

# 2015 ANNUAL TOWN MEETING

*April 12, 13, 14 and 15*

*The 2015 Annual Town Meeting minutes printed below are excerpted from the official minutes of the Meeting. For the complete text of all votes taken at this Meeting, contact the Town Clerk's Office.*

Pursuant to the Warrant signed by the Selectmen on February 9, 2015, Town Moderator Eric E. Van Loon called the 2015 Annual Town Meeting to order at 1:00 p.m. on Sunday, April 12, 2015 at the Concord-Carlisle High School Auditorium and Cafeteria. Mr. Van Loon reminded those present of the purpose and significance of Town Meeting, which serves as the legislative body for our Town, approving expenditures and enacting Town policy and bylaws. Individual voters can attend Town Meeting in person, voice their views, and vote their convictions on the financial and policy matters that shape the quality of life in Concord. He thanked those present for taking the time to attend and participate.

Mr. Van Loon declared that he had inspected the Return of Service of the Warrant, finding it to be in order, and that a sufficient number of voters were present to permit the meeting to be opened.

Upon a Motion made by Steven Ng and duly seconded, it was Voted, that the reading of the Warrant and the Return of Service thereon be omitted.

Upon a Motion made by Steven Ng and duly seconded, it was Voted, that in accordance with §10 of Ch. 39 of the M.G.L., this meeting be held in the CCHS Auditorium, Cafeteria, and if necessary the Upper Gymnasium; that the halls be connected by a public address system and speakers so that the proceedings in each can be heard and participated in by all voters present in any hall, and that the proceedings in all three halls constitute parts of one and the same Meeting.

Mr. Van Loon reported that he had appointed the following individuals to serve as Assistant Moderators: Gary R. Clayton, Carolyn C. Flood and James A. Smith.

On a Motion made by Steven Ng and duly seconded, it was Voted that this Meeting elects James A. Smith as Deputy Moderator to carry out the Moderator's

duties, in the event the Moderator elected by the Town is unable to serve.

Mr. Van Loon reported that he had appointed Abraham Fisher as Head Teller, to be assisted by Gregory Englund. In the event the Meeting votes to take a written ballot on a motion, the ballot counting procedure and certification of the vote will be supervised by David Karr, to be assisted by Cynthia Rainey. The Tellers and Ballot Counters were duly sworn to faithfully and impartially perform their duties.

Johanna R. Glazer was introduced as the Town Meeting Procedures Resource Person.

Mr. Van Loon urged those present to review the key procedural documents available at the entrance to both rooms. He noted the important and useful document "Report of the Finance Committee of the Town of Concord." *Town Meeting Time*, Concord's parliamentary procedure for the conduct of Town Meeting. Attendees were urged to review the "Concord Town Meeting Traditions & Procedures" document. He noted Concord's long tradition of disuse of reconsideration of a vote, except for "compelling circumstances." Substantive materials with motions, amendments and back-up information are printed on white paper and are available on the lobby tables.

Mr. Van Loon introduced Mark Howell as the staff person available to provide technical presentation assistance. Voters were asked to silence their cell phones and other electronic devices. Fire Chief Mark Cotreau reviewed evacuation procedures in the event of an emergency. Voters were reminded to check in with Election Officers to pick up a Voting Slip that will be used to identify those present as entitled to vote.

Concord Girl Scouts and Boy Scouts brought the flags forward. Mr. Van Loon asked attendees to stand in a moment of silence to reflect on how, through this Town Meeting, we and our neighbors are gathered to provide for our common good. As we deliberate and

vote, may we remember that the passions of the moment are not always the best guide for our conduct in the future. And if a Town Meeting action requires sacrifice by some, may it be only where the common goal is worthy of the sacrifice. Let us approach each issue, no matter how difficult or divisive, with an open heart and with an open mind. And above all, may each of us maintain a saving sense of humor, so that the debates at this Town Meeting will not be a source of division among us when our business here is concluded.

Mr. Van Loon thanked the many citizens and Town and School employees who worked long hours to prepare the reports and background materials that will guide us through the Meeting. He expressed gratitude to the CCHS Principal, faculty, students and staff of CCHS for accommodating us; and to the Public Works and Police Department staff. He noted that the minutes of the Meeting will be kept by Town Clerk Anita Tekle, who was thanked along with Assistant Town Clerk Pat Clifford in the cafeteria, and the Election Officers and staff in the lobby. He noted that the person who is responsible for making Town Meeting run smoothly is Town Meeting Coordinator Laurel Landry. Mr. Van Loon welcomed the visitors who were seated in the visitors' sections.

He brought to the assembly's attention the 2014 Town Report and the presence of Green Cards. Residents were encouraged to participate in the governance of the Town. He noted that more than 250 residents are serving on over 40 committees in Concord, helping to improve and preserve our community. Mr. Van Loon reviewed the anticipated schedule for the meeting, noting that he does not anticipate a motion on six articles, and 22 articles are included on the Consent Calendar, which leaves 34 articles for action at the Annual and Special Town Meetings. He also noted that to keep discussion flowing and facilitate participation by as many as possible, initial article presentations will be limited to five minutes, and citizen commentary to two minutes each, with a few exceptions previously sought and granted. He also asked that the meeting maintain the comportment of Town Meeting as a legislative body, noting that no demonstrations of approval/disapproval for speeches are allowed. He announced that the meeting was being telecast by CCTV.

On a Motion made by Steven Ng and duly seconded, the following was Voted that the Meeting take up no new business after 5:00 p.m. today, and that when we adjourn, we adjourn and reconvene at 7:00 p.m. on April 13 and 14 in these same halls.

#### **ARTICLE 1. CHOOSE TOWN OFFICERS**

Under Article 1, Mr. Van Loon reported the results of the Annual Town Election held on March 31, 2015.

On a Motion made by Steven Ng and duly seconded, the following was Unanimously Voted that Article 1 be left open for such other action thereunder as may be necessary and that the Meeting take up Article 2.

#### **ARTICLE 2. HEAR REPORTS**

On a Motion made by Steven Ng and duly seconded, the following was Voted to accept the reports of the various Town Officers and Committees.

At 1:25 p.m. Wendy Rovelli made the following Motion that was duly seconded that the 2015 Annual Town Meeting advance for consideration Articles 3, 4, 5, 13, 14, 16, 29, 33, 38, 39, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 57, 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.

The Moderator introduced a more streamlined process for the Consent Calendar. After announcing each proposed Consent Calendar item, the motion appeared on the screen. The Moderator inquired as to whether there were any requests from five or more voters to drop any of the Articles from the Consent Calendar Motion. There were no such requests. At 1:35 p.m. the Consent Calendar was accordingly Voted by a unanimous vote, and so declared by the Moderator, as follows:

#### **CONSENT CALENDAR**

*(Articles 3, 4, 5, 13, 14, 16, 29, 33, 38, 39, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 57)*

#### **ARTICLE 3. MEETING PROCEDURE**

Upon a Motion made by Wendy Rovelli and duly seconded, it was Voted that the Town adopt a "Rule of the Meeting" Resolution governing requirements on motions and amendments to motions made under

articles concerning expenditures, in order to assure compliance with the requirements of Proposition 2½.

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

Upon a Motion made by Susan Bates that was duly seconded, it was Voted to ratify the Personnel Board's actions to amend the Classification and Compensation Plan, with the understanding that no other changes were voted by the Personnel Board between January 5, 2015 and April 12, 2015.

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

Upon a Motion made by Susan Bates that was duly seconded, it was Voted to amend the Classification & Compensation Plan for all regular-status Town positions effective July 1, 2015.

**ARTICLE 13. ZONING BYLAW AMENDMENT – EARTH REMOVAL & PERSONAL WIRELESS COMMUNICATION**

Upon a Motion made by John Canally that was duly seconded, it was Voted to amend §7.5 and §7.8 of the Zoning Bylaw to insert reference to the Town's Wetlands Bylaw.

**ARTICLE 14. ZONING BYLAW AMENDMENT – WETLANDS CONSERVANCY DISTRICT**

Upon a Motion made by John Canally and duly seconded, it was Voted to §7.3.1 and §7.3.2 of the Zoning Bylaw to bring the definitions and purpose in conformance with the Town's Wetlands Bylaw and the State's Wetlands Protection Act.

**ARTICLE 16. ZONING BYLAW AMENDMENT – PLANNED RESIDENTIAL DEVELOPMENT OPEN SPACE**

Upon a Motion made by Brooke Whiting Cash and duly seconded, it was Voted to amend §10.2.9 and §10.3.4.2 of the Zoning Bylaw to reference the Town's Wetlands Bylaw.

**ARTICLE 29. HIGH SCHOOL DEBT STABILIZATION FUND ADDITION AND USE**

Upon a Motion made by Chris Whelan and duly seconded, the following was Voted to appropriate and transfer from Free Cash the sum of \$750,000 to be added to the Stabilization Fund established by vote under Article 2 of the November 7, 2011 Special Town Meeting for the purpose of reserving funds to be used to lower the tax levy impact of the Town's assessed share of principal and interest payment on bonds issued by the Concord-Carlisle Regional School District, and to appropriate the sum of \$1,500,000 from

said Fund to pay a portion of Concord's share of debt service costs excluded from the property tax levy limit due and payable during FY16.

**ARTICLE 33. DEBT RESCISSION**

Upon a Motion made by Chris Whelan and duly seconded, the following was Voted to rescind the following unused borrowing authorization: Article 55 of the 2013 Annual Town Meeting - Town House Exterior Renovations - \$200,000.

**ARTICLE 38. EMERGENCY RESPONSE STABILIZATION FUND APPROPRIATION – \$100,000 FOR OPERATION OF WEST CONCORD AMBULANCE IN FY16**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted to appropriate \$100,000 to be expended under the direction of the Town Manager, from the Emergency Response Stabilization Fund for the purpose of partially paying the second year operating costs of the Fire Department for the deployment of an ambulance in West Concord.

**ARTICLE 39. FREE CASH USE**

Upon a Motion made by Wendy Rovelli and duly seconded, it was Voted that the Town authorize and direct the Assessors to take \$950,000 from the certified free cash balance of June 30, 2014 to reduce the tax levy for the fiscal year ending June 30, 2016.

**ARTICLE 42. 2016 ROAD PROGRAM**

Upon a Motion made by James Smith and duly seconded, it was Voted that the Town appropriate the sum of \$1,200,000 to be expended under the direction of the Town Manager for the design, repair, reconstruction or renovation of roads and streets within the Town; and that to meet this appropriation, the Treasurer, with approval of the Selectmen, be authorized to borrow \$1,200,000; 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 approval of the Selectmen, to borrow funds for such purpose in anticipation of reimbursement from said grants.

**ARTICLE 43. ROAD REPAIR REVOLVING FUND EXPENDITURES**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted that the income from fees paid by applicants to the Town for permits to dig up, alter, or disturb a public way, in the sum of \$165,000, be expended without further appropriation.

**ARTICLE 44. REGIONAL HOUSING SERVICES REVOLVING FUND EXPENDITURES**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted that the fees paid by member towns into the Regional Housing Services Revolving Fund in an amount not to exceed \$210,000 be expended without further appropriation for the fiscal year ending June 30, 2016 under the direction of the Town Manager, for continuing the operation of a multi-town consortium managing affordable housing services.

**ARTICLE 45. LIGHT PLANT PAYMENT IN LIEU OF TAXES**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted to authorize a transfer of \$472,400 from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2016.

**ARTICLE 46. LIGHT PLANT EXPENDITURES**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted that the income from sales of electricity and from servicing and jobbing during the ensuing fiscal year together with the balance of operating cash in the Light Plant Fund, be expended without further appropriation under the direction and control of the Town Manager for the expenses of the Light Plant for said fiscal year.

**ARTICLE 47. SOLID WASTE DISPOSAL FUND EXPENDITURES**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted that the income from user fees for solid waste disposal services, associated services, and jobbing services by Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Solid Waste Disposal Fund, be expended without further appropriation under the direction and control of the Town Manager.

**ARTICLE 48. SEWER SYSTEM EXPENDITURES**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted that the income from user fees, special service fees and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Sewer Fund be expended without further appropriation under the direction and control of the Town Manager.

**ARTICLE 49. SEWER IMPROVEMENT FUND EXPENDITURES**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted that the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation under the direction and control of the Town Manager.

**ARTICLE 50. WATER SYSTEM EXPENDITURES**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted that the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation under the direction and control of the Town Manager.

**ARTICLE 51. BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND EXPENDITURES**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted to appropriate \$2,741,300 for operating expenses and \$277,000 for capital expenditures including building improvements and equipment replacements of the Beede Swim and Fitness Center for the fiscal year beginning July 1, 2015, said funds to be expended under the direction of the Town Manager; and that to meet this appropriation the amount of \$2,441,368 is appropriated from the estimated FY16 revenues and \$576,962 is appropriated from the certified undesignated fund balance as of July 1, 2014 of the Community Pool Enterprise Fund.

**ARTICLE 52. RIDEOUT AND EMERSON PLAYGROUND IMPROVEMENTS**

Upon a Motion made by Christopher Whelan and duly seconded, the following was Voted to appropriate the sum of \$600,000, to be expended under the direction of the Town Manager, for the purpose of replacement, renovation, and any other work related to the improvement of playing fields, courts and related recreation equipment and facilities at Rideout and Emerson Playground; and to authorize the Treasurer, with approval of the Selectmen, to borrow \$600,000 for this purpose.

**ARTICLE 57. FIRE ENGINE #7 REPLACEMENT**

Upon a Motion made by Christopher Whelan and

duly seconded, it was Voted to authorize the Treasurer, with the approval of the Selectmen, to borrow the sum of \$550,000 for the purchase of a new Fire Pumper Truck and any necessary related equipment, said funds to be expended under the direction of the Town Manager.

END OF CONSENT CALENDAR

**ARTICLE 6. TOWN CHARTER AMENDMENT – IDENTIFYING OPEN TOWN MEETING AS THE TOWN’S LEGISLATIVE BODY**

Upon a Motion made by Carmin Reiss and duly seconded, it was Voted to authorize the Selectmen to petition the General Court to amend Chapter 280 of the Acts of 1952 by adding a Preamble that the legislative body of the Town is an open Town Meeting, open to all registered voters of the Town.

**ARTICLE 7. TOWN CHARTER AMENDMENT – GENDER-NEUTRAL LANGUAGE**

Upon a Motion made by Carmin Reiss and duly seconded, the following was Voted to authorize the Selectmen to petition the General Court to amend Chapter 280 of the Acts of 1952 by substituting for the term “board of selectmen” and for the word “selectmen,” in each and every place either one appears, the term “select board” or “member of the select board,” by substituting the words “his or her” for the word “his” in each and every place where it appears, and by substituting the term “member of the select board” for the word “selectman” in each and every place where it appears.

**ARTICLE 8. TOWN CHARTER AMENDMENTS – (A) ELIMINATE THE PROVISION FOR REVIEW & REVISION OF THE TOWN BUILDING CODE & (B) INCREASE THE # OF DAYS PRIOR TO TOWN MEETING TO SUBMIT A PETITION REVOKING ACCEPTANCE OF CHARTER**

Upon a Motion made by Carmin Reiss and duly seconded, it was Voted to authorize the Select Board to petition the General Court to amend Chapter 280 of the Acts of 1952 by (a) deleting from the end the words “and revising the building code of the town;” and by (b) changing the word “sixty” in the first sentence to “one-hundred-twenty.”

**ARTICLE 9. TOWN CHARTER AMENDMENT – PROVISION FOR DEPUTY MODERATOR**

Upon a Motion made by Carmin Reiss and duly seconded, it was Voted to authorize the Select Board to petition the General Court to amend Chapter 280 of

the Acts of 1952 by inserting a new sentence to provide for substitution of the Deputy Moderator when the Moderator is not available to perform his or her duties or leaves office prior to term expiration.

**ARTICLE 10. RECALL OF ELECTED TOWN OFFICIALS (BY PETITION)**

At 1:52 p.m., the following Motion was made by Lee Ann Kay and duly seconded to request the Select Board to submit to the State Legislature a bill to grant registered voters the power to recall elected officials in the Town of Concord.

It was noted that the Select Board did not take a position on the Article. The Finance Committee recommended that No Action be taken. After discussion, at 2:18 p.m. Sue Richardson made a Motion to Call the Question, which was duly seconded and Passed by a two-thirds majority, and was so declared by the Moderator. A Vote was then taken on Ms. Kay’s Motion, which Failed to Pass on a show of hands, and was so declared by the Moderator at 2:20 p.m.

**ARTICLE 11. ZONING BYLAW AMENDMENT – BOARDING HOUSE**

There was no Motion made under this article.

**ARTICLE 12. ZONING BYLAW AMENDMENT – LOT WIDTH**  
Upon a Motion made by John Canally and duly seconded, it was Voted by a two-thirds majority, and was so declared by the Moderator to amend §6.2.5 of the Zoning Bylaw to clarify the required frontage.

**ARTICLE 15. ZONING BYLAW AMENDMENT – RESIDENTIAL CLUSTER DEVELOPMENT OPEN SPACE**

Upon a Motion made by Brooke Whiting Cash and duly seconded, it was Voted by a near unanimous vote, and was so declared by the Moderator to amend §9.2.4 of the Zoning Bylaw to ensure that the bylaw protects upland open space.

**ARTICLE 17. ZONING BYLAW AMENDMENT – RESIDENCE A & AA BUILDING HEIGHT & DIMENSIONAL TABLE**

Upon a Motion made by John Cratsley and duly seconded, it was Voted by a near unanimous vote, and was so declared by the Moderator to amend §6.2.11 and Table III of the Zoning Bylaw to change the way the height of a structure is measure in Residence A and AA Zone Districts, to be the same as Residence C and B Zone Districts.

**ARTICLE 18. ZONING BYLAW AMENDMENT – DEFINITIONS & DIMENSIONAL REGULATIONS**

There was no Motion made under this article.

**ARTICLE 19. ZONING BYLAW AMENDMENT – ALTERNATIVE PRD PRELIMINARY SITE DEVELOPMENT & USE PROPOSAL FOR LOT 6F & PARCEL 6B FOREST RIDGE ROAD (BY PETITION)**

Upon a Motion made by Jack McBride and duly seconded, it was Voted by a two-thirds majority, and was so declared by the Moderator to approve the Black Birch Alternative PRD Preliminary Site Development and Use Proposal for Lot 6F and Parcel 6B Forest Ridge Road dated December 18, 2014.

**ARTICLE 20. RELEASE OF RESIDENTIAL RESTRICTION APPLICABLE TO LOT 6F PARCEL & PARCEL 6B FOREST RIDGE ROAD (BY PETITION)**

Upon a Motion made by Jack McBride and duly seconded, it was Voted by a two-thirds majority, and was so declared by the Moderator to authorize the Select Board to enter into an agreement to release Lot 6F Forest Ridge Road and Parcel 6B Forest Ridge Road from a certain Easement and Restrictive Covenant Agreement.

At 3:06 p.m., the group took a 15-minute stretch break, resuming the business of the meeting at 3:21 p.m. Mr. Van Loon thanked those in attendance for coming to Town Meeting, despite the beautiful weather. He noted that the Town budget, School budgets and school-related articles had been prescheduled for April 13. The meeting continued with Article 31.

**ARTICLE 31. AUTHORIZE ACQUISITION OF 2229 MAIN STREET PROPERTY**

There was no Motion made under this article. (See Article 2 of the Special Town Meeting on April 14)

**ARTICLE 32. HOME RULE PETITION TO ESTABLISH A CONCORD PROPERTY TAX ASSISTANCE FUND**

There was no Motion made under this article.

**ARTICLE 34. CLEAN WATER RESOLUTION (BY PETITION)**

At 3:24 p.m. the following Motion was made by Shelley Morss and was duly seconded to urge the Board of Health to discontinue the fluoridation of all public water supplies with sodium fluorosilicate or sodium fluoride.

After discussion, at 3:53 p.m. Garret Whitney made a Motion to Call the Question, which was duly seconded and Passed by a two-thirds majority. A Vote

was then taken on Ms. Morss' motion, which overwhelmingly Failed to Pass, and was so declared by the Moderator.

**ARTICLE 35. PLASTIC BAG REDUCTION BYLAW (BY PETITION)**

Upon a Motion made by Scott Richardson and duly seconded, it was Voted to adopt a bylaw for the reduction of plastic checkout bags, with an effective date of January 1, 2016, and to amend Appendix A of the Non-Criminal Disposition Bylaw to provide for fines for violations.

**ARTICLE 36. AUTHORIZE LONG-TERM LEASE FOR MUNICIPAL BUILDING ROOFTOP AND GROUND-MOUNTED SOLAR PANELS**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted by an overwhelming majority, and was so declared by the Moderator to authorize the Town Manager to enter into long-term leases, licenses, agreements for payment in lieu of taxes and/or other contractual agreements, for all or portions of specific municipal and school properties for the purposes of installing and operating solar energy generating facilities and supplying solar energy, including rooftop, ground-mounted and other solar facilities.

**ARTICLE 37. ACCEPTANCE OF MGL CH. 44, §53F¾ – TO CREATE PEG ACCESS & CABLE-RELATED FUND**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted near unanimously, and was so declared by the Moderator to accept the provisions of MGL Ch. 44, §53F¾ and to authorize the Town Accountant to create an account to be known as the PEG Access and Cable-Related Fund to which shall be credited funds received in connection with the cable television franchise agreement between the Town and Comcast, or any other cable provider, said funds to be used only for cable-related purposes consistent with the franchise agreement; and to appropriate \$270,000 for the current fiscal year ending June 30, 2015 and to appropriate the sum of \$360,000 for the fiscal year commencing July 1, 2015, to be expended by the Town Manager for PEG access services; and to authorize the Town Manager to enter into a long-term contract of up to ten years for the provision of PEG community access television services.

**ARTICLE 40. UNPAID BILLS**

There was No Motion made under this article.

**ARTICLE 41. PROPERTY TAX EXEMPTIONS**

There was No Motion made under this article. (See Article 3 of the Special Town Meeting on April 14, 2015)

**ARTICLE 53. PARKING MANAGEMENT PLAN IMPLEMENTATION**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted by a near unanimous vote, and was so declared by the Moderator to appropriate the sum of \$250,000, to be expended under the direction of the Town Manager for the purpose of implementing some of the recommendations of the 2013 Parking Management Plan.

**ARTICLE 54. TOWN HOUSE INTERIOR RENOVATIONS**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted by a near unanimous vote, and was so declared by the Moderator to appropriate the sum of \$700,000, to be expended under the direction of the Town Manager for the purpose of remodeling, reconstructing or making extraordinary repairs to the Town House; and that to meet said appropriation, the Town Treasurer with the approval of the Select Board be authorized to borrow said funds.

**ARTICLE 55. 37 KNOX TRAIL BUILDING RENOVATIONS & SITE WORK**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted by a two-thirds majority, and was so declared by the Moderator to appropriate the sum of \$200,000, to be expended under the direction of the Town Manager, for the purpose of remodeling, reconstructing or making extraordinary repairs to the building at 37 Knox Trail in Acton; and that to meet said appropriation, the Town Treasurer with the approval of the Select Board be authorized to borrow said funds.

At 4:40 p.m. Select Board member Alice Kaufman made a procedural Motion, which was duly seconded, to defer discussion and action on Article 56 until April 14, since many of those who were interested in this article did not expect it to come up for discussion at this session, and were not present. A discussion was held, with many feeling that postponing until Tuesday was not fair to those residents who were present and prepared to discuss and vote on this issue. Nancy Teasdale made a Motion to Call the Question, which was duly seconded and Voted by a two-thirds majority, and was so declared by the Moderator. A Vote

was then taken on Ms. Kaufman’s procedural motion, which Failed to Pass.

**ARTICLE 56. FUNDING FOR WHITE POND MANAGEMENT**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted by a near unanimous vote, and was so declared by the Moderator to appropriate from the certified Free Cash balance of June 30, 2014, the sum of \$25,000, to be expended under the direction of the Town Manager to implement management improvements concerning the use and care of public lands and facilities adjacent to White Pond.

**ARTICLE 58. FIREFIGHTER RESIDENCY**

Upon a Motion made by Christopher Whelan and duly seconded, it was Voted by a near unanimous vote, and was so declared by the Moderator to authorize the Select Board to petition the Massachusetts Legislature to adopt special legislation permitting Concord firefighters to reside in such communities as may be mutually agreed by the Town and the Firefighters union through the collective bargaining process.

At 4:55 p.m. Mr. Van Loon announced that Articles 21 through 29 will be taken up on Monday beginning at 7:00 p.m. He thanked those in attendance for their dedication to the governance of the Town.

THE MEETING ADJOURNED AT 4:57 P.M.

**ADJOURNED SESSION – ANNUAL TOWN MEETING  
APRIL 13, 2015**

Mr. Van Loon opened the meeting at 7:00 p.m. He introduced the officials involved with Town Meeting and reminded those present about voting slips and reference to key documents used throughout the meeting. Fire Chief Mark Cotreau reviewed safety procedures in the event of an evacuation. The tellers and ballot counters were sworn to the faithful performance of their duties. He reviewed the schedule for the meeting, commenting on the remarkable progress which had been made at yesterday’s session, and noting that this evening’s session would focus on Articles 21-29. The speaker time limits would generally be five minutes for presenters and two minutes for others, unless otherwise prearranged.

On a Motion made by Steven Ng that was duly seconded, it was Voted to take up no new business after 10:00 p.m., and that when we adjourn, we adjourn and reconvene at 7:00 p.m. tomorrow evening in this hall.

**ARTICLE 21. TOWN BUDGET**

After a Motion was made by Steven Ng and duly seconded, the highlights of the Town budget were reviewed by Town Manager Christopher Whelan. Mr. Van Loon asked if there were any “holds” on the budget line items, and there was a hold on Line Item 17, Public Works. After discussion, a Vote was taken on

Mr. Ng’s Motion, which was Voted by a unanimous vote, and so declared by the Moderator to raise and appropriate the following amounts of money for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2016, and that the same be expended only for such purposes under the direction of the Town Manager:

**TOWN BUDGET FISCAL YEAR 2015-2016**

<u>No.</u>	<u>Department</u>	<u>Appropriation</u>
<b>GENERAL GOVERNMENT</b>		
1	Town Manager's Office	
	A. Town Manager	366,308
	B. Human Resources	215,367
	C. Town-Wide Building Maint. Fund	220,000
	D. Resource Sustainability Fund	75,000
	E. Visitor's Center and Restroom	<u>27,426</u>
	Subtotal	904,101
2	Legal Services	225,000
3	Elections and Registrars	
	A. Elections	52,164
	B. Registrars	<u>8,103</u>
	Subtotal	60,267
4	Town Meeting and Reports	81,550
5	Planning	
	A. Planning Administration	439,629
	B. Natural Resources	205,256
	C. Inspections	422,087
	D. Health	<u>291,209</u>
	Subtotal	1,358,181
6	141 Keyes Road	<u>73,368</u>
	TOTAL General Government	\$2,702,467
<b>FINANCE &amp; ADMINISTRATION</b>		
7	Finance Committee	3,410
8	Finance	
	A. Finance Administration	275,831
	B. Treasurer-Collector	281,056
	C. Town Accountant	150,769
	D. Assessors	392,676
	E. Town Clerk	<u>233,879</u>
	Subtotal	1,334,211
9	Information Systems	675,933
10	Town House	<u>103,370</u>
	TOTAL Finance & Administration	\$2,116,924
<b>PUBLIC SAFETY</b>		
11	Police Department	4,217,360
12	Fire Department	4,143,072
13	West Concord Fire Station	60,062
14	Police-Fire Station	234,812
15	Emergency Management	22,810
16	Animal Control Officer	<u>25,100</u>
	TOTAL Public Safety	\$8,703,216
<b>PUBLIC WORKS</b>		
17	Public Works	
	A. CPW Administration	181,462
	B. Engineering	373,062
	C. Highway Maintenance	1,281,986
	D. Parks and Trees	633,992
	E. Cemetery	<u>67,380</u>
	Subtotal	2,537,882
18	Snow and Ice Removal	570,000
19	Street Lighting	73,463
20	CPW Equipment	250,000
21	Drainage Program	205,000
22	Sidewalk Management	100,000

<u>No.</u>	<u>Department</u>	<u>Appropriation</u>
<b>PUBLIC WORKS (continued)</b>		
23	Road Improvements	\$90,000
24	133/135 Keyes Road	<u>100,967</u>
	TOTAL Public Works & Facilities	\$3,927,312
<b>HUMAN SERVICES</b>		
25	Library	1,995,097
26	Human Services	
	A. Human Services Administration	9,000
	B. Recreation Programs	50,000
	C. Hunt Recreation Center	95,623
	D. Council on Aging	328,996
	E. Harvey Wheeler Community Center	117,079
	F. Veterans	60,889
	G. Ceremonies and Celebrations	<u>24,006</u>
	Subtotal	<u>685,593</u>
	TOTAL Human Services	\$2,680,690
<b>UNCLASSIFIED</b>		
27	Town Employee Benefits	
	A. Unused Sick Leave	90,000
	B. Public Safety Disability	2,500
	C. Employee Assistance Program	<u>7,500</u>
	Subtotal	100,000
28	Reserve Fund*	225,000
29	Salary Reserve**	643,404
30	Land Fund	<u>15,000</u>
	TOTAL Unclassified	\$983,404
	Subtotal for Reference Only Accounts 1-30	<u>\$21,114,013</u>
<b>JOINT (TOWN-CPS)</b>		
31	Insurance	
	A. Group Insurance	4,650,000
	B. OPEB - Transfer to Trust Fund	1,150,000
	C. Property/Liability Insurance	<u>225,000</u>
	Subtotal	6,025,000
32	Unemployment/Workers' Comp.	
	A. Unemployment Compensation	100,000
	B. Workers' Compensation	100,000
	Subtotal	<u>200,000</u>
33	Retirement	3,220,000
34	Social Security and Medicare	740,000
35	Debt Service	
	A. Long-Term Debt	
	Town Principal and Interest	2,534,050
	CPS Principal and Interest	979,838
	Subtotal	3,513,888
	Interest on Short-Term Notes	51,112
	Issuance Expense	<u>40,000</u>
	Subtotal Within Levy Limit	3,605,000
	B. Excluded Debt	
	Town Principal and Interest	204,906
	CPS Principal and Interest	4,115,594
	Less: Use of Stabilization Funds	-1,500,000
	Subtotal Excluded Debt	<u>2,820,500</u>
	TOTAL Debt Service	<u>6,425,500</u>
	TOTAL Joint (Town - CPS)	<u>\$16,610,500</u>
	TOTAL Appropriation	<u>\$37,724,513</u>

**ARTICLE 8. PUBLIC SCHOOL BUDGET**

At 7:31 p.m. the following Motion was made by Kathleen Snook and duly seconded that the Town raise and appropriate the sum of \$34,542,735 for the necessary and expedient purpose of the support of the public schools for the fiscal year ending June 30, 2016; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

After Ms. Snook's presentation, Wendy Rovelli, Chair of the Finance Committee made the following Motion To Amend Ms. Snook's motion, which was duly seconded that the Article 22 motion be amended and the sum of \$33,840,538 be substituted in place of \$35,542,735.

The Select Board made a recommendation to approve the lower amount proposed by the Finance Committee, emphasizing the need to balance the School Department's stated needs with the ability of taxpayers to pay. Diane Proctor made a Motion that Town Meeting vote by secret ballot when it comes time to vote, which was duly seconded. After discussion, a vote was taken on Ms. Proctor's motion, which Failed to Pass. The League of Women Voters announced that they supported the Finance Committee's lower amount. After further discussion, at 8:24 p.m. Holly Salemy made a Motion to Call the Question, which was duly seconded and Passed on a two-thirds vote, and was so declared by the Moderator.

A vote was then taken on Ms. Rovelli's amendment, which Failed to Pass, and was so declared by the Moderator. David Stephens questioned the Moderator's count and was joined by more than the required seven voters. At 8:33 p.m., a counted standing vote was then taken and Ms. Rovelli's amendment Failed to Pass with 187 voting in favor and 363 opposed, with a total of 550 voting.

Lissa McKinney made the following Motion To Amend Ms. Snook's motion, which was duly seconded to amend Article 22 by substituting the sum of \$34,192,735 in place of the sum of \$34,542,735. Laurine Verrilli made a Motion to Call the Question on Ms. McKinney's amendment. Mr. Van Loon ruled the motion out of order, since there had not yet been any discussion about the proposed amendment. After further discussion, at 8:59 p.m. Tracey Marano made

a Motion to Call the Question on Ms. McKinney's amendment, which was duly seconded, and Passed by a two-thirds majority, and was so declared by the Moderator. A Vote was then taken on Ms. McKinney's amendment, which Failed to Pass on a show of hands, and was so declared by the Moderator. A Motion to Call the Question on Ms. Snook's original motion was made by Theresa Scalzi and duly seconded. Ms. McKinney asked that an outstanding question be answered prior to the vote, to which the Moderator agreed. At 9:06 p.m. a Vote was taken on Ms. Scalzi's motion, which Passed by a two-thirds majority, and was so declared by the Moderator. A Vote was then taken on Ms. Snook's original motion, which Passed by majority vote, and was so declared by the Moderator.

**ARTICLE 23. CONCORD PUBLIC SCHOOLS RENOVATIONS**

Upon a Motion made by Wally Johnston and duly seconded, it was Voted by a near unanimous vote, and so declared by the Moderator to appropriate the sum of \$650,000 to be expended under the direction of the School Committee for remodeling, reconstructing or making extraordinary repairs, and related work, at various Concord Public Schools facilities; and that to meet this appropriation the Town Treasurer with the approval of the Select Board be authorized to borrow \$650,000.

**ARTICLE 24. CONCORD PUBLIC SCHOOLS BUS DEPOT**

The following Motion was made by Christopher Whelan and duly seconded that the Town appropriate the sum of \$950,000, to be expended under the direction of the Town Manager, for the purpose of designing, constructing and originally equipping a school transportation facility to be located at 214Y Main Street, shown on the Assessors maps as parcel #2322, including facilities for vehicle repair, fueling, storage, parking, and related activities and including design, engineering, testing and other related work; and that to meet this appropriation, the Town Treasurer with the approval of the Select Board be authorized to borrow said sum.

After Mr. Whelan's presentation, School Committee member Johanna Boynton indicated the support of the School Committee. Miguel Echavarri made the following Motion to Amend Mr. Whelan's motion, which was duly seconded:

To add the following words at the end of the original motion:

And provided further that the Town shall retain ownership of the land associated with the facilities, that the facilities and other associated assets be transferred to the Town, and that the Town shall rent a portion of such facilities to the Concord Public Schools and the Concord-Carlisle Regional School District, exclusively for in-town transportation activities, and not in support of outsourced transportation activities, and that tenants shall be responsible for paying all costs associated with their tenancy.

After discussion, the Select Board announced that they did not support the proposed amendment. At 9:34 p.m. a Motion to Call the Question on the amendment was made and duly seconded, and Passed by a two-thirds majority, and was so declared by the Moderator. A Vote was then taken on Mr. Echavarri's proposed amendment, which Failed to Pass, and was so declared by the Moderator.

At 9:38 p.m. William Plummer offered the following Amendment, which was duly seconded to add the following words to the original motion, after the phrase "Parcel #2322":

or at 500 Walden Street, shown on the Assessors' maps as Parcel 0298 (the Concord-Carlisle High School grounds), or at any other suitable location.

At 9:45 p.m. a Vote was taken on Mr. Plummer's amendment, which Passed on a show of hands and was so declared by the Moderator. Dee Ortner made the following Motion, which was duly seconded that the meeting continues discussion and a vote on Article 24 until after we know the outcome of Article 1 of the Special Town Meeting scheduled for April 14.

After discussion and a consultation with Town Counsel, a Vote was taken on Ms. Ortner's motion to continue discussion on Article 24 following the outcome of the Special Town Meeting, which Passed.

Connie Levine moved reconsideration of Article 23, since she felt that there was an unanswered question still pending. Mr. Van Loon noted that Ms. Levine's motion to reconsider was made within the 20-minute requirement; however, he ruled her Motion out of order since there was no compelling reason for recon-

sideration, and no new information was offered that would have contributed to a change in the outcome. Mr. Van Loon reviewed the schedule for the following evening, with the Annual Town Meeting continuing following the adjournment of the Special Town Meeting on April 14.

THE MEETING ADJOURNED AT 10:02 P.M.  
ADJOURNED SESSION – ANNUAL TOWN MEETING  
APRIL 14, 2015

Moderator Eric Van Loon called the meeting to order at 9:43 p.m. on Tuesday, April 14, 2015, which was immediately following the adjournment and dissolution of the Special Town Meeting. The meeting began with Article 30, which had been prescheduled.

**ARTICLE 30. COMMUNITY PRESERVATION COMMITTEE APPROPRIATIONS RECOMMENDATIONS**

Motion 1: The following Motion was made by Paul Mahoney and duly seconded that pursuant to the recommendation of the Community Preservation Committee, the Town appropriate the sum of \$1,132,921 from the Concord Community Preservation Fund, of which \$200,000 shall be appropriated from the undesignated fund balance as of June 30, 2014; \$51,743 shall be appropriated from the Community Housing Reserve Fund; and \$881,178 shall be appropriated from projected FY16 Fund Revenues, in accordance with Chapter 44B of the Massachusetts General Laws, to be expended under the direction of the Town Manager as follows follows: (see chart on the right)

Edward Perry made a Motion to Amend Mr. Mahoney's motion by deleting the appropriation for Item E, which was duly seconded. After discussion on the amendment, at 10:03 p.m. Robin Garrison made a Motion to Call the Question, which was duly seconded and Voted by a two-thirds majority, and so declared by the Moderator. A Vote was then taken on Mr. Perry's motion, which Failed to Pass, and so declared by the Moderator.

At 10:06 p.m. L. Michelle Touw made a Motion to Amend Mr. Mahoney's motion by reducing the appropriation for Item B to 0, which was duly seconded. After discussion a Vote was taken on Ms. Touw's amendment, which Failed to Pass, and so declared by the Moderator. A Vote was then taken on Mr. Mahoney's original motion, which Passed by a near unanimous vote, and so declared by the Moderator.

**COMMUNITY PRESERVATION COMMITTEE RECOMMENDATIONS**

<b>Item</b>	<b>Project/Description</b>	<b>Total Amount Recommended</b>	<b>Category</b>	<b>Community Housing Reserve Fund</b>	<b>Prior Year Fund Balance</b>	<b>FY16 CPA Fund Revenues</b>
A	Town of Concord - Regional Housing Services Program	27,000	Community Housing			27,000
B	Concord Housing Development Corporation - Junction Village Affordable Assisted Living	45,000	Community Housing			45,000
C	Concord Housing Authority - Peter Bulkeley Terrace, Phase II	370,804	Community Housing	51,743	50,000	269,061
D	The Trustees of Reservations - Old Manse Interior Restoration, Phase II	74,500	Historic Preservation			74,500
E	Dept. of Corrections - MCI Concord Fountain Restoration	60,680	Historic Preservation			60,680
F	First Parish Church, Trustees of Donations – Wright Tavern Restoration of Windows, Gutters and Door	75,000	Historic Preservation			75,000
G	Town of Concord - Archaeology Program Administration	10,000	Historic Preservation			10,000
H	Town of Concord - Bruce Freeman Rail Trail Phase 2B and 2C in Concord	125,000	Open Space Recreation			62,500 62,500
I	Town of Concord - Warner’s Pond Dredging Feasibility Study	65,000	Open Space Recreation			32,500 32,500
K	Concord Children’s Center - Phase II Infrastructure and Accessible Elements for the Natural Playscape at Ripley	64,937	Recreation			64,937
L	Open Space Reserve Fund	35,000	Open Space			35,000
M	Land Acquisition Fund	150,000	TBD		150,000	
N	Town of Concord - Staff and Technical Support	30,000	Administrative			30,000
<b>Total</b>		<b>\$1,132,921</b>		<b>\$51,743</b>	<b>\$200,000</b>	<b>\$881,178</b>

Motion 2: The following Motion was made by Paul Mahoney and duly seconded that pursuant to the recommendation of the Community Preservation Committee on Item J, the Town appropriate the sum of \$670,000 from the Concord Community Preservation Fund, of which \$298,178 shall be appropriated from the undesignated fund balance as of June 30, 2014 and \$371,822 shall be appropriated from projected FY16 Fund Revenues, for Phase II of the Fields Renovation Project at Concord Carlisle High School according to the application submitted by Concord Carlisle at Play, Inc., in accordance with Chapter 44B of the Massachusetts General Laws, to be expended under the direction of the Town Manager.

It was noted that the Select Board, School Committee and Finance Committee all support Item J. After discussion, Dean Banfield made the following Motion to Amend Mr. Mahoney's motion, which was duly seconded:

Append the following text to the above motion 2:

"..., and further that prior to the distribution of any funds approved for Item J under this motion, the Town of Concord and the Concord-Carlisle Regional School District shall establish written operating policies, in the form of an executed amendment to the Community Use Agreement governing the share use of the renovated fields complex."

Select Board member Elise Woodward acknowledged the thoughtful ideas that had been expressed, but based on the advice of Town Counsel noted that Town Meeting may not condition use of CPA funds – the recommendation of the CPA Committee may only be approved or disapproved. In response to a question, Town Counsel Kevin Batt commented that neither the Moderator nor Town Counsel can prevent discussion or vote of an amendment to the CPA recommendation; however, if the amendment passed it would not be binding. After further discussion, at 10:44 p.m. Kristin Johnson made a Motion to Call the Question, which was duly seconded and Voted by a two-thirds majority, so declared by the Moderator. A Vote was then taken on Mr. Banfield's proposed amendment, which Failed to Pass, and so declared by the Moderator. After further discussion, at 10:54 p.m. Bruce Blumberg made a Motion to Call the Question, which was duly seconded and Voted by a two-thirds

majority, and so declared by the Moderator. A Vote was then taken on Mr. Mahoney's original motion 2, which Passed by an overwhelming majority vote, and so declared by the Moderator.

Select Board member Carmin Reiss made a Motion, which was duly seconded, to take up Article 28 up at this time, since the presenter is unable to be present tomorrow night. The motion Passed.

#### **ARTICLE 28. MINUTEMAN CAREER AND TECHNICAL HIGH SCHOOL BUDGET**

On a Motion made by Carrie Flood and duly seconded, it was Voted by a unanimous vote, and so declared by the Moderator that the Town raise and appropriate the Town's apportioned share of \$407,041 for the Minuteman Career and Technical School District assessment for the fiscal year ending June 30, 2016.

At 11:04 p.m. Mr. Van Loon posed the question to the group as to whether to continue or to adjourn to the following evening. David Allen made a Motion to adjourn and resume the meeting at 7:00 p.m. on Wednesday, April 15, which was duly seconded. After a brief discussion of the pros and cons of continuing, Jim Reynolds made a Motion to Call the Question, which was duly seconded and Voted by a two-thirds majority, and so declared by the Moderator. A Vote was then taken on Mr. Allen's Motion to Adjourn, which Passed, and so declared by the Moderator.

THE MEETING ADJOURNED AT 11:11 P.M.

#### **ADJOURNED SESSION – ANNUAL TOWN MEETING APRIL 15, 2015**

Town Moderator Eric Van Loon called the fourth session of the 2015 Annual Town Meeting to order at 7:00 p.m. He thanked all the attendees and those watching from home on CCTV. He reviewed procedural issues for the evening. He identified key government officials. The Tellers and Ballot Counters were duly sworn to the faithful performance of their duties. The Fire Chief reviewed emergency evacuation procedures.

#### **ARTICLE 24. CONCORD PUBLIC SCHOOL BUS DEPOT (CONTINUED)**

At 7:16 p.m. Christopher Whelan made a presentation about Article 24, the motion for which was originally made and amended on April 13. After discussion, Article 24 was Voted by a two-thirds majority, and so declared by the Moderator.

**ARTICLE 25. CONCORD PUBLIC SCHOOLS BUS REPLACEMENTS**

On a Motion made by Johanna Boynton and duly seconded, it was Voted by a two-thirds majority, and so declared by the Moderator that the Town appropriate the sum of \$600,000 to be expended under the direction of the School Committee for school bus replacements and related equipment; and that to meet this appropriation the sum of \$600,000 be transferred from the certified Free Cash balance of June 30, 2014.

**ARTICLE 26. REGIONAL SCHOOL BUDGET**

The following Motion was made by Jennifer Munn and duly seconded that the Town raise and appropriate \$20,070,650 as the Town's apportioned share of the Concord-Carlisle Regional School District budget for the fiscal year ending June 30, 2016; and that the same be expended only for such purposes and under the direction of the Concord-Carlisle Regional School Committee.

Lissa McKinney made the following Motion to Amend Ms. Munn's motion, which was duly seconded to change the appropriation amount to \$19,890,650, thereby reducing the number by \$180,000, which represents the buses funded but not purchased in 2011 and 2012.

In response to a question, Ms. Munn indicated that if the budget is reduced by \$180,000 the funds would not come from the OPEB allocation, since the School Committee has a moral obligation to contribute to OPEB. Ms. McKinney agreed to withdraw her motion to amend, and the second was also withdrawn, but asked for an explanation of where the \$180,000 went. Ms. Munn explained that transportation costs were higher due to travelling to Billerica for maintenance.

David Stephens made a Motion to Amend Ms. Munn's motion by reducing the appropriation by \$2,355,588, which was duly seconded. After further discussion, at 8:22 p.m. Sue Bumpus made a Motion to Call the Question, which was duly seconded and Voted by a two-thirds majority, and so declared. A Vote was then taken on Mr. Stephens proposed amendment, which Failed to Pass, and was so declared by the Moderator. Discussion continued on Ms. Munn's original motion, and at 8:35 p.m. Kristin Johnson made a Motion to Call the Question, which was duly seconded and

Voted by a two-thirds majority, and so declared by the Moderator. A vote was then taken on Ms. Munn's original motion, which Passed by a majority vote, and was so declared by the Moderator.

**ARTICLE 27. CCRSD SCHOOL BUS REPLACEMENT**

The following Motion was made by Johanna Boynton and duly seconded that the Town approve the \$400,000 borrowing authorized by the Concord-Carlisle Regional School Committee for the purpose of paying costs of school bus replacements and related equipment.

After discussion, at 8:51 p.m. Richard Gauthier made a Motion to Call the Question, which was duly seconded and passed by a two-thirds majority, and so declared by the Moderator. A Vote was then taken on Ms. Boynton's motion, which Passed by an overwhelming majority, and was so declared by the Moderator.

There being no further business to come before the assembly, and upon a Motion that was duly made and seconded, the 2015 Annual Town Meeting was dissolved at 8:52 p.m.

Respectfully submitted,

Anita S. Tekle

Town Clerk

Attendance: There were 307 registered voters in attendance on the first session of Town Meeting; 614 registered voters in attendance on the second session; 840 registered voters in attendance on the third session; and 240 in attendance at the fourth and final session. This is an unduplicated voter count of 1,171 individual voters attending one or more nights of the 2015 Annual Town Meeting (9.4% of registered voters).

# 2015 SPECIAL TOWN MEETING

April 14, 2015

*The 2015 Special Town Meeting minutes printed below are excerpted from the official minutes of the Meeting. For the complete text of all votes taken at this Meeting, contact the Town Clerk's Office.*

Pursuant to the Warrant signed by the Select Board on March 23, 2015, Town Moderator Eric Van Loon called the Special Town Meeting to order at 7:00 p.m. on Tuesday, April 14, 2015 at the Concord-Carlisle High School. The Moderator declared that the meeting was properly called and that a sufficient number of voters were present to permit opening the meeting.

Mr. Van Loon announced the appointments and re-appointments he had made for the Finance Committee, and thanked for their service those members of the Finance Committee whose terms were expiring. Concord Public School Committee Chair Kathleen Snook thanked retiring School Committee members Jennifer Munn and Phil Benincasa for their service. Select Board Chair Carmin Reiss thanked retiring Select Board member Elise Woodward for her service.

Mr. Van Loon summarized the progress that had been made in the first two sessions of the Annual Town Meeting, indicating that tonight's meeting would begin with the Special Town Meeting, and then the meeting will return to the Annual Town Meeting beginning with Article 30. He reminded the attendees of the need to conduct the Town's business civilly and respectfully, remembering Concord's motto "Quam Firma Res Concordia," roughly translated to "How strong is harmony?" At 7:22 p.m., the business of the Special Town Meeting began.

## **ARTICLE 1. LAND ACQUISITION – W.R. GRACE LAND – 214Y MAIN STREET**

The following Motion was made by Christopher Whelan and duly seconded that the Town authorize the Select Board to acquire by eminent domain taking, for municipal purposes, including but not limited to school transportation, solar power generation, and wastewater treatment, the property in Concord located at 214Y Main Street, estimated to be 79.9 acres, together with any structures, improvements, and trees thereon, the cost of acquisition to be funded with the sum approved under Article 36 of the 2012 Annual Town Meeting.

After discussion, a Motion was made by Carolyn King to Call the Question, which was duly seconded and Passed by a two-thirds majority, and was so declared by the Moderator. A Vote was then taken on Mr. Whelan's original motion, which Passed by a two-thirds majority, and was so declared by the Moderator.

## **ARTICLE 2. AUTHORIZE ACQUISITION OF THE 2229 MAIN STREET PROPERTY**

The following Motion was made by Carmin Reiss and duly seconded that the Town authorize the Select Board to take by eminent domain, for municipal purposes, including residential housing, the property at 2229 Main Street formerly operated by Nuclear Metals, Inc. and Starmet, Inc., containing 46.4 acres more or less, such municipal purposes to commence only following the completion of all components of the ongoing work of the U.S. Environmental Protection Agency to abate the contamination on the site other than groundwater remediation.

After discussion, Frederick Oleson, representing Citizens Research & Environmental Watch (CREW) proposed the following Amendment, which was duly seconded to insert the phrase: "...after the US Environmental Protection Agency has published in its Record of Decision that the property will be cleaned up to a residential standard" after the phrase "46.4 acres more or less"

It was noted that both the Select Board and the Finance Committee supported Mr. Oleson's amendment. A Vote was then taken on Mr. Oleson's amendment, which Passed overwhelmingly, and was so declared by the Moderator. At 8:05 p.m. Eric Jarnryd made a Motion to Call the Question, which was duly seconded and Passed by a two-thirds majority, and was so declared by the Moderator. A Vote was then taken on Ms. Reiss' motion as amended, which Passed by a two-thirds majority, and was so declared by the Moderator.

### **ARTICLE 3. PROPERTY TAX EXEMPTION**

On a Motion made by Tory Lambert and duly seconded, it was Voted by a unanimous vote, and so declared by the Moderator to accept the provisions of M.G.L. Chapter 59, §5C½, in order to allow an additional property tax exemption of 100% of the exemption for which the taxpayer qualifies, beginning in FY16, pursuant to any clause listed in the first paragraph of M.G.L. Chapter 59, §5 applicable in the Town of Concord.

Mr. Van Loon announced that Pro and Con microphones would be used for Article 4.

### **ARTICLE 4. RESOLUTION TO BAN ARTIFICIAL TURF USE ON PUBLICLY OWNED LANDS IN CONCORD (BY PETITION)**

The following Motion was made by Lori Gill-Pazaris and Debbie Barr that the Town institute a two-year moratorium, effective immediately, on the installation of artificial turf playing fields and playgrounds on publicly owned land within the borders of Concord under the control of any Concord Town or Public School Department, board, or committee, and that during that time, the Select Board will research the issues and propose regulations governing the materials to be used in athletic fields and playgrounds, and that well-publicized public hearings be held before such regulations are brought to Town Meeting for a vote, and that the Regional School District consider applying such regulations to athletic fields under its control.

The Select Board and School Committee recommended that no action be taken under Article 4. At 8:46 p.m., Irl Smith proposed the following Amendment, which was duly seconded to delete the words beginning with “the Town institute” through the words “during that time”.

After further discussion, at 9:02 Julia Anastos called for a Vote on the question, which was duly seconded and Passed by a two-thirds majority, and was so declared by the Moderator. A Vote was then taken on Mr. Smith’s amendment, which Failed to Pass. Discussion resumed on the main Motion, and after a few minutes a Motion was made to Call the Question. No second was recognized, and Mr. Van Loon suggested that three more speakers for each side be heard before considering the motion to call the question.

In response to a comment made by Anne Hayden concerning a possible conflict of interest violation made by School Officials urging parents to attend the Special Town Meeting to vote against Article 4, School Committee member Kathleen Snook read a prepared statement. The statement indicated that the School Committee had been informed that a complaint had been filed with the State Ethics Commission concerning actions taken by School Officials to encourage parents to come to Town Meeting and support the schools. Ms. Snook indicated that a number of methods of informing citizens about the issues facing the schools were used. Supt. of Schools Diana Rigby had consulted Town Clerk Anita Tekle prior to taking any action, and that no intentional violations took place. School Committee member Phil Benincasa reported that the School Committee met earlier this evening and has committed to never taking similar actions to “get out the vote” again. Mr. Van Loon reported that he had discussed the issue with Town Counsel Kevin Batt, and in situations where a complaint has been filed with the State Ethics Commission, it is up to that agency to investigate the matter. Town Counsel noted that it was not appropriate for others to conduct their own investigation.

At 9:20 p.m. Mr. Van Loon recognized a second on the earlier motion to call the question. A Vote was then taken, which Passed by a two-thirds vote, and was so declared by the Moderator. A Vote was then taken on Ms. Barr’s and Ms. Gill-Pazaris’ original motion. After a show of hands, Mr. Van Loon declared that the vote had Failed to Pass. Seven voters stood up to question the count, so a standing count was taken. The vote started at 9:28 p.m. and was concluded by 9:42 p.m. The motion Failed to Pass, with 302 voting in favor and 454 opposed (a total of 756 voting).

At 9:43 p.m., upon a Motion duly made and seconded, the Special Town Meeting was adjourned and dissolved, and the assembly returned to the Annual Town Meeting.

Respectfully submitted,

Anita S. Tekle

Town Clerk

Attendance: 840 registered voters