was VOTED unanimously that the Town raise and appropriate amounts of money for each item number as shown in the column headed "Fiscal 2019 Proposal", with the exception of Line 35A, which is reduced by \$151,263 to \$5,374,837, for a total of \$43,223,587, and authorize the actions in the text following Item No. 39, as shown in Article 7 as printed in the Warrant, for the necessary and expedient purposes of the Town for the Fiscal Year ending June 30, 2019, and that the same be expended only for such purposes and under the direction of the Town Manager.

**WARRANT ARTICLE 8: MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$752,938, or any other sum, for the following necessary and expedient purposes of the Minuteman Regional Technical High School District for the fiscal year ending June 30, 2019, or take any other action relative thereto.

*Article 8 VOTE*

Upon a MOTION made by Ms. Flood and duly seconded, it was PASSED by a declared near unanimous vote that the Town raise and appropriate Concord's apportioned share of \$742,679 for the Minuteman Regional Vocational Technical School District for the Fiscal Year ending June 30, 2019.

A discrepancy of \$30 in the above article was noted at the beginning of the second night of the meeting on April 10th.

**WARRANT ARTICLE 9: CONCORD PUBLIC SCHOOLS BUDGET**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$38,461,880, or any other sum, for the following necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2019; or take any other action relative thereto:

*Article 9 VOTE*

Upon a MOTION made by Ms. Bout and duly seconded it was PASSED by a declared near unanimous vote that the Town raise and appropriate the sum of

<b>MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET</b>			
Department/Description	Fiscal 2017 Adopted	Fiscal 2018 Adopted	Superintendent's Proposed Budget & Fiscal 2019 Assessment
Minuteman Regional High School Budget	\$19,728,097	\$19,449,466	\$21,331,204
Concord's Assessment	\$423,444	\$599,313	\$752,938** (est. @ 1/05/2016)

\*\*Includes \$605,823 assessment for operating budget and \$147,115 assessment for exempt debt.

<b>SCHEDULE A - PUBLIC SCHOOL BUDGET</b>			
Department	Fiscal 2017 Adopted	Fiscal 2018 School Committee	Fiscal 2019 School Committee Vote of Dec. 12, 2017
Concord Public Schools Budget/Appropriation	\$35,660,111	\$36,810,111	\$38,461,880

\$38,246,895 for the necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2019; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

The original motion was amended on the floor to include the words “and appropriate” on line 2.

#### **WARRANT ARTICLE 10: CONCORD PUBLIC SCHOOLS FY18 SUPPLEMENTAL APPROPRIATION**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$400,000, or any other sum, to be added to the appropriation voted under Item No. 32 Reserve Fund of Article 7 of the Warrant of the 2017 Annual Town Meeting, for the purposes of meeting extraordinary or unforeseen expenditures in the Concord Public Schools; or take any other action relative thereto.

*Article 10: NO ACTION DECLARED*

#### **WARRANT ARTICLE 11: CONCORD PUBLIC SCHOOLS CAPITAL PROJECTS**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, or authorize the Town Treasurer with the approval of the Select Board to borrow money by the issuance of bonds or notes under the provisions of Massachusetts General Laws c. 44, the sum of \$900,000, or any other sum, to be expended under the direction of the School Committee for remodeling, construction, reconstructing or making extraordinary repairs, including original equipment and related work at various Concord Public School buildings, and further that any premium received by the Town upon the sale of any bonds or notes approved by the vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

*Article 11 VOTE*

Upon a MOTION made by Ms. Boynton and duly seconded, it was PASSED by a declared near unanimous vote that the Town appropriate the sum of \$900,000 to be expended under the direction of the Concord School Committee for remodeling, construction, reconstructing or making extraordinary repairs, including original equipment and related work at various Concord Public School buildings; and further, to meet this appropriation, authorize the Town Treasurer with the approval of the Select Board to borrow \$900,000 and to issue bond or notes under the provisions of Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority; and further that, in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed under Article 11 shall be reduced by the amount of any such premium so applied.

#### **WARRANT ARTICLE 12**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, a sum of \$23,051,352, or any other sum, for the following necessary and expedient purposes of the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2019; or take any other action relative thereto.

*Article 12 VOTE*

Upon a MOTION made by Mr. Conti and duly seconded, it was PASSED by a declared near unanimous vote that the Town raise and appropriate the sum of \$22,654,028 as the Town's apportioned share of the Concord-Carlisle Regional School District budget for the fiscal year ending June 30, 2019; and that the same be expended only for such purposes and under the direction of the Concord-Carlisle Regional School Committee.

<b>SCHEDULE A – CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET</b>			
Department	Fiscal 2017 Adopted	Fiscal 2018 School Committee	Fiscal 2019 School Committee Vote of Dec. 12, 2017
Concord-Carlisle Regional High School Budget	\$31,741,774	\$31,741,774	\$33,905,081
Concord's Assessment	\$20,783,976	\$21,599,072	\$23,051,352*

*\*includes \$19,544,198 assessment for operating budget and \$3,507,154 assessment for debt.*

**WARRANT ARTICLE 13: CONCORD-CARLISLE REGIONAL HIGH SCHOOL CAPITAL PROJECTS**

To determine whether the Town will vote to approve \$1,000,000, or any other sum, of debt authorized by the Concord-Carlisle Regional School Committee for paving campus entrance roads and improving external lighting; provided, however, that this approval shall be contingent upon passage of a Proposition 2½ debt exclusion referendum under Massachusetts General Laws c. 59, § 21C(k) to exempt the Town's allocable share of the amounts required for the payment of interest and principal on said borrowing; or take any other action relative thereto.

*Article 13: NO ACTION DECLARED*

**WARRANT ARTICLE 14: ESTABLISH REVOLVING FUNDS UNDER THE MUNICIPAL MODERNIZATION ACT, MGL c.44 § 53E 1/2**

To determine whether the Town will vote to amend the Town Bylaws by adding a new Section to establish and authorize Revolving Funds for use by certain Town Departments, Boards, Committees, Agencies or Officers, under the direction of the Town Manager, and pursuant to Massachusetts General Laws c. 44, § 53E ½, as follows; or take any other action relative thereto.

**Departmental Revolving Funds**

1. Purpose. This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers, under the direction of

the Town Manager, in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws c. 44, § 53E½.

2. Expenditures Limitations. A department manager, board, committee or officer, under the direction of the Town Manager, may incur liabilities against and spend monies from a revolving fund established and authorized by the bylaw without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select Board and finance committee.

3. Interest. Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the General Fund.

4. Procedures and Reports. Except as provided in Massachusetts General Laws c.44, § 53E½ and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized

by this bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds. The table on the next page establishes:

- A. Each revolving fund authorized for use by a Town department, board, committee, agency or officer;
- B. The department or agency head, board, committee or officer authorized to spend from each fund;
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
- D. The expenses of the program or activity for which each fund may be used;
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund; and
- G. The fiscal years each fund shall operate under this bylaw.

*Article 14 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was VOTED unanimously that the Town take affirmative action on Article 14 as printed in the Warrant, except to include on the first line of the chart labeled "Tree Preservation," in Column C, titled "Fees, Charges or Other Receipts Credited to the Fund," \*the words, "including permit application fees."

**WARRANT ARTICLE 15: AUTHORIZE EXPENDITURE OF REVOLVING FUNDS UNDER THE MUNICIPAL MODERNIZATION ACT, MGL c. 44, § 53E ½**

To determine whether the Town will vote to authorize the total expenditures for the following revolving funds pursuant to Massachusetts General Laws c. 44, § 53E½ for the fiscal year ending June 30, 2019, to be expended in accordance with the bylaw previously approved; or take any other action relative thereto.

*Article 15 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was VOTED unanimously that the Town take affirmative action on Article 15, as printed in the Warrant.

Revolving Fund	Annual Spending Limit
Regional Housing Services	\$265,000
Road Repair	\$120,000
Senior Services	\$35,000
Tree Preservation	\$100,000

### Authorized Revolving Funds Chart

A Revolving Fund	B Department, Board, Committee, Agency or Officer Autho- rized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund*	D Program or Activity Expenses Payable from Fund	E Restrictions / Conditions on Expenses Payable from Fund	F Other Require- ments/ Reports	G Fiscal Years
Tree Preservation	Department of Planning & Land Management, under the direction of the Town Manager	Fees, charges and money received under the Tree Preservation Bylaw	Buying, planting and maintaining trees within residential neighborhoods in the Town			FY19 and subsequent years
Regional Housing Services	Regional Housing Services Office, through the Depart- ment of Planning & Land Management, under the direction of the Town Manager	Fees paid by member towns	Expenses associated with continuing the operation of a multi- town consortium set up to assist member communities in managing affordable housing resources			FY19 and subsequent years
Road Repair	Department of Public Works, under the direction of the Town Manager	Fees paid by applicants for permits to dig up, alter, or disturb the public way in accordance with the Motion passed under Article 47 of the 1992 Annual Town Meeting	Repairing, restoring, maintaining and in- specting public ways			FY19 and subsequent years
Senior Services	Division of Human Services, under the direction of the Town Manager	Fees, charges or monies received for programs, events and trips	Expenses associated with Senior Services/ COA trips, events and programs			FY19 and subsequent years

**WARRANT ARTICLE 16: ACCEPT PROVISIONS OF THE MUNICIPAL MODERNIZATION ACT CONCERNING BOND ISSUANCE PREMIUMS**

To determine whether the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Massachusetts General Laws c. 44, § 20, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or take any other action relative thereto.

*Article 16 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was VOTED unanimously that each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects is hereby supplemented to provide that, in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

**WARRANT ARTICLE 17: APPROPRIATE FUNDS IN PREMIUM RESERVE FUND**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$324,000, or any other sum, from the Bond Premium Reserve Fund, representing a net premium paid to the Town upon the sale of \$10,035,000 General Obligation Municipal Purpose Loan of 2017 Bonds on June 5, 2017, to the Capital Project Fund in the amount of \$277,000 and to the Water Enterprise Fund in the amount of \$47,000, to pay project costs authorized by the following Town Meeting Articles, and to reduce the amount authorized to be borrowed for such projects by a like amount, as follows; or take any other action relative thereto.

*Article 17 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was VOTED unanimously that the Town appropriate and transfer the sum of \$324,000 from the Bond Premium Reserve Fund, representing a net premium paid to the Town upon the sale of \$10,035,000 General Obligation Municipal Purpose Loan of 2017 Bonds on June 5, 2017, to the Capital Project Fund in the amount of \$277,000 and to the Water Enterprise Fund in the amount of \$47,000, to pay project costs authorized by previous Town Meeting Articles, as printed in the Warrant.

Article #	Town Meeting	Project	Amount	To
33	2014 ATM	West Concord Infrastructure Improvements	\$5,500	Capital Project Fund
52	2015 ATM	Rideout & Emerson Playground Improvements	\$35,000	Capital Project Fund
53	2015 ATM	Parking Management Plan Implementation	\$5,500	Capital Project Fund
54	2015 ATM	Town House Interior Improvements	\$20,500	Capital Project Fund
12	2016 ATM	Concord Public Schools Building Improvements	\$33,300	Capital Project Fund
26	2016 ATM	2016 Roads Program	\$113,700	Capital Project Fund
23	2016 ATM	Land Acquisition, Ball's Hill	\$47,000	Capital Project Fund
23	2016 ATM	Land Acquisition, Ball's Hill	\$47,000	Water Enterprise Fund
25	2016 ATM	Cemetery Improvements	\$2,500	Capital Project Fund
57	2016 ATM	Rail Trail Design & Engineering	\$14,000	Capital Project Fund
		Total:	\$324,000	

**WARRANT ARTICLE 18: ALLOWING 17 YEAR OLDS TO VOTE IN TOWN ELECTIONS & TOWN MEETINGS – By Petition**

To see if the Town will petition the Massachusetts General Court for permission to adopt a Town Bylaw to define a “qualified voter” as follows, or take any action thereon: Any citizen seventeen years of age or older, so long as they are a resident of Concord at the time they register to vote and are otherwise eligible under all provisions beside age set for voters in M.G.L. Chapter 51, Section 1, is a qualified voter of the town and is entitled to vote in all Town elections, participate and vote in all Town Meetings, participate in Town Caucus and sign all nominating, warrant and other petitions authorized by Town bylaws. Persons wishing to serve in elected positions must be registered voters of at least 18 years of age; or act in relation thereto.

The Meeting recognized Ms. Abigail Gordy, a seventeen year old CCHS student who spoke about the important perspective that 17 year olds can provide to the Town and the willingness of students to be involved.

*Article 18 VOTE*

Upon a MOTION made by Mr. Grom and duly seconded, it was VOTED by a clear majority that the Town authorize the Select Board to petition the Massachusetts General Court for permission to adopt a Town Bylaw to define a “qualified voter” for the purposes of Town elections, Town Meetings, Town Caucuses, and the bringing forward and signing of all nominating, warrant, and other petitions authorized by the Town Charter or Town Bylaws as any citizen seventeen years of age or older, so long as said citizen is (a) a resident of Concord at the time that citizen registers to vote and (b) otherwise eligible under all provisions, other than age, set for voters in Chapter 51, Section 1 of the Massachusetts General Laws; provided, however, that persons wishing to serve in elected positions must be registered voters of at least 18 years of age.

**WARRANT ARTICLE 19: AUTHORIZE EXPENDITURE FROM PEG ACCESS & CABLE-RELATED FUND**

To determine whether the Town will vote to raise and appropriate, or transfer from the PEG Access and Cable-Related Fund the sum of \$600,000, or any other sum, said funds to be expended during the fiscal year ending June 30, 2019 under the direction of the Town Manager for necessary and expedient cable-related purposes consistent with the license agreement, of which the sum of \$400,000 is the estimated license revenue to be received during FY19 in accordance with the license agreement and the sum of \$200,000 shall be allocated from the available fund balance; or take any other action relative thereto.

*Article 19 VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED unanimously under the Consent Calendar that the Town transfer from the PEG Access and Cable-Related Fund \$600,000 to be expended during the fiscal year ending June 30, 2019 under the direction of the Town Manager for necessary and expedient cable-related purposes consistent with the license agreement, of which the sum of \$400,000 is the estimated license revenue to be received during FY19 in accordance with the license agreement and the sum of \$200,000 shall be allocated from the available fund balance.

**WARRANT ARTICLE 20: INDEPENDENCE OF THE PRESS – By Petition**

To determine whether the Town will vote to reverse the Town Manager’s decision to acquire the CCTV (Concord Carlisle Television) Organization and make Town Department; or take any other action relative thereto.

*Article 20 VOTE*

Upon a MOTION made by Ms. Gailus and duly seconded, it was PASSED by a declared well more than Majority vote that the Town request of the Town Manager, and urge the Select Board to request of the Town Manager, that Concord Carlisle Television (CCTV) remains the independent non-profit provider of Public Educational Government (PEG) Access services to the Town.

A MOTION was made by Ms. Lauer and duly seconded that Article 20 be committed to study until the 2019 Annual Town Meeting. The motion failed by an overwhelming majority.

**WARRANT ARTICLE 21: APPROPRIATE FUNDS FOR THE MUNICIPAL CAPITAL PROJECTS**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, or authorize the Town Treasurer with the approval of the Select Board to borrow by the issuance of bonds or notes under the provisions of Massachusetts General Laws c. 44, § 7 the sums of money specified below in the FY19 Debt Plan, or any other sum, said funds to be expended under the direction of the Town Manager, and further that any premium received by the Town upon the sale of any bonds or notes approved by the vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

**ARTICLE 21: APPROPRIATE FUNDS FOR MUNICIPAL CAPITAL PROJECTS**

Mr. Whelan Moves:

That the Town appropriate the sums of money specified in Article 21 for the respective projects set forth in the FY19 Debt Plan, as printed in the Warrant, said funds to be expended under the direction of the

Town Manager; and that to meet this appropriation, the Town Treasurer with the approval of the Select Board is authorized to borrow \$2,600,000 under the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, or any other enabling authority, and further that any premium received by the Town upon the sale of any bonds or notes approved by the vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Law, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

*Article 21 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was VOTED that the Town take affirmative action on Article 21 as printed in the handout applicable to this article.

**WARRANT ARTICLE 22: ALCOHOLIC BEVERAGE BYLAW AMENDMENT**

To determine whether the Town will vote to amend the Town’s Alcoholic Beverage Bylaw to add a new section 2 such that the Bylaw reads as follows:

**FY19 Debt Plan**

Item No.	Department	Project	Amount	Authorization Clause
1	Town Manager	Renovation/ Construction/ Acquisition of Town Buildings	\$510,000	1
2	Planning	Trail Improvements	\$75,000	1
3	Public Safety	New truck replacing Engine #5 (1989) & Engine #7 (2007)	\$365,000	1
4	Public Works	Road and Parking Lot Reconstruction	\$1,400,000	1
5	Human Services	Library, Efficient Energy Systems	\$150,000	1
6	Human Services	Parking Lot, Harvey Wheeler Building	\$100,000	1
		<b>Total</b>	<b>\$2,600,000</b>	

## TOWN OF CONCORD, MASSACHUSETTS – ALCOHOLIC BEVERAGE BYLAW

Section 1. No person shall drink any alcoholic beverage, or possess an open container of any alcoholic beverage, as defined in Massachusetts General Laws, c. 138, § 1, while in or upon any public way or any way to which the public has a right of access, whether in or upon a vehicle, or on foot, or while in or upon any public place or public building or playground, or while in or upon a private parking lot, or a private way to which the public has access as invitees or licensees, or in or upon any private land or place without the consent of the owner or authorized person in control thereof. A police officer may arrest without a warrant any person who commits a violation of this bylaw in the officer's presence. All alcoholic beverages being used or possessed in violation of this bylaw shall be seized and safely held until final adjudication of the charge against the person arrested or summonsed before the court.

Section 2. Notwithstanding the provisions of Section 1 of this Bylaw, the Select Board may, to the extent permitted by State law, issue a one-day special license for the sale or service of alcohol on property owned by the Town, and which is subject to the control of the Select Board or the Town Manager, in connection with a community event or celebration being held on such Town property; or take any other action relative thereto.

### *Article 22 VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED unanimously under the Consent Calendar that the Town take affirmative action on Article 22 as printed in the warrant.

At 10:03 it was voted to reconvene at 7:00pm on April 10th to begin with Article 23.

### **APRIL 10, 2018**

At 7:02 pm, the Moderator declared the meeting in adjourned session.

Following introductory announcements, repeated from the first night of the meeting, Ms. Reiss announced the Finance Committee appointments. There were five

members with terms ending. Richard S. Jamson and Philip Swain were reappointed for three year terms. Outgoing members Linda Miller, Triveni Upadhyay and Tom Swaim were thanked for their energy, commitment, and good sense while serving the committee. New members Christine Reynolds and Grace Hanson were appointed to three year terms, leaving one vacancy.

Tellers and Ballot counters under the leadership of Mr. Fisher, Mr. Carr and Mr. Wells, were sworn in.

It was again voted that no new business would be brought up after 10:00pm.

### **DEDICATIONS**

School Committee and CCHC Committee member Johanna Boynton, recognized John Flaherty for his 15 years of service to the schools in the Finance office, most recently as Director of Finance and Operations. From budgets to building projects, he was thanked for shouldering a huge responsibility with grace and a smile. His approachable nature and tireless dedication to his work will be missed.

School Committee and CCHC Committee member Heather Bout recognized Dan Conti, whose term was ending for bringing his extensive experience in education and thoughtful deliberation to committee discussions, always remembering the constituencies that the committees represent.

Select Board member Alice Kaufman recognized outgoing Select Board member, Steven Ng, whom she referred to as Mr. Concord, with gratitude for his years of service on the Select Board. He served as liaison on many Boards, including Affordable Housing and Housing Funding Committees, Public Ceremonies and Celebrations Committee, Recreation Commission, Youth Advisory Committee, MAGIC, HATS and Dog Park Study Committee. His brought a great sense of humor along with a unique and creative perspective as an architect and project manager to all his work as a Board Member. Select Board member Michael Lawson joined Ms. Kaufman to read a proclamation by the Board and present Mr. Ng with a sash noting his newly appointed title of "Town Crier" along with a Cheese hat, in tribute to his energy in working with the Public Ceremonies and Celebrations Committee in

bringing attention to Concord events.

Select Board member Michael Lawson presented to the Meeting the gift of a traditional Ainu (translates to human) robe from Sister City Nanae, Japan that was received by the Concord delegation visiting the city in 2017. Dr. Curtin explained the meaning of the various design elements on this rare and beautiful robe that represents the first people of Japan island who relied on the land to provide all they needed. The robe will be on display at the Town House with an information plaque.

### **WARRANT ARTICLE 23: COMMUNITY RESILIENCE GOALS – By Petition**

To determine whether the Town, recognizing the Fourth National Climate Assessment Report (NCA4) released by 13 Federal agencies in fall 2017, will take action to maintain and regenerate our natural environment in order to protect our community and mitigate and build resilience to climate disruption by:

- a) urging the Select Board to designate the identification and implementation of cost effective solutions to mitigate future weather event impacts a top priority; and
- b) urging that a new committee be formed (or an existing committee be directed) by fall 2018 to address town resilience to future climate events; and further; to determine whether the town will urge that the designated committee
  - a) be multidisciplinary and include members with expertise in such areas as restoration ecology, green water / transportation / waste management, regenerative land management and agriculture, toxic substance reduction, and green architecture; and
  - b) serve as an advisory committee to town departments, committees, and boards, and interface with groups such as the MAGIC Climate Working Group, conservation groups, and other pertinent organizations and committees; and
  - c) review and recommend modifications of town bylaws, policies and codes, including zoning and other proceedings to formalize improvements pertaining to climate resilience; andeducate and raise awareness among Concord residents regarding resilience; or take any other action relative thereto.

### **EXCERPTED FROM HANDOUT**

Ms. Gill-Pazaris moves that the Town adopt the following resolution:

### **RESOLUTION**

To take action to maintain and regenerate our natural environment in order to protect our community and mitigate and build resilience to climate disruption, Town Meeting urges the Select Board to:

- a. recognize climate resilience and the identification of cost effect methods to build resilience as top priorities;
- b. form a committee by fall 2018 to address town resilience to future extreme climate events;

and further, that said committee, among other things:

- 1. consist of a multidisciplinary team with specialized knowledge;
- 2. review and recommend changes and additions to current and new bylaws, regulations, policies; and
- 3. review proposals that affect natural systems; and
- 4. recommend resilience goals, actions; and implementation plans

### *Article 23 VOTE*

Upon a MOTION made by Ms. Gill-Pazaris and duly seconded, it was PASSED by more than a majority vote that the Town adopt the resolution as printed in the handout applicable to this article.

### **WARRANT ARTICLE 24: COMMUNITY PRESERVATION COMMUNITY HOUSING FUND**

To determine whether the Town will vote to re-appropriate the sum of \$247,000.00 from the Community Preservation Fund, originally allocated at the 2015 Annual Town Meeting for Phase II of the Peter Bulkeley Terrace renovation, to the General CPA Fund, in accordance with Massachusetts General Laws c. 44B to be appropriated for Community Housing projects; or take any other action relative thereto.

### *Article 24 VOTE*

Upon a MOTION made by Ms. Ortner and duly seconded, it was VOTED unanimously that the Town

take affirmative action on Article 24 to re-appropriate the sum of \$248,658.57 from the Community Preservation Fund, originally allocated by the 2015 Annual Town Meeting for Phase II of the Peter Bulkeley Terrace Renovation, to the Community Housing Reserve Fund, in accordance with Chapter 44B of the Massachusetts General Laws.

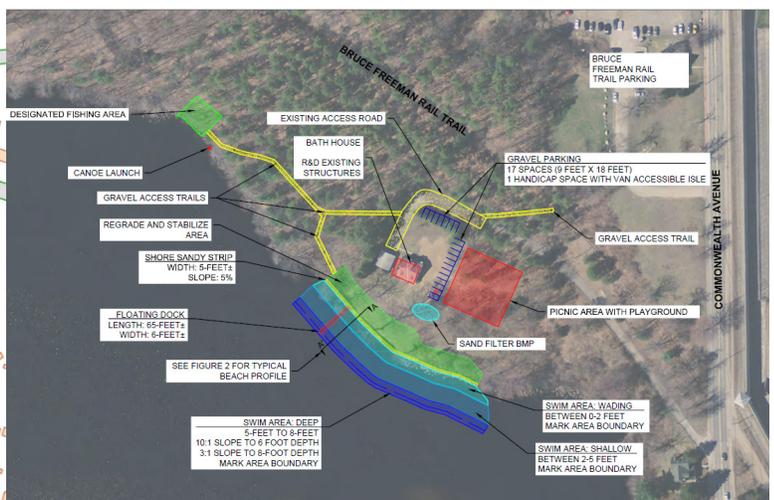
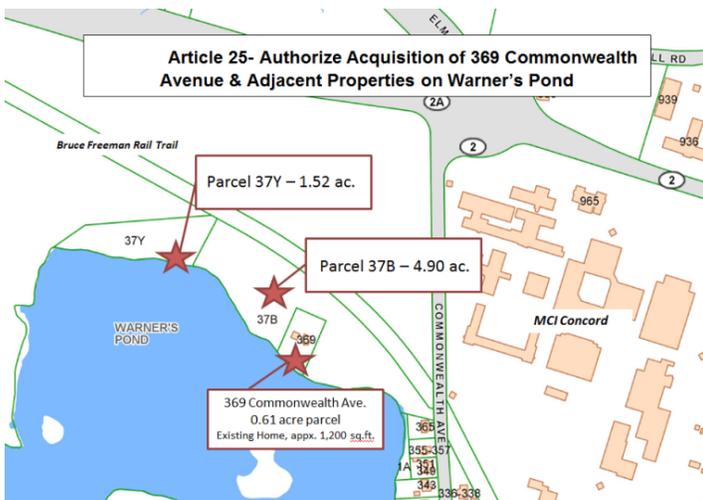
**WARRANT ARTICLE 25: AUTHORIZE ACQUISITION OF 369 COMMONWEALTH AVENUE & ADJACENT PROPERTIES ON WARNER'S POND**

To determine whether the Town will vote to authorize the Select Board to 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 at 369 Commonwealth Avenue and adjacent land, including the buildings and appurtenances thereon, shown on the assessors maps as parcels #2157, #2158 and #2159, containing a total of 7.0 acres more or less, for municipal purposes, including active recreation purposes, under such terms and conditions as the Select Board may determine, and further, that to meet such appropriation the Town will vote to raise and appropriate, transfer from available funds, or authorize the Town Treasurer with the approval of the Select Board to borrow by the issuance of bonds or notes under the provisions of Massachusetts General Laws, c. 44, the sum of \$2,500,000, or any other sum, for the purpose of acquiring said property, including any necessary improvements to the property and incidental related expenses, and further that any premium received by the Town upon the sale of any

bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with the Massachusetts General Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

**Article 25 Handout  
Authorize Acquisition of 369 Commonwealth Avenue & Adjacent Properties on Warner's Pond**

Mr. Whelan moves:  
That the Town authorize the Select Board to 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 at 369 Commonwealth Avenue and adjacent land, including the buildings and appurtenances thereon, shown on the Assessor's Maps as Parcels #2157, #2158 and #2159, containing a total of 7.0 acres more or less, for municipal purposes, including active recreation and affordable housing, under such terms and conditions as the Select Board may determine, and further, that to meet such appropriation, the Town Treasurer with the approval of the Select Board to authorized to borrow \$2,500,000 under the provisions of Chapter 44, Section 7 of the Massachusetts general Law, and further that any premium received by the Town upon the sale of any bonds or notes approved by the vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20



of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

*Article 25 VOTE*

Upon a MOTION made by Chris Whelan and duly seconded, it was PASSED by well more than a two-thirds majority vote that the Town take affirmative action on Article 25 as printed in the handout applicable to this Article.

Article 25 Amendment 1: A motion was made by Mr. Packard and seconded to amend the motion by deleting the words “and Affordable Housing” from Article 25 as moved. The amendment failed.

Article 25 Amendment 2: A motion was made by Ms. Gailus and seconded to add the words “provided said affordable housing is limited to the preservation of the existing structure” after the phrase “active recreation and affordable housing” in Article 25 as moved. The amendment failed by a clear majority.

**WARRANT ARTICLE 26: COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,861,038, or any other sum, from the Concord Community Preservation Fund, of which up to \$10,000 shall be appropriated from the undesignated fund balance as of June 30, 2017; \$247,000 shall be appropriated from the Community Housing Reserve Fund; \$120,000 shall be appropriated from the Open Space Reserve Fund; and up to \$1,484,038 shall be appropriated from projected FY19 Fund Revenues, in accordance with Massachusetts General Laws c. 44B, to be expended under the direction of the Town Manager as follows; or take any other action relative thereto.

Article 26 HANDOUT (following pages)

*Article 26 VOTE*

Upon a MOTION made by Ms. Ortner and duly seconded, it was VOTED by a wide majority that the Town appropriate the sum of \$1,861,038 as shown in

the handout.

**WARRANT ARTICLE 27: HISTORIC DISTRICTS MAP AMENDMENT – HUBBARDVILLE EXTENSION**

To determine whether the Town will vote to extend the Hubbardville District southward to add the property comprised of 30,700 square feet, more or less, and the building located upon it at 387 Sudbury Road, known as Assessor Parcel #0386 and being shown as Lot 7 on the plan entitled “Plan of Land in Concord Massachusetts (Middlesex County) 387 Sudbury Road” dated March 8, 2017 by Stamski and McNary, Inc. and recorded with the Middlesex South Registry of Deeds as Plan No. 4678G of 2017, effective July 1, 2018; or take any other action relative thereto.

*Article 27 VOTE*

Upon a MOTION made by Mark Giddings and duly seconded, it was VOTED by well more than a two-thirds majority that the Town take affirmative action on Article 27 as printed in the Warrant.

At 10:25 pm it was voted to reconvene at 7:00pm on April 11th to begin with Article 28.

**APRIL 11, 2018**

At 7:00 pm, the Moderator declared the meeting in adjourned session.

Ms. Reiss appointed Mr. Fisher as Head Teller,. Mr. Summer was appointed Assistant Teller, Mr. Carr was appointed as Head Ballot Supervisor, and Mr. Wells was appointed as Assistant Ballot Supervisor. Tellers and Ballot Counters were sworn in by the Moderator.

Ms. Reiss invited the meeting to participate in a Town Meeting survey, asking in particular for input on thoughts about the closed captioning being offered for the first time, thanks to the nimble hands of Stephanie Farrell.

It was again voted that no new business would be brought up after 10:00pm and the meeting would reconvene on April 12, 2018 if necessary.

**COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS**

Item	Project/Description	Category	Sources		Prior Year Fund Balance	FY19 CPA Fund Revenues	Total Amount Recommended
			Community Housing Re-serve Fund	Open Space Reserve Fund			
A	Town of Concord – Regional Housing Services Program	Community Housing	\$12,000			\$6,000	\$18,000
B	Concord Housing Authority – Bedford Court Unit Renovations	Community Housing				\$123,838	\$123,838
C	Town of Concord – Junction Village Assisted Living	Community Housing	\$235,000			\$115,000	\$350,000
D	51 Walden Inc. – Access 51	Historic Preservation				\$100,000	\$100,000
E	Concord Masonic Corporation – Corinthian Lodge Restoration	Historic Preservation				\$150,000	\$150,000
F	Concord Museum – Systems Replacement Project	Historic Preservation			\$10,000	\$130,000	\$140,000
G	Town of Concord Natural Resources Division – White Pond Slope Restoration	Open Space				\$87,100	\$174,200
		Recreation				\$87,100	
H	Town of Concord – Assabet River Pedestrian Bridge Design & Permitting	Open Space				\$17,500	\$35,000
		Recreation				\$17,500	
I	Town of Concord – Land Acquisition (369 Commonwealth Ave.)	Open Space		\$120,000			\$500,000
		Recreation				\$380,000	
J	Town of Concord – Bruce Freeman Rail Trail Phase 2C and 2B	Open Space				\$20,000	\$40,000
		Recreation				\$20,000	
K	Town of Concord Public Works – Emerson Field Improvements	Recreation				\$200,000	\$200,000
L	Staff and Technical Support	Administration				\$30,000	\$30,000
			\$247,000	\$120,000	\$10,000	\$1,484,038	\$1,861,038

**CPA Funding Recommendations for the 2018 Annual Town Meeting**

Project #	Name of Project	Category	Amount Requested	Suggested Amount to Award	2018 ATM Appropriation	Additional funds	Suggested Category	Notes
3-17	Regional Housing Services Program	Community Housing	\$18,000	18,000	6,000	12,000	Community Housing	12K Peter Bulkeley Return
8-17	Community Housing Reserve Fund	Community Housing	\$123,838	123,838	123,838	0	Community Housing	
5-17	Junction Village Affordable Assisted Living	Community Housing	\$350,000	350,000	115,000	235,000	Community Housing	235K Peter Bulkeley Return
1-17	Access 51	Historic Preservation	\$100,000	100,000	100,000	0	Historic Preservation	
9-17	Corinthian Lodge Restoration	Historic Preservation	\$256,180	150,000	150,000	0	Historic Preservation	
11-17	Concord Museum Systems Replacement Project	Historic Preservation	\$181,268	140,000	130,000	10,000	Historic Preservation	10K Admin Return
2-17	White Pond Slope Restoration	Open Space, Recreation	\$174,200	174,200	174,200	0	Open Space, Recreation	Project Divided 50% Open Space, 50% Recreation
4-17	Assabet River Pedestrian Bridge Design & Permitting	Open Space, Recreation	\$250,000	35,000	35,000	0	Open Space, Recreation	Project Divided 50% Open Space, 50% Recreation
7-17	Land Acquisition (former Gerow Land)	Open Space, Recreation	\$500,000	500,000	380,000	120,000	Open Space, Recreation	Project Divided 50% Open Space, 50% Recreation
6-17	Bruce Freeman Rail Trail Phase 2C and 2B	Open Space, Recreation	\$40,000	40,000	40,000	0	Open Space, Recreation	Project Divided 50% Open Space, 50% Recreation
10-17	Emerson Field Improvements	Recreation	\$600,000	200,000	200,000	0	Recreation	
ADM	Staff and Technical Support	Administration	\$30,000	30,000	30,000		Administration	
<b>Total Requested:</b>			<b>\$2,623,486</b>	<b>1,861,038</b>	<b>1,484,038</b>	<b>377,000</b>		
CPA Funds Available: \$1,851,845.20 (CPA funding and Reserves)								
10% Minimum Amount = \$148,874								

**WARRANT ARTICLE 28: APPROPRIATE FUNDS FOR 2229 MAIN STREET (NMI/STARMET SUPERFUND SITE) REDEVELOPMENT PLAN**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$25,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of creating a redevelopment plan for the property at 2229 Main Street; or take any other action relative thereto.

*Article 28 VOTE*

Upon a MOTION made by Ms. Rockwell and duly seconded, it was PASSED by a near unanimous vote that the Town appropriate the sum of \$25,000 from the Certified Free Cash Balance of June 30, 2017 to be expended under the direction of the Town Manager for the purpose of creating a redevelopment plan for the property at 2229 Main Street commonly known as the NMI/STARMET Superfund Site.

**WARRANT ARTICLE 29: ACCEPT MGL C.90, § 17 LIMITING TRAFFIC SPEED**

To determine whether the Town will vote to accept the provisions of Massachusetts General Laws c. 90, § 17C: Establishment of 25-miles-per-hour speed limit in thickly settled areas or business district in a city or town; or take any other action relative thereto.

*Article 29 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was VOTED by well more than a majority that the Town take affirmative action on Article 29 as printed in the Warrant.

**WARRANT ARTICLE 30: BYLAW AMENDMENT – TO PROHIBIT ALL TYPES OF NON-MEDICAL “MARIJUANA ESTABLISHMENTS” AS DEFINED IN MGL c. 94G, § 1**

To see whether the Town will vote to amend the Town’s General Bylaw by adding the following section: provided, however, that this section shall only be adopted if approved by a vote of the voters at a Town election.

**MARIJUANA ESTABLISHMENTS**

The operation within the Town of Concord of any marijuana establishment, as defined in Massachusetts General Laws c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes by a Registered Marijuana Dispensary as defined in Section 4.3.9 of the Zoning Bylaw; or take any other action relative thereto.

*Article 30 VOTE*

Upon a MOTION made by Mr. Considine and duly seconded, it was PASSED by more than a majority that the Town take affirmative action on Article 30 as printed in the Warrant.

Article 30 Amendment 1: A motion was made by Mr. Whitney and duly seconded to add the following words at the end of the Bylaw: “Nothing in this article shall be interpreted to apply to hemp or marijuana derivatives that do not contain THC.” The motion failed for lack of majority.

Article 30 Amendment 2: A motion was made by Mr. Banfield and duly seconded to amend the motion as follows:

The operation within the Town of Concord of any marijuana ~~establishment~~ retailer, as defined in Massachusetts General Laws c. 94G, § 1, ~~including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business,~~ is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes by a Registered Marijuana Dispensary as defined in Section 4.3.9 of the Zoning Bylaw.

The motion failed by well more than a majority.

**WARRANT ARTICLE 31: ACCEPT MGL c. 64N, §3 AND ADOPT A 3% LOCAL SALES TAX ON MARIJUANA PRODUCTS**

To determine whether the Town will vote to accept Massachusetts General Laws c. 64N, § 3 and impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at a rate of 3 percent of the total sales price received by the marijuana retailer, said sales tax to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of the Town Meeting; or take any other action relative thereto.

*Article 31 VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED almost unanimously that the Town take affirmative action on Article 31 as printed in the Warrant.

**WARRANT ARTICLE 32: ZONING BYLAW AMENDMENT – MARIJUANA ESTABLISHMENT TEMPORARY MORATORIUM EXTENSION**

To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.8.3 Marijuana Establishment Temporary Moratorium** to delete the date July 31, 2018 and insert in its place the date December 31, 2018 (changes are shown in bold for emphasis only) so that the Section reads as follows:

**4.8.3 Temporary Moratorium**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for “Marijuana Establishments”. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding “Marijuana Establishments” and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and related uses; or take any other action relative thereto.

*Article 32 VOTE*

Upon a MOTION made by Mr. Easton and duly seconded, it was VOTED by well more than a two-thirds majority that the Town take affirmative

action on Article 32 as printed in the Warrant.

**WARRANT ARTICLE 33: ZONING BYLAW AMENDMENT - DEFINITION OF A DWELLING UNIT**

To determine whether the Town will vote to amend the Zoning Bylaw Section 1.3.8 Dwelling unit to add the phrase “, and private” after the word independent (changes are shown in bold for emphasis only) so that the Section reads as follows:

1.3.8 Dwelling unit: A structure or portion thereof providing complete, independent, and private living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; or take any other action relative thereto.

*Article 33 VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED unanimously under the Consent Calendar that the Town take affirmative action on Article 33 as printed in the Warrant.

**WARRANT ARTICLE 34: ZONING BYLAW AMENDMENT – HEIGHT OF ACCESSORY BUILDINGS**

To determine whether the Town will vote to amend the Zoning Bylaw Section 6.2.11 Height to (i) Add after the third paragraph the sentence “In the Residence AA, Residence A, Residence C and Residence B Districts, any accessory structure located within the required minimum side or rear yard shall be limited in height to not more than twenty-four (24) feet to the peak of a pitched roof or eighteen (18) feet to the highest point of the exterior in the case of a flat roof.” (changes are shown in bold for emphasis only) so that the Section reads as follows:

6.2.11 Height: The height of a building shall be measured as the vertical distance from the mean ground level of each side of the building to either the highest point of the exterior in the case of a flat roof or to the mean average finished grade between the plate and the ridge in the case of a pitched roof. Chimneys, spires, towers, and other projections not used for human occupancy or storage may extend above the height limits herein fixed except wind turbine facilities,

which can only exceed the maximum height requirement by special permit granted by the Board. In the Medical-Professional District south of Route 2, no portion of a building shall exceed thirty-five (35) feet in height unless such portion sets back from each street and such Medical-Professional District boundary line an amount equal to the sum of one (1) the applicable minimum yard requirement and two (2) feet for each foot of height in excess of thirty-five (35) feet, provided that in no case shall any portion of a building exceed one hundred ten (110) feet in height. **In the Residence AA, Residence A, 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.

In the Residence AA, Residence A, Residence C and Residence B Districts, any accessory structure located within the required minimum side or rear yard shall be limited in height to not more than twenty-four (24) feet to the peak of a pitched roof or eighteen (18) feet to the highest point of the exterior in the case of a flat roof.

The Board may grant relief from the above definition for the height of a building in the Residence AA, Residence A, 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.

In the West Concord Business and West Concord Village Districts, the minimum height of the side and

rear portions of a principal building shall be fifteen (15) feet; the front façade shall have a minimum height of eighteen (18) feet; or take any other action relative thereto.

#### *Article 34 VOTE*

Upon a MOTION made by Mr. Sayegh and duly seconded, it was PASSED by a near unanimous and well more than two-thirds majority vote that the Town take affirmative action on Article 34 as printed in the Warrant.

#### **WARRANT ARTICLE 35: ZONING BYLAW AMENDMENT - COMBINED BUSINESS/ RESIDENCE**

To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.2.3.3 Combined business/residence** to (i) replace the semicolon at the end of Section 4.2.3.3 with a period, (ii) add the sentence "The Board may grant a special permit to allow less than the required amount of open space if the Board finds that the proposed combined business/residence development is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place;" at the end of Section 4.2.3.3; (iii) delete the phrase "a decrease in the" after the word allow in Section 4.2.3.4; and (iv) add the phrase "less than the required" after the word allow in Section 4.2.3.4 (changes are shown in bold for emphasis only) so that the Section reads as follows:

4.2.3 Combined business/residence: A dwelling unit or units may be located on the same lot where commercial uses are conducted provided that:

4.2.3.1 Each such unit is structurally part of the commercial building, having common walls, foundation, roof and floor;

4.2.3.2 For development of four (4) or more units, at least twenty percent of the dwelling units (and no less than one unit) are available as affordable housing;

4.2.3.3 Open space shall be provided on the lot (apart from any paved area) equal to twice the gross floor area of the residential portion of the building. Any deck, balcony or rooftop garden shall be considered as open space if its floor area is more than twenty-five (25) square feet. **The Board may grant a special permit to allow less than the required amount of open space if the Board finds that the proposed combined**

**business/residence development is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place;**

4.2.3.4 Except in Limited Business District #2, in a combined business/residence building where more than ten percent of the dwelling units are available as affordable housing, the Board may grant a special permit to allow **less than the required** amount of open space, an increase in the height of the building to forty (40) feet and/or a decrease in the number of parking spaces if the Board finds that the proposed combined business/residence development is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place; or take any other action relative thereto.

*Article 35 VOTE*

Upon a MOTION made by Mr. Kleiman and duly seconded, it was VOTED by more than two-thirds majority that the Town take affirmative action on Article 35 as printed in the Warrant.

**WARRANT ARTICLE 36: ZONING BYLAW AMENDMENT – RECONSTRUCTION OF NONCONFORMING STRUCTURES**

To determine whether the Town will vote to amend the **Zoning Bylaw Section 7.1.5 Nonconforming Single and Two Family Structures** to (i) add the phrase “reconstruction, alteration or structural change” to the second sentence following the word “extension”; (ii) replace the word “alteration” wherever it appears in Section 7.1.5(a), (b), or (c) with the phrase “extension, reconstruction, alteration or structural change;” (iii) add the word “a” before “structure” in Section 7.1.5(a); and (iv) add the word “structural” before the word “change” in the final paragraph of Section 7.1.5 (changes are shown in bold for emphasis only) so that the Section reads as follows:

7.1.5 *Nonconforming single and two family residential structures.* Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or

structural change does not increase the nonconforming nature of said structure. Where the proposed extension, **reconstruction, alteration or structural change** does not increase the gross floor area contained within the existing structure by more than fifty percent (50%), the following circumstances shall not be deemed to increase the nonconforming nature of said structure:

- (a) **extension, reconstruction, alteration or structural change** to a structure located on a lot with insufficient area which **extension, reconstruction, alteration or structural change** complies with all current setback, yard, building coverage, maximum floor area ratio, and building height requirements.
- (b) **extension, reconstruction, alteration or structural change** to a structure located on a lot with insufficient frontage which **extension, reconstruction, alteration or structural change** complies with all current setback, yard, building coverage, maximum floor area ratio, and building height requirements.
- (c) **extension, reconstruction, alteration or structural change** to a structure which encroaches upon one or more required yard or setback areas, where the **extension, reconstruction, alteration or structural change** will comply with all current setback, yard, building coverage, maximum floor area ratio, and building height requirements.

In all other cases, the Board may, by special permit, allow such **extension, reconstruction, alteration, or structural change** where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood; or take any other action relative thereto.

FROM PLANNING BOARD REPORT AS HANDOUT

**Article 36 Zoning Bylaw Amendment – Reconstruction of Nonconforming Structures**

This Warrant Article is a housekeeping item to clarify Section 7.1.5 and help to eliminate any ambiguity in the meaning and intent of the section. The Board would like to point out that in the current Bylaw, Section 7.1.5(d) was unintentionally omitted in the printing of the Warrant. **The Planning Board unanimously voted to recommend affirmative action on Article 36 as printed in the Warrant with the**

**inclusion of the following existing language which was unintentionally omitted in the Warrant: Section 7.1.5(d); extension of a structure by more than fifty percent (50%) is based on the aggregate of all expansions undertaken within a consecutive five (5) year period.**

*Article 36 VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED unanimously under the Consent Calendar that the Town take affirmative action on Article 36 as printed in the handout applicable to this article.

**WARRANT ARTICLE 37: ZONING BYLAW AMENDMENT - OFF-STREET PARKING, LOADING, AND DESIGN STANDARDS; TABLE IV MINIMUM PARKING**

To determine whether the Town will vote to amend the Zoning Bylaw Section 7.7.2.1

Table IV Minimum Parking to delete the phrase “& real estate agency” from the definition of “Financial and business office” in said table, so that the definition reads as follows:

Financial and business office: bank, loan agency, travel or other consumer services offices; or take any other action relative thereto.

FROM PLANNING BOARD REPORT AS HANDOUT

**Article 37 Zoning Bylaw Amendment – Off Street Parking, Loading & Design Standards**

This Warrant Article is a housekeeping item to delete real estate agency from the financial and business office parking requirement. At the 2017 Annual Town Meeting a real estate agency was classified as a professional office instead of a financial and business office. Deleting the reference to real estate agency from Financial and Business Office parking requirement will not change the parking requirement for a professional office and a financial and business office since they are the same; one space per 250 square feet of gross floor area. The Planning Board unanimously voted to recommend affirmative action on Article 37.

*Article 37 VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED unanimously under the Consent Calendar that the Town take affirmative action on Article 37 as printed in the Warrant.

**WARRANT ARTICLE 38: ZONING BYLAW AMENDMENT - SITE PLAN REVIEW**

To determine whether the Town will vote to amend the **Zoning Bylaw Section 11.8.5 Site Plan Review** to (i) replace the word “, and” at the end of subsection (f) with a semicolon, (ii) delete the period and insert the word “; and,” at the end of subsection (g), and (iii) add a new subsection “(h) Incorporation of sustainability principles into the site design that result in a plan that is responsive to the environment and actively contributes to the development of a more sustainable community.” at the end (changes are shown in bold for emphasis only) so that the Section reads as follows:

- 11.8.5 Site Plan Review: In reviewing the site plan submittal, the following matters shall be considered:
- (a) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers, and preservation of views, light and air;
  - (b) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;
  - (c) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;
  - (d) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;
  - (e) Adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky;
  - (f) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw;
  - (g) Impact on the Town’s resources including the effect of the Town’s water supply and distribution system, sewage collection and treatment, fire protection, and

streets; and,

(h) **Incorporation of sustainability \*principles into the site design that result in a plan that is responsive to the environment and actively contributes to the development of a more sustainable community;** or take any other action relative thereto.

#### *Article 38 VOTE*

Upon a MOTION made by Mr. Johnson and duly seconded, it was VOTED by well more than two-thirds majority that the Town take affirmative action on Article 38 as printed in the Warrant as amended: to add the words \*‘‘and resiliency’’ after ‘‘Incorporation of sustainability’’ in Section H.

#### **WARRANT ARTICLE 39: ZONING BYLAW AMENDMENT – SITE PLAN REVIEW FOR RELIGIOUS USES, EDUCATIONAL USES AND CHILD CARE FACILITIES**

To determine whether the Town will vote to amend the **Zoning Bylaw Section 11.8.7.1 Site Plan Review for religious uses, educational uses and child care facilities** to (i) delete the word ‘‘and’’ at the end of subsection (f), (ii) delete the period and insert the word ‘‘; and,’’ at the end of subsection (g), and (iii) add a new subsection ‘‘(h) Incorporation of sustainability principles into the site design that result in a plan that is responsive to the environment and actively contributes to the development of a more sustainable community.’’ at the end (changes are shown in bold for emphasis only) so that the Section reads as follows:

11.8.7.1 In reviewing the site plan submittal for religious uses, educational uses and child care facilities, the following issues shall be considered:

(a) Relationship of the bulk and height of structures and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw, which includes, but is not limited to, building coverage requirements, yard sizes, lot areas and setbacks;

(b) Physical layout of the plan as it relates to convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets

and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;

(c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;

(d) Physical lighting of the site, especially the adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky;

(e) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage;

(f) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;

(g) Adequacy of fire protection measures, and;

(h) **Incorporation of sustainability\* principles into the site design that result in a plan that is responsive to the environment and actively contributes to the development of a more sustainable community;** or take any other action relative thereto.

#### *Article 39 VOTE*

Upon a MOTION made by Mr. Johnson and duly seconded, it was VOTED by a two-thirds majority that the Town take affirmative action on Article 39 as printed in the Warrant as amended: to add the words \*‘‘and resiliency’’ after ‘‘Incorporation of sustainability’’ in Section H.

#### **WARRANT ARTICLE 40: ZONING BYLAW AMENDMENT – PERSONAL WIRELESS COMMUNICATIONS FACILITY – By Petition**

To determine whether the Town will vote to expand the Wireless Communications Facility District as follows: Amend the Wireless Communication Facility(s) Overlay District map to include additional property on the Middlesex School campus (Parcel #1533 excluding 1,000-foot setback along the northwest border with Parcel #1535-15 which is not currently included in the overlay district) as shown on the revised map of The Wireless Communication Facility(s) Overlay District, dated April 30, 2018.

And revise the date in Section 2.2 Zoning Map for the Wireless Communication Facility(s) Overlay District map to read as follows: The Wireless Communications Facility(s) Overlay District, Town of Concord, April 30,

2018 (Scale 1” = 1000’ consisting of a single sheet); or take any other action relative thereto.

#### *Article 40 MOTION*

A MOTION was made by Ms. Del Sobral and duly seconded to take affirmative action on Article 40 as printed in the handout applicable to this Article. The motion failed to pass by a two-thirds majority with a counted vote of 144 in favor to 126 opposed.

At 10:40 pm it was voted to reconvene at 7:00pm on April 12th to begin with Article 41.

#### **APRIL 12, 2018**

At 7:02 pm, the Moderator declared the meeting in adjourned session.

Ms. Reiss appointed Mr. Fisher as Head Teller, Mr. Summer was appointed Assistant Teller, Mr. Carr was appointed as Head Ballot Supervisor, and Ms. Rainey was appointed as Assistant Ballot Supervisor. Tellers and Ballot Counters were sworn in by the Moderator.

It was noted that there was a discrepancy of \$30 in Article 8.

#### **WARRANT ARTICLE 41: GENERAL BYLAW AMENDMENT - TREE PRESERVATION BYLAW**

To determine whether the Town will vote to amend the Tree Preservation Bylaw to (i) add a new definition “Protected Tree Impact and Removal Permit” as shown below, and renumber the remaining definitions accordingly, (ii) add to the first sentence of Section 5.1 after the words “Protected Tree” the phrase “without a Protected Tree Impact and Removal Permit”, (iii) add to the second sentence of Section 5.3 after the words “Protected Tree” the phrase “(a) without a Protected Tree Impact and Removal Permit or (b)”, and add a comma after the word “Plan” in that sentence, (iv) add to the first sentence of Section 5.4(a) after the phrase “Prior to the issuance of a” the phrase “Protected Tree Impact and Removal”, (v) replace the words “any applicable” in the first sentence of Section 5.4(d) after the phrase “Reviewing Agent may issue” with the phrase “a Protected Tree Impact and Removal”, (vi) replace the word “may” with the word “shall” and the word “and” with the word “or”

in the first sentence of Section 5.4(d), (vii) replace the word “Department” at the end of the first sentence of Section 5.4(d) with the phrase “Departments of such issuance”, and (vii) replace the phrase “the appropriate Town Department that all applicable permits shall not be issued” in the second sentence of Section 5.4(d) with the phrase “withhold the Protected Tree Impact and Removal Permit” so that these Sections read as follows (changes are shown in bold for emphasis only):

**2.9 Protected Tree Impact and Removal Permit: A permit issued by the Reviewing Agent prior to the commencement of demolition or construction on a property on which a Protected Tree is located.**

**5.3 Unauthorized Removals:** The removal of any Protected Tree **without a Protected Tree Impact and Removal Permit** not identified on the Tree Protection & Mitigation Plan shall require mitigation at the rate specified in Section 5.2. In addition, any person removing any Protected Tree **(a) without a Protected Tree Impact and Removal Permit or (b)** not identified on the Tree Protection & Mitigation Plan, in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under Massachusetts General Laws c. 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended. Any such fines shall be paid to the Town of Concord.

**5.4 Plan Review and Permit Issuance:**

**(a) Tree Protection & Mitigation Plan Submittal:** Prior to the issuance of a **Protected Tree Impact and Removal Permit** in connection with one or more of the circumstances set forth in Section 4.1 on property on which a Protected Tree is located or was located within twelve (12) months prior to application, the owner of the property shall submit a Tree Protection & Mitigation Plan to the Reviewing Agent along with the applicable application and fee.

**Reviewing Agent Action:** If the Tree Protection & Mitigation Plan is consistent with the protection and mitigation requirements contained herein and any established Rules and Regulations, and applicable Tree Fund contributions have been submitted, the Reviewing Agent **shall** issue a **Protected Tree Impact and Removal Permit** and notify the appropriate Town

Department(s) of such issuance. If the proposal does not meet or satisfy these requirements, the Reviewing Agent shall notify the applicant and **withhold the Protected Tree Impact and Removal Permit** until the requirements are met. If the Reviewing Agent fails to act on an application within thirty (30) days after the application has been made, it shall be deemed to be approved; or take any other action relative thereto.

*Article 41 VOTE*

Upon a MOTION made by Ms. Whiting Cash and duly seconded, it was VOTED by well more than two-thirds majority and almost unanimously that the Town take affirmative action on Article 41 as printed in the Warrant.

**WARRANT ARTICLE 42: AUTHORIZE CAMBRIDGE TURNPIKE EASEMENTS**

To determine whether the Town will vote to authorize the Select Board to acquire, by purchase, gift, eminent domain or otherwise, easements associated with the Cambridge Turnpike Improvement Project in the locations shown on the following easement plans prepared by GCG Associates, Inc.: (1) "Easement Plan 18 Cambridge Turnpike & 200 Lexington Road," dated December 22, 2017, for the construction and maintenance of parking and sidewalk and perpetual public access over 18 Cambridge Turnpike by motor vehicle, foot or bicycle; (2) "Easement Plan 22B Cambridge Turnpike," dated December 22, 2017, for the construction and maintenance of parking, sidewalk and a retaining wall including perpetual public access over the same by motor vehicle, foot or bicycle; as the same are on file with the Town Clerk; or take any other action relative thereto.

*Article 42 VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED unanimously under the Consent Calendar that the Town take affirmative action on Article 42 as printed in the Warrant except that the words "and 200 Lexington Road" be added after the words "18 Cambridge Turnpike" the second time said words appear.

**WARRANT ARTICLE 43: MONSEN ROAD STREET ACCEPTANCE**

To determine whether the Town will vote to (a) accept as a Town way the laying out by the Commissioners of Public Works of an extension of Monsen Road of approximately 746 feet+/- and terminating in a cul-de-sac turnaround over land formerly owned by Bentley Building Corp., as shown on plan sheet 2 of 8 filed with the Town Clerk and recorded at the Middlesex South District Registry of Deeds on August 06, 2013 as Plan No. 592 of 2013, entitled "Monsen Farm, Definitive Subdivision Plan, Concord Massachusetts", dated October 23, 2012 and last revised on February 22, 2013 prepared by Stamski and McNary, Inc., containing eight (8) sheets; (b) name said street Monsen Road; (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 the fee interest in Monsen Road, a Drainage Easement and an Emergency Access, Pedestrian and Utility Easement as shown on sheet 2 of 8 of said plan set, 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.

*Article 43 VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED unanimously under the Consent Calendar that the Town take affirmative action on Article 43 as printed in the Warrant.

**WARRANT ARTICLE 44: MORATORIUM ON IMPLEMENTATION OF NATURAL RESOURCES COMMISSION DOG RESTRICTIONS ON CONSERVATION LAND-By Petition**

To determine whether the Town will vote to urge the Natural Resources Commission to adopt a two-year moratorium on implementing any new (2018) NRC dog restrictions on Conservation Land; or take any other action relative thereto.

*Article 44 VOTE*

Upon a MOTION made by Mr. Shobrys and duly seconded, the following was PASSED by a counted vote, with 234 voters in favor and 152 voters opposed,

that the Town urge the Natural Resources Commission (NRC) to adopt a two-year moratorium on implementing any new NRC dog restrictions on Conservation Land.

**WARRANT ARTICLE 45: RECOGNIZING DOG WALKING AS A PASSIVE-RECREATION ACTIVITY – By Petition**

To determine whether the Town will vote to urge an addendum to the 2015 Open Space and Recreation Plan Concord Massachusetts recognizing that dog walking (on-leash or off-leash) is a passive recreation activity; or take any other action relative thereto.

*Article 45: NO ACTION DECLARED*

**WARRANT ARTICLE 46: BYLAW PROHIBITING USE OF GASOLINE-POWERED LEAF BLOWERS – By Petition**

To determine whether the Town will vote to amend the Town Bylaws by adding a Bylaw to prohibit the use of gasoline-powered leaf blowers, as follows:

**Section 1. PURPOSE AND INTENT**

WHEREAS, the Town has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, in July 2011 the Select Board adopted sustainability principles to be used by the Town for municipal decision-making; those principles being: 1) reduce dependence upon fossil fuels, underground metals, and minerals; 2) reduce dependence upon synthetic chemicals and other manufactured substances; 3) reduce encroachment upon nature; and 4) meet human needs fairly and efficiently; and

WHEREAS, gasoline-powered leaf blowers require gasoline and oil which are fossil fuels, non-renewable resources; and

WHEREAS, gasoline-powered leaf blowers

produce significant emissions when operated, including non-methane hydrocarbons (NMHC), oxides of nitrogen (NOx), carbon monoxide (CO), and carbon dioxide (CO2); these emissions contributing to ground-level pollution, air pollution, smog, acid rain, climate change, and adverse health effects for humans and animals exposed to them; and WHEREAS, gasoline-powered leaf blowers produce significant amounts of airborne particulates when operated, which are irritants to human bronchial and pulmonary systems; and

WHEREAS, gasoline-powered leaf blowers generate loud noise when operated, and are identified by the Center for Disease Control as a common noise that can contribute to permanent hearing loss; and WHEREAS, affordable and effective alternatives to gasoline-powered leaf blowers exist including electric and battery-powered leaf blowers; and WHEREAS, other suburban and urban municipalities throughout the United States and Canada have eliminated or restricted the use of gasoline-powered leaf blowers;

NOW THEREFORE, the Town of Concord hereby enacts this bylaw to prohibit the use of gasoline-powered leaf blowers by all parties within the boundaries of the Town of Concord.

**Section 2: DEFINITIONS**

The following words and phrases shall, unless context clearly indicates otherwise, have the following meanings:

Gasoline-powered leaf blower refers to any portable, or pushed or pulled wheeled machine with a two- or four-cycle gasoline-powered engine that is used to blow leaves, clippings, dirt or other debris off lawns, sidewalks, driveways, fields, and other surfaces.

**Section 3. PROHIBITED USE OF GASOLINE-POWERED LEAF BLOWERS**

(a) In 2019 and 2020, parties within the boundaries of the Town of Concord shall not use gasoline-powered leaf blowers except between April 1 and June 1, and between October 1 and December 1.

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
BYLAW PROHIBITING USE OF GASOLINE-POWERED LEAF BLOWERS	1st offense 2nd offense 3rd offense 4th & each subsequent offense	Warning \$100.00 \$200.00 \$300.00	Town Manager's Designee

(b) As of January 1, 2021, parties within the boundaries of the Town of Concord shall not use gasoline-powered leaf blowers.

#### Section 4. EXEMPTIONS

The Concord Public Works Department and their contractors are exempt from the provisions of this bylaw for their work on public property.

#### Section 5. TEMPORARY WAIVING OF BYLAW

The Town Manager or his/her designee may waive any prohibited use identified in this bylaw in the event of emergency operations and cleanup associated with severe storms or natural disasters.

#### Section 6. ENFORCEMENT: VIOLATIONS AND PENALTIES

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

#### Section 7. SEVERABILITY: EFFECTIVE DATE

(a) Each section of this chapter shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that chapter and all other chapters shall continue in full force.

b) This Bylaw shall take effect January 1, 2019.

And to amend Appendix A of the Non-Criminal Disposition Bylaw by adding the following; or take any other action relative thereto.

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
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#### *Article 46 VOTE: NO ACTION DECLARED*

#### **WARRANT ARTICLE 47: LIGHT PLANT EXPENDITURES & PAYMENT IN LIEU OF TAXES**

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 Massachusetts General Laws c. 164, §57; and/or for other plant extensions, enlargements, additions, renewals and reconstruction; and further, to authorize a transfer of \$461,000 or any other sum, from the operating fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2019; or take any other action relative thereto.

#### *Article 47 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was PASSED by almost unanimous vote that the Town take affirmative action on Article 47 as printed in the Warrant, with authorization of a transfer in the sum of \$461,000 from the Light Plant to the Town to reduce the tax levy.

#### **WARRANT ARTICLE 48: SOLID WASTE DISPOSAL FUND EXPENDITURES**

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.

#### *Article 48 VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED unanimously under the Consent Calendar that the Town take affirmative action on Article 48 as printed in the Warrant.

#### **WARRANT ARTICLE 49: SEWER SYSTEM EXPENDITURES**

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.

*Article 49 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was VOTED unanimously under the Consent Calendar that the Town take affirmative action on Article 49 as printed in the Warrant.

**WARRANT ARTICLE 50: SEWER IMPROVEMENT FUND EXPENDITURES**

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.

*Article 50 VOTE*

Upon a MOTION made by Mr. Packard and duly seconded, it was VOTED unanimously under the Consent Calendar that the Town take affirmative action on Article 50 as printed in the Warrant.

**WARRANT ARTICLE 51: WATER SYSTEM EXPENDITURES**

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.

*Article 51 VOTE*

Upon a MOTION made by Mr. Fulman and duly

seconded, the following was VOTED unanimously that the Town take affirmative action on Article 51 as printed in the Warrant.

**WARRANT ARTICLE 52: BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND EXPENDITURES**

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 ending June 30, 2019 for the operation of the Community Pool, in accordance with Massachusetts General Laws, c. 44, § 53F½, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

*Article 52 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was PASSED by near unanimous vote that the Town appropriate from the Community Pool Enterprise Revenues the sum of \$2,122,500 and appropriate from the Undesignated Fund Balance the sum of \$824,905, for a total appropriation of \$2,947,405, the amount required for the total operating and capital expenses of the Community Pool Enterprise Fund for the fiscal year ending June 30, 2019, in accordance with Chapter 44, Section 53F ½ of the Massachusetts General Laws, the funds so appropriated to be expenses under the direction of the Town Manager.

**WARRANT ARTICLE 53: UNPAID BILLS**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to pay the unpaid bills of prior fiscal years, or take any other action relative thereto.

*Article 53: NO ACTION DECLARED*

Having no further business to take up, a motion it was voted to adjourn and dissolve the 2018 Annual Town Meeting.

Attendance

- Monday, April 9, 2018: 387 voters checked in
- Tuesday, April 10, 2018: 524 voters checked in
- Wednesday, April 11, 2018: 475 voters checked in
- Thursday, April 12, 2018: 405 voters checked in

# 2018 SPECIAL TOWN MEETING

*October 1, 2018*

Town Moderator Carmin Reiss called the Special Town Meeting to order at 7:00 pm on Monday, October 1, 2018 at the Concord-Carlisle High School Auditorium.

Ms. Reiss declared that she had inspected the Return of Service of the Warrant, and found it not in order due to a 24 hour delay in posting. The warrant was mailed to every household but due to the State Primary recount, the Town Clerk's Office was unable to arrange for the posting of the Warrant in a timely manner. Ms. Reiss expressed gratitude to Sen. Barrett's and Rep. Atkin's offices for filing legislation to validate all actions taken by Special Town Meeting despite the posting delay. There were 387 registered voters in attendance.

Ms. Reiss conveyed the gratitude of the communities affected by the recent gas explosions that was expressed in a letter from the Town Moderator of Andover. Concord was among the towns providing mutual assistance with public safety personnel. We wish them a speedy return to normal.

Ms. Reiss thanked Superintendent Hunter for assistance in using the auditorium for the Meeting. She noted that Minuteman Media Network would be broadcasting the meeting.

Upon a motion made by Mr. McKean and duly seconded, Ms. Flood was elected as Deputy Moderator who will carry out the duties of the Moderator if she is unable to serve.

Ms. Johanna Glazer was thanked for being the Town Meeting procedure resource person, available to assist any voter with process questions for the meeting, including drafting and presenting motions and amendments.

Stephanie Farrell was thanked for providing a very accurate closed caption transcription of the proceeding that has been very favorably received at the 2018 Annual Meeting.

The flags of the United States and the Commonwealth

of Massachusetts were brought forward by members Boy Scout Troop 132 and were placed on the stage. All present were invited to stand and observe a moment of silence in preparation of the meeting.

On a motion made by Mr. McKean and duly seconded, it was VOTED unanimously to omit the reading of the warrant and return of service.

## **WARRANT ARTICLE 1. EMINENT DOMAIN SETTLEMENT (214Y MAIN STREET) – ADDITIONAL COMPENSATION**

To determine whether the Town will vote to raise and appropriate, transfer from available funds, or authorize the Town Treasurer with the approval of the Select Board to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, or any other authority, the sum of \$300,000, or any other sum, to be paid to W.R. Grace & Co. – Conn., as a settlement payment in compensation for the property at 214Y Main Street taken by eminent domain by the Town in August of 2015, said funds to be expended under the direction of the Town Manager, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with the Massachusetts General Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

## **HANDOUT**

ARTICLE 1. Mr. Whelan moves: that the Town appropriate the sum of \$300,000, to be paid to W.R. Grace & Co. – Conn., as a settlement payment in compensation for the property at 214Y Main Street taken by eminent domain by the Town in August of 2015, said funds to be expended under the direction of the Town Manager; and that to meet this

appropriation, the sum of \$150,000 be transferred from Light Plant Fund receipts and that the Town Treasurer with the approval of the Select Board is authorized to borrow the sum of \$150,000 under the provisions of Chapter 44 of the Massachusetts General Laws, and further that any premium received by the Town upon the sale of any bonds or notes approved by the vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby

**WARRANT ARTICLE 2. EMINENT DOMAIN SETTLEMENT (214Y MAIN STREET, CONCORD & 37 KNOX TRAIL, ACTON) – GRANT OF EASEMENT**

To determine whether the Town will vote to authorize the Select Board to grant or deed an easement, on terms and conditions acceptable to the Select Board, over a parcel of land owned by the Town at 214Y Main Street, Concord and 37 Knox Trail, Acton, MA for the purposes of providing and maintaining emergency access to W.R. Grace & Co.



W.R. Grace Property

reducing the amount authorized to be borrowed to pay such costs by a like amount; and further that while said bonds or notes shall be general obligations of the Town, it is the intent of the Town that said bonds and notes are to be repaid by the Sewer Fund.

*Article 1 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was PASSED by near unanimous vote that the Town take affirmative action on Article 1 as printed in the handout as applicable to this Article.

– Conn., and its successors and assigns (collectively “Grace”), to and from Grace’s property in Acton; or take any other action relative thereto.

*Article 2 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was VOTED unanimously that the Town take affirmative action on Article 2 as printed in the warrant.

**WARRANT ARTICLE 3. EMINENT DOMAIN SETTLEMENT (214Y MAIN STREET) –ZONING BYLAW AMENDMENT**

To determine whether the Town will vote to amend the Zoning Bylaw Section 4.4.1 Concord Municipal Use to (i) add “(1)” before the words “the general use and welfare of the Town”; (ii) replace the period after the words “within the Town” with a semicolon (;); and (iii) add at the end of the section “or (2) emergency vehicular or pedestrian access over land owned by the Town to access an adjacent property.” so that the section reads as follows (changes are shown below in bold for reference only) - or take any other action relative thereto.

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 (1) the general use and welfare of the Town, its inhabitants or businesses located within the Town; or (2) emergency vehicular or pedestrian access over land owned by the Town to access an adjacent property.

*Article 3 VOTE*

Upon a MOTION made by Mr. McKean and duly seconded, it was VOTED by well more than a two-thirds majority that the Town take affirmative action on Article 3 as printed in the warrant.

**WARRANT ARTICLE 4: WHITE POND ASSOCIATES, INC. – GIFT OF REAL ESTATE**

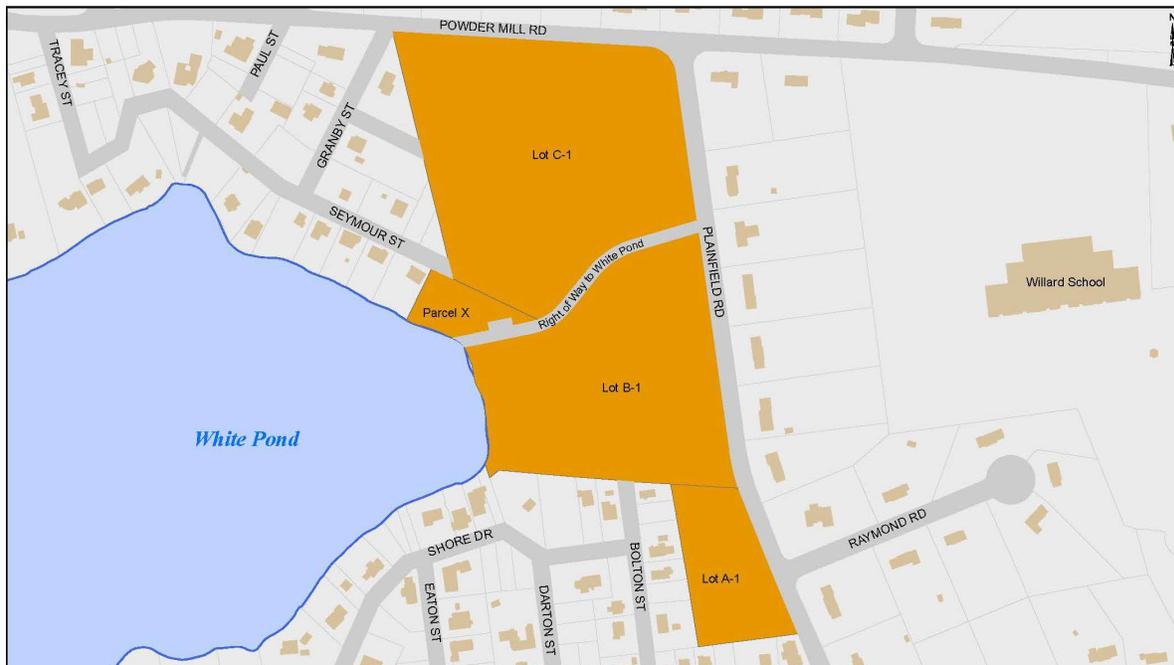
To determine whether the Town will vote to authorize the Select Board to accept from White Pond Associates Inc. the gift of the fee, easement or other property interests in, on, over, across, under and along all or any portion of Lot A-1, Lot B-1, Lot C-1 and Parcel X all as shown on a plan entitled “Plan of Land in Concord, Massachusetts,” prepared for White Pond Associates Inc. dated August 2, 2018 by Perley Engineering LLC, containing a total of 18.14 acres, more or less, with improvements thereon (herein the “White Pond Property”) subject to a perpetual restriction limiting the use of the White Pond Property to recreation, open space and/or conservation purposes under such terms and conditions as the Select Board and White Pond Associates Inc. mutually determine; or take any other action relative thereto.

*Article 4 VOTE*

Upon a MOTION made by Ms. Kaufman and duly seconded, it was VOTED by a substantial majority that the Town take affirmative action on Article 4 as printed in the warrant.

Article 4 Amendment: The following MOTION was made by Mr. Beveridge and duly seconded but failed by a large preponderance:

To add the following language after that which is in the proposed article:



*White Pond Property*

“That any restriction limiting any portion of the use of the White Pond Property for a public bathing beach, shall restrict such use to residents of the Town of Concord, and that measures shall be put in place to assure that this restriction is observed. The Town may at its discretion, and with appropriate restrictions, allow use of such public bathing beach by any members of the White Pond Association (White Pond Associates, Inc.) who are members as of the date of the passage of this Article and who are not currently residents of the Town. The Town will put in place measures to protect residential neighbors of the White Pond Property and the White Pond neighborhoods from any potential deleterious effects of the public use including trespass, violations of privacy rights and any other similar breaches. These restrictions and conditions shall not limit any other terms, conditions or restrictions that may be determined to be warranted by the Select Board.

**WARRANT ARTICLE 5: WHITE POND – APPROPRIATION OF FUNDS FOR BEACH OPERATIONS**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,000, or any other sum, to be expended under the direction of the Town Manager, for the costs of operating a public bathing beach at White Pond, including staffing, equipment, materials, and consulting services related to operating a public bathing beach facility, and other costs necessary or incidental thereto; or take any other action relative thereto.

*Article 5 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was PASSED by near unanimous standing vote that the Town raise and appropriate the sum of \$30,000 to be expended under the direction of the Town Manager, for the cost of operating a public bathing beach at White Pond, including staffing, equipment, materials and consulting services related to operating a public bathing beach facility, and other costs necessary or incidental thereto.

**WARRANT ARTICLE 6: CONCORD-CARLISLE REGIONAL HIGH SCHOOL – CAPITAL IMPROVEMENTS**

To determine whether the Town will vote to approve \$100,000 of debt, or any other sum, authorized by the Concord-Carlisle Regional School Committee, for the purpose of making capital improvements at Concord-Carlisle Regional High School, including (i) drainage improvements at Lower Field, (ii) spray booth duct work, (iii) emergency shower repairs, and (iv) an ambulance cut to improve access to the nurse’s office, and for the payment of all costs incidental and related thereto, which amount shall be expended at the direction of the Concord-Carlisle Regional School Committee; or take any other action relative thereto.

*Article 6: NO ACTION DECLARED*

**WARRANT ARTICLE 7: CONCORD-CARLISLE REGIONAL HIGH SCHOOL – CAPITAL FEASIBILITY STUDY**

To determine whether the Town will vote to approve \$200,000 of debt, or any other sum, authorized by the Concord-Carlisle Regional School Committee, for the purposes of conducting a design and engineering study of the Concord-Carlisle High School building and campus, including cost analysis and feasibility of potential capital improvements, said study to be undertaken at the direction of the Concord-Carlisle Regional School Committee; or take any other action relative thereto.

*Article 7: NO ACTION DECLARED*

**ARTICLE 8: TOWN MANAGER SEARCH – APPROPRIATION OF FUNDS**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$20,000, or any other sum, to be expended under the direction of the Town Manager, for the cost of hiring a professional recruiting firm, and advertising and other costs associated with recruiting a new Town Manager; or take any other action relative thereto.

*Article 8 VOTE*

Upon a MOTION made by Mr. McKean and duly seconded, it was PASSED by near unanimous vote that that Town raise and appropriate the sum of \$20,000 to be expended under the direction of the Town Manager,

for the cost of hiring a professional recruiting firm, and advertising and other costs associated with recruiting a new Town Manager.

**ARTICLE 9: POLICE DEPARTMENT – FISCAL YEAR 2019 SUPPLEMENTAL APPROPRIATION**

To determine whether the Town will vote to transfer the sum of \$48,000, or any other sum, from the Emergency Response Stabilization Fund to be added to the amounts previously appropriated under Item No. 11, Police Department, of Article 7 of the 2018 Annual Town Meeting, said sum to be expended under the direction of the Town Manager; or take any other action relative thereto.

*Article 9 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was VOTED by a declared two thirds majority that the Town transfer the sum of \$48,000 from the Emergency Response Stabilization Fund to be added to the amounts previously appropriated under Item No. 11, Police Department, of Article 7 of the 2018 Annual Town Meeting, said sum to be expended under the direction of the Town Manager.

**ARTICLE 10: STATE GRANT FOR TRANSIT SERVICES – APPROPRIATION OF FUNDS**

To determine whether the Town will vote to appropriate from Transportation Network Surcharge Fees, the sum of \$3,210, or any other sum, to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the town, including but not limited to, the complete streets program established pursuant to Massachusetts General Laws c. 90I, § 1, and other programs that support alternative modes of transportation; or take any other action relative thereto.

*Article 10 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was PASSED by near unanimous vote that the Town appropriate the sum of \$3,210 from Transportation Network Surcharge Fees, to address

the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the Town, including but not limited to, the complete streets program established pursuant to Massachusetts General Laws c. 90I, § 1, and other programs that support alternative modes of transportation.

**WARRANT ARTICLE 11: LEGAL SERVICES – APPROPRIATION OF FUNDS**

To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$100,000, or any other sum, to be added to the funds appropriated under Article 7, Item 2 Legal Services of the 2018 Annual Town Meeting, said sum to be expended under the direction of the Town Manager; or take any other action relative thereto.

*Article 11 VOTE*

Upon a MOTION made by Mr. Whelan and duly seconded, it was VOTED that the Town raise and appropriate the sum of \$100,000 to be added to the funds appropriated under Item No. 2, Legal Services, of Article 7 of the 2018 Annual Town Meeting, said sum to be expended under the direction of the Town Manager.

**WARRANT ARTICLE 12: AMENDMENT OF PHASE II BLACK BIRCH SITE DEVELOPMENT AND USE PROPOSAL**

To determine whether the Town will vote to approve an amendment of the Phase II Black Birch Alternative Planned Residential Development (PRD) Preliminary Site Development and Use Proposal for Lot 4A and Parcel A Forest Ridge Road dated September 12, 2016, as further amended through March 14, 2017 (herein the “Phase II Black Birch Site Development and Use Proposal”), which Phase II Black Birch Site Development and Use Proposal was approved under Article 42 of the 2017 Annual Town Meeting pursuant to Section 10.3.4 of the Zoning Bylaw, by adding the following standard to the Phase II Black Birch Site Development and Use Proposal - or take any other action relative thereto.

“4. As an alternative to the provision of two (2) affordable units as set forth in Paragraph 3 and in

exchange for approval from the Town to complete the sixteen (16) units in Black Birch Phase II as market-rate units, ABODE agrees to donate one million dollars (\$1,000,000.00) to the Town, or any other entity designated and approved by the Select Board, to be placed in a fund restricted to affordable housing purposes subject to terms and conditions to be established by the Board of Appeals and approved by the Select Board based upon a determination by both Boards that such funds will enhance affordable housing opportunities in the Town of Concord.”

#### *Article 12 MOTION*

A MOTION was made by Mr. McKean and duly seconded that the Town take affirmative action on Article 12 as printed in the warrant. The motion failed for lack of majority.

#### **ARTICLE 13: BRUCE FREEMAN RAIL TRAIL – GRANT OF EASEMENT**

To determine whether the Town will vote to authorize the Select Board, for purposes of establishing, constructing, operating and maintaining an improved multi-use rail trail for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, to acquire by purchase, gift, eminent domain or otherwise fee, easement, leasehold, license or other real property interests in, on, over, across, under and along (a) all or any portion of the land, premises, easements, rights-of-way and/or other rights in Concord comprising the former Lowell Secondary Track railroad right-of-way acquired by the Commonwealth of Massachusetts, (acting through its former Executive Office of Transportation and Construction) by deeds dated April 28, and November 29, 1982, and recorded in the Middlesex South District Registry of Deeds at Book 14609, pages 302-317 and Book 14836, pages 507-512, and (b) abutting and underlying properties as necessary for clearing title to said railroad right-of-way, laying out an improved multi-use rail trail in that right-of-way and within associated easement, and providing access to the rail trail area for construction, maintenance and repair purposes, on such terms and conditions as the Select Board may determine, and further to see if the Town will raise and appropriate or transfer from available funds the sum of \$25,000, or any other sum, or accept gifts for these purposes, or take any other action relative thereto.

#### *Article 13 VOTE*

Upon a MOTION made by Mr. McKean and duly seconded, it was VOTED by well more than two-thirds majority that the Town take affirmative action on Article 13 as printed in the warrant, in the amount of \$25,000, said amount to be raised and appropriated and expended under the direction of the Town Manager.

Having no further business to take up, the Special Town Meeting of 2018 adjourned and dissolved at 10:33pm.

Chapter 291  
of the Acts of 2018

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Ninetieth General Court

AN ACT VALIDATING CERTAIN PROCEEDINGS OF THE TOWN OF CONCORD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding section 10 of chapter 39 of the General Laws or any other general or special law or town by-law or charter provision to the contrary, all acts, proceedings and votes taken by the town of Concord at its special town meeting on October 1, 2018 and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if notice of the meeting had been published as required by law.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, October 29, 2018.

Passed to be enacted,

 , Acting Speaker.

In Senate, October 29, 2018.

Passed to be enacted,

 , Acting President.

House, 2018.

Approved,

at 11 o'clock and 18 minutes, A. M.



Governor.