

4/20/12

D R A F T

2012

ANNUAL TOWN MEETING

MOTIONS

**2012 ANNUAL TOWN MEETING MOTIONS
MAJORITY VOTE REQUIRED
UNLESS OTHERWISE SPECIFIED**

PRELIMINARIES

Ms. Woodward 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 24th in this hall.

CHOOSE TOWN OFFICERS

ARTICLE 1. Ms. Woodward 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. Woodward moves: that the Town accept the reports of the various Town Officers and Committees.

CONSENT CALENDAR

Ms. Wilson moves: that the 2012 Annual Town Meeting advance for consideration Articles 3, 4, 5, 11, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 29, 30, 31 and 41, 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 eleven 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 with the following amendment: ➤ Remove the title of "Environmental Health Inspector" from Grade Number MP-2 and replace it by adding the title of "Assistant Public Health Director" to Grade Number MP-3 Reason: routine; noncontroversial; 1% scale adjustment.</p>
Article 11	<p>Concord-Carlisle Regional School District Technology Stabilization Fund Transfer Affirmative Action Recommended By: Finance Committee, Board of Selectmen Motion: That the Town take affirmative action under Article 11 as printed in the Warrant. Reason: Fund created two years ago (TM 2010); monies encumbered one year ago (TM 2011).</p>
Article 14	<p>Free Cash Use Affirmative Action Recommended By: Finance Committee, Board of Selectmen Motion: That the Town take affirmative action on Article 14 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, 2013. Reason: routine and noncontroversial; reduces future RE tax rate; the specific amount was recommended by the citizen Finance Committee and is well-explained and supported in the FinCom Report.</p>

Article 15	<p>Elementary School Debt Stabilization Fund Use Affirmative Action Recommended By: Finance Committee, Board of Selectmen Motion: That the Town appropriate the amount of \$475,000 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 2013 on the bonds issued for the Alcott, Thoreau and Willard elementary school buildings. Reason: noncontroversial; third year (of four) of using 2008-appropriated funds to reduce school debt tax rate impact.</p>
Article 17	<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 17 as printed in the Warrant. Reason: routine and noncontroversial (voted last year on consent calendar, passed unanimously annually since 2001).</p>
Article 18	<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 18 as printed in the Warrant in the amount of \$385,000. Reason: routine and noncontroversial (on consent calendar past three years)</p>
Article 19	<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 19 as printed in the Warrant. Reason: routine and noncontroversial (voted in previous years on consent calendar).</p>
Article 20	<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 20 as printed in the Warrant, in an amount not to exceed \$77,000. Reason: routine and noncontroversial (revolving fund, voted last four years on consent calendar).</p>
Article 21	<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 21 as printed in the Warrant. Reason: Routine and noncontroversial (enterprise fund, voted last four years on consent calendar).</p>
Article 22	<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 22 as printed in the Warrant. Reason: Routine and noncontroversial (enterprise fund, voted last four years on consent calendar).</p>
Article 23	<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 23 as printed in the Warrant. Reason: routine and noncontroversial (enterprise fund, voted last four years on consent calendar).</p>
Article 24	<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 24 as printed in the Warrant. Reason: routine and noncontroversial (enterprise fund, voted last four years on consent calendar).</p>

<p>Article 25</p>	<p>Beede Swim & Fitness Center Enterprise Fund; FY 2013 Budget Affirmative Action Recommended By: Finance Committee, Board of Selectmen, and Recreation Commission Motion: Mr. Whelan moves: that the Town appropriate \$2,479,524 for the operating expenses and \$151,000 for capital expenditures including building improvements and equipment replacements of the Beede Swim and Fitness Center for the fiscal year beginning July 1, 2012, to be expended under the direction of the Town Manager; and that to meet this appropriation the amount of \$2,338,763 is appropriated from the estimated fiscal year 2013 revenues and \$291,761 is appropriated from the certified undesignated fund balance as of July 1, 2011 of the Community Pool Enterprise Fund. Reason: routine and noncontroversial (enterprise fund, voted unanimously annually for multiple years).</p>
<p>Article 29</p>	<p>Emergency Response Stabilization Fund Creation and Funding Affirmative Action Recommended By: Finance Committee, Board of Selectmen Motion: That the Town take affirmative action on Article 29 as printed in the Warrant. Reason: noncontroversial; placement of monies already received into an account for their intended purpose.</p>
<p>Article 30</p>	<p>Retirement Board, Local Option Acceptance, Chapter 131 of the Acts of 2010, Increased Allowance for Surviving Spouse of Certain Disability Retirees Affirmative Action Recommended by: Finance Committee, Board of Selectmen and Retirement Board Motion: That the Town take affirmative action on Article 30 as printed in the Warrant. Reason: routine; noncontroversial; minimal fiscal impact (one person presently eligible; \$3000).</p>
<p>Article 31</p>	<p>Construction Noise Bylaw Affirmative Action Recommended By: Board of Selectmen Motion: That the Town take affirmative action on Article 31 as printed in the Warrant. Reason: noncontroversial; pure housekeeping; incorporates actions voted at 2010 and 2011 Town Meetings.</p>
<p>Article 41</p>	<p>Zoning Bylaw Amendment – Mobile Medical Facility Affirmative Action Recommended By: Board of Selectmen, Planning Board Motion: That the Town take affirmative action on Article 41 as printed in the warrant with two revisions – add the phrase <u>but not more than ten (10) years</u> after “two (2) years” in the second line and add <u>/or</u> just following the word “and” in the third line, as follows: “5.4.1.4 In all districts except the residential districts, the Board may, by special permit, authorize the use of a mobile medical facility for more than two (2) years <u>but not more than ten (10) years</u> provided that adequate parking is provided equivalent to a medical center and/or laboratory use and the site has been designed to accommodate the regular delivery and departure of the trailer.” Reason: noncontroversial; reduces need for ZBA to grant repeated re-approvals for ongoing uses.</p>

Note to Moderator: 2/3 vote required.

MEETING PROCEDURE – Consent Calendar

ARTICLE 3. Ms. Wilson moves: that the Town adopt a “Rule of the Meeting” Resolution as follows:

Resolved: That in order to assure compliance with the requirements of Massachusetts General Laws Chapter 59, Section 21C, this Meeting hereby adopts the following Rule of the Meeting:

RULE OF THE MEETING

1. Articles for appropriations supported from current taxation and/or available funds

Any motion made under a warrant article or a motion to amend that would increase the appropriation amount over the amount recommended by the Finance Committee and designated by it as the “allocation at Levy Limit”, or that would provide for an appropriation where the Finance Committee is recommending NO ACTION, must specify the following:

- A. the original motion or a motion to amend shall specify the amount of increase over the appropriation recommended by the Finance Committee and the source of funding – whether from available funds, taxation within the levy limit, or contingent upon approval of an override ballot vote following the conclusion of Town Meeting if such ballot is voted by the Board of Selectmen in accordance with state law;
- B. If the proposed increased appropriation is proposed to be funded from taxation within the levy limit, the original motion or motion to amend shall specify the source of funding as:
 - 1. a reduction in the appropriation amount already voted under a previous article or within the article currently being considered; or
 - 2. a maximum amount that may be appropriated within the Levy Limit under a subsequent article in the warrant.

2. Articles for appropriations supported from borrowing

The Finance Committee shall report to the Meeting summarizing its recommendations for new tax-supported borrowing authority to be offered at this Meeting and for which the debt service is proposed to be funded within the Levy Limit.

Any motion made under a warrant article or a motion to amend that would increase the appropriation amount to be met by a borrowing authorization over the amount recommended by the Finance Committee or that would provide for an appropriation to be met by a borrowing authorization where the Finance Committee is recommending NO ACTION, must specify the following:

- A. the original motion or a motion to amend shall specify the amount of increase over the appropriation recommended by the Finance Committee and shall make the increase contingent upon approval of a debt exclusion or capital outlay exclusion ballot vote following the conclusion of Town Meeting if such ballot is voted by the Board of Selectmen in accordance with state law;

OR

- B. the original motion or motion to amend shall include a corresponding and offsetting reduction in another borrowing authorization from among those listed by the Finance Committee, either by a reduction in the amount already voted under a previous article or by setting a maximum amount of debt that may be authorized within the Levy Limit under a subsequent article in the warrant.

3. Appropriation article kept open.

Any article making an appropriation shall remain open for further action until the final adjournment of the Meeting.

RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS – Consent Calendar

ARTICLE 4. Ms. Walpole moves: that the Town take affirmative action on Article 4 as printed in the Warrant with the understanding that, under clause 6, the Personnel Board voted on February 16, 2012 to add the title “Assistant Public Health Director” to Grade MP-3 and delete “Environmental Health Inspector” from Grade MP-2

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

ARTICLE 5. Ms. Walpole moves: that the Town take affirmative action on Article 5 as printed in the Warrant with the following amendment:

- Remove the title of “Environmental Health Inspector” from Grade Number MP-2 and replace it by adding the title of “Assistant Public Health Director” to Grade Number MP-3

TOWN BUDGET

ARTICLE 6. Ms. Woodward moves: that the Town raise and appropriate the following amounts of money for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2013, and that the same be expended only for such purposes under the direction of the Town Manager:

Item No.	Department	FY13 Appropriation
<i>General Government</i>		
1A.	Town Manager	\$ 306,623
1B	Human Resources Department	188,855
1C	Town-wide Building Maintenance	170,000
1D	Resource Sustainability	<u>25,000</u>
	TOTAL Town Manager Acct.#1	\$ 690,478
2	Legal Services	\$ 225,000
3A	Elections	\$ 37,168
3B	Registrars	<u>8,078</u>
	TOTAL Elections & Registrars Acct. #3	\$ 45,246
4	Town Meeting & Reports	\$ 77,800
Planning and Land Management		
5A	Planning Administration	\$ 244,286
5B	Board of Appeals	52,389
5C	Natural Resources	205,267
5D	Inspections	357,335
5E	Health	<u>244,188</u>
	TOTAL Planning & Land Management	\$ 1,103,465
6	141 Keyes Road	<u>71,413</u>
	Total General Government	<u>\$ 2,213,402</u>
<i>Finance and Administration</i>		
7	Finance Committee	\$ 3,100
Finance Department		
8A	Finance Administration	\$ 244,169
8B	Treasurer-Collector	252,888
8C	Town Accountant	133,514
8D	Assessors	377,697
8E	Town Clerk	<u>210,800</u>
	TOTAL Finance Department	\$ 1,219,068
9	Information Systems	\$ 503,986
10	Town House	<u>\$ 101,023</u>
	Total Finance and Administration	<u>\$ 1,827,177</u>

Public Safety

11	Police Department	\$ 3,876,859
12	Fire Department	3,533,608
13	West Concord Fire Station	35,515
14	Police and Fire Station	218,007
15	Emergency Management	12,810
16	Dog Officer	19,065
Total Public Safety		<u>\$ 7,695,864</u>

Public Works and Facilities

Public Works Department		
17A	CPW Administration	\$ 162,802
17B	Engineering	339,000
17C	Highway Maintenance	1,167,769
17D	Parks and Trees	586,843
17E	Cemetery	59,954
TOTAL Public Works Department		<u>\$ 2,316,368</u>
18	Snow and Ice Removal	\$ 525,000
19	Street Lighting	64,624
20	CPW Equipment	296,500
21	Drainage Program	205,000
22	Sidewalk Management	100,000
23	Road Improvements	90,000
24	133/135 Keyes Road	94,982
Total Public Works and Facilities		<u>\$ 3,692,474</u>

Human Services

25	Library	\$ 1,854,082
26	Recreation Administration	92,555
27	Hunt Recreation Center	82,119
28	Harvey Wheeler Community Center	137,934
29	Council on Aging	255,932
30	Veterans Services and Benefits	30,468
31	Ceremonies and Celebrations	23,800
32	Visitors' Center and Restroom	23,206
Total Human Services		<u>\$ 2,500,096</u>

Unclassified

33	Town Employee Benefits	\$ 100,000
34	Reserve Fund	225,000
35	Salary Reserve	460,000
36	Land Fund	10,000
Total Unclassified		<u>\$ 795,000</u>

<i>Joint (Town-CPS)</i>		
37A	Group Insurance	\$ 4,650,000
37B	OPEB Trust Fund	400,000
37C	Property and Liability Insurance	<u>175,000</u>
	TOTAL Acct. #37	\$ 5,225,000
38A	Unemployment Compensation	\$ 100,000
38B	Workers Compensation	<u>100,000</u>
	TOTAL Acct. #38	\$ 200,000
39	Retirement	\$ 2,945,000
40	Social Security & Medicare	\$ 625,000
41A	Debt Service – within levy limit	\$ 3,300,000
41B	Debt Service – excluded from levy limit	<u>\$ 4,244,471</u>
	TOTAL Debt Service Acct.#41	\$ 7,544,471
Total Joint Accounts		<u>\$16,539,471</u>

TOTAL ARTICLE 6	\$ 35,263,484
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That the appropriation for equipment under these various line items is to be expended by the Town Manager. The Town Manager is authorized to turn in or sell at public auction the surplus equipment, the amount allowed or received therefor to be applied against the purchase of new equipment;

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

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

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

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

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

PUBLIC SCHOOL BUDGET

ARTICLE 7. Ms. Gannon moves: that the Town raise from the tax levy and appropriate the sum of \$29,755,538 for the necessary and expedient purposes of the support of the public schools for the fiscal year ending June 30, 2013; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

CONCORD PUBLIC SCHOOLS RENOVATIONS

ARTICLE 8. Ms. Spada moves: that the Town appropriate the sum of \$675,000 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 \$675,000 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. Fischelis moves: that the Town raise from the tax levy and appropriate the Town's apportioned share of \$15,320,349 for the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2013; 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 TECHNOLOGY STABILIZATION FUND TRANSFER – *Consent Calendar*

ARTICLE 11. Mr. Fondriest moves: that the Town take affirmative action on Article 11 as printed in the Warrant.

MINUTEMAN CAREER AND TECHNICAL HIGH SCHOOL BUDGET

ARTICLE 12. Ms. Flood moves: that the Town raise from the tax levy and appropriate the Town's apportioned share of \$437,910 for the Minuteman Career and Technical School District assessment for the fiscal year ending June 30, 2013.

MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT STABILIZATION FUND

ARTICLE 13. Ms. Flood moves: that the Town approve the establishment of a Stabilization Fund by the Minuteman Career and Technical School District to pay costs of capital repairs, renovations and improvements to the regional district school and its associated facilities, in accordance with the provisions of Chapter 71, Section 16G½ of the Massachusetts General Laws.

FREE CASH USE – *Consent Calendar*

ARTICLE 14. Ms. Wilson 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, 2013.

ELEMENTARY SCHOOL DEBT STABILIZATION FUND USE – Consent Calendar

ARTICLE 15. Ms. Wilson moves: that the Town appropriate the amount of \$475,000 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 2013 on the bonds issued for the Alcott, Thoreau and Willard elementary school buildings.

Note to Moderator: 2/3 vote required.

UNPAID BILLS

ARTICLE 16. No motion is expected.

Note to Moderator: 4/5 vote required.

PROPERTY TAX EXEMPTION – Consent Calendar

ARTICLE 17. Mr. Jaros moves: that the Town take affirmative action on Article 17 as printed in the Warrant.

LIGHT PLANT PAYMENT IN LIEU OF TAXES – Consent Calendar

ARTICLE 18. Mr. Whelan moves: that the Town take affirmative action on Article 18 as printed in the Warrant in the amount of \$385,000.

LIGHT PLANT EXPENDITURES – Consent Calendar

ARTICLE 19. Mr. Whelan moves: that the Town take affirmative action on Article 19 as printed in the Warrant.

ROAD REPAIR REVOLVING FUND EXPENDITURES – Consent Calendar

ARTICLE 20. Mr. Whelan moves: that the Town take affirmative action on Article 20 as printed in the Warrant in an amount not to exceed \$77,000.

SOLID WASTE DISPOSAL FUND EXPENDITURES – Consent Calendar

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

SEWER SYSTEM EXPENDITURES – Consent Calendar

ARTICLE 22. Mr. Whelan moves: that the Town take affirmative action on Article 22 as printed in the Warrant.

SEWER IMPROVEMENT FUND EXPENDITURES – Consent Calendar

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

WATER SYSTEM EXPENDITURES – Consent Calendar

ARTICLE 24. Mr. Whelan moves: that the Town take affirmative action on Article 24 as printed in the Warrant.

BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND; FY 2013 BUDGET – Consent Calendar

ARTICLE 25. Mr. Whelan moves: that the Town appropriate \$2,479,524 for the operating expenses and \$151,000 for capital expenditures including building improvements and equipment replacements of the Beede Swim and Fitness Center for the fiscal year beginning July 1, 2012, to be expended under the direction of the Town Manager; and that to meet this appropriation the amount of \$2,338,763 is appropriated from the estimated fiscal year 2013 revenues and \$291,761 is appropriated from the certified undesignated fund balance as of July 1, 2011 of the Community Pool Enterprise Fund.

2013 ROAD PROGRAM

ARTICLE 26. Mr. Swain moves: that the Town appropriate the amount of \$950,000 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 is authorized to borrow the amount of \$950,000 under the provisions of Chapter 44, of the Massachusetts General Laws, or any other enabling authority, said funds to be expended under the direction of the Town Manager; 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.

POLICE/FIRE STATION 1 RENOVATIONS

ARTICLE 27. Mr. Whelan moves: that the Town appropriate the amount of \$700,000 to be expended under the direction of the Town Manager for the purpose of remodeling, reconstructing, and making extraordinary repairs to the Walden Street Police/Fire Station, including design, engineering, construction, original equipment, drainage, paving, and other costs incidental and related thereto; and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$700,000 under the provisions of Massachusetts General Laws, Chapter 44, 7(3A) or any other enabling authority.

Note to Moderator: 2/3 vote required.

LIGHT PLANT EXPANSION – SUBSTATION & WAREHOUSE

ARTICLE 28. Mr. Whelan moves: that the Town appropriate the amount of \$4,400,000 to be expended under the direction of the Town Manager for the purpose of enlarging the capacity of the Forest Ridge Substation and increasing warehouse space at the Concord Municipal Light Plant Operations Center, including design, engineering, construction, equipment and other costs incidental and related thereto; and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$4,400,000 under the provisions of Massachusetts General Laws, Chapter 44, 8 and 8(A) 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 Light Fund.

Note to Moderator: 2/3 vote required.

EMERGENCY RESPONSE STABILIZATION FUND CREATION AND FUNDING – Consent Calendar

ARTICLE 29. Mr. Whelan moves: that the Town take affirmative action on Article 29 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

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

ARTICLE 30. Mr. Fulton moves: that the Town take affirmative action on Article 30 as printed in the Warrant.

CONSTRUCTION NOISE BYLAW – Consent Calendar

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

DRINKING WATER IN SINGLE-SERVING PET BOTTLES BYLAW (By Petition)

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

TOWN SUSTAINABLE ELECTRICITY ACQUISITION PROCESS – (By Petition)

ARTICLE 33. Mr. Allen moves: that the Town take affirmative action on the following:

Whereas a goal of the Town of Concord is to promote a sustainable future, meeting current needs without compromising the ability of future generations to meet their needs, and

Whereas it is therefore necessary to responsibly reduce the dependence on fossil fuels and the production of greenhouse gases, efficiently utilizing any economic and natural resources expended in this task,

It is the sense of Town Meeting that the Town's officers and employees, when planning, contracting for, or participating in the construction of new utility-scale electric power sources, are urged to give priority to technologies and practices that maximize the environmental benefits relative to the total economic, social, and environmental costs, measured by criteria such as

Greenhouse gas reduction per dollar invested (including subsidies) over the product lifecycle;

Levelized costs of new generation resources; and

Energy return on investment (EROI).

ZONING BYLAW AMENDMENT – LARGE-SCALE SOLAR FACILITY

ARTICLE 34. Ms. Elden moves: that the Town amend the Zoning Bylaw as printed in the handout and as follows (except as to underlining used for illustrative purposes only):

7.9 Large-Scale Ground-Mounted Solar Photovoltaic Installation

7.9.1 Purpose and Intent:

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

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

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

Solar installations with a minimum nameplate capacity of less than two hundred-fifty kilowatts (250 kW) direct current (DC) are not subject to this Bylaw and shall instead be considered either an above-ground utility under Section 4.4.3 or an accessory use.

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

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

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

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

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

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

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

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

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

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

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

7.9.3.5 *Utility Notification:* No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the Concord

Municipal Light Plant (CMLP) has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid solar photovoltaic arrays shall be exempt from this requirement. The Building Commissioner may issue a permit only if the large-scale ground-mounted solar photovoltaic device complies with this section.

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

7.9.4 *Dimensional Requirements*:

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

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

- (a) Front yard: The front yard setback shall be at least 50 feet.
- (b) Side yard: Each side yard shall have a setback of at least 50 feet.
- (c) Rear yard: The rear yard setback shall be at least 50 feet.

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

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

7.9.5 *Design Requirements*

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

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

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

7.9.5.3 *Screening / Landscape Buffer*: At a minimum, half of the provided side and rear yard setback areas shall be designed to reduce the visual impact of the solar photovoltaic array upon adjacent property by use of trees, shrubs, walls, fences, or other landscape elements. Where the area to be developed abuts land developed for residential use, suitable landscaping shall consist of a substantially sight-impervious screen of evergreen foliage at

least eight (8) feet in height or planting of shrubs and trees complemented by a sight-impervious fence of at least five (5) feet, but not more than eight (8) feet, in height, or such other type of landscaping as may be required under site plan review.

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

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

7.9.6 Safety and Environmental Standards:

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

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

7.9.7 Maintenance and Modifications:

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

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

7.9.8 Abandonment or Decommissioning:

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

- (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste brought to the site or generated by the owner or operator or otherwise related to the large-scale ground-mounted solar photovoltaic installation in accordance with local, state, and federal waste disposal law and regulations.

- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

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

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

and add except for large-scale, ground-mounted solar photovoltaic installations. to subsection 4.4.3 Above ground utility as follows:

4.4.3 Above ground utility: Above ground structures for communications or other utility uses, except for large-scale, ground-mounted solar photovoltaic installations.

Note to Moderator: 2/3 vote required.

AUTHORIZATION OF LEASE OF FORMER LANDFILL SITE FOR SOLAR POWER GENERATION

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

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

ARTICLE 36. Mr. Whelan moves: that the Town authorize the Board of Selectmen to purchase the property at 214Y Main Street, identified on the assessors maps as parcel #2322 and comprised of approximately 79.5 acres, on such terms and conditions as the Selectmen may determine, for municipal purposes, including public works activities and solar electric generation, and that the Town vote to appropriate the sum of \$1,200,000 to effect said purchase; and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$1,200,000 under the provisions of Massachusetts General Laws, Chapter 44, §7(3) 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 Light Fund and Sewer Fund apportioned equally based on the expected predominant uses of the parcel.

Note to Moderator: 2/3 vote required.

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

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

COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

ARTICLE 38. Ms. Briggs moves: that pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate the sum of \$1,105,226, from the Concord Community Preservation Fund, of which \$54,076 shall be appropriated from the undesignated fund balance as of June 30, 2011, and \$1,051,150 shall be appropriated from projected Fiscal Year 2013 Fund Revenues, in accordance with Chapter 44B of the Massachusetts General Laws, to be expended under the direction of the Town Manager as follows:

Item	Project/Description	Amount Recommended	Category	Source of Funds	
				Prior Year Fund Balance	FY13 CPA Fund Revenues
A	Town of Concord – Regional Housing Services Program	25,000	Community Housing		25,000
B	Town of Concord – Monument Street Wall Reconstruction	122,500	Historic Preservation	54,076	68,424
C	Town of Concord – Town House Brownstone Repairs and Report	50,000	Historic Preservation		50,000
D	Town of Concord – Memories of Antietam Painting Conservation	43,000	Historic Preservation		43,000
E	Town of Concord – West Concord Historic Resource Survey Update	22,000	Historic Preservation		22,000
F	Town of Concord – Granite Post and Chain Fence at Sleepy Hollow Cemetery	40,000	Open Space		40,000
G	Town of Concord – Recreation Facilities Plan	30,000	Recreation		7,500
			Administration		22,500
H	Town of Concord – Land Acquisition Project Fund	19,826	None		19,826
I	Concord Housing Dev. Corp. – Bringing Affordable Housing Home	80,000	Community Housing		80,000
J	Concord Museum – Slate Roof Replacement and Exterior Renovations	123,000	Historic Preservation		123,000
K	Concord Scout House, Inc. - Phase II Structural Rehabilitation of Roof and Walls	175,000	Historic Preservation		175,000
L	Drinking Gourd Project - Caesar Robbins Interpretive Center	100,000	Historic Preservation		100,000
M	Emerson Umbrella – Emerson Umbrella Historic Structure Report and Master Plan	50,000	Historic Preservation		50,000
N	Friends of the Performing Arts in Concord – 51 Walden Street Historic Structure Report	18,000	Historic Preservation		18,000
O	Save Our Heritage – Barrett Farm Site Drainage	60,000	Historic Preservation		60,000
P	Thoreau Farm Trust – Thoreau Birthplace Historic Structure Report	15,000	Historic Preservation		15,000
Q	Concord Children’s Center – Woodland Trail and Play Area	48,000	Open Space		12,100
			Recreation		35,900
R	Open Space Reserve Fund	53,900	Open Space		53,900
S	Town of Concord – Staff and Technical Support	30,000	Administrative		30,000
		\$1,105,226		\$54,076	\$1,051,150

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

ARTICLE 39. Ms. LaRocca moves: that the Town take affirmative action on Article 39 as printed in the Warrant, in the amount of \$100.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT EXTENDED –STAY HOTEL

ARTICLE 40. Mr. Shipe moves: that the Town take affirmative action on Article 40 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – MOBILE MEDICAL FACILITY – Consent Calendar

ARTICLE 41. Mr. Hoyt moves: that the Town take affirmative action on Article 41 as printed in the Warrant with two revisions – add the phrase but not more than ten (10) years after “two (2) years” in the second line and add /or just following the word “and” in the third line, as follows (except as to underlining used for illustrative purposes only):

“5.4.1.4 In all districts except the residential districts, the Board may, by special permit, authorize the use of a mobile medical facility for more than two (2) years but not more than ten (10) years provided that adequate parking is provided equivalent to a medical center and/or laboratory use and the site has been designed to accommodate the regular delivery and departure of the trailer.”

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – SPECIAL DIMENSIONAL EXCEPTIONS

ARTICLE 42. Mr. Sgarzi moves: that the Town take affirmative action on Article 42 as printed in the handout and as follows (except as to underlining used for illustrative purposes only):

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

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

Delete the word “is” and insert the phrase “and any other lots created are” prior to the phrase “subject to a special permit...” in subsection 6.3.3.3. (b) so the sentence reads as follows:

(b) A restriction has been shown on the plan of land to be recorded providing that the reduced frontage, lot area, and/or side and rear yard setback lot(s) and any other lots created are subject to a special permit recorded therewith and shall not be further subdivided.

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

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

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – RESIDENTIAL CLUSTER DEVELOPMENT

ARTICLE 43. Mr. Sgarzi moves: that the Town take affirmative action on Article 43 as printed in the handout and as follows (except as to underlining used for illustrative purposes only)::

By maintaining the existing paragraph and inserting the word original before "development tract" in the fourth line:

"9.2.3 *Dimensional Regulations.* Except as provided in this Subsection, all dimensions shall comply with the provisions of Section 6, Table III, Dimensional Regulations. However, to protect the surrounding neighborhood, the Planning Board may require that buildings within the development be set back from some or all of the boundaries of the original development tract. The required setback from such boundaries shall be no more than fifty (50) feet."

Note to Moderator: 2/3 vote required.

HIRING OF A CONCORD ANIMAL CONTROL OFFICER – (By Petition)

ARTICLE 44. Ms. Lodynsky moves: that the Town vote to appropriate the sum of \$20,000 (in combination with current \$19,000 Dog Officer funding) to provide a town Animal Control Officer (outsourced, contractual, or part time staff, under direction of the Town Manager).

TOWN OF CONCORD MASSACHUSETTS CAT BYLAW – (By Petition)

ARTICLE 45. Ms. Lodynsky moves: that the Town take affirmative action on Article 45 as printed in the handout.

GUIDELINES FOR RESPONSIBLE PET OWNERSHIP – (By Petition)

Article 46. Ms. Lodynsky moves: that the Town take affirmative action on Article 46 as printed in the handout.

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

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

PEOPLE'S RIGHTS RESOLUTION – FREE SPEECH

ARTICLE 48. Ms. Shannon moves: that the Town take affirmative action on Article 48 as printed in the Warrant.