

4/19/13

D R A F T

2013

ANNUAL TOWN MEETING

MOTIONS

**2013 ANNUAL TOWN MEETING MOTIONS
MAJORITY VOTE REQUIRED
UNLESS OTHERWISE SPECIFIED**

PRELIMINARIES

Ms. Reiss moves: to take up no new business after 10:00 PM and that when we adjourn, we adjourn and reconvene at 7:00 PM on April 22nd in this hall.

CHOOSE TOWN OFFICERS

ARTICLE 1. Ms. Reiss moves: that Article 1 be left open for such other action thereunder as may be necessary and that the meeting take up Article 2.

HEAR REPORTS

ARTICLE 2. Ms. Reiss moves: that the Town accept the reports of the various Town Officers and Committees.

**ARTICLE 2
CONSENT CALENDAR**

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

Article 3	<p>Meeting Procedure Affirmative Action Recommended By: Finance Committee, Board of Selectmen Motion: That the Town take affirmative action on Article 3 as printed in the Handout applicable to the Article. Reason: Routine and noncontroversial; the motion will be identical to a motion passed annually and unanimously for more than twelve years.</p>
Article 4	<p>Ratify Personnel Board Classification Actions Affirmative Action Recommended By: Finance Committee, Board of Selectmen and Personnel Board Motion: That the Town take affirmative action on Article 4 as printed in the Warrant. Reason: Routine and noncontroversial.</p>
Article 5	<p>Classification & Compensation Plan for Regular-Status Positions Affirmative Action Recommended By: Finance Committee, Board of Selectmen and Personnel Board Motion: That the Town take affirmative action on Article 5 as printed in the Warrant. Reason: Routine; noncontroversial; 1.5% scale adjustment.</p>
Article 16	<p>Minuteman Career and Technical High School Budget Affirmation Action By: Finance Committee and Board of Selectmen Motion: That the Town raise and appropriate the Town's apportioned share of \$227,033 for the Minuteman Career and Technical School District assessment for the fiscal year ending June 30, 2014. Reason: Routine; noncontroversial. Concord sends 9 of 401 member-town students, a 2.24% share by formula, much less than our 4.19% share last year.</p>

Article 17	<p>Free Cash Use Affirmative Action Recommended By: Finance Committee, Board of Selectmen Motion: That the Town take affirmative action on Article 17 to authorize and direct the Assessors to take \$850,000 from free cash to reduce the tax levy for the fiscal year ending June 30, 2014. Reason: Routine and noncontroversial; reduces future property tax rate; the specific amount is recommended by the citizen Finance Committee and is explained in the Finance Committee Report (p.44)</p>
Article 18	<p>Elementary School Debt Stabilization Fund Use Affirmative Action Recommended By: Finance Committee, Board of Selectmen Motion: That the Town appropriate the sum of \$735,000 from the Elementary School Debt Stabilization Fund established by vote under Article 10 of the 2008 Annual Town Meeting, to be expended under the direction of the Town Manager for a portion of the debt service due during fiscal year 2014 on the bonds issued for the Alcott, Thoreau and Willard elementary school buildings. Reason: Noncontroversial; fourth year (of four) of using 2008-appropriated funds to reduce school debt tax rate impact.</p>
Article 21	<p>Property Tax Exemption Affirmative Action Recommended By: Finance Committee, Board of Selectmen and Board of Assessors Motion: That the Town take affirmative action on Article 21 as printed in the Warrant. Reason: Routine and noncontroversial (voted last year on Consent Calendar, passed unanimously annually since 2001).</p>
Article 22	<p>Light Plant Payment in Lieu of Taxes Affirmative Action Recommended by: Finance Committee, Board of Selectmen and Light Board Motion: That the Town take affirmative action on Article 22 as printed in the Warrant in the sum of \$447,800. Reason: Routine and noncontroversial (on Consent Calendar past four years).</p>
Article 23	<p>Light Plant Expenditures Affirmative Action Recommended By: Finance Committee, Board of Selectmen and Light Board Motion: That the Town take affirmative action on Article 23 as printed in the Warrant. Reason: Routine and noncontroversial (voted in previous years on Consent Calendar).</p>
Article 24	<p>Road Repair Revolving Fund Expenditures Affirmative Action Recommended By: Finance Committee, Board of Selectmen and Public Works Commission Motion: That the Town take affirmative action on Article 24 as printed in the Warrant, in the amount of \$120,000. Reason: Routine and noncontroversial (revolving fund, voted last five years on Consent Calendar).</p>
Article 25	<p>Solid Waste Disposal Fund Expenditures Affirmative Action Recommended by: Finance Committee, Board of Selectmen, and Public Works Commission Motion: That the Town take affirmative action on Article 25 as printed in the Warrant. Reason: Routine and noncontroversial (enterprise fund, voted last five years on Consent Calendar).</p>
Article 26	<p>Sewer System Expenditures Affirmative Action Recommended by: Finance Committee, Board of Selectmen, and Public Works Commission Motion: That the Town take affirmative action on Article 26 as printed in the Warrant. Reason: Routine and noncontroversial (enterprise fund, voted last five years on Consent Calendar).</p>
Article 27	<p>Sewer Improvement Fund Expenditures Affirmative Action Recommended by: Finance Committee, Board of Selectmen, and Public Works Commission Motion: That the Town take affirmative action on Article 27 as printed in the Warrant. Reason: Routine and noncontroversial (enterprise fund, voted last five years on Consent Calendar).</p>
Article 28	<p>Water System Expenditures Affirmative Action Recommended by: Finance Committee, Board of Selectmen, and Public Works Commission Motion: That the Town take affirmative action on Article 28 as printed in the Warrant. Reason: Routine and noncontroversial (enterprise fund, voted last five years on Consent Calendar).</p>

Article 29	<p>Beede Swim & Fitness Center Enterprise Fund; FY 2014 Budget Affirmative Action Recommended by: Finance Committee, Board of Selectmen, and Recreation Commission Motion: That the Town appropriate \$2,524,938 for the operating expenses and \$325,000 for capital expenditures including building improvements and equipment replacements of the Beede Swim and Fitness Center for the fiscal year beginning July 1, 2013, to be expended under the direction of the Town Manager; and that to meet this appropriation the amount of \$2,430,364 is appropriated from the estimated fiscal year 2014 revenues and \$419,574 is appropriated from the certified undesignated fund balance as of July 1, 2012 of the Community Pool Enterprise Fund. Reason: Routine and noncontroversial (enterprise fund, voted unanimously annually for multiple years).</p>
Article 31	<p>Zoning Bylaw Amendment – Frontage Definition Affirmative Action Recommended by: Board of Selectmen and Planning Board Motion: That the Town take affirmative action on Article 31 as printed in the Warrant. Reason: Noncontroversial; housekeeping; incorporates a definition from one section into another.</p>
Article 32	<p>Zoning Bylaw Amendment – Table III – Dimensional Regulations Affirmative Action Recommended by: Board of Selectmen and Planning Board Motion: That the Town take affirmative action on Article 32 as printed in the Warrant. Reason: Noncontroversial; incorporates prior year Town Meeting votes into charts; makes current practice explicit.</p>
Article 33	<p>Zoning Bylaw Amendment – Limited Industrial Park #2 Affirmative Action Recommended by: Board of Selectmen and Planning Board Motion: That the Town take affirmative action on Article 33 as printed in the Warrant. Reason: Noncontroversial; allows educational use size to be the same as R&D and light manufacturing uses.</p>
Article 34	<p>Zoning Bylaw Amendment – Accessory Use Table Affirmative Action Recommended by: Board of Selectmen and Planning Board Motion: That the Town take affirmative action on Article 34 as printed in the Warrant. Reason: Noncontroversial; incorporates names from Town Meeting votes since 2007 in table; conforms Yes/No in two tables.</p>
Article 35	<p>Zoning Bylaw Amendment – Special Home Occupation Affirmative Action Recommended By: Board of Selectmen and Planning Board Motion: That the Town take affirmative action on Article 35 as printed in the Warrant. Reason: Noncontroversial; wordsmithing: eliminates sole example cited.</p>
Article 45	<p>2014 Road Program Affirmative Action Recommended by: Board of Selectmen, Finance Committee and Public Works Commission Motion: That the Town appropriate the sum of \$900,000 to be expended under the direction of the Town Manager for the design, repair, reconstruction or renovation of roads and streets within the town, including drainage and sidewalk improvements, and costs incidental or related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$900,000 under the provisions of Chapter 44, §7 of the Massachusetts General Laws, or any other enabling authority; and further to authorize the Town Manager to apply for, accept and expend state grants as may be available for the same purpose and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow up to the amount stipulated in such grant or grants under the provisions of Chapter 44, §§ 6 and/or 6A, of the Massachusetts General Laws, in anticipation of reimbursement of such amount; and that the Board of Selectmen and Town Manager are authorized to take any actions necessary or convenient to carry out this vote Reason: Routine annual approval. Noncontroversial at hearing. Part of Town Manager five-year capital plan. Smaller amount than last year. Voted unanimously annually multiple years.</p>
Article 47	<p>Authorization of 10-Year Term for Actuarial Services Contract Affirmative Action Recommended by: Board of Selectmen and Finance Committee Motion: That the Town take affirmative action on Article 47 as printed in the Warrant. Reason: Ministerial/noncontroversial; promotes efficiency and consistency in required biennial pension benefit actuarial reporting. .</p>
Article 50	<p>51 Laws Brook Road and Rideout Field Site Improvements</p>

	<p>Affirmative Action Recommended by: Board of Selectmen and Finance Committee</p> <p>Motion: that the Town appropriate the sum of \$100,000 to be expended under the direction of the Town Manager for the purpose of preparation of the property at 51 Laws Brook Road to be incorporated into the adjacent Rideout Field property for recreation purposes, including any necessary engineering, survey, planning and design services and the cost of building demolition, site work, landscaping, park improvements and related costs; and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$100,000 under the provisions of Massachusetts General Laws, Chapter 44, §7 or any other enabling authority.</p> <p>Reason: Noncontroversial; carries out last year's Town Meeting vote, removes foundation and fences.</p>
Article 63	<p>Debt Rescission</p> <p>Affirmative Action Recommended by: Board of Selectmen</p> <p>Motion: That the Town take affirmative action on Article 63 as printed in the Warrant.</p> <p>Reason: Routine. Done periodically when necessary. Housekeeping formality.</p>

Note to Moderator: 2/3 vote required.

MEETING PROCEDURE – Consent Calendar

ARTICLE 3. Ms. Salinger moves: that the Town adopt a “Rule of the Meeting” Resolution as printed in the handout.

RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS – Consent Calendar

ARTICLE 4. Ms. Terry moves: that the Town take affirmative action on Article 4 as printed in the Warrant with the understanding that no other changes were voted by the Personnel Board between January 2, 2013 and April 22, 2013.

CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS – Consent Calendar

ARTICLE 5. Ms. Terry moves: that the Town take affirmative action on Article 5 as printed in the Warrant.

TOWN BUDGET

ARTICLE 6. Ms. Reiss moves: that the Town raise and appropriate the Item Number amounts of money included in the column headed “Fiscal 2014 Proposal” and authorize the actions in the text following Item No. 41, as shown in Article 6 as printed in the Warrant beginning on page 11 and as printed in the Finance Committee report beginning on page 66, for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2014, and that the same be expended only for such purposes under the direction of the Town Manager.

PUBLIC SCHOOL BUDGET

ARTICLE 7. Ms. Spada moves: that the Town raise and appropriate the sum of \$31,140,538 for the necessary and expedient purposes of the support of the public schools for the fiscal year ending June 30, 2014; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

NOTE TO MODERATOR: MOVE TO TAKE ARTICLE 8 OUT OF ORDER AFTER ARTICLE 13

CONCORD PUBLIC SCHOOLS RENOVATIONS

ARTICLE 8. Ms. Spada moves: that the Town appropriate the sum of \$795,000 to be expended under the direction of the School Committee for remodeling, reconstructing or making extraordinary repairs, and related work, at various Concord Public School facilities; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$795,000 under the provisions of Chapter 44, Section 7 (3A) of the Massachusetts General Laws or any other enabling authority.

Note to Moderator: 2/3 vote required.

CONCORD PUBLIC SCHOOLS – SUPPLEMENTAL APPROPRIATION FOR CURRENT YEAR

ARTICLE 9. No motion is expected.

REGIONAL SCHOOL BUDGET

ARTICLE 10. Mr. Fondriest moves: that the Town raise and appropriate \$16,943,064 as the Town's apportioned share of the Concord-Carlisle Regional School District budget for the fiscal year ending June 30, 2014; and that the same be expended only for such purposes and under the direction of the Concord-Carlisle Regional School Committee.

CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT – SUPPLEMENTAL ASSESSMENT FOR CURRENT YEAR

ARTICLE 11. No motion is expected

SALE OF CONSERVATION RESTRICTION – FORMER LANDFILL SITE

ARTICLE 12. Mr. Wieand moves: that the Town authorize the Board of Selectmen to convey to the Walden Woods Project, and/or to similar non-profit conservation organizations, a conservation restriction pursuant to Chapter 184, §§ 31-33 of the Massachusetts General Laws on terms and conditions agreeable to the Selectmen, on all or a portion of the parcel of land at 755 Walden Street identified on the Assessor's maps as parcel #4039, comprised of approximately 35.4 acres, said conservation restriction to permit the Town to carry out solar energy generation and public works activities at the site; and further to authorize the Selectmen to accept the sum of not less than \$2.8 million as compensation for the conservation restriction, said sum to be credited by the Treasurer to the General Fund, as required by law.

Note to Moderator: 2/3 vote required.

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

ARTICLE 13. Ms. Spada moves that the Town vote to appropriate the sum of \$950,000 from the Concord Public Schools Capital Needs Stabilization Fund, established by vote under Article 32 of the 2006 Annual Town Meeting, to be expended under the direction of the Concord School Committee for the construction and original equipping of school transportation facilities, including parking, fueling, maintenance and administration, and any necessary design, engineering, planning and related services, and further that the Town transfer custody from the Board of Selectmen to the School Committee of land adjacent to the former cell tower support building and identified by the Town of Concord as an area of approximately 2.5 acres available to the School Department for transportation services on the property at 755 Walden Street shown on the Assessors maps as parcel #4039, and as shown on the plan prepared by Nitsche Engineering dated April 8, 2013.

Note to Moderator: 2/3 vote required.

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

ARTICLE 14. Ms. Ham moves: that the Town request the Concord Public School Committee and the Concord Carlisle Regional School Committee to rebuild or replace on the Regional High School Property, the Concord School Bus Transportation Department with the three bay maintenance garage and modular administration building which were demolished in February and March of 2013 and to make parking available for all the school buses needed for K-8 and the District High School and any other related vehicles.

BY PETITION EDUCATIONAL & FISCAL CONCERNS IN THE CONCORD PUBLIC SCHOOLS

ARTICLE 15. Ms. Tratnyek moves that the Town adopt the following resolution:

(1) The Town urges the Concord Public School Committee and the Concord Carlisle Regional School Committee to make positive new changes in the central administration of the School Department to ensure a good faith effort toward greater transparency and fiscal responsibility.

(2) The School Committees are urged to carefully examine the “top down” style of leadership in the administration that discourages dialogue among staff, teachers and parents. Concord is in need of a healthier educational climate in order to best serve its children and citizenry. Especially of concern is the 2012 TELL (Teaching, Empowering, Leading, and Learning) statewide survey data which shows teachers in Concord lack confidence in the administration, and feel devalued and disrespected.

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

(4) The Town requests that the School Committees employ an annual 360-degree review process for the Superintendent of Schools, to be offered to the entire school community as a confidential survey, with the first to be completed and reviewed by November 1, 2013.

MINUTEMAN CAREER AND TECHNICAL HIGH SCHOOL BUDGET – *Consent Calendar*

ARTICLE 16. That the Town raise and appropriate the Town's apportioned share of \$227,033 for the Minuteman Career and Technical School District assessment for the fiscal year ending June 30, 2014.

FREE CASH USE – *Consent Calendar*

ARTICLE 17. Ms. Salinger moves: that the Town authorize and direct the Assessors to take \$850,000 from free cash to reduce the tax levy for the fiscal year ending June 30, 2014.

ELEMENTARY SCHOOL DEBT STABILIZATION FUND USE – Consent Calendar

ARTICLE 18. Ms. Salinger moves: that the Town appropriate the sum of \$735,000 from the Elementary School Debt Stabilization Fund established by vote under Article 10 of the 2008 Annual Town Meeting, to be expended under the direction of the Town Manager for a portion of the debt service due during fiscal year 2014 on the bonds issued for the Alcott, Thoreau and Willard elementary school buildings.

Note to Moderator: 2/3 vote required.

HIGH SCHOOL DEBT STABILIZATION FUND – ADDITION AND USE

ARTICLE 19. Ms. Salinger moves: that the Town appropriate the sum of \$750,000 from the certified Free Cash balance of June 30, 2012 and that the Treasurer transfer said funds into the Town of Concord's High School Debt Stabilization Fund established by vote under Article 2 of the November 7, 2011 Special Town meeting and Article 6 of the April 24, 2012 Special Town Meeting, said transfer to occur at the earliest opportunity following the conclusion of the Town Meeting; and further that the Town appropriate the sum of \$230,000 from the High School Debt Stabilization Fund, to be expended under the direction of the Town Manager to pay a portion of Concord's debt service assessment due during fiscal year 2014 on the bonds to be issued by the Concord-Carlisle Regional School District for the new high school building.

Note to Moderator: 2/3 vote required

UNPAID BILLS

ARTICLE 20. No motion is expected.

Note to Moderator: 4/5 vote required.

PROPERTY TAX EXEMPTION – Consent Calendar

ARTICLE 21. Mr. Karr moves: that the Town take affirmative action on Article 21 as printed in the Warrant.

LIGHT PLANT PAYMENT IN LIEU OF TAXES – Consent Calendar

ARTICLE 22. Mr. Whelan moves: that the Town take affirmative action on Article 22 as printed in the Warrant in the sum of \$447,800.

LIGHT PLANT EXPENDITURES – Consent Calendar

ARTICLE 23. Mr. Whelan moves: that the Town take affirmative action on Article 23 as printed in the Warrant.

ROAD REPAIR REVOLVING FUND EXPENDITURES – Consent Calendar

ARTICLE 24. Mr. Whelan moves: that the Town take affirmative action on Article 24 as printed in the Warrant in an amount not to exceed \$120,000.

SOLID WASTE DISPOSAL FUND EXPENDITURES – Consent Calendar

ARTICLE 25. Mr. Whelan moves: that the Town take affirmative action on Article 25 as printed in the Warrant.

SEWER SYSTEM EXPENDITURES – Consent Calendar

ARTICLE 26. Mr. Whelan moves: that the Town take affirmative action on Article 26 as printed in the Warrant.

SEWER IMPROVEMENT FUND EXPENDITURES – Consent Calendar

ARTICLE 27. Mr. Whelan moves: that the Town take affirmative action on Article 27 as printed in the Warrant.

WATER SYSTEM EXPENDITURES – Consent Calendar

ARTICLE 28. Mr. Whelan moves: that the Town take affirmative action on Article 28 as printed in the Warrant.

BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND; FY 2014 BUDGET – Consent Calendar

ARTICLE 29. Mr. Whelan moves: that the Town appropriate \$2,524,938 for the operating expenses and \$325,000 for capital expenditures including building improvements and equipment replacements of the Beede Swim and Fitness Center for the fiscal year beginning July 1, 2013, to be expended under the direction of the Town Manager; and that to meet this appropriation the amount of \$2,430,364 is appropriated from the estimated fiscal year 2014 revenues and \$419,574 is appropriated from the certified undesignated fund balance as of July 1, 2012 of the Community Pool Enterprise Fund.

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

ARTICLE 30. Ms. Garrison moves: to **immediately** repeal in its entirety the bylaw known as “Drinking Water in Single-Serve PET Bottles Bylaw” adopted under Article 32 of the 2012 Annual Town Meeting, as voted on April 25, 2012 and which became effective January 1, 2013, that restricts the sale of non-sparkling, unflavored drinking water in single-serving polyethylene terephthalate (PET) PET bottles of 1 liter (34 ounces) or less in the Town of Concord.

ZONING BYLAW AMENDMENT – FRONTAGE DEFINITION – Consent Calendar

ARTICLE 31. Mr. Shipe moves: that the Town take affirmative action on Article 31 as printed in the warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – TABLE III DIMENSIONAL REGULATIONS – Consent Calendar

ARTICLE 32. Mr. Shipe moves: that the Town take affirmative action on Article 32 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – LIMITED INDUSTRIAL PARK #2 – Consent Calendar

ARTICLE 33. Mr. Shipe moves: that the Town take affirmative action on Article 33 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – ACCESSORY USE TABLE – Consent Calendar

ARTICLE 34. Mr. Capofreddi moves: that the Town take affirmative action on Article 34 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – SPECIAL HOME OCCUPATION – Consent Calendar

ARTICLE 35. Mr. Capofreddi moves: that the Town take affirmative action on Article 35 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – SIDE YARDS IN RESIDENCE B ZONING DISTRICT

ARTICLE 36. Mr. Cratsley moves: that the Town take affirmative action on Article 36 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – DEFINITION OF HEIGHT IN RESIDENCE B

ARTICLE 37. Mr. Cratsley moves: that the Town take affirmative action on Article 37 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

MODERATOR TO ANNOUNCE BOARD OF SELECTMEN POSITION ON ARTICLE 38

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

ARTICLE 38. Mr. Sgarzi moves: that the Town take affirmative action on Article 38 as printed in the HANDOUT.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – MEDICAL MARIJUANA TREATMENT CENTER

ARTICLE 39. Mr. Hoyt moves: that the Town take affirmative action on Article 39 as printed in the warrant, with the following revision:

Change the word “yes” to “SP” in Table I – Principal Use Regulations which means that a Medical Marijuana Treatment Center will not be allowed by right but will be required to obtain a special permit in the Medical-Professional District.

Note to Moderator: 2/3 vote required.

MODERATOR TO ANNOUNCE BOARD OF SELECTMEN POSITION ON ARTICLE 40

ZONING BYLAW AMENDMENT – PUBLIC SERVICE CORPORATION OVERLAY DISTRICT

ARTICLE 40. Mr. Bobrowski moves: that the Town take affirmative action on Article 40 as printed in the **HANDOUT.**

Note to Moderator: 2/3 vote required.

BY PETITION ZONING BYLAW AMENDMENT – PARKING AND LOADING FACILITIES

ARTICLE 41. No motion is expected.

BY PETITION ZONING BYLAW AMENDMENT – COMBINED BUSINESS/RESIDENTIAL

ARTICLE 42. No motion is expected.

BY PETITION ZONING BYLAW AMENDMENT – LOT

ARTICLE 43. No motion is expected.

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

ARTICLE 44. No motion is expected.

2013 ROAD PROGRAM – Consent Calendar

ARTICLE 45. Mr. Fulman moves: that the Town appropriate the sum of \$900,000 to be expended under the direction of the Town Manager for the design, repair, reconstruction or renovation of roads and streets within the town, including drainage and sidewalk improvements, and costs incidental or related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$900,000 under the provisions of Chapter 44, §7 of the Massachusetts General Laws, or any other enabling authority; and further to authorize the Town Manager to apply for, accept and expend state grants as may be available for the same purpose and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow up to the amount stipulated in such grant or grants under the provisions of Chapter 44, §§ 6 and/or 6A, of the Massachusetts General Laws, in anticipation of reimbursement of such amount; and that the Board of Selectmen and Town Manager are authorized to take any actions necessary or convenient to carry out this vote.

Note to Moderator: 2/3 vote required.

STREET ACCEPTANCE – FINIGAN WAY

ARTICLE 46. No motion is expected.

AUTHORIZATION OF 10-YEAR TERM FOR ACTUARIAL SERVICES CONTRACT – Consent Calendar

ARTICLE 47. Mr. Whelan moves: that the Town take affirmative action on Article 47 as printed in the Warrant.

FUNDING FOR TELECOMMUNICATIONS OPERATION

ARTICLE 48. Mr. Whelan moves: that the Town appropriate the sum of \$1,000,000 to be expended under the direction of the Town Manager for the purpose of providing telecommunication services to Concord residents and businesses, including broadband internet services and telephony, said funds to be used for equipment, contract services and other functions necessary to offer telecommunications services for a fee through the Concord Municipal Light Plant, the cost of such services to be paid for by the users of such services, and further that the fees so derived shall be segregated on the books of the Light Plant as a separate fund from the Light Fund to be designated as the Telecommunications Fund; and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$1,000,000 under the provisions of Massachusetts General Laws, Chapter 44, §8(8) or any other enabling authority; while any bonds or notes issued pursuant to this vote will be general obligations of the Town, it is the Town's intent that debt service is to be repaid from revenues of the Telecommunications Fund.

Note to Moderator: 2/3 vote required.

POLICE/FIRE RADIO SYSTEM

ARTICLE 49. Mr. Whelan moves: that the Town appropriate the sum of \$450,000 to be expended under the direction of the Town Manager for the purpose of purchasing and installing a new public safety radio system for the Police and Fire Departments, including computer-aided dispatch consoles, mobile and portable radios together with all related antennas, repeater, wiring and equipment necessary to operate a fully-functioning public safety radio network; and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$450,000 under the provisions of Massachusetts General Laws Chapter 44, §7 or any other enabling authority.

Note to Moderator: 2/3 vote required.

51 LAWS BROOK ROAD AND RIDEOUT FIELD SITE IMPROVEMENTS – Consent Calendar

ARTICLE 50. Mr. Whelan moves: that the Town appropriate the sum of \$100,000 to be expended under the direction of the Town Manager for the purpose of preparation of the property at 51 Laws Brook Road to be incorporated into the adjacent Rideout Field property for recreation purposes, including any necessary engineering, survey, planning and design services and the cost of building demolition, site work, landscaping, park improvements and related costs; and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$100,000 under the provisions of Massachusetts General Laws, Chapter 44, §7 or any other enabling authority.

Note to Moderator: 2/3 vote required.

COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

ARTICLE 51. Ms. Kramer moves: that pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate the sum of \$397,700, or any other sum, from the Concord Community Preservation Fund, of which up to \$21,216 shall be appropriated from the undesignated fund balance as of June 30, 2012; \$94,284 from unappropriated Fiscal Year 2013 Fund Revenues; \$20,000 from funds previously allocated to the Housing Reserve funds; and up to \$262,200 shall be appropriated from projected Fiscal Year 2014 Fund Revenues, in accordance with Chapter 44B of the Massachusetts General Laws, to be expended under the direction of the Town Manager as follows:

Item	Project/Description	Total Amount Recommended	Category	Source of Funds			
				Community Housing Reserve Fund	FY13 CPA Fund Revenues	Prior Year Fund Balance	FY14 CPA Fund Revenues
A	Town of Concord – Regional Housing Services Program	25,000	Community Housing		10,000		15,000
B	Town of Concord – Heywood Meadow Stone Wall Engineering and Design	15,000	Historic Preservation				15,000
C	Town of Concord – Wheeler-Harrington House Studies	33,000	Historic Preservation				24,000
			Open Space		9,000		0
D	Town of Concord – Old Calf Pasture Habitat Restoration	25,000	Open Space				25,000
E	Concord Housing Dev. Corp. – Maintaining Concord’s Affordable Housing	50,000	Community Housing				50,000
F	Concord Housing Authority – Everett Garden Expansion Roof Replacement	100,000	Community Housing	20,000			80,000
G	Wright Tavern Roof Replacement and Historic Structure Report	50,000	Historic Preservation		15,284	11,516	23,200
H	Emerson Umbrella – Cupola Restoration Project	60,000	Historic Preservation		60,000		0
I	Concord Children’s Center – Phase II of the Natural Playscape at Ripley	9,700	Recreation			9,700	0
J	Town of Concord – Staff and Technical Support	30,000	Administrative				30,000
		\$397,700		\$20,000	\$94,284	\$21,216	\$262,200

LAND ACQUISITION – 449 BARRETT’S MILL ROAD – MCGRATH’S FARM

ARTICLE 52. Mr. Wieand moves: that the Town authorize the Board of Selectmen to purchase for the amount of \$851,000 the property located at 449 Barrett’s Mill Road, shown on the Assessors Maps as parcel #1986-8, consisting of approximately 1.9 acres, including the buildings located thereon, for agriculture and related purposes, and that the Town vote to appropriate the sum of \$851,000 to effect such purchase; and further, that the Town appropriate the sum of \$74,000 to be expended under the direction of the Town Manager for the purpose of making improvements to the site and the structures thereon; and that to meet said appropriations, pursuant to the recommendation of the Community Preservation Committee, the Town appropriate the sum of \$400,000 from projected Fiscal Year 2014 Fund Revenues assigned to the Open Space category, and further that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$525,000 under the provisions of Chapter 44 of the Massachusetts General Laws, or any other enabling authority, said borrowing to be reduced by the amount of any grants or gifts received to assist in the acquisition and improvement of the property.

Note to Moderator: 2/3rds vote required

Note to Moderator: 2/3 vote required

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

ARTICLE 53. No motion is expected.

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

ARTICLE 54. Ms. Whelan moves: that, 1) pursuant to the recommendation of the Community Preservation Committee, the Town appropriate the sum of \$38,800 from projected Fiscal Year 2014 Fund Revenues of the Concord Community Preservation Fund, in accordance with Chapter 44B of the Massachusetts General Laws, to be expended under the direction of the Town Manager for the purpose of acquiring easements over the parcels located at 121 and 131 Harrington Avenue and shown on the assessors maps as parcels 2708 and 2709-1 to be held as permanently protected Open Space adequate to establish a continuous public trail system and access along the Assabet River from Second Division Brook to Harrington Park, 2) authorize the Board of Selectmen to convey to a non-profit organization a conservation restriction or restrictions on all or part of the easement pursuant to Chapter 184, §§ 31-33 of the Massachusetts General Laws, and 3) authorize the Board of Selectmen to accept any gifts or grants to help defray the cost of acquiring the easements.

Note to Moderator: 2/3 vote required

TOWN HOUSE EXTERIOR RENOVATIONS

ARTICLE 55. Mr. Ng moves: that the Town appropriate the sum of \$1,750,000, to be expended under the direction of the Town Manager for the purpose of undertaking masonry repairs, historic rehabilitation and related work on the exterior of the Concord Town House located at 22 Monument Square, including any necessary design, planning and engineering services required to effect the proper restoration of the exterior of the building; and that to meet said appropriation, pursuant to the recommendation of the Community Preservation Committee, \$800,000 is appropriated from projected Fiscal year 2014 Fund revenues of the Community Preservation Fund, in accordance with the provisions of Chapter 44B of the Massachusetts General Laws, and further the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$950,000 under the provisions of Massachusetts General Laws, Chapter 44, §7(3), or any other enabling authority.

Note to Moderator: 2/3 vote required

BY PETITION CONCORD TOWN CHARTER

ARTICLE 56. No motion is expected.

PILOT AGREEMENT – SOLAR PROJECT AT LANDFILL SITE

ARTICLE 57. Ms. Woodward moves: that the Town approve the agreement dated April 19, 2013 between the Town of Concord, acting through its Town Manager, and Kearsarge Renewables, LLC, a Massachusetts corporation, providing for payment in lieu of taxes (PILOT) negotiated pursuant to Massachusetts General Laws Chapter 59, § 38H in connection with the planned solar energy generating facilities to be located at 759 Walden Street.

WETLANDS BYLAW AMENDMENT

ARTICLE 58. Mr. Verrill moves: that the Town take affirmative action under Article 58, as printed in the warrant, except for two word changes;

- in "4. Definitions": delete from the definition of "vista pruning" the word "trees" where it appears in the second line, and
- in "7.7 Waivers," subsection "b": add the word "either" at the end of "b."

Article 43, Town Meeting, April 29, 2009
Approved by Attorney General September 8, 2009

BY PETITION TOWN OF CONCORD MASSACHUSETTS CAT REGISTRATION BYLAW

ARTICLE 59. Ms. Lodynsky moves that the Town take affirmative action under Article 59 as printed below.

Section 1. PURPOSE OF THIS BYLAW

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

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

Section 2. REGISTERING PET CATS

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

*Effective January 2, 2014, subject to approval of the Attorney General

BY PETITION TOWN OF CONCORD MASSACHUSETTS CAT BYLAW

ARTICLE 60. Ms. Lodynsky moves that the Town take affirmative action under Article 60 as printed below.

Section 1. PURPOSE OF THIS BYLAW

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

a. this bylaw encourages cat owners/keepers keep their cats indoors or within the boundaries of their property, and pertains to domestic, pet cats only.

Section 2. TRESPASS

a. no owner or keeper of a cat shall allow his/her cat to enter onto the property of a neighbor if the neighbor has expressed objection;

b. no person shall allow his/her cat to disturb the peace of neighbors or private property, or endanger the safety of any other person or pet;

c. if a cat owner/keeper has been informed by a law enforcement officer or Animal Control Officer that his/her cat was disturbing a neighbor or property of another, this constitutes a First Offense.

Section 3. VIOLATIONS

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

Appendix A of the Non-Criminal Disposition Bylaw shall be amended for said violations above and will include, on an annual basis: 1st Offense = Warning; 2nd Offense = \$25; 3rd Offense = \$50; Subsequent offense = remedial actions as directed by ACO and all parties involved.

LOCAL OPTION LOCAL INCOME TAX – FURTHER ACTION

ARTICLE 61. No motion is expected.

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

ARTICLE 62. Ms. Reiss moves: that the Town authorize and request the Board of Selectmen to file Home Rule Legislation with the General Court to allow for the placement on the official ballot for any general or special election the following question: “Shall the Board of Selectmen of the Town of Concord be authorized to issue one additional license for the retail sale of all alcoholic beverages, in accordance with Massachusetts General Laws Chapter 138, Section 17”.

DEBT RESCISSION – Consent Calendar

ARTICLE 63. Mr. Whelan moves: that the Town take affirmative action on Article 63 as printed in the Warrant.